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Floor Debate
March 28, 2013

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SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-first day of the One Hundred and Third Legislature, First Session. Our chaplain for today is Senator Kolowski. Please rise.

SENATOR KOLOWSKI: (Prayer offered.)

SENATOR ADAMS: Thank you, Senator. I call to order the fifty-first day of the One Hundred and Third Legislature, First Session. Senators, please record your presence. Record, Mr. Clerk.

ASSISTANT CLERK: There is a quorum present, Mr. President.

SPEAKER ADAMS: Thank you, Mr. Clerk. Are there corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB528 to Select File. I have an appointment to...communication from the Governor to...regarding the State Fire Marshal's Office; an announcement that reports that have been filed electronically during the current week are available through the Legislature's Web site; a report of registered lobbyists for the current week; and, finally, a new A bill, LB354A, by Senator Larson. (Read LB354A by title for the first time.) That's all that I have. (Legislative Journal pages 849-850.) [LB528 LB354A]

SPEAKER ADAMS: Thank you, Mr. Clerk. We'll now move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill.

ASSISTANT CLERK: (Read LB94 on Final Reading.) [LB94]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB94 pass? All those in favor vote aye; all those opposed vote nay. Please record. [LB94]

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 851.) Vote is 42 ayes, 0 nays, 7 excused and not voting, Mr. President. [LB94]

SPEAKER ADAMS: LB94 passes. (Doctor of the day introduced.) We'll now proceed to LB105. [LB94 LB105]

ASSISTANT CLERK: (Read LB105 on Final Reading.) [LB105]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB105 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB105]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 851-852.) Vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President. [LB105]

SPEAKER ADAMS: LB105 passes. We'll now proceed to LB133. [LB105 LB133]

ASSISTANT CLERK: (Read LB133 on Final Reading.) [LB133]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB133 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB133]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 852-853.) Vote is 43 ayes, 0 nays, 6 excused and not voting. [LB133]

SPEAKER ADAMS: LB133 passes. We'll now move to LB170. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB133 LB170]

ASSISTANT CLERK: 38 ayes, 3 nays, Mr. President, on the dispensing of the Final Reading. [LB170]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB170]

ASSISTANT CLERK: (Read title of LB170.) [LB170]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB170 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB170]

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ASSISTANT CLERK: (Record vote read, Legislative Journal pages 853-854.) Vote is 43 ayes, 0 nays, 6 excused and not voting. [LB170]

SPEAKER ADAMS: LB170 passes. We'll now proceed to LB262. [LB170 LB262]

ASSISTANT CLERK: (Read LB262 on Final Reading.) [LB262]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB262 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB262]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 854.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB262]

SPEAKER ADAMS: LB262 passes. We'll now proceed to LB295. [LB262 LB295]

ASSISTANT CLERK: (Read LB295 on Final Reading.) [LB295]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB295 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB295]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 855.) Vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB295]

SPEAKER ADAMS: LB295 passes with the emergency clause attached. We'll now proceed to LB316. [LB295 LB316]

ASSISTANT CLERK: (Read LB316 on Final Reading.) [LB316]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB316 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB316]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 855-856.) Vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB316]

SPEAKER ADAMS: LB316 passes. We'll now proceed to LB340. [LB316 LB340]

ASSISTANT CLERK: (Read LB340 on Final Reading.) [LB340]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied

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with, the question is, shall LB340 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB340]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 856.) Vote is 44 ayes, 0 nays, 5 excused and not voting. [LB340]

SPEAKER ADAMS: LB340 passes. We'll now move to LB434. [LB340 LB434]

ASSISTANT CLERK: (Read LB434 on Final Reading.) [LB434]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB434 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB434]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 857.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB434]

SPEAKER ADAMS: LB434 passes. We will now proceed to LB499. And, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB434 LB499]

ASSISTANT CLERK: 40 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB499]

SPEAKER ADAMS: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB499]

ASSISTANT CLERK: (Read title of LB499.) [LB499]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB499 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB499]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 858.) Vote is 44 ayes, 0 nays, 5 excused and not voting. [LB499]

SPEAKER ADAMS: LB499 passes. We will now proceed to LB620. [LB499 LB620]

ASSISTANT CLERK: (Read LB620 on Final Reading.) [LB620]

SPEAKER ADAMS: All provisions of law relative to procedure having been complied with, the question is, shall LB620 pass? All those in favor vote aye; all those opposed

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vote nay. Record, Mr. Clerk. [LB620]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 858-859.) Vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB620]

SPEAKER ADAMS: LB620 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB94, LB105, LB133, LB170, LB262, LB295, LB316, LB340, LB434, LB499, LB620. Also, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR98, LR99, LR100, LR101, LR102, LR103, LR104, LR105, LR106, LR107, LR108, LR109, LR110, LR112, LR113, LR114, LR115, and LR116. Are there announcements? [LB620 LB94 LB105 LB133 LB170 LB262 LB295 LB316 LB340 LB434 LB499 LR98 LR99 LR100 LR101 LR102 LR103 LR104 LR105 LR106 LR107 LR108 LR109 LR110 LR112 LR113 LR114 LR115 LR116]

ASSISTANT CLERK: Mr. President, the Transportation Committee will hold an Executive Session now under the north balcony.

SPEAKER ADAMS: Mr. Clerk, we'll proceed to General File, LB517. [LB517]

ASSISTANT CLERK: Mr. President, LB517 was introduced by Senator Carlson. (Read title.) This bill was read for the first time on January 23 of this year, referred to the Committee on Natural Resources. That committee has reported the bill to General File with committee amendments. (AM603, Legislative Journal page 724.) [LB517]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Mr. Clerk. Senator Carlson, you are recognized to open on LB517. [LB517]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. LB517 and AM603 is a bill to create the Water Funding Task Force. And the hearing was held on February 13. There were 15 positive testifiers, no one in opposition, and 4 in the neutral position. Of those four in the neutral position, two of them were government entities, but their testimony was very positive. The other two in neutral position were the Natural Resources Commission and the NRDs. And since that time, with AM603, those two have come to the positive side, so it's been a good response to LB517. In my time in the Legislature, I do have a history of working with task forces. And in 2007, under LB701, we created the Vegetation Task Force, which worked on removing invasive vegetation from the stream beds of the Republican and the Platte Rivers. And that had some state funding in the first two years, was very successful and, in years three and on, the funding was picked up by the Environmental Trust and NRCS, Natural Resources Conservation Service, and other entities, and that work is

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ongoing today. That bill had a sunset provision on it. We've asked for a two-year extension on that because the five-year guarantee that was on chemical that was used to treat, starting in 2007, was still so effective in 2012 that we've asked for an extension of time to determine what a maintenance plan would be for following up on this work. The other task force was LB1057 in 2010, and it was the Republican Basin Water Sustainability Task Force, composed of...comprised of 22 voting members, and that work met quarterly. The task force met quarterly for two years, with very good results. In fact, one of the statements made in the final report was that groundwater declines must stop, and so that work of that task force, I think, was very good. Water is our most valuable natural resource. Water is life. And the drought of 2012, this helped us realize that our water supply is not unlimited. We must manage our water resources well through future generations for the benefit of all Nebraskans. There has been considerable work that's done in the past in terms of water issues. The Water Policy Task Force, in the early 2000s and in the '90s it met and came up with LB962, and that's been a good bill, but it didn't provide for funding. LB229 was introduced to look for funding for water issues and water projects, and that started out by asking for money from the Environmental Trust through that bill and LR314, which was an interim study that followed that, to look at the various water issues in the state of Nebraska and come up, again, with a method of funding or a source of funding for water projects. And so I believe that the state must engage in and invest in research and data gathering, a further integration of the management of our water supplies. I think we need to improve our aging water supply infrastructure. I think we need to consider building new water supply infrastructures. We need to promote the coordination and collaboration amongst all water users. We need to provide evidence to you, the Legislature, to justify a stable source of project funds. Most of us understand and believe that the concept that we have 1 million acre-feet of water coming into the state every year. And an acre-foot would be 12 inches of water over an acre of land. We have a million acre-feet of water coming into the state; we have 8 million acre-feet of water leaving the state every year. We know also that water flows from west to the east in our state, and it flows from north to south. And so we need to look at how we can capture water in times of plenty, in times of excess flow in the northern part and in the western part of the state, so that we have that water available in times of need. The work of the task force must involve a collaborative effort of experts representing all water interests and geographical areas of the state, and AM603 accomplishes that. The task force will be made up of: the Natural Resources Commission of 16 members; the director of the Department of Natural Resources; the Chair of the Natural Resources Committee in the Legislature; and 10 members appointed by the Governor, for a total of 28 members on the task force. I've been told that's too many and it is a challenge, but I think that's the way that we can represent all groups that are interested in water issues in the state of Nebraska. The task force will give equal recognition to water quantity and water quality, and individuals on the task force should represent outdoor recreation, manufacturing, agribusiness, livestock producers, wildlife conservation, agriculture, municipalities, irrigation districts, public power and irrigation, and public power districts. The task force is encouraged to

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consult with experts from UNL, from the Institute of Agriculture and Natural Resources, from DEQ, from Game and Parks, from the Corps of Engineers, from the U.S. Geological Survey, from U.S. Fish and Wildlife, from the U.S. Bureau of Reclamation, from NRCS, and others. The task force will meet from June 1, 2013, to December 31, 2013, as often as needed. The task force may hire a facilitator or facilitators. But by January 31, 2014, a report is due to the Governor and the Legislature which includes recommendations for the prioritization of programs, projects, and activities in need of funding and which meet the long-term water funding goals and maximize the beneficial use of our water resources. The report should give special attention to staying in compliance with interstate compacts or other agreements, such as the Platte River Recovery. The task force shall recommend the order in which projects are addressed and completed. And in cooperation with the Department of Natural Resources, the task force shall include in its report accurate estimates of the costs of various projects. Part of the final report shall include a statewide map of recommended projects, including an understandable time line for completion. And I believe the result could well be a 20-year strategic plan for water policy in Nebraska, something we've never had. I'm going to conclude my introduction by saying that there could come a day in our state and in our country where we run out of gas and oil and coal. And if that happens, we're still going to have energy because we will develop renewables, we'll figure out a way to generate electricity, and we will survive. But if we run out of water, we're going to die, including Senator Chambers. (Laughter) Good water is the most valuable natural resource that we have, and we need to manage it well. So I ask for your support of LB517, AM603, and I will address any questions that you may have. Thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator Carlson. As the Clerk has stated, there are amendments from the Natural Resources Committee. Senator Carlson, you are recognized to open on the committee amendments. [LB517]

SENATOR CARLSON: And AM603 really becomes the bill, and I've included that in my opening, so I invite your questions. Thank you. [LB517]

SENATOR COASH: Thank you, Senator Carlson. Members, you have heard the opening to LB517 and the committee amendments. The floor is now open for discussion. Those wishing to speak: Senators Lathrop, Lautenbaugh, Ken Haar, and others. Senator Lathrop, you are recognized. [LB517]

SENATOR LATHROP: Thank you, Mr. President and colleagues, good morning. I have been here seven years. Senator Carlson and I came in, in the same class. This is our seventh year on the floor, and I don't think there's...well, Senator Christensen has been there, too, but I don't think there's anybody who has been more concerned about this natural resource than Senator Carlson. And I...my comments shouldn't reflect poorly on his commitment to the subject, but I've got a problem with the bill. In fact, I have four problems with the bill, and I'm going to spend a little bit of time talking about them and,

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perhaps, asking questions. The first is, we set up a task force and then invite people into the task force from the executive branch. We're getting no leadership from the executive branch on the water issue, and I have a problem injecting people who come from that branch of government into a task force because I don't believe their contribution will be constructive. Secondly, we propose spending \$3 million, and I believe that money should not be spent on this. We should be securing the expertise of people at the university. And I know that we have the experts at the university to participate in this process, and we can bring the experts in without spending \$3 million. The third problem I have is that the date the study is to be delivered to us is after bill introductions next year. Now stop and think about that. If we come up with and do a study...and this is important work. I will grant Senator Carlson that this is important work, and I don't want to stop it. But if we come up with a plan, this task force comes up with their work product and we get it January 31, nothing will happen for another year and a half because bill introduction date will have gone by. And the fourth and, perhaps, the most important question for you to ask...because I was here when we did the quarter-cent sales tax on the roads bill. And everybody said, we need the roads built, let's build the roads, we'll figure out how to pay for it. And now we're in a crunch, right? We don't have enough money to take care of the things that we wanted to take care of with our bills, and that's because a bunch of the money that we would otherwise be spending has been dedicated to roads in a process that didn't require that we talk about what we're going to sacrifice to pay for the roads. In other words, the tax was implemented or the dedication of that money was implemented two years hence. Senator Fischer--I knew this was going to happen--she's got her bill passed and now, two years later, we're supposed to figure out how to pay for it. Well, the question I have for you today as you consider this bill is, what if it says we need to spend a billion dollars in dams over 20 years? There's no point in doing a study unless we're prepared to pay for it. If the study...and I know that's where Senator Carlson is going. He's right. It needs to be done. But ask yourself this: Do we want to get a study? And if the study...the only reason to do a study is if we're prepared to follow through with the recommendations, okay? And if you are unwilling to come up with a revenue source to do that, then we shouldn't even bother with the study. Let things go just the way they are, because nothing is going to change. If we get a study from this task force and it says we need to spend hundreds of millions of dollars over the next 20 years and we need to raise that revenue some way or we can do one of these dedicate it from a quarter-cent of sales tax but, I'm telling you, it's coming out of education ultimately. So are you willing to spend the money? When this task force turns into a bill... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR LATHROP: ...and the bill turns into a tax, are you willing to vote for it? Because if you're not, let's not do the study. Let's continue along and pretend like everything is fine, and it'll rain when we need the rain. I think Senator Carlson is onto something. I'm not sure I like the composition of his task force. I would use as a model

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what we're doing with the tax study, which is all legislative people, because we're the ones leading on this policy. We're getting nothing from the executive branch, and I wouldn't include them in the task force. I would make it all state senators and send them out to find the experts and listen to what we need to do with the modeling, with the experts, and we'll figure out the policy, assuming we're willing to vote for whatever it takes to pay for it. And that's a conversation we shouldn't put off to a time after I left, because the next time we're going to see a bill on this is going to be 2015. [LB517]

SENATOR COASH: Time, Senator. [LB517]

SENATOR LATHROP: Thank you. [LB517]

SENATOR COASH: Thank you, Senator Lathrop. Senator Ken Haar, you are recognized. [LB517]

SENATOR HAAR: Mr. President, members of the body, I rise as a cheerleader of this bill. And I promised Senator Carlson I wouldn't wear my cheerleader outfit, so I'm just going to talk about it. First of all, I want to thank Senator Carlson for his interest in water. We all know whiskey is for drinking, water is for fighting, and he's been one of the fighters. When I first came into the Legislature, Senator Carlson pulled me aside and showed me pictures of the Republican River, before and after phragmites removal. And since that time, I've stayed impressed with Senator Carlson's work with water. So I just wanted to get this in, a thank you to Senator Carlson for the work he's done and for going forward on this. As he said, water is life; and I believe that water is Nebraska's greatest resource and after that, of course, comes wind and biofuels. But water is our greatest resource, and we're going to be talking about this every year we come here, especially if we continue to have the droughts that we've been having last summer and that are projected for this summer and, perhaps, into the future. So I believe that this study is necessary. Water is important to the whole state. And so, as I look at the committee, maybe it's not perfect at this point, although I'm satisfied with it. I believe that it should include all the interests, and we see them--agriculture, of course, but also cities, residential, all these kind...everybody in Nebraska has a very high interest in water. So again, I'd like to encourage my colleagues in this body to pass this bill. We need to get this task force going. And a very crucial part of this, and Senator Lathrop brought it up, is, how are we going to fund this? And that's one of the main parts of this committee. The name of the committee is Water Sustainability Project Task Force. And sustainability means, what do we need in the future? How can we keep that going? And one of those needs, of course, is going to be an ongoing source of revenue. And I look forward to voting for this. I also look forward to the results of this study, because it's an issue that Nebraskans have to face not just with words but also with dollars. Thank you very much. [LB517]

SENATOR COASH: Thank you, Senator Haar. Senator Wallman, you are recognized.

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[LB517]

SENATOR WALLMAN: Thank you, Mr. President. Water, water, everywhere, but not a drop to drink, huh? And so this is important business. And I was here when we passed income tax reduction, earmarked sales tax revenue. And now are we going to do a study? We have NRDs, we have a university's studies, and a lot of our...and also, we have the Corps of Engineers. I rode around with one in my district, and he just flat told me, it will be awfully hard to build a new reservoir or dam, whatever you want to say. And so it piqued my interest about the Severance Tax Fund, and maybe we should be using that to educate or more for education. It's a tough issue, and we should be listening very careful to this because, if we're going to knock education funds some more, it'll be on your property tax, folks. And there's only so much money to go around, and everybody wants to cut taxes. And we have to look at revenue then, if we're going to cut taxes as well. Well, you can't have both. So I appreciate this, and I'm listening to the discussion here. And it seems like we should have something fixed here. You know, we have the NRDs in place. We have all these things in place for water conservation, for...but the only way that we can stop this stuff, folks, is use less water, and that's a tough decision to make. Can we grow more crops on less water? No. But the hybrids are coming. I think we can use less water and produce just as much, maybe not more, but conservation, conservation. Thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator Wallman. Senator Schilz, you are recognized. [LB517]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. This is a hugely important issue for the state of Nebraska. It's been that way for a long time. In July of 2002, the Water Policy Task Force was created, which I had the opportunity and the honor to serve on. In 2002 and 2003 were the last time that somebody brought to the Legislature a proposal to have dedicated funding for water study and water research and water management. During that time, the Legislature couldn't even get a bill to the floor to talk about it. I think Senator Lathrop is exactly right: The next time you see this, if we don't get something done now, it could be 2015. And I hope that, over the last few years, we have noticed, after going through an extremely wet period followed by a drought that we haven't seen, that we need to take precautions here. I would tell you, as you look in the bill and you see that the bill says that we need to manage our resources more efficiently, being around this issue for quite a while, I've seen it come from two different directions. One of the directions is...one of the contentions is that we pump too much water, we use too much water. And, yes, it may seem that way. But I ask the question, is that the case? Or have we not managed our water resources well enough to give us the ability to have the water, to afford us the ability to make those economies to use it for our benefit? And why haven't we, to this point? The Ogallala Aquifer sits underneath Nebraska. It's got a vast majority of all the fresh water located within the United States. We must take that seriously. If you look and we talk about how can we

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be more like other states that have natural resources, well, those states understand how to use those resources. They've figured out how to exploit those resources. The difference with a state like Wyoming--or some other region with coal, gas, oil--is that this is water. Water can be and is, although finite, a renewable resource, but we can't just plan for it, year after year. We have to start managing it to make sure that we can do things. Senator Lathrop asked about...he brought up some good questions. What is infrastructure? That's a very good question. Do we have to build billion-dollar dams out there? I think the answer to that question is, not necessarily. Remember, we've got the best freshwater reservoir there is, and it's all underground. It's called the Ogallala and the High Plains Aquifers. Why store water above ground if you can manage it, know what it is, and store water below ground? Costs come down considerably, although the management may be a little tougher, hard to measure what's there. But we start to get at the issue of how do you make, quote, unquote, more water. And if you can save on evaporation, you can make great strides. Those are some of the studies and some of the research we need to do. [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR SCHILZ: Thank you. I would also like to say that, when you talk about studies and things like that, that's a vast majority of what we need to talk about and, on my next light, I will get into this a little further. But I do agree that when you have a study out there that says things that you could do and the Legislature has decided to pay for those studies, the Legislature, I agree with Senator Lathrop, should be serious about doing the recommendations within those studies, and I'll touch more on that later. Thank you very much. [LB517]

SENATOR COASH: Thank you, Senator Schilz. Members still wishing to speak: Senators Chambers, Dubas, McCoy, and others. Senator Chambers, you are recognized. [LB517]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I understand what Senator Carlson is trying to do. But I'd used the term "seamless web" some days ago in connection with another subject. You cannot look at some things in isolation. One of the dumbest things this Legislature did, and I wish I'd have been here and I would have stopped it, was dedicate that quarter percent to roads building. The road-building industry did that. When they talk about jobs, it's for them. You all are sometimes like politicians in Washington who say, if we do this and that, then it's going to be a burden on our children. Well, why don't we think about the children who are here right now? The reason you say, on our children, in the future: Because they're not here and they don't cost anything and it sounds good. But the children now need education. Senator Fischer was running for office when she got that bill. I knew it and I wasn't even in the Legislature, and I knew that this Legislature would not oblige or obligate the Legislature to do something in the future that can be so significant a drain on the budget

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and say, we'll find out how to fund it. I was going to bring a bill to repeal it so I'd force a discussion. But somebody else already had that idea, so I didn't offer it. But that needs to be out here and it needs to be discussed. And I would have made a motion, if the committee held it, to pull it from committee, to force that discussion. All this talk about water is just that: talk. But I look at the millions that are being obligated, if you pass this bill. We hear Senator Mello, and he shouldn't have to do it alone, mentioning the relatively small amount of money, maybe \$16 million at the most, that's going to be available. Which of your programs are you going to want cut for this? You're going to have to deal with priorities, and you're doing things in large chunks when you push these bills on across the floor. I don't care how important they are. Everything is important to somebody. But I've got an answer for Senator Schilz on how you make more water, and Senator Carlson will appreciate this. It comes from the Bible. Jesus worked miracles. He turned water into wine. Well, the winos I know reversed the process: They turned wine into water. Now how about that? Give you a minute to let that sink in. I'm surprised Senator Kintner is not on his feet because that dangerous word, "sustainability," is before us. I'm on the Judiciary Committee. I told you about these nutty bills we get. One of them came, and all these people were furious or frightened because the...you're waiting for me, aren't you? I knew if I paused...you don't pay attention when I talk. When I stop talking, everybody looks. That's strange, but that's the way it is around here. The United Nations is talking about sustainable agriculture and sustainable other things. And here, Senator Carlson is a covert agent for the United Nations, bringing us something talking about sustainability of water, hiding behind the concern for water to bring into our legislative body a United Nations program. That's how nutty some of this stuff is that comes before the Judiciary Committee. And I'm going to label it what it is because my colleagues don't create that stuff. People like the Koch brothers, ALEC, the NRA, and there's some other institute they call themselves, and they crank this stuff out and throw it out there and senators bring it before the body. You all are lucky I'm on the Judiciary Committee because you don't have to deal with it out here and, if it got out here, I would have a lot of fun. But this is a serious issue that we're talking about today. [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR CHAMBERS: It should be viewed seriously. But talking about the seamless web, I notice how people will roll over to let a pipeline come through here that might still jeopardize the water supply. But there's money and there is power. So they're going to talk about "we're concerned about the water" on a bill like this, to spend \$3 million. But when you talk about something that could endanger it, well, the bottom line in fuel, we need it, I see inconsistency. I see an inability to look at the complete picture. So I'm going to speak on this bill, but I won't be the only one having to do it today. And I do support what Senator Lathrop said about the executive branch. Why do you always have to kowtow to them? Thank you, Mr. President. [LB517]

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SENATOR COASH: Thank you, Senator Chambers. Senator Dubas, you are recognized. [LB517]

SENATOR DUBAS: Thank you very much, Mr. President. Good morning, colleagues. This is one of the most important discussions that we will have this session. It is...this is critical to the future of Nebraska, water. You know, we sit on top...it's our greatest resource. You know, we don't have coal, we don't...we have limited supplies of oil, but we have water. And at the end of the day, as Senator Carlson said, that is the one resource that we will not live without. You know, there have been many, many studies done over the recent past, studies that have come forward with different types of recommendations--Senator Schilz mentioned the Water Policy Task Force--all very good recommendations, things that needed to be done to help us manage our water supply, to help us be...to put us in a good position down the road. But every one of those studies and the recommendations of those studies came to an immediate stop because there was no funding mechanism attached to those recommendations. There was not a willingness of any legislative bodies in the past or any administration in the past to put a funding mechanism out even for discussion. I mean, it wasn't even brought up for discussion. As a member of the Natural Resources Committee for my entire tenure down here, we conducted a very intensive interim study several years ago where we brought the best and brightest water experts to the table. We divided them up into technical working groups. We, you know, involved our staff, and we brought all of these experts in and gave them specific questions and duties and things that we wanted information about. And I heard from more than one of those members who say, you know, we're going to bring these recommendations forward, as we have in the past, but if there's not a willingness to fund them, this is a futile exercise. And I don't want to continue asking those people who know and understand our water resources better than any of us in here, probably, to continue to put in their time and energy and then not follow through with the recommendations and not follow through because we aren't willing to fund them. You know, a lot of focus is put on agriculture's use of water and, of course, ag is a big user of water. And, you know, the ag economy supports the state. But this is about more than just agriculture's use of water. This is about industrial use. This is about domestic use. This is about ensuring that our water resources are going to be there for all of us, not only now but into the future. So it's critical that what this study is looking to do, what this task force is...will be charged with doing is prioritizing those issues to help us deal with water all across the board, not just agriculture but all across the board. We've spent a lot of money on lawsuits because of things that...you know, I'm not necessarily trying to indict people from the past, but we've been involved in lawsuits because of water issues, and those lawsuits will not go away and probably we'll see more of them into the future, again, if we don't put a good, statewide, comprehensive plan in place. Senator Lathrop is absolutely right. If this body...you know, I'm going to be done at the end of next year, so this is probably more for our newest senators who are just elected or those who will be here for several more years. You'll probably be the ones that are going to be asked, how are we going to fund this?

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You know, I know we aren't specifically talking about the funding mechanism right now, but it's going to take some political will to make some hard decisions. Are we going to go in and continue to shrink our existing incomes? [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR DUBAS: Thank you, Mr. President. Are we going to go in and continue to shrink our existing incomes and make that pie try to deal with more responsibilities? Or are we going to be willing as a legislative body to say, this is an important enough issue that it needs to have its own dedicated funding source? Right there is the question that each and every one of us have to ask and answer for ourselves. Do we have the political will? Do we feel that this issue is important enough that we're willing to invest our dollars into making sure that this resource is managed, preserved, and protected from here on out? And up until now, there has not been the political will to do that. This Legislature, we've dealt, again, under the leadership of Senator Carlson and Christensen and Schilz and others who have continued to bring water issues to the forefront in an attempt to help us deal with the immediate crises, but... [LB517]

SENATOR COASH: Time, Senator. [LB517]

SENATOR DUBAS: Thank you very much. [LB517]

SENATOR COASH: Thank you, Senator Dubas. Senator Bolz, you are recognized. [LB517]

SENATOR BOLZ: Thank you, Mr. President. Will Senator Carlson yield to a question? [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I will. [LB517]

SENATOR BOLZ: Senator, I'm reviewing the fiscal note and I just have a couple of questions. What I see here is that the Water Sustainability Project Task Force will be created and will receive revenue from transfers from the Severance Tax Fund and that transfers out of the Severance Tax Fund will result in a loss of revenue to the permanent school fund. Could you explain the justification and impact of this funding stream? [LB517]

SENATOR CARLSON: Yes. Thank you for that question, because that was our initial thought, and then we really determined that that's not a good way to use dollars, it's not a good source of dollars. I wish it were because I think that any kind of Severance Tax Fund that we have, it would make sense if that were geared toward natural resource

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projects. But it's not at the current time. And so that portion of the A bill would be changed and we would say that we want to use the \$1.7 million which is left over from the environmental study of the pipeline dollars--\$3 million were set aside and there's \$1.7 million left, and we would like to use that \$1.7 million--and then, in the appropriations request, we would ask for another \$1.2 (million) to \$1.3 (million) from the Appropriations Committee. So it would not be out of this gas and oil Severance Tax Fund. [LB517]

SENATOR BOLZ: And would the second request from the Appropriations Committee, would that be General Funds? [LB517]

SENATOR CARLSON: I think it's a matter of interpretation. If we had money set aside that was to be used on the environmental impact study for the pipeline and a portion of that is left and wasn't used, that's what we're asking for. So a portion, to me, is a request for dollars that have not been used, and then we're asking for additional dollars through the appropriations process. [LB517]

SENATOR BOLZ: And just so I'm clear, the part two, through the appropriations process, that would be General Funds? [LB517]

SENATOR CARLSON: Yes, it would be. [LB517]

SENATOR BOLZ: Thank you, Mr. Carlson. [LB517]

SENATOR COASH: Thank you, Senator Bolz and Senator Carlson. Senator Harms, you are recognized. [LB517]

SENATOR HARMS: Thank you, Mr. President and colleagues. I do rise in support of the LB517 and AM603. I think Senator Dubas was absolutely correct when she said that this is probably one of the most important decisions that we're going to make. Water is a precious resource and we can't replenish it. Once it's gone, it's gone. We have the Ogallala Aquifer which is the greatest source of captured water in the world. And to be honest with you, I don't think we're managing that well. And if that aquifer is gone, it will be just like we saw down in Texas and Oklahoma when they ran their aquifer down. The Ogallala Aquifer, it's not replenished itself. I have taken the time to speak to water scientists who have indicated that we do not have enough comprehensive research on the Ogallala Aquifer and other aquifers to actually get a handle on what the water issue will be of the future. And they talk a little bit about when the water is...as we replenish the water in the Ogallala Aquifer, it's like running water through a sponge. It takes a long time to replenish and refill what we've already taken out. So I do support this and I do believe that there will be other sources of funding. I don't believe we have to go to the General Fund for all of this. There are grants, there will be dollars outside of it. This task force would have a responsibility, my thoughts, of figuring out how to raise some of the

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money outside. You have a lot of foundations that would contribute to this. We have a lot of people in this great state who personally have money that would be willing to finance this and contribute to this particular research because this is the key to the future. This is the key to our agriculture. This is the key to research in the future. And if we think the NRDs are going to take care of this, don't kid yourself. I think the NRDs are made up of, unfortunately, not all the right people. They have special interests and they're not going to make the changes that we need to make to make water conservation better. I've always said that from the very beginning when we created the NRDs. So don't look at that. You're going to need greater research. I wonder if Senator Carlson would yield for a couple questions. [LB517]

SENATOR COASH: Senator Carlson, will you yield? Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I will. [LB517]

SENATOR HARMS: I know you want to ignore me, but you don't have to be so visible there. (Laugh) Senator Carlson, in your bill you talk about research data and modeling we need for the state. Can we take a little bit of time and let's talk of what we might know about, first just about the modeling portion of this thing. Modeling has always been an issue that people have not always agreed upon, have not agreed upon the data and the research that has occurred out of modeling. Are you looking at maybe trying to find a modeling formula that everybody will agree upon so that we can get a better handle on the water issue? [LB517]

SENATOR CARLSON: I think that would be wonderful if that were possible. I don't know that that's possible. In modeling, we both know, is really an estimate of what we think the real situation to be, but there's good modeling and there's other modeling that's not as good. I think we have some expert modeling in the state of Nebraska. We don't need to go elsewhere for that. But I think that part of these funds and part of the plan will be to spend some money on research and study and doing more of the modeling than what we've already done trying to come up with what the real answer is. And then how do we best use the resources to cope with what we find out? [LB517]

SENATOR HARMS: Yeah, I agree with you. Let's talk a little bit about... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR HARMS: Pardon me, Mr. President. [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR HARMS: Oh, thank you very much. Can we talk a little bit about what your

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thoughts might be in regard just to the research because we both know that the aquifer, Ogallala Aquifer has not had enough research that we can really bank on. There's been a lot of different pieces done by the university, but there hasn't been a major study by our own state. I know that Michigan State's here doing some, but I understand it's not what we're looking for. Can you help me a little bit with that? [LB517]

SENATOR CARLSON: Well, I know that that's the truth and I think that getting together a task force of...I'm going to say, experts from throughout the state and then tapping the expertise that we have at the University of Nebraska and the Extension Service to give input to what this task force is doing, we're going to be in a much better frame to determine what is the situation with things, and what should we be doing to better manage the greatest resource we have. [LB517]

SENATOR COASH: Time, Senators. Thank you Senator Harms and Senator Carlson. Senator Lathrop, you're recognized. [LB517]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I told you that I had four issues with this bill and I'm going to go to the fourth one that I outlined, and this one deserves some serious consideration because it feels like deja vu all over again to me. When we did the roads bill, I'm going to tell you a little story for people that weren't here for it. We did the roads bill, it came in, it was a quarter cent of sales tax we were going to dedicate. And there was some people on the floor, including myself, that wrung their hands and said, where's it going to come from? We said, we will take a quarter cent of sales tax beginning two years from now when the introducer is gone, and we skipped the discussion about, how are we going to pay for it? What are we going to sacrifice in order to put that quarter cent of sales tax in there? Now, I'll tell you that infrastructure roads are very important. We need to be...we need to take care of our roads and our bridges and we need to maintain them and we need to have proper infrastructure. Don't have a quarrel with that. But when we set off on a course where we don't have the discussion about how we're going to pay for something, then we are...then we are creating the time bomb that you and I are now dealing with today, which is the consequences of dedicating a quarter cent of our sales tax. It's shown up in state aid to education, right? We don't have enough money for that. So here's the question. And think about this because the question is, how do we capture more water or come up with a plan to keep water in the state or to minimize the use or end the waste? However you want to characterize it, only so much water comes into the state and we get so much rain, and we need to figure out how we can preserve that resource before it ends up in the Missouri River and on its way to St. Louis. Right? So ask yourself, because we heard about a task force that was done in 2002. Somebody did a study in 2002, came to the floor, or came to the Legislature with the results and said, this is what we need to do. It never got to the floor. Think about that. It never got to the floor. Why? Because people said, great idea, huge problem, it is our most natural resource. It is the one thing the state has going for it, but we can't get the bill to finance the conclusions of the study

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out of a Revenue Committee. And this isn't a knock on the Revenue Committee because ultimately this is about raising somebody's taxes. It's about raising somebody's taxes or further cutting state aid to schools. That's what this is about. And it reminds me of doing an MRI on a terminal patient. What are you going to do? If you're not going to do surgery, what do you need an MRI for? Look, you need to ask yourself before you vote for this or before we get too far down the road or spend \$3 million out of the General Fund, whether you're willing to vote for a tax increase. Ask yourself if you want to vote for a quarter cent increase in sales tax because this is going to cost something. The solution is going to cost something and the reason the 2002 conclusion never happened is because no one wanted to step up and vote for the tax increase. And we've cut taxes six, seven times since I've been here, which is fine. I've voted for all of them, but now we're talking about our most precious resource. So we don't need to do a study any more than a doctor needs to do an MRI on a terminal patient if we're not going to accept the cure. [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR LATHROP: And the cure is going to be an increase in taxes, I can tell you. Because as you sit in the chairs today, can you think of where you would take a quarter cent of sales tax from? We're doing it right now. We're doing it right now. Where would we take the quarter cent of sales tax? I can tell you about the only place people are going to look is over here at state aid to education. And that means your property taxes are going to go up and we'll have fewer equalized school districts and there's consequences to everything we do and we should be asking those questions today...today. I agree with Senator Carlson, we need to do something about it but you know what, this study is going to come out and it won't come out in time for me to have to vote on the solution. It would be easy for me to do this just like the quarter cent of sales tax for the roads. It would be easy for me to vote on it because I don't have to deal with it. I'll be gone. That bill is coming in in 2015. [LB517]

SENATOR COASH: Time, Senator. [LB517]

SENATOR LATHROP: Thank you. [LB517]

SENATOR COASH: Thank you, Senator Lathrop. Mr. Clerk, you have an item. [LB517]

ASSISTANT CLERK: Mr. President, Senator Chambers had offered an amendment to the committee amendments, FA45. (Legislative Journal pages 859-860.) [LB517]

SENATOR COASH: Senator Chambers, you're recognized to open on FA45. [LB517]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I will tell you what this amendment is doing. It's going to operate on language that's found on

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page 2 of this committee amendment. It would strike beginning in line 4 with the word "and" all language through the period in line 27 which will have the effect of eliminating any involvement of the Governor in appointing people to this task force. How many of you--and this is a rhetorical question--ever read one of the Dr. Doolittle stories where a creature called the pushmi-pullyu was there? The pushmi-pullyu did not have a rear end. It had a head facing one way and a head facing the other way. You are creating a pushmi-pullyu when you put the Governor's...put the Governor's office into this proposal that's originating in the Legislature. You know that there's a natural tension between the executive and the legislative branches, and it becomes specific when you talk about programs and proposals. So, I don't want to let there to be this general, wide-ranging discussion without taking action as we go along to get rid of things that ought not be a part of this bill. I don't know how I would ultimately vote on it, but I will tell you one thing, and every time I see something like this I become more upset. You are talking about the need to get some revenue, and I can't get the Revenue Committee to put my bill out here to take away the power of municipalities to levy an additional half percent sales tax. What do I tell you? You all know this better than I do. There is a limited tax base that the state has. If it becomes necessary to increase the sales tax at the state level, why are you going to give away a half percent to the cities in the beginning? You don't see the seamless well concept. You cannot look beyond, not the end of your nose. You cannot see beyond the inner lid of your eyelid. The inner surface of your eyelid is all you can see because it's right against your eyeball. And what do you see? When you close that lid and it's over your eyeball, you see nothing. And that's what's happening. I just plead with you to think, use your brains. Where will the money come from? I've got an amendment, a motion that I put up there to pull my bill out of the Revenue Committee. I'm going to force the discussion of the sources of revenue that the state has to look to. When you're talking about Christmas is coming and you're going to buy gifts for everybody you know, but Christmas is not yet here and you don't have to spend the money, there's a sense of euphoria and a feeling of peace on earth, goodwill to everybody. But then when you go in the store and you start seeing the price of the items and you start calculating how much you have to spend, then you're going to have to scale down what it was you thought you were going to be able to purchase for everybody that you know, for everybody you'd like to give a gift to. You cannot do it. Some people might wind up getting a Christmas card. Some people may not even get that because after all, you don't have that association with them, that relationship, they don't know, they're not looking for anything, so you start pruning quickly as you can the nonessential persons. Then you might get down to where it's your spouse, the only one you're really going to be able to give anything to that has some significance that is not just routine because you give during the time of giving. What this Legislature has to realize is that Christmas may be far down the line, but the way the Legislature does is to obligate the Legislature to spend money that it has not got. What do these "Repelicans" always say about the federal government? You spend, spend, spend. You spend money you haven't got. The children are going to have to do it. That's what they're always saying. That's why they're gridlocked in Congress right now. The "Repelicans"

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are always saying at every level, you spend too much. Stop the spending. Don't spend money you haven't got. And what are you all doing? That's why I say it's a bunch of nonsense, claptrap, and hypocrisy. You posture. You put on a show. You speak words with no force behind them because it's easy. Yeah, them people in Washington all they know how to do is spend, spend, spend. Then Boehner, the leader of the "Repelicans," breaks down and cries those crocodile tears. He's admitted he can cry on cue. Anytime something comes up where he's got to show the suckers and the gullible people that he's serious, just start crying and he can do it. Spend, spend, spend. That's what you're doing in this Legislature. But now it affects the rural interest. What percentage of the population is involved in agriculture? What percentage of the water is going to be used and has to be conserved for the benefits of agriculture? There's a huge sewer separation project in Omaha that is mandated by the federal government. And I wasn't here, but there were attempts by people in this Legislature to try to find a way to get some relief through legislative action, and it never came because it's Omaha's problem. Now you're saying, let the city people ante up the money to help agriculture. You're talking about the importance of water to everybody, but in reality, you mean the importance of water to agriculture. We may as well tell the truth and say things like they are because we know what we're talking about. We may as well say it and let the public know that we're aware of what we're saying, but we're trying to do a fast shuffle on the public. We got three little cups. We got a pea under one of them and we're going to move those cups. The shell game. And that's what's being done right here. You think people on this floor who are in agriculture care about what happens to people in the city? They'd like to get money. The bulk of the money that comes into the state certainly doesn't come from the rural areas. And the only time the rural people say, we have to all work together and be concerned about each other is when they want something. And sucker that I am, if they persuade me, I will vote with them. I will support them because my title is state senator. I'm elected by...from a district in Omaha, but my title says state senator, so my bailiwick is the state, any and everybody who lives in the state. And that's why I'll help people in your area who hate me, who wanted me out of this Legislature but they're happy I'm back now because I will do more to help them than the ones they elected to this body. All I want us to do is tell the truth. Now, nobody on this floor can tell us right today where we're going to get the money for this. You can't even guarantee that this bill will pass because others are willing to do away with what they want to see enacted into the law that will cost money. When the battle comes for the money, that's when you're going to see how easy it was to make these fine, flowery statements because we're not dealing with the reality. We're not in crunch time at that point, but that day is going to come. And unlike with the federal government, we don't have a month, two, three months, two or three years we can put it off down the line. That crunch time is going to come before we finish the session of this Legislature. And we're going to see how many people are willing to forgo the projects they have in mind, scrambling for that \$16 million. You know what that's like? That's like you've got a flock of buzzards and vultures. I want to cover both types. Fifteen thousand buzzards and vultures and one little piece of carrion. And all of them want a piece of that carrion. And

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Senator Carlson knows that the "Bibble" says I'm paraphrasing where the carcass is, there will the buzzards be gathered together. The "Bibble" says the eagles. But we're more familiar with buzzards as those who eat carrion. They all want a piece of the carrion and you think they're going to be stepping aside and say, you go get it. It would be the biggest fight you ever saw, as when those big box stores will open at midnight... [LB517]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute, Senator. [LB517]

SENATOR CHAMBERS: ...to let the people who want to get ahead of everybody else in purchasing gifts come into that store and people have been trampled to death. That will be as nothing when the scramble starts for the little bit of money that's available. But the purpose of this amendment is to let us start putting this bill in the shape it ought to be in, in case it passes and the first thing we ought to do is eliminate the Governor as the one who will make the appointments. The criteria for making the appointments, we can put back into the bill. But you've got to remove the Governor, in my view, and the only way I could do it with an amendment is to strike all of that, then we can reinstate the criteria and let it become a legislative action. Thank you, Mr. President. [LB517]

SPEAKER ADAMS: Thank you, Senator Chambers. (Visitors introduced.) Senator Johnson, you're next in the queue. [LB517]

SENATOR JOHNSON: Thank you, Mr. President and members of the body. I still speak as a freshman senator. I was glad when I got senator-elect off my title and now be freshman senator. I can still say, well, I wasn't here when this happened. I will be glad when I can be more part of it. But I will speak a little bit as I was involved several years ago when this process started with the roads. I was in the meeting in Omaha that Senator Fischer conducted and I know there was several senators there. Many of them, I'm sure, are in this room now, several citizens from the state of Nebraska and different agencies. We talked about the process of how to fund this and we talked about bonding and we talked about gas tax and various other things. So I think there was a process in order to move that forward. But I think the other part of the process was that the state of Nebraska had to decide if funding of roads or the infrastructure was the priority. So I think we have to go through certain processes, and I truly believe that the roads bill did go through that process. And now I want to talk a little bit about the plan that Senator Carlson has presented. It is a very detailed plan. There was others that helped him put the plan together, part of them on the Natural Resources Committee, part were part of the larger community, but the plan is very detailed. And we're now starting to look at that and kind of pick it apart and rightfully so. Now, he could have come with a plan that was very vague and would have had questions about that. Well, we can't put this together because we don't have any idea who is going to be on the committee, we don't have

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any idea what the focus is, we don't have any idea where the funding is going to come from, so put the plan together and there's risks doing it. I think there's more risk if you come together with a plan that doesn't have a certain amount of detail or what we might call meat to chew on. Talking about Senator Lathrop, some of his concerns. The date. The date is flexible. I think maybe the date could be appropriate. I'm sure if this is not passed in 2014 and it moves on that Senator Carlson will be here still to carry part of that flag as much as he can. Maybe this plan date needs to be there because we will have completed a tax study by that time. I was not in favor of the tax study being done in two months. It's just too big a project. I think water conservation, preservation, security, I think that's another major issue. So I think taking time on this would not be a problem. The stakeholders in it need to be into here. We can adjust that. We're already attempting to start to do that with this amendment, FA45, so maybe that's where we...that's maybe part of the next step. Another area is the funding of the study or funding of the projects. Again, let's put the plan together. I've gone out on different projects in my career, not only in management but also in government, trying to come up with funds for a certain project and they say, bring me the plan. Tell me what you want to do, what you have to accomplish with this. Tell me the priorities in that plan and then we'll maybe be able to get you some money. So I think we have to start at least in the discussion, then we have to decide how high a priority is this project, then we have to decide where does that fit into the new tax study or where is it in our priorities of funding. All of these things... [LB517]

SPEAKER ADAMS: One minute, Senator. [LB517]

SENATOR JOHNSON: ...are very important in putting together this bill. We are, in fact, a task force of 49. We're doing the preliminary work, I believe, in order to get this bill moved forward if it includes FA45 plus others, AM603 is now the bill. Thank you. [LB517]

SPEAKER ADAMS: Thank you, Senator Johnson. (Visitors introduced.) Moving on with discussion, Senator Lautenbaugh, you're next. [LB517]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And I do rise in support of this bill and I want you to know the state of Nebraska is watching and actually e-mailing on this topic. Galen from Kearney writes in and says, it literally, physically pains me to do so, but I applaud this bill. Water is important and we should keep taxing car washes. So the state is paying attention. I do support this, though, and I think we're being fed some red herrings here, or at least offered some red herrings on this. I was involved deeply in the roads debate, and I will defy any of you to go look at the preliminary budget and find where these Draconian cuts are taking place to fund what we did. We set it out two years, as I remember explaining at the time, because you don't just flip a switch tomorrow and start building roads. But as I also pointed out at the time, I had a district that went all the way up through Blair. And yes, we do fund schools

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and it's important to fund schools and kids do go to schools. Something else kids did with alarming frequency was die on Highway 133 between Omaha and Blair. Something else that was going on was the road between Fremont and Blair was falling apart to the point where we couldn't drive heavy trucks on it between Fremont and Blair. We were losing the ability to ship goods between two significant cities in Nebraska. So the Legislature acted and did the right thing. And we did not at the time say, and this is how the future Legislature will fund it. But I think when you see the budget, and I hope the words that are said today are going to be remembered when we see the budget, you will see that there are not Draconian cuts to pay for this and life will go on pretty much as it had. And now we're being told today that we can't come up with a plan for water when we don't know what the plan is going to recommend unless we're willing to pay for it when we don't know what it's going to cost. I don't understand that. I don't understand the logic of that. I don't understand the logic of not looking at this. I don't understand the approach of saying, well, this is important for agriculture. Yes, kids go to school, yes, they drive on the roads. They also eat, last time I checked. So this is probably important for them too. I have to admit I don't understand this morning's debate to this point. I vigorously support this bill and I'll yield the rest of my time to Senator Carlson. [LB517]

SPEAKER ADAMS: Senator Carlson, you're yielded 2 minutes 20 seconds. [LB517]

SENATOR CARLSON: Thank you, Mr. President and thank you, Senator Lautenbaugh. I'm going to respond a little bit to Senator Lathrop's initial time at the microphone and he had four things that he was concerned about. First of all that the executive branch is in charge of all of this appointing. Well, the Natural Resources Commission is a 16-member commission, 13 of which are elected by areas of the state that include agricultural people. So 13 out of those 16 are elected, 3 are appointed by the Governor. And then he's got a concern about the money and that's okay. But if we're going to do something that's meaningful in terms of future planning, anything we do is going to take some dollars and we're simply here to discuss, is the thing that we want to do through LB517 worth some dollars? If it is, let's move forward. If it isn't, we vote it down. Now the report is due from the task force on January 31, 2014, but the work is to be accomplished by December 31 of 2013. I'm going to be in the middle of that. I'm going to know what that task force is coming up with. And even though there's not a final report made... [LB517]

SPEAKER ADAMS: One minute, Senator. [LB517]

SENATOR CARLSON: ...we will have opportunity, and I will know pretty well what that report is going to say. And I will introduce a bill prior to the ten days of the session next year and we will have a hearing and we will have it scheduled after January 31. So it's not a difficulty in terms of having a bill ready to bring back to you what a 20-year strategic plan might entail. And so then we're talking about the sales tax and how this would be an increase in taxes. It may or may not be. That's part of the purpose of this

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whole thing. How can we...first of all, is it worth pursuing and secondly if we do, what's the source of dollars? And nobody is naive enough to think maybe the source of dollars might be a tax increase. Maybe it won't be a tax increase. We will look at all possibilities for revenue. And you will receive a report on that and then you'll make a decision, but there will be no decision at all if we aren't willing to dive into a study. Thank you. [LB517]

SPEAKER ADAMS: Time, Senator. (Visitors introduced.) Senator Mello, you're recognized. [LB517]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I rise to discuss some of the fiscal issues that surround LB517 and to clarify, I think, a couple points that our good friend and colleague, Senator Lautenbaugh, just discussed in relationship to, I think, the overall fiscal picture relating to water policy and what we're discussing here in relationship to other passed bills that are now coming into fruition. First off, in LB517 I've spoken with Senator Carlson about the projected \$3 million fiscal note for this study. Senator Carlson and I have discussed the possibilities and the reality between General and Select File of changes needing to be made to the underlying legislation in narrowing the scope of the study to greatly reduce the fiscal note. And that's something that, ultimately, I'll yield some time to Senator Carlson, ultimately, to discuss a little bit further. So I fully anticipate regardless of some of the changes that are made on General File, when we bring this back up if it goes to Select, there will be a new bill that has a more narrow scope that will greatly reduce the fiscal note from \$3 million to a number to be determined after the Fiscal Office can review what ultimately is adopted. The underlying issue that was raised though, both I think by a variety of senators on the floor, in relationship to where the budget is and if people will remember this when the budget comes forward, I emphasized in previous times on the floor and other speaking engagements and it's laid out in the first page of our preliminary budget, the Legislature has made decisions the previous two years that are now coming into full fruition. Those decisions have cost the state in our preliminary budget to roughly to the tune of \$225 million in revenue that's been diverted, both in comprehensive tax reform as I would say in last year's LB970, as well as LB84 from the previous year. You need not look any further than speaking with our colleague, Senator Sullivan, regards to the challenges the Education Committee is in right now creating a state aid funding mechanism that ultimately is not going to fully meet the needs that was laid out two years ago. They're working on that to try to make changes to make it work within the fiscal realities of our budget. I appreciate the work they've done so far and appreciate the work they're going to continue to do. But for anyone to sit up on the floor and say that the past decisions of this Legislature is something that we can fully live with and that simply because we're not making 5 and 10 percent budget cuts to agencies like we did two years ago, it's just not accurate, colleagues. And unfortunately, it's just...I would to some extent say it's being disingenuous about the budget process and about the current fiscal state that we're in. I mentioned two weeks ago when we started discussing variety of senators' bills that have fiscal notes that the state has weathered a shipwreck

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over the last four years. And what we're in the process right now of creating a preliminary budget, of working with our colleagues on the Revenue Committee in regards to LB613 and what they're looking at, as well as our colleagues on the Education Committee of putting forward a state aid funding bill as we've got to start putting pieces of that puzzle back together, putting pieces of that ship back together plank by plank. I don't anticipate our budget that comes out of the Appropriations Committee to be anything flashy, anything big and grand beyond meeting the basic needs of government, knowing that we have hundreds of millions of dollars of requests that we will not be able to meet, basic funding for government that we will not be able to meet because it's a matter of priorities. This Legislature will determine if LB517 is a priority. I personally believe we have to do something on water policy in the state. I've emphasized this with Senator Carlson. I mentioned that when I ran for Appropriations Chair. I fully expected some kind of discussion on water policy over the next two years. [LB517 LB613]

SPEAKER ADAMS: One minute. [LB517]

SENATOR MELLO: If LB517 is that path of putting together a comprehensive plan, that's something we can do. I'm going to review the bill a little bit further in regards to whether or not I think specific changes need to be made. I'm simply speaking from a fiscal side of the house that Senator Carlson knows that there's going to need to be tweaks be made to make this work within the bigger fiscal picture of the state over the current budget process. I appreciate his willingness to work with us, I appreciate his willingness to acknowledge there can be tweaks to be made, there's areas that can be honed in the scope of the study and I look forward to hearing from other colleagues on that issue as we move forward. I'd yield any of my remainder of my time to Senator Carlson. [LB517]

SPEAKER ADAMS: Senator Carlson, you've been yielded 20 seconds. [LB517]

SENATOR CARLSON: Thank you, Mr. President. That's long enough to say that I agree with Senator Mello in terms of working together because we need to move forward, and if that means an adjustment, we will do that on Select File. Thank you. [LB517]

SPEAKER ADAMS: Thank you, Senator Mello, Senator Carlson. Senator Wallman, you're next. [LB517]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. I agree, we have to study our water. Where is the money coming from? That's probably where the disagreements are. And I was looking at like our oil and gas commission with severance tax. I think that severance tax should be used not for school lands, but I think that should be raised to bring in revenue. Colorado, Wyoming, all those states use severance tax somewhat to their general fund. And North Dakota, I talked to yesterday,

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tremendous budget surplus. Severance tax. So why aren't we looking at this revenue? Good friend, Senator Hadley, I hope he's doing okay, but we need revenue and we earmarked the Department of Roads which a few of us didn't vote for. And it was an earmark bill. And a lot of us say we don't like earmarks but we passed it in here. And I say we, whether you voted for it or against it, it went through. And also the budget on income tax cuts. All of us voted...not all of us, but some of us voted for that. And so, what are the ramifications of that? And so we should look at what we do here as revenue and expense. And expense, this is an expense. Hopefully, it does good, but it may not. So what are the ramifications if we pass this? Hopefully, it's for the good, but we never know like the previous tax studies in LB401 and all of these things when I first came in. And we did a lot, a lot of water studies. And did we do much about that? You know, we retired some irrigated acres and bought farmland with irrigation wells on. Was that the right thing to do? I don't know. It doesn't seem very...you know, it doesn't taste very good, but that's what happened. And so, I'm listening forward to this discussion. I do not have anything against the tax study. I have about the funding. You know, I think we have alternate method of funding here. The gas commission gets I don't know how many thousand of dollars federal funding. Why should that be? Federal government is in trouble, why should we get grants to this? It's questions we have to ask. We blame the feds on everything what they do to us. We do some of this to ourselves and we take the money. Senator Chambers is absolutely right, we take the money. And I'd yield the rest of my time to Senator Carlson if he'd so wish. [LB517]

SPEAKER ADAMS: Thank you, Senator Wallman. Senator Carlson, you're yielded 2 minutes 15 seconds. [LB517]

SENATOR CARLSON: Thank you, Mr. President, and thank you, Senator Wallman. I'm going to go back to something just in the whole process of what we're doing here in regard to our needs across the state. We know that agriculture is our number one industry. You've heard this before but I need to say it again. It's responsible for one in three jobs in Nebraska. And so, what we do, I think is, in regard to how to fix agriculture is pretty important. You know, agriculture whether it states it or not, in Nebraska its mission is to feed the world. And Senator Chambers would even agree with me on this. That mission is second only to the mission of the church. That's how important it is. It's a noble mission. And so we need to be in a position as a state if we want to then talk about how can we be in a good position financially, so we manage our water resources properly so in future generations... [LB517]

SPEAKER ADAMS: One minute. [LB517]

SENATOR CARLSON: ...we have the water that we need not only for agriculture but everything else: municipalities, domestic uses, conservation groups. We've got to satisfy all that. And when we do it, agriculture will continue to be able to feed the world. It's very, very important and we can't lose sight of that. Thank you. [LB517]

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SPEAKER ADAMS: Thank you, Senator Carlson. Senator Schilz. [LB517]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. I just want to pick up on a few things that we've heard. We've heard some issues and some questions about why would we want to do this? What sense does it make? How do people benefit across the state, I think is the question. Is it rural versus urban? Absolutely not. Let's look at the state of Nebraska and the diversity that goes on between the western border and the eastern border. As Senator Carlson said, for every million acre-feet that enter the state, eight million leave. And it's not because it's being, you know, magically created or anything. It's because there's more rainfall that falls on the eastern part of the state. So within a lot of these studies that we're looking at doing and problems that we're trying to find solutions for that take money to solve, are urban issues. Storm water issues in Omaha. Folks, if you look at that issue alone and you look at the risks that we're taking there today, and the lives...the lives of people that could be at risk if we have the right rain event come down, you cannot say that this money will not be used to help people in those areas. You can't. We have to look at that. Those are issues that need to be solved. In the western part of the state, we have just the opposite problem, not enough water. And so you run into issues that strike and cover a vast myriad of situations that we as Nebraskans must deal with and here's why. The water belongs to the people of the state of Nebraska. The state of Nebraska has agreed to and entered into obligations and has been told that they have certain obligations that must be addressed. Republican River issues. The storm water issue in Omaha must be addressed. EPA is coming down on all this kind of stuff. Many things. Endangered species on the Platte River. Lawsuits defending our water from other states upstream. Those are issues that if we're going to take water seriously, if we're going to take what we have as Nebraskans seriously, those need to be looked at. Those need to be understood, studied, and then projects that are taken through the process and that process will be a scoring system as far as I understand, those will then be meted out the dollars. If you...and everybody needs to remember, back to when we started talking about this in LB229 is where the impetus of this came from. And there was a negotiation that was agreed to by all the major players that said, yes, we will do this but only if we sit on the floor of the Legislature and solve this problem. Everybody that is arguing on this fact here today on the floor understood that arrangement and that agreement. To take a step back now and to say that they don't, I don't believe it's right. We need to know that that...we need to know that that agreement is still in force and I plan to honor that. I do...and I said once before that I wanted to get to this and I just, one thing, I agree that studies that are done by the Legislature... [LB517]

SPEAKER ADAMS: One minute, Senator. [LB517]

SENATOR SCHILZ: Thank you. Studies that are done by the Legislature should be taken seriously. Last year, LB684 was passed that said we needed to do certain things,

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including reduced liability for our landowners of the state of Nebraska. I took that seriously. Since the Legislature paid \$250,000 for the study, I introduced a bill, LB551. I would hope that Senator Lathrop would think about and take his own advice and help me get that bill out to the floor where it needs to be and that's what we're talking about here. When we need to do something, we have the responsibility, we need to take that responsibility and do the right thing. Thank you, Mr. President. [LB517 LB551]

SPEAKER ADAMS: Thank you, Senator Schilz. Senator Conrad, you're recognized. [LB517]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. I am glad that I had a chance to speak after my good friend, Senator Schilz, in regard to this topic because I think that he may have mischaracterized some of the work that people are bringing forward in terms of our obligation to be responsible legislators. I don't think that any questions in relation to substance or finance or policy should ever be characterized as saying we shouldn't do this or this isn't important. I think rather it is the province of any responsible legislator to look carefully at each piece of legislation moving through and to ask hard questions about substance and finance, and that's exactly what we're doing this morning. So with that being said, when I look at the legislation and I look at the fiscal note, I have a variety of questions. I understand listening to the debate from Senator Carlson that they're willing to work with members to ensure that the current financing and funding stream that does have fiscal impacts for education funding will be discarded and alternatives will be looked at. I'm glad to hear that because that was an initial concern. The second piece, though, that I want to visit about from really a substantive standpoint is, I'm trying to get my head around that the need for this legislation buttressed against the existing statutory authority for the Department of Natural Resources and the budgetary resources that are available. If you look at your cash fund book, most recently published in 2011, you can see that the Department of Natural Resources has something like 12 cash funds with various amounts available for different projects. And then if you look at your legislators guide to state agencies and Agency 29, you can see the Department of Natural Resources has a total budget of almost \$21 million and over 100 employees. And I'm going to read from that about their statutory responsibility. The agency has the statutory responsibility for managing and conserving the state's water and land resources in an effective and efficient manner. It goes on to list...a laundry list, so to speak, of additional obligations including an annual evaluation of hydrologically connected water supplies. It talks about quantity and quality issues. It talks about compliance issues. It talks about administration and regulation of surface water. It includes a specific direction for statewide water planning. It also has a variety of duties related to assembling and sharing Natural Resources data. So the question that I bring forward substantively is...and I apologize if I'm not aware with or familiar with the entirety of the statutory framework governing this issue, and I defer to my friends on the Natural Resources Committee, what in current statute prevents the Department of Natural Resources from carrying out this exact kind of work? And I'm

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concerned that this task force idea, while well-intentioned, in its current format may be reinventing the wheel or may be duplicative or contrasting to existing obligations and duties. And so, if there's anybody from Natural Resources would care to answer that later in their dialogue, I would be interested to know about what those current prohibitions might be that are...that aren't allowing this kind of strategic planning and careful work to move forward. Because when I read their statutory responsibility... [LB517]

SPEAKER ADAMS: One minute. [LB517]

SENATOR CONRAD: Thank you, Mr. President...for the department, it seems that this is the very kind of work that they should be doing. I also mentioned to one of my colleagues, well, why don't we utilize some of these funds from other sources? And they said, well, those are already committed to existing projects and it just is curious to me, why are we funding existing projects if we have no sense of the strategic plan or the overall prioritization about whether or not those projects are our state's top priority now or into the future? So there's a process piece, a substantive piece, and a fiscal piece. I'm going to hit my light on again because I think there's also a leadership piece that needs to be discussed and there's a historical context that hasn't been addressed as well in relation to past promises on the floor of the Legislature in terms of responsible funding mechanisms for water issues. So I think it's a great debate. I think people are all committed to the substance and the sincerity that Senator Carlson and others have brought forward in regards to this topic and it's a work in progress. And that's what we do on the floor of the Legislature. Thank you, Mr. President. [LB517]

SENATOR COASH PRESIDING

SENATOR COASH: Time, Senator. Thank you, Senator Conrad. Mr. Clerk, you have some items? [LB517]

ASSISTANT CLERK: Mr. President, I do. Thank you. A motion regarding LB266 from Senator Chambers. That will be laid over. Explanation of vote from Senator Janssen. (Re LB94, LB105, LB133, LB170, LB262, LB295, LB316, LB340, LB434, LB499 and LB620.) The bills that were read on Final Reading this morning have been presented to the Governor. (Re LB94, LB105, LB133, LB170, LB262, LB295, LB316, LB340, LB434, LB499 and LB620.) New resolutions: LR122 by Senator Hansen, LR123 by Senator Price. Those will be laid over. Your Committee on Judiciary reports LB103, LB267, LB329, LB106, LB169, LB277, LB342, LB415, LB538, LB541, all to General File. Transportation reports LB93 to General File with amendments. Education reports LB332 and LB497 to General File. New bill: LB429A from Senator Crawford. (Read LB429A by title for the first time.) And Senator Mello has an amendment to LB99 to be printed in the Journal. That's all that I have, Mr. President. (Legislative Journal pages 860-866.) [LB266 LB94 LB105 LB133 LB170 LB262 LB295 LB316 LB340 LB434 LB499 LB620

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LR122 LR123 LB103 LB267 LB329 LB106 LB169 LB277 LB342 LB415 LB538 LB541
LB93 LB332 LB497 LB429A LB99]

SENATOR COASH: Thank you, Mr. Clerk. Senator Carlson, you're recognized. [LB517]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. It was stated that it looks like this is the kind of bill that if we go through with it, it's really only going to benefit irrigators in rural Nebraska. And that's just not the case. If I look at some projects that have already been proposed but simply lack funding, in the Lower Platte South there's about \$10 million worth of projects for urban storm water quality and quantity projects, and for Lower Platte, obstruction removal projects. In the Papio-Missouri, we have about \$160 million of projects that have been proposed and amongst those urban storm water and urban drainageway program. So, this certainly is not something that strictly benefits rural Nebraska in agriculture. It should benefit rural Nebraska in agriculture for good reason, but that's not the only benefit that's involved in this project. I'd like to react a little bit to one of the things that I think Senator Lathrop said. And I made notes but I may have gotten it down not totally accurate, but I think he said, what happens if we come up with a need, a real need, a need that we think believe needs to be addressed? That's the whole purpose of the bill. And I can't understand, I can't believe that we would say, we don't want to do a study because it might determine something we need to do. If we find out that that's part of a 20-year strategic plan and it needs to be done, we need to be willing to study it and we need to be willing to address it. And anything that we study and then decide that we need to do and address is going to cost money. And I understand that. And then we as a Legislature have a responsibility to respond to that need and either say it's worthwhile doing or we don't want to do it. But we don't even know what those are because although we've had a lot of good work done, we've had a lot of good thoughts put into water issues throughout the state, it's never been pulled together with the intent of making a 20-year strategic plan. That's what this is about. And is it going to cost some money to do it? Yes. Am I willing to work on the A bill between now and Select File? Yes. But we need to move ahead. You know, I gave a little thought to something. If we had the building that is over north of the Capitol and that contained a mint that would print money, we'd be pretty careful about that building. We'd take care of that building. And if it needed upgrading and it needed renovation and it needed overhaul, we would do it. We have water that flows through our state. It's like a mint. We have the Ogallala Aquifer. It's like a mint. And the only other source that we have of water in Nebraska is that that falls from heaven. And I know the one that's in charge of that and I talk to him often and sometimes he listens and sometimes he says no. But our water resources are a mint and we need to take care of them. We need to look at how we could better use them, and that's what this whole process is about and I ask for your support. Thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator Carlson. Senator Chambers, you're

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recognized. Senator Chambers, you're recognized. [LB517]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I don't have any questions of Senator Lautenbaugh, but he made comments that cause some questions to come into my mind. When he mentioned this earmarking of the highway funds, he emphasized the words "no Draconian cuts." That's one of those elastic words that can mean anything. He didn't say there were no cuts, there were no significant cuts, he said Draconian. And I didn't hear him or Senator Carlson or anybody else on the floor unwisely say that we should earmark a certain percentage of the sales tax revenue to fund this project as they did with the roads. Again, it goes to whose ox is being gored. Senator Carlson said that feeding the world is what Nebraska raises...ag is involved in growing food. That's the reason. Well, he and I both know he didn't mean that Nebraska alone can feed the world. But you'll notice that although a lot of "Repelicans" from agricultural states will speak against the communist in Cuba, the communist in China, but they want to get those markets there and the governors of those states will send envoys to those countries and even set up offices in the countries of the communists because they can get some money from those communists from the products grown in their state which is so anticommunist that they can't stand it. And that's why I see so much hypocrisy in America and the so-called talk about the free market system. The "Repelicans" ...I'm going to use one of their expressions. They like to criticize people in Washington. They say, they spend money like water running out of a spigot. Well, what we doing here? We're talking about water running out of the spigot and you going to spend money that you haven't got for it. I don't want to kill this bill. Something is needed to be done about water, but it's going to be done in the context of things that I'm going to talk about that will show the lack of concern about things other than what's in your particular bailiwick. Senator Carlson, to him, maybe feeding the world is second to the mission of the church. Feeding people is the first obligation of all of us. The Jesus that he worships stopped preaching in order to feed people who were hungry. He stopped all of that yakety-yak because it's hard to pay attention to somebody talking about pie in the sky and the sweet by and by when they got a rumbling stomach right here. They're hungry. And what did Jesus say when his disciples asked him, what should we do? He said, feed my sheep. And some people say, well, that just meant talk to them. Well, to me, feeding occurs when you consume nutritious food. Feeding people is more important than anything that any church talks about because all they do is talk, talk, talk. And religions are responsible for starting wars but no religion has ever ended one. And we have a semi-war here, but the people on different sides are not interested in defeating each other. We have different approaches. We have different things that we emphasize. And right now what I'm emphasizing with my amendment is that the Governor should not be making appointments to this task force. If the Legislature feels so incompetent that we cannot carry out and fulfill our legislative function without the Governor setting up the board...Senator Carlson mentioned that the Governor will appoint three more people. I read in this amendment he's going to appoint ten more people. [LB517]

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SENATOR COASH: One minute. [LB517]

SENATOR CHAMBERS: I don't want him appointing anybody and he may not even want to be involved, but what do you need him for? How many times has he come over here and said, Speaker, I'm going to implement a program and I want some legislators involved. You all are like the person with so little self-esteem, so little self-respect, that you'll go to the one who's going to abuse you and get down on your knees and beg them to like you. We have the means and we have the ability to do what needs to be done. We're not going to provide the expertise. We find people who do it. You can't say that people on the various committees we have are experts in the subject matter of the committee. People can get elected to these various natural resources outfits and it doesn't mean that they know anything about it. They got more votes than somebody else. So if we're going to be realistic and serious about what we're doing... [LB517]

SENATOR COASH: Time. [LB517]

SENATOR CHAMBERS: ...we should first put together the proper framework. Thank you, Mr. President. [LB517]

SENATOR COASH: Time, Senator. Thank you, Senator Chambers. Senator McCoy, you're recognized. [LB517]

SENATOR McCOY: Thank you, Mr. President and members. I rise this morning in support of AM603 and LB517. I spent the first four years here in the Legislature serving on the Natural Resources Committee. As many of you know, I grew up in agriculture. Our family cattle ranch--it's on the Colorado-Nebraska border--is over the Ogallala Aquifer. And the average rainfall at our ranch is 12 inches a year. So I can tell you, water was something we thought about every year, is vital to the survival of our family ranching operation as it is for many families in agriculture in all the surrounding states, not just Nebraska. But, you know, water is just as important to those in urban areas as it is in agriculture. But as someone who now represents a legislative district that is both urban, suburban, however you want to determine it, and agriculture areas of Douglas County, you know, I find a lot of times unless constituents have a background in agriculture or are involved in an industry that deals in water, sometimes they don't appreciate, as oftentimes I don't either, the ability to turn on a water faucet or a garden hose and always have water. I think it's easy for us as Nebraskans to take for granted the resource that we have and that we want to preserve it and protect it, as we should. That's why I think this bill is vital so that going forward we prioritize the protection of this resource. Because as has been articulated here this morning on the floor, our state budget depends on a lot of moving parts and pieces across our state. And one of them, obviously, is agriculture and without water, that industry suffers and suffers greatly. So, again, I stand in support of this bill and of this concept and I thank Senator Carlson and

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the members of the Natural Resources Committee, among many other people who worked very hard on this legislation, and I hope that it enjoys broad support throughout the legislative process. Thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator McCoy. Senator Brasch, you're recognized. [LB517]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. Water is essential for life and in Nebraska, essential for our livelihoods. Water in Nebraska is not a given. It's a result of deliberate and decisive action. We rely in many, many and most cases, on irrigation in agriculture. Not everyone is irrigated. I want to remind everyone that Lewis and Clark came through Nebraska and called us the Great American Desert. And following him was Zebulon Pike in 1806 and I quote from a journal he wrote as...and he's talking about Nebraska. Quote, I would not think I had done my country justice did I not give birth to what few lights my examination of those internal deserts have enabled me to acquire. In that vast country of which we speak, we find the soil generally dry and sandy with gravel and discovered that the moment we approach a stream, the land becomes more humid with small timbers. These vast plains of the Western Hemisphere may become in time equally celebrated as the sandy deserts of Africa for I saw in my route in various places, tracks of many leagues where the wind had thrown up the sand and all the fanciful forms of the ocean's rolling wave, and on which not a speck of vegetable matter inhabited. Following the unprecedented flood along the Missouri River in 2011, the next year we saw these same sands dryland, the desert in Burt County and in Washington Counties an unprecedented flood. We could look at ongoing drought. The climatologists have told us that. In Nebraska water is the basis for our growing revenues; and water is needed for domestic use, for agricultural use, and for our manufacturers. Not one stands alone or independent of its reliance on water. Revenues from water is what helps fund our schools, it helps fund main streets, our businesses. It keeps humanity alive. It keeps vegetation alive. It keeps all living things growing and sustainable. Yes, we need energy. We have renewable energy. We have bioenergy, wind energy, solar energy, developing energies, but there's only one water source. It is natural and to date it cannot be replicated or duplicated. We need water. We need to plan for the dry days. We need to manage water during our flooding. We need to manage water. Water is a priceless natural resource. We cannot afford to turn back and become the Great American Desert. Granted, a task force cannot... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR BRASCH: ...guarantee or make it rain. But this task force can work together to ensure that what water we have is used, managed, maintained, is effective and efficient and in the best interest of all people. Humanity, vegetation, livestock, everything needs water for well-being. The economy needs this water. I rise in support

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of AM603 and LB517. And serving on the Natural Resources Committee, more than ever, I realize that water does make money. It puts money back where we take it. Thank you, colleagues. [LB517]

SENATOR COASH: Thank you, Senator Brasch. Senator Dubas, you're recognized. [LB517]

SENATOR DUBAS: Thank you, Mr. President. This really is a great discussion that we're having here this morning and again, I can't emphasize enough the importance of this discussion and what it means not only to what's happening in the here and now, but what will happen well into our future. For the new senators especially, but for all the senators, I would invite you to go to the Legislature's Web site and under the reports, go to the Natural Resources Committee site and read the LR314 report because that will give you a great historical perspective on how we got to where we're at today. And it stemmed from some legislation passed several years ago, LB229, which diverted some Environmental Trust money to go towards water projects because again, we were recognizing at that time that we had a lot of water projects that needed some funding. There wasn't a lot of will to do any new funding, so we looked at some existing resources and went to the Environmental Trust Fund. But, you know, a lot of work was done on that bill and a compromise was reached that, okay, we would use this Environmental Trust money; but the Natural Resources Committee was charged with doing a study. And out of that study, they were to bring forward recommendations for funding. And that study, again, will give you a great historical perspective on where we've been in the past and how we got to where we are today and the work of that interim study. You know, I heard the Governor several years ago talking about water and he said, water is the issue of the decade. I would take it farther than that. I would say water is the issue of our lifetime because anything we do in any area of our lives, water is at that foundation. You know, we have a Department of Natural Resources. They very likely have the authority to do a lot of the things that we're talking about this task force doing, but for whatever reasons, things haven't been taken to that elevated of a priority. So we haven't really taken a good comprehensive look at what all those demands are, what all those needs are out there, what all those ideas and thoughts are about how we better manage our water resources in Nebraska. So the Legislature is stepping in and putting this task force in place. And this, you know, we keep talking about this bill and this task force as a study. It's not a study. The study has been done. It was done through LR314. Those technical working groups did an outstanding job of laying out where we came from and how we got to where we are today. This task force is now taking that study, those recommendations, and then looking at how we prioritize them. What are the most important things that we need to do statewide, not focused on any particular entity or industry, statewide what do we have to do to put a comprehensive plan in place and then create a priority system so those water needs are addressed in the manner that are most beneficial to the majority of our state? But again, ultimately, as many of the members of that study, the LR314 study said, until there's a

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willingness to put a funding mechanism with these recommendations, nothing will happen. And again, that's where we're at today. I initially, when the committee was working on this and conversations that I had with Senator Carlson, I initially said, I think we need to come forward right out of the gate with a funding mechanism. I didn't know particularly what it was. I'm not in favor of earmarking any additional sales tax revenues, but I just thought, we need to get out there right away and talk about how important this funding is. But after a lot of conversations and hearings that we had, I think if we're going to ask our citizens to provide financial resources in whatever manner we end up asking for, whether it's an earmark, whether it's a new tax, whether it's, you know, diverting money from other sources, whatever it is... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR DUBAS: Thank you, Mr. President...we need to be able to say, and this is what that money will be spent for. I've heard Senator Carlson say many times, you know, we can't go out and say, we need \$50 million for water and trust me, you know, we'll take good care of it. We need to be able to convey to our constituents what those dollars will go for and for them to see either their own benefits or the benefits for the entire state of Nebraska. So, again, I strongly encourage you to read that LR314 report because I think it will give you a really solid understanding of how we've gotten to this place today. And I'm glad to see so many people engaged in this issue and that we'll be able to put together a bill that the Legislature can feel comfortable with. Thank you. [LB517]

SENATOR COASH: Time, Senator. Thank you, Senator Dubas. Senator Nelson, you're recognized. [LB517]

SENATOR NELSON: Thank you, Mr. President and members of the Legislature. I stand in support of AM603 and LB517. My good friend, Senator Chambers, told us about how Christ stopped talking and said we need to feed the 5,000. What he didn't go on to say was that Christ did it with five loaves and two fishes and there was still food left over. We're in the same situation here in Nebraska. Nebraska and Iowa are the highest producers of grain and cattle. And we're not only feeding the citizens of our country, but we're going to be called upon to feed citizens of the world in South Africa, Asia...not South Africa, but perhaps all of Africa because there's going to be a need. As income increases in those countries, there's going to be more demand. Here in Nebraska we have to have water to do that. Iowa is fortunate in that they get more rain than we do, but we have to preserve our water here. I remember when our initial irrigation was all surface irrigation. You had to direct the water down the rows. You had to keep in the rows. The problem with surface irrigation was that it took a lot of water to get down to the bottom and water the lower part of the field. There was a lot of waste there. A lot of water went down the ditches and eventually into the river. So we've come a long ways now in advances. We use center pivots. We have monitoring that can tell us where the

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water is most needed. But because of the demand of water, we have a lot of competing interests here in the state of Nebraska. We already know that certain NRDs, you know, are in opposition to each other about how things are going to work. We've done a lot of research already, but I think it needs to be put together and we need to come up with some uniform recommendations. And that's going to take some money and I'm sure that Senator Carlson will find a way here to do that, but we do need to finance that. And I don't think we need to worry at this time, necessarily, about having the will to do what we need to do. There will be 20 or 21 of us here that may not be around in a couple of years to implement those policies, but we have to designate our priorities: schools, Health and Human Services, water. We have to designate at that time what's most important and allocate the necessary money. We have an Institute of Agriculture and Natural Resources out here at the University of Nebraska that is increasing its faculty, I think, by 26 members just in this area. So we're going to have resources there to help us. I don't know how much we need to do in the way of outside resources, but we will probably need some. I think that we have the will. We always will have the will to find the money to do what we need to do. And so I support this bill and the amendment. And I will give any additional time I might have to Senator Carlson if he needs to speak further on this issue. [LB517]

SENATOR COASH: Senator Carlson, 1 minute 40 seconds. [LB517]

SENATOR CARLSON: Thank you, Mr. President. Thank you, Senator Nelson. And even though this is a little bit stressful, I appreciate the discussion that's taken place this morning. And I know we have a couple of issues that have come up today that really aren't directly related to this bill but that's okay. That's part of the process here in the Legislature, and I certainly believe that LB517 and AM603 is good legislation. It needs to be done and so I really ask for your support and will continue to listen to discussion as it takes place. Thank you. [LB517]

SENATOR COASH: Thank you, Senator Carlson. Senator Karpisek, you're recognized. [LB517]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I rise in support of LB517. I brought a bill this year and I've brought it in the past to do a study on a dam on the Blue River. The fiscal note was between one hundred and two hundred thousand dollars this year and it got IPPed in committee. I'm a little bit confused on that and I'll ask Senator Carlson later, but...I understand probably why because of who came and testified, but another part of my question is, who is going to do this? But I want to set that up a little bit that I see the problems that we have and that I think we need to do some studies. The Upper Big Blue came in to oppose my bill and acted like this was a new idea to them, that we're going through the wrong channels, we're not doing this in the right way, which I could not close on my bill that day because I had another bill in another committee. But that was not true. They knew about this. I had the same bill

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about five years sooner. So how they didn't know about it, I don't know. They used a 1974 study to say no, that they would not study it after the proponents of this bill went to meet with them and supposedly go through the right channels. Got a very quick, fast and hard no that they didn't want to study it. The proponents for the bill were the cities of Crete, Beatrice, and the village of DeWitt. I'm sure that Wilber probably would have been in favor and maybe even parts heading all the way to the Kansas border or farther. So could I ask Senator Carlson a question, please? [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I will. [LB517]

SENATOR KARPISEK: Thank you, Senator Carlson. Senator Carlson who would be...who would decide on who is going to do these studies? [LB517]

SENATOR CARLSON: Well, the work of the task force is realistically going to come out as a set of recommendations, and then the structure for how that goes forward is really another matter. I don't see any reason why the Legislature can't be involved in that. I don't think it's on this bill. I think it's on the bill next session if we have a plan because there's an "if" here. But I think we will have a plan and I think we'll have a good plan, but it does come out as a recommendation and yet we can have input if we decide to go forward with this on the structure by which it's done, carried out. [LB517]

SENATOR KARPISEK: Thank you. Part of my frustration is that the natural resources department came in and told your committee that they didn't know anything about this, this was going through the wrong channels, and killed the bill. And I understand what the committee heard and I would have done the same, but I don't want them to just be able to say, well, no, that's not going to work and we've already looked at that and it's not a good idea. So thank you for your answer. If you have anything more to add on that, I... [LB517]

SENATOR CARLSON: Well, I might say...and I think you understand and realize this, too, that when you have a proposal for a new structure, a new structure is a complicated matter. It is a huge undertaking and there's a lot of things that go into making that final decision as to whether or not one is going to be structured or not. And then there's a heavy cost to completing the study to the point that you can even make that decision. So, I don't...I understand your frustration on this particular thing, but there is a procedure in place and just like there's... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR CARLSON: ...a procedure in place in the Legislature and sometimes you and I don't agree on how things are done, but we try and manipulate and get through

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the best way we can and still get to a good result. [LB517]

SENATOR KARPISEK: Thank you. And I appreciate that. This was just a study to start to see if it would even make any sense and that's where my frustration comes in because I know it was just the beginning, but they've been told no so many times from the exact people that said they didn't know anything about it. Also the cities or villages of Harbine and Steele City and in my district, residential wells and city wells, all need this for their health. Thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator Karpisek. Senator Lathrop, you're recognized. [LB517]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Once again, a couple of thoughts. First, I want to tell you and recognize the importance of water. People are standing up and talking about water and then saying they support LB517. I...you know, water is important. Senator Brasch is right. It's all those things that she talked about, and the importance as a scarcer resource in this state can't be understated. I will tell you so that my position isn't mischaracterized by some, that I appreciate that agriculture is the reason we weathered the last Great Recession. It's the reason Omaha did well and agriculture does well because it has the water available to it to raise the crops that they sell and that fuel our economy. Okay. So this isn't about me not appreciating the importance of water. It's not about me not appreciating the importance of agriculture. I do. And it's not an urban-rural thing. This isn't about urban and rural. Okay? I'm going to say that again. It's not an urban-rural thing. In Omaha we're at the end of the Platte River. If you guys use all the water, we don't have any. (Laugh) We need the water in Omaha just like you need it for the crops. That's a given. Okay? This isn't Lathrop and the people that are standing up don't like water, don't like agriculture, they do. It's about this bill and its approach. And I'm going to start where I started before and that is the composition of the task force. I understand Senator Chambers may be pulling the floor amendment, but let me tell you why I would support it if it remains there for us to vote on. Okay? Our Governor has the Department of Natural Resources at his disposal. If he wanted to lead on this issue, he could put his own task force together, assign his own Department of Natural Resources to investigate this, and then lead with a solution. And that hasn't happened in eight years. Okay? So, again, we are back here in this body trying to lead on a subject of water. Critical. Now the Governor called it, the water is the issue of the decade and I don't know that he's done anything about it in nearly a decade. Right? So here we are. I don't believe that anybody from the executive branch should be on this task force. Why is that? Because if we are going to lead on this issue and if we are going to be the people that come up with a solution, then it should be state senators. That's what we did and that is the framework we used for the tax study after we got the tax bill, and everybody knows what that thing was about. So we will lead on taxes and we will lead on water, but we won't do it by putting people from the executive branch or Governor appointees on this task force, in my opinion. Okay? So that isn't

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urban-rural. That isn't, I don't like ag. Okay? I appreciate the importance of the subject matter. I'm just telling you that if we are going to lead on it, we will lead and we will come up with a solution and that's my first point. Senator Dubas, when she spoke, said you should look at the LR314 study and you can get to it. There's a link on our Web page that goes to reports and then you go to Natural Resources District, then you look at LR314. Senator Langemeier summarizes the efforts made to find a solution to the funding. I suspect that if I sat down with Senator Carlson he could tell me pretty much from all the studies that have been done... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR LATHROP: ...two things. One is, what needs to be done, and two, what have been the ideas to pay for it. See, my concern about this bill is...I'm going to say it again, my concern about this bill is, we are going to leave. Those of us in my class and I think there's a bunch of us, are going to leave and we will leave you with the solution and it will be a tax increase or you will be looking for someplace to cut in the budget, if you can find it, to fund the ideas. So it's fair to ask before we do another study or spend \$3 million on a study, are you all prepared to vote for a tax increase to pay for it? Because if you're not, then it's going to go on the shelf next to the report that was done in 2002. And I'm told that if we did the things that were in the report done in 2002, it would cost us \$50 million. And maybe what we need on this bill is an amendment to set aside... [LB517]

SENATOR COASH: Time, Senator. [LB517]

SENATOR LATHROP: ...some percent of sales tax. Thank you. [LB517]

SENATOR COASH: Thank you, Senator Lathrop. Senator Conrad, you're recognized. [LB517]

SENATOR CONRAD: Thank you, Mr. President. And I know that we have just a few minutes between the end of today's session...oh, we are coming back this afternoon, I guess. I was forgetting that we were in all-day debate. I was going to say I was between us and Easter break, and that's always a bad place to be. But with that in mind then, I might just ask Senator Carlson a few questions, if he would yield. [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I will. [LB517]

SENATOR CONRAD: Thank you, Senator Carlson. I understand that you've been working with other members who have addressed responsible concerns this morning and have pledged to, in between General File and Select File, address the fiscal issues

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and some of the substantive composition issues related to the task force. Is that a fair assessment? [LB517]

SENATOR CARLSON: That is, Senator Conrad. [LB517]

SENATOR CONRAD: Okay. And then just a couple points that I did want to ensure were part of that dialogue over the period that that conversation will occur, what about past interim studies and comprehensive studies that have been conducted? Can we make some sort of insurance that we utilize that data and information and that we're not reinventing the wheel, so to speak, with what's contemplated in LB517? [LB517]

SENATOR CARLSON: Well, certainly I'm not going to let anything die as long as I'm around this place, and you and I both have this session and next session to go. But certainly we want to move forward if we come up with a plan that seems like it's appropriate, and that's why we're doing this. And so if you want my word, am I just going to be satisfied that we get this done and then turn around and leave, no. If we come up with something that needs to be done, let's figure out a way to get it done. [LB517]

SENATOR CONRAD: Okay. And then the other question I had was in regards to administrative resources. Why would we add to the Department of Natural Resources' workload during a water-short year by placing a task force within a 2014 deadline in the agency's existing administrative structure? Do you see any impact where the existing obligations are work that are going on, that are ongoing there? [LB517]

SENATOR CARLSON: Well, I think that one of the things that needs to be done in order for us to have a 20-year plan that's believable and something that we can get behind is a good understanding and a feeling that the costs associated with various projects are accurate, as accurate as they can be. The department needs some extra personnel and dollars in order to do that in the time frame that we've indicated, and that's part of the use of some of these appropriations. [LB517]

SENATOR CONRAD: Okay. And then just the final question is in relation to that 20-year time frame. Why should a task force prioritize water projects for the state when the state regulatory agency must constantly respond to changing conditions, such as weather, compact compliance, drought, flood, etcetera? And how does that review or ongoing assessment, how is that addressed or contemplated in the task force study idea? [LB517]

SENATOR CARLSON: Well, we know that these things occur that you talked about--water short, drought, years when we have too much water. And we've experienced each of those things in the last three years. What we need to do is make sure that the facilities that we have are brought up to a point where they can best deal

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with excess water and so that we can store water so we have water for shortage times. And that's what we need to study. That's the purpose of this task force. And then we look at the cost and how can this fit into a 20-year plan, so we get in a position that when we hit a drought we've got a reserve. We don't have that now. [LB517]

SENATOR CONRAD: Okay. So would you be open, during the part of the continuing dialogue on this... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR CONRAD: Thank you, Mr. President,...on this topic to ensure that there is some sort of a continual review or assessment with those ever-changing conditions taken into account with the 20-year plan, if it were to go forward? [LB517]

SENATOR CARLSON: Very much so, Senator Conrad. In fact, I think that should be a part of the bill next session. [LB517]

SENATOR CONRAD: Very good. Thank you, Senator Carlson. I appreciate it. Thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator Conrad, Senator Carlson. Senator Mello, you're recognized. [LB517]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I will be brief as the hour is coming near, and I've spoke with Senator Carlson about the other issues that I wanted to bring up on the bill. But I really do want to draw the body to the amendment, AM603. And looking at part of the language at the beginning of the amendment, it talks about the legislative intent. No doubt some of the returning members of this body know that I had brought legislation before, and advocated before I brought it, on dealing with the combined sewer overflow project within the city of Omaha, the largest public infrastructure project in the history of the state, roughly \$2 billion. Part of what this planning process starts to discuss and look into is water infrastructure. And it could be completely feasible and could easily happen where the city of Omaha's CSO project becomes the number one priority out of a study like this, not just because of size but because of water quality issues that face the greater metropolitan area, the impact it has and the footprint it has in the state's economy. And it's something that ultimately should ease any concerns that urban lawmakers should have regarding AM603 and LB517 that's going to take in consideration not just agricultural use of water or water planning. It takes in relationship to water infrastructure, which we know in the urban parts of our state is a significant issue and it's a significant need. So I guess it was more of a point of just a gentle reminder as you're reading through AM603, it's not simply about water usage. It's also discussing water planning and infrastructure planning, which is critical and key both not just to the

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city of Omaha metropolitan area but to the city of Lincoln and other cities, the city of Kearney that has water problems as well in regard to their sewers, things that we know ultimately are a bigger issue outside of just agricultural water use, which, while important, is not purely and only the water-related policy issue that this planning effort would study. With that, thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator Mello. Seeing no other lights on, Senator Chambers, you're recognized to close on your floor amendment. [LB517]

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Carlson and I, we have a good relationship and it might be hard to understand. But if you were as acquainted with the "Bible" as he and I both are, you'll understand that there was one time where a guy named Job brought Satan and God together, and they negotiated and even made a wager about what would happen if one of God's servants was mistreated by Satan. So if Satan and God can, you know, work things out, then you know Senator Carlson and I should be able to. And I'm not going to say which of us fills which role, because I think it's flexible and changes. But I'm going to withdraw this amendment after I make a few comments, because he has given me his word, and to me his word is his bond. He's not opposed to finding a different way to appoint people, and I also think there might be too many people on the task force. But those are things that we should be able to work out in the way he and I and others who are interested may be able to do. Then the funding and some of the real significant issues will probably be debated on Select File. But if some of these types of things that I'm concerned about can be gotten out of the way, then more time will be available for those other matters. I'm going to stick with the kind of things that I've said. I see rural people very exercised when something impacts directly on them. See, I spend a lot of time speaking on this floor and I pay attention to who's listening. I pay attention to who participates in the discussions. And I even make lists of how people are going to vote before the vote is taken, so I'm not just speaking off the top of my head. And rural people don't take interest in some of the things that they ought to if they have concern about the whole state. But then when a matter comes up like a land bank that relates to Omaha, then you hear people who are not from Omaha suddenly concerned about what's happening with vacant lots in Omaha and is it going to bother the private industry. They don't care anything about that. They are speaking for some special interest group. They couldn't care less about what happens to black people in Omaha. They couldn't care less about how many vacant lots there are, how many ramshackle houses that the city will not tear down. When the police come into our community and brutalize black people or they do it and they're caught on the surveillance camera at a hospital, people on this floor don't stay up and say that's a terrible thing. And when I try to tell you how rotten the police are in Omaha, you act like I'm lying to you. And the chief will do the same thing until it's caught on tape. And then when it's caught, they try to give alibis by saying, well, we don't know what happened before we saw what we saw. But you let a cop be shown on a film with me throwing him to the ground. You think

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they're going to say, well, we got to find out what he may have said to Ernie, we got to find out if he provoked Ernie? The first thing they'll say, the camera showed him and the camera doesn't lie. But whenever it comes to one of those rotten, no-good, brutal, barbaric, white cops in Omaha, the camera can show and all of a sudden the camera is lying. People don't see what that camera shows that they saw. But I don't react towards you all with a lack of concern and interest like you all react toward me. I don't think you're lying about the things you bring and, as a result, there are some times I'll give more forceful support than the people in your own area. On this matter, water is important. Senator Carlson has given me his word and I'm going to stick by my agreement. I'm going to withdraw that amendment. But that doesn't mean that I don't feel bitterness about the way this Legislature acts toward me and mine. And that's why I have to talk long, I have to talk loud, and I can't quit, because you don't pay attention and you don't care. With that having been said, Mr. President, I withdraw that pending amendment. [LB517]

SENATOR COASH: Thank you, Senator Chambers. FA45 is withdrawn. Returning to discussion on AM603, Senator Lathrop, you're recognized. [LB517]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I would like to ask Senator Carlson some questions, if he'll yield. [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I would. [LB517]

SENATOR LATHROP: Senator Carlson, I do have some questions about the bill which requires the expenditure of roughly \$3 million. Is that about right? [LB517]

SENATOR CARLSON: Yes. [LB517]

SENATOR LATHROP: Okay, \$3 million to support the study. Can you tell me what that's going to be spent on? [LB517]

SENATOR CARLSON: Well, it will involve the expenses of the task force and it will also involve some dollars for the Department of Natural Resources to better evaluate the...I would say the actual costs but get a better cost estimate on these projects that have already been proposed and so that in part of our overall plan we do have figures that we can be confident of that are good cost figures. And it costs extra money for them to do that because, with the drought and everything, I think that their current personnel are pretty well stretched and it's going to take some additional people. That's what I've been told and I believe that that's the case. But I think it's important because we want all the information we can get before we try and develop a 20-year plan. [LB517]

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SENATOR LATHROP: I couldn't agree more. Let me ask you about the involvement of our university. To what extent would we involve the university or might the university be involved in lieu of the people you would be spending \$3 million on? We have hydrologists and folks that are...that have studied the aquifer and our water needs for decades. Do we not? [LB517]

SENATOR CARLSON: Yes, we do, and certainly the university has a number of experts. I don't think we need to go outside of the state to find our expertise. They will be asked to be a part of this. There may be some expense with that. But there are expenses when you put a task force together from all over the state and ask them to meet as many times as we're going to meet. And if those from the university are part of it, then their expenses have to be taken care of as well. So, yes, they're going to be employed for their knowledge and they will be very, very important. [LB517]

SENATOR LATHROP: You know, as I look at this, and we came in here at the same time, I look at the various task forces that we've set up. We just set one up for a tax study, and I don't think that had an A bill will it. We did the BSDC task force which looked into the problems at BSDC as well as the provision of or...yeah, provision of services to the developmentally disabled population in the community, had no A bill. We have not spent any money in that committee and it's been in existence for several years. I just wonder if our tax study doesn't provide a blueprint for the work we need to do on water, which is to say we set up a task force comprised of people from the legislative branch in particular, state senators, that they are authorized to conduct hearings in a form more in kind with what we expect from the tax task force or study group, and that the people who are experts bring their expertise in to the committee without having to be paid. Part of this I suppose is why do we need \$3 million to have people from UNL come down and tell us what we should do to properly manage the water, or have people from the Department of Natural Resources, if you can get them there, to tell us what they think the plan should look like and then have this task force assemble that information, address the questions of funding, how much we're talking about? And so I guess this goes to the \$3 million fiscal note. With that, I'll let you have the remainder of my time to respond. [LB517]

SENATOR CARLSON: Okay. Thank you, Senator Lathrop. And I don't think that in the final answer that we're going to spend that kind of money. But I believe that this is a period from June 1 to December 31. It's not much time and we're going to get things done. And if we're going to get things done, we've got to meet and we have to meet often, and we have to have people that are willing to do that. And we do want people... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR CARLSON: ...on this task force that represent the entire state. So if we ask

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Senator Harms to come in 25 times between now and December 1 to be a part of this task force, we've got to cover the expense that it takes to get him here. We're not paying him anything for doing it, but we...it's only...it only makes sense that we would I think take care of those kinds of expenses. I don't think it's going to amount to what the A bill says, but we'll see. And we do need those cost estimates, and I don't think it's going to cost as much as they perhaps think. [LB517]

SENATOR LATHROP: Those cost estimates, if you...if we didn't do this and you needed to solve the water problem this session, how much would we be spending on a 20-year plan? I mean you have some ideas because we've had some studies done, have we not? [LB517]

SENATOR COASH: Time, Senators. Senator Conrad, you're recognized. [LB517]

SENATOR CONRAD: Thank you, Mr. President. Briefly, colleagues, I apologize for any confusion or heartache I may have caused. I was confused as to the schedule for the day. I understand that we're working through lunch. Once we get a vote here, people can then hop, hop, hop off into their Easter plans. So wish you all a happy holiday. And I wanted to clarify the record, because when I'm wrong, I'm wrong, and I do my best to clarify things. So I was wrong at my previous time at the mike. I'm happy to lend time to Senator Lathrop and Carlson, if they'd like to continue their discussion. Thank you. [LB517]

SENATOR COASH: Senator Lathrop, you've been yielded 4 minutes 30 seconds. [LB517]

SENATOR LATHROP: Thank you, Senator Conrad, for the time. And maybe I'll resume the...or go back to the question I had for Senator Carlson, which is this, looking at the LR314 report, and I just skimmed it, there's a lot of links that I can't get to and read before we're done with this discussion today, but it sounds to me like we've studied or have a general idea what we need to do. It probably involves dams, canals, those sorts of things out in irrigated agriculture land country. And I'm just wondering if you have some idea, if you had to ballpark it, because it sounds like the study is going to try to put a finer point on it. But just in a range, do you have any idea what it would cost to do the things you think we might need to do over 20 years? [LB517]

SENATOR CARLSON: Well, I think it's less than what we're asking for. But let me go to the work of LR314 and that was done in a reasonably short period of time and there are estimates on projects in there. In the Missouri-Papio, it's reservoirs, it's urban storm water, it's urban drainageway programs. These are all a part of that. I don't know how accurate those figures are because I don't know how many of them were done in a process aside from LR314. But you'd agree with me, they need to be something we can have some confidence in so we know what kind of money we're spending. And I don't

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think that the procedure of this appraisal business is going to be as extensive as perhaps it could be. [LB517]

SENATOR LATHROP: I get that you want...will this process first tell us what needs to be done, then set priorities for us over the next 20 years? [LB517]

SENATOR CARLSON: That's the idea,... [LB517]

SENATOR LATHROP: Okay. [LB517]

SENATOR CARLSON: ...what do we want to do and what's it going to cost and how long it's going to take and in what order do we want these things done. And remember, the outcome is going to be a recommendation because this...we're not putting in statute that this is the way it's going to be. [LB517]

SENATOR LATHROP: No question about that, you'll have a recommendation. If you had to do it today, though, we already have some idea. You're just going to put a finer point on the numbers. Am I right? [LB517]

SENATOR CARLSON: Yes, I am, and I think you above probably anybody else in this body, if I didn't do it that way and come out with a request next year, you're going to stand up and ask me a tough question that I'm not sure I can answer. I want to be sure. [LB517]

SENATOR LATHROP: No, you're exactly right. You're exactly right that I'd be asking you what are the engineers telling you. But my question today is, what's the ballpark number? You have a ballpark number, right? You're just going to go and put a finer point on it and maybe work a few engineers into the numbers so you have more reliable estimates. I'm just trying to find out, are we talking about \$10 million or are we talking about \$200 million? [LB517]

SENATOR CARLSON: Oh, you mean on an ongoing basis for funding? [LB517]

SENATOR LATHROP: Yes, what...if we did the 20-year plan right here on the floor, what would you tell me that these dams or improvements in the infrastructure might cost? [LB517]

SENATOR CARLSON: On the work that's been done to date, the figure that's being given is \$50 million a year. Now does that mean all state money? No, but there would be local participation because that's the way we do things. And on projects today, local participation has to be 40 percent. [LB517]

SENATOR LATHROP: Okay. If it's \$50 million a year, even if you had 50 percent,...

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[LB517]

SENATOR COASH: One minute. [LB517]

SENATOR LATHROP: ...even if you had 50 percent participation, it's \$25 million a year and that's over 20 years. [LB517]

SENATOR CARLSON: Yes. [LB517]

SENATOR LATHROP: Okay. And I get that that's a ballpark because that's what I asked you for. But here's the question then. What would...and I know because I looked at this LR314. People have looked at how are we going pay for this five times in the last...well, since I got out of law school they have anyway, since '83. So here's the question that the body needs to consider. That money has got to come from somewhere. And we can do the study, and I'm in favor of the study. Believe me, I recognize the importance of the study. But understand, you're going to be asked to pay for it. And so we should talk about that, because the study gets done after bill introductions next year. Senator Carlson and I will be gone by the time the bill gets put in to pay for the recommendations, because that will happen in '15. So... [LB517]

SENATOR COASH: Time, Senators. Thank you, Senator Lathrop, Senator Carlson. Senator Burke Harr, you're recognized. [LB517]

SENATOR HARR: Thank you, Mr. Chairman, members of the body. I am a big proponent in studies and I think I like this bill, but I do have some concerns. I'm excited to hear that there are some changes that will probably be made on Select File. But if Senator Carlson would be willing to yield to some questions, I have some. [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I would. [LB517]

SENATOR HARR: Thank you. Senator Carlson, as I understand it, we've been studying water for forever, is that correct, in Nebraska? [LB517]

SENATOR CARLSON: Well, forever, as much as we can know what forever is. [LB517]

SENATOR HARR: Yeah. But for let's say just generally the last 50 years it's been very important to Nebraska. [LB517]

SENATOR CARLSON: Yes, it has. [LB517]

SENATOR HARR: Okay. And our water law is unique when compared to the other

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states. Would you agree with that? [LB517]

SENATOR CARLSON: It is unique. [LB517]

SENATOR HARR: Okay. And we have a number of studies out there right now. Is that correct? [LB517]

SENATOR CARLSON: Yes, we do. [LB517]

SENATOR HARR: Okay. And this study differs from the others because what you're doing with this is saying what? How does this differ from the other studies? [LB517]

SENATOR CARLSON: I don't believe we've ever had an attempt before to come up with a strategic plan for a given amount of time that's going to address water concerns over the entire state, and it's time to do that. [LB517]

SENATOR HARR: Okay. [LB517]

SENATOR CARLSON: And that's what the attempt here is and we're asking to be able to conduct this study in a pretty short period of time and then come back to you with a report and we'll see what that report brings. But that's what we want to do. [LB517]

SENATOR HARR: And I'd agree with that. Okay. And no one else has tried to do that before. What have the other water reports tried to do? How does this differentiate? I'm still confused as... [LB517]

SENATOR CARLSON: Well, LB962 was a study that took place with the Water Policy Task Force over a good period of years,... [LB517]

SENATOR HARR: Yeah. [LB517]

SENATOR CARLSON: ...and it even created some legislation that got passed, but it didn't have a plan for funding. [LB517]

SENATOR HARR: Okay. And this would in no way lead to, in your opinion, a report that would call for rationing of water of any sort, or would that be part of the 20-year plan? [LB517]

SENATOR CARLSON: Well, it depends on what your definition of rationing is. But we have to learn to raise more with less. [LB517]

SENATOR HARR: Okay. All right. And I appreciate that. What is your definition of rationing then? [LB517]

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SENATOR CARLSON: Well, it's probably rationing means some sort of control. And we have a lot of different controls that have been employed with various NRDs throughout the state. Each one make their own decision on what these controls are and they'd rather call them controls than rationing. [LB517]

SENATOR HARR: Rationing, okay. And this report may allow for more controlling, is that correct, or recommendations of more controlling or different, more effective types of controlling? [LB517]

SENATOR CARLSON: Well, it may. And we may find out that those that are already being employed are adequate if they're given enough time. So we'll see. [LB517]

SENATOR HARR: Okay. All right. And then the \$3 million fiscal note that you and Senator Lathrop have been talking...discussing, you know, you look at the fiscal note and all it says is \$3 million, and that's a lot of money. And I'm not quite sure how...I mean how did they come up with \$3 million? I mean we have LB613. That's \$10,000, and that's looking at our whole tax code. And yet we have this, that looks at water use, and it's 3 million, with an M, dollars. Can you explain where that \$3 million is being used? I mean there's no accounting of it that I can see. [LB517 LB613]

SENATOR CARLSON: Well, part of it is we do want accurate cost estimates of what various projects will be. [LB517]

SENATOR HARR: Okay. And let me just interrupt you for a second. [LB517]

SENATOR CARLSON: And if we have to hire some more people in the Department of Natural Resources in order to do that, that's their estimate of a part of what they need. [LB517]

SENATOR HARR: And you made my point,... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR HARR: Thank you,...is we want an accurate prediction and I agree with that exactly, and this does not do that. It's not an accurate prediction because we have no idea. They say it's \$3 million. I say it's going to cost \$100 million. Or I'm going to say it costs \$100, and I am no more right or wrong than they are because they have given no justification for \$3 million. They have said it's going to cost \$3 million. Why? Because we want to do X, Y, and Z. Okay. What does X, Y, and Z cost? That is not contained anywhere. I haven't heard that argument. Three million dollars is a lot of money for a report. That report better sing and dance, as far as I'm concerned. And it better not be a Cadillac report. It better be a Rolls-Royce. And it better be written in gold lettering. I

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have no idea what \$3 million is for. So again, I'm not objecting to the underlying report, but it seems as though this has been a chance for someone to go on... [LB517]

SENATOR COASH: Time, Senator. [LB517]

SENATOR HARR: Thank you. [LB517]

SENATOR COASH: Thank you, Senator Harr. Senator Pirsch, you are recognized. [LB517]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder if Senator Carlson would just yield to a couple of quick questions. [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I would. [LB517]

SENATOR PIRSCH: So...and thank you very much, Senator Carlson. So if you boil it down to its essence, is the purpose of the study, as I understand it, tell me if I'm wrong, to look at the water resources in the state in general and determine, without any preset type of kind of ideas, how best that water should be managed for the best interest of the people of Nebraska? Is that the underlying concept? [LB517]

SENATOR CARLSON: Well, it is. And may I respond a little bit further to that? [LB517]

SENATOR PIRSCH: Sure. Sure. [LB517]

SENATOR CARLSON: I'm convinced that we need to do something about the fact we have a million acre-feet of water entering the state and 8 million leaving the state, and we need to save back some of that water and figure out how to do it. And the best way to do it is to take our existing structures and see if we can't use those to their fullest in order to, in times of high flows, to save water so we've got water for dry times. And it's going to cost money. We haven't had a comprehensive plan to address that, and that's a big part of what this task force is supposed to do. [LB517]

SENATOR PIRSCH: Is it broader than that, or is that the aim and purview as shaped by the language in your bill? [LB517]

SENATOR CARLSON: Well, it's really...it's broader than that because we have some projects that have already been proposed and they're on the list. They're not funded, and so another part of the task force would be to evaluate those projects, try and put them into a proper order and a time line. We know it's going to take several years to be able to deal with this and so we need to figure out what the time line is and then what

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kind of money is it going to take in order to get these things done. And you and I both know it's not going to be cheap. [LB517]

SENATOR PIRSCH: Right. Well, is the language also broad enough that issues...I mean are there specific...is there a list of specifically enumerated issues or subjects that you want the study to take aim at, or is it broad enough that any issues that the study identifies as being important can be looked at as well? [LB517]

SENATOR CARLSON: Well, if I can, I'll briefly go through what the task force is supposed to come up with in a report: Recommendations for the prioritization of programs, projects, and activities in need of funding and which meet the long-term water funding goals, and maximize the beneficial use of our water resources; special attention given to staying in compliance with interstate compacts or other agreements; the task force shall recommend the order in which projects are to be addressed and completed; and in cooperation with the DNR, the task force shall include in its report accurate estimates of the cost of each project; and then part of the report would be a statewide map showing the projects to be done and some kind of a color code so that we can see the time line in which those are to be done so it's meaningful to the people of Nebraska. And I think that will result in what we can call a 20-year strategic plan. [LB517]

SENATOR PIRSCH: Excellent. And specifically required then is the suspected funding required for these projects and the source, the recommended source of implementing in terms of financing those type of projects so that we have a good understanding of how we would attempt...or how best this committee or this study recommends in terms of financing those projects. Is that correct? [LB517]

SENATOR CARLSON: Well, we asked the department to try and determine what kind of dollars would it take if they were to take projects that they believe need further study, in terms of cost estimates. And they took that and decided the number of hours it might take on expertise to do that, and that's where... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR CARLSON: ...that's where the A bill came. [LB517]

SENATOR PIRSCH: And we...and thank you very much, Senator Carlson. I just have a minute left so I will ask you a quick question. This is...there's nothing in here that just segregates the study to just agricultural areas or rural areas, correct? This is the total water in the state, correct? [LB517]

SENATOR CARLSON: Absolutely not, and a key part of the plan is to include people from across the state with all kinds of water interests, so they're involved in this planning

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and this study and not just agriculture. [LB517]

SENATOR PIRSCH: Well, in closing, I'll just say I do appreciate it. I think that this is of paramount interest to the state in managing our water. Obviously, many of our top industries rely...agriculture alone, an \$11 billion industry, and it affects those of us in the urban areas as well. So I do applaud your bringing forward the bill and look forward to working with you. Thank you. [LB517]

SENATOR COASH: Thank you, Senator Pirsch. Senator Bolz, you're recognized. [LB517]

SENATOR BOLZ: Thank you, Mr. President. Will Senator Carlson yield to a question? [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I would. [LB517]

SENATOR BOLZ: Senator, I'm new to the body but I'm told that my laptop is to be referred to as a gadget. Is that correct? [LB517]

SENATOR CARLSON: Well, you can refer to it however you want. I call it the gadget once in a while. [LB517]

SENATOR BOLZ: Okay. Well, according to my gadget, I did a quick review of national grants that are available and I see some listed related to water sustainability and climate, hydraulic resources and sciences, and the Institute of Food and Agriculture, resources that are available per state for up to \$5 million. And my question to you is simply, has the committee done some due diligence in reviewing the availability of other funding sources for plans and studies? [LB517]

SENATOR CARLSON: I really think, Senator Bolz, that those possibilities are a portion or could be a portion of the ongoing funds that would be necessary to carry out the plan. I think that we as a state, if we think water is important, we ought to be willing to pay for the plan. But once we have that plan, certainly we want to leverage dollars in any way we can. And I think the source you've mentioned would be an excellent one as a possibility to leverage our state dollars for continuing projects. [LB517]

SENATOR BOLZ: Well, I appreciate that. But my brief review on my gadget shows that there is some planning resources available, and I'm just curious if the committee has reviewed those. [LB517]

SENATOR CARLSON: Well, this particular source that you mention is already being

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used, and we have several projects that are...they've been approved; there's just not enough funding for them. So the source that you brought up really is already employed. Maybe it could be employed to a greater extent, but it's not that we don't know about it or the department doesn't know about it and they haven't used it. [LB517]

SENATOR BOLZ: All right. Thank you, Senator Carlson. [LB517]

SENATOR COASH: Thank you, Senator Bolz. Senator Schumacher, you're recognized. [LB517]

SENATOR SCHUMACHER: Thank you, Mr. Chairman, members of the body. When I was back at law school, they were teaching us real property law and they told us that under the English law, which was the common law, which was dittoed into the United States and the various states, a landowner owned everything from the center of the Earth to the sky above his boundary line. And that included the minerals, the water, the dirt, the whatever, and maybe some of the air above. And I thought that's the way it was until I guess a couple years ago when in the body we started talking about how the water belonged to the state. And we have an interesting law that apparently is on the books at 46-702: The Legislature finds that the ownership of water is held by the state for the benefit of its citizens. Apparently, in 1975, we socialized water and we say that a landowner will be entitled to a reasonable and beneficial use of the groundwater underlying his or her land subject to the provisions of Chapter 46, but it doesn't say for free. So you almost got to start thinking if really this is true and the water has been socialized, then when we start nickel-and-diming as to who's going to come up with \$25 million or \$50 million a year to make the water supply better and to preserve its existence and to make sure that it's always there for the benefit of the citizens, that maybe the users of the water should have to pay for the water. Because if you trace the idea that we are providing the food for the world, well, if you grow the food and run it through a cow or not, and you package it up and send it down the river in a boat and it ends up in China or some Third World country, and they will give you dollars for it, and it comes back to the individual producer that used this socialized water. And then those dollars that the folks in some Third World country have, they would have come from them making something that ended up in a discount store that we paid our dollars for. And that's how the cycle of money flows. Senator Carlson, will you yield to a question? [LB517]

SENATOR COASH: Senator Carlson, will you yield? [LB517]

SENATOR CARLSON: Yes, I would. [LB517]

SENATOR SCHUMACHER: Senator Carlson, how is this language in the statute, that says it's owned by the people of the state, reconciled in your mind with the fact that you're supposed to own everything from the center of the Earth until the heavens and

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that water under the land you bought is yours? [LB517]

SENATOR CARLSON: How do I reconcile that? In listening to you, a thought that comes to mind is this. The state owns the water. State owns the groundwater. And the landowner is supposed to be able to use that water for a beneficial use. If the state owns something, there's some responsibility there to see that the structure is such that it can handle this water well. And so I looked at that, well, that's all the more reason we ought to be involved in this. Now whether it's fair to charge a price for using that water, probably is fair. [LB517]

SENATOR SCHUMACHER: So that if we have all this money, we've got to spend \$50 million a year to build the infrastructure to make sure that water is there, what type of mechanism would you envision for a partnership or a... [LB517]

SENATOR COASH: One minute. [LB517]

SENATOR SCHUMACHER: ...joint effort between private and public sector in order to finance what might very well be called for by this study? Or maybe we already know it. [LB517]

SENATOR CARLSON: Well, we have in place now the money that's asked for on the part of NRDs or other entities to do projects. Local money is generally responsible for 40 percent anyway. And so when they get a grant from the state, they've got to provide 40 percent of the cost. So they're already...they're already participating to that degree. [LB517]

SENATOR SCHUMACHER: I think we're out of time in order to continue the line of questioning. But I find this an interesting thing that I really hadn't fully realized that we'd socialized the water in this state, but apparently that's what's happened. Thank you. [LB517]

SENATOR COASH: Thank you, Senator Schumacher. Seeing no other lights on, Senator Carlson, you're recognized to close on AM603. [LB517]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Thank you for your discussion this morning, for your questions. It's natural that there would be many questions about a bill such as this and about a subject that I believe is as important as water is. In this bill, we recognize that in the state we have groundwater users, we have surface water users. They're often at odds. We have gotten good cooperation from both the groundwater people and the surface water people for LB517 and, in particular, AM603. They're cooperating. They believe it's a good project and I think that's important. Water is important and I know that all of you believe water is important. Planning is important and all of you believe that planning is important.

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Forward planning is important for such a thing as a 20-year strategic plan, and I believe all of you think that's important as well. The task force is going to be made up of some expert experts and some users, and we need both. It's going to be made up of people that have different interests in water. We need those different interests to be a part of it because we want a solution, and we want a solution that's a collaborative solution that those that are involved can support. I've indicated to Senator Chambers I would cooperate between now and Select File very seriously on addressing his concerns, and I would encourage Senator Lathrop to be a part of that and anyone else that would like to be a part of that so that we can come up with perhaps an amendment that satisfies those concerns. This is a very important bill. This, I believe, is an attempt for the first time for a body of people that make policy for this state to be willing to think about and come up with a 20-year strategic plan for the most important resource that we have in this state. This is important business. You're a part of it. You're an important part of it, and I hope that we can work together to make something good happen with LB517. We will have a bill next session. I will know what's come out of this study before that bill is introduced. We don't have to wait until 2015. We will act in 2014. And so I ask for your support of AM603 and LB517. Thank you, Mr. President. [LB517]

SENATOR COASH: Thank you, Senator Carlson. Members, you're heard the closing to AM603 to LB517. The question before the body is, shall AM603 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB517]

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB517]

SENATOR COASH: The committee amendment is adopted. We return to discussion on LB517. Senator Lathrop, you're recognized. [LB517]

SENATOR LATHROP: Just briefly, I think I've made the points that I intended to make today. And Senator Carlson has extended an invitation to participate in some discussions and maybe some improvements between now and Select File, and I'll take him up on that offer and work with him on LB517 before it comes up on Select File. And I'll vote to move it to Select File in the meantime. Thank you. [LB517]

SENATOR COASH: Thank you, Senator Lathrop. Seeing no other lights, Senator Carlson, you're recognized to close on the advancement of LB517. [LB517]

SENATOR CARLSON: Again, thank you, Mr. President and members of the Legislature. Once again, thank you for your discussion and I do ask for your support on LB517. [LB517]

SENATOR COASH: Thank you, Senator Carlson. Members, you've heard the closing to

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LB517. Question before the body is, shall LB517 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB517]

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill. [LB517]

SENATOR COASH: LB517 does advance. Next item, Mr. Clerk. [LB517]

ASSISTANT CLERK: Mr. President, LB517A, introduced by Senator Carlson. (Read title.) [LB517A]

SENATOR COASH: Senator Carlson, you're recognized to open on LB517A. [LB517A]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. And certainly there's been a lot of discussion this morning already concerning the cost and concerning the A bill, and of course I can't do anything about that this morning. But I would ask that you take this bill, LB517, to Select File and I am very open to working with Senator Mello and the Appropriations Committee. I will do further...have further discussion with the Department of Natural Resources and see what we can do in the manner of bringing this A bill down. And other than that, I give you my word that I'll do that, I don't know what else I could say. I just ask for your support. Thank you. [LB517A LB517]

SENATOR COASH: Thank you, Senator Carlson. Members, you've heard the opening to LB517A. The floor is now open for discussion. Seeing none, Senator Carlson, you're recognized to close. Senator Carlson waives. The question before the body is on the advancement of LB517A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB517A]

ASSISTANT CLERK: 28 ayes, 0 nays on the motion to advance LB517A, Mr. President. [LB517A]

SENATOR COASH: LB517A does advance. Items for the record, Mr. Clerk. [LB517A]

ASSISTANT CLERK: Mr. President, one item: Your Committee on Education would report LB331 to General File with committee amendments. (Legislative Journal pages 867-869.) [LB331]

And I do have a priority motion. Senator Schilz would move to adjourn the body until Tuesday, April 2, 2013, at 10:00 a.m.

SENATOR COASH: Members, you've heard the motion to adjourn. All those in favor say aye. Those opposed say nay. We are adjourned.