

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

Floor Debate
April 01, 2015

[LB36 LB106 LB243 LB245 LB278 LB329 LB347A LB355 LB357 LB379 LB401 LB454
LB500 LB520 LB527 LB589 LB591 LB610 LB610A LB617 LB623 LB633 LR139 LR140
LR141 LR142 LR143 LR144 LR165 LR166 LR167 LR168 LR169]

SENATOR KRIST PRESIDING

SENATOR KRIST: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-SIXTH DAY OF THE LEGISLATIVE...ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR SCHEER. PLEASE RISE.

SENATOR SCHEER: (PRAYER OFFERED.)

SENATOR KRIST: THANK YOU, SENATOR SCHEER. I CALL TO ORDER THE FIFTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATIVE SESSION, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. PLEASE RECORD, MR. CLERK.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

SENATOR KRIST: ANY ANNOUNCEMENTS?

ASSISTANT CLERK: THERE ARE NO CORRECTIONS THIS MORNING.

SENATOR KRIST: THANK YOU, MR. CLERK. THE CHAIR RECOGNIZES SPEAKER HADLEY FOR AN ANNOUNCEMENT.

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, WE HAVE...WE'RE IN THE FIFTY-SIXTH DAY. SOMEBODY ASKED ME YESTERDAY IF WE REALLY HAVE TO QUIT AFTER 90 DAYS AND I SAID, YES, WE DO. BUT I WANTED TO GIVE YOU A LITTLE UPDATE OF WHERE WE ARE IN THE SESSION. RIGHT NOW, FOR PRIORITY BILLS, WHICH ARE THE ONES THAT WE'RE GOING TO WORK ON THE REST OF THE SESSION, WE HAVE 22 PRIORITY BILLS STILL IN COMMITTEE; WE HAVE 60 PRIORITY BILLS ON GENERAL FILE RIGHT NOW; WE HAVE 16 BILLS ON E&R INITIAL AND SELECT FILE; AND 9 BILLS ON FINAL AND FINAL READING. SO YOU TAKE 60 BILLS THAT ARE ALREADY OUT ON GENERAL FILE AND YOU DIVIDE IT BY, GIVE OR TAKE, 30 DAYS, THAT'S TWO BILLS A DAY. YOU MULTIPLY IT, BECAUSE WE HAVE SELECT AND FINAL THEN, IT'S SIX BILLS A DAY. WE ALSO

Floor Debate
April 01, 2015

HAVE THE BUDGET COMING OUT, I BELIEVE, ON THE SIXTY-EIGHTH DAY, THAT WE WILL HAVE, I ASSUME, RIGHTLY SO, CONSIDERABLE DISCUSSION ON. SO I JUST WANTED YOU TO KNOW WHERE WE'RE AT, AT THIS POINT IN TIME. A NUMBER OF YOU HAVE COME UP, YOU KNOW, AND RIGHTLY SO SAY, WELL, CAN YOU MOVE MY BILL HERE? CAN YOU MOVE MY BILL THERE? CAN I BE SCHEDULED HERE? IT'S GETTING TO THE POINT I CAN'T MOVE THINGS BECAUSE WE'VE GOT...WE'RE TO THE POINT I WANT TO TRY AND GET THE PRIORITY BILLS THROUGH THIS YEAR, SO WE'RE GOING TO BE SCHEDULING BILLS AND THE ASSUMPTION IS WHEN THAT BILL IS ON GENERAL FILE VOTED OUT OF THE COMMITTEE, IT'S READY TO GO ON THE FLOOR AND YOU'RE READY TO GO ON THE FLOOR. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. FIRST ITEM ON THE AGENDA, MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST BILL THIS MORNING, LB610, INTRODUCED BY SENATOR SMITH. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 21, REFERRED TO THE REVENUE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. THE BILL WAS CONSIDERED YESTERDAY. [LB610]

SENATOR KRIST: SENATOR SMITH, COULD YOU REFRESH US ON THE SUBJECT MATTER, PLEASE? [LB610]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. AND I APPRECIATE SO MUCH ALL OF YOU ENGAGING YESTERDAY IN DISCUSSION ON LB610. AS I SAID YESTERDAY, I WOULD MUCH RATHER BE UP SPEAKING ABOUT LB357 WHICH IS THE INCOME TAX REFORM BILL. AND LIKE SO MANY NEBRASKANS, I BELIEVE I'M PAYING TOO MUCH IN INCOME TAXES. LIKE SO MANY NEBRASKANS, I DRIVE AN OLDER CAR AND I SPEND CAREFULLY AND I PAY MY PERSONAL INCOME TAXES AND I PAY MY BUSINESS INCOME TAXES, BOTH, THROUGH THE PERSONAL INCOME TAX BRACKETS. THAT'S WHY I INTRODUCED LB357. HOWEVER, WE'RE HERE TODAY TO TALK ABOUT LB610, WHICH I THINK IS AS MUCH A PART OF DISCUSSING GOOD TAX POLICY AS LB357. WE KNOW WE HAVE NEEDS IN NEBRASKA. ONE OUT OF FOUR OF OUR RURAL BRIDGES ARE IN NEED. THEY'RE OBSOLETE OR THEY'RE DEFICIENT. ONE OUT OF TEN OF OUR STATE BRIDGES. WE HAVE A BACKLOG OF ROAD REPAIRS THAT ARE NEEDED AND WE HAVE A BACKLOG OF EXPRESSWAY SYSTEMS THAT NEED TO BE CONSTRUCTED. WE HAVE THE NEEDS, COLLEAGUES, AND I THINK ALL FACTS

Floor Debate
April 01, 2015

POINT THERE. HOWEVER, HOW ARE WE GOING TO PAY FOR THAT? CAN WE BORROW? I SAY NOT. DO WE GO AND COMPETE FOR GENERAL FUND EXPENDITURES? I DON'T THINK THAT'S THE RIGHT WAY OF GOING ABOUT THIS IF WE WANT TO HAVE INCOME TAX REFORM IN THE FUTURE. SO THAT'S LEFT...WHAT'S LEFT ARE GAS TAXES OR USER FEES. THIS BILL INCREASES IT A PENNY AND A HALF FOR FOUR YEARS UP TO A TOTAL OF 6 CENTS. IF YOU AGREE WITH ME THAT WE NEED TAX REFORM, COLLEAGUES, I BELIEVE THIS IS A PART OF THAT DISCUSSION TO HAVE. IF YOU ARE ON THE OTHER SIDE AND YOU WANT TO PROTECT GENERAL FUND EXPENDITURES, I SUGGEST THAT YOU NEED TO BE SUPPORTIVE OF LB610. AGAIN, IT KEEPS US FROM COMPETING WITH MEDICAID, UNIVERSITY OF NEBRASKA SYSTEM, K-12 FOR INFRASTRUCTURE NEEDS. WE'RE HAVING A DECLINE IN FEDERAL SPENDING FOR ROADS. WE HAVE TO ADDRESS IT. EVERY STATE IS FACING THESE SAME ISSUES, AND 22 STATES HAVE BEGUN TO ADDRESS THIS AS WELL. IOWA RECENTLY INCREASED 10 CENTS; SOUTH DAKOTA HAS INCREASED THEIRS. THE TIME TO ACT IS NOW, COLLEAGUES. THANK YOU FOR YOUR INTEREST IN THIS ISSUE. THANK YOU FOR YOUR DISCUSSION. THANK YOU, COLLEAGUES. THANK YOU, MR. PRESIDENT. [LB610 LB357]

SENATOR KRIST: THANK YOU, SENATOR SMITH. (VISITORS INTRODUCED.) MR. CLERK. [LB610]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION, SENATOR LARSON WOULD MOVE TO BRACKET THE BILL UNTIL APRIL 2. [LB610]

SENATOR KRIST: SENATOR LARSON, YOU'RE RECOGNIZED. [LB610]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I DON'T PLAN ON TAKING THIS BRACKET MOTION TO A VOTE. I'LL ACTUALLY PROBABLY PULL IT AFTER MY OPENING. I DID WANT TO TALK ABOUT CHARTER SCHOOLS, HOWEVER. AND THERE'S A NEW...OR LET'S PUT IT--THE NEBRASKA DEPARTMENT OF EDUCATION, THERE'S A NEW ARTICLE OUT TODAY IN THE OMAHA WORLD-HERALD THAT TALKS ABOUT HOW NEBRASKA SENDS IN-WAIVER APPLICATION, WHETHER STATE CAN GET OUT OF NO CHILD LEFT BEHIND IS NOW UP TO THE FEDS. ALL RIGHT. SO ESSENTIALLY, THE STATE OF NEBRASKA HAS FILED AN 1,100-PAGE APPLICATION WITH THE U.S. DEPARTMENT OF EDUCATION IN ORDER TO, ESSENTIALLY, RELEASE NEBRASKA PUBLIC SCHOOLS FROM WHAT MANY BELIEVE ARE UNREASONABLE, FEDERAL PROFICIENCY TARGETS AND WOULD RESTORE FLEXIBILITY IN SPENDING DOLLARS EARMARKED FOR POOR SCHOOLS. HOWEVER...WELL, I SHOULD SAY WE'RE THE 44th STATE TO SUBMIT THIS WAIVER

Floor Debate
April 01, 2015

APPLICATION, HOWEVER, THE STATE WOULD HAVE TO COMPLY WITH A HOST OF NEW REQUIREMENTS, INCLUDING (INAUDIBLE) OBAMA ADMINISTRATION'S DEMAND THAT TEACHER EVALUATION SYSTEMS GIVE SIGNIFICANT WEIGHT TO STUDENT STANDARDIZED TEST SCORES. THE ADMINISTRATION JUST RESCINDED WASHINGTON STATE'S WAIVER A YEAR AGO BECAUSE LAWMAKERS FAILED TO SIGNIFICANTLY LINK SCORES TO EVALUATIONS. ESSENTIALLY, WHAT THEY'RE SAYING HERE IS THE NEBRASKA DEPARTMENT OF EDUCATION JUST SPENT HOW MUCH TIME WRITING AN 1,100-PAGE APPLICATION THAT IS ALMOST CERTAINLY GOING TO BE DENIED. THERE IS YOUR STATE TAX DOLLARS AT WORK. AN 1,100-PAGE APPLICATION THAT WE KNOW IS GOING TO BE DENIED BECAUSE WE DO NOT HAVE AN EVALUATION SYSTEM IN THIS STATE FOR OUR TEACHERS. WE HAD AN OPPORTUNITY TO WITH LB617 THIS YEAR, BUT WE YET DON'T HAVE IT. WE CONTINUE ON. MATT BLOMSTEDT, THE NEBRASKA COMMISSIONER OF EDUCATION, SAID TUESDAY--TEACHER EVALUATIONS ARE JUST A POINT OF CONTENTION. IT'S ONE THING...IT'S THE ONE THING WE'RE FURTHEST APART FROM THE U.S. DEPARTMENT OF EDUCATION ON. COLLEAGUES, HOW IS THE DEPARTMENT OF EDUCATION SPENDING TIME WRITING AN 1,100-PAGE REPORT ON SOMETHING THEY ALMOST CERTIFIABLY KNOW WILL BE DENIED? IT'S ALMOST AS BAD AS THE APPLICATION THAT THEY SENT IN ON RACE TO THE TOP, WHICH I WILL GET THERE, BOTH PHASE 1 AND PHASE 2, IN A SECOND. NOT ONLY IS IT A WASTE OF STATE RESOURCES, UNTIL THE LEGISLATURE TRULY BEGINS TO ACT, WE ARE GOING TO CONTINUE TO LOSE OUT. I'LL CIRCLE BACK TO THE DEPARTMENT OF EDUCATION AND THEIR APPLICATION IN A MOMENT. I WANT TO CIRCLE INTO THE RACE TO THE TOP. THE OBAMA ADMINISTRATION AND ARNE DUNCAN'S IDEA THAT HAS WORKED AMAZINGLY WELL TO PUT A MARKET TO EDUCATION AND INCENTIVIZE STATES TO REFORM EDUCATION. AND YOU KNOW WHAT THEY DID? THEY OFFERED MONEY TO THOSE STATES THAT DID REFORM EDUCATION AND SCORED WELL. IN ROUND ONE, THE TOP PRIZE WAS \$100 MILLION; IN ROUND TWO, THERE WERE TWO \$700 MILLION PRIZES, THREE \$400 MILLION PRIZES, THREE \$250 MILLION PRIZES, AND THREE \$75 MILLION PRIZES. BUT LET ME BACK UP. IN ROUND ONE, OUR DEPARTMENT OF EDUCATION, AS I SAID, THAT JUST SUBMITTED AN 1,100-PAGE REPORT THAT IS ALMOST GUARANTEED TO BE DENIED, WE'RE ONE OF THE 41 STATES, I BELIEVE, THAT SUBMITTED A RACE TO THE TOP APPLICATION. DOES ANYONE WANT TO GUESS WHERE WE ENDED UP IN THAT APPLICATION PROCESS? WILL SENATOR STINNER YIELD TO A QUESTION? [LB610 LB617]

SENATOR KRIST: SENATOR STINNER, WILL YOU YIELD? [LB610]

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
April 01, 2015

SENATOR LARSON: SENATOR STINNER, DO YOU KNOW WHERE WE ENDED UP IN THE RACE TO THE TOP APPLICATION? [LB610]

SENATOR STINNER: NO, I DON'T. [LB610]

SENATOR LARSON: ALL RIGHT. WILL SENATOR CRAWFORD YIELD TO A QUESTION? [LB610]

SENATOR KRIST: SENATOR CRAWFORD, WILL YOU YIELD TO A QUESTION? [LB610]

SENATOR CRAWFORD: YES. [LB610]

SENATOR LARSON: SENATOR CRAWFORD, DO YOU KNOW WHERE WE ENDED UP WITH THE PHASE 1 OF THE RACE TO THE TOP APPLICATION? [LB610]

SENATOR CRAWFORD: WE WERE NOT SELECTED. [LB610]

SENATOR LARSON: DO YOU KNOW RANKINGWISE WHERE WE ENDED UP... [LB610]

SENATOR CRAWFORD: NO, I DO NOT. [LB610]

SENATOR LARSON: ...OUT OF THE 41 STATES? ALL RIGHT. THANK YOU, SENATOR CRAWFORD. WILL SENATOR SULLIVAN YIELD TO A QUESTION? [LB610]

SENATOR KRIST: SENATOR SULLIVAN, WILL YOU YIELD TO A QUESTION? [LB610]

SENATOR SULLIVAN: YES. [LB610]

SENATOR LARSON: SENATOR SULLIVAN, OUT OF THE 41 STATES THAT APPLIED IN PHASE 1 OF RACE TO THE TOP, DO YOU KNOW WHERE NEBRASKA LANDED? [LB610]

SENATOR SULLIVAN: NO. [LB610]

SENATOR LARSON: THANK YOU. WE LANDED AT 39--39th OUT OF 41 IN PHASE 1 OF THE APPLICATION. AND I WENT THROUGH THIS MORNING AND I READ THE

Floor Debate
April 01, 2015

REVIEWS FROM THOSE THAT REVIEWED OUR APPLICATION, AND I'M GOING TO READ A LITTLE BIT OF THOSE REVIEWER'S COMMENTS REAL QUICK. MIND YOU, WE'RE 39th OUT OF 41 IN OUR APPLICATION PROCESS. IT REALLY LOOKS LIKE, AGAIN, THE DEPARTMENT OF EDUCATION NOT ONLY IS SPENDING OUR RESOURCES WELL BUT THE DEPARTMENT OF EDUCATION DOESN'T STOP THERE. THEY DON'T HAVE OVERLY KIND WORDS FOR THE LEGISLATURE EITHER. IN THE STATE SUCCESS FACTORS FROM REVIEWER NUMBER ONE, NEBRASKA APPLICATION 4200NE-3. ONE OF THE HIGHLIGHTS IN THE REVIEW COMMENTS: STATE SUCCESS IS EXTREMELY UNCERTAIN, RISKY, AND SPECULATIVE. GIVEN THE CURRENT STATE POLICY BASE, THERE IS NO NATURAL FUTURE PROFESSION OF STATE POLICY TO IMPLEMENT THIS PLAN, THE PLAN BEING A STATE SUCCESS FACTOR. MORE DISCUSSION IS NEEDED ON THE DEPTH AND NEEDED MORE...AND NEED MORE LOCAL COMMITMENT. MIND YOU, STATE SUCCESS IS EXTREMELY UNCERTAIN, RISKY, AND SPECULATIVE. THAT IS A COMMENT ON OUR EDUCATIONAL SYSTEM COMPARED TO THE REST OF THE 50 STATES. ALL RIGHT. WE'LL MOVE TO ANOTHER REVIEWER'S COMMENTS IN THE SAME SECTION ON THE STATE'S...ESSENTIALLY, STATE SUCCESS FACTORS, THE POSSIBILITY. THE GOALS ARE CLEAR AND COVER ALL FOUR AREAS OF THE ARRA AREAS, BUT THE PATH IS A LITTLE LESS CLEAR. THE CLEAREST EXAMPLES OF THE LACK OF SPECIFICITY ARE IN REGARD TO ACTUALLY MOVING THE STANDARDS AND EVALUATION WORK TO THE SCHOOL LEVEL AND TURNING AROUND THE LOWEST ACHIEVING SCHOOLS WHERE ALL FOUR POTENTIAL MODELS ARE LISTED AS POSSIBILITIES WITH NO SUGGESTIONS AS TO WHICH MODELS MAY BE USED. ESSENTIALLY, THE DEPARTMENT OF EDUCATION SAY, WELL, THEY HAVE GOOD GOALS BUT THEY HAVE NO WAY TO GET THERE. THE DEPARTMENT OF EDUCATION HAS NO WAY TO GET THERE AND THE LEGISLATURE HASN'T PROVIDED THEM ANY FRAMEWORK. IT'S GREAT TO HAVE GOALS; YOU GOT TO HAVE THE PATH. LET'S MOVE ONTO A DIFFERENT REVIEWER, AND THIS ACTUALLY HAS...THIS IS A COMMENT ON TURNING AROUND LOW-ACHIEVING SCHOOLS. THE REVIEWER'S COMMENT: THE STATE CANNOT IDENTIFY LOW-PERFORMING SCHOOLS, AND THE PLAN PRESENTED IN THE APPLICATION ON IDENTIFICATION WOULD BE IMPROVED IF MORE DETAILS HAD BEEN PROVIDED. NEBRASKA HAS NO CHARTER LAW OR A TRADITION OF STATE TAKEOVER IN SCHOOL CLOSURE. CONSEQUENTLY, STATE POLICY OPTIONS ARE VERY LIMITED. MANY PARTS OF THIS PLAN ARE VAGUE AND HAVE NO DETAILS. THESE ARE THE REVIEWS THAT WE'RE GETTING BACK. DOESN'T THAT MAKE YOU PROUD? THE DEPARTMENT OF EDUCATION SPENDS HOWEVER MANY MAN HOURS WORKING ON THIS ISSUE TO NOT ONLY JUST SCORE 39 OUT OF 41 IN PHASE 1 BUT GET THOSE TYPES OF REVIEWS BACK. IF THIS DOESN'T START TO OPEN THE EYES OF HOW THE REST OF THE NATION VIEWS NEBRASKA'S EDUCATION POLICY, I HOPE

Floor Debate
April 01, 2015

IT BEGINS TO. YOU MAY HAVE DISTRUST FOR THE FEDERAL GOVERNMENT...
[LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR LARSON: ...AND I UNDERSTAND THAT. BUT THE CONCEPT IS STILL--WE
HAVE A LONG WAY TO GO. AND IF WE DON'T START TO MAKE PROGRESS, WE'RE
GOING TO CONTINUE TO FALL BEHIND. AND IN MY NEXT TEN MINUTES...MR.
CHAIR, HOW MANY ARE IN THE QUEUE? [LB610]

SENATOR KRIST: MANY. [LB610]

SENATOR LARSON: MANY. DID MY LIGHT GET TURNED OFF? I KNOW I WAS FIRST
IN THE QUEUE. [LB610]

SENATOR KRIST: INADVERTENTLY. YOU'RE IN THE NEXT ONE IN THE QUEUE.
[LB610]

SENATOR LARSON: WHAT? [LB610]

SENATOR KRIST: INADVERTENTLY. YOU ARE THE NEXT ONE IN THE QUEUE,
HOWEVER. [LB610]

SENATOR LARSON: I AM THE NEXT ONE IN THE QUEUE. THANK YOU, MR.
PRESIDENT. I'LL WITHDRAW THAT MOTION AND TAKE UP THE NEXT ONE. [LB610]

SENATOR KRIST: I UNDERSTAND YOU WANT TO WITHDRAW THE PRESENT
MOTION THAT'S ON THE BOARD? [LB610]

SENATOR LARSON: YES. [LB610]

SENATOR KRIST: WITHDRAWN. (DOCTOR OF THE DAY INTRODUCED.) MEMBERS, I
KNOW THAT YOU ALL HAVE RULE BOOKS, SO I'M GOING TO ASK YOU TO OPEN UP
THE RULE BOOK TO PAGE 11, SECTION 7. RULE 2, SECTION 7: SENATORS DESIRING
TO SPEAK. WHEN A MEMBER DESIRES TO SPEAK IN A DEBATE OR TO DELIVER
ANY MATTER TO THE LEGISLATURE, HE OR SHE SHALL RISE FROM HIS OR HER
SEAT AND RESPECTFULLY ADDRESS HIMSELF OR HERSELF TO MR., MADAME

Floor Debate
April 01, 2015

PRESIDENT. THE MEMBER SHALL SPEAK ONLY WHEN RECOGNIZED AND SHALL CONFINE HIS OR HER REMARKS TO THE QUESTION BEFORE THE LEGISLATURE. THE QUESTION BEFORE THE LEGISLATURE IS THE BILL WHICH WE ARE CURRENTLY DISCUSSING, WHICH IS LB610. THE CHAIR FINDS THAT THE CONVERSATION THAT IS GOING ON IS NOT SUBJECT TO WHAT WE ARE CURRENTLY DISCUSSING. LET ME ALSO REFER YOU TO SECTION 8: TRANSGRESSION OF RULES, CALL MEMBER TO ORDER. IF A MEMBER, IN SPEAKING OR OTHERWISE, TRANSGRESSES THE RULES OF THE LEGISLATURE, THE PRESIDING OFFICER SHALL, OR ANY OTHER MEMBER MAY, CALL SUCH MEMBER IN ORDER, IN WHICH CASE HE OR SHE MUST IMMEDIATELY SIT...SHALL IMMEDIATELY SIT DOWN, UNLESS PERMITTED ON MOTION OF ANOTHER MEMBER TO EXPLAIN. LET ME JUST SAY FROM A PERSONAL PERSPECTIVE, WHAT IS GOOD FOR THE GOOSE IS GOOD FOR THE GANDER. NO MATTER WHO WOULD BE SPEAKING THIS MORNING, I HAVE BEEN ASKED TO AND I HAVE BROUGHT THIS UP, AND FROM THE CHAIR'S PERSPECTIVE IT IS A RULE THAT WE LIVE BY. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB610]

SPEAKER HADLEY: SOMEHOW WHAT I JUST TALKED ABOUT EARLIER DIDN'T SEEM TO GET ACROSS, THE TIME FRAME THAT WE HAVE LEFT. THIS IS A RULE OF THE LEGISLATURE. IT'S A RULE THAT NO ONE WANTS TO INVOKE. WE DON'T. BUT DON'T COME AROUND TO ME AND SAY MY BILL DIDN'T GET HEARD THIS YEAR NOW. I DIDN'T MAKE IT...MY BILL DIDN'T MAKE IT. AND AS THE CHAIR SAID, THIS RULE, IF IT IS TO BE INVOKED, WILL BE INVOKED ON EVERYBODY. WE NEED TO START DOING WHAT WE'RE HERE TO DO. IF THERE HASN'T...I CAN'T ASK FOR A SHOW OF HANDS, BUT I ASSUME EVERYBODY IN HERE HAS HAD A BILL KILLED IN COMMITTEE. IF YOU HAVEN'T, IF YOU'RE HERE LONG ENOUGH YOU'LL HAVE IT HAPPEN. YOU MOVE ON. THAT'S PART OF OUR PROCESS. AND IF YOU WANT TO USE VALUABLE FLOOR TIME, AND IT GOES FOR EVERYBODY, PLEASE DO. BUT AT THE END OF THE YEAR DON'T COME TO ME AND SAY, THE BILL THAT I FELT WAS VERY IMPORTANT TO THE CITIZENS OF NEBRASKA DIDN'T GET HEARD THIS YEAR. LET'S ACT LIKE SENATORS IN THE NEBRASKA LEGISLATURE AND DO WHAT WE WERE SENT HERE TO DO. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. IN THE QUEUE, SENATOR LARSON, YOU'RE RECOGNIZED. MR. CLERK FOR A MOTION. [LB610]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR LARSON MOVE TO RECOMMIT LB610 TO COMMITTEE. [LB610]

Floor Debate
April 01, 2015

SENATOR KRIST: SENATOR LARSON, YOU'RE RECOGNIZED ON YOUR MOTION.
[LB610]

SENATOR LARSON: OH, THANK YOU, MR. PRESIDENT. WE DO HAVE PRECIOUS TIME HERE. AND THAT RULE IS SITTING THERE. THE CONCEPT COMES AS THE THREAT COMES DOWN, IF YOU WANT TO WASTE UP FLOOR TIME YOUR BILL WON'T BE HEARD. I HAVE THREE PRIORITY BILLS. MAYBE ALL THREE OF THEM WON'T BE HEARD NOW. BUT IF THAT'S THE PUNITIVE DAMAGE THAT NEEDS TO BE DONE TO ME, OKAY. BECAUSE WHAT MATTERS IN THIS STATE, IF WE TRULY WANT TO BREAK THE CYCLE OF POVERTY AND START TO HELP OUR CITIZENS, IT IS EDUCATION. I DO HAVE THREE PRIORITY BILLS. I HAVE ONE, TWO IN THE GENERAL AFFAIRS COMMITTEE PRIORITIES AND ONE PERSONAL PRIORITY. I NOW KNOW THAT THEY WILL BE AT...POSSIBLY AT THE BOTTOM BECAUSE I CHOOSE TO TALK. THAT'S UNFORTUNATE THAT THE CONCEPT THAT I GET PUNISHED FOR TALKING ABOUT ISSUES THAT I CARE ABOUT. IF MY COLLEAGUES WANT TO USE THE RULE THAT I NEED TO STAY ON POINT, I UNDERSTAND. BUT THAT RULE WILL BE USED AGAINST EVERYBODY, WHETHER IT'S ME, AND IF I'M THE ONE THAT GETS IT FIRST, THAT'S OKAY. I'M GOOD WITH THAT. BUT I GUARANTEE YOU NEXT TIME ONE OF YOU ARE TRYING TO WASTE TIME I'LL BE THE FIRST ONE TO FILE THAT RULE. AND MAYBE MY BILLS DON'T GET HEARD. MAYBE THE BODY WISHES TO PUNISH ME FOR TALKING, BUT I CARE ABOUT EDUCATION. THERE IS NO MORE IMPORTANT ISSUE THAN EDUCATION. THERE IS NO MORE IMPORTANT ISSUE THAT REGARDS THE FUTURE OF THIS STATE THAN EDUCATION. EVERYTHING REVOLVES AROUND EDUCATION-- BUSINESS, ECONOMIC GROWTH. OUR STATE DEPENDS ON EDUCATION. AND IF I SACRIFICE AN ALCOHOL OMNIBUS BILL THAT DOES GREAT THINGS, IF I SACRIFICE A BILL THAT DISCUSSES POKER AND THE GAME OF SKILL AND BRINGS PROPERTY TAX RELIEF TO THE STATE OF NEBRASKA, OKAY. INMATE COPAYS, WHICH WILL, AGAIN, RELIEVE THE PROPERTY TAX BURDEN ON COUNTIES, SHOULD THEY CHOOSE TO USE IT. IF I SACRIFICE THAT, OKAY. THOSE ARE MY THREE PRIORITY BILLS. THEY'RE NOT ON THE AGENDA. AND I GUESS I WON'T COMPLAIN WHEN THEY DON'T COME UP BECAUSE I UNDERSTAND THE MESSAGE THAT HAS BEEN SENT TO ME. YOU TALK, YOUR BILLS DON'T COME UP.
[LB610]

SENATOR SCHNOOR: I CALL SENATOR LARSON TO ORDER. [LB610]

SENATOR KRIST: SENATOR SCHNOOR, WOULD YOU APPROACH THE CHAIR, ALONG WITH SENATOR LARSON, PLEASE. YOUR TIME IS FROZEN AT 6 MINUTES AND 30 SECONDS, COULD YOU APPROACH THE CHAIR, PLEASE? SENATOR

Floor Debate
April 01, 2015

LARSON, YOU HAVE 6 MINUTES AND 30 SECONDS LEFT. PLEASE CONTINUE.
[LB610]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. BACK TO THE TOPIC AT HAND, THE NEBRASKA DEPARTMENT OF EDUCATION. WE ARE FAILING. OUR KIDS ARE FALLING BEHIND. AND IF WE WANT TO TALK ABOUT EDUCATION FUNDING, WHY ARE WE LEAVING THE POSSIBILITY OF--LET ME TOTAL IT UP HERE--\$700 MILLION IS THE TOP PRIZE, \$400 MILLION, \$250 MILLION, \$100 MILLION, OR \$75 MILLION? WHY DO WE WANT TO LEAVE THAT ON THE TABLE? NOT EVEN TRY? IF WE CARE ABOUT PROPERTY TAXES, WE CARE ABOUT RELIEF, WE CARE ABOUT EDUCATION FUNDING, WHY WOULD IT NOT MAKE SENSE THAT WE WORK TO CHANGE OUR LAWS TO GET SOME OF THAT MONEY? ARE WE THAT OBSTINATE THAT WE DON'T WANT IT BECAUSE OUR EDUCATIONAL SYSTEM IS FINE AS-IS? WELL, COLLEAGUES, OUR EDUCATIONAL SYSTEM ISN'T FINE. WE'VE SEEN THAT IT'S NOT FINE. WE'VE SEEN THAT WE'RE FALLING BEHIND. WE'RE UNWILLING TO CHANGE. WE'RE UNWILLING TO MAKE CHANGES. THE FEDERAL DEPARTMENT OF EDUCATION HAS RANKED US AS ONE OF THE POOREST STATES IN THE NATION WHEN IT COMES TO EDUCATION REFORM. EVERY REVIEWER ON BOTH OUR APPLICATIONS ON RACE TO THE TOP SAID WE NEEDED EXTENSIVE CHANGES IN OUR EDUCATIONAL FRAMEWORK, BUT, YET, WE THINK WE HAVE IT RIGHT. OUR TEST SCORES AREN'T...ARE NO...ARE MAYBE MIDDLE OF THE PACK. AS I SAID TWO DAYS AGO, WE'RE STUMBLING TOWARDS MEDIOCRITY. IT'S NO RACE TO THE TOP. IF WE WANT PROPERTY TAX RELIEF, WE HAVE \$700 MILLION THERE TO GO GET IT. BUT INSTEAD, ROUND ONE WE SCORED 39 OUT OF 41, AND ROUND TWO WE SCORED 31 OUT OF 36. FEWER STATES APPLIED. FRANKLY, WE KNEW WE WEREN'T GOING TO FINISH IN THE MONEY. I DON'T KNOW WHY WE WASTED DEPARTMENT EDUCATION HOURS TO DO IT. MAYBE IT WAS SOMETHING FOR THEM TO DO. YOU KNOW, I WILL CONTINUE TO TALK ABOUT EDUCATION AND EVENTUALLY SOMEONE MIGHT USE THAT RULE BOOK AND MAKE ME BE QUIET AND STAY ON POINT. THAT IS A REAL POSSIBILITY. AND IF THAT HAPPENS, YOU KNOW WHAT? I WILL STAY ON POINT. BUT EVERY OTHER MEMBER, ALL 49...OTHER 48 OF YOU WILL AS WELL ALL THE TIME. ALL THE TIME. AND I DON'T TAKE THAT THREAT LIGHTLY. AND AS I SAID--WE ARE SHORT ON TIME, WE HAVE LATE NIGHTS COMING. I'M SURE WE'RE GOING TO HAVE MANY LATE NIGHTS. THAT'S WHAT THIS BODY DOES IS LATE NIGHTS. AND WE CAN DO THOSE. THEY'RE NOT THAT DIFFICULT. IT GETS A LITTLE DARK AND SPOOKY IN HERE, BUT WE CAN DO THAT. AND IF MY BILLS DON'T COME UP; AND I'M SURE I'LL SEE BILLS MOVING FROM SELECT TO FINALLY GETTING VOTED ON BEFORE MINE EVEN HIT GENERAL FILE, AND I UNDERSTAND THAT. I UNDERSTAND THAT I WILL BE PUNISHED, THAT THE BODY OR WHO SETS THE AGENDA MAY PUNISH ME FOR

Floor Debate
April 01, 2015

MY OUTSPOKEN NATURE ON EDUCATION. YES, CHARTER SCHOOLS WAS KILLED IN COMMITTEE, BUT IT IS THAT IMPORTANT. IT IS THAT IMPORTANT TO BREAK THE CYCLE OF POVERTY. IT IS THAT IMPORTANT FOR JOB GROWTH IN NEBRASKA. IT IS THAT IMPORTANT FOR ECONOMIC DEVELOPMENT IN NEBRASKA. BECAUSE IF WE CONTINUE TO LET POOR SCHOOLS AND FAILING SKILLS FAIL, WE'RE NEVER GOING TO BREAK THAT, AND WE'RE GOING TO FACE THE SAME PROBLEMS YEAR AFTER YEAR. I HAVE A LOT TO TALK ABOUT OVER THE NEXT 34 DAYS. AT SOME POINT, I MAY BE TOLD TO BE QUIET. AND I WILL UNDERSTAND THAT. BUT WE HAVE THE ABILITY TO DISCUSS ISSUES, FRANKLY, MOST OF THE TIME WHEN IT COMES TO CHARTER SCHOOLS I'M TALKING TO MYSELF AND I REALIZE THAT. I'M NOT GOING TO CHANGE ANY MINDS NO MATTER HOW MANY FACTS THAT I POINT OUT THAT THE DEPARTMENT OF EDUCATION IS WRITING AN 1,100-PAGE REPORT THAT THEY KNOW IS GOING TO BE DENIED OR THEY'RE WRITING RACE TO THE TOP APPLICATIONS WHEN THEY KNOW WE DON'T HAVE THE EDUCATIONAL FRAMEWORK AND THEY HAVEN'T DONE THE WORK NECESSARY TO EVEN SCORE ANYWHERE NEAR CLOSE TO THE TOP IN ORDER TO BE IN THE MONEY FOR RACE TO THE TOP. WE COMPLAIN ABOUT PROPERTY TAXES AND THE LACK OF EDUCATIONAL FUNDING, BUT WE AREN'T WILLING TO MAKE THE CHANGES TO GET THE EDUCATIONAL FUNDING THAT COULD POSSIBLY HELP SUPPORT THAT AND LOWER PROPERTY TAXES.
[LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'LL WITHDRAW MY MOTION.
[LB610]

SENATOR KRIST: SEEING NO OBJECTIONS, SO ORDERED. MR. CLERK. [LB610]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO BRACKET THE BILL UNTIL JUNE 5, 2015. [LB610]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB610]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, HAVING OFTEN BEEN ON THE SHORT END OF THE STICK I WILL RISE TO THE DEFENSE OF A MEMBER WHO MAY BE VERY UNPOPULAR FOR WHATEVER REASON, BUT ONCE YOU INVOKE A RULE THAT HAS NOT BEEN INVOKED SINCE I'VE BEEN IN THE LEGISLATURE, THEN IT'S SOMETHING THAT

Floor Debate
April 01, 2015

HAS LAPSED AND HAS NO EFFECT AS FAR AS I'M CONCERNED, BUT IT IS THERE. AND I'LL READ THE RULE THAT WAS READ THAT DREW ME UP OUT OF MY OFFICE BECAUSE I DO FOLLOW YOU ALL. IT'S ON PAGE 11, SECTION 7 OF RULE 2: WHEN A MEMBER DESIRES TO SPEAK IN DEBATE OR TO DELIVER ANY MATTER TO THE LEGISLATURE, HE OR SHE SHALL RISE FROM HIS OR HER SEAT AND RESPECTFULLY ADDRESS HIMSELF OR HERSELF TO MR. OR MADAM PRESIDENT. A MEMBER SHALL SPEAK ONLY WHEN RECOGNIZED AND SHALL CONFINE HIS OR HER REMARKS TO THE QUESTION BEFORE THE LEGISLATURE. PEOPLE DON'T LIKE TO HEAR SENATOR LARSON. HE'S NOT AS CLEVER AS I AM. HE'S NOT AS WITTY AS I AM. HE IS NOT AS QUICK OF WIT AS I AM. NOBODY IN HERE IS. AND IF THAT'S THE STANDARD, ALL OF YOU ALL OUGHT TO JUST SIT DOWN AND SHUT UP. BUT WHEN THE MAJORITY OF YOU WANT TO DO SOMETHING, OR THE MAJORITY OF YOU FEEL IT'S TIME TO SHUT SOMEBODY UP, THEN YOU INVOKE A RULE THAT HAS NOT BEEN INVOKED. WHEN SENATOR SCHNOOR STOOD UP, HE VIOLATED THE VERY RULE THAT BROUGHT ME UP HERE. HE DID NOT STAND AND ADDRESS THE CHAIR. HE DID NOT WAIT TO BE RECOGNIZED. HE SHOUTED IT OUT AND WHO STOOD ON THIS FLOOR AND SAID SENATOR SCHNOOR IS OUT OF ORDER. SO THE ONES WHO WANT TO INVOKE THE RULE, VIOLATE THE RULE. BUT SINCE HE'S ON YOUR SIDE AND GOING THE DIRECTION YOU WANT TO GO IT'S ALL RIGHT. BUT IT'S NOT ALL RIGHT WITH ME. I HAVE SAID MORE THAN ANYBODY IN THIS LEGISLATURE OR OTHER SESSIONS OF THE LEGISLATURE THAT I'M CONCERNED ABOUT THIS BODY AS AN INSTITUTION. BUT THAT DOESN'T MEAN YOU HAVE TO SIT HERE AND SWALLOW SPIT AND ACT LIKE YOU'RE AT A TEA PARTY WHERE YOU'RE EATING CRUMPETS AND EVERYBODY'S PRETENDING TO BE SO COURTEOUS AND RESPECTFUL TOWARD EACH OTHER, HAVE THAT ETIQUETTE OF CONVERSATION AND NICENESS WHEN YOUR SIDE IS ALWAYS IN THE MAJORITY. THOSE WHO ARE ALONE OR IN THE MINORITY HAVE TO BE PREPARED TO FIGHT AND FIGHT FEROCIOUSLY. SO IF YOU WANT TO PLAY THE GAME OF RULES, I'M THE MAN THAT YOU CAN PLAY IT WITH. WHO IN THE WORLD CAN READ MY MIND AND TRY TO TELL WHAT REASON I HAVE FOR SAYING WHAT I SAY? AND THAT I'M NOT STICKING TO THE SUBJECT. WE HAVE DIFFERENT METHODOLOGIES FOR MAKING OUR POINT. SO WHAT YOU GOING TO DO IF I DON'T SIT DOWN AND SHUT UP? YOU GOING TO TELL THE STATE PATROL TO GET INVOLVED IN IT? AND THEY'D SAY YOU MUST BE OUT OF YOUR MIND. THAT'S FOR YOU ALL TO HANDLE. AND WHAT YOU SAID THIS MORNING, I'M NOT TALKING ABOUT THE CHAIR BECAUSE SOMEBODY APPARENTLY BROUGHT THE RULE TO HIM. BUT THE ONE IN THE CHAIR IS NOT THE SPEAKER. AND IF THERE'S GOING TO BE A PROTOCOL, IF THERE'S GOING TO BE AN ORDER ACCORDING TO WHICH THINGS ARE DONE WHEN AN ISSUE OF THIS KIND COMES UP, IN MY OPINION, IT'S THE JOB OF THE SPEAKER TO HANDLE IT. AND THAT'S WHY I DON'T

Floor Debate
April 01, 2015

LIKE TO HAVE ANYBODY OTHER THAN THE SPEAKER IN THE CHAIR WHEN A RULE'S QUESTION COMES BEFORE US. HOW ARE YOU GOING TO HAVE ANYTHING IN THE WAY OF CONSISTENCY IF I HAPPEN TO BE IN THE CHAIR AND I'M ALLOWED TO MAKE A RULING UNDER THE RULES? OR THE LIEUTENANT GOVERNOR IS IN THE CHAIR AND MAKES A RULING? OR SENATOR KRIST IS IN THE CHAIR AND A RULING IS MADE? THERE SHOULD BE ONE PERSON WHO SITS IN THE CHAIR WHEN RULINGS ON THE RULES OR QUESTIONS UNDER THE RULES ARE RAISED. THAT'S JUST ONE PERSON'S OPINION. AND MY OPINION DOESN'T COUNT FOR MUCH AROUND HERE. YOU KNOW WHAT COUNTS AROUND HERE AS FAR AS I'M CONCERNED, BECAUSE I'LL STAND UP FOR MYSELF, AND UNLIKE SENATOR LARSON IF I FELT LIKE I HAD TO TEAR UP THE SESSION I WOULD DO IT. IT'S JUST A MATTER OF DAYS. WHAT CAN YOU DO TO HURT ANYBODY? YOU CAN GET ANGRY, YOU CAN LOOK UGLY, BUT WHAT BEYOND THAT CAN YOU DO? AND NEXT SESSION YOU'LL GET OVER IT. IT ALWAYS HAPPENS. I'VE SEEN IT. YOU ALL FORGET THAT I'VE BEEN HERE 40 YEARS AND YOU HAVE NO RESPECT FOR THAT. YOU THINK I'M AS DUMB AS THE REST OF YOU WHO MAY HAVE JUST COME HERE WHERE A RULE CAN BE READ AND THEN PURSUANT TO THAT RULE YOU'RE GOING TO CALL SOMEBODY TO ORDER AND YOU'RE GOING TO BE OUT OF ORDER YOURSELF WHEN YOU DO IT. AND THE REST OF THEM SIT HERE AND SAY NOTHING! WELL, I'M NOT LIKE THAT. IT'S CLEAR TO SENATOR LARSON AND TO SOME OTHER PEOPLE THAT HE AND I DIFFER GREATLY ON ANY NUMBER OF ISSUES. HE THINKS I DON'T EVEN LIKE HIM PERSONALLY. HE'S NOT SIGNIFICANT ENOUGH FOR ME TO DISLIKE HIM PERSONALLY. I SAVE THAT. AND NOBODY IN HERE IS THAT SIGNIFICANT TO ME. YOU THINK I LEAVE HERE LIKE...THINK ABOUT SENATOR McCOY WHEN I'M NOT HERE OR OTHER PEOPLE WITH WHOM I'VE HAD DISPUTES? WHEN I WALK OUT OF HERE MY BRAIN IS LIKE A TOILET. I FLUSH ALL THAT STUFF OUT, AND THE NEXT TIME I COME HERE WE RESUME. AND THAT'S HOW I CAN GO FROM ONE ISSUE TO THE NEXT. I CAN FALL OUT WITH SOMEBODY ON THE FLOOR ON AN ISSUE, THEN BE STANDING RIGHT NEXT TO HIM, LIKE SENATOR SCHNOOR AND I WERE UP THERE WITH OUR HEADS TOGETHER PLOTTING AND SCHEMING AND CO-CONSPIRING. THERE'S A JOB THAT I COME HERE TO DO, AND I'M GOING TO DO IT IN THE WAY THAT I THINK THAT I SHOULD. I DON'T TELL YOU HOW TO CONDUCT YOUR AFFAIRS HERE. YOU WILL DO IT ANY WAY YOU THINK YOU SHOULD. YOU MAY BE INFLUENCED BY SPECIAL INTEREST GROUPS, THE GOVERNOR MAY PULL STRINGS ON YOU, LOBBYISTS, BUT THAT'S THE WAY YOU HAVE CHOSEN TO CONDUCT YOUR AFFAIRS. IT'S THE WAY YOU HAVE CHOSEN TO BE CONTROLLED. AND IF THAT'S THE WAY YOU THINK YOU SHOULD DO, DO IT. I'M THE ONE WHO SAID THAT IF PEOPLE IN SOME PART OF THE STATE WANT TO SEND A MULE SKINNER HERE TO REPRESENT THEM, LET THEM SEND THE MULE SKINNER HERE AND LET THE

Floor Debate
April 01, 2015

MULE SKINNER EXPRESS HIMSELF OR HERSELF THE WAY THE MULE SKINNER EXPRESSES HIMSELF OR HERSELF. THE PEOPLE WHO SENT THAT INDIVIDUAL HERE HAVE THE RIGHT TO LOOK FOR THAT INDIVIDUAL TO DO WHAT THEY KNEW THAT PERSON WOULD DO AND WHAT THEY EXPECT THAT PERSON TO DO. SO IF TO GET THE CHAIR'S ATTENTION, THAT MULE SKINNER WOULD SAY, YEE-HAW. THEN SAY, EXCUSE ME, BROTHER OR SISTER, BUT WE DON'T DO THAT TO GET THE CHAIR'S ATTENTION. BUT TO HAVE PEOPLE UP HERE JUDGING THE CONTENT OF WHAT SOMEBODY SAYS AND WHETHER THEY'RE ON POINT OR NOT? HOW MANY SENATORS HAVE GOTTEN UP HERE, FORGET ME BECAUSE I'M GOING TO DO IT ANYWAY, BUT OTHERS AND THEY'VE GONE FAR AFIELD? THEY MAY TALK ABOUT WHAT HAPPENED IN THEIR FAMILY. THEY MAY TALK ABOUT A VACATION THEY HAD. THEY MAY TALK ABOUT A SICK MEMBER OF THE FAMILY OR A SICK PERSON IN SOMEBODY ELSE'S FAMILY, AND THAT IS NOT THE SUBJECT OF DISCUSSION. BUT THERE IS THIS NOTION, WELL, IF IT'S THE RIGHT THING AND WE THINK THAT IT'S IMPORTANT THEN WE'LL SIT BACK AND LET IT GO. IF THE RULE IS THE RULE AND IT'S GOING TO BE APPLIED, LET IT BE APPLIED ACROSS THE BOARD TO EVERYBODY. ONE OF THOSE OLD GUYS...HOW MUCH TIME DO I HAVE, MR. SPEAK, MR. PRESIDENT? [LB610]

SENATOR KRIST: TWO MINUTES. [LB610]

SENATOR CHAMBERS: I MIGHT CAN GET THIS OUT. SENATOR SCHNOOR WOULD KNOW AND OTHERS WHO SAY THAT THEY ARE ACQUAINTED WITH THE "BIBBLE." HE WAS CALLED BEFORE THE SANHEDRIN OR THE RABBIS TO BE QUESTIONED ABOUT CERTAIN STATEMENTS HE WAS MAKING. THIS IS FROM THE NEW TESTAMENT, THE BOOK OF ACTS. AND HE SAID SOME THINGS ABOUT HOW THEY DIDN'T FOLLOW THE PROPHETS AND OTHER THINGS AND HE WAS CORRECT, AND SOMEBODY SLAPPED HIM. HE SAID, WHY IS IT THAT YOU JUDGE ME ACCORDING TO THE LAW, THEN YOU SMITE ME CONTRARY TO THE LAW? AND THE QUESTION WAS NOT ANSWERED. BUT I'M NOT GOING TO LET THOSE QUESTIONS HANG UNANSWERED HERE. WHY DO YOU WANT TO INVOKE THE LAW OR THE RULES IN THIS CASE AGAINST SOMEBODY YOU DON'T CHOOSE TO HEAR, THEN YOU'RE QUIET AS MICE WHEN SOMEBODY VIOLATES THAT VERY RULE? SENATOR LARSON NEVER SPOKE UNTIL HE WAS RECOGNIZED. SENATOR SCHNOOR STOOD UP AND SHOUTED--I CALL HIM TO ORDER! [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

Floor Debate
April 01, 2015

SENATOR CHAMBERS: HE DOESN'T EVEN HAVE THE AUTHORITY TO DO THAT. BUT HE DIDN'T FOLLOW THE RULE. AND IT'S ONLY PURSUANT TO THE RULE HE WAS HOLLERING UNDER THAT HE COULD HOLLER. THAT'S WHAT HAPPENS WHEN PEOPLE ARE ARROGANT, WHEN THEY ARE DISREGARDFUL BECAUSE THEY'RE IN THE MAJORITY. AND THE TYRANNY OF THE MAJORITY IS WHAT I WILL FIGHT AND I'LL FIGHT IT ALONE IF I HAVE TO AND IF IT TAKES THE WHOLE SESSION I WILL DO IT. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. THOSE WISHING TO SPEAK ON LB610 OR THE BRACKET MOTION INCLUDES SENATOR STINNER, McCOLLISTER, HUGHES, FRIESEN, PANSING BROOKS, AND OTHERS. SENATOR STINNER, YOU'RE RECOGNIZED. [LB610]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I RISE TODAY IN SUPPORT OF LB610 AND AGAINST THE BRACKETING. SINCE I DECIDED TO RUN FOR THE LEGISLATURE, IT WAS A CONSTANT THEME AMONGST OFFICIALS OF THE COUNTY AND MUNICIPALITIES THAT THEY DID NOT HAVE ENOUGH FUNDS FOR ROADS AND BRIDGES. THE MAJORITY OF THEIR CASE WAS AROUND UNFUNDED MANDATES THAT WERE IN ESSENCE CROWDING OUT AVAILABLE FUNDS FOR STREETS AND ROADS. MARK MASTERTON, CHAIRMAN OF THE SCOTTSBLUFF COMMISSIONERS, CONTINUED TO PULL MY EARS AND INSIST THAT THE COUNTIES NEEDED A SEPARATE FUNDING SOURCE. SO WHEN I WAS APPROACHED BY THE LEAGUE OF MUNICIPALITIES AND NACO TO SPONSOR LEGISLATION REESTABLISHING STATE AID TO COUNTIES AND CITIES, SPECIFICALLY FOR INFRASTRUCTURE IMPROVEMENTS, I CONSENTED. THE LEGISLATION TOOK ON THE FORM OF LB633, WHICH WAS PRESENTED TO THE APPROPRIATION'S COMMITTEE, AND THE ASKING WAS FOR \$40 MILLION--HALF GOING TO THE CITIES, HALF GOING TO THE COUNTIES. THIS BILL WAS INTRODUCED SPECIFICALLY TO ADDRESS PROPERTY TAX RELIEF AND REESTABLISH A FUNDING SOURCE FOR CITIES AND COUNTIES. DURING THE HEARING, MARLENE JOHNSON, MAYOR OF WEST POINT AND PRESIDENT OF THE LEAGUE OF NEBRASKA MUNICIPALITIES, SPOKE AND I QUOTE--NEBRASKA'S TRANSPORTATION SYSTEM IS OF VITAL IMPORTANCE. FIRST AND FOREMOST, THIS ADDITIONAL REVENUE IS NEEDED TO HELP ADDRESS SAFETY CONCERNS. SAFETY-RELATED ISSUES INCLUDE THOSE CAUSED BY DETERIORATING INFRASTRUCTURE AS WELL AS CONGESTION AREAS WITH INCREASED TRAFFIC. SECOND, AND CRITICALLY IMPORTANT, IS THE NEED FOR ADDITIONAL REVENUE TO HELP MAINTAIN AND IMPROVE OUR TRANSPORTATION INFRASTRUCTURE FOR ECONOMIC DEVELOPMENT AND REDEVELOPMENT EFFORTS. I HAVE WITH ME A LIST OF UNFUNDED MANDATES,

Floor Debate
April 01, 2015

IF ANYONE IS INTERESTED IN TAKING A LOOK AT IT, PUT TOGETHER BY MUNICIPALITIES. I ALSO HAVE A LISTING OF RECENT CUTS THAT WERE MADE IN...THREE CUTS THAT WERE MADE IN MUNICIPAL AID PROGRAMS JUST FOR YOUR INFORMATION PURPOSES. I HATE TAX INCREASES WITH A PASSION, BUT I WILL TELL YOU THIS, THAT THIS IS A USER TAX AND A USER FEE BY DEFINITION. AND I CAN ACCEPT IT AS THAT SPECIFIC FUNDING SOURCE AS LONG AS IT'S USED AS A DRIVER TO DRIVE COST DOWN AT THE LOCAL LEVEL AND IT IS USED TO CAP OR DECREASE PROPERTY TAX. I WILL YIELD THE REST OF MY TIME TO SENATOR SMITH IF HE NEEDS IT. HE DOESN'T LOOK LIKE HE NEEDS IT. [LB610 LB633]

SENATOR KRIST: SENATOR SMITH, TWO MINUTES IF YOU WISH TO HAVE IT. [LB610]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND COLLEAGUES. I REALLY ENCOURAGE...I KNOW MANY OF YOU REMAIN TO HAVE...YOU CONTINUE TO HAVE QUESTIONS. I ENCOURAGE YOU TO GET ON THE MIKE AND ASK ME THE QUESTIONS THAT YOU HAVE ABOUT THIS BILL. I APPRECIATE YOUR ENGAGEMENT ON THIS ISSUE. I KNOW WE'RE GETTING A BIT DISTRACTED HERE THIS MORNING, BUT I HOPE THAT WE CAN STICK TO THE ISSUE AT HAND. IT IS VERY IMPORTANT FOR NEBRASKA. IT'S IMPORTANT FOR OUR RURAL COMMUNITIES AND FOR OUR CITIES THAT ARE INCREASINGLY DEPENDENT UPON PROPERTY TAX AND WHEEL TAXES TO PAY FOR THEIR INFRASTRUCTURE NEEDS IN THEIR COMMUNITIES. THIS IS NOT AN EASY TOPIC, COLLEAGUES, I KNOW IT'S NOT. I KNOW YOU'RE GETTING A LOT OF PRESSURE, BUT THIS IS WHERE THE HEAVY LIFTING BEGINS. THAT'S WHY WE WERE VOTED TO COME HERE. WE HAVE OUR CORE VALUES, ADHERE TO YOUR CORE VALUES, BUT USE GOOD SENSE TO ADDRESS... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR SMITH: ...GOOD POLICY. SO AGAIN, COLLEAGUES, THANKS FOR YOUR ENGAGEMENT THIS MORNING. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR SMITH AND SENATOR STINNER. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB610]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND A CHEERFUL GOOD MORNING, COLLEAGUES, ON A BEAUTIFUL SPRING DAY. SENATOR SMITH HAS

Floor Debate
April 01, 2015

CHARACTERIZED THE GAS TAX AS A USER FEE, WHICH IS CERTAINLY TRUE. THE CITIZEN WANTS TO DRIVE A VEHICLE ON OUR STREETS OR ROADS, HE OR SHE PAYS A GAS TAX, PAYS A TAX ON THE GASOLINE HE OR SHE BUYS. SO THERE IS A DIRECT CORRELATION BETWEEN THE COST AND THE BENEFIT, THUS, THE TAX IS EASILY UNDERSTOOD AND IS EMINENTLY FAIR. IS THE TAX REGRESSIVE? IS THE TAX REGRESSIVE? UNFORTUNATELY, MOST USER FEES ARE REGRESSIVE, BUT I'D CONTEND THAT THE TIMING IS GOOD FOR THIS INCREASE IN THE GASOLINE TAX. THE 6 CENTS WE'LL RAISE OVER THE FOUR YEARS IS JUST A DROP IN THE BUCKET COMPARED TO THE 90 CENTS THAT WE'VE DECREASED THAT WE'VE SEEN IN OUR GAS PRICES OVER THE LAST YEAR. WE'VE BEEN CHARACTERIZED THAT IT'S BEEN INDICATED THAT THE INCREASE IN COST IS \$45 A YEAR, BUT YET THE DECREASE IN COST TO MOST MOTORISTS FOR THE LOWER GASOLINE PRICES IS ACTUALLY \$135. SO THERE'S A NET DECREASE TO TAXPAYERS OF \$90 A YEAR. SO I THINK THE TIMING IS GOOD. SENATOR KINTNER INDICATED THAT THIS IS A TAX INCREASE, WHICH SHOULD BE "INVOIDED." AND I CONTEND THIS IS A GOOD TAX, A TAX RELATED TO A USER FEE. AND WE DO HAVE SOME EFFORT TO MAKE ON INCOME TAXES AND PROPERTY TAXES--14th HIGHEST IN PROPERTY TAXES IN THIS COUNTRY, 15th HIGHEST ON INCOME TAXES. WE ALSO NEED TO ADDRESS THE HIGH COST OF LICENSES, AND WE ARE CURRENTLY RANKED SEVENTH IN THAT EFFORT. SO WE CAN DIRECT OUR ATTENTION TO THOSE TAXES THAT ARE UNREASONABLY HIGH AND GO AHEAD AND TAKE THE INCREASE. WILL VOTERS TAKE US TO THE WOODSHED ON THIS TAX INCREASE? I DO NOT BELIEVE THEY WILL. TRULY, VOTE AGAINST THE BRACKET IF YOU WOULD AND FOR LB610. THIS IS WHERE THE RUBBER MEETS THE ROAD. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB610]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WILL BE BRIEF. I AM SUPPORTIVE OF LB610. THE ROADS THAT WE HAVE IN RURAL NEBRASKA ARE THE LIFEBLOOD OF OUR ECONOMY, ESPECIALLY THE AGRICULTURAL ECONOMY. WE'VE GOT TO HAVE WAYS TO GET OUR CROPS TO MARKET. WE ALSO HAVE TO HAVE WAYS TO GET PRODUCTS BACK TO THE RURAL COMMUNITY TO KEEP THEM ALIVE. PART OF WHY I'M SUPPORTIVE OF THIS IS PROPERTY TAX RELIEF WHERE A CHUNK OF THIS MONEY IS GOING TO THE COUNTIES. I'VE LOOKED AT THE COUNTY BUDGETS. I KNOW WHAT KIND OF ROADS WE'RE DEALING WITH THAT THE COUNTIES ARE RESPONSIBLE FOR. THIS IS GOOD POLICY. ACCORDING TO SENATOR SMITH, AND I BELIEVE HE HAS THE FACTS, THE HIGHWAY TAX HAS NOT BEEN RAISED IN DECADES. TO MY

Floor Debate
April 01, 2015

COLLEAGUES AND ESPECIALLY TO MY FRESHMAN COLLEAGUES, THIS IS A TOUGH DECISION. THIS IS NOT ONE TO BE MADE LIGHTLY. BUT I DO NOT...I AGREE WITH SENATOR McCOLLISTER, I DO NOT BELIEVE THIS IS A MAKE-OR-BREAK DECISION FOR OUR CAREERS IN THE LEGISLATURE. WE'VE GOT A LONG WAYS TO GO. YOU KNOW, WE'RE IN, YOU KNOW, THE BEGINNING SECOND HALF OF OUR FIRST SESSION. WE'VE GOT A LONG, LONG WAYS TO GO. FOR US CONSERVATIVES TO BE SUPPORTIVE OF A TAX INCREASE IS A HARD PILL TO SWALLOW, BUT THE DECISIONS WE MAKE HERE HAVE GOT TO BE MADE ON FACT, NOT EMOTION. WE CAN'T BE CONCERNED ABOUT HOW THIS IS GOING TO AFFECT US TWO, THREE, FOUR, FIVE YEARS DOWN THE ROAD. WE'VE GOT TO MAKE THE BEST DECISION WE CAN WITH THE FACTS WE HAVE TODAY AND MOVE ON. SO I WOULD ENCOURAGE YOU ALL TO SUPPORT LB610. THANK YOU. [LB610]

SENATOR KRIST: THANK YOU, SENATOR HUGHES. THOSE STILL WISHING TO SPEAK: SENATOR PANSING BROOKS, BRASCH, CRAWFORD, GROENE, CHAMBERS, AND OTHERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB610]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB610 AND AM AGAINST THE BRACKET. I WANT TO JUST TALK ABOUT THE FACT THAT I THINK THIS IS VERY IMPORTANT TO HELP TO FIX BRIDGES AND ROADS. WHEN I WAS CAMPAIGNING, ONE OF THE THINGS THAT I TALKED ABOUT OFTEN WAS COMPARING THE WORK OF THE STATE TO THE WORK THAT WE HAVE EVERY DAY IN OUR LIVES. AND THAT WORK IS, I THINK, A THREE-LEGGED STOOL DEALING WITH THE PEOPLE, THE JOBS AND THE ECONOMY, AND INFRASTRUCTURE. AND I TALKED ABOUT THAT IN EACH OF MY CAMPAIGN STOPS. AGAIN, IN OUR HOUSE WE DEAL WITH OUR PEOPLE, AND THAT MEANS OUR CHILDREN, OUR FAMILIES. AND WHEN WE DEAL WITH THE PEOPLE IN OUR HOUSE, WE DEAL WITH THEIR HEALTH, WITH THEIR EDUCATION, WITH FEEDING THEM. AND I WOULD SAY THAT...I WANT TO SAY THAT THE SAME THREE-LEGGED STOOL FITS WITHIN THE STATE AS FAR AS THE PEOPLE, ECONOMY, JOBS, AND INFRASTRUCTURE. IN OUR HOUSES, WE DEAL WITH OUR JOBS AND ECONOMY. SO MUCH OF OUR TIME IS SPENT TRYING TO MAINTAIN OUR JOBS, TO HAVE A SUFFICIENT INCOME TO LIVE. AND WE HAVE THE SAME DUTIES IN THE STATE TO MAKE SURE THAT WE HAVE GREAT ECONOMIC DEVELOPMENT, THAT WE MAKE OPPORTUNITIES AVAILABLE FOR OUR CITIZENS TO BE ABLE TO BRING JOBS TO CREATE A ROBUST ECONOMY. AND THEN WE GO TO INFRASTRUCTURE. AND IN OUR HOUSES, IF WE HAVE ICE DAMAGE FROM A STORM, WE HAVE TO IMMEDIATELY WORK ON IT AND TRADE FUNDS TO BE ABLE TO FORGET SOME NEW CLOTHES OR FORGET SOMETHING WE WANTED OR HAD BEEN SAVING UP FOR AND WE HAVE TO FIX THAT DAMAGE IN OUR HOUSE. OR IF OUR DRIVEWAY

Floor Debate
April 01, 2015

FALLS APART AND WE'VE GOT MAJOR CRACKS AND WE CAN'T DRIVE OVER IT, WE HAVE TO DEAL WITH THAT IN OUR HOUSE. AND I WOULD SUGGEST THAT THE SAME SOMETHING IS TRUE IN THE STATE. WHEN WE HAVE CRUMBLING ROADS, CRUMBLING BRIDGES THAT ARE UNSAFE TO OUR PEOPLE, WE NEED TO DEAL WITH IT. AND TO MAKE THIS GAS TAX A POLITICAL ISSUE, I THINK IS SHORTSIGHTED. WHEN SENATOR CAMPBELL AND I WORKED ON THE 2006-2007 BOND ISSUE FOR LINCOLN FOR THE LINCOLN PUBLIC SCHOOLS, IT WAS A \$250 MILLION CAMPAIGN. WE HAD TO GO AROUND TO BUSINESSES TO RAISE MONEY FOR THE ELECTION. AND EVERYWHERE WE WENT, THE BUSINESSES WOULD SAY, WE ARE SUPPORTING THIS BECAUSE WE HAVE SO MUCH TO OFFER IN LINCOLN. OUR EDUCATION IS STRONG, WE HAVE A HIGH LEVEL OF SAFETY IN OUR CITY, AND OUR INFRASTRUCTURE IS VERY STRONG. AND WE NEED TO CONTINUE THAT. WHEN WE LOOK AT THE WESTERN PART OF THE STATE, WE ALL NEED TO TAKE A PART OF THIS AND MAKE SURE THAT NEBRASKA DOESN'T BECOME A DRIVE-AROUND STATE AS WELL AS A FLY-OVER STATE. AND I THINK IT'S VERY IMPORTANT. AND I WOULD LIKE TO THANK SENATOR SMITH FOR HIS VISION AND COURAGE IN BRINGING THIS FORWARD TO HELP US TAKE CARE OF OUR ROADS AND BRIDGES. I'D LIKE TO THANK SENATOR FRIESEN FOR HIS COURAGE TO PRIORITIZE THIS BILL AND TO HELP TO MAKE THE STATE A ROBUST STATE FOR OUR ECONOMY TO BE ABLE TO HAVE NATIONAL COMMERCE AND INTERNATIONAL COMMERCE GOING THROUGH OUR STATE. THAT'S OUR HOPE FOR OUR FUTURE AND FOR OUR ECONOMY, TO KEEP IT STRONG. TALK ABOUT ECONOMIC DEVELOPMENT, THIS IS THE PATHWAY FOR OUR ECONOMIC DEVELOPMENT IN OUR STATE. SO...AND AGAIN, I HEAR PEOPLE TALKING ABOUT THE FACT THAT THEY THINK THAT THIS IS REGRESSIVE IN NATURE. AND I WOULD SUBMIT SOMETIMES THESE TAXES CAN SEEM TO BE REGRESSIVE. BUT ON THE OTHER HAND, I THINK IT'S ALSO REGRESSIVE WHEN PEOPLE CAN'T GET TO THEIR JOBS, WHEN PEOPLE HAVE TO SPEND MORE MONEY FIXING THEIR CARS AND THEIR MODES OF TRANSPORTATION THAN THEY WOULD SPEND ON ANY PART OF THIS GAS TAX. I BELIEVE THAT IS REGRESSIVE. SO AGAIN... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. SO AGAIN, COLLEAGUES, I WOULD ASK YOU TO VOTE AGAINST THE BRACKET MOTION AND VOTE YES ON LB610. THANK YOU SO MUCH. AND IF THERE'S...I DON'T THINK THERE'S ANY TIME TO YIELD TO SENATOR SMITH, SO. I'LL YIELD TO SENATOR SMITH IF HE... [LB610]

SENATOR KRIST: TWENTY-SIX SECONDS. [LB610]

Floor Debate
April 01, 2015

SENATOR PANSING BROOKS: OH, 26 SECONDS. I'LL YIELD TO SENATOR SMITH. OKAY. [LB610]

SENATOR KRIST: SENATOR SMITH WAIVES. THANK YOU, SENATOR PANSING BROOKS. (VISITORS INTRODUCED.) RETURNING TO DISCUSSION, THOSE WISHING TO SPEAK: SENATOR BRASCH, CRAWFORD, GROENE, CHAMBERS, AND KEN HAAR. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB610]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I DO STAND IN SUPPORT OF THE BRACKET AND IN THE OPPOSITION TO LB610. I DO BELIEVE WE NEED WORK ON OUR BRIDGES. AS A SENATOR, AND SOME OF YOU ARE NEW HERE, EVERY SINGLE YEAR I HAVE GONE OUT AT LEAST TWO FULL DAYS WITH OUR DEPARTMENT OF ROADS CREW. I HAVE...NOT ONLY ON THE INTERIM STUDY, BUT I HAVE BEEN LOOKING AT BRIDGES, UNDER BRIDGES, WITH THE PEOPLE WHO ARE WORKING ON THE BRIDGES. AND THE SAME WITH THE ROADS. THIS LAST YEAR, I WAS ACTUALLY GIVEN A PROMOTION, ABLE TO HELP IN POURING THE CONCRETE OFF OF THE BIG EQUIPMENT AND WATCHING A NEW HIGHWAY COME DOWN. THAT WAS QUITE AN EXCITING THING TO DO. HOWEVER, MY INTEREST IN ROADS STARTED WELL BEFORE I WAS EVEN ELECTED FOUR YEARS AGO. HIGHWAY 275 HAS BEEN A HIGHWAY THAT HAS BEEN LONG-AWAITED, LIKE MANY OTHERS ACROSS THIS STATE. AND PRIOR TO MY ELECTION, THERE WAS A MAJOR SYMPOSIUM HELD IN OMAHA. AND I PULLED UP THE PAGE. IT WAS A TRANSPORT...NEBRASKA TRANSPORTATION FUNDING CONFERENCE. SENATOR FISCHER WAS ONE OF THE LEADERS, SO WAS SENATOR ASHFORD, PERHAPS SPEAKER HADLEY WAS THERE. BUT WHEN YOU PRINT OUT THE PAGE, IT WAS HELD AUGUST 26, 2010, AND THEY HAD A CROWD OF NEARLY 300 PEOPLE THAT ATTENDED. AND THEIR TASK WAS TO FIND ROADS FUNDING AND A PATH TO ROADS FUNDING. PRIOR TO THAT, THERE HAD BEEN A RECESSION. THERE WAS NO FUNDING. THEY LOOKED ON HOW TO FUND ROADS. THEY LOOKED AT SEVERAL OTHER STATES. THEY LOOKED AT THE METHODS: TYPES OF FUNDING; THEY DISCUSSED WAS BONDING; INCREASING THE GAS TAX; PUBLIC-PRIVATE PARTNERSHIPS; TRANSPORTATION IMPROVEMENT DISTRICTS; TOLLING; LOCAL OPTION FUELS TAX; INCREASE STATE VEHICLE REGISTRATION FEE, WHICH WE WON'T GO THERE; AN ELECTRIC VEHICLE FEE; INCREASE IN BASE MOTOR VEHICLE FEES; THE VEHICLE MILES TRAVELED TAX; INDEX THE FUEL TAX TO INFLATION; INCREASE RECREATIONAL VEHICLE REGISTRATION; ADJUST...THEY HAD A LIST. MY POINT IS, THEY EXPLORED EVERYTHING. AND THEY TALKED TO NEIGHBORING STATES. THIS SYMPOSIUM CAME UP WITH A CONCLUSION OF WHAT BECAME LB84. IN VISITING WITH THE CURRENT ROADS DIRECTOR, RANDY

Floor Debate
April 01, 2015

PETERS, HE HAD TESTIFIED IN COMMITTEE LAST YEAR WHEN IT CAME TO BONDING THAT LB84 IS JUST STARTING TO WORK, THE MONEY IS THERE, THE MONEY IS COMING IN, THAT WE SHOULD HAVE SOME PATIENCE. SEEING THAT WE HAVE A NEW DIRECTOR THAT WE HAVE NOT HIRED YET, BUT I BELIEVE WE SHOULD GIVE HIM OR HER THE OPPORTUNITY TO SEE WHAT HAS BEEN IN PLACE, WHAT FUNDING WE HAVE IN PLACE, LOOK AT SOME OF THE OPTIONS WE HAVE DISCUSSED, AND GIVE THAT NEW DIRECTOR A CHANCE TO APPLY THEIR EXPERTISE IN IT IN THIS AREA. I DO BELIEVE THAT AS MANY OF YOU HAVE BEEN SPEAKING TO YOUR DISTRICTS AND TOWN HALLS AND OTHERS, THAT PROBABLY THE NUMBER ONE ISSUE HAS NOT BEEN ROADS. THAT IS WHY MY PRIORITY BILL IS NOT ROADS... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR BRASCH: ...AND THAT'S WHY SENATOR SMITH'S PRIORITY BILL WAS NOT ALSO THIS FUNDING. HOWEVER, IT IS A SOLUTION TO LOOK AT. BUT I BELIEVE WE SHOULD GO IN ORDER OF WHAT THE TAX MODERNIZATION COMMITTEE RECOMMENDS ON ISSUES WE NEED TO ADDRESS. AND I BELIEVE THAT THIS IS NOT THE RIGHT TIME TO INCREASE GAS TAX. IT WOULD BE NICE FOR ONCE TO BE THE STATE WITH A LOWER TAX IN SOMETHING. LET'S HAVE IT THE LOWER TAX IN GAS. THANK YOU, COLLEAGUES. [LB610]

SENATOR KRIST: THANK YOU, SENATOR BRASCH. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB610]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE AGAINST THE BRACKET MOTION IN SUPPORT OF LB610. AND I WOULD LIKE TO THANK SENATOR SMITH FOR HIS WORK ON THIS WITH THE INTERIM STUDY LOOKING AT THE TRANSPORTATION NEEDS AND BRINGING THIS BILL TO US AND THANK SENATOR FRIESEN FOR PRIORITIZING IT, AND MANY OF THE PEOPLE WHO HAVE STOOD TO SPEAK ON THE BILL. SENATOR FRIESEN AND I HAVE HAD MULTIPLE DISCUSSIONS ABOUT PROPERTY TAXES AND DIFFERENT WAYS TO TRY TO TACKLE THAT ISSUE AND HOW TO MOVE FORWARD IN MEANINGFUL PROPERTY TAX RELIEF. AND I THINK I JUST WANT TO REMIND THE COLLEAGUES OF THE DISCUSSION YESTERDAY WHEN SENATOR SMITH OPENED ON THE BILL ABOUT THIS BEING A PART OF A NECESSARY RESTRUCTURING OF OUR ENTIRE TAX SYSTEM. I THINK ALL OF US UNDERSTAND THE NEED TO ADDRESS PROPERTY TAXES, AND MUCH OF THE PROBLEM WITH PROPERTY TAXES ARE IMBALANCES IN OUR TAX SYSTEM, INCLUDING FUNDING FOR EDUCATION. THAT'S PART OF

Floor Debate
April 01, 2015

THAT IMBALANCE IN OUR TAX SYSTEM. AND INCLUDING THE FACT THAT WE...THE MONEY TO COUNTIES AND CITIES FOR MANY OF THEIR NEEDS WAS TAKEN AWAY IN A BUDGET CRISIS AND WE HAVEN'T REALLY DEALT WITH THAT AND ADDRESSING THAT ISSUE SINCE THEN. THAT'S ANOTHER IMBALANCE THAT WE'VE HAD. NOW, COLLEAGUES, I, LIKE MANY OF YOU, WOULD PREFER TO BE TALKING ABOUT LB610 RIGHT AFTER WE WERE TALKING ABOUT SOME TAX CUT BILL. THAT WOULD BE NICE. BUT WE ADDRESS THE BILLS AS THEY COME ON THE FLOOR IN THE ORDER THAT THEY COME ON THE FLOOR, AND THIS IS THE BILL THAT'S ON THE FLOOR RIGHT NOW. IT IS, IN MY MIND, A PART OF THAT LARGER PACKAGE OF RESTRUCTURING AND OUR TAX SYSTEM TO MAKE SURE WE'RE BEING RESPONSIBLE STEWARDS OF OUR TAXPAYERS' DOLLARS AND RESPONSIBLE STEWARDS OF OUR STATE RESOURCES AND OUR STATE ECONOMY. AND SO THIS IS WHAT'S IN FRONT OF US. I WANTED TO REMIND COLLEAGUES WHAT SENATOR HADLEY REMINDED OF US YESTERDAY OF HOW MANY IMPORTANT INCOME TAX REDUCTIONS WE HAVE PASSED IN THE PAST FEW YEARS. WE HAVE BEEN WORKING ON THIS TAX STRUCTURE OVER THE PAST FEW YEARS TRYING TO REDUCE TAXES, AND THIS IS A PIECE OF THAT AS WELL. I WONDER IF SENATOR SMITH WOULD YIELD TO QUESTIONS. [LB610]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES. [LB610]

SENATOR CRAWFORD: SENATOR SMITH, ONE OF OUR CHALLENGES HERE IS WE ALWAYS PROBABLY HAVE MORE NEEDS THAN WE HAVE RESOURCES FOR. AND SO I THINK, YOU KNOW, ONE OF THE CONCERNS OR QUESTIONS I'VE HEARD ABOUT LB610 IS, WELL, YOU KNOW WE POUR...WE PUT...WE PASSED LB84 BEFORE, SO WE WE'RE PUTTING MONEY INTO ROADS. AND SO HERE'S ANOTHER BILL TO PUT MONEY INTO ROADS, AND WHEN DOES IT END? AND WHEN IS ENOUGH IS ENOUGH ON PUTTING MONEY IN TO ROADS? I JUST WONDERED IF YOU WOULD RESPOND TO THAT IN THE SENSE OF THE EXTENT TO WHICH LB610 ADDRESSES NEEDS OR HOW DO WE KNOW WHEN WE'VE PUT ENOUGH MONEY INTO ROADS? [LB610]

SENATOR SMITH: THANK YOU FOR THAT QUESTION, SENATOR CRAWFORD. MR. PRESIDENT, HOW MUCH TIME DO I HAVE? [LB610]

SENATOR KRIST: 1:49. [LB610]

Floor Debate
April 01, 2015

SENATOR SMITH: OKAY. YES. WELL, FIRST OF ALL, WE GO BACK TO LB84, SENATOR FISCHER'S BILL WHEN SHE WAS HERE IN THE LEGISLATURE. THAT WAS EARMARKED FOR EXPRESSWAY SYSTEMS, AND THERE'S ABOUT \$600 MILLION IN BACKLOG NEEDS IN EXPRESSWAY SYSTEMS ACROSS OUR STATE. LB84 WAS EARMARKED FOR THAT. THAT WAS THAT ONE-QUARTER CENT SALES TAX. AND THEN WE HAVE THE 4 LANES (4) NEBRASKA, WHICH IS A NEW PROJECT THAT'S NOT INCLUDED IN THAT. SO THAT'S GOING TO BE AN ADDITIONAL PROJECT THAT'S OUT THERE THAT WE'RE GOING TO NEED TO FIND FUNDING FOR. BUT WHAT'S AT HAND RIGHT HERE REALLY ADDRESSES OUR MAINTENANCE NEEDS. WHAT IS AT HAND IS TO ADDRESS THE ONE IN FOUR RURAL BRIDGES THAT ARE OBSOLETE OR DEFICIENT. IT WILL... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR SMITH: IT GOES TO ADDRESS THE ONE IN TEN STATE BRIDGES THAT ARE OBSOLETE OR DEFICIENT. IT GOES TO HELP ADDRESS THE, I BELIEVE IT'S NEARLY \$10 BILLION IN MAINTENANCE NEEDS OVER THE NEXT 20 YEARS THAT WE HAVE WITH OUR ROAD SYSTEMS. AND PRIMARILY, IT'S HARDEST HITTING THE COUNTIES AND CITIES, YOU HEARD SENATOR BRASCH TALK ABOUT THE PROPERTY TAX. IT GOES TO EASE THE PRESSURE ON THE PROPERTY TAXES IN THOSE COMMUNITIES. SO THESE ARE HUGE DOLLARS THAT WE'RE TALKING ABOUT AND THESE ADDRESS THE MAINTENANCE. [LB610]

SENATOR CRAWFORD: THANK YOU, SENATOR SMITH. I HAVE ANOTHER QUESTION FOR YOU IN THE LITTLE TIME LEFT. I WOULD LIKE YOU TO ANSWER THE QUESTION OF WHETHER OR NOT IF WE PASSED LB610, WILL WE BE THE HIGHEST GAS TAX STATE AROUND OR WILL WE STILL BE LOWER THAN SEVERAL SURROUNDING STATES? [LB610]

SENATOR SMITH: GREAT. IF I RUN OUT OF TIME, I CAN ADDRESS THAT. BUT OUR TWO IMMEDIATE STATES THAT HAS BEEN A CONCERN WITH BORDER BLEED, THAT IS GOING ACROSS THE BORDER TO FUEL UP WITH OUR TRUCKERS AND SUCH, WE...IF THIS IS FULLY IMPLEMENTED IN FOUR YEARS, IN FOUR YEARS, WE WILL STILL BE SLIGHTLY UNDER IOWA. IOWA TOOK ON A...THEY WERE...SO...BUT OVER THE NEXT FOUR YEARS, WE WILL REMAIN UNDERNEATH THEM. AND THEN WHEN IT'S FULLY IMPLEMENTED, WE WILL STILL BE SLIGHTLY UNDERNEATH IOWA AND WE WILL BE NECK AND NECK WITH SOUTH DAKOTA. WE ARE... [LB610]

Floor Debate
April 01, 2015

SENATOR KRIST: TIME, SENATORS. THANK YOU, SENATOR CRAWFORD AND SENATOR SMITH. SENATOR GROENE, YOU'RE RECOGNIZED. [LB610]

SENATOR GROENE: EXCUSE ME, JUST A SECOND. THANK YOU, MR. PRESIDENT. I RISE...FIRST, I WANT TO THANK SENATOR SMITH AND SENATOR FRIESEN. THEY'RE LIKE-MINDED FISCAL CONSERVATIVES. THEY UNDERSTAND WHAT GOVERNMENT IS FOR. YOU KNOW, WHEN OUR FOUNDING FATHERS STARTED OUR COUNTRY, ONE OF THE FIRST THINGS THEY APPROPRIATED FOR WAS A POSTAL SERVICE BECAUSE THEY KNEW THAT WAS USED BY ALL. IT WAS A GOOD THAT WAS USED BY THE CITIZENS, ALL OF THEM. AND THAT'S WHAT ROADS ARE FOR. THAT'S GOOD GOVERNMENT. WE NEED INFRASTRUCTURE. WE NEED GOOD INFRASTRUCTURE. BUT I HAVE A REAL CONCERN. NOW HERE'S THE BIG "BUT" WITH LB610. I DON'T LIKE IT. I'M A FISCAL CONSERVATIVE. I UNDERSTAND OUR GOVERNOR IS IN CHARGE OF OUR STATE ROADS DEPARTMENT. I UNDERSTAND THAT HE'S NEW. I UNDERSTAND HE RAN ON CERTAIN ISSUES AND ONE OF THEM WAS ROADS. I UNDERSTAND THAT HE'S HIRING A NEW DEPARTMENT HEAD. AND BEING IN MANAGEMENT MYSELF IN THE PAST, YOU DO NOT HIRE SOMEBODY AND THEN TELL THEM I'M GOING TO GIVE YOU MORE MONEY BEFORE YOU PROVE YOURSELF OR BEFORE YOU ANALYZE WHAT WE PUT YOU IN CHARGE OF AND WHAT YOU BELIEVE YOUR NEEDS ARE. ALSO, THIS BILL IS SPLIT INTO THREE PARTS. SO I HAVE TO ANALYZE ALL THREE PARTS. DOES THE STATE NEED MORE FUNDING? I LOOKED AT THE STUDY DONE BY THE REASON FOUNDATION. IT'S WELL RESPECTED. IT'S BEEN DONE BY THE SAME PROFESSOR OUT OF NORTH CAROLINA FOR THE LAST 20 YEARS. HE RATES OUR STATE'S LOAD SIXTH IN THE NATION. THE SIXTH BEST IN NATION. HE SAYS OUR MAINTENANCE DISTRIBUTION PER MILE IS 19th; OUR CAPITAL BRIDGE DISTRIBUTION IS 10th IN THE NATION; RURAL INTERSTATE, WE'RE NUMBER ONE. THE ONE THAT I THINK THE NEW ADMINISTRATOR NEEDS TO LOOK AT, ADMINISTRATIVE COSTS PER MILE IS FIFTH. SO WE GOT A PROBLEM WITH HOW MUCH MONEY WE'RE SPENDING ON ADMINISTRATION, APPARENTLY. HOPEFULLY HE LOOKS AT THAT. THEN I GO TO THE CITIES. THE CITIES HAVE FUNDING SOURCES OF PROPERTY TAXES, SALES TAX, ECONOMIC DEVELOPMENT GRANTS, TAX INCREMENT FINANCING IF USED CORRECTLY. THEY HAVE A LOT OF FUNDING SOURCES THAT THEY CAN WORK WITH TO BUILD THEIR ROADS AND THEIR STREETS. THEN I GO TO THE COUNTIES. THE COUNTIES HAVE PROPERTY TAXES. THAT IS IT. THEY HAVE PROPERTY TAXES AND A LITTLE BIT OF MONEY THAT COMES IN FROM VEHICLE REGISTRATIONS. IN OUR STATE STATUTES, THANKS TO SENATOR SMITH, IN ONE OF HIS HANDOUTS IT SAYS THAT ALL COUNTIES, CITIES, AND VILLAGES DESIRING TO RECEIVE THEIR FULL APPORTIONMENT EACH YEAR MUST, DURING THE PREVIOUS YEAR, HAVE MET THEIR LOCAL MATCHING REQUIREMENTS. THE

Floor Debate
April 01, 2015

COUNTIES ARE SUPPOSED TO MATCH AT 25 PERCENT. THE LARGER CITIES OVER 100,000 AT 50 (PERCENT), AND THE SMALLER CITIES AT 25 PERCENT. I GOT SOME INFORMATION FROM SOME OF THE COUNTIES. RIGHT NOW, MY COUNTY, LINCOLN COUNTY, IS MATCHING 47 PERCENT; HALL COUNTY, SENATOR GLOOR'S IS 43 PERCENT; CUMING COUNTY IS 32 PERCENT; NEMAHA COUNTY, 47 PERCENT; GARDEN COUNTY, THE MORE RURAL YOU GET, THE MORE THE MATCHING, 72 PERCENT; SALINE COUNTY, 49 PERCENT; LANCASTER COUNTY, 59 PERCENT. IF THERE'S A FUNDING MECHANISM OUT OF WHACK, IT'S AT THE COUNTY LEVEL. AND I RAN ON PROPERTY TAXES LIKE A LOT OF MY FISCAL CONSERVATIVE FRIENDS, IF WE CONCENTRATE ON THE COUNTY AND RUN A PROGRAM, A MODEL PROGRAM THERE, AND WE TIE IT...I MEAN, HOW BETTER TO FIND OUT IF WE CAN GET PROPERTY TAX BY STATE ACTION BY GIVING TO THE COUNTIES WHERE WE HAVE THE MOST EFFICIENT BRIDGES... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR GROENE: ...WE HAVE THE MOST EFFICIENT BRIDGES, AND THEY HAVE ONE DIRECT OTHER FUNDING SOURCE, AND THAT'S PROPERTY TAXES. IT'S A ONE-TO-ONE. SO IF I'M GOING TO SUPPORT THIS, I'M WILLING TO GO TO THE COUNTIES, BECAUSE THE COUNTIES AREN'T UNDER THE STATE DEPARTMENT OF ROADS. THEY'RE NOT UNDER THE GOVERNOR. BUT I'M GOING RESPECT THE GOVERNOR AND HIS DECISIONS WHEN IT COMES TO THE STATE FUNDING AND THE OPERATION OF THE DEPARTMENT OF ROADS. SO IF THIS BILL GOES ON, I WILL BRING AN AMENDMENT THAT WE ELIMINATE ALL THE OTHER FUNDING. I COULD LIVE WITH THE CITIES A LITTLE BIT. BUT I WANT TO WORK WITH THE COUNTIES BECAUSE THAT'S WHERE OUR PROBLEM IS. STATEWIDE, WE'RE DOING JUST FINE. I TRAVEL THE ROADS IN THE STATE. IT'S FOR A LIVING IN WESTERN NEBRASKA. AND I GO TO KANSAS AND COLORADO, WYOMING, WE HAVE GOOD HIGHWAYS COMPARED TO THOSE. SO LET'S NOT JUST TRY TO PLEASE EVERYBODY AND LET'S FIX WHAT NEEDS FIXING AND THAT'S THE COUNTIES' FUNDING MECHANISM. SO I'LL BE BACK. BUT THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB610]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, YOU ALL ARE SICK OF ME AND IT'S MUTUAL. SENATOR SCHNOOR WANTED MY RESIGNATION, HE'S GOT IT. APRIL FOOL. (LAUGHTER) A SENSE OF

Floor Debate
April 01, 2015

HUMOR, ALONG WITH SENSE. AND MY SEATMATE, SMART ALECK THAT HE IS, THAT'S WHY I CAN'T LOOK AT HIM WHEN I'M BEING VERY SERIOUS BECAUSE WE HAVE THE KIND OF CONVERSATIONS THAT WILL ALWAYS ELICIT A SMILE FROM ME SO I DON'T LOOK AT HIM. BUT TO GET BACK TO THE ISSUE, I'M GOING TO GO AGAIN TO THE RULE THAT BROUGHT ME UPSTAIRS. YOU ALL OUGHT TO LEAVE ME ALONE. BECAUSE WHEN I'M NOT HERE, I'M PAYING EVEN MORE ATTENTION THAN I DO ON THE FLOOR. MY UNDIVIDED ATTENTION IS ON THE ONE WHO'S SPEAKING AND THE ISSUE THAT IS BEING CONSIDERED. AND I HAVE SYMPATHY FOR MY COLLEAGUE, SENATOR...OH, SENATOR KRIST. HE'S SITTING UP THERE HAVING TO DEAL WITH ALL OF THIS HERDING CATS. BUT LOOK AT THIS RULE AGAIN. AND THIS IS THE PART THAT SOME PEOPLE MAY HAVE WANTED INVOKED. A MEMBER SHALL SPEAK ONLY WHEN RECOGNIZED--AND THIS IS THE KEY--AND SHALL CONFINE HIS OR HER REMARKS TO THE QUESTION BEFORE THE LEGISLATURE. THE QUESTION BEFORE THE LEGISLATURE IS A MOTION TO BRACKET THIS BILL. YOU HAVEN'T BEEN DISCUSSING THE BRACKET MOTION. YOU HAVEN'T TOLD WHY THIS BILL SHOULDN'T BE BRACKETED. YOU DIDN'T SAY THAT IF IT'S BRACKETED TILL THE LAST DAY, IT WILL NOT HAVE A CHANCE TO BE CONSIDERED FURTHER. NONE OF THAT. SO THE VERY RULE THAT SOMEBODY WANTED TO INVOKE THAT BROUGHT ME UP HERE IS THE ONE THAT THE REST OF YOU ARE NOT PAYING ATTENTION TO. CONFINE YOUR COMMENTS TO THE SUBJECT OR THE QUESTION BEFORE THE BODY. THE QUESTION, IF YOU FORGOT IT, IS ON THAT LIGHTED SCREEN--BRACKET UNTIL 6/5/2015. WHO HAS DISCUSSED THAT? WITH ALL OF THE CONVERSATION? THE PROBLEM IS THAT I PAY ATTENTION TO YOU ALL AND YOU NOT ONLY DON'T PAY ATTENTION TO EACH OTHER, YOU DON'T PAY ATTENTION TO YOURSELF. BUT I DO. I'M GOING TO READ SOMETHING ELSE THAT SHOULD GIVE NOTIFICATION TO EVERYBODY. THIS YEAR THE RULE BOOK HAS A GREEN COVER. THIS YEAR, THE UNICAMERAL ROSTER HAS A GREEN COVER. I DON'T KNOW IF THAT'S IN RECOGNITION, SUBTLY, OF CLIMATE CHANGE, THE DAMAGE IT'S DOING TO SOCIETY, HELPING TO CREATE THE PROBLEM IN CALIFORNIA WHERE THEY HAVE SUCH DROUGHT THAT THE AMOUNT OF VEGETABLES THAT CAN BE GROWN IS SHIFTING DRASTICALLY AND CALIFORNIA WILL CEASE TO BE THE MOST PRODUCTIVE AGRICULTURAL STATE IN THE UNION. AND THEY'RE GOING TO HAVE TO FIND OTHER PLACES IN THE COUNTRY TO GROW THESE VEGETABLES THAT CALIFORNIA NO LONGER CAN GROW. BY THE WAY, I'M NOT ON THE SUBJECT, AM I? THE SIERRA NEVADA MOUNTAINS JUST HAVE A SPRINKLING OF SNOW ON THE TOP. THE SNOW MELT THAT THEY WERE COUNTING ON AND HAD COUNTED ON FOR YEARS IS NOT THERE BECAUSE THE SNOW DIDN'T FALL. THE RESERVOIRS THAT HAVE WATER, THOSE WHO MANAGE SUCH THINGS, ARE TELLING THOSE PEOPLE--MANAGE THAT WATER WELL BECAUSE IT'S ALL YOU'RE GOING HAVE. YOU GET NO MORE.

Floor Debate
April 01, 2015

AND FARMERS DOWNSTREAM, THERE'S A FEDERAL PROGRAM, YOU'RE NOT GOING TO GET ANY WATER UNDER THAT PROGRAM BECAUSE THERE IS NO WATER. AND PEOPLE ARE SAYING, WELL, THERE'S NO SUCH THING AS CLIMATE CHANGE. IT MEANS NOTHING. TALK TO THOSE PEOPLE WHO ARE BEING AFFECTED BY IT. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR CHAMBERS: THIS HAS NOT HAPPENED. SO WHEN I STAND UP TO TALK, I'M GOING TO TALK ABOUT WHATEVER I WANT TO. BUT I PICKED UP THIS BOOK FOR A REASON, THE ROSTER. UNDER CHAMBERS, COMMA, ERNIE, DISTRICT 11, THE FIRST WORDS ARE "DEFENDER OF THE DOWNTRODDEN." AND TODAY, SENATOR...WHAT'S HIS NAME, SENATOR LARSON (LAUGHTER) HAPPENS TO BE AMONG THE DOWNTRODDEN. SO HE IS MY CONSTITUENCY. SO I'M BEING TRUE TO WHAT I BELIEVE IN ALTHOUGH IT'S IRRITATING TO MOST PEOPLE ON THE FLOOR. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR McCOY, YOU'RE RECOGNIZED. [LB610]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. AND I DO SUPPORT THE BRACKET MOTION, ALTHOUGH I DOUBT THAT SENATOR CHAMBERS INTENDS ON CARRYING IT TO A VOTE, BUT I GUESS THAT'S UP TO HIM. I DO, HOWEVER, WANT TO READ SOMETHING. I OFTEN READ, AS MANY OF US DO PROBABLY, FOR RELAXATION, FOR INSPIRATION, SOLACE, WE DO A LOT OF READING AROUND HERE, BUT I OFTEN READ LATE AT NIGHT. I WANT TO READ SOMETHING I CAME ACROSS; WORDS THAT WERE UTTERED HERE IN JUST A COUPLE OF DAYS ON APRIL 4, IT WOULD BE 47 YEARS AGO. SENATOR ROBERT F. KENNEDY'S SPEECH IN CLEVELAND, OHIO, THE NIGHT THAT MARTIN LUTHER KING, JR., WAS ASSASSINATED, APRIL 4, 1968. I HAVE BAD NEWS FOR YOU, FOR ALL OF OUR FELLOW CITIZENS AND THE PEOPLE WHO LOVE PEACE ALL OVER THE WORLD, AND THAT IS THAT MARTIN LUTHER KING WAS SHOT AND KILLED TONIGHT. MARTIN LUTHER KING DEDICATED HIS LIFE TO LOVE AND TO JUSTICE FOR HIS FELLOW HUMAN BEINGS AND HE DIED BECAUSE OF THAT EFFORT. IN THIS DIFFICULT DAY, IN THIS DIFFICULT TIME FOR THE UNITED STATES, IT IS PERHAPS WELL TO ASK WHAT KIND OF NATION WE ARE AND WHAT DIRECTION WE WANT TO MOVE IN. FOR THOSE OF YOU WHO ARE BLACK, CONSIDERING THE EVIDENCE, THERE EVIDENTLY IS THAT THERE WERE WHITE PEOPLE WHO WERE RESPONSIBLE, YOU CAN BE FILLED WITH BITTERNESS, WITH HATRED, AND A

Floor Debate
April 01, 2015

DESIRE FOR REVENGE. WE CAN MOVE IN THAT DIRECTION AS A COUNTRY IN GREAT POLARIZATION, BLACK PEOPLE AMONGST BLACK, WHITE PEOPLE AMONGST WHITE, FILLED WITH HATRED TOWARD ONE ANOTHER. OR WE CAN MAKE AN EFFORT, AS MARTIN LUTHER KING DID, TO UNDERSTAND AND TO COMPREHEND AND TO REPLACE THAT VIOLENCE, THAT STAIN OF BLOODSHED THAT HAS SPREAD ACROSS OUR LAND WITH AN EFFORT TO UNDERSTAND WITH COMPASSION AND LOVE. FOR THOSE OF YOU WHO ARE BLACK AND ARE TEMPTED TO BE FILLED WITH HATRED AND DISTRUST, THE INJUSTICE OF SUCH AN ACT AGAINST ALL WHITE PEOPLE, I CAN ONLY SAY THAT I FEEL IN MY OWN HEART THE SAME KIND OF FEELING. I HAD A MEMBER OF MY FAMILY KILLED, BUT HE WAS KILLED BY A WHITE MAN. FOR WE HAVE TO MAKE AN EFFORT IN THE UNITED STATES; WE HAVE TO MAKE AN EFFORT TO UNDERSTAND, TO GO BEYOND THESE RATHER DIFFICULT TIMES. MY FAVORITE POET WAS AESCHYLUS. HE WROTE: IN OUR SLEEP, PAIN WHICH CANNOT FORGET FALLS DROP BY DROP UPON THE HEART UNTIL IN OUR OWN DESPAIR AGAINST OUR WILL COMES WISDOM THROUGH THE AWFUL GRACE OF GOD. WHAT WE NEED IN THE UNITED STATES IS NOT DIVISION. WHAT WE NEED IN THE UNITED STATES IS NOT HATRED. WHAT WE NEED IN THE UNITED STATES IS NOT VIOLENCE OR LAWLESSNESS BUT LOVE AND WISDOM, COMPASSION TOWARD ONE ANOTHER, AND A FEELING OF JUSTICE TOWARDS THOSE WHO STILL SUFFER WITHIN OUR COUNTRY, WHETHER THEY BE WHITE OR THEY BE BLACK. SO I WILL ASK YOU TONIGHT TO RETURN HOME, TO SAY A PRAYER FOR THE FAMILY OF MARTIN LUTHER KING, THAT'S TRUE, BUT MORE IMPORTANTLY, TO SAY A PRAYER FOR OUR OWN COUNTRY, WHICH ALL OF US LOVE, A PRAYER FOR UNDERSTANDING AND A COMPASSION OF WHICH I SPOKE. WE CAN DO WELL IN THIS COUNTRY. WE WILL HAVE DIFFICULT TIMES. WE'VE HAD DIFFICULT TIMES IN THE PAST. WE WILL HAVE DIFFICULT TIMES IN THE FUTURE. IT IS NOT THE END OF VIOLENCE; IT IS THE END OF LAWLESSNESS. IT IS NOT THE END OF DISORDER. BUT THE VAST MAJORITY OF WHITE PEOPLE AND THE VAST MAJORITY OF BLACK PEOPLE IN THIS COUNTRY WANT TO LIVE TOGETHER, WANT TO IMPROVE THE QUALITY OF OUR LIFE, AND WANT JUSTICE FOR ALL HUMAN BEINGS WHO ABIDE IN OUR LAND. LET US DEDICATE OURSELVES TO WHAT THE GREEKS WROTE SO MANY YEARS AGO, TO TAME THE SAVAGENESS OF MAN TO MAKE GENTLE THE LIFE OF THIS WORLD. LET US DEDICATE OURSELVES TO THAT AND SAY A PRAYER FOR ALL OUR COUNTRY AND FOR OUR PEOPLE. YOU KNOW, I RAN ACROSS THESE WORDS THAT SENATOR KENNEDY SPOKE A LONG TIME AGO. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

Floor Debate
April 01, 2015

SENATOR McCOY: I WASN'T AROUND TO HEAR THESE SPOKE IN PERSON. TRAGICALLY, HE WAS ASSASSINATED A FEW MONTHS LATER, AS ALL OF US KNOW. I BRING THIS UP THIS MORNING TO SAY, AS SENATOR CHAMBERS HAS SAID SO MANY TIMES, "OUR WORDS MATTER." OUR WORDS MATTER. WHETHER THEY'RE IN HERE, WHETHER THEY'RE IN A HEARING ROOM, NO MATTER WHERE THEY ARE. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR McCOY. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB610]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GETTING BACK TO THE BRACKET MOTION ON LB610, I STOOD YESTERDAY AND SAID I WASN'T SURE WHERE I WAS GOING TO BE ON THIS BILL. I HAVE REACHED THAT DECISION. I WILL BE SUPPORTING THE BRACKET MOTION AND NOT SUPPORTING THE BILL. WE TALKED A LOT YESTERDAY ABOUT THE MILES PER GALLON THAT VEHICLES GET THESE DAYS AND HOW GREAT THAT IS. COLLEAGUES, I'VE GOT A FAIRLY LATE MODEL PICKUP. IN MY MIND, FAIRLY LATE, IT'S AN '08, IT'S A THREE-QUARTER TON, AND WHERE WE LIVE A FOUR-WHEEL DRIVE IS ESSENTIAL DURING THE WINTERTIME. ON A GOOD DAY, IT GETS 14 TO 15 MILES A GALLON. IF I HOOK A TRAILER BEHIND IT, WHICH I FREQUENTLY DO, THAT DROPS TO ABOUT 8 MILES A GALLON. IT'S NOT A LUXURY VEHICLE THAT I DRIVE BACK AND FORTH EVERYWHERE I GO, THIS IS A WORKING TRUCK, A WORKING VEHICLE THAT IS REQUIRED BY MOST OF OUR FARMERS TO HAVE SOMETHING SIMILAR TO THIS. SO WHEN WE'RE TALKING ABOUT THESE VEHICLES THAT ZIP DOWN THE INTERSTATE 70 MILES PER HOUR, GETTING 30 MILES A GALLON, A LOT OF FARMERS DON'T OPERATE THAT TYPE OF VEHICLE. I HAVE ONE THAT DOES THAT BECAUSE I COME BACK AND FORTH TO LINCOLN EVERY WEEK SOMETIMES DURING SESSION...OR WHEN WE'RE OUT OF SESSION, MORE THAN ONCE A WEEK. BUT THAT'S NOT ALWAYS THE CASE. I THINK THIS INCREASE IN GASOLINE TAX PUTS AN UNFAIR BURDEN ON THOSE THAT ARE REQUIRED TO HAVE A VEHICLE OF THAT TYPE. BUT BESIDES THE MILEAGE, I'M GOING TO GO BACK TO BE THE POINT THAT WAS MADE YESTERDAY ABOUT THE NEW PERSON COMING IN TO RUN THE DEPARTMENT OF ROADS. I THINK WE NEED TO LET THAT INDIVIDUAL HAVE A CHANCE TO LOOK AT THINGS, TO SEE WHERE WE'RE SPENDING MONEY, WHERE WE MIGHT BE SPENDING MONEY UNWISELY, AND WHERE WE CAN DO BETTER. ONE OF THE THINGS THAT COMES TO MIND, WE KEEP TALKING ABOUT HOW THIS IS GOING TO HELP THE COUNTIES. A MILE WEST OF OUR HOME IS A ROAD THAT'S...HALF OF IT IS GRAVELLED, THE OTHER HALF IS DIRT ROAD. THE HALF THAT IS GRAVELLED GOES TO ONE RESIDENCE. THERE HAD BEEN AN OLD WOODEN BRIDGE THERE THAT SUFFICED FOR A

Floor Debate
April 01, 2015

NUMBER OF YEARS TO CARRY THE TRAFFIC TO THAT PLACE. IF THE OLD BRIDGE FINALLY HAD TO BE REPLACED, IT COULD HAVE BEEN REPLACED WITH A CULVERT WHICH WOULD HAVE BEEN MORE THAN AMPLE FOR THE WATER THAT FLOWS THROUGH THAT FREQUENTLY DRY CREEK. BUT, NO, BECAUSE OF THE REGULATIONS THAT WE IMPOSE ON THE COUNTIES, THEY HAD TO PUT IN A CEMENT BRIDGE STRUCTURE WHICH COSTS, I DON'T KNOW HOW MUCH, BUT PROBABLY 20 TIMES WHAT A CULVERT WOULD HAVE COST. I WENT TO THEM, THE COUNTY, AND ASKED--WHY ARE WE PUTTING IN THIS MONSTER WHEN A TUBE WOULD WORK? AND THEY SAID IT'S BECAUSE THE GOVERNMENT REQUIRES US TO. LET'S LET THE NEW GUY LOOK AT THIS A LITTLE BIT. MAYBE WE CAN SAVE THE COUNTIES A BUNCH OF MONEY SIMPLY BY REDUCING THEIR REGULATIONS. THERE'S A LOT MORE WE CAN DO BESIDES THROWING MORE MONEY AT THE PROBLEM. LET'S APPROACH THIS WISELY AND RESPONSIBLY AND NOT JUST CONTINUE TO THROW THE TAXPAYERS' DOLLARS WHERE THEY MAYBE DON'T HAVE TO BE SPENT. THANK YOU, MR. PRESIDENT. OH, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR KINTNER. [LB610]

SENATOR KRIST: SENATOR KINTNER, 50 SECONDS. SENATOR KINTNER WAIVES. THANK YOU, SENATOR BLOOMFIELD. SENATOR CRAWFORD, YOU ARE RECOGNIZED. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB610]

SENATOR CRAWFORD: (INAUDIBLE). [LB610]

SENATOR KRIST: YOU'RE WELCOME. [LB610]

SENATOR CRAWFORD: THANK YOU. I RISE IN OPPOSITION TO THE BRACKET. AND I HAVE A COUPLE QUESTIONS FOR SENATOR SMITH, PLEASE. [LB610]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES. [LB610]

SENATOR CRAWFORD: SO I RISE IN OPPOSITION TO THE BRACKET. AND I THINK THERE'S VERY IMPORTANT DISCUSSIONS FOR US TO STILL HAVE ABOUT LB610. AND ONE OF THOSE IS THE INTERSECTION BETWEEN THE FUNDING, WE'RE TALKING ABOUT HERE IN LB610, AND PUBLIC TRANSPORTATION AND OTHER OPPORTUNITIES TO IMPROVE OUR INFRASTRUCTURE. SO I JUST WANTED TO ASK SENATOR SMITH ON THE RECORD A COUPLE OF QUESTIONS ABOUT THESE

Floor Debate
April 01, 2015

BOXES WHERE THE MONEY GOES, THAT WE HAVE IN FRONT OF US, AND WHAT PARTS OF THOSE CAN BE USED IN TERMS OF TRANSIT, AND WHAT PARTS CAN BE USED FOR OTHER CREATIVE INFRASTRUCTURE USES IN OUR CITIES AND COUNTIES. SO THE FIRST QUESTION, SENATOR SMITH, IS IF WE ARE...IF WE WERE TO CHOOSE TO INVEST IN PUBLIC TRANSIT FROM THE STATE LEVEL, WHERE, IN THIS SET OF BOXES IN FRONT OF US, COULD THAT...HOW WOULD THAT WORK IF WE HAVE THE MONEY COMING IN FROM LB610, HOW WOULD THAT TRANSLATE INTO POSSIBLE INVESTMENTS IN PUBLIC TRANSIT? [LB610]

SENATOR SMITH: SENATOR CRAWFORD, MY UNDERSTANDING IS THAT THE FUNDS THAT WOULD COME FROM LB610, THE ADDITIONAL FUNDS, WOULD NOT GO IMMEDIATELY TOWARDS ANY TYPE OF A TRANSIT SYSTEM INSIDE OF A CITY OR BETWEEN COUNTIES AND CITIES. HOWEVER, IT DOES PROVIDE RELIEF FOR OUR CITIES AND OUR COUNTIES TO BE ABLE TO MAKE OTHER INVESTMENTS AS NECESSARY. [LB610]

SENATOR CRAWFORD: SO IS IT TRUE THAT THE STATE...IS IT TRUE THEN IF THE MONEY THAT'S GOING TO OUR CITIES AND COUNTIES, LETS'S SAY IF THE SARPY COUNTY AND THE CITY OF BELLEVUE WANTED TO WORK TOGETHER IN A LOCAL AGREEMENT AND WORK WITH OFFUTT AIR FORCE BASE ON A PARK AND RIDE KIND OF SYSTEM TO ALLEVIATE SOME OF THE CONCERNS THAT WE'RE GOING HAVE WHEN WE HAVE 5,000 PEOPLE ALL WORKING IN ONE SMART, EXCUSE ME, ONE SMALL AREA OF THE COUNTY, WOULD YOU SEE ANY REASON WHY THIS MIGHT NOT HELP IN TERMS OF PROVIDING...OF THEM BEING ABLE TO USE MONEY THAT GOES TO THE CITIES AND COUNTIES FOR SOME KIND OF A CREATIVE OPTION LIKE THAT? [LB610]

SENATOR SMITH: WELL, JUST TO DIGRESS FOR JUST A MOMENT. THERE'S FEDERAL FUNDING GRANTS THAT ARE AWARDED TO CITIES. I KNOW OMAHA RECENTLY GOT A TIGER GRANT FOR SOME OF THEIR TRANSIT SYSTEM WORK. AND WE LIVE IN ONE OF THOSE COUNTIES WHERE OUR CITIES CREATE PARTNERSHIPS ALL THE TIME TO WHERE THEY COULD REDUCE OVERALL COSTS. I WOULD ENCOURAGE OUR CITIES AND OUR COUNTIES TO SEE WHAT KIND OF PARTNERSHIPS THEY CAN FORM TO FIND EFFICIENCIES AND PROVIDE FOR THESE TYPES OF NEEDS. I THINK THEY MAY HAVE TO LOOK AT WHAT RESTRICTIONS MAY EXIST ON CERTAIN FUNDING, HOWEVER, FUNDING SOURCES, THAT IS. [LB610]

Floor Debate
April 01, 2015

SENATOR CRAWFORD: CORRECT. SO MY QUESTION IS--ARE THERE RESTRICTIONS THAT WOULD PREVENT THAT FROM BEING PART OF THE DISCUSSION IN TERMS OF THE MONEY THAT FLOWS INTO THE CITIES AND COUNTIES FROM THE HIGHWAY ALLOCATION FUND? [LB610]

SENATOR SMITH: ABSOLUTELY. IN STATUTE, THERE ARE RESTRICTIONS AS TO HOW THOSE FUNDS CAN BE USED. AND THOSE FUNDS CANNOT BE USED FOR TRANSIT SYSTEMS CURRENTLY. IT HAS TO BE ROAD AND BRIDGE RELATED. [LB610]

SENATOR CRAWFORD: OKAY. OKAY. SO ROAD AND BRIDGE RELATED IN TERMS OF THE MONEY COMING FROM THE HIGHWAY ALLOCATION FUND. [LB610]

SENATOR SMITH: THAT IS CORRECT. [LB610]

SENATOR CRAWFORD: OKAY. AND THEN IF WE HAVE A...IF WE WERE TO HAVE AN ALLOCATION AND APPROPRIATIONS...WELL, I'LL SKIP THAT QUESTION. SO I WANT TO COME BACK TO THE OTHER QUESTION, I DON'T THINK WE HAD A CHANCE TO FINISH AND THAT WAS REALLY THE QUESTION ABOUT HOW DO WE...WHAT IS THE GOAL IN TERMS OF TRYING TO MAKE SURE WE'RE ADDRESSING NEEDS AND THAT WE REALLY, YOU KNOW, OFTEN HAVE MORE NEEDS THAN WE CAN ADDRESS FULLY, AND REALLY WHAT THE TARGET IS HERE IN TERMS OF ADDRESSING THOSE NEEDS. AND YOU SPOKE ABOUT THE FACT THAT THE LB84 FUNDING REALLY WENT TO A SPECIFIC TARGETED PURPOSE AND THE IDEA HERE IS TO ALLOW THESE FUNDS TO GO TO SOME OF THOSE NEEDS THAT AREN'T ADDRESSED IN LB84. AND SO, MAYBE YOU COULD FINISH SOME OF YOUR RESPONSE TO THAT QUESTION. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR SMITH: SURE. THANK YOU, SENATOR CRAWFORD. AND YOU'RE ABSOLUTELY RIGHT. WE'RE NOT...THIS AMOUNT OF MONEY THAT WE RAISE THROUGH LB610 IS NOT GOING TO SATISFY OUR IMMEDIATE NEEDS OR OUR LONG-TERM NEEDS. HOWEVER, THROUGH GAINS AND EFFICIENCIES, WHICH WE WILL NEED TO BE LOOKING AT GOING FORWARD, WE HAVE SOMETHING IN COMMITTEE THIS YEAR. WE WILL BRING SOMETHING BACK NEXT YEAR TO ADDRESS SOME OF THE EFFICIENCY POSSIBILITIES TO REDUCE THE OVERALL COST. PRIORITIZATION NEEDS TO TAKE PLACE. WE HEAR ABOUT THE NEW DIRECTOR COMING IN. I'M CERTAIN THAT THAT PERSON WILL BE LOOKING AT

Floor Debate
April 01, 2015

THOSE TYPES...SAME TYPE OF THINGS WITH THE DEPARTMENT OF ROADS. I ENCOURAGE THE CITIES AND THE COUNTIES DO LIKEWISE. AND THEN HAVE A NOMINAL INCREASE WHICH IS WHAT LB610 PROVIDES US TO MOVE US TOWARD THAT GOAL OF MEETING THOSE BACKLOG OF NEEDS. BUT LONG TERM, WE'RE GOING TO HAVE TO FIND A DIFFERENT TYPE OF FUNDING SOLUTION TO MEET OUR GROWING INFRASTRUCTURE NEEDS. [LB610]

SENATOR KRIST. TIME, SENATORS. THANK YOU, SENATOR CRAWFORD AND SENATOR SMITH. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB610]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE IN SUPPORT OF THE BRACKET AND IN OPPOSITION TO LB610. MY OFFICE MOTTO, AND MY MOTTO DURING MY CAMPAIGN WAS "CAUSE STUFF NEEDS FIXING." PEOPLE WOULD ASK WHY I'M RUNNING, AND I SAID--BECAUSE STUFF NEEDS FIXING. AND NUMBER ONE...THE NUMBER ONE THING THAT NEEDS FIXING, AND I HEARD IT LOUD AND CLEAR DURING THE CAMPAIGN, AND I'VE HEARD IT LOUD AND CLEAR SINCE I'VE BEEN HERE, IS OUR TAXES. WE DON'T FIX OUR TAX SITUATION, WHETHER IT BE PROPERTY TAX, INCOME TAX, CORPORATE TAX, BY INCREASING ANOTHER TAX. I FEEL WE WOULD BE IN VIOLATION OF WHY WE'RE HERE. FUNDAMENTALLY, WE NEED TO FIX OUR TAX SYSTEM; WE NEED TO STOP KICKING THE CAN DOWN THE ROAD AND INCREASING A TAX HERE AND A TAX THERE. I KNOW BRIDGES NEED FIXING. I KNOW ROADS NEED FIXING. THERE'S A LOT OF THINGS THAT NEED FIXING. BUT NUMBER ONE ON THE PRIORITY LIST IS TAXES. AND I'M NOT GOING TO BETRAY MY CONSTITUENTS. LAST WEEK WHEN THERE WAS ALL THE FUSS GOING ON IN THE PAPER ABOUT WHAT WAS GOING ON HERE ON THE FLOOR, MY OFFICE GOT SOME TELEPHONE CALLS, BUT THE VAST MAJORITY OF THE PHONE CALLS THAT WE GOT IN MY OFFICE WERE ABOUT THIS PARTICULAR BILL, LB610, AND THE GASOLINE TAX. WE'VE GOT TO STOP WITH THE BAND-AID FIXES. WE'VE GOT TO STOP INCREASING OUR TAXES. WE NEED TO FUNDAMENTALLY ADDRESS THE TAX ISSUE. THE BAND-AIDS, THE REDUCING AG VALUATIONS TO 65 PERCENT, THOSE KINDS OF THINGS, THEY'RE ALL BAND-AID FIXES. WE FUNDAMENTALLY NEED TO FIX THE PROBLEM. AND I THINK WE'RE JUST KICKING THE CAN DOWN THE ROAD WITH WHAT WE'RE DOING. I THINK THIS IS...ONE OF MY FAVORITE PRESIDENTS, PRESIDENT RONALD REAGAN, THIS IS ONE OF HIS MOMENTS WHERE HE SAYS--READ MY LIPS, NO NEW TAXES. SO I RISE IN SUPPORT OF THE BRACKET AND I'M OPPOSED TO LB610. AND I'D LIKE TO YIELD THE REST OF MY TIME TO SENATOR KINTNER. [LB610]

SENATOR KRIST: SENATOR KINTNER, 2:58. [LB610]

Floor Debate
April 01, 2015

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. WE TALK A LOT ABOUT TAX RELIEF HERE. AND IT'S BEEN VERY ELUSIVE MY FIRST THREE YEARS. AND ACTUALLY CUTTING SOME RATES, AND BRINGING RATES DOWN, WE CHIPPED AWAY AT THE EDGES. WE DID THE INDEX BRACKETS LAST YEAR, WHICH WAS TREMENDOUS. AND I WANT TO...SENATOR HADLEY STEERED THAT ONE THROUGH AND I THINK THAT WAS A GREAT VICTORY FOR THE TAXPAYERS. BUT WE HAVEN'T ADDRESSED THE TAX RATES. AND THAT'S WHAT PEOPLE ARE ASKING US TO DO. AND AS I SAID YESTERDAY, I THINK WE'RE GETTING THE CART BEFORE THE HORSE AND I THINK WE NEED TO CUT TAXES, HAVE THOSE TAX CUTS THERE GOING TO THE GOVERNOR'S DESK AND THEN WE CAN LOOK AT WHAT WE NEED TO DO TO FINANCE THESE ROADS. A LOT OF THE GROUPS BACK HERE BEHIND THE GLASS ASKING US TO FINANCE THE ROADS DO NOTHING BUT ASK US FOR MONEY. THEY DO NOTHING BUT ASK US FOR MONEY. WELL, MAYBE IF WE SAID NO...NO TAX INCREASE UNTIL WE GET SOME TAX RELIEF, THEY'LL START ASKING US FOR TAX CUTS. I DON'T KNOW IF IT WILL HAPPEN. BUT MAYBE WE CAN CREATE SOME ALLIES BY SLOWING THIS DOWN JUST A LITTLE BIT. I'M LOOKING FORWARD TO, YOU KNOW, NEXT YEAR SEEING WHAT SENATOR SMITH COMES UP AND CREATING NEW EFFICIENCIES. REALLY, IF YOU WANTED TO DO THIS IN A WAY THAT WOULDN'T BE OFFENSIVE TO THE TAXPAYERS, WHAT I WOULD SUGGEST WE DO IS WE TAKE \$20 MILLION OUT OF THE CASH RESERVE FUND, GIVE IT TO THE COUNTIES THIS YEAR; JUMP START THEM. AND THAT WILL GIVE THE GOVERNOR A YEAR TO GET HIS GUY IN PLACE, FIGURE WHERE THEY WANT TO GO. WE CAN GET SOME TAX RELIEF GOING AND COULD COME BACK AND DO THIS NEXT YEAR. THAT'S... YOU KNOW, IF I WAS KING, THAT'S WHAT I THINK I'D WANT TO DO WITH THIS. THAT'S PROBABLY A MORE COMMONSENSE WAY TO GET THE BALL MOVING DOWN THE ROAD, BUT NOT LOCK IN A PERMANENT TAX INCREASE UNTIL WE GET SOME TAX RELIEF. AND I THINK THAT'S PROBABLY THE BETTER WAY TO GO ON THIS. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR KINTNER: SO ANYWAY, THAT'S WHAT I THINK WE SHOULD DO. THE TIMING IS WRONG ON THIS. IT'S JUST NOT THE RIGHT TIME TO DO THIS, UNTIL WE SHOW THE PEOPLE THAT WE CAN RESTRAIN OUR SPENDING AND CUT THEIR TAXES. AND THEY KNOW THAT WE CAN'T DO THAT. THEY KNOW WE'RE NOT GOOD AT RESTRAINING SPENDING AND THEY'RE VERY SKEPTICAL OF US DOWN HERE. AND I THINK IT'S TIME TO WIN THEM BACK AND SHOW THEM THAT WE CAN BE RESPONSIBLE. THANK YOU, MR. PRESIDENT. [LB610]

Floor Debate
April 01, 2015

SENATOR KRIST: THANK YOU, SENATOR KINTNER AND SENATOR GARRETT.
SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB610]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I WOULD LIKE TO ADD A LITTLE BIT TO THIS CONVERSATION. AND I'M STANDING AGAINST THE BRACKET AND FOR LB610. I WANT TO THANK SENATOR SMITH FOR BRINGING THIS FORWARD AND THE MOOD THAT HE MADE AND THE INSIGHTS THAT HE HAD ON THIS. I ALSO THANK COLLEAGUES FOR THE BIPARTISAN SUPPORT THAT'S BEEN TALKED ABOUT HERE THIS MORNING. I'VE BEEN WARNED AGAINST SPEAKING ON THIS. IF YOU WANT TO RUN AGAIN FOR OFFICE, WHEN THAT DECISION IS MADE, THAT COULD BE USED AGAINST ME. BUT THAT WOULD BE IRRESPONSIBLE, BECAUSE WE HAVE AN ISSUE THAT'S EXTREMELY IMPORTANT TO ME AND TO MY CONSTITUENTS IN SOUTHWEST OMAHA THAT I WANT TO ELABORATE ON. MY CONSTITUENTS UNDERSTAND THE NEEDS BOTH FOR REPAIR AND EXPANSION OF NEW ROADS IN AN EXPANDING AREA OF THE CITY SUCH AS SOUTHWEST OR WESTERN OMAHA. AND WE'VE LIVED WITH A LOT OF DIFFERENT SITUATIONS OVER TIME THAT HAVE PROVEN THAT. I WOULD LIKE TO BRING A VIEWPOINT OR AN OPTION THAT'S NOT USUALLY TALKED ABOUT WEST OF, MAYBE, THE MISSISSIPPI RIVER OR THE MISSOURI RIVER. AND WHERE I CAME FROM, IN NORTHERN ILLINOIS WHERE I WAS BORN, WE HAVE A PLETHORA OF TOLL ROADS. NOW, YOU CAN PAY TAXES OR YOU CAN PAY TOLLS. IF YOU WANT TO GET AROUND THE CHICAGOLAND AREA, YOU HAVE YOUR CHOICE OF THE KIND OF ROADS YOU WANT TO BE ON AND ALL YOU HAVE DO IS PICK UP YOUR WALLET AND OPEN IT AND PAY FOR SPEEDY CROSS-TOWN ROUTES, OR YOU CAN TAKE THE OTHER ROUTES WHICH WOULD BE A LOT SLOWER AND ACROSS ALL OF NORTHERN ILLINOIS, NOT JUST THE CHICAGOLAND AREA, THERE ARE TOLL ROADS THAT YOU WOULD ALSO PAY FOR. THOSE AREN'T PREVALENT TO THE WEST. THEY ARE VERY PREVALENT IN EASTERN STATES IF YOU'VE BEEN THERE AND USED THEM. SO YOU CAN INCREASE TAXES OR YOU CAN GO TO TOLLS. AND I DON'T THINK WE'RE LOOKING AT TOLLS AT ALL, ANY WAY, SHAPE, OR FORM. THERE'S ANOTHER ASPECT WITH THE GROWTH IN SOUTHWEST OMAHA AND WESTERN OMAHA THAT'S EXTREMELY IMPORTANT FOR THE CONSTITUENTS IN MY DISTRICT. AND I LIKE THE ASPECT OF COUNTIES AND CITIES GETTING THE ADDITIONAL FUNDS THEY NEED IN ORDER TO PUT DOWN THE EXPANSION OF ROADS AND TRAVEL ROUTES THAT WE NEED IN THAT AREA. THE ISSUE ON THIS PARTICULAR TOPIC BECOMES ONE OF CROSSES ON THE ROADSIDE. WHEN I STARTED IN THE MILLARD DISTRICT IN 1970, MOST OF THE ROADWAYS OUT IN THAT AREA WERE BARELY BETTER THAN TWO-LANE COW PATHS. AND WE PUT HIGH SCHOOLS ON Q STREET, UP ON PACIFIC STREET; WE PUT A COUPLE THOUSAND KIDS DRIVING

Floor Debate
April 01, 2015

THE MOST...THE YOUNGEST ASPECT OF OUR SOCIETY AND SOMETIMES NOT NECESSARILY THE BEST DRIVERS ON THOSE ROADS. AND WHAT I REMEMBER IN MY DECADES IN THE MILLARD SCHOOLS ARE WHERE THE CROSSES WERE, WHERE KIDS WERE KILLED IN AUTOMOBILE ACCIDENTS OFF THE SIDE OF THE ROAD, WITH FRIENDS, AT INTERSECTIONS, BECAUSE OF IMPROPER DRIVING HABITS AND IT ENDED UP WITH DEATHS TO DIFFERENT FAMILY MEMBERS OVER THAT TIME. SO WHEN I THINK OF THE IMPORTANCE OF THIS AND THE OPTIONS AND VIEWPOINTS WE USUALLY DON'T THINK OF, TOLL ROADS COMES TO MIND IN ONE WAY, WHICH WE'RE NOT GOING TO GO TO, BUT I DO HAVE MEMORY OF A LOT OF DIFFERENT CROSSES, FIVE OR SIX DIFFERENT ONES OF STUDENTS THAT I HAD AND STUDENTS THAT I KNEW THAT WERE ON VERY POORLY DESIGNED AND POORLY MAINTAINED ROADS BEFORE WE EXPANDED THEM TO FOUR-LANE THOROUGHFARES IN WEST AND SOUTHWEST OMAHA. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR KOLOWSKI: I HOPE WE REMEMBER THE PHYSICAL NEEDS AND THE FAMILY NEEDS THAT WE HAVE WITH EXPANSION. SO I'M VERY...I THINK IT'S A GREAT ADVANTAGE TO LOOK AT BOTH THE COUNTIES AND THE CITIES AND WHAT THEY WOULD GET OUT OF THIS AND TO KEEP UP THE EXPANSION THAT WE HAVE IN THE OMAHA AREA. I YIELD THE REMAINDER OF MY TIME, WHATEVER MIGHT BE LEFT, TO SENATOR SMITH, IF HE WOULD LIKE IT. [LB610]

SENATOR KRIST. SENATOR SMITH, 27 SECONDS. SENATOR SMITH WAIVES. SENATOR BAKER, YOU'RE RECOGNIZED. [LB610]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. THE QUESTION. [LB610]

SENATOR KRIST: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. THE QUESTION BEFORE YOU IS: SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB610]

ASSISTANT CLERK: 31 AYES, 6 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB610]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR BRACKET MOTION. [LB610]

Floor Debate
April 01, 2015

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS IS A MOTION THAT I OFFERED SOONER THAN I INTENDED TO. BUT I THINK I MADE IT CLEAR YESTERDAY THAT I'M OPPOSED TO THIS BILL. SINCE THEY DECIDED TO CEASE DEBATE, I'M GOING TO HAVE TO FIND OTHER METHODS TO SPEAK, SO I'LL OFFER ANOTHER MOTION. SOMETIMES THEY OUGHT TO JUST LET US GO AHEAD AND DISCUSS SOMETHING AND LET THE DISCUSSION END NATURALLY. BUT I'VE GOT ANOTHER PRIORITY MOTION I'M GOING TO OFFER AFTER THIS. AND BECAUSE I KNOW THIS MOTION IS VOTED DOWN, I WANT SENATOR BAKER TO KNOW THAT IT'S GOING TO BE A RECONSIDERATION MOTION. BUT I'D LIKE TO ASK SENATOR SMITH A QUESTION OR TWO. [LB610]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES, I WILL. [LB610]

SENATOR CHAMBERS: SENATOR SMITH, I WANT TO SEE IF I LAY SOMETHING OUT IN A VERY SKETCHY MANNER. IT REPRESENTS ACCURATELY AN IDEA YOU'RE GETTING ACROSS. YOU HAD INDICATED THAT GOOD ROADS CAN PREVENT, MAYBE, THE POSSIBILITY OF HAVING TO PAY REPAIR BILLS AND THE TAX INCREASE, IF IT PRODUCES GOOD ROADS, COULD PREVENT SOME LARGE AND...REPAIR BILLS FOR THE AUTOMOBILE FURTHER DOWN THE ROAD. DID YOU MAKE A POINT SIMILAR TO THAT? [LB610]

SENATOR SMITH: SOMETHING TO THAT EFFECT, YES. [LB610]

SENATOR CHAMBERS: AND THAT WOULD INDICATE AN EXEMPLIFICATION OF THE MAXIM THAT PREVENTION IS BETTER THAN THE CURE, CORRECT? [LB610]

SENATOR SMITH: YES. [LB610]

SENATOR CHAMBERS: AND IT WOULD BE CHEAPER IF YOU PAID THIS TAX TO GET THE GOOD ROADS AND PREVENT SOME OF THESE OTHER THINGS THAT HAPPEN AS A RESULT OF BAD ROADS THAN IT IS TO JUST SAY--LET THE BAD ROADS STAY THERE AND WE'LL JUST...WHATEVER HAPPENS. IS THAT KIND OF THE DIRECTION YOU WERE GOING? [LB610]

SENATOR SMITH: THAT WAS ONE OF THE POINTS I WAS MAKING, YES. [LB610]

Floor Debate
April 01, 2015

SENATOR CHAMBERS: OKAY, AND I THINK IT'S AN EXCELLENT POINT, BUT NOT ON THIS BILL. IT'S AN EXCELLENT POINT WHEN WE TALK ABOUT THE EXTENSION OF MEDICAL CARE TO THOSE WHO NEED IT. IF WE EXTEND THE COVERAGE OF MEDICAID, THERE ARE AILMENTS THAT CAN BE CAUGHT IN TIME AND MORE SERIOUS DISEASES, ILLNESSES, OR INFIRMITIES CAN BE PREVENTED. AND I DON'T THINK THERE ARE MANY PEOPLE WHO WOULD ARGUE AGAINST THE IDEA THAT WHEN IT COMES TO HEALTHCARE, PREVENTION OF ILLNESS IS BETTER THAN TRYING TO CURE IT. AND IF THE STATE IS GOING TO HAVE TO PAY TO CURE THESE ILLNESSES, IT WOULD BE BETTER FOR THE STATE TO GET SOME HELP IN PREVENTING THEM. SO I DO PAY ATTENTION TO WHAT MY COLLEAGUES SAY. BUT THOSE THINGS THAT ARE SAID, WHICH GENERALLY ARE TRUE, ARE VALID PRINCIPLES WHICH OUGHT TO BE APPLIED IN OTHER AREAS. AND WHEN YOU HAVE SOMEBODY LIKE ME WHO WILL PAY ATTENTION AND BE TAUGHT, AS SENATOR SMITH TAUGHT ME WITH HIS ANALOGY, THEN YOU HAVE TO EXPECT ME TO APPLY IT. THAT'S WHAT CONSTITUTES LEARNING. WHEN YOU GET INFORMATION YOU DIDN'T HAVE BEFORE, YOU PROCESS IT AND YOU ACT ON IT. WHEN YOU ACT ON IT, THAT IS THE WISDOM THAT COMES FROM APPLYING GOOD LEARNING. SO SENATOR SMITH MADE A GOOD POINT. BUT AS I STATED, THE APPLICATION IS NOT GOOD IN THIS CASE, BUT IT IS GOOD IN THE EXAMPLE THAT I MENTIONED BEFORE. THERE IS MUCH AGAINST THIS BILL THAT I HAVE, BUT I WAS DISTRACTED BY SOMETHING ELSE EARLIER. NOW I CAN FOCUS ON BEING OPPOSED TO THE BILL. I'M GOING TO SEE WHAT THE VOTE ON THE BRACKET MOTION IS. I HAD THOUGHT WHEN THE BILL CAME UP YESTERDAY THAT I'D PROBABLY BE THE ONLY ONE TO OPPOSE IT. AND I MADE IT CLEAR, BASED ON WHAT I THOUGHT WOULD BE THE SITUATION, PARAPHRASING, I THINK I SAID SOMETHING LIKE--I MAY BE THE ONLY ONE TAKING THIS POSITION, BUT I WANTED THE RECORD TO BE CLEAR THAT I OPPOSE THIS BILL. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR CHAMBERS: THEN AS THE DISCUSSION PROCEEDED, I DISCUSSED WHAT A REGRESSIVE TAX IS AND HOW IT IMPACTS THE POOR. WHENEVER A STATE IS IMPOSING AN ASSESSMENT OF SOME KIND, AND IT IS AS HARSH ON THE POOR WHO HAVE NOT AS IT MIGHT BE ON THE RICH WHO HAVE MORE THAN THEY NEED, THEN THAT STATE IS BEING, IN MY OPINION, UNJUST. I DEAL WITH PEOPLE WHO ARE POOR. I DEAL WITH PEOPLE WHERE HUNGER MEANS MORE THAN THE FACT THAT I HAD TO EAT AT 2:00 LUNCH INSTEAD OF NOON; PEOPLE WHO DIDN'T HAVE BREAKFAST, WHO DIDN'T HAVE LUNCH, WILL NOT HAVE DINNER AND THEY GO TO THE STORE AND IF THEY'RE SIX PENNIES SHORT OF A LOAF OF BREAD, THE STORE IS NOT GOING TO SAY--WELL WE FEEL FOR YOU,

Floor Debate
April 01, 2015

TAKE THE BREAD AND WE'LL EAT THAT SIX CENTS, IT DOESN'T HAPPEN THAT WAY. MY ROLE IS DIFFERENT FROM THAT OF ANYBODY IN HERE BECAUSE WHAT I SEE AND EXPERIENCE IS DIFFERENT AND WHAT I DO IS GOING TO BE BASED ON THAT. AND MR. PRESIDENT, I WOULD ASK FOR A CALL OF THE HOUSE. [LB610]

SENATOR KRIST: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS: SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB610]

ASSISTANT CLERK: 39 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB610]

SENATOR KRIST: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. SENATOR KINTNER, COULD YOU CHECK IN FOR US, PLEASE. THANK YOU. SENATOR DAVIS, SENATOR KUEHN, SENATOR BURKE HARR, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR BURKE HARR, PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, ALL MEMBERS ARE ACCOUNTED FOR. HOW WOULD YOU LIKE TO PROCEED? [LB610]

SENATOR CHAMBERS: ROLL CALL VOTE. [LB610]

SENATOR KRIST: THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE, REGULAR ORDER. MR. CLERK. [LB610]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1034.) 9 AYES, 29 NAYS, MR. PRESIDENT. [LB610]

SENATOR KRIST: THE MOTION TO BRACKET FAILS. RAISE THE CALL. AND MR. CLERK. [LB610]

ASSISTANT CLERK: MR. PRESIDENT, A PRIORITY MOTION: SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN. [LB610]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR BRACKET MOTION...OR ON THE MOTION ON THE FLOOR. [LB610]

Floor Debate
April 01, 2015

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I AM GENUINELY OPPOSED TO THIS BILL. I DON'T KNOW IF THE VOTES AGAINST THE BRACKET MOTION WERE THERE BECAUSE OF AN OPPOSITION TO...OR SUPPORT FOR THE BILL OR A DESIRE TO HAVE THE DISCUSSION CONTINUE. BUT NEVERTHELESS, THEY DID GET 29 VOTES. AND IF THIS WERE TO GO ALL OF THE WAY AND ALL OF THOSE WHO VOTED FOR THE BRACKET MOTION PLUS THOSE WHO WERE NOT VOTING AND THE ONE PERSON WHO WAS NOT HERE, I DON'T KNOW IF THEY WOULD HAVE 33 VOTES. BUT HERE'S THE ISSUE AS I SEE IT: WE HEARD PEOPLE STAND UP HERE AND LECTURE US ABOUT KICKING THE CAN DOWN THE ROAD, THAT YOU'RE NOT DEALING...YOU HAVEN'T DEALT WITH THE ISSUE IN THE PAST AND YOU'RE PUTTING IT OFF. WELL BASED ON THIS LETTER THAT WE GOT THAT SENATOR SMITH HANDED OUT, THIS BILL IS KICKING THE CAN DOWN THE ROAD. IT'S FROM DAVID E. COPPLE, CHAIRMAN OF THE NEBRASKA STATE HIGHWAY COMMISSION. AND THE...LET ME ASK A QUESTION OF SENATOR SMITH IF I MAY. [LB610]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES. [LB610]

SENATOR CHAMBERS: SENATOR SMITH, THE INITIALS ARE J.S., SO YOU DID HAND OUT THIS LETTER, IS THAT CORRECT? [LB610]

SENATOR SMITH: THAT WOULD BE ME. [LB610]

SENATOR CHAMBERS: OKAY, THANK YOU. THIS IS A QUOTE FROM THE LAST PARAGRAPH IN THE LETTER: "WHILE THE NEBRASKA STATE HIGHWAY COMMISSION VOTED TO SUPPORT LB610 AS AN IMPORTANT TEMPORARY MEASURE, IT RECOGNIZES THE STATE OF NEBRASKA NEEDS TO ADDRESS AND SEEK A LONG-TERM SOLUTION." NOW I WOULD LIKE TO ASK SENATOR SMITH A QUESTION OR TWO. [LB610]

SENATOR KRIST: GO AHEAD. [LB610]

SENATOR CHAMBERS: SENATOR SMITH, TEMPORARY MEANS WHAT IT SAYS. TEMPORARY, NOT THE FINAL WORD; OR HOW WOULD YOU DEFINE THE WORD--TEMPORARY? [LB610]

Floor Debate
April 01, 2015

SENATOR SMITH: IN A DISCUSSION I HAD YESTERDAY WITH SENATOR SEILER ON THIS, I INTERPRET THAT AS BEING SHORT TERM. [LB610]

SENATOR CHAMBERS: OKAY, AND STOPGAP, OR ANY OF THOSE KIND OF TERMS. THIS COULD BE VIEWED BY SOME PEOPLE AS KICKING THE CAN DOWN THE ROAD, COULDN'T IT? [LB610]

SENATOR SMITH: I INTERPRETED THAT AS BEING THIS IS NOT THE LONG-TERM SOLUTION. [LB610]

SENATOR CHAMBERS: BUT THAT COULD BE INTERPRETED BY SOME AS KICKING THE CAN DOWN THE ROAD. IN OTHER WORDS, PUTTING IT OFF TO A LATER DATE WHEN YOU'RE GOING TO ADDRESS IT AS A LONG-TERM SOLUTION. WOULD YOU AGREE WITH THAT? LET ME ASK IT A DIFFERENT WAY, THIS IS NOT THE LONG-TERM SOLUTION, IS IT? [LB610]

SENATOR SMITH: I DO NOT BELIEVE IT IS. [LB610]

SENATOR CHAMBERS: AND THIS LETTER INDICATES THAT THERE IS A LONG-TERM SOLUTION SOMEWHERE. [LB610]

SENATOR SMITH: WE JUST DON'T KNOW IT. [LB610]

SENATOR CHAMBERS: BUT YOU KNOW SOMETHING THAT COULD BE A LONG-TERM SOLUTION, DON'T YOU? [LB610]

SENATOR SMITH: DEATH. [LB610]

SENATOR CHAMBERS: BUT WE CANNOT, REALISTICALLY SPEAKING, EXPECT TO IMPLEMENT IT AT THIS TIME, WOULD YOU AGREE WITH THAT? [LB610]

SENATOR SMITH: I'M NOT CERTAIN WHICH LONG-TERM SOLUTION WE'RE TALKING ABOUT. [LB610]

SENATOR CHAMBERS: SO YOU DON'T KNOW THAT THERE'S A LONG-TERM SOLUTION. [LB610]

Floor Debate
April 01, 2015

SENATOR SMITH: I SAID THE ONLY LONG-TERM SOLUTION I KNOW OF IS DEATH.
[LB610]

SENATOR CHAMBERS: IS WHAT? [LB610]

SENATOR SMITH: DEATH. [LB610]

SENATOR CHAMBERS: OH, DEATH. OH, I DIDN'T UNDERSTAND YOU. MEMBERS OF THE LEGISLATURE, SENATOR SMITH IS BEING CAGEY. AND I DON'T BLAME HIM, BECAUSE HE HAS A BILL THAT ON ITS OWN DOESN'T HAVE ENOUGH MERIT TO CARRY IT ANYWHERE. EVERYBODY ON THIS FLOOR HAS HEARD SENATOR SMITH AND OTHERS WHO SUPPORT THIS BILL TALK ABOUT HAVING KICKED THE CAN DOWN THE ROAD IN THE PAST. AND AS A RESULT, WE HAVE ALL THESE CRUMBLING BRIDGES, INCOMPLETE PROGRAMS OR ROAD PROJECTS AND SO FORTH. AND THAT EXISTS TODAY BECAUSE OF A KICKING THE CAN DOWN THE ROAD OR NOT TAKING THE BULL BY THE HORNS AND DOING WHAT NEEDED TO BE DONE. SO NOW HE BRINGS US SOMETHING WHICH CARRIES ON WHAT HE CRITICIZED AND WHAT OTHERS CRITICIZE. THE NEXT LEGISLATURE CAN SAY ABOUT THIS ONE, WHAT SOME IN THIS LEGISLATURE ARE SAYING ABOUT PRIOR LEGISLATURES--KICKING THE CAN DOWN THE ROAD. I WANT TO FIND SOMEBODY WHO SUPPORTS THE BILL AND WILL ANSWER ME...I WOULD LIKE TO ASK SENATOR PANSING BROOKS A QUESTION OR TWO. [LB610]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR PANSING BROOKS, WILL YOU YIELD TO A QUESTION? [LB610]

SENATOR PANSING BROOKS: NO. APRIL FOOL'S, I'LL YIELD. (LAUGHTER) YES, SENATOR CHAMBERS. [LB610]

SENATOR CHAMBERS: I'LL SAY LIKE A SONG BY FATS DOMINO: AIN'T THAT JUST LIKE A WOMAN, SHE'LL DO IT EVERY TIME. SENATOR PANSING BROOKS, DO YOU THINK THIS STOPGAP, WHICH THE LETTER WE GOT INDICATES THAT'S WHAT LB610 IS, COULD BE CONSTRUED AS KICKING THE CAN DOWN THE ROAD OR LOOKING TO THE FUTURE TO FIND A LONG-TERM SOLUTION? AND YOU CAN BREAK THAT STATEMENT...LET ME ASK ONE PART AT A TIME. COULD THIS BE CONSTRUED AS KICKING THE CAN DOWN THE ROAD? [LB610]

Floor Debate
April 01, 2015

SENATOR PANSING BROOKS: SENATOR CHAMBERS, I THINK ALMOST ANYTHING THAT YOU DECIDE IS TRUE COULD BE TRUE. SO IT COULD BE, I PRESUME, CONSIDERED KICKING IT DOWN THE ROAD. SOME PEOPLE WOULD SEE IT AS SOMETHING ELSE. BUT I CAN UNDERSTAND YOUR VISION OF THIS. [LB610]

SENATOR CHAMBERS: WELL, WHEN THIS PERSON WHO WROTE THIS LETTER WROTE THE FOLLOWING: WHILE THE NEBRASKA STATE HIGHWAY COMMISSION VOTED TO SUPPORT LB610 AS AN IMPORTANT TEMPORARY MEASURE, IT RECOGNIZES THE STATE OF NEBRASKA NEEDS TO ADDRESS AND SEEK A LONG-TERM SOLUTION. WOULD THIS PERSON SEEM TO BE INDICATING THAT THIS THAT'S BEING DONE IS KICKING THE CAN DOWN THE ROAD TO ANOTHER TIME WHEN A LONG-TERM SOLUTION WILL BE ADDRESSED WHICH THIS BILL IS NOT DOING? [LB610]

SENATOR PANSING BROOKS: SENATOR CHAMBERS, I THINK YOU NEED TO START SOMEWHERE. AND AS I MENTIONED WITH THE EXAMPLE OF OUR HOUSE, WE HAVE MANY THINGS THAT NEED TO BE DONE IN OUR HOUSE, BUT WE HAVE TO START SOMEWHERE. AND, YES, THERE COULD BE EVEN GREATER PROBLEMS LATER ON, BUT IF WE DON'T START, THE PROBLEMS MAGNIFY AND THE COSTS BECOME GREATER, IN MY OPINION. [LB610]

SENATOR CHAMBERS: YOUR HONOR, WHEREAS THAT WAS A VERY ENTERTAINING ANSWER, I WOULD ASK THAT YOU DIRECT THE WITNESS TO ANSWER THE QUESTION WHICH I'LL POSE AGAIN. SENATOR PANSING BROOKS, COULD THIS LB610 BE SEEN AS KICKING THE CAN DOWN THE ROAD BASED ON THIS LETTER? [LB610]

SENATOR PANSING BROOKS: WELL, BASED ON THIS LETTER, YES. THE LETTER INDICATES THAT, BUT THAT DOESN'T NECESSARILY... [LB610]

SENATOR CHAMBERS: THANK YOU. [LB610]

SENATOR PANSING BROOKS: THANK YOU. [LB610]

SENATOR CHAMBERS: THANK YOU. THE QUESTION HAS BEEN ANSWERED. THE WITNESS MAY STEP DOWN. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WE ALL KNOW WHAT THIS IS. IT'S TO GIVE THE APPEARANCE AND CREATE THE IMPRESSION THAT SOMETHING BOLD AND NECESSARY IS BEING DONE. BUT

Floor Debate
April 01, 2015

AFTER YOU RAISE THE TAX HERE, YOU'RE GOING TO HAVE TO COME UP WITH SOMETHING ELSE IN THE FUTURE WHICH CANNOT BE AN INCREASE IN THE GAS TAX. FOR THOSE WHO SAY THIS IS GOING TO REDUCE PROPERTY TAXES, THEN I WILL SAY, IF THAT'S ALL THEY WANT, AND THIS IS CONSIDERED BY THEM TO BE A SUBSTANTIAL DECREASE IN THE PROPERTY TAXES, THEY'RE NOT INTERPRETING THE CONDITION OF THE STATE IN THE WAY THAT I WOULD. WHEN I PAY THAT LITTLE SIX CENTS MORE A YEAR OR WHATEVER THEY SAY IT IS, WHOSE PROPERTY TAXES WILL BE REDUCED? YOU KNOW THIS IS NOT A PROPERTY TAX REDUCTION MEASURE. IT'S NOT PRESENTED AS THAT WAY...AS THAT. IT'S BEING CONSTRUED THAT WAY TO TRY TO SUGAR COAT SOMETHING WHICH CANNOT BE EXPECTED TO SWALLOW WITHOUT BEING SUGAR COATED. AND IT DOES HIT THE POOR. WHEN SOME PEOPLE, OR AT LEAST ONE, STOOD ON THE FLOOR AND TALKED ABOUT HOW DIFFICULT IT IS FOR POOR PEOPLE TO PUT GAS IN THEIR CAR, YOU ALL CANNOT UNDERSTAND THAT HAPPENING. TO YOU, SOMEBODY ALWAYS HAS ENOUGH MONEY TO PUT THE GAS IN THEIR CAR THAT THEY NEED. THEY ALWAYS HAVE ENOUGH TO BUY A LOAF OF BREAD AND A QUART OF MILK. THEY CAN ALWAYS BUY A POUND OF HAMBURGER. THAT'S BECAUSE YOU HAVE LIVED A DIFFERENT EXISTENCE. FOR EXAMPLE, I THOUGHT SENATOR SCHILZ HAD GROWN UP AS A POOR KID. THEN WHEN HE TALKED ABOUT THAT FEEDLOT OR WHATEVER IT HAD AND HOWEVER HEAD OF WHATEVER THEY WERE DOING, HE DOESN'T KNOW WHAT IT MEANS TO BE POOR. SO HOW CAN I EXPECT HIM TO SEE THE WORLD AS I SEE IT? [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR CHAMBERS: WE SEE THE WORLD THROUGH OUR EYES BASED ON OUR BACKGROUND, OUR UPBRINGING, OUR EDUCATION, OUR EXPERIENCES, BUT WE LEARN THE MOST AND THE LESSONS THAT STICK WITH US THE MOST ARE THOSE DERIVED FROM EXPERIENCE. IT'S LIKE A BILL WAS BEFORE THE SENATE AND SOME GUY STOOD UP WHO WAS NEWLY RICH AND HE SAID, WELL, WE'VE ALL BEEN POOR. AND MR. DUPONT, WHO HAD BEEN RICH ALL HIS LIFE SAID, I WANT TO CORRECT THE SENATOR, NOT ALL OF US HAVE BEEN POOR. SO WHEN THEY TALK ABOUT WHAT THEIR PARENTS OR GRANDPARENTS DID WORKING THE COAL MINE OR WHATEVER, THEY HAVEN'T DONE IT. AND THAT'S HOW THEY GET THEIR BONA FIDES, OR HOWEVER YOU PRONOUNCE IT. BUT FOR THEMSELVES, THEY NEVER EXPERIENCED IT. AND I'M GOING TO FIGHT FEROCIOUSLY FOR THOSE PEOPLE WHO ARE HARMED BY THESE BAD BILLS THAT ARE NOT EVEN GOING TO ACHIEVE WHAT WE'RE TOLD, DISINGENUOUSLY, THEY WILL ACHIEVE. THANK YOU, MR. PRESIDENT. [LB610]

Floor Debate
April 01, 2015

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB610]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. GET BACK TO THE BASICS AGAIN. WHEN I RAN FOR OFFICE, BANGED ON A LOT OF DOORS, AND SADLY I'M GAINING SOME OF THAT WEIGHT BACK, AND SENATOR GARRETT KEEPS PUTTING FOOD IN FRONT OF ME. BUT ANYWAY, ALL I HEARD WAS PROPERTY TAXES. I DON'T CARE WHAT ECONOMIC STATUS THE PERSON HAD, WHAT PART OF TOWN I WALKED, IT WAS PROPERTY TAXES. IT WASN'T ROADS, IT WASN'T FUNDING FOR SCHOOLS, IT WAS PROPERTY TAXES, THAT'S ALL I HEARD. THIS INCREASE OF TAX IS JUST AN ABSOLUTE...I'M NOT EVEN GOING TO SAY IT, BUT INCREASING TAXES IS THE FIRST THING WE DO AFTER WE HAD, SUPPOSEDLY, A SEA CHANGE IN THIS CHAMBER WITH THE LAST ELECTION? I MEAN, ONE OF THE FIRST THINGS WE DO? THERE'S NOTHING ON THE FLOOR TO CUT TAXES, NOTHING THIS YEAR SO FAR. BUT THAT ISN'T WHAT I HEARD OUT THERE IN...FROM THE PEOPLE. THEY WANT PROPERTY TAX RELIEF. THEREFORE, I'LL GO BACK TO WHAT I SAID EARLIER--WE DON'T NEED TO BE GIVING MORE MONEY TO THE STATE DEPARTMENT OF ROADS. THEY, APPARENTLY, DID A PRETTY GOOD JOB WITH ALL THE MONEY THEY'VE BEEN GETTING. WE'RE SIXTH RATED IN THE NATION. SOME THINGS NEED TO BE ADDRESSED WITH THE NEW ADMINISTRATOR. WE'RE FIFTH HIGHEST IN THE NATION IN ADMINISTRATIVE COSTS. TOTAL DISBURSEMENTS PER MILE, WE'RE NINE HIGHEST OF SPENDING PER MILE OF ROAD. WHAT IT ALL BOILS DOWN TO, WHERE WE HAVE A PROBLEM IT'S AT THE COUNTY LEVEL. IT'S WHERE THE FUNDING IS SHORT. THAT'S WHERE SOME OF THE ROADS HAVE NOT BEEN, YOU KNOW, THEY DON'T HAVE THE POLITICAL POWER THE CITIES AND THE STATES DO. WE REPRESENT ALL OF THOSE FOLKS. WE DON'T REPRESENT JUST THE STATE. WE REPRESENT THOSE RURAL FOLKS OUT IN THE COUNTY. AND THERE'S A LOT OF COUNTY BRIDGES RIGHT AROUND THE CITIES. THAT'S WHERE THE PROBLEM IS. AND AS I SAID, IT'S PROPERTY TAXES. IF YOU'RE GOING TO CONVINC ME TO DO ANYTHING WITH TAXES, IT'S GOT TO BE AN OFFSET OF PROPERTY TAXES. AND THE ONE PLACE WE CAN DO IT, BECAUSE THEIR ONLY FUNDING IS PROPERTY TAXES, WE CAN ACTUALLY DO SOMETHING WHERE WE CAN SEE THE RESULTS IF WE HELP THE COUNTIES OUT WITH THE ROADS AND BRIDGES. BUT WE ALSO, I HEAR, WE'RE GOING TO JUST GIVE IT TO THESE FOLKS. MY CITY ADMINISTRATOR IN NORTH PLATTE, HE SAID, YES, WE NEED MORE MONEY, OF COURSE WE DO. THEY GOT AN \$8.4 MILLION STREET AND ROAD AND BRIDGES...BRIDGES AND ROADS BUDGET, \$4.73 MILLION COMES FROM PROPERTY TAXES. BUT EVEN HE SAID, HE'S A GOOD PUBLIC SERVANT SAID, BUT HOW ARE YOU GOING TO BE SURE THAT THAT'S WHERE THAT MONEY IS SPENT IF YOU GIVE IT TO THEM? ON THE COUNTIES, I CAN BE ASSURED BECAUSE I CAN ACTUALLY SEE, IT'S A ONE-TO-ONE. BUT I WILL NOT SUPPORT ANY BILL THAT

Floor Debate
April 01, 2015

HAS MONEY TO THE STATE. AS I SAID EARLIER, WE'VE GOT A NEW EMPLOYEE COMING IN, WE NEED HIM TO LOOK AT IT. HE WORKS FOR THE GOVERNOR. WE NEED TO BE TALKING TO THE GOVERNOR. WE NEED TO FIND OUT WHAT HIS VIEWPOINTS ARE, WHAT THEIR PLAN IS. AND THEN WE NEED TO WORK WITH THEM. I DON'T SEE ANY POINT TO WALK RIGHT INTO A VETO AND...SO ANYWAY, I REITERATE, PROPERTY TAXES, PROPERTY TAXES, PROPERTY TAXES. I HELPED GET A MAYOR ONE TIME GET ELECTED AND HE ASKED ME--WHAT SHOULD I DO? I MET WITH HIM IN THE LIBRARY, I SAID--WHEN THEY ASK YOU WHAT YOUR NUMBER ONE CONCERN IS, SAY PROPERTY TAXES. WHEN THEY ASK YOU WHAT THE NUMBER TWO CONCERN IS, SAY PROPERTY TAXES. WHEN THEY ASK YOU WHAT YOUR NUMBER THREE CONCERN IS, SAY PROPERTY TAXES. HE UPSET THE INCUMBENT AND WON. THAT'S WHAT THE PEOPLE WANT. THEY WANT RELIEF FROM PROPERTY TAXES. WHAT ARE WE DOING IN THIS CHAMBER? WE'RE RAISING FUEL TAXES. WE NEED TO DO WHAT THE PEOPLE WANT AND THAT'S PROPERTY TAX RELIEF. THAT IS THE ONLY WAY I'LL JUSTIFY... [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR GROENE: ...IS IF WE GO DIRECTLY TO THE COUNTY AND WE GIVE THEM TWO CENTS OR WHATEVER, AND I DON'T LIKE THIS STEP, IF WE'RE GOING DO IT, DO IT. I MEAN, BECAUSE IF YOU DO SLOW STEPS, THEN THE BUREAUCRACY COMES BACK AND SAID INFLATION SWALLOWED THIS AND SOMETHING CAME UP OVER HERE. YOU CANNOT ACTUALLY SEE A ONE-TO-ONE RATIO WHEN YOU START DOING THIS STEP STUFF. EITHER YOU'RE GOING TO DO IT OR YOU'RE NOT? WE DON'T TRICKLE IT IN. BUT I WOULD SUPPORT AND I WILL GIVE AN AMENDMENT IF THIS THING GETS TO THE SECOND ROUND THAT WE GIVE TWO CENTS TO THE COUNTIES BECAUSE THAT DOESN'T RELATE TO OUR BUDGET, THE APPROPRIATIONS COMMITTEE, IT DOESN'T AFFECT THE APPROPRIATIONS OF OUR GENERAL FUND. AND LET'S START THERE AND THEN LET'S SEE IF IT WORKS, PROPERTY TAX RELIEF ALONG WITH BETTER BRIDGES. SO THANK YOU, MR. PRESIDENT. BUT THAT'S WHERE I'M AT ON THIS BILL. THAT'S WHY I DIDN'T VOTE ON THE BRACKET MOTION BECAUSE I WANTED TO STAND UP AND SAY THAT. AND THAT'S WHERE I'M AT. [LB610]

SPEAKER HADLEY: TIME, SENATOR. [LB610]

SENATOR GROENE: THANK YOU. [LB610]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED. [LB610]

Floor Debate
April 01, 2015

SENATOR GARRETT: THANK YOU, MR. SPEAKER. COLLEAGUES, I'VE GOT A NEWS FLASH FOR YOU. NEBRASKA HAS A SUCKING CHEST WOUND. AND THAT SUCKING CHEST WOUND IS OUR TAXES. AGAIN, TIME AND TIME AGAIN DURING THE CAMPAIGN LAST YEAR, AND TIME AND TIME AGAIN SINCE I'VE BEEN HERE, ALL I'VE HEARD ABOUT FROM CONSTITUENTS, MOSTLY, IS TAXES. WE'VE GOT TO GET OUR TAXES UNDER CONTROL. I MIGHT VOTE FOR LB610 IF THEY'LL LET ME AMEND LB454, MY EXEMPTING MILITARY RETIREMENT FROM STATE INCOME TAX, IF WE CAN PULL THAT OUT OF COMMITTEE AND AMEND IT TO THIS BILL, I'LL DO THAT. THERE ARE FOUR OF US THAT HAVE BILLS IN THE REVENUE COMMITTEE TO EXEMPT MILITARY RETIREMENT FROM STATE INCOME TAX. ALL THOSE VETERANS OUT THERE THINK THAT'S GOING TO HAPPEN. AND IT LOOKS INCREASINGLY LIKELY THAT IT'S NOT GOING TO HAPPEN. FOLKS, MAYBE THERE'S SOME DISTRICTS OUT HERE IN NEBRASKA SOMEWHERE THAT DON'T THINK TAXES ARE THE NUMBER ONE ISSUE. BUT JUST AS SENATOR GROENE JUST SAID, HE'S TALKING PROPERTY TAX, PROPERTY TAX, PROPERTY TAX; ALL I'M HEARING ABOUT IS TAXES. WE HAVE GOT TO FUNDAMENTALLY FIX OUR TAX PROBLEM. AND YOU DON'T FIX A SUCKING CHEST WOUND BY BLEEDING THE PATIENT. AND THAT'S WHAT AN ADDITIONAL GAS TAX IS GOING TO DO. IT'S MESSAGE RECEIVED, AS FAR AS I'M CONCERNED, OUR TAXES ARE TOO HIGH. IT WOULD BE A BETRAYAL...I FEEL A BETRAYAL FROM MY CONSTITUENTS IF I SIT HERE AND I SUPPORT AN INCREASE IN ANY TAXES. IT'S NOT GOING HAPPEN. WE NEED TO FUNDAMENTALLY THINK OUTSIDE THE BOX. WE NEED TO PUT OUR COLLECTIVE HEADS TOGETHER AND FIGURE OUT HOW TO FIX THIS PROBLEM BECAUSE IT'S NOT GOING AWAY. AND INCREMENTALLY BRINGING A GAS TAX OR, YOU KNOW, WHAT'S IT GOING TO BE NEXT WEEK--SOME OTHER TAX? THIS IS NOT HOW WE FIX THE PROBLEM. SO AGAIN, I RISE IN SUPPORT OF SENATOR CHAMBERS' RECONSIDER THE BRACKET MOTION AND I OPPOSE LB610. AND I'D LIKE TO YIELD THE REST OF MY TIME TO SENATOR CHAMBERS IF HE WOULD LIKE IT. [LB610 LB454]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED THREE MINUTES. [LB610]

SENATOR CHAMBERS: THANK YOU, SENATOR GARRETT. THANK YOU, MR. PRESIDENT. AND I WANT TO SAY SOMETHING, BECAUSE PEOPLE KEEP MENTIONING WHAT OTHER STATES ARE DOING. THAT IS AN ARGUMENT THAT PEOPLE USE WHEN THEY DON'T HAVE ANYTHING ELSE. IF WHAT THE OTHER STATES ARE DOING STARTED AS ONE DOMINO FALLING WHICH HIT ANOTHER DOMINO AND ANOTHER DOMINO, BUT THE FIRST DOMINO THAT FELL WAS CARVED FROM THE BONE IN THE HEAD OF THE ONE WHO OFFERED A

Floor Debate
April 01, 2015

NONSENSICAL POSITION, THEN THE OTHERS JUST FELL BECAUSE SOMEBODY ELSE DID IT. THAT'S WHY I SAY, AND IT'S WHAT IS MEANT BY THE EXPRESSION: "MONKEY SEE, MONKEY DO." WHAT DIFFERENCE DOES IT MATTER WHETHER NEBRASKA HAS THE FIRST HIGHEST TAX OR THE TWENTIETH HIGHEST TAX? HOW DOES THE TAX IMPOSED IN NEBRASKA IMPACT ON THE PEOPLE IN THIS STATE? IN ONE OF THE MORE BACKWARD STATES DOWN SOUTH, NOTICE I SAID "MORE BACKWARD," THERE WAS AN ISSUE BEFORE THE COURT RELATIVE TO CERTAIN REQUIREMENTS THAT THE LEGISLATURE WANTED TO PUT ON ABORTION CLINICS. THE ARGUMENT WAS MADE THAT IF YOU DO THIS, THEN IT'S GOING TO PUT AN UNCONSTITUTIONAL BURDEN ON WOMEN SEEKING AN ABORTION BECAUSE THERE WILL NOT BE AVAILABLE TO THEM THE FACILITIES NECESSARY. AND THE OTHER SIDE ARGUED THAT SURROUNDING STATES HAVE FAR MORE FACILITIES AVAILABLE. AND YOU KNOW WHAT THE COURT SAID WHEN THAT ARGUMENT WAS MADE? THE RIGHTS OF WOMEN IN THIS STATE ARE NOT TO BE DETERMINED BY WHAT HAPPENS IN ANOTHER STATE. IT'S WHAT HAPPENS IN THIS STATE. SO, TO ARGUE THAT BECAUSE OTHER STATES HAVE DONE THIS OR THAT OR HAVE NOT DONE THIS OR NOT DONE THAT, IT'S TO TAKE US AWAY FROM THE ISSUE. AND THE ISSUE HERE IS WHAT HAS BEEN DISCUSSED... [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR CHAMBERS: ...BY VARIOUS ONES OF US WHO ARE OPPOSED TO THIS BILL. EVEN THOSE WHO SUPPORT IT ACKNOWLEDGE THAT IT'S NOT MUCH, IT'S NOT GOING TO DO THAT MUCH. AND THEY WON'T USE THE WORDS, BUT IT'S KNOWINGLY KICKING THE CAN DOWN THE ROAD. IT'S A STOPGAP. IT'S TO GIVE THE IMPRESSION THAT SOMETHING IS BEING DONE WHICH, IN FACT, IS NOT. THE ONLY THING BEING DONE, IN FACT, IS THE RAISING OF A TAX WHICH OUGHT NOT TO BE RAISED. AND BY RAISING IT, YOU'RE NOT GOING TO DO FOR THE PUBLIC WHAT IS SUGGESTED WILL BE DONE. THANK YOU, MR. PRESIDENT. [LB610]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB610]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND I'M SURE THOSE PHANTOM CHILDREN AND THEIR PHANTOM PARENTS ENJOYED THAT RECOGNITION AND THE CLAPPING, OR MAYBE MY VISION IS SO BAD THAT I JUST CANNOT SEE. OH, THEY'RE UNDER; VERY GOOD. I WAS LOOKING UP IN THE BALCONY. BUT AT ANY RATE, THIS BILL MAY HAVE ENOUGH VOTES TO SURVIVE

Floor Debate
April 01, 2015

ANY ATTEMPT TO STOP IT. I WOULD NOT UNDERTAKE ALONE THAT EFFORT. AS BAD AS THE BILL IS, IT DOESN'T REACH THAT LEVEL OF MY PRINCIPLES, AS SOME MEASURES WILL, THAT WOULD MAKE ME SAY--I WILL STAND ALONE AND DO IT. BUT WITH THE OPPOSITION, WHICH I DIDN'T KNOW YESTERDAY EXISTED, THERE IS THE POSSIBILITY THAT THIS BILL CAN BE STOPPED. I WISHED SENATOR GROENE WERE HERE...OH, I SEE HIM. I WOULD LIKE TO ASK SENATOR GROENE A QUESTION IF HE WILL YIELD. [LB610]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD? [LB610]

SENATOR GROENE: YES, MR. PRESIDENT. [LB610]

SENATOR CHAMBERS: SENATOR GROENE, NOT ASKING YOU TO EXPLAIN IT, BUT YOU DID MAKE REFERENCE TO AN AMENDMENT THAT YOU WOULD BE INTERESTED IN OFFERING ON THIS BILL IF IT MADE IT TO SELECT FILE, DID I HEAR YOU CORRECTLY? [LB610]

SENATOR GROENE: YES. [LB610]

SENATOR CHAMBERS: WHY WOULD YOU NOT TRY TO HAVE IT ADDED TO THE BILL ON GENERAL FILE IF IT SURVIVES? [LB610]

SENATOR GROENE: I'VE BEEN TOLD I DON'T GIVE PEOPLE ENOUGH NOTICE (LAUGH) ON MY AMENDMENTS, SO I'M TRYING TO BE NICE TO MY FRIENDS, MR. FRIESEN AND MR. SMITH AND MR. CHAMBERS. [LB610]

SENATOR CHAMBERS: SENATOR GROENE, YOU DON'T OWE ANY OF US ANYTHING. WHENEVER A BILL IS UP THERE, IT'S AVAILABLE FOR AMENDMENT. AND THEY KNOW, THOSE WHO SUPPORT THIS BILL, THAT THERE'S OPPOSITION TO THE BILL FOR VARYING REASONS. BUT THAT'S ALL I WILL ASK YOU. I WOULD LIKE TO ASK SENATOR GARRETT, AND IN THIS CASE, I'M GOING TO ADDRESS HIM AS "GENERAL" GARRETT, A QUESTION OR TWO. [LB610]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB610]

SENATOR GARRETT YES, I WILL. [LB610]

Floor Debate
April 01, 2015

SENATOR CHAMBERS: "GENERAL" GARRETT, IF YOU HAVE AN ENEMY AND YOUR ENEMY MIGHT BE ON THE RUN, AND YOU HAVE MORE FIREPOWER THAT YOU CAN USE AGAINST THE ENEMY, ARE YOU GOING TO HOLD BACK AND SAY, WELL, IF HE MAKES IT TO THE RIVER, WHICH IS ABOUT 800 YARDS FROM HERE, THEN WE WILL TRY, IF HE HAS NOT GAINED MORE STRENGTH, TO DEAL WITH HIM AT THAT POINT, OR WOULD YOU DEAL WITH HIM RIGHT HERE WHERE THE BATTLE IS BEING JOINED. [LB610]

SENATOR GARRETT: I'D DEAL WITH HIM RIGHT HERE, RIGHT NOW. [LB610]

SENATOR CHAMBERS: NOW IF YOU HAD AN AMENDMENT, WOULD YOU OFFER IT HERE OR WOULD YOU WAIT UNTIL THE BILL HAD GAINED ADVANTAGE BY MOVING TO ANOTHER STAGE OF DEBATE WHICH BRINGS IT CLOSER TO PASSAGE? [LB610]

SENATOR GARRETT: I LOVE GENERAL PATTON, AND GENERAL PATTON HAD A PHRASE--GIVE ME A GOOD PLAN TODAY VERSUS AN EXCELLENT PLAN TOMORROW. SO I'D GO WITH WHAT I HAD TODAY. [LB610]

SENATOR CHAMBERS: THANK YOU, "GENERAL" GARRETT. MEMBERS OF THE LEGISLATURE, NOT HAVING BEEN IN THE MILITARY AS LONG AS "GENERAL" GARRETT, I WANTED TO YIELD TO THAT GREATER AMOUNT OF EXPERIENCE. BUT I'M SURE ALL OF YOU ALL UNDERSTAND THE POINT THAT I'M MAKING, EVEN IF IT'S NOT IN A MILITARY CONTEXT BUT ONLY A POLITICAL ONE. YOU GIVE YOUR ENEMY...LET ME DROP THAT, I'M GETTING OUT OF THE MILITARY ANALOGY. YOUR OPPONENT IS GOING TO BE GIVEN A FREE PASS TO SELECT FILE. IF THE AMENDMENT IS REJECTED ON GENERAL FILE, THEN WHOEVER OFFERED THAT AMENDMENT, IF THE BILL WITHOUT THAT AMENDMENT IS NOT SATISFACTORY, THE BATTLE SHOULD BE WAGED RIGHT HERE, RIGHT NOW, AT THIS POINT. SO I'D LIKE TO TALK TO SENATOR GROENE IF HE HASN'T ESCAPED. [LB610]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD TO A QUESTION? [LB610]

SENATOR GROENE: YES. MR. PRESIDENT, YES, I WOULD. [LB610]

SENATOR CHAMBERS: SENATOR GROENE, THE DISCUSSION THAT I HAD WITH "GENERAL" GARRETT IS ON THE RECORD. DID YOU HEAR OUR DISCUSSION? [LB610]

Floor Debate
April 01, 2015

SENATOR GROENE: YES, YES. [LB610]

SENATOR CHAMBERS: DO YOU STILL INTEND TO GIVE THEM THE ADVANTAGE OF MOVING TO THE NEXT STAGE BEFORE YOU OFFER YOUR AMENDMENT OR ARE YOU GOING TO OFFER IT AT THIS STAGE? [LB610]

SENATOR GROENE: I'M GOING TO OFFER IT IN THE SECOND STAGE BECAUSE I'M NOT AT WAR WITH SENATOR SMITH OR SENATOR FRIESEN. [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR CHAMBERS: I SAID I'M GETTING OUT OF THE MILITARY PARADIGM OR ANALOGY. SO YOU'RE WILLING TO GIVE YOUR OPPONENT THAT ADVANTAGE OF MOVING TO THE NEXT STAGE. [LB610]

SENATOR GROENE: WELL, I DON'T CONSIDER HIM MY OPPONENT. I'M STILL GATHERING INFORMATION AND I WANT TO SIT DOWN WITH THEM AND SEE WHAT'S AGREEABLE THAT WE CAN WORK TOGETHER. [LB610]

SENATOR CHAMBERS: OH, SO YOU HAVEN'T REALLY GOT THE AMENDMENT IN THE FORM YOU WANTED AT THIS POINT, IS THAT TRUE? [LB610]

SENATOR GROENE: NO...YES, THAT'S TRUE. NO, I DON'T HAVE IT IN THE FORM I WANT AT THE MOMENT. [LB610]

SENATOR CHAMBERS: IS THIS AN APRIL FOOL'S JOKE, SENATOR? [LB610]

SENATOR GROENE: THE WAY THIS SESSION IS GOING, I WAS SURPRISED IT'S APRIL 1, I THOUGHT IT WAS ABOUT JUNE OR JULY. [LB610]

SENATOR CHAMBERS: RIGHT ON, BROTHER. YOU RIGHT ON THAT. NOW I'M GOING TO... [LB610]

SPEAKER HADLEY: TIME, SENATOR. [LB610]

SENATOR CHAMBERS: ...SIT...THANK YOU, MR. PRESIDENT. [LB610]

Floor Debate
April 01, 2015

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB610]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, ON MARCH 20 OF THIS YEAR, THE LINCOLN JOURNAL STAR REPORTED THE FOLLOWING POLL AND HERE'S THE RESULTS OF THE POLL IN ONE SENTENCE--SPEND MORE, TAX LESS, AND LEGALIZE POT. AMERICANS WANT LOWER TAXES AND MORE GOVERNMENT SPENDING BOTH AT ONCE. THESE ARE AMONG THE FINDINGS FROM THE 2014 GENERAL SOCIETY SURVEY DONE BY THE UNIVERSITY OF CHICAGO. AND I'M READING EXCERPTS HERE. COULD I HAVE SOME...A LITTLE MORE QUIET, I CAN'T HEAR MYSELF. THANK YOU. IT'S NO WONDER WASHINGTON IS TIED IN KNOTS TRYING TO PLEASE THE PEOPLE. THE PEOPLE WANT MORE SPENDING ON MANY GOVERNMENT PROGRAMS, YET LOWER TAXES FOR THEMSELVES. MAJORITIES OF AMERICANS WANT MORE SPENDING ON SOCIAL SECURITY, ASSISTANCE TO THE POOR, ALTERNATIVE ENERGY SOURCES, CRIME, AND DRUG ADDICTION, BUT THAT DOESN'T MEAN THEY WANT TO PAY FOR THAT THEMSELVES. MORE THAN HALF OF THEM, 57 PERCENT, SAY THEIR OWN TAXES ARE TOO HIGH. WELL, THE SPEND MORE, TAX LESS, THAT'S NOT A SURPRISE TO ANY OF US. WHAT I WOULD LIKE TO SAY IS WHAT PEOPLE EXPECT OF US WHEN THEY ELECT US TO COME HERE IS NOT ON ONE SPECIFIC THING, IT'S TO PROVIDE LEADERSHIP. AND I WANT TO THANK SENATOR SMITH FOR PROVIDING LEADERSHIP ON A TOUGH ISSUE WHICH REQUIRES INCREASING THE GAS TAX WHICH HASN'T BEEN INCREASED FOREVER. NOW, WE MAY ALL DISAGREE ON WHAT LEADERSHIP ON THIS ISSUE MEANS. AND I DISAGREE WITH BROTHER CHAMBERS, I THINK THIS IS A NEEDED BILL. AND I WILL PROVIDE THAT LEADERSHIP IN THE FORM OF MY VOTE FOR LB610. BUT I WOULD ASK US ALL TO THINK OF LEADERSHIP. WHAT'S THE LEADERSHIP THAT'S NEEDED IN THIS CASE FOR IMPROVING OUR ROADS, IMPROVING OUR BRIDGES, IMPROVING OUR INFRASTRUCTURE WHICH WE KNOW NEED IMPROVEMENT? SO AS THE POLL SAYS--PEOPLE WANT US TO SPEND MORE, TAX LESS, AND LEGALIZE POT. BUT WE HAVE BEEN ELECTED TO SHOW LEADERSHIP AND MAKE THE DECISIONS THAT WE THINK PROVIDE LEADERSHIP, NOT THOSE WHICH GET US ELECTED NEXT TIME. THANK YOU VERY MUCH. [LB610]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECONSIDER MOTION. [LB610]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M GOING TO STOP SAYING...NO, I WON'T, BECAUSE I'LL HAVE TO BACK OFF OF IT. BUT IN MY MIND, I WILL STOP THINKING THAT I CANNOT BE GIVEN INFORMATION THAT CAUSES ME TO, FIGURATIVELY SPEAKING, RAISE MY

Floor Debate
April 01, 2015

EYEBROWS IN SURPRISE. BUT THERE'S NO WAY TO KNOW WITH CERTITUDE WHAT'S GOING TO HAPPEN ON THIS FLOOR UNTIL WE REACH THE POINT AT WHICH SOMETHING MUST BE DONE. AND AT THAT POINT, WE WILL KNOW AT LEAST WITH REGARD TO THAT ONE THING, WHERE PEOPLE STAND. BUT WE WON'T KNOW WHY THAT IS THE STAND. SENATOR GROENE INDICATED THAT HE DIDN'T VOTE THE LAST TIME ON THE BRACKET MOTION BECAUSE THERE WERE THINGS HE WANTED TO STAND UP AND SAY. SO I DON'T KNOW WHY PEOPLE DIDN'T VOTE. I DON'T KNOW WHY PEOPLE VOTE NO. I DON'T KNOW WHY THEY VOTE YES. SOME COULD HAVE VOTED YES FOR THE BRACKET MOTION BECAUSE THEY'RE REALLY AGAINST THE BILL. THEY COULD HAVE VOTED NO AGAINST THE BRACKET MOTION BECAUSE I OFFERED IT. I AM NOT A MIND READER. BUT I BELIEVE IF I WERE, AND I SURVEYED THE ROOM, I'M NOT GOING TO SAY WHAT WILL BE THE CASE, BUT I BELIEVE I'D SEE A LOT OF BLANK PAGES. THERE WOULD BE NOTHING THERE FOR ME TO READ ANYWAY. SO I'D SAVE IT FOR WHEN I GO ON THE PLAYGROUND WHERE LITTLE CHILDREN ARE, BECAUSE AT LEAST THEY'RE ALWAYS THINKING ABOUT SOMETHING. NOW, THIS BILL IS ONE THAT I OPPOSE. THERE IS NO WAY I WILL VOTE FOR IT. WHEN SENATOR SMITH AND I TALKED ABOUT IT, AND WE JUST REITERATED THAT DISCUSSION, HE ASKED ME HOW I FELT ABOUT IT. I SAID, I DON'T LIKE THE BILL. AND I WAS NOT ABLE AT THAT TIME TO TELL HIM IF I DISLIKED IT SO MUCH THAT I WOULD TRY TO CARRY IT TO CLOTURE. I'M STILL AT THAT POINT. IF PEOPLE WOULD MAKE IT CLEAR WHERE THEY STAND ON THE BILL, IT WOULD HELP ME MAKE UP MY MIND. BUT, I SHOULD NOT RELY ON OTHER PEOPLE AND I WON'T. I'M LISTENING TO THE DEBATE. I'M CONSIDERING WHAT I REALLY FEEL ABOUT THIS BILL WHICH IS TO BE AGAINST IT, BUT HOW MUCH TIME I WANT TO EXPEND ON THIS BILL TRYING TO STOP IT. IF THERE'S NO WAY IT CAN BE STOPPED, THEN IT IS A TOTAL WASTE OF TIME BECAUSE I DON'T FEEL STRONGLY ENOUGH AGAINST IT TO TAKE ALL OF THAT TIME. MY VIEW IN TERMS OF HOW I WILL VOTE IS NOT GOING TO CHANGE NO MATTER WHAT ANYBODY DOES OR SAYS. THE ONLY WAY I WOULD GIVE A "YES" VOTE ON THIS BILL IS IF IT'S ONE OF THOSE MOTIONS THAT WOULD KILL IT EITHER BY BRACKETING IT, INDEFINITELY POSTPONING IT, OR GUTTING IT. BUT AS FAR AS VOTING FOR THE BILL, OR THE CONCEPT CONTAINED IN IT, I WON'T VOTE FOR IT. SO THIS VOTE MIGHT TELL ME SOMETHING AND IT MIGHT NOT. BUT I AM SURE THERE WILL BE ADDITIONAL DISCUSSION. BUT IT WON'T BE PURSUANT TO A MOTION THAT I WILL OFFER. AND IF SENATOR BAKER...THAT MAN...I LIKE TO DO THAT...AND I DON'T THINK SENATOR BAKER IS EVEN BACK THERE. WHO KNOWS, THOUGH? SOME PEOPLE DON'T EVEN KNOW WHAT SENATOR BAKER LOOKS LIKE. THERE IS A TALL GENTLEMAN IN A SHADOWED AREA NEXT TO A PILLAR UNDER THE BALCONY

Floor Debate
April 01, 2015

WHO WAVED, SO I'VE GOT TO PRESUME THAT THAT PERSON IS EITHER SENATOR BAKER OR SOMEBODY WHO KNOWS WHO SENATOR BAKER IS. [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR CHAMBERS: WHAT I'M GOING TO DO IS ASK FOR A CALL OF THE HOUSE AND I WILL TAKE A ROLL CALL VOTE AND THEN WE'LL JUST SEE HOW THINGS GO FROM THERE. SO THAT IS ALL THAT I HAVE TO SAY AT THIS POINT, MR. PRESIDENT, AND I WILL ASK FOR A CALL OF THE HOUSE, THEN I WILL TAKE A ROLL CALL VOTE. [LB610]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS: SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB610]

ASSISTANT CLERK: 30 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB610]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR CRAWFORD, YOU CHECKED IN? OKAY. SENATOR BOLZ, SENATOR HILKEMANN, SENATOR GROENE, THE HOUSE IS UNDER CALL. WE CAN PROCEED, MR. CLERK, ROLL CALL IN REGULAR ORDER. I'M SORRY, MACHINE VOTE. THE PROPOSITION BEFORE YOU IS THE MOTION TO RECONSIDER. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; THOSE OPPOSED VOTE NAY. A CALL FOR A RECORD VOTE. RECORD, MR. CLERK. [LB610]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGED 1034-1035.) 11 AYES, 31 NAYS, MR. PRESIDENT. [LB610]

SPEAKER HADLEY: THE MOTION TO RECONSIDER FAILS. WE WILL NOW GO BACK TO DEBATE ON LB610. I RAISE THE CALL. SENATOR KRIST, YOU'RE RECOGNIZED. [LB610]

SENATOR KRIST: GOOD MORNING, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I TOLD THE INTRODUCER THAT I PROBABLY WOULDN'T SPEAK ON THIS BILL, BUT HAVING BEEN TRAPPED IN THE

Floor Debate
April 01, 2015

CHAIR THIS MORNING AND MOST OF YESTERDAY, I HAVE NOT HAD A CHANCE TO TALK ABOUT THE ISSUE AT HAND. SO I GUESS FROM MY PERSPECTIVE, I HAVE WATCHED, IN THE SIX OR SO YEARS THAT I HAVE BEEN HERE, AGENCIES AND DEPARTMENTS IN THE STATE THAT HAVE GROWN AND HAVE NOT BEEN RESPONSIVE TO THE CITIZENS OF THE STATE, NOR HAVE THEY BEEN RESPONSIVE TO THE TAXPAYERS. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WHEN ASKED TO ACCOUNT FOR THE MONIES IN THEIR BUDGET WERE...WERE EITHER UNWILLING OR UNABLE TO ACCOUNT FOR THE DOLLARS THAT WERE BEING SPENT AND WHERE THEY WERE BEING SPENT. I'M REMINDED BY A CITIZEN THAT, JUST OUTSIDE OF MY DISTRICT, BUT WHO I HAVE REPRESENTED ON MANY OCCASION FOR HIS BILLING PROBLEMS, WHO BY THE WAY, IS ONE OF THE ONLY PEDIATRIC DENTISTS IN THE OMAHA AREA, WHEN HIS BILLING PROCESS HAS FALLING BEHIND 90, 120 DAYS AND HE IS TAKING MONEY OUT OF HIS POCKET RATHER THAN GETTING FUNDED AND GETTING REIMBURSED AFTER HE HAS INVOICED OF HOW UNRESPONSIVE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES HAS BEEN. WE WILL SEE A NEW CEO IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. HER NAME IS COURTNEY PHILLIPS; SHE'S COMING TO US FROM LOUISIANA. AND I HAVE SAID ON THIS FLOOR AND PERSONALLY THAT I THINK WE OWE MS. PHILLIPS THE OPPORTUNITY TO MAKE SOME CHANGES IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. BUT I AM NOT STANDING BY AND WAITING FOR HER TO MAKE THOSE CHANGES. I HAVE ASKED HER FOR KEY PEOPLE NOT TO REMAIN IN THE DEPARTMENT. I HAVE ASKED FOR HER EFFICIENCIES TO SHOW UP ALMOST IMMEDIATELY. IN THE DEPARTMENT OF CORRECTIONS, WHICH I'VE SPENT MOST OF THE LAST PORTION OF THE LAST YEAR AND A HALF INVESTIGATING IN LR424. WHEN WE CONFIRMED A NEW DEPARTMENT OF CORRECTIONS DIRECTOR, MR. FRAKES, I WAS VERY CLEAR THAT WHAT CAME OUT OF THE LR424 COMMITTEE WAS THE REMOVAL, THE RECOMMENDATION, THE STERN RECOMMENDATION TO REMOVE KEY PARTS OF WHAT WERE THE PROBLEMS, THE PROBLEM AREAS IN LEADERSHIP IN CORRECTIONS. I ADD TO THAT LIST OF AGENCIES AND DEPARTMENTS THAT ARE BEHEMOTHS IN THIS STATE THAT ARE UNRESPONSIVE TO THE CITIZENS AND UNRESPONSIVE TO TIMETABLES TO TAKE CARE OF THE ISSUES AT HAND, THE DEPARTMENT OF ROADS. I'VE BEEN ON THE PERFORMANCE AUDIT COMMITTEE FOR SEVERAL YEARS AND I CAN COUNT SEVEN...THAT'S TWO ON THIS HAND AND FIVE ON THIS HAND, SEVEN TIMES WHEN MEMBERS OF THIS BODY HAVE COME TO US AND SAID--COULD YOU PLEASE INVESTIGATE THE DEPARTMENT OF ROADS. I HAVE BEEN PRESENT WHEN A QUESTION HAS BEEN ASKED ABOUT THE TIMETABLE INVOLVED AND WHY FEDERAL DOLLARS HAVE BEEN LOST IN MATCHING FUNDS, AND THE ANSWER IS NOT, IN MY MIND, ACCEPTABLE. BEFORE TAXATION FOR THE REST OF OUR

Floor Debate
April 01, 2015

CITIZENS, I WANT SOME PROPER REPRESENTATION. IF THAT SOUNDS FAMILIAR, I THINK IT STARTED WITH SOME KIND OF TEA PARTY IN BOSTON. I WANT TO MAKE SURE WE'RE REPRESENTED IN THE DEPARTMENT OF ROADS. I WANT TO MAKE SURE THEY'RE AS EFFICIENT AS THEY CAN BE. I WANT TO MAKE SURE THAT THE PEOPLE WHO ARE SITTING AT THE HELM... [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR KRIST: ...UNDERSTAND WHAT THE DEPARTMENT SHOULD DO FOR THE STATE OF NEBRASKA AND WHAT WE ARE EXPECTING FROM THEM. AND WE ARE GOING TO SEE A NEW DIRECTOR IN DEPARTMENT OF ROADS, WE'RE TOLD, IN THE VERY NEAR FUTURE. IF THAT DIRECTOR COMES BACK TO THIS BODY NEXT YEAR, BECAUSE IT'S GOING TO BE VERY EASY TO GET THIS BILL OUT OF COMMITTEE AGAIN, I'M MORE THAN WILLING TO VOTE FOR THE TAXATION AS LONG AS HE'S ASKING FOR IT AND AS LONG AS I SEE EFFICIENCIES IN THAT DEPARTMENT. WE'RE WORLD CLASS IN THIS STATE, WE HAVE PETER KIEWIT. WE HAVE A BUNCH OF PEOPLE IN THIS STATE WHO ARE ENGINEERS WHO COULD DO THE JOB THAT IS EMBEDDED WITHIN THE DEPARTMENT OF ROADS, IT IS A GLUTENOUS STRUCTURE. IT IS TOO BIG. [LB610]

SPEAKER HADLEY: TIME, SENATOR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB610]

SENATOR GROENE: THANK YOU, MR. SPEAKER. THANK YOU, SENATOR KRIST. HE SAID IT AS WELL AS COULD BE SAID ABOUT WE NEED TO HAVE A NEW ADMINISTRATOR AT THE STATE DEPARTMENT OF ROADS TO LOOK AT WHAT'S GOING ON THERE, AN OUTSIDE VIEW TO GO THROUGH THAT BUDGET, GO THROUGH THAT ADMINISTRATIVE COST. AND I SAID EARLIER, \$45 MILLION, FOLKS, FOR NEW BUILDINGS? GO OUT AND LOOK AT THE STATE BUILDINGS THAT HAVE BEEN BUILT--BRICK, HEATED, HUGE OVERHEAD ELECTRIC DOORS. AND THEN YOU GO LOOK AT THE PRIVATE ENTERPRISE CONSTRUCTION COMPANIES THAT BUILD OUR ROADS--THEIR EQUIPMENT IS PARKED OUTSIDE. WE NEED TO TAKE A LOOK AT HOW THAT DIVISION IS RUN. WE NEED TO LET THE GOVERNOR DO HIS JOB AND HIS NEW ADMINISTRATOR BEFORE WE START HANDING MORE MONEY OVER TO THEM TO SPEND. AND AS I SAID, THE ONLY WAY I'LL LOOK AT THIS IS PROPERTY TAX RELIEF THROUGH THE COUNTIES IS THE WAY I...WHEN I ANALYZED IT AND I'M SET IN MY FACTS ON THE COUNTIES; I HAVEN'T BEEN ABLE TO LOOK AT THAT THE CITIES' SITUATION YET. AND I AM SET IN MY WAYS ON THE STATE. THAT'S WHY I HAVEN'T OFFERED AN AMENDMENT YET. I JUST

Floor Debate
April 01, 2015

DON'T BELIEVE ON WRITING ON A PIECE OF PAPER AN AMENDMENT, STICKING IT IN THERE AND THEN IT'S LAW FOR THE NEXT 20 YEARS. I WOULD RATHER MAKE SURE IT'S DONE RIGHT, THE FACTS ARE CORRECT. BUT IF THIS GETS TO THE SECOND ROUND, I'LL OFFER AN AMENDMENT. AND ANYBODY ELSE HERE CAN DO THE SAME THING. I AM JUST OUT FRONT ABOUT IT. WE'VE GOT TO CONTROL TAXES AND JUST DOING TAXES BECAUSE WE THINK IT'S GOING TO BE DONE RIGHT AND TURNING MONEY OVER TO BUREAUCRATS WHO HAVE NOT PROVEN TO US THAT THEY ARE EFFECTIVE AND EFFICIENT ISN'T THE WAY TO DO THINGS. IT'S JUST NOT THE WAY TO DO IT. BECAUSE NOW WE HAVE THE OPPORTUNITY, IS NOT THE REASON TO DO IT BECAUSE GAS PRICES ARE DOWN. AND PROPERTY TAXES, I'M GOING TO DISAGREE...I'M GOING TO AGREE AND DISAGREE WITH SENATOR CHAMBERS, IF YOU WANT THE MOST REGRESSIVE TAX THAT'S OUT THERE, IT'S PROPERTY TAXES. FAMILY WORKS HARD FOR A HOUSE, THEY GET THEIR HOME AND THEY LOSE THEIR JOB. THAT TAX DOES NOT GO AWAY. INCOME AND SALES TAX CAN BE CONTROLLED; FUEL TAXES CAN BE CONTROLLED. PROPERTY TAXES CANNOT BE CONTROLLED. THEY ARE THERE. YOU CAN TURN YOUR HEAT DOWN, YOU CAN SHUT YOUR LIGHTS OFF. YOU CAN CONTROL YOUR UTILITY BILLS. THE MOST REGRESSIVE TAX OUT THERE IS PROPERTY TAXES. IT'S THE ONE HOME...YOU'RE MAKING A GOOD LIVING, YOU RETIRE, AND IT'S STILL HANGING OVER YOUR HEAD. SO I AM HERE TO GET PROPERTY TAX RELIEF. AND IF THERE IS ANYTHING WE DO WITH THIS FUEL TAX, IT'S GOING TO HAVE TO, TO ME, BE DIRECTLY RELATED TO PROPERTY TAX RELIEF. SO THANK YOU. I WILL YIELD MY TIME TO SENATOR KINTNER IF HE'S GOT SOMETHING TO SAY. [LB610]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 2 MINUTES. [LB610]

SENATOR KINTNER: WELL, I GUESS I DO NOW. THANK YOU. I GOT AN E-MAIL FROM A CONSTITUENT THAT SAID--IF YOU WANT SOMETHING TO TALK ABOUT, TALK ABOUT THAT WE ARE ONE OF THE TOP 10 WORST STATES TO RETIRE IN. AND THERE IS AN ARTICLE IN KIPLINGER THAT SAYS: STATES YOU DON'T WANT TO RETIRE IN. AND WE'RE UP THERE WITH NEW YORK, NEW JERSEY, VERMONT, RHODE ISLAND. WE'RE PRETTY MUCH IN THE COMPANY THAT WE DON'T WANT TO BE IN, IN TERMS OF OUR TAXES ON RETIREES. AND WHAT WE DO TO OUR RETIREES IS WE BEAT THE CRAP OUT OF THEM ON PROPERTY TAXES, AND THEN WE TURN AROUND AND WE SMACK THEM UPSIDE THE HEAD ON TAXING THEIR RETIREMENT INCOME. AND THAT ONE-TWO PUNCH IS REALLY THE REASON THAT WE HAVE AN OUT-MIGRATION OF PEOPLE OVER 60. IT'S BEEN WELL DOCUMENTED... [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

Floor Debate
April 01, 2015

SENATOR KINTNER: ...AND WE HAVE NOT ADDRESSED THAT AT ALL. AND WE LOOK AT OUR TAX BURDEN AND I THINK WE ARE NOW, INSTEAD OF BEING IN THE TOP 15, WE'RE NOW IN THE TOP 25, SO WE'VE DONE A LITTLE BIT BETTER AFTER LAST YEAR. BUT WE RAISE TAXES HERE AND OUR TAX RANKING IS GOING TO GO BACK DOWN. AND THEY LOOKED AT OUR COLLECTIVE TAX BURDEN, AND IT'S NOT JUST THE TAXES YOU LEVY, IT'S THE TAXES ON YOUR BOOK THAT YOU COULD LEVY AND THEY HOLD THAT AGAINST YOU, TOO. SO AS WE'RE LOOKING TO ATTRACT JOBS AND WE'RE LOOKING TO GET COMPANIES TO COME HERE, WE JUST DON'T WANT GOOD ROADS, AND WE GOT TO HAVE GOOD ROADS, BUT WE GOT TO HAVE A GOOD TAX STRUCTURE IN OUR STATE AND WE JUST HAVE NOT BEEN ABLE TO GET IT TO WHERE WE WANT TO BE. THE OTHER THING I NOTICED IS...IS THAT...AND I SAW AN ARTICLE IN INVESTOR'S BUSINESS DAILY TODAY THAT SAYS KANSAS HAS BECOME AN ECONOMIC MACHINE.
[LB610]

SPEAKER HADLEY: TIME, SENATOR. SENATOR McCOY, YOU ARE RECOGNIZED.
[LB610]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I STAND OPPOSED TO LB610, AS I SAID YESTERDAY, AND I'VE SAID AT LEAST ONCE THIS MORNING. YOU KNOW, UNLESS I'M MISTAKEN, NOW MY SEVENTH YEAR HERE IN THE LEGISLATURE, THIS BILL IS THE VERY FIRST TIME THAT WE'VE HAD A TAX INCREASE THAT MADE IT TO THE FLOOR. I COULD HAVE MISSED SOMETHING ALONG THE WAY, I DON'T THINK I HAVE, BUT THIS IS THE FIRST TIME. AND I, FRANKLY, I'M JUST OPPOSED TO IT. RESPECT SENATOR SMITH; I UNDERSTAND THE SITUATION AS HE'S OUTLINED IT. BUT I'M GOING TO MENTION SOMETHING IN ALL DUE RESPECT TO SENATOR GARRETT, I THINK IT WAS ACTUALLY PRESIDENT GEORGE H.W. BUSH THAT SAID--READ MY LIPS, NO NEW TAXES. AND HE LOST THE PRESIDENCY TO THEN GOVERNOR BILL CLINTON BECAUSE OF IT, BECAUSE HE ACTUALLY PROCEEDED AFTER HE MADE THAT STATEMENT, I THINK, IN 1989, BETWEEN 1989 AND THE GENERAL ELECTION IN 1992, HE PROCEEDED TO SIGN INTO LAW WHAT A DEMOCRATICALLY CONTROLLED CONGRESS PASSED AND THAT WAS TAX INCREASES. I'M VERY FOND OF ANOTHER QUOTE THAT RONALD REAGAN SAID, EARLY IN HIS PRESIDENCY, I THINK IT WAS A COUPLE OF YEARS INTO HIS FIRST TERM,--GOVERNMENT'S VIEW OF THE ECONOMY COULD BE SUMMED UP IN A FEW SHORT PHRASES: IF IT MOVES, TAX IT; IF IT KEEPS MOVING, REGULATE IT; AND IF STOPS MOVING, SUBSIDIZE IT. I THINK THAT IS VERY APPROPRIATE BECAUSE WE'RE TALKING ABOUT TAXING SOMETHING THAT MOVES. WELL, AT LEAST THE FUEL THAT MOVES THE VEHICLES THAT MOVE, MORE APPROPRIATELY. I GO BACK TO WHAT I SAID

Floor Debate
April 01, 2015

YESTERDAY, AND I CAN BE CHASTISED FOR SAYING THIS AND SAYING THAT GOVERNOR RICKETTS HAS CUT SPENDING NOW TO 3 PERCENT, WHICH BY THE WAY, I AGREE WITH COMPLETELY. AND NOW WE DON'T HAVE THE REVENUE TO THE STATE TO USE AN ADDITIONAL QUARTER CENT OF SALES TAX, LIKE WE DID WITH THE BUILD NEBRASKA ACT THAT WAS PASSED IN 2011, THAT I VOTED FOR, AND A NUMBER OF YOU DID. I DON'T AGREE. MEMBERS, IF YOU LOOK, THERE IS OVER \$94 MILLION WORTH OF A BILLS SITTING ON GENERAL FILE RIGHT NOW THAT HAVE BEEN PRIORITIZED, UNLESS MY COUNT IS WRONG. NOW SOME OF THOSE COULD CHANGE, AS THEY OFTEN DO. WE HAVE WAY MORE MONEY THAN WE WANT TO SPEND THAN WHAT WE CAN SPEND, OR IN MY VIEW, OUGHT TO SPEND. I'LL BE HONEST, I NEVER THOUGHT I WOULD STAND UP HERE IN MY EIGHT YEARS IN THE LEGISLATURE AND BE TALKING ABOUT A TAX INCREASE, I REALLY DIDN'T. BUT HERE WE ARE. I DON'T CARE HOW YOU CHANGE THIS. I DON'T CARE HOW YOU PUT THIS TOGETHER. I DON'T CARE WHAT YOU ATTACH TO IT, HOW YOU AMEND IT, WITH ALL RESPECT TO SENATOR GROENE AND HIS IDEA OF AMENDING SOMETHING ON SELECT FILE, I DON'T CARE WHAT YOU DO WITH THIS LEGISLATION, I'M NOT VOTING FOR IT. AND THAT'S FINE, THAT'S ME, THAT'S MY OPINION, I'M 1 OF 49. AND I MAY BE IN THE MINORITY ON THIS ONE, BUT I THINK THERE'S AN AWFUL LOT OF NEBRASKANS OUT THERE WHO, YES, THEY WANT GOOD ROADS; YES, THEY WANT SAFE BRIDGES, BUT WE'RE NOT TALKING ABOUT GOING TO THE MOON HERE. HOWEVER NOBLE THAT WAS IN THE 1950s AND 1960s, WE'RE TALKING ABOUT THE SURVIVAL OF SMALL BUSINESS AND THE SURVIVAL... [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR McCOY: ...OF FAMILIES THAT WANT TO GROW AND WANT TO STAY IN NEBRASKA, KIDS THAT WANT TO STAY HERE. WE'RE ABOUT TO TALK ABOUT LB106 AGAIN. WHAT'S THE DISCUSSION BEEN ABOUT ON THAT? HOW DO WE GROW FAMILY FARMS WHILE PRESERVING LOCAL CONTROL? GUESS WHAT'S AT THE BIGGEST HEART, IN MY...OR THE BIGGEST THING ISSUE AT HEART OF PRESERVING THE FAMILY FARM AND THE FAMILY BUSINESSES IN NEBRASKA-- TAXES--NOT TAX INCREASES, TAX CUTS. THANK YOU, MR. PRESIDENT. [LB610 LB106]

SPEAKER HADLEY: (VISITORS INTRODUCED.) THOSE IN THE QUEUE ARE SENATORS KINTNER, BRASCH, AND KOLTERMAN. SENATOR KINTNER. [LB610]

Floor Debate
April 01, 2015

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. WHILE WE'RE TALKING ABOUT TAX RELIEF, AND THIS IS ABOUT TAX RELIEF, IT'S NOT JUST ABOUT A TAX INCREASE HERE, BUT I'VE GOT THE INVESTOR'S BUSINESS DAILY RIGHT HERE IN FRONT OF ME. AND IT SAYS--KANSAS JOB CREATING MACHINE SHOWS THAT TAX CUTS WORK. NOW THIS IS GREAT BECAUSE THE LIBERALS HAVE BEEN TELLING US--KANSAS CUT TOO MUCH TAXES; IT'S NOT WORKING DOWN THERE. WELL, IT IS WORKING. IT JUST TAKES A LITTLE BIT OF TIME TO GET ROLLING. AND IF YOU LOOK AT THE KANSAS CITY SIDE--KANSAS CITY, KANSAS, SIDE OF KANSAS CITY, IT'S GROWING A LOT QUICKER THAN THE MISSOURI SIDE THAT HAS THE HIGHER TAXES. NOW THIS IS INVESTOR'S BUSINESS DAILY SAYING THIS, SO I AM QUOTING THEM. AND I THINK THEY'RE A PRETTY GOOD AUTHORITY ON THIS STUFF BECAUSE THAT'S WHAT THEY DO. THEY'RE ALL ABOUT INVESTMENTS, AND THEY'RE ALL ABOUT ECONOMICS, AND THEY'RE ALL ABOUT GOVERNMENT SPENDING OR NOT SPENDING. SO I THINK THAT'S REALLY GOOD NEWS. AND THAT, YOU KNOW, ONE THING KANSAS DID IS THEY PUT THEIR GOVERNMENT ON A DIET. WHEN YOU STARVE THE BEAST, YOU CAN'T SPEND THE MONEY. AND WHEN THEY WEREN'T SPENDING THE MONEY, THEY WERE ABLE TO HOLD LINE ON SPENDING, THE ECONOMY GREW, AND NOW THEY'RE WHERE WE ARE AND THEY'RE HAVING MORE JOBS THAN THEY HAVE PEOPLE. AND THE GOVERNOR IS QUOTED THAT WE CAN'T FIND PEOPLE TO FILL THE JOBS. AND THAT REALLY IS A PRETTY GOOD PROBLEM TO HAVE BECAUSE THAT DRIVES YOUR WAGES UP AND THAT DRIVES YOUR LIFESTYLE UP AND THE STANDARD OF LIVING GOES UP WHEN WE HAVE MORE JOBS THAN YOU HAVE PEOPLE. SO THAT'S A GOOD PROBLEM TO HAVE IN KANSAS. AND I THINK THAT SHOWS THAT BOLD TAX REFORM, BOLD TAX PLANS CAN WORK. NOW I'M NOT SAYING WHAT THEY DID IS RIGHT FOR OUR STATE, BUT WE SHOULDN'T BE AFRAID OF BOLDLY REDUCING TAXES AND ENFORCING THE GOVERNMENT TO LIVE WITHIN THE MONEY THAT COMES IN. IF YOU WANT TO RESTRAIN SPENDING, YOU WANT TO MAKE APPROPRIATIONS STOP SPENDING MONEY...AND APPROPRIATIONS COMMITTEE IS NOT SPENDING MONEY CRAZY OR ANYTHING THIS YEAR, BUT IF YOU WANT TO SLOW DOWN THE SPENDING, SLOW DOWN THE REVENUE THAT THEY CAN SPEND. AND I WOULD LIKE TO SEE IF SENATOR GARRETT WOULD YIELD TO A QUESTION. [LB610]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB610]

SENATOR GARRETT: YES, I WILL. [LB610]

SENATOR KINTNER: SENATOR GARRETT, YOU JUST CAME OFF OF THE CAMPAIGN TRAIL. YOU TALKED A LITTLE BIT ABOUT WHAT PEOPLE WERE SAYING. DID

Floor Debate
April 01, 2015

ANYONE AT ANY TIME SAY THEY WANT YOU TO SPEND MORE MONEY ON ANYTHING THAT YOU CAN THINK OF? [LB610]

SENATOR GARRETT: NOT ONCE. [LB610]

SENATOR KINTNER: NOT ONCE. MAYBE SOMEONE WILL SAY SCHOOLS ONCE IN A WHILE, BUT NOTHING. AND THEY SAID CUT TAXES. WHAT TAXES DID THEY REFER TO THE MOST? [LB610]

SENATOR GARRETT: THE MOST OFTEN WAS PROPERTY TAXES, BUT ALSO INCOME TAXES; AND A FEW BUSINESS OWNERS WERE TALKING ABOUT CORPORATE TAXES. [LB610]

SENATOR KINTNER: DID ANYONE TALK ABOUT...ANY OF THE MILITARY PEOPLE TALK ABOUT TAX AND RETIREMENT INCOME? ARE YOU HEARING ANY OF THAT AT ALL? [LB610]

SENATOR GARRETT: OH, I HEARD THAT LOUD AND CLEAR. MY DISTRICT HAS GOT A LOT OF VETERANS...A LOT OF VETERANS, AND SO I BROUGHT A BILL TO EXEMPT MILITARY RETIREMENT FOR STATE INCOME TAX AS WELL. I KNOW YOU DO AND SENATOR CRAWFORD AND SENATOR KRIST ALSO HAVE BILLS TO DO THE SAME. [LB610]

SENATOR KINTNER: IF YOU WENT TO THE...THIS NEXT...YOU GOT TO RUN AGAIN, 2016, AND IF YOU WENT OUT HAVING VOTED FOR A TAX INCREASE, WHAT WOULD PEOPLE IN YOUR DISTRICT SAY WHEN YOU CAME BACK AND KNOCKED ON THEIR DOOR? [LB610]

SENATOR GARRETT: WELL, I THINK THEY WOULD CALL ME A HYPOCRITE BECAUSE I CAMPAIGNED ON, YOU KNOW, THAT WE'RE GOING TO FIX THE TAX PROBLEM AND I CAN'T BE VOTING FOR A TAX INCREASE. IT WOULD BE LIKE I'D BE BETRAYING MY CONSTITUENTS. [LB610]

SENATOR KINTNER: I THINK SENATOR CHAMBERS USED THAT EXACT TERM, YES. [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

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Floor Debate
April 01, 2015

SENATOR KINTNER: OKAY, THANK YOU, SENATOR GARRETT. SENATOR EBKE, WOULD YOU YIELD FOR A QUESTION? [LB610]

SPEAKER HADLEY: SENATOR EBKE, WILL YOU YIELD TO A QUESTION? [LB610]

SENATOR EBKE: SURE. [LB610]

SENATOR KINTNER: YOU'RE A POLITICAL SCIENCE PERSON, TALK ABOUT OUR STATE'S TAX BURDEN IN ABOUT 40 SECONDS AND HOW YOU ASSESS OUR TAX BURDEN. [LB610]

SENATOR EBKE: IN ABOUT 40 SECONDS? WELL, IT IS OBVIOUS, IF YOU LOOK AT TAX FOUNDATION STUDIES AND SO FORTH, THAT WE ARE CERTAINLY ONE OF THE HIGHER TAXED STATES IN THE COUNTRY. IT DEPENDS ON WHICH TAXES SPECIFICALLY YOU'RE LOOKING AT. BUT, YOU KNOW, NONE OF US LIKE TAXES, I DON'T THINK, AND WE ARE CERTAINLY AT A POINT HERE WHERE WE HAVE TO MAKE SOME DECISIONS. UNFORTUNATELY, THE OTHER PROBLEM HERE IS THAT NOT ONLY DO WE NOT LIKE TAXES, BUT WE LIKE SERVICES. AND WHEN YOU LIKE SERVICES, SOMEBODY HAS GOT TO PAY FOR IT. SO THE PROBLEM WE FIND OURSELVES IN IS THAT PEOPLE ARE DEMANDING SERVICES. YES, SENATOR... [LB610]

SPEAKER HADLEY: TIME, SENATORS. [LB610]

SENATOR EBKE: THANK YOU. [LB610]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED. [LB610]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND, COLLEAGUES, I STAND ONCE MORE IN FRONT OF YOU TO THINK LONG AND HARD ABOUT WHAT WE ARE DOING. ARE YOU GOING TO VOTE TO INCREASE A TAX THAT WAS NOT A PRIORITY OF THE TAX MODERNIZATION COMMITTEE? INDIVIDUALS FROM ACROSS THE STATE, ALL ACROSS NEBRASKA STOOD IN LINE, WENT TO THE PUBLIC HEARINGS, THEY CAME TO THE HEARINGS IN THIS CAPITAL. GRANTED, 18 OF YOU HAVE COME HERE AND YOU DID NOT SEE THE LINES OF PEOPLE. YOU WERE NOT IN THE REVENUE HEARINGS UNTIL AFTER 11:00 OR SO IN THE EVENING. VOICES HAVE SPOKEN. AND WE HIRED INDEPENDENT CONSULTANTS TO COME IN AND LOOK AT OUR TAX SYSTEM AND MAKE RECOMMENDATIONS.

Floor Debate
April 01, 2015

WE'RE IN THE PROCESS OF GETTING A NEW ROADS DIRECTOR. AND THIS PERSON IS COMING INTO A STATE THAT SAID, BASICALLY, IS WE'RE GOING TO RAISE THE GAS TAX AND THEN THIS DIRECTOR WILL DO WHATEVER YOU SEE FIT. WE'RE GIVING HIM A BLANK CHECK HERE TO WORK WITH, NOT WITH WHAT WE HAVE AT HAND. THAT SEEMS TO BE WRONG. IT DOESN'T SEEM TO MATTER TO INDIVIDUALS HERE, THE 38 OR SO...30 VOTES THAT THE STATE OF NEBRASKA HAS NOT VOICED THIS AS A PRIORITY. I'LL GO BACK AGAIN TO WHEN THE NEBRASKA TRANSPORTATION FUNDING CONFERENCE TOOK PLACE. FIRST, SENATOR FISCHER WAS THE CHAIR OF TRANSPORTATION THEN. AND HER AND SENATOR ASHFORD, THEY INVITED THE POLITICAL BUSINESS AND COMMUNITY LEADERS FOR A ONE-DAY SESSION THAT SHARED IDEAS AND PRESENTERS ON POTENTIAL FUNDING SOURCES. FROM THIS ONE-DAY SESSION, THERE WERE 31 OPTIONS DISCUSSED. SENATOR FISCHER THEN ASKED FOR EVERYONE TO JUST WAIT, DON'T INCREASE TAXES. WE DID NOT INCREASE TAXES THOSE LAST FOUR YEARS, AND TO WAIT FOR LB84. THIS WAS PUT TOGETHER AND IT WAS QUOTED AS BEING "A BOLD PLAN" TO ADDRESS DECLINING TRANSPORTATION FUNDING. I WILL REMIND YOU OF THOSE WHO WERE HERE THAT THE DIRECTOR OF ROADS SAID THAT LB84 IS JUST STARTING TO WORK, BE PATIENT. THIS FLOOR HAS ALSO LISTENED AND RECOGNIZED BILLS TO HELP THOSE WHO ARE LOW INCOME TO GET BACK TO WORK, TO HELP PAY FOR A DAY CARE, TO HELP PAY FOR THIS. AND THEN WE'RE GOING TO TAX THEM? SIXTY PERCENT OF OUR KIDS LIVE IN POVERTY, I AM TOLD. AND WE ARE TRYING TO ADDRESS THAT. HOW? BY TAXING PEOPLE MORE TO BUY A TANK OF GAS? THAT SEEMS WRONG. ARE WE BEING THOUGHTFUL? SENATOR FISCHER INTRODUCED THAT LEGISLATION. IT IS BRINGING FUNDS INTO OUR STATE. WE ARE BRINGING A NEW DIRECTOR IN TO LOOK FOR EFFICIENCIES. I HAVE THE HIGHEST RESPECT AND REGARD FOR THE...FOR RANDY PETERS, THE DIRECTOR THERE NOW. I KNOW HE HAD TOUGH TIMES WHEN WE WERE IN A RECESSION TO TRY TO DELIVER PUBLIC SAFETY ON THE ROADS. THE RECESSION HAS ENDED, BUT JUST...WE SHOULD NOT BE SPENDING MONEY HERE THAT WE DON'T NEED TO SPEND. I HAVE SUPPORTED DIFFERENT BILLS TO HELP MOTHERS...THOSE RETURNING TO WORK, THOSE TRYING TO FIGHT... [LB610]

SPEAKER HADLEY: ONE MINUTE. [LB610]

SENATOR BRASCH: ...HIGH EXPENSES AND I CANNOT IN GOOD CONSCIENCE VOTE ON A BILL THAT WOULD INCREASE TAXES WITHOUT THE NEW DIRECTOR MAKING AN ASSESSMENT FIRST. IT JUST SEEMS LIKE THE WRONG THING TO DO. AGAIN, THIS BODY SEEMS TO HAVE MADE UP ITS MIND BASED ON WHAT? THAT THE MONEY LOOKS GOOD? ALL THAT GLITTERS IS NOT GOLD. WE DO NEED TO

Floor Debate
April 01, 2015

PAY CAREFUL ATTENTION TO THE REST OF THE SESSION AND TO LOOK AT TAXES THAT TRULY ARE HIGHER. WE ARE 4 PERCENT HIGHER IN COMMERCIAL PROPERTY TAX. WE ARE 60 PERCENT HIGHER, I BELIEVE, IN RESIDENTIAL PROPERTY TAX, AND 180 TO 300 PERCENT HIGHER ON OUR AG LAND VALUES OF OUR SURROUNDING STATES. THERE ARE SOME NUMBERS AND FACTS THERE. AND EVERYONE HERE NEEDS TO BE MINDFUL... [LB610]

SPEAKER HADLEY: TIME, SENATOR. [LB610]

SENATOR BRASCH: ...YOU ARE IN DAY 59 FOR... [LB610]

SPEAKER HADLEY: SENATOR KOLTERMAN AND THEN SENATOR KINTNER, THE TWO IN THE QUEUE. [LB610]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I KNOW THAT THERE IS JUST A COUPLE OF US STANDING IN THE WAY OF LUNCH AND I KNOW YOU WOULD LIKE TO GET OUT OF HERE. BUT I HAVE BEEN LISTENING TO THIS FOR THE LAST COUPLE OF DAYS. I HONESTLY HADN'T MADE UP MY MIND HOW I WAS GOING TO VOTE ON THIS. I HAD A PRETTY GOOD INDICATION. MY INITIAL REACTION WAS TO VOTE "NO," BECAUSE IT IS A TAX INCREASE. BUT EVER SINCE THIS BILL CAME OUT OF COMMITTEE, I HAVE ACTUALLY POLLED MY CONSTITUENTS, LISTENED TO MY CONSTITUENTS, AND IT'S PROBABLY BEEN 2 TO 1 IN SUPPORT OF ADDING THIS TAX. IF YOU THINK ABOUT IT, WE DON'T BOND; WE DON'T BORROW, AND WE PAY AS WE GO. IF WE DON'T HAVE ENOUGH TO PAY AS WE GO, WE NEED TO HAVE SOME HELP. THAT'S WHERE I BELIEVE THIS TAX WILL COME INTO PLAY. THE OTHER THING THAT HAS BEEN COMING TO ME A LOT, AND I HAVE HEARD IT OVER AND OVER BY MANY PEOPLE IS--IF YOU VOTE IN SUPPORT OF THIS BILL, YOU'RE HANGING YOURSELF FOR FUTURE ELECTIONS. MANY OF US HAVE HEARD THAT. I WOULD TELL YOU THAT IF THIS IS A TYPE OF BILL THAT'S GOING TO KEEP ME FROM BEING REELECTED, THEN SO BE IT. DO WE WANT TO GET LIKE WE ARE IN WASHINGTON, D.C., AND BE CAREER POLITICIANS? OR DO WE WANT TO DO WHAT'S RIGHT FOR OUR CITIZENS AND THE PEOPLE THAT ELECTED US HERE? THERE WILL BE SOME THAT VOTE AGAINST IT, THAT DON'T LIKE IT, BUT OVERWHELMINGLY I HAVE HEARD SUPPORT THE BILL. SO I'M GOING TO SUPPORT THE BILL AND I'M GOING TO...I APPRECIATE ALL THE CONVERSATION WE'VE HAD. IT'S NOT AN EASY DECISION. I KNOW WE WOULD BE VOTING AGAINST THE GOVERNOR. I KNOW WE'D BE VOTING AGAINST A LOT OF MY COLLEAGUES. BUT AT THE SAME TIME, I THINK IT'S NEEDED AND IT IS AFFORDABLE. I KNOW IT'S TOUGH ON POOR PEOPLE, BUT

Floor Debate
April 01, 2015

A TAX IS TOUGH ON ANYBODY AND I JUST SUPPORT THE BILL. THANK YOU.
[LB610]

SPEAKER HADLEY: THERE'S NO ONE IN THE QUEUE. SENATOR SMITH, YOU ARE
RECOGNIZED TO CLOSE ON LB610. [LB610]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND, COLLEAGUES, THANK YOU
FOR THE DISCUSSION THIS MORNING. MR. PRESIDENT, AT THE CONCLUSION OF
MY CLOSING, I WILL BE ASKING FOR A CALL OF THE HOUSE WITH A VOTE TO BE
TAKEN. IN MY CLOSING, COLLEAGUES, I JUST WANTED TO REITERATE THAT
WE'VE HEARD DISCUSSION THAT THIS IS NOT THE TIME, BUT I WOULD DIFFER;
THIS IS THE TIME. WE'RE SEEING THE MOVEMENT AMONGST STATES TO TAKE
CARE OF THEIR INFRASTRUCTURE, THEY'RE BEGINNING TO REALIZE THEY
CANNOT COUNT ON THE FEDERAL GOVERNMENT AND THE FEDERAL
GOVERNMENT FUNDS FOR HIGHWAY. IT IS DIMINISHING IN VALUE. AND WE JUST
CAN'T COUNT ON THAT GOING FORWARD. ALL OF OUR STATES, WE HAVE
CRUMBLING INFRASTRUCTURE THAT WE NEED TO TAKE CARE OF AND IT
BECOMES THE STATE'S RESPONSIBILITIES TO DO IT. IF YOU BELIEVE THAT WE
HAVE A NEED, COLLEAGUES, THEN THE NEXT QUESTION IS HOW ARE WE GOING
TO FUND IT? THE FACTS ARE OUT THERE WITH OUR INFRASTRUCTURE NEEDS.
AND IF YOU BELIEVE WE HAVE TOO MANY BURDENS ON OUR GENERAL FUND
EXPENDITURES, THEN WE'RE GOING TO HAVE TO FIND ANOTHER WAY TO MEET
THE FUNDING NEEDS FOR OUR INFRASTRUCTURE. GENERAL FUNDS ARE IN
SHORT SUPPLY FOR NEW PROJECTS OR FOR RELIEF. AND WE HAD GREAT
COMMENTS ON THE FLOOR ABOUT TAX RELIEF. WE DO WANT TAX RELIEF GOING
FORWARD. AND WE'RE NOT GOING TO BE DOING ANY TYPE OF TAX RELIEF IF
WE'RE GOING BACK TO THE GENERAL FUND BUCKET TO LOOK FOR
INFRASTRUCTURE FUNDING. I ASK, COLLEAGUES, THAT YOU LIFT YOUR EYES
AND YOU LOOK AT THIS FOR THE OPPORTUNITY THAT IT IS. WE WILL HAVE
MORE OPPORTUNITIES TO REDUCE GENERAL FUND EXPENDITURES AND FOCUS
THOSE EXPENDITURES IN NECESSARY PLACES WITHOUT HAVING TO COMPETE
FOR INFRASTRUCTURE NEEDS THROUGH THOSE EXPENDITURES. PERSPECTIVE,
COLLEAGUES, ONE AND A HALF CENT EACH YEAR, ONE AND A HALF CENT THE
FIRST YEAR, SIX CENTS IN THE FINAL YEAR. COLLEAGUES, DO YOU REALIZE
THAT ONE AND A HALF CENTS TO SIX CENTS, YOU SEE THAT IN THE VARIANCE
BETWEEN FUELING STATIONS IN THE CITY OF LINCOLN ON ANY GIVEN DAY. ON
ANY GIVEN DAY, YOU WILL FIND THAT FROM ONE FUELING STATION TO
ANOTHER IN THE CITY OF LINCOLN VARIES BETWEEN FIVE CENTS AND TEN
CENTS. WE'RE ASKING FOR A PENNY AND A HALF PER YEAR FOR FOUR YEARS.
THIS MEETS OUR NEEDS WITH COSTING THE TYPICAL DRIVER OUT THERE

Floor Debate
April 01, 2015

BETWEEN \$9 AND \$35 MORE PER YEAR. WE CAN AFFORD THAT, COLLEAGUES, TO TAKE CARE OF OUR INFRASTRUCTURE. THIS ALSO HELPS RELIEVE PROPERTY TAX IN OUR COUNTIES. IT HELPS TO RELIEVE WHEEL TAX IN OUR CITIES. WE TALKED ABOUT EFFICIENCIES--ABSOLUTELY. WE NEED TO FINDS GAINS AND EFFICIENCIES. AND I HAVE EVERY CONFIDENCE THAT OUR NEW GOVERNOR WITH HIS NEW DIRECTOR OF ROADS WILL BE ABLE TO FIND THOSE EFFICIENCY GAINS IN THE DEPARTMENT OF ROADS. WE STILL HAVE THE NEEDS IN THE COUNTIES AND THE CITIES. AGAIN, COLLEAGUES, I APPRECIATE THE DISCUSSION. THIS IS NOT AN EASY ONE, BUT I ASK FOR YOUR BOLDNESS. I ASK FOR YOU TO SEE THE LONG-TERM VIEW FOR OUR STATE IN MEETING THE INFRASTRUCTURE NEEDS THAT PROMOTES COMMERCE AND BUSINESS AND GROWTH IN OUR STATE. THANK YOU, COLLEAGUES; THANK YOU, MR. PRESIDENT. [LB610]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS: SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB610]

ASSISTANT CLERK: 36 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB610]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SMITH. [LB610]

SENATOR SMITH: MR. PRESIDENT, I WOULD ASK FOR A ROLL CALL IN REVERSE ORDER. [LB610]

SPEAKER HADLEY: ROLL CALL IN REVERSE ORDER. SENATOR EBKE, SENATOR SCHNOOR, SENATOR SEILER, SENATOR CHAMBERS, SENATOR LARSON. SENATOR EBKE, SENATOR SEILER, SENATOR LARSON, PLEASE RETURN TO THE CHAMBER. MR. CLERK, ROLL CALL VOTE IN REVERSE ORDER. [LB610]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1035-1036.) 26 AYES, 10 NAYS, MR. PRESIDENT. [LB610]

Floor Debate
April 01, 2015

SPEAKER HADLEY: THE BILL IS ADVANCED TO E&R INITIAL. SENATOR SMITH, YOU ARE RECOGNIZED TO OPEN ON LB610A. [LB610 LB610A]

SENATOR SMITH: VERY BRIEFLY, LB610A IS THE A BILL ON LB610. SO I'D LIKE TO MOVE THIS ALONG QUICKLY SO WE CAN BREAK FOR LUNCH. [LB610 LB610A]

SENATOR HADLEY: THE QUESTION BEFORE YOU IS THE ADVANCEMENT...I'M SORRY, SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB610A]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHEN A BILL HAS MOVED, I WILL VOTE FOR THE A BILL. BUT I'M NOT FOR THE A BILL; I'M NOT FOR THE BILL, BUT AT THIS POINT I WILL GIVE A VOTE TO KEEP THE TWO BILLS TOGETHER. [LB610A]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, THE MOTION BEFORE YOU IS THE ADOPTION OF LB610A. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB610A]

ASSISTANT CLERK: 31 AYES, 5 NAYS ON THE ADVANCEMENT OF THE A BILL, MR. PRESIDENT. [LB610A]

SPEAKER HADLEY: THE A BILL IS ADVANCED TO E&R INITIAL. THE CALL IS RAISED. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR139, LR140, LR141, LR142, LR143, LR144. MR. CLERK. [LB610A LR139 LR140 LR141 LR142 LR143 LR144]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS. YOUR COMMITTEE ON NATURAL RESOURCES REPORTS LB329 TO GENERAL FILE WITH AMENDMENTS. HAVE NOTICE OF COMMITTEE HEARINGS FOR NATURAL RESOURCES. I HAVE A CONFIRMATION REPORT ON GUBERNATORIAL APPOINTMENT FOR THE AGRICULTURE COMMITTEE. NEW RESOLUTION: LR165 BY SENATOR GARRETT, THAT WILL BE LAID OVER. AMENDMENT FROM SENATOR SCHILZ TO LB500 TO BE PRINTED. AN ANNOUNCEMENT THAT REVENUE WILL MEET THIS AFTERNOON IN EXECUTIVE SESSION AT 1:00 IN ROOM 2022. NAME ADDS: LB623 WOULD INCLUDE SENATORS KEN HAAR, MORFELD, HANSEN, STINNER, GLOOR, COOK, BURKE HARR, KOLOWSKI, CRAWFORD, JOHNSON, SULLIVAN, WILLIAMS, KRIST, AND

Floor Debate
April 01, 2015

EBKE. SENATOR COASH ADD HIS NAME TO LB278; SENATOR CHAMBERS TO LB623. (LEGISLATIVE JOURNAL PAGES 1036-1038.) [LB329 LR165 LB500 LB623 LB278]

FINALLY A PRIORITY MOTION: SENATOR WATERMEIER WOULD MOVE TO RECESS UNTIL 1:30 P.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES.

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD AFTERNOON, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER. THE AFTERNOON SESSION IS ABOUT TO RECONVENE. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. DO YOU HAVE ANY ITEMS FOR THE RECORD?

ASSISTANT CLERK: MR. PRESIDENT, I DO. YOUR COMMITTEE ON EDUCATION REPORTS LB36 INDEFINITELY POSTPONED, LB355, LB379, LB401, LB520, LB527, AND LB589 ALL AS INDEFINITELY POSTPONED. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGE 1039.) [LB36 LB355 LB379 LB401 LB520 LB527 LB589]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW RETURN TO GENERAL FILE, LB106. MR. CLERK. [LB106]

ASSISTANT CLERK: MR. PRESIDENT, LB106 INTRODUCED BY SENATOR WATERMEIER (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 8; REFERRED TO THE GOVERNMENT COMMITTEE; THAT COMMITTEE REPORTED THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS. THE BILL WAS CONSIDERED BY THE BODY YESTERDAY AT WHICH TIME SENATOR WATERMEIER HAD OFFERED AN AMENDMENT. WHEN WE LEFT THE BILL, WE

Floor Debate
April 01, 2015

HAD PENDING A MOTION TO RECOMMIT FROM SENATOR BLOOMFIELD.
(LEGISLATIVE JOURNAL PAGE 1032.) [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, I UNDERSTAND YOU OPENED ON YOUR BILL YESTERDAY, BUT IF YOU WOULD LIKE TO TAKE A COUPLE MOMENTS AT THIS TIME TO REFRESH US ON THE BILL. SENATOR WATERMEIER. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AND GOOD AFTERNOON, NEBRASKA. LET ME SEE IF I CAN QUICKLY SUMMARIZE WHERE WE LEFT OFF ON LB106 WHICH PROPOSES TO CREATE THE LIVESTOCK OPERATING SITING AND EXPANSION ACT. AGAIN, I INTRODUCED THIS LEGISLATION DUE TO MY CONCERN WITH THE LIVESTOCK TRENDS IN NEBRASKA. AS A RURAL STATE THAT DEPENDS ON AGRICULTURE, WE MUST ENCOURAGE LIVESTOCK GROWTH. I HAVE HEARD FROM PEOPLE ACROSS THE STATE THAT APPLYING FOR A PERMIT OF A NEW LIVESTOCK OPERATION OR FOR AN EXPANSION OF AN EXISTING FACILITY WAS UNFEASIBLE IN SOME COUNTIES DUE TO THE CONDITIONS PLACED ON THE APPLICANT. I FELT THERE WAS A NEED FOR MORE CONSISTENT, PREDICTABLE METHOD FOR GRANTING SUCH PERMITS. THE PENDING MOTION BEFORE US IS TO RETURN LB106 TO COMMITTEE AND THERE HAS ALSO BEEN SOME TALK OF A GRASS-ROOTS INTERIM STUDY. HOWEVER, THE BASIC CONCEPT BEHIND LB106 EMERGED FROM THE DISCUSSIONS OF A WORKING GROUP OF LOCAL COUNTY OFFICIALS AND LIVESTOCK PRODUCERS. AS INTRODUCED, LB106 DIRECTS THE NEBRASKA DEPARTMENT OF AG TO DEVELOP AN ASSESSMENT MATRIX FOR USE BY COUNTY OFFICIALS WHEN DETERMINING WHETHER TO APPROVE AN APPLICANT FOR A LIVESTOCK OPERATING SITING PERMIT. SUCH A MATRIX IS CURRENTLY BEING USED IN MADISON AND PIERCE COUNTIES IN NEBRASKA. AT THIS TIME, COMMITTEE AMENDMENTS ARE PENDING AS AN AMENDMENT OFFERED BY SENATOR GROENE AND MYSELF, AM1029. THIS AMENDMENT STRIKES THE STATE REVIEW BOARD, REPLACING IT WITH A VOLUNTARY MEDIATION PROCESS. AN AMENDMENT HAS ALSO BEEN OFFERED BY SENATOR DAVIS WHICH I AGREED TO SUPPORT. IT MAKES A STATEWIDE MATRIX COMPLETELY VOLUNTARY, ALLOWS THE COUNTIES TO DEVELOP THEIR OWN MATRIX, AND MAKES IT CLEAR THAT COUNTIES DO NOT HAVE TO USE ANY MATRIX AT ALL. I WANT TO LET YOU KNOW THAT I HAVE ALSO OFFERED ANOTHER AMENDMENT TO LB106 WHICH IS AM1099. I HOPE WE WILL BE ABLE TO GET TO IT TODAY. IT STRIKES THE ENTIRE BILL AND ANY AMENDMENTS THERETO, KEEPING ONLY A REVISED VERSION OF SECTION 3 OF THE ORIGINAL BILL OR SECTION 5 IN THE COMMITTEE AMENDMENTS WHICH AUTHORIZES THE DEPARTMENT TO DEVELOP AN ASSESSMENT MATRIX. THIS AMENDMENT CHANGES THE LANGUAGE FROM

Floor Debate
April 01, 2015

"SHALL" TO "MAY" WHEN REFERRING TO THE USE OF A MATRIX BY COUNTY OFFICIALS WHEN DETERMINING WHETHER TO APPROVE OR DISAPPROVE A CONDITIONAL-USE PERMIT OR SPECIAL EXEMPTION. CURRENT LAW GIVES COUNTIES MUCH LATITUDE IN THEIR PERMIT APPROVAL PROCESS AND COUNTIES ALREADY HAVE THE AUTHORITY TO CREATE THEIR OWN MATRIX, WHICH TWO COUNTIES HAVE ALREADY DONE. IN AM1099, I CHANGED THE LANGUAGE REFERRING TO NACO THAT SENATOR SULLIVAN HAD CONCERNS WITH AND SPECIFIED REPRESENTATION FROM COUNTY BOARD MEMBERS AND COUNTY ZONING ADMINISTRATORS WHICH WAS MY ORIGINAL INTENT. I'M AGREEING TO FORGO THE REMAINDER OF THIS BILL BECAUSE I TRULY BELIEVE THAT A STATEWIDE MATRIX WILL PROVE HELPFUL TO MANY COUNTIES. COUNTIES MAY CHOOSE TO USE THE STATE MATRIX OR IT MAY USE IT AS A MODEL IN CREATING THEIR OWN MATRIX. COUNTIES WILL ALSO BE ABLE TO KEEP THE PROCESS EXACTLY AS IT IS TODAY IF THEY SO CHOOSE. WITH THIS AMENDMENT, COUNTY PLANNING COMMISSIONERS AND COUNTY BOARD MEMBERS ARE GIVEN ANOTHER TOOL THAT THEY MAY USE IN A DECISION-MAKING PROCESS. AS SENATOR CAMPBELL HAD MENTIONED, SHE WOULD HAVE APPRECIATED SUCH AN OPTION AS A SUPERVISOR ON THE COUNTY LEVEL. ALTHOUGH SOME COUNTY BOARD MEMBERS HAVE A GREAT DEAL OF EXPERIENCE IN ZONING-RELATED ISSUES, SOME MEMBERS ARE EXPERTISE IN OTHER AREAS AND NOT ZONING. WITH THIS AMENDMENT, WE WILL NOT FORCE ANY COUNTY TO USE THE STATEWIDE MATRIX, BUT WILL SIMPLY HAVE IT AVAILABLE FOR THOSE WHO WANT TO USE IT. I WOULD URGE YOUR VOTE AGAINST ANY MOTION TO HINDER THE ADVANCEMENT OF LB106 AND INSTEAD SUPPORT AM1099 WHICH MAKES THE STATE MATRIX TOTALLY VOLUNTARY. MY INTENT IS TO WITHDRAW SENATOR GROENE AND MY CURRENT AMENDMENT OF AM1029 AND ASK YOU TO A VOTE AGAINST THE COMMITTEE AMENDMENTS, AND THEN IF THERE IS AGREEMENT, WE CAN GET ON TO AM1099 YET TODAY. IF YOU'LL LOOK AT YOUR GADGET, AM1099 IS PLACED IN THERE AND READY TO READ. SO WITH THAT, I WOULD END WITH THE IDEA TO PLEASE VOTE AGAINST THE PRIORITY MOTION TO RECOMMIT AND THE PRIORITY MOTION TO STOP THE BILL. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. MR. CLERK. [LB106]

ASSISTANT CLERK: MR. PRESIDENT, WHEN THE BODY LEFT THE BILL YESTERDAY, UNDER CONSIDERATION WAS A MOTION FROM SENATOR BLOOMFIELD TO RECOMMIT TO COMMITTEE. THIS AFTERNOON, I HAVE A PRIORITY MOTION TO BRACKET THE BILL UNTIL JUNE 5, 2015. THAT MOTION BEING MADE BY SENATOR SCHNOOR. [LB106]

Floor Debate
April 01, 2015

PRESIDENT FOLEY: SENATOR SCHNOOR, YOU'RE WELCOME TO OPEN ON YOUR BRACKET MOTION. [LB106]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WE'VE HAD A LOT OF DEBATE OVER THE LAST... WELL, I SHOULDN'T SAY THE LAST COUPLE OF DAYS, WE'RE JUST STARTING AGAIN. ALL YESTERDAY MORNING, WE TALKED. WE WERE HOT AND HEAVY ON THIS. A LOT OF ISSUES CAME UP. A LOT OF AMENDMENTS HAVE BEEN INTRODUCED. I THINK THIS IS PROBABLY AMENDMENT NUMBER SEVEN. I MIGHT BE WRONG, BUT IT'S BEEN A LOT OF THEM. I STILL HAVE SOME ISSUES WITH IT. I GUESS MY CONCERN IS WITH EVERYTHING THAT'S HAPPENED HERE, YOU KNOW, THERE'S THINGS THAT ARE STILL LEFT OUT THAT SENATOR BLOOMFIELD IS GOING TO ALLUDE TO... NOT ALLUDE TO... HE'S GOING TO TALK ABOUT THAT CAUSE ME GREAT CONCERN. AND FOR THAT, I BELIEVE THERE IS MERIT TO THIS BILL. I BELIEVE IT IS WELL-INTENTIONED. AFTER ALL, I AM A CATTLE FEEDER. I AM IN THE AG SECTOR, BUT I DON'T THINK MANDATING THESE THINGS ARE NECESSARY BASED ON, YOU KNOW, WHERE WE'RE DOING IN THE NATION IN COMPARISON TO EVERYBODY ELSE IN AGRICULTURE. SO WE'LL HEAR A LOT OF DEBATE SIMPLY ON THIS BRACKET MOTION AND LET'S LISTEN TO IT. I WOULD STRONGLY ENCOURAGE YOU TO LISTEN VERY CLOSELY TO WHAT SENATOR BLOOMFIELD HAS TO SAY ABOUT THIS BECAUSE THAT IS A SIGNIFICANT PART OF THIS BILL THAT CAUSES ME PROBLEMS. I AM GOING AGAINST THE CATTLEMEN, AGAINST THE FARM BUREAU, AGAINST MY GOOD FRIEND, SENATOR WATERMEIER. BUT I FEEL THIS NEEDS TO GO BACK. THEY NEED TO START OVER AND BRING A BILL AGAIN NEXT YEAR AND GIVE US SOMETHING BETTER TO WORK WITH INSTEAD OF... I FEEL IN DESPERATION, THINGS ARE GETTING THROWN TOGETHER. AND IT COMES TO THE POINT THAT PEOPLE DON'T EVEN KNOW WHAT THEY'RE VOTING OVER ANYMORE BECAUSE OF BILLS UPON BILLS UPON BILLS. SO WITH THAT, I WILL YIELD THE REST OF MY TIME TO SENATOR BLOOMFIELD, IF I CAN DO SO. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR BLOOMFIELD, ABOUT 7.5 MINUTES IF YOU CARE TO USE IT. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHNOOR. THAT'S A LITTLE BIT OF A SURPRISE, BUT WE'LL TAKE IT FOR WHAT IT'S WORTH. I THOUGHT I HAD ALL THE INFORMATION I NEEDED IN MY FILE. BUT DUE TO SOME OTHER THINGS THAT ARE GOING ON IN MY OFFICE, WHICH I MAY WELL MAKE YOU AWARE OF THIS AFTERNOON, I DON'T HAVE ALL OF THAT INFORMATION. BUT I WILL GET IT UP HERE THE NEXT TIME I'M ON THE MIKE ON MY OWN TIME. BUT I WILL GO SO FAR AS TO SAY THAT I INTRODUCED,

Floor Debate
April 01, 2015

YESTERDAY, A RECOMMIT TO COMMITTEE MOTION. THAT WAS AN ATTEMPT TO SEND THIS BILL BACK TO COMMITTEE ON WHICH I SERVE WITH THE INTENT OF ASKING FOR A STUDY ON THE ISSUE BEFORE WE PROCEED TO DO WHAT WE'RE ATTEMPTING TO DO HERE. IF MEMBERS WILL OBSERVE CAREFULLY, THEY'LL NOTE THAT SENATOR CHAMBERS PULLED HIS BRACKET MOTION PRIOR TO MY INTRODUCING THE RECOMMIT. THE BRACKET MOTION WOULD HAVE KILLED THE BILL; THE RECOMMIT LEFT THE BILL ALIVE AND I HAD EVERY INTENT OF ASKING FOR A STUDY. I WAS SOMEWHAT CHASTISED BY THE ESTEEMED CHAIR OF THE GOVERNMENT COMMITTEE THAT THIS WAS NOT APPROPRIATE, THAT IT WASN'T THE RIGHT TIME, AND THERE WAS A WHOLE MULTITUDE OF REASONS. SO, MR. PRESIDENT, SINCE THE CHAIR OF THAT COMMITTEE SEEMS NOT TO WANT TO STUDY THIS ANY FURTHER, WE NOW AGAIN HAVE A BRACKET MOTION BEFORE US WHICH I WILL SUPPORT. WE'LL SEE WHERE THAT GOES AND WHAT WE CAN DO WITH IT. I HAVE NOT HAD AN OPPORTUNITY TO LOOK AT SENATOR WATERMEIER'S LATEST OF MANY AMENDMENTS. I REMAIN UNCONVINCED THAT THIS BILL IS READY FOR PRIME TIME. THE IDEA OF ESTABLISHING THE MATRIX DOESN'T BOTHER ME MUCH, BUT THE IDEA THAT IT HAS TEETH OF ANY KIND TO FORCE THE COUNTIES TO DO SOMETHING OR THAT ANY WAY, SHAPE, OR FORM ELIMINATES THE COUNTY ZONING AUTHORITY, I HAVE ISSUES WITH. THIS, TO ME, IS A MATTER OF LOCAL CONTROL. AND AS LONG AS THIS LB106 HAS ANY INFRINGEMENT WHATSOEVER ON LOCAL CONTROL, I WILL BE OPPOSED TO IT. APPARENTLY WE'RE NOT GOING TO BE ABLE TO STUDY IT ANY FURTHER UNTIL IT EITHER PASSES AND WE CAN DO THE NANCY PELOSI THING AND SEE WHAT'S IN IT AFTER WE PASS IT OR WE CAN BRACKET IT AND IT CAN BE REINTRODUCED IN WHICH CASE I WILL STILL INTRODUCE A STUDY PROPOSAL. SO THAT'S WHERE I'M AT RIGHT NOW, COLLEAGUES. I WILL RETREAT TO MY OFFICE AND GET THE INFORMATION I WANTED TO SHARE AND I WILL ATTEMPT TO STUDY THE WATERMEIER...THE LATEST OF THE WATERMEIER AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, YOU'RE RECOGNIZED. [LB106]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I THINK SENATOR WATERMEIER PRETTY MUCH MADE IT CLEAR THAT THIS AMENDMENT WOULD JUST ELIMINATE ANYTHING EVEN RELATED TO COUNTY, THE STATE, OR DICTATING ANYTHING TO THE COUNTIES. EXCUSE ME, I GOT IT NOW. IT STARTS OUT BY SAYING STRIKE THE ORIGINAL SECTIONS AND ALL AMENDMENTS THERETO TO INSERT THE FOLLOWING NEW SECTION. THE REALITY OF THE NEW SECTION IS JUST CREATING THE MATRIX, THAT WE GET EXPERTS TOGETHER. IT'S WHAT I

Floor Debate
April 01, 2015

WANTED IN THE FIRST PLACE, SOMETHING LIKE AN EXTENSION SERVICE, UNIVERSITY EXTENSION SERVICE GIVING...GATHERING THOSE WHO KNOW, THOSE WHO ARE KNOWLEDGEABLE ON AN ISSUE, GATHERING TOGETHER AND CREATING A MODEL FOR COUNTIES TO FOLLOW IF THEY WISH, OR TO USE AS A REFERENCE, OR AS USED AS MATERIAL TO CREATE THEIR OWN MATRIX, OR TO ADOPT IT IF THEY WISH. IT STRIKES ALL OF THE REFERENCES TO CONTROL BY THE STATE. IT DOESN'T CREATE A BOARD. IT JUST HAS EXPERTS FROM THE UNIVERSITY, FROM COUNTIES, INDUSTRY COME TOGETHER AND SAYS, WHAT'S BEST FOR THE INDUSTRY? WHAT'S BEST FOR THE CITIZENS? WHAT'S BEST FOR THE STATE OF NEBRASKA? WHAT'S BEST FOR AGRICULTURE? WHAT'S BEST TO KEEP 40 PERCENT OF OUR CORN FROM BEING EXPORTED AND BEING USED HERE AND CREATE WEALTH LOCALLY? AS TO SENATOR SCHNOOR'S AND SENATOR BLOOMFIELD'S CONCERNS, THE VERY LAST COUPLE OF ITEMS, ON DESIGN TO BALANCE THE ECONOMIC VIABILITY OF FARM OPERATIONS WITH PROTECTING NATURAL RESOURCES AND OTHER COMMUNITY INTERESTS AND USABLE BY COUNTY OFFICIALS, NOT MANDATED TO BE USED BY COUNTY OFFICIALS. COUNTIES CAN COME FORWARD AND SAY, WE NEED SOME HELP. WHERE CAN WE GO? THEY CAN'T GO ANYWHERE RIGHT NOW. THEY CAN GO TO THE INDUSTRY REPS WHO ARE GOING TO BE BIASED. WE ALL ARE WHEN WE PROTECT OUR OWN. THEY COULD GO TO THE UNIVERSITY AND THEY HAVE CERTAIN DIVISIONS WITHIN THE UNIVERSITY, AND THE AG DEPARTMENT HAVE AN INTEREST IN CERTAIN PARTS OF IT, DAIRY OR PIGS. BUT NOBODY'S...UNTIL SENATOR WATERMEIER STEPPED FORWARD, NOBODY THOUGHT ABOUT GETTING ALL THESE INTERESTS TOGETHER AND ALL THEIR EXPERTISE TOGETHER TO FORM A GOOD, VIABLE ALTERNATIVE AND A PLACE OF KNOWLEDGE FOR THE AG INDUSTRY TO GO, THE URBAN CONCERNS TO GO. SO AS I SAID THE OTHER DAY, SO I CAN EAT MY STEAK ON THE GRILL IN THE BACKYARD AND NOT WORRY ABOUT WHERE THAT STEAK CAME FROM BECAUSE I KNOW IT'S BEING DONE CORRECTLY, AND THE INDUSTRY IS SUPPLYING ME WITH MEAT THAT I WANT AT A REASONABLE RATE RAISED IN NEBRASKA. SO, ANYWAY, I'LL LEAVE IT AT THAT. BUT THERE IS NO, ABSOLUTELY NO MANDATE IN THE FINAL VERSION OF THIS BILL. THERE IS NO HINT THAT THAT'S WHERE THEY WANT TO GO IN THE FUTURE. THIS IS JUST GETTING A CENTRAL PLACE WHERE THE PEOPLE IN THE ZONING WORLD, COUNTY ZONING WORLD, HAVE CONCERNS THEY CAN GO AND LOOK FOR KNOWLEDGE. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. MR. CLERK. [LB106]

Floor Debate
April 01, 2015

ASSISTANT CLERK: MR. PRESIDENT, JUST AN ANNOUNCEMENT THAT THE REVENUE COMMITTEE IS RECONVENING THEIR EXECUTIVE SESSION IN ROOM 2022 NOW.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB106]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WAS TRYING TO READ SENATOR WATERMEIER'S AMENDMENT ON THE GADGET. NOT BEING ABLE TO HAVE COMPLETED IT, I'D LIKE TO ASK HIM A QUESTION OR TWO. [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

SENATOR WATERMEIER: YES, I WOULD. [LB106]

SENATOR CHAMBERS: SENATOR WATERMEIER, I LISTENED TO WHAT SENATOR GROENE SAID, BUT SINCE IT'S YOUR AMENDMENT, WITH ALL DUE RESPECT TO SENATOR GROENE, I WILL ASK YOU THESE QUESTIONS. FIRST OF ALL, TELL ME THE ONLY THING THAT THIS BILL DOES, I MEANT THE MAIN THING THAT IT DOES. TELL ME WHAT IT DOES, IF YOUR AMENDMENT IS ADOPTED? [LB106]

SENATOR WATERMEIER: THE MAIN THING THIS AMENDMENT DOES TO THE BILL IS CREATE...OR DIRECTS THE DEPARTMENT OF AGRICULTURE TO CREATE A MATRIX FROM THE COMMITTEE THAT THEY ARE ASSIGNED, OR THE GROUP OF PEOPLE THAT ARE ASSIGNED THERE, AND THEN IT'LL JUST BE OFFERED TO THE COUNTIES AS A TOOL IF THEY SO CHOOSE. THEY DON'T HAVE TO OPT OUT OF IT. IT'S JUST SOMETHING THEY WOULD HAVE TO ASK FOR. [LB106]

SENATOR CHAMBERS: SOMETHING THEY WOULD HAVE TO WHAT? [LB106]

SENATOR WATERMEIER: THE COUNTY WOULD HAVE TO ASK TO USE IT OR THEY WOULD HAVE TO REQUEST TO USE IT. [LB106]

SENATOR CHAMBERS: AND IF THE COUNTY IS GIVEN THIS, DO THEY THEN HAVE TO USE IT OR THEY JUST USE IT SOMETHING LIKE A REFERENCE TOOL? [LB106]

Floor Debate
April 01, 2015

SENATOR WATERMEIER: THEY CAN USE IT AS A REFERENCE TOOL. THEY CAN CHANGE IT. THEY CAN OPT TO USE IT. AND IT'S MY INTENTION THAT THEY WOULD BE ABLE TO OPT OUT OF IT AS WELL IF THEY USED IT FOR A PERIOD OF TIME, AND THEY COULD OPT BACK OUT OF IT. I HAD A QUESTION IN THAT REGARD TO IT AND THAT WOULD BE MY INTENTION. WE THOUGHT WE TOOK CARE OF THAT BECAUSE THE BILL, THE AMENDMENT REALLY DOES TAKE LOCAL CONTROL. IT STARTS WITH THE COUNTY AND IT ENDS WITH THE COUNTY. [LB106]

SENATOR CHAMBERS: IF I UNDERSTAND YOU, FIRST OF ALL, THIS AMENDMENT BECOMES THE BILL. THE ONLY THING THAT'S DONE IS THE PUTTING TOGETHER OF THESE EXPERTS WHO WILL CREATE THIS MATRIX OR THESE FACTORS THAT WILL BE CONSIDERED OR COULD BE CONSIDERED IN HOW THEY'RE GOING TO HANDLE A PROJECT WHICH IS SEEKING A PERMIT FROM THE COUNTY. IS THAT CORRECT? [LB106]

SENATOR WATERMEIER: YES. I'D SAY YES TO THAT. [LB106]

SENATOR CHAMBERS: AND THE COUNTY WOULD NOT EVEN HAVE TO BOTHER WITH THIS IF THE COUNTY CHOSE NOT TO? [LB106]

SENATOR WATERMEIER: NO. NO, THEY WOULD NOT HAVE TO. [LB106]

SENATOR CHAMBERS: BUT IF THEY CHOSE TO REQUEST IT, THE ONLY THING THAT WOULD BE DONE AS FAR AS THE STATE IS CONCERNED IS TO MAKE THAT INFORMATION AVAILABLE? [LB106]

SENATOR WATERMEIER: YEAH, MAKE THE MATRIX AVAILABLE THAT THEY HAD DETERMINED WOULD BE A GOOD FIT. BUT THEY WOULD NOT...THEY COULD STILL CHANGE THE MATRIX IF THEY SO CHOOSE TO. THE IDEA IS THAT SOME COUNTIES AREN'T AWARE OF IT. IT WOULD BE AVAILABLE. THEY MAY ADOPT IT AS THEY SEE IT OR THEY MAY CHANGE IT. [LB106]

SENATOR CHAMBERS: BUT HERE'S WHAT I'M GETTING AT, ONCE THE STATE GIVES THIS INFORMATION WHICH HAS BEEN REQUESTED, THE STATE'S HANDS ARE NOW OFF THAT WHOLE OPERATION. THE STATE HAS NO MORE ROLE TO PLAY WHATSOEVER. IS THAT CORRECT? [LB106]

Floor Debate
April 01, 2015

SENATOR WATERMEIER: THAT'S MY INTENTION, YES. [LB106]

SENATOR CHAMBERS: IS THAT WHAT IT DOES? [LB106]

SENATOR WATERMEIER: WELL, I WOULD SAY SO. YOU'RE THE EXPERT ON WRITING THE BILLS, BUT THAT WOULD BE MY INTENTION. IF WE DECIDE AFTER GENERAL THAT IT DOESN'T DO THAT, I MEAN, I WOULD BE CERTAINLY WILLING TO LOOK AT THE...ON SELECT FILE TO CHANGE IT TO DO THAT. [LB106]

SENATOR CHAMBERS: AND SINCE I HAVEN'T READ IT, AT THIS POINT I'M TAKING YOUR WORD FOR IT, NOT THAT YOU WOULD TRICK US. BUT, MR. PRESIDENT-- THANK YOU, SENATOR WATERMEIER--FOR THE RECORD, THIS IS WHAT MY UNDERSTANDING IS: IF THIS BILL IS AMENDED TO ADOPT THIS AMENDMENT, THIS AMENDMENT BECOMES THE BILL. ALL THAT IT DOES IS AUTHORIZE THE DEPARTMENT OF AGRICULTURE AND THE DIRECTOR OR WHOMEVER IS GOING TO PUT IN CHARGE OF THIS ACTIVITY TO ASSEMBLE A PANEL. THEY USE THEIR EXPERTISE TO PUT TOGETHER...I HATE TO USE THE WORD MATRIX, PUT TOGETHER THIS DOCUMENT OR THIS INFORMATION WHICH CAN BE REFERRED TO AS A TYPE OF CHEAT SHEET IN CONSIDERING THE FACTORS THAT WOULD GO INTO THIS PROJECT. AND ONCE THE STATE HAD DONE THAT... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR CHAMBERS: ...IT'S THE SAME AS IF I WAS GIVEN A TELEPHONE BOOK BY THE PHONE COMPANY, I HAVE NO MORE DEALING WITH THE PHONE COMPANY AT ALL. I CAN READ THE PHONE BOOK. I CAN THROW IT AWAY. BUT THE PHONE COMPANY HAS NOTHING ELSE TO DO. IF THAT'S WHAT THIS AMENDMENT DOES, I THINK IT'S HARMLESS. IT MAKES AVAILABLE THE EXPERTISE OF THESE PEOPLE, BUT THEN THE COUNTY IS STILL FREE TO MAKE ITS DETERMINATION. THEY DO NOT HAVE TO GET THE STATE'S APPROVAL, AGREEMENT. THE STATE CANNOT TRUMP THEM. THEY DON'T HAVE TO ASK THE DIRECTOR OF AGRICULTURE ANYTHING ELSE. SO WHILE THE DISCUSSION GOES FORWARD, I'M GOING TO READ THE COPY OF THE AMENDMENT GIVEN TO ME BY "BROTHER" WILLIAMS AND I BETTER STOP SAYING THAT, MIGHT GET HIM IN TROUBLE WITH HIS DISTRICT, WITH SENATOR WILLIAMS. BUT HE AND I KNOW THE SECRET. THEN I WILL HAVE MAYBE SOMETHING ELSE TO SAY. THANK YOU, MR. PRESIDENT. [LB106]

Floor Debate
April 01, 2015

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.)
SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB106]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT; AND WELCOME, COLLEAGUES, THIS AFTERNOON. AND I WANT TO RISE SUPPORTING LB106 AS AMENDED BY THE MOST RECENT AMENDMENT THAT SENATOR WATERMEIER HAS BEEN TALKING ABOUT. BUT FIRST OF ALL, I THINK IT'S EASY IN THIS DISCUSSION, ESPECIALLY WHEN WE'RE TALKING ABOUT A NUMBER OF AMENDMENTS LIKE THIS, TO LOSE SIGHT OF WHAT WE'RE REALLY TRYING TO DO HERE. AND THAT'S TO RECOGNIZE THAT AGRICULTURE IS THE NUMBER ONE INDUSTRY IN OUR STATE. WE TALK ABOUT GROWING OUR STATE AND GROWING OUR STATE WITH LIVESTOCK PRODUCTION IS ONE OF THOSE THINGS THAT WE CAN DO. WE HAVE GREAT EXPERTISE IN THIS BODY WITH PEOPLE THAT ARE INVOLVED WITH LIVESTOCK THEMSELVES, PEOPLE THAT HAVE BEEN INVOLVED WITH ZONING; PEOPLE THAT HAVE BEEN INVOLVED WITH MAKING DECISIONS ABOUT LOCAL CONTROL. LET ME TELL YOU A LITTLE BIT ABOUT MY DISTRICT, DISTRICT 36. I WOULD WAGER TO SAY THERE IS MORE LIVESTOCK FEEDING IN MY DISTRICT THAN POSSIBLY ANY OTHER DISTRICT IN THE STATE. THE LARGEST CATTLE FEEDER IS LOCATED IN MY DISTRICT. THE SECOND LARGEST HOG FEEDER IS LOCATED IN MY DISTRICT. AND I'VE BEEN CONTACTED BY MANY PEOPLE FROM COUNTY COMMISSIONERS TO LIVESTOCK PRODUCERS, TO CITIZENS ON THIS BILL, AND THERE'S BEEN A CONFLICT IN THEIR MIND AS TO WHAT'S GOING ON HERE. ONE COUNTY THAT IS IN MY DISTRICT, CUSTER COUNTY, HAS SPENT A GREAT DEAL OF TIME AND EFFORT AND DOLLARS TO CREATE A SIGNIFICANT MATRIX OF THEIR OWN WHICH IS USED AND WHICH HAS BEEN USED VERY SUCCESSFULLY TO SITE LARGE LIVESTOCK OPERATIONS. THEY ARE TELLING ME THAT FROM THEIR STANDPOINT, THEY REALLY DON'T NEED A LOT OF HELP IN THEIR DISTRICT. BUT THE FEEDERS IN THAT DISTRICT ARE ALSO LOOKING AT EXPANSION TO OTHER COUNTIES IN OUR STATE THAT HAVE NOT SPENT THE TIME TO DEFINE AND REDEFINE A MATRIX THAT WORKS WELL FOR THEM. SO FROM THAT STANDPOINT, THEY ARE CERTAINLY IN FAVOR OF USING THE EXPERTISE AT THE DEPARTMENT OF AG, COUPLED WITH THE GROUPS THAT ARE NOW INCLUDED IN THE LIST OF PEOPLE THAT WOULD BE WORKING WITH THE DEPARTMENT OF AG TO CREATE THIS MATRIX. THE OTHER COUNTIES THAT I DEAL WITH HAVE ALREADY RECEIVED THE LIVESTOCK-FRIENDLY DESIGNATION, WHICH THEY WORK VERY HARD TO DO. AND THE FEEDERS IN THAT DISTRICT, AGAIN, ARE TELLING ME THIS WOULD BE A SIGNIFICANT, LONG-TERM HELP TO THEM IN CREATING A UNIFORM STANDARD FOR THOSE COUNTIES THAT WOULD CHOOSE TO ADOPT IT. I APPRECIATE SENATOR CHAMBERS' QUESTIONS OF SENATOR WATERMEIER DEFINING WHAT IS REALLY IN THE BILL IN THE CURRENT

Floor Debate
April 01, 2015

AMENDMENT THAT SENATOR WATERMEIER IS OFFERING, THAT THE LANGUAGE IS COMPLETELY OPTIONAL ON THE PART OF THE COUNTIES. THE WORD IS "MAY", NOT "SHALL." IT ALSO DEFINES MORE BROADLY WHO THE DEPARTMENT OF AGRICULTURE WOULD INCLUDE IN THE DISCUSSION OF FORMING THE MATRIX. AND IT WOULD INCLUDE COUNTY ZONING PEOPLE, COUNTY OFFICIALS, AND OTHER EXPERTS FROM THE LOCAL SIDE TO BRING THAT EXPERTISE TOGETHER. I THINK AS AMENDED, THIS MAKES SENSE. THEREFORE, I WOULD ENCOURAGE YOU TO STRONGLY CONSIDER VOTING AGAINST THE BRACKET, VOTING AGAINST THE RECOMMIT MOTION, AND VOTING IN FAVOR OF LB106 AS IT WILL BE AMEND BY THE CURRENT AMENDMENT. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB106]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT; AND GOOD AFTERNOON, COLLEAGUES. WITH ALL DUE RESPECT TO THE PEOPLE WHO HAVE BEEN CRAFTING THIS MOST CURRENT AMENDMENT, AND I APPRECIATE SENATOR WATERMEIER'S GOOD EFFORTS TO DO THIS, AND WE DO THIS ON THE FLOOR A LOT WHEN WE ARE TALKING ABOUT BILLS THAT MAY IN SOME ESTIMATION AREN'T QUITE READY TO BE READY FOR PRIME TIME OR WE WANT SOME CHANGES MADE. I CAN ACCEPT THAT. AND TO THAT END, I COULD EVEN PROBABLY LIVE WITH SOME OF THE DETAILS IN AM1099 IF, IN FACT, THAT'S WHAT WE GET TO. BUT LET'S BE CLEAR ABOUT THIS. I DISAGREE, TO A CERTAIN EXTENT, WITH SENATOR WILLIAMS. THIS WASN'T ONLY ABOUT AGRICULTURAL INTERESTS. IT WAS MAKING A SIGNIFICANT CHANGE IN PHILOSOPHY ABOUT HOW WE MANAGE PLANNING AND ZONING. THAT'S WHAT THE CONVERSATION FIRST STARTED WITH, TAKING IT AWAY FROM THE LOCAL PEOPLE AND HAVING MORE CONTROL AT THE STATE. DON'T LOSE SIGHT OF THAT BECAUSE EVEN WITH AM1099, I FEEL NOT A TOTAL LEVEL OF COMFORT. TO USE, PERHAPS, A TOO OFTEN USED PHRASE--IT COULD BE THE CAMEL'S NOSE UNDER THE TENT. BECAUSE, QUITE FRANKLY, IF YOU LOOK AT AM1099, I THINK THIS IS SOMETHING THAT THE DEPARTMENT OF AGRICULTURE COULD DO RIGHT NOW, PERHAPS EVEN SHOULD HAVE BEEN DOING, INVOLVING ALL THE RIGHT PEOPLE, AND WE WOULDN'T HAVE BEEN IN THIS PLACE RIGHT NOW. I STILL DON'T KNOW, AS SENATOR WATERMEIER HAS MENTIONED, THAT HE'S RECEIVED NUMEROUS CALLS FROM LIVESTOCK OPERATIONS THAT HAVE PROBLEMS GETTING THEIR PERMITS APPROVED. I DON'T KNOW HOW MANY PERMITS WERE DENIED UNDER THE CURRENT EXISTING ZONING...COUNTY ZONING REGULATIONS. WHICH COUNTIES ARE DENYING THOSE PERMITS? THAT HAS NOT BEEN BROUGHT OUT. I DON'T KNOW IF IT'S PERVASIVE. I DO KNOW THAT I HAVE HEARD FROM COUNTY

Floor Debate
April 01, 2015

COMMISSIONERS, SUPERVISORS, ZONING ADMINISTRATORS WHO HAVE INDICATED THEY HAVE SPENT A GREAT DEAL OF MONEY OVER THE YEARS INVOLVING PROFESSIONALS, IN CRAFTING THE ZONING AND PLANNING RESTRICTIONS AND PACKETS THAT THEY HAVE RIGHT NOW. SO CALL ME SUSPECT OR NOT, BUT I STILL DO NOT HAVE A LEVEL OF COMFORT WITH THIS. I WANT US TO BE LIVESTOCK FRIENDLY. I WANT US TO SEE LIVESTOCK DEVELOPMENT INCREASE AND IMPROVE IN THIS STATE, BUT IT'S NOT JUST ABOUT LIVESTOCK, FOLKS. IT'S ABOUT THE PEOPLE THAT RAISE THOSE LIVESTOCK, THE PEOPLE WHO LIVE AT THE LOCAL COMMUNITIES. AND CERTAINLY AM1099, IF WE GET TO THAT, DOES REMOVE THE STATE FROM ANY CONTROLS, BUT IT DOES LAY OUT SOME PARAMETERS AND WHAT THAT MATRIX COULD BE. REMIND YOURSELF, TOO, THAT THEY COULD BE DOING THAT RIGHT NOW EVEN WITHOUT A STATUTE, EVEN WITHOUT LEGISLATION. AND TO RAISE IT TO A LEVEL OF LAW, KEEP IN MIND WHAT THAT MIGHT SET THE STAGE TO DO. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. NEXT IN THE QUEUE IS SENATOR DAVIS, BUT I BELIEVE HE'S OFF THE FLOOR IN AN EXEC SESSION. SO WE'LL MOVE TO SENATOR WATERMEIER. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I'VE HEARD A COUPLE THINGS THAT I'D LIKE TO MAYBE ADDRESS. ONE IS THAT THE STACKING AND STACKING UPON AMENDMENTS. FOR THOSE THAT WERE NOT HERE IN THE BODY LAST YEAR, IT WAS ALMOST A COMEDY OF EVENTS THAT HAPPENED ON ALL THE PROBATION, THE CORRECTION ISSUES. SENATOR ASHFORD, AS CHAIRMAN OF JUDICIARY, WOULD COME BACK EVERY MORNING WITH A NEW AMENDMENT. IT WOULD LOOK TOTALLY DIFFERENT. THAT'S HOW WE MAKE SAUSAGE IN THIS PLACE. ONE OF THE THINGS I WOULD LIKE TO REITERATE IS THAT THIS BILL IS NOT EVERYTHING THAT I WANTED. AND I'D LOVE TO STAND UP HERE AND TAKE EIGHT HOURS, BUT LAST YEAR I HAD A PRIORITY BILL THAT GOT PASSED IN THE LAST DAY AND WE DIDN'T GET A CHANCE TO FOLLOW THROUGH WITH IT. SO I'M TRYING TO BE SOMEWHAT RESPECTFUL OF THE PROCESS. I REALIZE IF I TAKE EIGHT HOURS ON THIS BILL, WIN OR LOSE, WE ALL LOSE. SO I HAVE TRIED MY DARNEDST TO COME TO THE BOTTOM LINE TO MAKE SURE THAT WE'VE ANSWERED THE CONCERNS ABOUT LOCAL CONTROL. AS SENATOR CHAMBERS, I THINK, HAD DESCRIBED, AND HOPEFULLY HE'LL BACK ME UP AS HE READS THE BILL A LITTLE FURTHER, I'M NOT GOING TO ASK TO YOU TRUST ME AND GO TO SELECT FILE, I'M GOING TO ASK TO YOU READ IT AND TO THINK. IF YOU DON'T WANT TO THINK LIKE ME, AT LEAST THINK. THINK THAT WHAT WE ARE DOING IS PUTTING ANOTHER TOOL IN THE TOOLBOX FOR THE LOCAL SUPERVISORS, THE

Floor Debate
April 01, 2015

LOCAL COUNTY AND ZONING PEOPLE. SO I WOULD ASK AGAIN FOR YOUR RED VOTE ON THE BRACKET, YOUR RED VOTE ON THE COMMIT. AND I THINK AS PROCEDURALLY AS IT WILL WORK, I'LL BE ABLE TO WITHDRAW MY TWO AMENDMENTS TO GET TO AM1099 WHICH MY AM1099 GOES TO THE BILL UNLESS I'VE GOT THAT MISQUOTED. BUT I WOULD LIKE TO CERTAINLY ASK FOR A RED VOTE ON THE BRACKET AND A RED VOTE ON THE COMMIT TO COMMITTEES. THANK YOU. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB106]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO MAKE THE POINT THAT WE'VE HAD AMENDMENTS AND I'VE HEARD IN THE PAST SOMETIMES PEOPLE SAY, WELL, THIS DIDN'T GO THROUGH A PUBLIC HEARING BECAUSE IT'S AN AMENDED ON AMENDMENT. BUT THE REALITY IS SENATOR WATERMEIER'S AMENDMENT, AM1099, BASICALLY HAD THE EXACT SAME LANGUAGE AS THE FIRST PART OF LB106 THAT DID HAVE A PUBLIC HEARING ABOUT THE MATRIX. THAT LANGUAGE IS THE SAME, THE "SHALLS" WERE TAKEN OUT, "MAY" WAS PUT IN. I THINK THE OTHER CHANGE IS THEY ADDED THE ZONING PEOPLE TO THE COMMITTEE AND THEY ALSO WENT FROM FOUR YEARS TO ONE YEAR THAT THE COMMITTEE OUGHT TO MEET TO UPDATE THE MATRIX. I HAVE RETURNED E-MAIL CONVERSATIONS WITH SOME OF THE ZONING FOLKS FROM OUT WEST, BROWN COUNTY, HOLT COUNTY, LINCOLN COUNTY. WE DON'T HAVE A PROBLEM OUT THERE. AGRICULTURE IS RESPECTED AND WHEN IT WANTS TO BUILD, IT BUILDS. AND THEY'RE PROUD OF THEIR ZONING PACKAGE RIGHT NOW THAT THEY'VE WORKED ON. AND AT THE END OF THE DAY OF OUR CONVERSATION WHEN I'VE DISCUSSED THE AMENDMENTS AND WHAT'S GOING ON, THEY SAY, WELL, THAT'S FINE. AND THEY'RE ALSO PROUD OF THEIR ZONING REGULATIONS. THEY SAY, WELL, WE'LL JUST SUBMIT OURS AND THEY CAN USE THAT AS A MATRIX BECAUSE WE'VE DONE SUCH A GOOD JOB ON OURS. BUT I'LL GUARANTEE YOU THIS, WHEN THE UNIVERSITY AND THE DEPARTMENT OF AGRICULTURE GETS DONE WITH THIS, EVERY ONE OF THOSE ZONING DEPARTMENTS WILL LOOK AT THAT MATRIX TO SEE HOW CLOSE IT FITS THEIRS. AND I'LL GUARANTEE YOU, A LOT OF THEM WILL SAY--WE NEVER THOUGHT OF THAT. WE NEVER THOUGHT OF THAT, THAT'S A GOOD IDEA; WE'LL ADD IT TO OURS. THEY MIGHT NOT ACCEPT THIS MATRIX, BUT AS SENATOR CHAMBERS SAYS, THIS IS KNOWLEDGE THAT'S BEING SHARED. WHEN YOU PUT EXPERTS FROM DIFFERENT AREAS IN A ROOM, IT'S AMAZING WHAT CAN GET DONE SOMETIMES; THAT'S OVERLOOKED WHEN YOU DON'T HAVE THEM FACE-TO-FACE TALKING ABOUT TYING CERTAIN FACTORS TOGETHER. AND THAT'S ALL THE

Floor Debate
April 01, 2015

MATRIX IS, IT'S DIFFERENT FACTORS. IF YOU LOOK AT WHAT IT SAYS HERE: ENVIRONMENTAL PRACTICES ADOPTED BY THE OPERATION--ODOR CONTROL PRACTICES, COMMUNITY SUPPORT, AND COMMUNICATION WITH NEIGHBORS. LIVESTOCK PRODUCERS WANT TO BE GOOD NEIGHBORS. THEY WANT TO BE PART OF THE COMMUNITY. THIS HELPS THEM. WE'RE TALKING ALL ABOUT ZONING BOARDS, GOVERNMENT. BUT THIS HELPS THE PRODUCER TOO. HE CAN GO, HE CAN LOOK. HE DOESN'T LIVE IN THE BIG WORLD ALL THE TIME. HE'S PREOCCUPIED WITH HIS OPERATION AND WHEN HE'S LOOKING TO EXPAND, HE'S LOOKING FOR PLACES TO GO FOR INFORMATION TOO. SO THAT'S WHERE I STARTED, WHY I GOT INVOLVED WITH THIS IN THE FIRST PLACE, AND I ACTUALLY THINK IT'S COMING RIGHT BACK DOWN WHERE I'D LIKE TO SEE IT. SO I'D APPRECIATE IT, MR. PRESIDENT, BUT VOTE NO, AS SENATOR WATERMEIER SAID, ON THE BRACKET, NO ON THE RECOMMIT. AND LIKE HE SAID, HE'LL WITHDRAW THOSE OTHER AMENDMENTS, AND THEN YES ON AM1099 AND YES ON LB106. THANK YOU. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I HAVE IN MY HAND A COPY OF THE AMENDMENT. I HAVE NOT GOTTEN TO DIGEST IT THOROUGHLY YET. I THINK IT GOES A LONG WAYS TOWARD SOLVING THE PROBLEMS. I DO HAVE A FEW QUESTIONS YET, AND I WONDER IF SENATOR WATERMEIER WOULD YIELD TO A QUESTION OR TWO. [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR BLOOMFIELD: THANK YOU, SENATOR WATERMEIER. ONE OF THE QUESTIONS I HAVE IS IF A COUNTY DECIDES TO CONTACT THE DEPARTMENT TO LOOK AT THIS MATRIX, ARE THEY UNDER ANY OBLIGATION AT THAT POINT TO EVER USE IT? [LB106]

SENATOR WATERMEIER: NO, IT WOULD NOT BE MY INTENTION AND I DON'T THINK THAT'S THE WAY IT WOULD BE. I REALLY ENVISION IT BEING AS SIMPLE AS PULLING IT OFF A WEB SITE, SO IT WOULDN'T REALLY BE A RECORD THAT THEY'VE ACTUALLY MADE A REQUEST OF. THAT MAY BE WRONG, BUT THAT'S MY SIMPLISTIC LOOK AT IT. I MEAN, I'M SAYING THERE'S NOT A CONNECTION TO

Floor Debate
April 01, 2015

THE COUNTY WOULD BE LOCKED IN PLACE IF THEY MADE A REQUEST TO THE STATE TO VIEW, USE, BRING IT IN FOR DISCUSSION, BECAUSE THEY CAN CHANGE IT. THEY CAN CHANGE IT. [LB106]

SENATOR BLOOMFIELD: WOULD YOU, SENATOR, BE WILLING TO PUT IN HERE THAT IT MAY BE JUST BECOMES A WEB SITE ISSUE INSTEAD OF THE COUNTIES HAVING TO CONTACT THE DEPARTMENT, THAT THEY COULD JUST GO TO THE WEB SITE OF THE DEPARTMENT AND LOOK AT IT? [LB106]

SENATOR WATERMEIER: COULD WE DO THAT ON SELECT SO THAT WE CAN MAKE SURE THAT'S FEASIBLE WHAT THE DEPARTMENT IS ACTUALLY THINKING, SO IT WOULDN'T BE SOMETHING NEW THAT WE'D BE ASKING THEM TO DO? I MEAN, I'VE ALWAYS ENVISIONED THIS AS LIKE AN EXCEL SPREADSHEET, AS SIMPLE AS JUST E-MAILING AN EXCEL SPREADSHEET. IT MAY BE DIFFERENT THAN THAT. I'D HATE TO COMMIT TO THAT. BUT THE IDEA BEHIND THAT I COULD PROBABLY COMMIT TO THAT. I MEAN, I DON'T THINK I COULD COME UP WITH THAT LANGUAGE TODAY TO GUARANTEE IT, SO. [LB106]

SENATOR BLOOMFIELD: OKAY. WOULD YOU AGREE THEN TO CONTACT THEM BETWEEN NOW AND SELECT AND SEE IF WE CAN, IN FACT, DO THAT? [LB106]

SENATOR WATERMEIER: IF YOU PULL YOUR BRACKET MOTION. [LB106]

SENATOR BLOOMFIELD: I DON'T HAVE A BRACKET MOTION, SENATOR. [LB106]

SENATOR WATERMEIER: OH I'M SORRY. I THOUGHT IT WAS YOUR BRACKET MOTION. I WILL MAKE A COMMITMENT TO CALL THE DEPARTMENT AND LOOK AT THAT, YES. I'M SORRY, SENATOR SCHNOOR'S BRACKET. YEAH. [LB106]

SENATOR BLOOMFIELD: I WILL ALSO ASK YOU FOR ANOTHER COMMITMENT, AND THAT WOULD BE THAT THERE WOULD BE NO ATTEMPT MADE TO ADD BACK TO THIS BILL IN SELECT THE STUFF THAT WE HAVE WORKED SO HARD TO REMOVE FROM IT HERE. [LB106]

SENATOR WATERMEIER: I'LL SAY NO, BUT I'LL QUALIFY IT AS WELL. CAN I QUALIFY IT? [LB106]

SENATOR BLOOMFIELD: ABSOLUTELY. [LB106]

Floor Debate
April 01, 2015

SENATOR WATERMEIER: THAT'S JUST SOMETHING WE CAN'T DO IN THIS BODY. IT'S UNDER A MICROSCOPE. JUST LIKE THE LOBBY CANNOT DIRECT US, CANNOT LEAD US DOWN A PATH AND EVER HAVE IT CHANGED. THEY CAN DO THAT ONE TIME. AND I CAN'T DO THAT AS A SENATOR. YEAH, I'LL GIVE YOU MY WORD ON THAT. OTHER SENATORS IN THIS BODY CAN'T DO THAT BUT ONE TIME AND IT'LL COME BACK TO BITE THEM. SO WE JUST...I JUST WON'T DO IT. [LB106]

SENATOR BLOOMFIELD: OKAY. SENATOR, YOU CAN COMMIT YOURSELF TO THE FACT THAT IF THEY ATTEMPT TO DO THAT, THAT YOU WOULD PULL SUPPORT FOR THE BILL. AND I'M NOT GOING TO ASK YOU TO DO THAT BECAUSE YOUR ANSWER KIND OF TELLS ME YOU'RE NOT WILLING TO DO THAT. [LB106]

SENATOR WATERMEIER: I'M NOT WILLING TO...I'M SORRY, I'M NOT DOING TO...? [LB106]

SENATOR BLOOMFIELD: TO COMMIT TO NOT ADDING BACK ON WHAT WE HAVE STRUGGLED SO HARD TO TAKE OFF. [LB106]

SENATOR WATERMEIER: I WOULD COMMIT TO NOT ADDING BACK ON WHAT YOU AND THE GROUP, I WOULD SAY ALL OF US COMBINED, HAVE GOTTEN IT TO THIS POINT. AM I ANSWERING THAT CORRECTLY FOR... [LB106]

SENATOR BLOOMFIELD: I THINK YOU JUST DID, YES. [LB106]

SENATOR WATERMEIER: OKAY. [LB106]

SENATOR BLOOMFIELD: COLLEAGUES, I'M GOING TO LOOK AT THIS A LITTLE HARDER. I THINK WE'VE MADE GREAT PROGRESS WITH THIS AMENDMENT. I SHARE SENATOR SULLIVAN'S CONCERNS. AND AS I HAVE SAID EARLIER, THIS COULD BE DONE BY THE DEPARTMENT WITHOUT EVER HAVING A BILL. WE HAVE DONE THIS TWICE SO FAR ON BILLS I'VE INTRODUCED THIS YEAR: ONE WITH THE DEPARTMENT OF EDUCATION AND ONCE WITH NEMA WHERE THEY HAVE DECIDED RATHER THAN TO FACE A BILL, THEY CAN MAKE THOSE CHANGES WITHIN THE DEPARTMENT... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

Floor Debate
April 01, 2015

SENATOR BLOOMFIELD: ...WITHOUT A LAW. AND I THINK THAT'S REALLY WHERE THIS NEEDS TO GO. SO LET'S LOOK AT THIS. I LIKE THE DIRECTION WE'RE HEADED. I THINK MAYBE SENATOR WATERMEIER CAN GET WHAT HE WANTS HERE WITHOUT A BILL OR A LAW. AND IF SO, I WOULD HIGHLY RECOMMEND WE GO THAT ROUTE. BUT THAT'S ONE MAN'S OPINION. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATORS BLOOMFIELD AND WATERMEIER. (VISITORS INTRODUCED.) SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB106]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. WHEN I FIRST READ LB106, I WAS ADAMANTLY OPPOSED AND SPOKE IN OPPOSITION TO IT BECAUSE I HAD GRAVE CONCERNS ABOUT THE FACT THAT THE BILL WAS ONE THAT APPEARED TO BE A CASE IN WHICH AN INDUSTRY WAS ASKING US TO AMEND OUR LOCAL CONTROL STATUTES. AND EVEN THE AMENDMENTS WE WERE DISCUSSING, LAST TIME WE DISCUSSED THIS BILL PRIOR, I STILL HAD CONCERNS ABOUT THE RESTRICTIONS THAT THOSE AMENDMENTS WERE PLACING. THE CURRENT AMENDMENT THAT SENATOR WATERMEIER IS OFFERING ADDRESSES THOSE LOCAL CONTROL CONCERNS THAT I HAD WITH LB106 AND WITH THOSE AMENDMENTS. SO I WILL NOT BE VOTING FOR THE BRACKET AND I WILL NOT BE VOTING TO RECOMMIT. I WILL CONTINUE TO LISTEN TO HEAR COMMENTS THAT SENATORS ARE MAKING ABOUT WHETHER OR NOT THEY FEEL THIS IS A GOOD POLICY, BUT MY CONCERNS ABOUT THE LOCAL CONTROL IN TERMS OF THE INITIAL POLICY AND THE INITIAL AMENDMENTS THAT I FELT STILL HAD TOO MANY RESTRICTIONS ON LOCAL CONTROL, THOSE CONCERNS ARE ADDRESSED BY THE AMENDMENT. I THINK IN LINE WITH THE DISCUSSION OF WHETHER OR NOT IT MAKES SENSE TO HAVE A BILL TO DO THIS OR JUST HAVE THE DEPARTMENT DO THIS, ONE ADVANTAGE OF DOING IT WITH A BILL IS TO TRY TO MAKE SURE THAT THAT PROCESS THAT THE DEPARTMENT HAS TO COME UP WITH A MODEL MATRIX IS A VERY TRANSPARENT AND REPRESENTATIVE PROCESS. AND SO I'D LIKE TO ASK SENATOR WATERMEIER IF HE'D YIELD TO A COUPLE OF QUESTIONS. [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR CRAWFORD: SO I DON'T KNOW IF YOU KNOW THE ANSWER TO THIS YET, BUT I'LL GO AHEAD AND ASK YOU IN CASE YOU DO. SO I THINK ONE OF THE

Floor Debate
April 01, 2015

IMPORTANT PARTS OF THE PROCESS AND YOU LAY OUT A FEW PEOPLE...YOU LAY OUT IN THE BILL A FEW PEOPLE THAT SHOULD BE INCLUDED IN THAT DISCUSSION, AND I'M VERY GLAD TO SEE THE COUNTY OFFICIALS AND THE COUNTY ZONING OFFICIALS IN THAT PROCESS AS WELL. THEN IT SAYS OTHER EXPERTS. AND ONE OF MY CONCERNS IS TO MAKE SURE WE HAVE A BROAD ARRAY OF PEOPLE IN THAT DISCUSSION TO MAKE SURE, AGAIN, THAT THERE ARE DISCUSSIONS ABOUT A RANGE OF CONCERNS AND QUESTIONS THAT MIGHT ARISE WITH THIS KIND OF A LOCATION DECISION. SO DO YOU KNOW IF THE NAMES OF THE PEOPLE AND THE BACKGROUNDS OF THE PEOPLE WHO ARE APPOINTED TO THIS COMMITTEE, DO YOU KNOW IF THEY WILL BE PUBLIC OR HOW THEY WILL BE MADE PUBLIC? [LB106]

SENATOR WATERMEIER: I DON'T THINK THEY'RE GOING TO GO THROUGH A CONFIRMATION PROCESS THROUGH OUR BODY. I THINK THEY WOULD BE APPOINTED INSIDE OF THE DEPARTMENT OF AG. BUT LET ME STRETCH A LITTLE BIT, IT'S A STRETCH TO PUT ANYTHING IN STATUTE. NACO IS IN THE STATUTE EIGHT, NINE TIMES, AND, TO ME, THAT'S ALMOST A STRETCH, BUT IT'S IN STATUTE. I WOULD HATE TO PUT A SPECIFIC ORGANIZATION'S NAME IN THERE, OTHER THAN MAYBE A DIRECTOR OF ANOTHER STATE AGENCY. I THINK THAT PROCESS WILL PROBABLY BE HANDLED INTERNALLY IN THE DEPARTMENT. BUT IT CERTAINLY COULD BE...I MEAN, THE SENATORS COULD ASK, YOU KNOW, IF YOU HAD A GROUP OF 15 SENATORS, YOU KNOW, THAT REALLY WANTED A REPRESENTATIVE IN THERE, YOU COULD ASK THEM TO CONSIDER THAT. [LB106]

SENATOR CRAWFORD: I APPRECIATE THAT. AND I APPRECIATE THE CONCERN ABOUT LEAVING SOME FLEXIBILITY IN THERE. I GUESS I WOULD ASK SINCE I'M NOT ON THE AGRICULTURAL COMMITTEE, I WOULD JUST ASK THE CHAIR OF THE AGRICULTURAL COMMITTEE AND MEMBERS OF AGRICULTURAL COMMITTEE, YOU KNOW, TO BE VIGILANT IN ASKING THE DIRECTOR WHO IS ON THAT COMMITTEE AND WATCHING THAT PROCESS AND MAKING SURE THAT IT HAS BROAD REPRESENTATION. SO I GUESS I WOULD ASK IF SENATOR JOHNSON WOULD RISE TO ANSWER A QUESTION. [LB106]

PRESIDENT FOLEY: SENATOR? [LB106]

SENATOR CRAWFORD: THANK YOU. YOU JUST HEARD MY COMMENT. I WAS JUST ASKING IT, YOU KNOW, AS CHAIR OF THE AG DEPARTMENT, IF THIS BILL PASSES IF THIS IS SOMETHING... [LB106]

Floor Debate
April 01, 2015

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR CRAWFORD: ...THAT YOU WOULD BE WILLING AS CHAIR OF THE AGRICULTURAL DEPARTMENT TO ASK THE DIRECTOR OF AG TO LET YOU KNOW WHO'S BEING APPOINTED TO THAT COMMITTEE AND TO BE WATCHING WHO'S ON THE COMMITTEE AND THE TRANSPARENCY OF WHAT'S HAPPENING ON THAT COMMITTEE? [LB106]

SENATOR JOHNSON: FIRST OF ALL, FOR THE RECORD, I'M NOT CHAIR OF THE AG DEPARTMENT, I'M CHAIR OF THE AG COMMITTEE. [LB106]

SENATOR CRAWFORD: OF AG COMMITTEE, I MEANT TO SAY. THANK YOU. [LB106]

SENATOR JOHNSON: NOT THERE YET. NOT GOING TO BE THERE. YEAH, I WOULD...WHETHER THE FULL COMMITTEE WOULD BE IN IT, HOW MANY OF THE AG COMMITTEE WOULD BE INVOLVED IN THIS, I DON'T KNOW. BUT AS I'VE OFFERED BEFORE TO CONTINUE TO TAKE A LOOK AT THIS AND STUDY IT IF THAT'S THE DIRECTION WE'RE GOING. SO I WILL BE A WATCHFUL EYE, YES. [LB106]

SENATOR CRAWFORD: EXCELLENT. THANK YOU, SENATOR JOHNSON. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATORS CRAWFORD AND JOHNSON. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB106]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD AFTERNOON. I'VE BEEN LISTENING TO THE DEBATE THIS AFTERNOON. FIRST OF ALL, I'M DEFINITELY FOR LB106 AND I'M OKAY WITH IT IN THE AMENDED FORM. I THINK THAT THERE HAS BEEN SOME GOOD CONVERSATION ABOUT THAT. BUT I CAN TELL YOU THE IMPORTANCE OF HAVING A PROCESS WHEN YOU'RE GOING TO DO ANY KIND OF ECONOMIC DEVELOPMENT. AND THAT PROCESS IS THERE FOR CONTINUITY. THAT PROCESS IS THERE SO THAT PEOPLE KNOW WHAT THEY'RE GETTING INTO ON BOTH SIDES. SO WE NEED TO KEEP THAT IN MIND. I ALSO THINK THAT THIS LEGISLATION IS IMPORTANT. I THINK WE DEFINITELY NEED TO UNDERSTAND THAT HERE IN THE STATE OF NEBRASKA, WE NEED TO MAKE A STATEMENT. WE NEED TO LET FOLKS KNOW THAT WE'RE WORKING ON AND DOING THINGS TO BRING LIVESTOCK

Floor Debate
April 01, 2015

DEVELOPMENT TO OUR STATE. AND, QUITE HONESTLY, THIS PROCESS THAT WE'RE TALKING ABOUT, THIS MATRIX PROCESS THAT WE'RE TALKING ABOUT, WILL PROBABLY HELP ZONING FOLKS ON OTHER ISSUES THAT ARE OUT THERE THAT THEY NEED TO LOOK AT AND HANDLE IN THE SAME KIND OF FASHION. I THINK THIS IS POSITIVE. I THINK IT'S TIME TO VOTE ON THE AMENDMENTS, AM1099, GET THOSE THROUGH, AND MOVE THIS BILL TO SELECT FILE. AND WITH THAT, I'D YIELD THE REST OF MY TIME TO SENATOR SCHNOOR. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR SCHNOOR, ABOUT 3 MINUTES.. [LB106]

SENATOR SCHNOOR: THANK YOU. HOW MUCH TIME? [LB106]

PRESIDENT FOLEY: THREE MINUTES AND FOURTEEN SECONDS. [LB106]

SENATOR SCHNOOR: OKAY, THAT'S PLENTY OF TIME. OKAY, SENATOR WATERMEIER, WILL YOU YIELD TO SOME QUESTIONS? [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR SCHNOOR: OKAY. I NEED TO CONFIRM AND I NEED TO GET THIS ON THE RECORD. YOUR AMENDMENT, AM1099, IS IN ITS ENTIRETY WILL NOW BE THE NEW BILL, IS THAT CORRECT? [LB106]

SENATOR WATERMEIER: YES, AS SENATOR CHAMBERS HAD DESCRIBED, YES. [LB106]

SENATOR SCHNOOR: OKAY. AND ARE YOU COMMITTED TO PULLING EVERY AMENDMENT WITH...I DON'T KNOW THAT YOU CAN PULL AM521 OR NOT, BUT ARE YOU COMMITTED TO PULLING EVERY OTHER ONE OR SUPPORTING EVERY OTHER ONE OF THEM GETTING PULLED? [LB106]

SENATOR WATERMEIER: YES, I AM. [LB106]

Floor Debate
April 01, 2015

SENATOR SCHNOOR: OKAY. AND JUST TO GET ON THE RECORD, THIS...WELL, WHICH I GUESS I'LL NOW REFER TO LB106, BUT THIS IS MERELY AN ADVISORY TOOL FOR THESE COUNTIES TO USE. CORRECT? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR SCHNOOR: LOCAL CONTROL REMAINS IN EFFECT. IT CANNOT BE OVERRULED BY THE STATE. IS THAT CORRECT? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR SCHNOOR: THE COUNTIES ULTIMATELY THEN HAVE THE DECISION FOR LIVESTOCK SITING WITHIN THEIR COUNTY. CORRECT? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR SCHNOOR: AND THEN THE COUNTIES CAN ALSO MODIFY ANY OF THE MATRIX TO MAKE IT SUITABLE TO THEIR COUNTY AND TO THEIR NEEDS? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR SCHNOOR: OKAY. THANK YOU, SIR. WITH THAT, I AM GOING TO WITHDRAW MY BRACKET MOTION. [LB106]

PRESIDENT FOLEY: WITHOUT OBJECTION, THE BRACKET MOTION IS WITHDRAWN. [LB106]

SENATOR SCHNOOR: OKAY. CAN'T TALK ANYMORE? [LB106]

PRESIDENT FOLEY: STILL PENDING ON THE BILL IS THE MOTION TO RECOMMIT TO COMMITTEE. SENATOR CHAMBERS, YOU'RE NEXT IN THE QUEUE. [LB106]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I READ IT. I READ SLOWLY, BUT I CATCH ON QUICKLY. THIS, FROM MY READING, FITS THE LOREN SCHMIDT FORMULA. IT DOESN'T HELP ANY...AS FAR AS BEING MANDATORY, IT DOESN'T HELP ANYBODY, DOESN'T HURT ANYBODY, DOESN'T COST ANYTHING, DOESN'T DO ANYTHING. IN OTHER WORDS, AND SENATOR

Floor Debate
April 01, 2015

WANTS TO SAY SOMETHING AND I'M GOING TO LET HIM. IT WOULD BE LIKE WORDS ON THIS PIECE OF PAPER THAT I HAVE AND IF YOU GET THIS PAPER FROM ME, YOU CAN TEAR IT UP, YOU CAN BALL IT UP, AND YOU'RE RIGHT WHERE YOU WERE BEFORE YOU STARTED. IF THERE'S SOMETHING ON THAT PAPER YOU WANT TO MAKE USE OF, YOU CAN. YOU'RE NOT BOUND TO DO ANYTHING IN THIS DOCUMENT. NOW HAVING SAID, IN GENERAL, THE WAY I SEE IT, I WANT TO GIVE SENATOR WATERMEIER AN OPPORTUNITY IF THERE WAS SOMETHING I SAID THAT HE HAS A QUESTION ABOUT SO I'LL HAVE ENOUGH TIME TO ADDRESS IT. SENATOR WATERMEIER? [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR CHAMBERS: I SAW YOU RAISE YOUR FINGER AS IF YOU WANT TO MODIFY SOMETHING. SO I WANT TO GIVE YOU THAT OPPORTUNITY. [LB106]

SENATOR WATERMEIER: WELL, IN ORDER TO FALL UNDER THE SENATOR LORAN SCHMIT RULE, IT IS NO MONEY, I WANT TO WARN YOU THAT THERE IS A SMALL FISCAL NOTE THAT WE HAD TO USE. WE FOUND A CASH FUND THAT WE CAN USE. I CAN'T EXACTLY TELL YOU THE NAME OF IT. BUT THE DEPARTMENT HAD TO HAVE A SMALL AMOUNT OF MONEY. IT'S NOT A... [LB106]

SENATOR CHAMBERS: OH, OKAY. I'M AWARE OF THAT. BUT WHEN I SAY IT DIDN'T COST ANYTHING, THERE'S NOT A FISCAL NOTE THAT WOULD CAUSE SOMEBODY TO VOTE ONE WAY OR THE OTHER. IT WOULD BE WHAT I'D CALL A PIDDLING AMOUNT, INSIGNIFICANT, DE MINIMIS, IT WON'T EVEN BE NOTICED. IN FACT, SOMEBODY EITHER WHEREVER THE MONEY IS HELD OR WHOEVER DISBURSES IT, THEY COULD STEAL IT AND NOBODY WOULD EVEN KNOW IT. THEY COULD SAY I LOST IT AND SOMEBODY WOULD GIVE IT TO THEM OUT OF THEIR WATCH POCKET. BUT THE POINT I'M GETTING TO IS THIS, WHEN EVERYTHING IN THIS INFORMATION IS VOLUNTARY, THE COUNTY CAN SAY IF THERE ARE TEN PARTS, I WANT EVERY EVEN NUMBERED PART, ALL THOSE TWO, FOUR, SIX, EIGHT, TEN, I WANT THOSE. I DON'T WANT ONE, THREE, FIVE, SEVEN, NINE, WHATEVER THEY WANT TO DO WITH IT. NOW TO MAKE IT AS CLEAR AS I CAN, IT'S LIKE WE GIVE INFORMATION IN THE CLERK'S OFFICE ABOUT THE LEGISLATURE. THERE IS NO LEGALLY BINDING ANYTHING IN THAT INFORMATION. IT EXPLAINS, BUT IT DOESN'T BIND. WHEN YOU GET THIS INFORMATION, IT'S LIKE GOING THROUGH AN AIRPORT OR ANY PLACE AND PICKING UP A BROCHURE AND YOU READ

Floor Debate
April 01, 2015

STUFF IN IT. IF THERE'S SOMETHING YOU LIKE, THEN YOU TAKE IT. BUT THE MERE FACT THAT YOU PICK UP THE BROCHURE, THAT YOU APPLY SOME OF IT IN NO WAY BINDS YOU. THE STATE IS NOT GIVEN AUTHORITY PURSUANT TO THE LANGUAGE OF THIS MATERIAL TO DO ANYTHING. NOW I DON'T WANT TO ANTICIPATE WHAT MIGHT BE SAID BY SOMEBODY ELSE, BUT THERE MIGHT BE SOME QUESTIONS RAISED, AND I'M PREPARED TO ADDRESS THOSE, BUT MY READING OF IT PUTS ME IN A POSITION TO SAY THAT I WILL VOTE FOR THIS AMENDMENT. AND AS FOR THE COMMITTEE AMENDMENT OR ANY OTHER AMENDMENT THAT'S PENDING, ONCE THIS AMENDMENT IS OFFERED, IT SAYS STRIKE THE ORIGINAL SECTIONS AND ALL AMENDMENTS THERETO. THAT MEANS IF WE ADOPT THIS AMENDMENT AND WE STRIKE THE ORIGINAL SECTIONS, THERE IS NOTHING FOR ANY PENDING AMENDMENTS TO ATTACH TO. SO THEY'RE ALREADY GONE. BUT THE REASON YOU ADD OR ANY AMENDMENTS THERETO, IN CASE SOME AMENDMENT HAD BEEN ADOPTED, EVERYTHING IS BEING ERASED BY THIS AMENDMENT THAT SENATOR WATERMEIER IS OFFERING, AND THAT LANGUAGE THAT IS USED BY THE BILL DRAFTER SERVES THAT PURPOSE. IT COMPLETELY STRIPS THE BILL. THE THING THAT'S LEFT IS THE NUMBER AND MAYBE THE TITLE IF IT DOESN'T REQUIRE ANY CHANGING. BUT AS FAR AS THE CONTENTS, IT'S ALL GONE. AND I DON'T SEE ANYTHING IN HERE THAT ADDRESSES LOCAL CONTROL BECAUSE A COUNTY DOESN'T EVEN HAVE TO ASK FOR THE INFORMATION. [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR CHAMBERS: AND IF THEY GET THE INFORMATION, THEY'RE NOT BOUND TO USE IT. AND IF THEY WANT TO USE PART OF IT, IN OTHER WORDS, IF THEY HAVE A REAL STRONG STOMACH AND THEY GET A FISH AND FRY IT, THEY EAT THE FLESH, THE BONES, THE FINS, AND EVERYTHING ELSE. SOME COUNTY WITH A MORE DELICATE TASTE MAY WANT IT FILLETED, NO BONES, OR IF THERE ARE BONES THEY'RE CHOPPED UP. YOU CAN DO WITH IT WHAT YOU PLEASE. AND I'M SAYING ALL THIS TO MAKE AS CLEAR AS I POSSIBLY CAN WHY I HAVE NO OBJECTION TO WHAT IS BEING PRESENTED HERE. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB106]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'M GLAD THAT WE'RE COMING TO SOME SORT OF RESOLUTION ON LB106 AND THAT IT WILL BE ABLE TO MOVE

Floor Debate
April 01, 2015

FORWARD. I'VE HEARD CONCERNS, THE PAST TWO DAYS, ABOUT THE CONCEPT OF BIG AG AND WHAT CONSTITUTES BIG AG. AND ONE OF THE E-MAILS THAT I RECEIVED FROM A ZONING ADMINISTRATOR, NONETHELESS, HE TALKED ABOUT HOW WE DON'T NEED BIG AG IN NEBRASKA, AND HOW THAT CONCEPT MOVING FORWARD, YOU KNOW, HOW ARE THEY GOING TO HELP THE LOCAL PROPERTY TAX BASE IS PRETTY MUCH WHAT HE SAID. HOW ARE THEY GOING TO PAY FOR ROADS? OFTENTIMES, WHAT WE'VE COME TO REALIZE THROUGH THE MARKET IS THOSE LARGE PRODUCERS ARE THE ONES THAT ARE PAYING, OFTENTIMES, A MAJORITY OF THE PROPERTY TAXES BECAUSE THEY OWN THE MOST LAND. AND WE ASK OURSELVES WHY WE NEED SENATOR WATERMEIER'S BILL, OR FOR SOME, WHY WE DON'T WANT SENATOR WATERMEIER'S BILL, AND IT GOES BACK TO THE FACT THAT BUSINESS IN THE STATE OF NEBRASKA HAS HAD A DIFFICULT TIME COMING IN AND EXPANDING. AND IN RURAL NEBRASKA, WE SHOULD WANT...OR I WANT AS MUCH BUSINESS AS POSSIBLE, BECAUSE THAT IS WHAT KEEPS MY DISTRICT GOING, SPECIFICALLY, SINCE I HAVE MORE PEOPLE AGE 65 AND OLDER THAN ANY OTHER LEGISLATIVE DISTRICT IN THE STATE. AND I HAVE THE FEWEST PEOPLE AGED 18 TO 64. ONE CAN SAFELY ASSUME, AT THAT POINT, I HAVE THE OLDEST DISTRICT IN THE STATE OF NEBRASKA. AND THEY ARE CONCERNED ABOUT RURAL POPULATION DECLINE, AND I DON'T WANT TO TURN DOWN BUSINESSES THAT WANT TO COME TO NEBRASKA. AND TO HAVE A ZONING ADMINISTRATOR LITERALLY SAY THAT WE DON'T NEED THE BIG GUYS HERE IS DISTURBING. NOW, HE'S NOT A ZONING ADMINISTRATOR FROM MY LEGISLATIVE DISTRICT, I WILL SAY THAT. AGRICULTURE IS LIKE ANY OTHER BUSINESS: IT NEEDS TO INNOVATE, IT NEEDS TO GROW. IF YOUR BUSINESS ISN'T INNOVATING AND GROWING AND BECOMING MORE EFFICIENT, YOU WILL FAIL. AGRICULTURE SHOULD NOT BE TREATED ANY DIFFERENTLY. MY GENERATION THAT ARE ENTERING AGRICULTURE UNDERSTAND THAT MORE THAN MOST, THAT WE NEED TO INNOVATE. I WANT MORE PEOPLE ON THE FARM; AND THE WAY TO DO THAT IS TO ALLOW GROWTH, NOT INHIBIT GROWTH. THAT'S HOW YOU GET MORE PEOPLE IN RURAL NEBRASKA. WE'RE GOING TO HEAR A LOT ABOUT CORPORATE FARMING AND HOW WE DON'T WANT THESE CORPORATE FARMS. I ASK WHAT IS CONSIDERED A CORPORATE FARM? I HAVE FAMILY THAT WOULD BE CONSIDERED A VERY LARGE FARM. ARE THEY A CORPORATION? YES. THEY HAVE A SIGNIFICANT AMOUNT OF LAND IN MY LEGISLATIVE DISTRICT AND IN LEGISLATIVE DISTRICT 15. AND MOST PEOPLE WOULD SAY THAT THEY'RE TOO BIG... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

Floor Debate
April 01, 2015

SENATOR LARSON: ...BECAUSE OF HOW MUCH LAND THEY OWN. THEY OWN A LOT OF HOG FACILITIES AS WELL, A LOT OF HOG FACILITIES. AND THEY HAVE BUSINESS PLANS AND THEY DO WHAT IS BEST FOR THEIR BUSINESS. BUT IN THIS STATE, WE RESTRICT ONE OF THE TOOLS THAT THEY CAN USE TO OPERATE THEIR BUSINESS; AND WE'LL BE HEARING ABOUT THAT LATER ON. BUT IT'S PEOPLE LIKE THAT THAT GROW RURAL NEBRASKA AND OFFER RURAL NEBRASKA JOBS, SO WHY WOULD WE TAKE AWAY ONE OF THEIR TOOLS TO INNOVATE AND GROW? IT DOESN'T MAKE SENSE. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. A POINT THAT SENATOR SULLIVAN HAD BROUGHT UP WAS THAT SHE WAS UNAWARE OF AND ASKED ME...ASKED THE BODY IF THEY KNOW OF ANY COUNTY COULD BE NAMED...I WON'T WANT TO NAME ANY COUNTIES, BUT HERE IS WHAT I CAME TO IN THE PROCESS IN THE LAST FOUR MONTHS OF DISCUSSING THIS POTENTIAL BILL WAS--THERE WEREN'T REALLY A HIGH NUMBER OF PEOPLE THAT WERE DENIED A PERMIT. WHAT WE HEARD REPEATEDLY WAS PEOPLE...PRODUCERS, EXCUSE ME, PRODUCERS THAT DECIDED AND LOOKED AT THAT COUNTY AND SAID--NO THANKS. THEY'RE NOT GOING TO SPEND \$75,000 ON A DEQ PERMIT, AND I MAY HAVE IT OUT OF ORDER, THAT MAY BE AFTER THE SITING PERMIT, AND THEN TURN AROUND AND GO TO THE COUNTY AND FIND OUT IT'S UNFRIENDLY. THEY LOOK AT THE COUNTY AND SAY--NO, IT'S NOT GOING TO WORK; WE'RE NOT GOING TO WASTE OUR TIME. WE'RE GOING TO GO ON TO SOMEWHERE ELSE WHETHER IT'S ANOTHER STATE OR ANOTHER PART OF NEBRASKA. I DON'T THINK WE'RE ACTUALLY KEEPING A LOT OF THAT EXPANSION IN NEBRASKA. I'M AFRAID IT'S LEAVING. ACCORDING TO THE UNL REPORT THAT I READ IN THE BEGINNING OF THE OPENING TO THE COMMITTEE, I COULD GO INTO MORE DETAIL OF THAT ON SPECIFIC NUMBERS, AND I THINK SENATOR SCHILZ HAD MENTIONED SOME OF THE NUMBERS THAT WE'RE DOWN ON. BUT YES, NEBRASKA IS HIGH ON THE CATTLE FEEDING INDUSTRY, BUT WE'RE LOSING OUT ON THE DAIRY INDUSTRY. I HAVE ONE PRODUCER IN MY COUNTY. WE'RE CERTAINLY LOSING OUT ON THE PORK INDUSTRY. WE'RE CERTAINLY LOSING OUT ON THE CHICKEN AND POULTRY/TURKEY INDUSTRY. AND I JUST THINK NEBRASKA IS POISED WITH ITS WATER AND ITS RESOURCES AND ITS WORK ETHIC TO CONVERT THIS GRAIN, THE DDGs, ALL THE SOYBEAN PROTEIN WE HAVE INTO BOXED PROTEIN OF BOXED BEEF, BOXED PORK, AND CHICKEN, AND POULTRY. I JUST THINK WE'RE POISED TO DO THAT. BUT I WANTED TO BRING

Floor Debate
April 01, 2015

THAT POINT UP IS THAT I CAN'T TELL YOU A WHOLE BUNCH OF PEOPLE THAT GOT DENIED PERMITS, IT'S TOO EXPENSIVE TO GO THAT PROCESS WHEN THEY KNOW WHAT'S GOING TO HAPPEN. AND THAT'S WHAT I HEARD REPEATEDLY. AND SO THIS KIND OF OPENS UP THE DOOR, AS FAR AS A TOOL THAT THE PRODUCER KNOWS THAT THE COUNTY DECIDES TO USE IT, WHAT THEY'RE UP AGAINST. THEY MAY STILL GO SOMEWHERE ELSE, AND THAT'S FINE. BUT AT LEAST IT'S TAKING THE PRESSURE OFF SOME OF THE COUNTY AND ZONING PEOPLE TO HAVE ANOTHER TOOL TO BE ABLE TO ASK MORE QUESTIONS. IT'S MY HOPE THAT WITHIN A FEW YEARS, THE COUNTIES WILL JUST GRADUALLY LOOK AT THIS AS A TOOL AND SAY YEAH, I THINK WE CAN MODIFY THIS TO FIT. I'VE HAD ALSO CONCERNS ABOUT WHETHER THE STATE WOULD BE TIED TO THIS, THE COUNTY WOULD BE TIED TO THIS IF THEY BROUGHT IT IN BECAUSE IT WAS A STATE DIRECTIVE. BUT THEY CAN CHANGE IT BEFORE THEY BRING IT IN, SO IT'S REALLY NOT THE STATE'S MATRIX OR ASSESSMENT TOOL. THEY CAN CHANGE IT AFTER THEY GET IT. THEY CAN USE IT AND DECIDE NOT TO USE IT. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB106]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I STAND IN OPPOSITION TO THE RECOMMIT TO COMMITTEE MOTION BECAUSE I BELIEVE THAT WHAT SENATOR WATERMEIER AND THE SENATORS WHO ARE WORKING WITH HIM HAVE DONE IN THE AMENDMENT, AM1099, HAS REACHED A POINT AT WHICH WE CAN AGREE AS TO WHAT TO GO FORWARD ON LB106. YESTERDAY, I TALKED ABOUT SERVING ON A COUNTY BOARD AND WHY THIS PARTICULAR BILL WOULD BE HELPFUL. I THINK THE AMENDMENT REALLY RECOGNIZES THAT COUNTIES HAVE DONE SOME WORK, SOME COUNTIES ARE MORE INVOLVED WITH THESE TYPE OF PERMITS THAT COME BEFORE THEM, SOME OTHER COUNTIES ARE NOT. BUT I CAN TELL YOU THAT WHEN I SERVED ON THE COUNTY BOARD, ANY TIME THAT WE COULD, FROM ANOTHER COUNTY OR ANOTHER SOURCE, GET A MATRIX OR A LIST, PARTICULARLY ON CONDITIONAL PERMITS, IF WE COULD FIND SOME INFORMATION, THAT WAS ALWAYS VERY HELPFUL BECAUSE IT GAVE US SOME FOUNDATION AND BASIS TO GO ON. THE QUESTION HAS BEEN ASKED--WHY WOULD WE PUT THIS IN STATUTE? AND I THINK THAT'S A REALLY GOOD QUESTION. BUT IT SEEMS TO ME THAT OVER THE COURSE OF YESTERDAY AND TODAY THAT WE ARE LOOKING AT AN ISSUE IN LB106 THAT IS OF GREAT IMPORTANCE TO THE STATE OF NEBRASKA AS OUR AG ECONOMY HAS BEEN THIS STABLE FOUNDATION THAT HAS BROUGHT US THROUGH THE RECESSION, THAT KEEPS THIS ECONOMY CHURNING. AN ISSUE OF IMPORTANCE

Floor Debate
April 01, 2015

THEN, IT SEEMS TO ME, IS A GOOD BASIS FOR LAYING OUT SOME INFORMATION IN STATUTE. SECONDLY, I THINK THIS DOES ALLOW...THE AMENDMENT DOES ALLOW COUNTIES SOME LATITUDE. BUT COLLEAGUES, I HAVE TO CHUCKLE. WHEN SOMEBODY TALKS ABOUT--WE WANT THE COUNTIES TO HAVE THE LOCAL CONTROL, COUNTIES ARE AN ARM OF STATE GOVERNMENT. THEY CANNOT DO OR ENACT LAWS OR ORDINANCES UNLESS THAT POWER IS GIVEN TO THEM BY THE STATE. THINK ABOUT THE FIRST BILL THAT WE SPENT A LOT OF TIME ON--THE MARRIAGE LICENSE. IF COUNTIES HAD TOTAL LOCAL CONTROL, THEY WOULDN'T HAVE NEEDED TO COME TO THE LEGISLATURE ON THAT BILL. COUNTY GOVERNMENT IS A VERY DIFFERENT ANIMAL. IT'S DIFFERENT THAN CITIES. CITIES HAVE ORDINANCES. STATES HAVE LAWS. THE BEST THAT COUNTIES CAN DO AT TIME IS RESOLUTIONS. WHAT THE COUNTIES ARE GIVEN ARE THEIR ABILITY TO REGULATE AND SET POLICY WITH REGARD TO ZONING. IT IS BECAUSE OF THE IMPORTANCE OF THE ISSUE AND THE COUNTY'S OWN DUTY ON ITS POLICY WITH REGARD TO ZONING THAT I BELIEVE LB106 IS WARRANTED TO BE IN STATUTE. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB106]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I, TOO, HAVE WORKED WITH LORAN SCHMIT A LITTLE BIT OVER THE YEARS AND I KNOW HIS STATEMENT, AND THIS IS, DEFINITELY, I AGREE, THIS IS ONE OF THOSE BILLS: WHAT DOES IT DO? WHAT DOES IT HURT? I COMMENTED YESTERDAY THAT IT'S KIND OF THAT KIND OF A FEELING, DO WE NEED TO SPEND ALL THIS TIME ON TRYING TO FIGURE OUT WHO IS GOING TO BUILD IT, HOW IS IT GOING TO BE USED? RIGHT NOW, I'M TRYING TO GRASP MY OWN MIND AROUND PASSING LB106, TRYING TO WORK WITH THAT, BEING PRO AG AND TRYING TO GROW AGRICULTURE. THEY SAID THERE WAS A STUDY DONE, AND I DON'T KNOW FOR SURE WHO WAS IN THE STUDY THAT BROUGHT THE BILL TOGETHER, I KNOW SOME OF THE PARTS IN IT. I HAVE RECEIVED A LOT OF INFORMATION FROM COUNTY BOARDS, COUNTY SUPERVISORS, COUNTY COMMISSIONERS THAT REALLY HAVE THE CONCERNS. SO I'M NOT SURE IF THAT AND THEIR ORGANIZATION ARE ON THE SAME PAGE. BUT I DO HAVE ONE QUESTION ABOUT HOW WE MOVE FORWARD, AND WE'VE TALKED ABOUT EXPERTS BEING IN IT. AND I WOULD LIKE TO ASK SENATOR WATERMEIER IF HE WOULD YIELD TO A QUESTION? [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

Floor Debate
April 01, 2015

SENATOR WATERMEIER: YES. [LB106]

SENATOR JOHNSON: THANK YOU. ARE YOU AWARE IF, AND MAYBE YOU'RE AWARE OF THIS ORGANIZATION, THE NPZA, NEBRASKA PLANNING AND ZONING ASSOCIATION? [LB106]

SENATOR WATERMEIER: I'VE HEARD OF THEM. BUT I CAN'T SAY THAT I KNOW (INAUDIBLE). [LB106]

SENATOR JOHNSON: OKAY. THAT'S FINE. WHEN I WAS INVOLVED WITH CITY GOVERNMENT, WE DID HAVE OUR ZONING ADMINISTRATORS AND COUNTY ZONING ADMINISTRATORS THAT WENT TO THESE MEETINGS, IT'S THEIR ASSOCIATION. THEY DON'T HAVE A LOBBY GROUP, I DON'T BELIEVE. BUT THEY ARE THE COUNTY AND ZONING ADMINISTRATORS THAT DO MEET. AND I SEE THEY HAD A MEETING; I WAS TRYING TO FIND IT ON THE GADGET, THEY HAD SOME PICTURES THAT WERE TAKEN MARCH 13, SO IT MIGHT HAVE BEEN THEIR MEETING. I WANT TO FIND OUT IF THIS WAS DISCUSSED WITHIN THEIR MEETING AND IF...IT DOESN'T MAKE A LOT OF DIFFERENCE IF IT WAS OR WASN'T, BUT I THINK THEY DEFINITELY NEED TO HAVE A PART IN THIS. WE HAVE PEOPLE THAT WORK WITH COUNTIES AND MUNICIPALITIES TO BUILD COMPREHENSIVE PLANS. AND I'VE NEVER HEARD THAT GROUP BEING PART OF THE STUDY OR PART OF THE EXPERT GROUP. SO I WOULD...IF I'M INVOLVED WITH THIS IN ANY WAY, THAT WOULD BE PART OF THE GROUP THAT I WANT TO MAKE SURE BECOMES PART OF THE EXPERT STUDY IN ORDER TO BUILD THE MATRIX THAT WE'D OFFER TO COUNTIES. WITH THAT, I'M WORKING TO SUPPORT LB106. I FEEL PRETTY GOOD ABOUT THE AMENDMENTS THAT ARE OUT THERE. IT DOES SOFTEN THE BLOW AND IT DOES KEEP IT WITH COUNTY CONTROL. THANK YOU. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB106]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I'M NOT SO SURE THAT THIS COMPLETELY FOLLOWS THE LORAN SCHMIT RULE. AS I UNDERSTAND ZONING, THE LEGISLATURE GAVE THE AUTHORITY TO COUNTIES TO CREATE ZONES FOR WHICH VARIOUS ACTIVITY CAN OCCUR ON; AND MOST OF THE COUNTIES HAVE, SOME OF THEM HAVE NOT. BUT ONCE THEY CREATE A ZONE, LET'S SAY THEY CREATE A ZONE P FOR PIGS AND POULTRY AND THAT'S WHAT HAS GOT TO BE IN THIS PARTICULAR TERRITORY. AND THEN SOMEBODY COMES ALONG AND SAYS, WELL, I WANT TO

Floor Debate
April 01, 2015

RAISE DAIRY COWS IN ZONE P. AND IN ZONE P THEN IT DOESN'T FIT. SO AT THAT POINT THEY'VE GOT TO GET A CONDITIONAL USE PERMIT, A SPECIAL DEAL FROM THE LOCAL COUNTY COMMISSIONERS THAT SAYS--OKAY, YOU CAN USE DAIRY COWS IN ZONE P PROVIDED THERE IS NO MORE THAN 5,000 OF THEM. SO THEY ISSUE A CONDITIONAL USE PERMIT. OR IF YOU WANTED TO RAISE ELEPHANTS, THEY COULD CREATE A SPECIAL EXCEPTION FOR YOU THAT YOU COULD RAISE ELEPHANTS THERE. AND THIS SEEMS TO ADDRESS, IT SAYS--LOOK, WHAT WE'RE GOING TO DO IS GET SOME REALLY SMART PEOPLE TOGETHER, A COMMITTEE OF EXPERTS--YOU CAN'T GET ANY SMARTER THAN THAT--AND WE'RE GOING TO COME UP WITH THIS MATRIX AND THIS GRADING SCALE AND THIS IS WHAT THE COUNTY BOARDS MIGHT WANT TO, MIGHT NOT WANT TO USE. AND I THINK WE PROBABLY NEED SOME DISCUSSION AND LEGISLATIVE HISTORY ON WHAT WE MEAN AT THAT. SUPPOSE YOU HAVE A BIG POWERFUL LAW FIRM BEHIND YOU AND YOU'RE A BIG INTEREST AND YOU GOT ALL KINDS OF MONEY AND YOU CAN AFFORD \$1,000 AN HOUR, AND YOU GO INTO THE LITTLE COUNTY AND YOU PRESENT YOUR APPLICATION TO DO SOMETHING THAT THE COUNTY BOARD DOESN'T WANT TO DO AND THEY HAVEN'T REALLY ADOPTED THIS MATRIX DEVELOPED BY THE REALLY SMART PEOPLE. AND THEY SAY--LISTEN, WE'RE NOT INTERESTED, NOT IN THIS COUNTY, NO WAY, NO HOW. AND YOU SAY...YOUR LAWYER SAYS--YEAH, BUT LOOK IT, YOU'RE BEING UNREASONABLE. AND THE COUNTY BOARD SAYS--YEAH, WELL, GUESS WHAT? ANSWER IS STILL NO. WHAT HAPPENS THEN? IS IT A SLAM DUNK FOR THE COUNTY BOARD? NO, BECAUSE YOU CAN GO TO THE DISTRICT COURT. AND IN THE DISTRICT COURT YOU CAN SAY--LISTEN, DISTRICT JUDGES, COUNTY BOARDS HAVE A LOT OF AUTHORITY, BUT THEY'RE NOT GOD. THEY'RE NOT EVEN CLOSE. AND THEY HAVE GOT TO BE REASONABLE, THEY CAN'T BE CAPRICIOUS, THEY CAN'T JUST DO THINGS FOR SOME WILLY-NILLY REASON. AND HERE IS THIS LIST OF RULES OR MATRIX DEVELOPED BY REALLY SMART PEOPLE, BLESSED BY THE LEGISLATURE, DOING EXACTLY WHAT THE LEGISLATURE WANTS TO DO. AND IF WE GO DOWN THIS, WE SCORE 100 PERCENT, WE ARE PERFECTLY OKAY, JUDGE. SO JUDGE, ORDER THE COUNTY BOARD TO GRANT US OUR SPECIAL PERMIT AND LET US GO AHEAD WITH IT. AND THE COUNTY ATTORNEY, WHO MAY BE PART-TIME AND WITHOUT RESOURCES AND WORRIED ABOUT MAKING DISBURSEMENTS OUT OF THE NEXT ESTATE HE'S HANDLING, SO HE CAN PUT BREAD ON THE TABLE, SAYS--JUDGE, YOU KNOW, MY COUNTY BOARD REALLY FEELS THIS WAY. THERE WAS A FEW FOLKS WHO LIVED NEARBY, CAME IN, AND THEY WERE COMPLAINING ABOUT IT. BUT WE'RE NOT ABOUT TO SPEND THE MONEY OR COULDN'T IF WE WANTED TO. AND THE DISTRICT JUDGE IS STUCK WITH THE DECISION. AND EVEN IF HE RULED FOR THE COUNTY BOARD, MAYBE AN APPEALABLE DECISION ON UP THE WAY. SO I THINK... [LB106]

Floor Debate
April 01, 2015

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR SCHUMACHER: ...WE NEED SOME LEGISLATIVE HISTORY HERE AS TO GUIDE THAT DISTRICT JUDGE, BECAUSE IN THOSE SITUATIONS, MY GUESS WOULD BE THAT HE'S GOING TO MAYBE PULL OUT SOME LEGISLATIVE HISTORY AND SEE WHAT WE MEANT. IF THIS IS REALLY A NOTHING, THEN IT SHOULD BE A NOTHING AND WE SHOULD SAY THAT. IF IT'S MEANT TO HAVE SOME TEETH, SOME INFLUENCE, THEN WE SHOULD LET THE DISTRICT JUDGE KNOW HOW MUCH INFLUENCE WE HAVE BECAUSE, UNDOUBTEDLY, IF SOMEBODY REALLY WANTS TO PUT ONE OF THESE FACILITIES IN SOMEPLACE, THEY'RE NOT GOING TO ROLL OVER WHEN THE COUNTY BOARD SAYS NO. AND I DON'T SEE SENATOR WATERMEIER HERE, OR SENATOR CRAWFORD, BUT I WOULD SUGGEST THAT BE A TOPIC OF CONVERSATION. THANK YOU. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB106]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. I'M NOT, NECESSARILY, OPPOSED TO THE FINAL AMENDMENT THAT SENATOR WATERMEIER HAS PROPOSED. BUT MY CONCERN IS WHAT, AS SENATOR CHAMBERS HAS STATED, WHAT DOES IT DO? AND IT REALLY DOESN'T DO ANYTHING. THERE ARE COUNTIES OUT THERE, MY COUNTY IN PARTICULAR, THAT HAVE ALREADY DEVELOPED ONE. I'M CONFUSED BECAUSE I HEAR SENATOR SCHILZ AND SENATOR LARSON TALK ABOUT EXPANDING AGRICULTURE AND CATTLE FEEDING. AND I'M FOR THAT, BUT I DON'T SEE HOW THIS DOES ANY OF THAT. WE HAVE COUNTIES OUT THERE THAT DON'T EVEN HAVE ZONING, LET ALONE ADOPTED A MATRIX. SO IF SOMEBODY...SENATOR WATERMEIER OR SENATOR SCHILZ, WHENEVER NEXT TIME YOU MIGHT GET UP, I'M LOST TO HOW THIS PARTICULAR PIECE WILL DO ANYTHING TO ENCOURAGE ADDITIONAL GROWTH AND LIVESTOCK PRODUCTION IN THE STATE OF NEBRASKA IF IT IS STRICTLY VOLUNTARILY. IT'S ONLY USED WHEN AND IF YOU WANT TO. AND HAVING SAID THAT, WE HAVE A TON OF COUNTIES OUT THERE THAT DON'T EVEN HAVE ZONING TO BEGIN WITH. SO I CAN'T BELIEVE THEY'RE PROBABLY GOING TO ADOPT A MATRIX WHEN THEY DON'T EVEN HAVE ZONING. HOW IS HAVING A SYSTEM THAT'S BEEN DEVELOPED AS A SAMPLE GOING TO ENCOURAGE ADDITIONAL EXPANSION IN NEBRASKA WHERE IT'S SOMETHING THAT NO ONE EVEN HAS TO ADOPT; AND I'M NOT TRYING TO PROPOSE THAT THEY DO. DON'T GET ME WRONG. MADISON COUNTY HAS ONE AND IT WORKS WELL FOR MADISON COUNTY. AND IF WE'RE GOING TO HAVE SOMETHING THAT'S AVAILABLE, THAT'S GREAT, IF OTHER COUNTIES WANT TO USE IT. BUT I'M AT A

Floor Debate
April 01, 2015

LOSS OF WHY WE'RE DOING THIS BASED ON SENATOR SCHUMACHER'S COMMENTS. I'M NOT REALLY INTERESTED IN PUTTING SOMETHING IN THERE THAT'S GOING TO RESTRICT OR CAUSE PROBLEMS IN LOCAL AREAS IN RELATIONSHIP TO ZONING OR CHANGES IN USE PERMITS. I'M AT A QUANDARY. I DIDN'T LIKE THE BILL TO START WITH. THIS ISN'T THE BILL. THIS IS COMPLETELY DIFFERENT. SO I'M NOT BEING FACETIOUS HERE. I'M TRULY LOOKING FOR SOME ANSWERS OR SOME HELP FROM THOSE FOLKS THAT ARE SUPPORTIVE OF THE CHANGE...HOW MUCH TIME DO I HAVE, MR. LIEUTENANT GOVERNOR? [LB106]

PRESIDENT FOLEY: TWO AND A HALF MINUTES, SENATOR. [LB106]

SENATOR SCHEER: OKAY, THAT'S GREAT. THEN I WOULD BE GLAD TO YIELD THAT TO SENATOR WATERMEIER. I'M TRYING TO FIND OUT HOW THIS WILL AFFECT THE DEVELOPMENT OF LIVESTOCK, IF YOU COULD, PLEASE. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. SENATOR WATERMEIER, 2 MINUTES AND 20 SECONDS. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, THANK YOU, SENATOR SCHEER. I REALLY DO APPRECIATE THE TIME TO SPEAK RIGHT NOW. THE WAY I ENVISION THIS AND THE WAY IT WAS DISCUSSED A COUPLE DIFFERENT TIMES ABOUT 30 MINUTES AGO, WAS THAT THIS WILL BE A PART OF THE DISCUSSION FOR THOSE COUNTIES THAT WANT TO HAVE THE HELP TO DO IT. WE'RE NOT PRODDING THEM; WE AREN'T TELLING THEM THEY CAN DO IT. BUT THIS WILL BE SOMETHING THAT, EVEN AS SENATOR SULLIVAN HAD REQUESTED, THAT MAYBE THE DEPARTMENT SHOULD HAVE DONE ANYWAY. BUT NOW WE AS A STATE ARE STEPPING IN AND SAYING--GO AHEAD AND DOING IT. WE'RE GIVING THEM A SMALL AMOUNT OF CHANGE TO DO IT OUT OF A CASH FUND. I FORGET WHAT THE DOLLAR AMOUNT IS. GO AHEAD AND GET THAT DONE. ASSEMBLE THE PEOPLE THAT WE NEED TO DO, THE EXPERTS. AND IF WE NEED TO ADJUST WHO THAT EXPERT FIELD IS ON SELECT, I'M FINE WITH THAT. BUT THAT'S WHERE THE VALUE OF THIS IS. I THINK TO ANSWER SENATOR SCHEER'S QUESTION: WHAT IS THE VALUE TO THAT? IT'S THE STATE PRIORITIZING; DEPARTMENT OF AG, GET BEHIND THE EIGHTBALL, GET OFF THE EIGHTBALL AND MOVE. MAKE THIS MATRIX. MAKE IT AVAILABLE TO THOSE PEOPLE. AND IF THAT IS A TOOL THAT THEY CAN (INAUDIBLE) TO START THE CHANGE, THEN THEY CAN CHANGE IT. THAT TO ME IS THE VALUE, RIGHT THERE. NOW AS FAR AS SENATOR SCHUMACHER'S CONCERNS, THAT'S A STRETCH TO GO DOWN THERE. AND THAT'S THE PROFESSOR'S ROLE; THAT'S A PROFESSOR'S ROLE TO STRETCH OUR

Floor Debate
April 01, 2015

MINDS, TO THINK ABOUT THAT. AND I THINK I HEARD THE SAME THING FROM SENATOR BLOOMFIELD THAT THEY'RE CONCERNED ABOUT IF THAT'S OUT THERE... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THAT AS ONE MINUTE, SENATOR. [LB106]

SENATOR WATERMEIER: OH, I GOT TO LISTEN BETTER. THANK YOU, MR. PRESIDENT. THAT'S WHAT I WOULD SAY IS THAT IT IS...AND I'M NOT A LEGAL PROFESSOR, NOT A LEGAL MIND, BUT I WOULD SAY THAT THAT'S THE DISCONNECT. AND SENATOR CHAMBERS COULD PROBABLY ADDRESS THIS. THAT'S THE DISCONNECT. IT'S SOMETHING THAT THE STATE HAS CREATED AND IT'S OFFERING IT TO THE COUNTIES AS A TOOL. AND AS SENATOR SCHUMACHER HAD MENTIONED--LEGAL INTENT, OR LEGISLATIVE INTENT. I'M ON THE RECORD TODAY STATING THAT THAT WOULD BE THE LEGISLATIVE INTENT FOR THE FINISHED PRODUCT OF LB106, THAT THERE IS A DISCONNECT BETWEEN THE COUNTIES HAVING TO BE REQUIRED TO USE IT, EVEN IF THEY WERE TO USE IT OR IF THEY MODIFIED IT, THAT THEY WOULD NOT BE REQUIRED TO USE IT. AND THAT'S WHAT I'D LIKE TO END ON RIGHT THERE. AND REMIND THE BODY A LITTLE BIT, PROCEDURALLY, I THINK I'M GOING TO ASK YOU FOR A RED VOTE ON RECOMMIT. I'M GOING TO PULL AM1029. AND THEN WE NEED TO VOTE RED ON THE COMMITTEE AMENDMENT, WE CANNOT PULL THAT, THE COMMITTEE AMENDMENT WILL HAVE TO BE VOTED DOWN. THEN I CAN BRING IN MY AM1099 WHICH IS AN AMENDMENT TO THE LB, NOT AMENDMENT TO THE COMMITTEE AMENDMENT. [LB106]

PRESIDENT FOLEY: TIME, SENATOR. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. (VISITORS INTRODUCED.) SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'D LIKE TO YIELD MY TIME TO SENATOR DAVIS. [LB106]

Floor Debate
April 01, 2015

PRESIDENT FOLEY: SENATOR DAVIS, FIVE MINUTES. [LB106]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I WANT YOU TO JUST THINK A LITTLE BIT ABOUT HOW THIS...WHERE THIS BILL HAS COME FROM AND WHERE IT HAS GONE TODAY. AND I THINK MY POINT REALLY IS GOING TO BE THIS, THAT THERE IS A HUGE DISCONNECT BETWEEN WHAT SENATOR WATERMEIER TRIED TO INTRODUCE AT THE BEGINNING AND WHAT WE'RE TRYING TO DO HERE. AND I'M STILL NOT CRAZY ABOUT THIS. BUT THIS IS FAR MORE PREFERABLE TO WHAT WE HAD. WITH THAT I'D LIKE TO ASK SENATOR WATERMEIER IF HE WOULD YIELD TO A QUESTION. [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

SENATOR WATERMEIER: YES, I WOULD. [LB106]

SENATOR DAVIS: SO, SENATOR WATERMEIER, WITH REGARD TO YOUR LAST AMENDMENT, WHICH I THINK IS AM1099, IS THERE ANYTHING IN THAT BILL THAT REQUIRES ANY COUNTY TO PARTICIPATE? [LB106]

SENATOR WATERMEIER: NO. [LB106]

SENATOR DAVIS: SO IF A COUNTY DECIDES TO PARTICIPATE AND THEN DECIDES TO GET OUT AT A LATER POINT, IS THERE ANYTHING IN THAT LANGUAGE THAT LET'S THEM DO THAT? [LB106]

SENATOR WATERMEIER: NOT THAT I CAN SEE, IN MY WILDEST IMAGINATION. [LB106]

SENATOR DAVIS: IS THAT SOMETHING THAT WE NEED TO PUT IN? [LB106]

SENATOR WATERMEIER: WELL, LEGISLATIVE INTENT IS BEING CREATED RIGHT NOW. IF THIS BILL PASSES, WE ARE INDIRECTLY TALKING ABOUT AM1099, I WILL SAY IT AGAIN, IF I GET A CHANCE TO OPEN ON AM1099 AND CLOSE ON IT, I WILL PUT IT IN THERE. BUT LEGISLATIVE INTENT IS BEING MADE TODAY, RIGHT HERE ON THIS FLOOR. [LB106]

Floor Debate
April 01, 2015

SENATOR DAVIS: OKAY. THANK YOU, SENATOR WATERMEIER. SO THE QUESTION THAT I REALLY HAVE ISN'T A QUESTION FOR THIS BODY, IT'S A QUESTION FOR THE LOBBY WHICH IS OUTSIDE. BECAUSE WE KNOW THAT THIS BILL WAS PUT FORWARD BY SOME ENTITIES, WITH THE EXCLUSION OF OTHERS, AND IF AGRICULTURE IN THIS STATE IS REALLY GOING TO PROGRESS AND DO SOMETHING, THEN ALL AGRICULTURAL GROUPS NEED TO BE AT THE TABLE. WE DON'T NEED TO HAVE POLICY DICTATED BY ONE AGRICULTURAL GROUP OR ANOTHER. I'VE SEEN IT OVER AND OVER AND OVER AND OVER AGAIN AND I'M REALLY TIRED OF IT BECAUSE AGRICULTURE IS A VERY SMALL FUNCTION AND WE NEED TO WORK TOGETHER. SO IF WE'RE GOING TO HAVE BILLS LIKE THIS, LET'S GET EVERYBODY AT THE TABLE RATHER THAN SUDDENLY THROW SOMETHING OUT THAT IS, FRANKLY, SUCH A DEPARTURE FROM LOCAL CONTROL, I REALLY CAN'T EVEN IMAGINE GOING THERE AND WHERE SOME OF OUR ORGANIZATIONS WERE TRYING TO GO WITH THAT. SO I THINK I CAN LIVE WITH SENATOR WATERMEIER'S AMENDMENT, IF THE CHANGES ARE MADE TO IT. BUT THINK ABOUT THE PROGRESS THAT WE'VE MADE HERE WITH THIS BILL AND HOW DIFFERENT IT WAS FROM WHAT WAS INTRODUCED IN COMMITTEE. IS THIS THE WAY WE WANT TO MAKE POLICY KIND OF ON THE FLY IN THE FUTURE? IF WE'RE GOING TO DO SOME MAJOR CHANGES, THEN LET'S DO THE WORK AHEAD OF TIME. LET'S SIT DOWN THIS SUMMER AND FIX PROBLEMS, ADDRESS THEM, SO THAT WE'RE NOT MAKING SOME STATUTORY CHANGES HERE AT THE LAST MINUTE TO APPEASE SOME GROUP OR APPEASE ANOTHER GROUP OUT THERE. SO THE LAST THING I WANT TO SAY IS I'VE HEARD THIS THROWN AROUND ON THE FLOOR BEFORE BY PEOPLE--IF YOU DON'T AGREE WITH SOMEBODY THAT YOU'RE...WELL, MAYBE YOU'RE AFFILIATED WITH ISIS OR MAYBE YOU'RE A NAZI OR MAYBE NOW HSUS IS THE BIG BOOGIE MAN. SO ANYBODY WHO IS OPPOSED TO A BILL, SUDDENLY YOU'RE GOING TO HAVE THE HSUS TAG LAID ON YOUR BACK. I'M REALLY TIRED OF THAT. WE CAN'T HAVE THAT. LET'S...AGRICULTURE NEEDS TO WORK TOGETHER. WITH THAT, I'M GOING TO YIELD THE REST OF MY TIME TO SENATOR BLOOMFIELD. [LB106]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, 1 MINUTE, 30 SECONDS. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I BELIEVE SENATOR DAVIS IS NEXT IN THE QUEUE AND HE'S GOING TO YIELD ME THE FULL AMOUNT OF THAT TIME. I YIELDED HIM MY TIME HERE BECAUSE HE WANTED TO SAY SOMETHING BEFORE. I WILL PROBABLY PULL MY BRACKET MOTION. [LB106]

PRESIDENT FOLEY: THERE'S ONE MINUTE, SENATOR. WERE YOU GOING TO YIELD YOUR TIME TO SOMEONE? [LB106]

Floor Debate
April 01, 2015

SENATOR BLOOMFIELD: NO, I CAN'T YIELD TIME. I YIELDED MY TIME TO SENATOR DAVIS. HE YIELDED IT BACK. IT'S MY UNDERSTANDING THAT HE IS NEXT IN THE QUEUE AND WILL YIELD ME HIS FULL FIVE MINUTES. [LB106]

PRESIDENT FOLEY: I SEE. [LB106]

SENATOR BLOOMFIELD: BUT I DO HAVE A COUPLE MORE QUESTIONS I WOULD LIKE TO ASK SENATOR WATERMEIER. [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? 45 SECONDS. [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR BLOOMFIELD: SENATOR WATERMEIER, I'M GOING TO ASK YOU JUST TO STAY TUNED. I THINK I'M GOING HAVE A FULL FIVE MINUTES HERE IN JUST A COUPLE OF SECONDS. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB106]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'LL YIELD MY TIME TO SENATOR BLOOMFIELD. [LB106]

PRESIDENT FOLEY: FIVE MINUTES, SENATOR BLOOMFIELD. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR WATERMEIER, YOU AND I DID HAVE A DISCUSSION OFF MIKE AS TO WHAT SENATOR SCHUMACHER'S QUESTION WAS BEFORE SENATOR SCHUMACHER RAISED IT. AND THAT IS ONE OF MY CONCERNS, THAT THE COURTS WOULD APPLY SOME AUTHORITY USING THE DATA THAT WOULD COME FROM THIS. I AM WELL AWARE THAT YOU HAVE NO WAY TO STOP THAT, BUT I WOULD LIKE YOU TO RESPOND TO IT IN ANY WAY THAT YOU THINK POSSIBLE. [LB106]

SENATOR WATERMEIER: WELL, LIKE I SAID, IT'S MY OPINION THAT LEGISLATIVE INTENT, AND I'VE DONE THIS IN OTHER BILLS BEFORE, YOU PULL UP TRANSCRIPTS, YOU GO BACK AND LOOK AND YOU TALK ABOUT...YOU LOOK

Floor Debate
April 01, 2015

ABOUT WHAT THE DISCUSSION WAS ON THE FLOOR. I DON'T KNOW IF THAT STANDS UP IN COURT OR NOT. BUT THAT WOULD BE MY LEGISLATIVE INTENT IS THAT THERE IS A DISCONNECT, IF THAT'S WHAT YOU'RE ASKING ME, BETWEEN THE COUNTIES BEING REQUIRED TO USE IT IF WE CREATE THAT IN STATUTE. BECAUSE WE AREN'T ACTUALLY PUTTING IN STATUTE, WE'RE DIRECTING THE DEPARTMENT OF AG TO GO MAKE IT. THAT'S A DANGER ABOUT PUTTING IN STATUTE, WHERE WE'RE NOT DOING THAT. I BELIEVE WE'RE SAFER IN THAT REGARD IS THAT THAT'S GOING TO BE LAYING OUT THERE AND PEOPLE WOULD GO TO THE DEPARTMENT OF AG, IN MY OPINION, AND DISCUSS THE ODOR FOOTPRINT. ALL THE SCIENTIFIC BACKGROUND THAT THEY'VE DONE, BUT THIS ACTUALLY FORCES THE DEPARTMENT OF AG TO GO OUT AND USE THE UNIVERSITY, USE ALL THESE TOOLS. AND THE SCIENCE BEHIND LIVESTOCK, AS YOU WELL KNOW, PROBABLY BETTER THAN I, HAS EXPANDED AND EXPOUNDED SO MUCH, EVEN IN MY LIFETIME, IT'S HARD TO DESCRIBE IT. AND IT STILL COMES DOWN TO THE FACT THAT'S WHY I BELIEVE IN THIS ASSESSMENT TOOL THAT WILL ACTUALLY HELP THOSE SUPERVISORS AND SUPERVISORS OF THE COUNTIES TO MAKE THESE DECISIONS. [LB106]

SENATOR BLOOMFIELD: OKAY, THANK YOU, SENATOR WATERMEIER. AND I DO HAVE ONE MORE SUGGESTION ON HERE THAT YOU MIGHT WANT TO CONSIDER AS AN AMENDMENT. I'M SURE YOU'RE SICK TO DEATH OF AMENDMENTS. BUT WHEN WE ARE ADVISING WHO WILL SERVE ON THIS BOARD THAT THE DEPARTMENT IS GOING TO CREATE, THE UNIVERSITY AND OTHER EXPERTS MAY BE DETERMINED BY THE DIRECTOR, I WOULD LIKE TO SEE THAT SOMEHOW SO THAT THESE PEOPLE THAT ARE APPOINTED TO THAT COMMITTEE COME FROM ACROSS THE STATE INSTEAD OF JUST POSSIBLY LINCOLN OR OMAHA, OR WHEREVER. I WOULD LIKE TO SEE SOMETHING IN THERE THAT SAYS THEY HAVE TO BE FROM DIFFERENT REGIONS OF THE STATE. BECAUSE I DO BELIEVE THAT THERE ARE... [LB106]

SENATOR WATERMEIER: IS THAT A QUESTION? [LB106]

SENATOR BLOOMFIELD: YES, IT IS, WOULD YOU BE WILLING TO CONSIDER THAT AS AN ADDITIONAL AMENDMENT? [LB106]

SENATOR WATERMEIER: YES, I DIDN'T WANT TO SPEAK UNLESS YOU WERE ACTUALLY ASKING ME A QUESTION. YEAH, CERTAINLY, GEOGRAPHICALLY THAT NEEDS TO BE DONE. MAYBE THOSE ARE ASSUMPTIONS THAT I TOOK INTO PLACE WHEN I THINK ABOUT THE DEPARTMENT OF AG. GEOGRAPHICALLY THAT NEEDS

Floor Debate
April 01, 2015

TO BE DONE. SENATOR JOHNSON BROUGHT UP A GOOD POINT ABOUT THIS ASSOCIATION OF ZONING INDIVIDUALS, THAT CAN BE DONE. I DON'T KNOW WHETHER WE WANT TO PUT IT IN STATUE OR NOT; I GET A LITTLE BIT LEERY OF THAT. I MEAN THAT'S BEEN BROUGHT UP BEFORE. NACO IS IN STATUTE, SEVEN, EIGHT, NINE TIMES ALREADY. IF YOU PUT ANOTHER ONE IN THERE IT'S PROBABLY OKAY, BUT I THINK IT IS A POTENTIAL. BUT CERTAINLY I'M AVAILABLE TO A GEOGRAPHIC DISTRIBUTION. AND IF WE NEED TO PUT IN STATUES THAT THE DEPARTMENT SHALL SELECT OR PART FROM A POOL OF PEOPLE INCLUDING THE ZONING ADMINISTRATOR, I WOULD CERTAINLY BE IN FAVOR OF THAT. [LB106]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR WATERMEIER. MR. PRESIDENT, I WOULD LIKE TO PULL MY MOTION TO RECOMMIT TO COMMITTEE. [LB106]

PRESIDENT FOLEY: WITHOUT OBJECTION, THE MOTION IS WITHDRAWN. WE'RE NOW WORKING ON AM1029 TO THE COMMITTEE AMENDMENTS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB106]

SENATOR BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR; AND THANK YOU, COLLEAGUES. I'M RISING FOR THE FIRST TIME ON THIS, AND I WANTED TO LISTEN TO FULL DEBATE, READ EVERY AMENDMENT, THE BILL, AND, IN FACT, YESTERDAY WHEN I WAS CALLED OUT BEHIND THE GLASS, SOMEONE HAD SAID TO ME THEY'VE HEARD ME TALK ON THIS TWICE NOW, AND WANTED TO KNOW IF I HAD ANY OTHER QUESTIONS. AND I SMILED THE WHOLE TIME AND THEY SAID WHY ARE YOU SMILING? I SAID I HAVEN'T EVEN SPOKEN ONCE ON THIS. BUT I AM GETTING SO MANY QUESTIONS AND SO MANY PEOPLE IN MY DISTRICT, WE ARE A LIVESTOCK RURAL FRIENDLY DISTRICT. SOME ARE VERY STRONGLY IN FAVOR, AND SOME ARE VERY STRONGLY OPPOSED. THAT DOES CONCERN ME ON WHY THERE ARE SO MANY QUESTIONS. I WOULD LIKE TO SEE IF SENATOR WATERMEIER WOULD YIELD TO A QUESTION, PLEASE. [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB106]

SENATOR WATERMEIER: YES. [LB106]

SENATOR BRASCH: THANK YOU, SENATOR WATERMEIER. I DO WANT TO THANK YOU FOR INTRODUCING THIS BECAUSE IT'S BROUGHT ABOUT MUCH, MUCH DIALOGUE AND MANY QUESTIONS. AND I'M CONCERNED THAT THE

Floor Debate
April 01, 2015

AMENDMENTS HAVE CHANGED THE BILL SO DRAMATICALLY THAT EITHER WAY I VOTE MY CONSTITUENTS WILL NOT BE AWARE OF WHAT I'M VOTING FOR, BECAUSE AS THEY SEE THE BILL, IT'S MAYBE AN AMENDMENT OR TWO AGO. WITH THIS MATRIX, IS THIS SOMETHING THAT THE DEPARTMENT OF AG OR ANOTHER ENTITY COULD JUST PUT ON THEIR WEB SITE AND ANYONE COULD VOLUNTARILY USE IT AS A TOOL? MUST THERE BE A STATUTE FOR A MATRIX AND THE ABILITY FOR OUR COUNTIES TO USE THE MATRIX? WHAT IS THE STUMBLING BLOCK OR THE DISCONNECT? [LB106]

SENATOR WATERMEIER: FOR ME, WHAT I WOULD LIKE TO MAKE CLEAR IS THAT I DO NOT WANT TO PUT IN STATUTE THE MATRIX OR THE ASSESSMENT. WHAT WE ARE DOING HERE TODAY IS PUTTING IN POLICY AND DIRECTING THE DEPARTMENT OF AG--MAKE THIS TOOL AVAILABLE TO THE COUNTIES IF THEY SO DESIRE. THAT'S ALL WE'RE REALLY DOING. THE LOCAL... [LB106]

SENATOR BRASCH: CAN THEY SO DESIRE WITHOUT THIS BILL? COULD THEY...IS THERE SOMETHING STOPPING THEM FROM DOING THIS, THIS EVENING IF THEY WOULD LIKE TO? YES, WOULD YOU YIELD, SENATOR WATERMEIER? [LB106]

SENATOR WATERMEIER: NO, THERE'S NOTHING STOPPING THEM FROM DOING THAT. BUT AS I STATED, WE ARE, AS A BODY, IN A BIG PICTURE, TELLING THE DEPARTMENT--HEY, THIS IS SOMETHING THAT WE HEAR, WE WANT IT DONE, WE'RE DIRECTING A SMALL AMOUNT OF FUNDS FROM A CASH FUND TO DO THAT. IT'S A PRIORITY FOR OUR BODY. WE'RE RECOGNIZING THAT. AND I THINK WHAT WE'VE DONE IS VERY WORTHWHILE, AS FAR AS TAKING OPINIONS FROM ALL ACROSS THE STATE HERE, GEOGRAPHICALLY. SO TO ANSWER YOUR QUESTION: YES, THEY CAN DO IT TODAY WITHOUT THE MATRIX, BUT IT'S A COST TO THE COUNTIES RIGHT NOW THAT THEY'RE GOING TO HAVE TO TAKE THE TIME TO DO IT. [LB106]

SENATOR BRASCH: BUT WE COULD PROVIDE...AG COULD PROVIDE A MATRIX, IS THAT CORRECT, THAT THERE COULD BE SOMETHING MADE PART OF A DIVISION WITHIN THE DEPARTMENT OF AGRICULTURE FOR THEIR BENEFIT, FOR THE EASE OF AGRICULTURE, FOR ECONOMIC DEVELOPMENT, FOR ALL THE PURPOSES THAT THIS WAS INTENDED TO DO INSTEAD OF WRITING A LAW THAT IS A VOLUNTARY LAW WITH A MATRIX THAT THE STATE NEEDS TO PAY FOR? [LB106]

Floor Debate
April 01, 2015

SENATOR WATERMEIER: I DON'T QUITE KNOW HOW TO ANSWER THE QUESTION. MAYBE YOU'LL JUST HAVE TO REPEAT IT FOR ME. SIMPLE TERMS FOR ME, SIMPLE FARMER. [LB106]

SENATOR BRASCH: ALL RIGHT. WHERE I'M RUNNING INTO A PROBLEM HERE IS IF WE DON'T HAVE TO HAVE A STATUTE, BUT THEY CAN VOLUNTARILY DO THIS, THAT THIS IS SOMETHING WITHIN THE SCOPE OF WHAT WE LOVE AGRICULTURE OR THE DEPARTMENT OF AGRICULTURE OR ANOTHER GROUP CAN DO... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR BRASCH: COULD THIS BE DONE WITHOUT THE PASSING OF LB106, YES OR NO? [LB106]

SENATOR WATERMEIER: YES, OTHER COUNTIES CURRENTLY DO IT. [LB106]

SENATOR BRASCH: OKAY. AND MY CONCERN IS--I GOT A PHONE CALL, THERE'S A RESOLUTION STRONGLY OPPOSED TO THIS, BUT I DON'T THINK THEY KNOW OF THE ELEVENTH HOUR CHANGES AND AVAILABILITY. SO HOW DO WE COMMUNICATE THAT, THAT EVEN THOUGH THEY'RE OPPOSED, THEY'D BE IN FAVOR NOW BECAUSE IT'S VOLUNTARY AND NOT, DO YOU SEE...THE COMMUNICATION DEVICE HERE TO OUR CONSTITUENTS, THAT DO THEY KNOW WHAT WE'RE VOTING FOR WHEN I VOTE EITHER WAY? [LB106]

SENATOR WATERMEIER: IF WE GET TO...IS THAT A QUESTION? [LB106]

SENATOR BRASCH: I THINK I'M... [LB106]

SENATOR WATERMEIER: IS THAT A QUESTION? [LB106]

SENATOR BRASCH: YES. [LB106]

SENATOR WATERMEIER: IF WE GET TO AM1099, IT'S GOING TO BE CLEAR THAT THE BILL IS SCRAPPED; THE DEPARTMENT WILL BE DIRECTED TO CREATE A MATRIX THROUGH A LIST OF PEOPLE THAT WE MAY VERY WELL CHANGE A LITTLE BIT ON SELECT FILE, WHO WILL BE ASKED TO BE A PART OF THAT GROUP TO BUILD THAT MATRIX. AFTER IT'S PASSED OR THIS GROUP PASSES IT... [LB106]

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Floor Debate
April 01, 2015

PRESIDENT FOLEY: TIME, SENATOR. TIME, SENATOR. THANK YOU. THANK YOU, SENATOR BRASCH AND SENATOR WATERMEIER. MR. CLERK. [LB106]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT TO THE COMMITTEE AMENDMENTS IS SENATOR GROENE, AM1018. SENATOR, I HAVE A NOTE TO WITHDRAW THAT AMENDMENT. [LB106]

PRESIDENT FOLEY: IT IS WITHDRAWN. [LB106]

ASSISTANT CLERK: SENATOR WATERMEIER, AM997 WITH A NOTE TO WITHDRAW. [LB106]

SENATOR WATERMEIER: YES, I WANT TO WITHDRAW...EXCUSE ME...(INAUDIBLE) IT'S ALREADY OFF. [LB106]

PRESIDENT FOLEY: (INAUDIBLE.) [LB106]

ASSISTANT CLERK: NEXT AMENDMENT, SENATOR DAVIS, AM1034, I UNDERSTAND THAT'S TO BE WITHDRAWN. [LB106]

PRESIDENT FOLEY: IT IS WITHDRAWN. [LB106]

ASSISTANT CLERK: YES. IN THAT CASE, MR. PRESIDENT, I HAVE NOTHING FURTHER TO THE COMMITTEE AMENDMENTS. [LB106]

PRESIDENT FOLEY: WE'RE BACK TO COMMITTEE AMENDMENTS ON LB106. SENATOR WATERMEIER, YOU ARE NEXT IN THE QUEUE. [LB106]

SENATOR WATERMEIER: IS THIS A COMMITTEE AMENDMENT THAT WE'RE DISCUSSING? [LB106]

PRESIDENT FOLEY: YES, SENATOR. [LB106]

SENATOR WATERMEIER: OKAY, HERE IS WHAT I WOULD LIKE TO ENCOURAGE THE BODY TO DO AND WHAT I MADE A PROMISE TO TWO OR THREE PEOPLE HERE. PROCEDURALLY, AND MR. PRESIDENT OR THE CLERK CAN ANSWER THIS: I BELIEVE, AS A COMMITTEE AMENDMENT, WE NEED TO VOTE THIS AMENDMENT

Floor Debate
April 01, 2015

DOWN. WE CANNOT WITHDRAW IT. THAT'S CORRECT. SO I'M GOING TO ASK THE BODY TO VOTE RED ON AM521. I HAVE AM1099 THAT'S IN THE QUEUE NEXT, IT WILL COME UP AS AN AMENDMENT TO THE BILL, NOT AN AMENDMENT TO THE COMMITTEE AMENDMENT. AT THAT POINT IN TIME, THAT IS THE CHANGE, A MAJOR OVERHAUL TO THE BILL THAT I'VE SUGGESTED. SO AT THIS POINT IN TIME, I WOULD ASK YOU TO VOTE NO ON AM521. AM1099 SHOULD COME UP, UNLESS THERE'S ANOTHER AMENDMENT IN THE QUEUE I'M NOT AWARE OF. BUT MY AMENDMENT GOES TO BILL. SO VOTE RED ON AM521 AND THEN WE'LL GET TO MY COMMITTEE...MY AMENDMENT TO THE BILL, AM1099. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB106]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, JUST TO KIND OF REPEAT WHAT SENATOR WATERMEIER SAID, WHEN THE COMMITTEE AMENDMENT IS THERE FOR A VOTE AND YOU VOTE RED, THAT ELIMINATES THE COMMITTEE AMENDMENT. WHAT IS LEFT IS THE BILL. AND THEN SENATOR WATERMEIER'S AM1099, WHICH HAS BEEN DISCUSSED, WILL BE FORMALLY BEFORE US. AND IN OFFERING THAT AMENDMENT, IF IT IS ADOPTED, AFTER YOU DEFEAT THE COMMITTEE AMENDMENT, THIS AMENDMENT THAT SENATOR WATERMEIER HAS WOULD GO TO THE BILL ITSELF. IT WOULD STRIKE EVERYTHING OUT OF THE BILL AND THE ONLY THING WE WOULD HAVE LEFT, IF WE ADOPT SENATOR WATERMEIER'S AMENDMENT, IS HIS AMENDMENT. AND I DON'T KNOW IF I SHOULD SPEAK TO THIS NOW OR AFTER THE AMENDMENT, BUT I DISAGREE WITH SENATOR...PROFESSOR, I'M GOING TO SAY, "PROFESSOR SCHUMACHER." FIRST OF ALL, THE TYPE OF ACTION THAT YOU BRING TO COMPEL AN AGENCY OR A POLITICAL SUBDIVISION OR A LOWER COURT TO DO ANYTHING IS KNOWN AS A MANDAMUS; IT'S AN ORDER FROM A HIGHER COURT. THE ONLY TIME MANDAMUS IS AVAILABLE IS IF, FIRST OF ALL, THERE GENUINELY IS AN ISSUE AND THERE'S NO WAY FOR THE ONE BRINGING THE ACTION TO GET RELIEF UNDER ANY OTHER PROVISION OF LAW. BUT THEN WHEN YOU GET DOWN TO THE ACTION ITSELF, IT CAN ONLY BE SOMETHING THAT THE AGENCY OR THE ONE YOU'RE HAVING THE ORDER DIRECTED TO IS REQUIRED TO DO UNDER LAW. THE ENTITY HAS NO CHOICE ONE WAY OR THE OTHER; IT MUST DO THIS. SO THE COURT COULD ORDER THE COUNTY BOARD TO DO SOMETHING IF IT REFUSED TO COMMIT, TAKE AN ACTION, THAT IT WAS REQUIRED TO MAKE, BUT IT WILL NEVER TELL THE COURT...THAT ENTITY WHAT IT MUST DO. IF A LOWER COURT IS DELAYING TOO LONG IN GIVING A DECISION, AND THE UPPER COURT IS GOING TO GIVE IT AN ORDER, THE DIRECTIVE IS--MAKE A DECISION, BUT IT NEVER

Floor Debate
April 01, 2015

TELLS THE COURT HOW TO MAKE IT. THIS THAT THE COUNTY BOARD IS DOING IS DISCRETIONARY. A COURT MAY ORDER THAT ENTITY TO EXERCISE ITS DISCRETION, BUT CANNOT TELL IT WHAT THE ULTIMATE DECISION WOULD BE. EVERYTHING IN THIS BILL IS VOLUNTARY, SO NOBODY COULD TELL THE COURT--ORDER THE COUNTY BOARD TO GIVE ME A PERMIT, BECAUSE THE COUNTY BOARD IS THE ONE THAT HAS THE DETERMINATION OR DECISION TO GIVE OR WITHHOLD IT. SO IF THE COUNTY BOARD SAYS--WE'RE NOT GOING TO ACT ON THIS PERMIT, THEY DON'T HAVE TO. AND THAT'S WHERE YOU MIGHT HAVE A LEGAL ACTION WHERE SOMEBODY WOULD SAY--WELL, I WANT TO MAKE THE COUNTY BOARD DO SOMETHING. SO LET'S SAY THAT THE UPPER COURT WOULD SAY--OKAY, COUNTY BOARD, DO SOMETHING. SO THAT ORDER IS PRESENTED TO THE COUNTY BOARD AND THE COUNTY BOARD SAYS--OKAY, NO. THEY'VE DONE IT. AND THERE'S NO MORE THAT CAN BE ORDERED UNDER A WRIT OF MANDAMUS. THE COUNTY BOARD CANNOT BE REQUIRED TO DO WHAT IT HAS DISCRETION TO DO OR NOT DO. AND THIS STATUE THAT IS GIVING THE COUNTY BOARD THE AUTHORITY TO USE THIS MATRIX MAKES IT COMPLETELY VOLUNTARY. YOU CAN DO IT, YOU DON'T HAVE TO. YOU ARE ALLOWED TO SAY YES, YOU'RE ALLOWED TO SAY NO, AND NO COURT WILL MAKE YOU SAY ONE OR THE OTHER, BECAUSE YOU'RE COMPLETELY FREE TO IGNORE IT. SO IF YOU'RE FREE TO COMPLETELY IGNORE SOMETHING, NO COURT IS GOING TO ORDER YOU TO DO IT. AND THIS INFORMATION IN THIS STATUTORY SCHEME DOES NOT DECLARE IT TO BE A LEGISLATIVE DEFINITION OF WHAT IS REASONABLE. THIS IS NOT A DEFINITION OF WHAT IS REASONABLE. IF THIS CONSTITUTED A DEFINITION OF REASONABLE, YOU WOULD HAVE TO TAKE EVERYTHING THAT'S IN HERE. AND IF YOU ELIMINATED ANYTHING, THEN YOU'RE NOT BEING REASONABLE, BECAUSE THERE ARE TEN ELEMENTS TO... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR CHAMBERS: ...TO REASONABLENESS, AND IF ALL TEN OF THEM ARE NOT THERE, YOU'RE UNREASONABLE. THAT'S NOT WHAT THIS LANGUAGE DOES. I HAVE TO RESPECTFULLY DISAGREE WITH THE PROFESSOR. AND I'LL TELL YOU WHAT, IF ANY COUNTY IS SUED, I WILL REPRESENT THEM AS A LAWYER FOR FREE. AND WE COULD GET IT DISMISSED WITHOUT IT EVEN HAVING A HEARING. ALL I WOULD DO IS LAY OUT WHAT I'VE LAID FOR YOU. I WOULD HAVE COURT CASES, I WOULD EVEN HAVE THE STATUTE. AND THE COURT WOULD SAY--I DON'T KNOW WHY THIS BIG SHOT CAME HERE UNLESS HE THOUGHT HE COULD BULLY THE COURT IN THE WAY HE COULDN'T BULLY A COUNTY BOARD. I'M MAKING IT AS BLUNT AS I COULD. AND IF THE ESTEEMED PROFESSOR TO MY LEFT OFFERS A REJOINDER...WELL, HIS WOULD BE A REPLY, THEN I'LL OFFER A

Floor Debate
April 01, 2015

REJOINER. BUT I BELIEVE THAT I AM RIGHT. I USE THE WORD "BELIEVE" BECAUSE I'M BEING MODEST, BUT IF I BE MY OLD ORDINARY SELF... [LB106]

PRESIDENT FOLEY: TIME, SENATOR. [LB106]

SENATOR CHAMBERS: I KNOW THAT I'M RIGHT. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB106]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. SITTING HERE AND LISTENING TO THE DEBATE, IT JUST ONCE AGAIN...I THINK IT'S SO IMPORTANT WHEN YOU GO OUT TO TRY TO RECRUIT SOME OF THESE BUSINESSES THAT COME IN, THAT THEY UNDERSTAND WHAT PROCESSES AND WHAT PROCEDURES THEY HAVE TO GO THROUGH TO CLEAR THE HURDLES THAT THEY NEED TO DO TO HAVE THEIR FACILITY SITED IN THE PROPER PLACE. IT REALLY IS A LOT OF HELP TO THOSE FOLKS TO BE ABLE TO DO THAT. AND IT'S A LOT OF HELP FOR THE COUNTY, AND IT'S ALSO A LOT OF HELP FOR THOSE FOLKS THAT WANT TO UNDERSTAND WHAT'S GOING ON THROUGH THAT PROCESS BECAUSE THERE IS SOMETHING TO LOOK AT, SOMETHING TO SEE. WHEN SENATOR WATERMEIER...WHEN WE PASS THIS BILL AND WE GET IT GOING, AND THE DEPARTMENT OF AG IS TASKED WITH DOING THIS, THAT'S GOING TO BE A BIG DEAL. RIGHT NOW, EVERYBODY SAYS, WELL, CAN'T THEY DO IT NOW? WELL THEY COULD. BUT THEY HAVEN'T. SO HERE WE ARE. SO LET'S TAKE THIS STEP. IS IT EVER WRONG TO PLAN? IS IT EVER WRONG TO FIGURE OUT HOW WE SHOULD DO IT? I SAY NO. I'M SUPPORTING SENATOR WATERMEIER TO VOTE "NO" ON AM521. AND THEN I WILL VOTE "YES" ON THE AMENDMENT, I BELIEVE IT'S AM1099. AND I THINK THAT'S WHAT WE SHOULD DO TODAY, BECAUSE ONCE WE GET PAST THIS, THEN EVERYBODY CAN SIT BACK, THEY CAN TAKE A BREATH, THEY CAN LOOK AT THE NEW LANGUAGE THAT WE HAVE, TAKE IT TO THEIR CONSTITUENTS, AND THEN THEY CAN DECIDE IF WE SHOULD MOVE IT PAST SELECT FILE. IN THE UNICAMERAL THAT'S HOW WE DO THESE THINGS, THAT'S WHY WE GO THROUGH THE BILL THREE TIMES. IT GIVES OUR CONSTITUENTS THAT OPPORTUNITY TO ALSO TAKE THAT BREATH, LOOK AT WHAT'S FACING THEM TODAY, RATHER THAN WHAT IT WAS YESTERDAY, AND GIVES THEM THE OPPORTUNITY TO GIVE US FEEDBACK ON WHETHER THEY LIKE IT OR NOT. SO THAT'S THE WAY I'M GOING TO VOTE. AND IF ANYBODY'S WONDERING WHAT TO DID HERE, I WOULD GUESS IF WE WATCH SENATOR WATERMEIER, HE'S GOING TO

Floor Debate
April 01, 2015

VOTE THE RIGHT WAY AND WE CAN ALL JUST FOLLOW HIM. THANK YOU VERY MUCH, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I SERVE ON THE GOVERNMENT COMMITTEE. WE'RE NOW ADDRESSING THE GOVERNMENT COMMITTEE AMENDMENT. I VOTED AGAINST THIS BILL COMING OUT OF COMMITTEE, SO I HAVE NO PROBLEM VOTING AGAINST THE AMENDMENT. WE ARE, HOWEVER, PUTTING SENATOR GARRETT IN A RATHER AWKWARD POSITION. HE WILL BE ASKED TO CLOSE ON THIS BECAUSE THE CHAIR IS NOT HERE. SO WE ARE GOING TO BE ASKING SENATOR GARRETT, AS VICE CHAIR, TO OPPOSE A COMMITTEE AMENDMENT WITHOUT THE ABILITY TO TALK TO THE OTHER COMMITTEE MEMBERS. THERE ARE ONLY TWO OTHER MEMBERS BESIDES SENATOR GARRETT IN THE BODY. I KNOW SENATOR GARRETT WILL NOT FAINT AWAY FROM THIS POSITION, BUT BE AWARE OF THE LITTLE BIT TOUCHY SPOT WE'RE PUTTING HIM IN, IN ASKING HIM TO DO THAT. AND JUST SO EVERYBODY KNOWS WHERE I'M AT, FINALLY, ON THIS, I STILL SHARE SENATOR SULLIVAN'S CONCERN ABOUT THE CAMEL'S NOSE. I WILL SUPPORT AM1099 WHEN IT GETS HERE. I THINK IT'S A VAST, VAST IMPROVEMENT OVER WHERE WE STARTED. AT THIS POINT, I PROBABLY WILL NOT SUPPORT LB106, ALTHOUGH WE'VE COME A LONG WAY. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I JUST WANTED TO REITERATE ONE MORE TIME SO THERE IS NO CONFUSION, I'M GOING TO ASK THE BODY TO VOTE "NO" ON THE COMMITTEE AMENDMENT. I BELIEVE IT IS THE RESPONSIBILITY OF THE VICE CHAIRMAN, HE HAS THAT ABILITY TO SPEAK FOR THAT COMMITTEE, THAT'S WHY HE'S VOTED AS VICE CHAIR. WE TALKED ABOUT IT WITH THE CLERK AND I WAS CONVINCED THAT THAT WOULD BE. IF YOU WANT TO GET VERIFICATION, SENATOR CHAMBERS MIGHT WEIGH IN ON THAT. AT THE END OF THIS, I'LL YIELD HIM A SECOND. BUT JUST TO BE CLEAR, I PROMISED THAT I WOULD NOT ADD ANYTHING ELSE TO THIS BILL. WE VOTE RED ON AM521. THERE IS A COUPLE OTHER AMENDMENTS STILL IN THE QUEUE THAT WILL HAVE TO BE WITHDRAWN OR SPOKE UPON. I THINK WE CAN GET THIS DONE YET TODAY. AND THEN I'LL OFFER AM1099, WHICH, BASICALLY, SHELLS

Floor Debate
April 01, 2015

THE BILL, PUTS IN PLACE THE DEPARTMENT TO BUILD THE MATRIX, MAKE IT AVAILABLE TO THE COMMITTEES (SIC-COUNTIES). IF THEY SO CHOOSE THEY CAN. LOCAL CONTROL, I BELIEVE, AND EVERYTHING I HAVE DONE OR SEEN IS COMPLETELY IN THE LOCAL HANDS OF THE COUNTY OFFICIALS. SO I WOULD ASK YOUR VOTE RED ON AM521. AND IF SENATOR CHAMBERS WOULD LIKE, I'D YIELD THE REST OF MY TIME TO HIM TO ADDRESS THE ISSUE ON THE VICE CHAIR. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR CHAMBERS, FOUR MINUTES, IF YOU CARE TO USE IT. [LB106]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IT GIVES ME GREAT PLEASURE TO COLLABORATE WITH, TO CO-CONSPIRE WITH, TO DO WHATEVER I'M DOING WITH MY ERSTWHILE ENEMIES. THERE IS NO WAY SOMEBODY COULD HAVE BEEN SLAPPED EVERY WHICH WAY THIS SIDE OF TUESDAY, WEDNESDAY, THURSDAY, FRIDAY AND SATURDAY AND BE BIG ENOUGH TO COME BACK AND ASSIST THOSE WHO DID THE SLAPPING. SO WHENEVER I HAVE AN OPPORTUNITY TO MAKE IT A TEACHING INSTANCE, THAT'S WHAT I WANT TO DO. WE ARE NOW DEALING WITH THE LEGISLATURE AS AN INSTITUTION, WHAT OUR DUTY IS. AND IF OUR DUTY IS TO PASS WORTHWHILE LEGISLATION, AND THIS BILL HAS A GOOD CHANCE OF PASSING, WE SHOULD PUT IT IN THE BEST SHAPE THAT IT CAN BE IN. I WAS CO-CONSPIRING WITH THOSE WHO WANTED TO KILL IT AT FIRST BECAUSE I WAS CONVINCED IT WAS A BAD BILL. NOW THAT I THINK, REALLY IT'S...THIS WOULD BE LIKE ONE OF MY MOUNTAIN LIONS WHO HAS BEEN DEFANGED, DECLAWED AND EVERY JOINT HAS BEEN BROKEN, THE RIBS ARE BROKEN, THE NECK IS BROKEN, AND IT LOOKS LIKE A RUG LYING ON THE FLOOR. AND THE ONLY THING THAT DISTINGUISHES IT FROM A RUG IS THAT EVERY NOW AND THEN IT DRAWS A PAINFUL BREATH. BUT IT NO LONGER IS A MOUNTAIN LION IN TERMS OF WHAT THAT LION COULD DO AS A PREDATOR. THIS BILL IS NO LONGER PREDATORY. WHAT IT DOES, IF YOU WANT ME TO BE VERY BLUNT, IS TO GIVE SENATOR WATERMEIER SOMETHING IN THE WAY OF A BILL. THE WAY HE COULD ARGUE THAT IT HAS A BENEFIT IS TO SAY THAT THESE "GUIDELINES," STOP CALLING IT A MATRIX, THESE ARE GUIDELINES, THESE ARE SUGGESTIONS. THEY ARE NOT EVEN RECOMMENDATIONS. THAT'S HOW I USE WORDS AND THE EXPRESSION THAT WORDS HAVE MEANING. THESE WORDS, WHEN YOU USE THE TERM "MATRIX" IT GOES...IT ESCAPES ME, BECAUSE I DON'T KNOW WHY THAT WORD HAS TO BE USED. MAYBE IT'S THE CURRENT FADDISH WORD OF THE DAY. MAYBE WHAT NEEDS TO BE DONE IS TO DEFINE "MATRIX." AND IF YOU SAY "MATRIX" SHALL MEAN, OR "MATRIX" MEANS: GUIDELINES, OFFERINGS,

Floor Debate
April 01, 2015

SUGGESTIONS, THEN I WOULD SAY, THEN WHY DON'T YOU JUST SAY WHAT IT IS? THESE PROVISIONS ARE NOT MANDATORY. ONCE AGAIN, THE REASON WHAT SENATOR SCHUMACHER SAID WOULD BE IRRELEVANT HERE. THE COUNTY BOARD, WHEN IT ASKS FOR THESE RECOMMENDATIONS, THESE GUIDELINES, IS NOT ENTERING ANYTHING FROM WHICH IT MUST WITHDRAW. IT IS GIVEN THIS INFORMATION IF IT WANTS IT. THE BOARD CAN BURN IT UP AS SOON AS THEY GET IT. AND IT HAS DONE NOTHING IN VIOLATION OF THE LAW. THE BOARD CAN TAKE WHAT PORTIONS OF IT... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR CHAMBERS: ...IT CHOOSES AND INCORPORATE IT INTO WHATEVER THEY LAY OUT AS THE THINGS THEY'RE GOING TO CONSIDER IN GRANTING OR WITHHOLDING THIS PERMIT. BUT THEY'RE NOT BOUND BY ANY ONE OF THOSE. IF THE WORD IS "MAY" THAT MEANS YOU'RE ALLOWED TO SAY YES, YOU'RE ALLOWED TO SAY NO. IF YOU PUT THE WORD "SHALL" THEN IT'S LIKE A CONTRACT BEING CREATED BY STATUTE, THAT ONCE THIS MATRIX IS OBTAINED BY THE COUNTY BOARD, THEN IT SHALL DO ALL OF THESE THINGS, SHALL REQUIRE ALL OF THESE THINGS. BUT THE ONLY ENTITY WHICH IS MANDATED TO DO ANYTHING IS THE DEPARTMENT OF AGRICULTURE. THEY SHALL PUT TOGETHER THIS GROUP, THEY SHALL DEVELOP THIS MATRIX, AND THEN ONLY RECOMMENDATIONS ARE MADE AS TO WHAT THEY OUGHT TO LOOK AT IN DEVELOPING THE MATRIX. IT DOESN'T SAY THEY HAVE TO PUT THIS IN, THEY HAVE TO PUT THAT. IF THAT WERE THE CASE, THE STATUTE WOULD BECOME THE MATRIX OR THE GUIDELINES. BUT ALL OF IT, ALL OF IT, IS VOLUNTARY. SO I REPEAT ONCE AGAIN, THE SCHMIT MAXIM: THIS BILL DOESN'T HELP ANYBODY, IT DOESN'T HURT ANYBODY, IT DOESN'T COST ANYTHING, IT DOESN'T DO ANYTHING. [LB106]

PRESIDENT FOLEY: TIME, SENATOR CHAMBERS. [LB106]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M GOING TO MAKE ANOTHER SUGGESTION TO SENATOR WATERMEIER AND IT CONCERNS WHAT SENATOR CHAMBERS JUST SAID. THE WORD "MATRIX" HERE, I JUST PULLED IT

Floor Debate
April 01, 2015

UP ON THE GADGET, AND I WILL ATTEMPT TO READ THE PRINT: A MATRIX IS A RECTANGULAR ARRAY OF NUMBERS, SYMBOLS OR EXPRESSIONS ARRANGED IN ROWS AND COLUMNS. THE INDIVIDUAL ITEMS IN A MATRIX ARE CALLED THE ELEMENTS OR ENTRIES. AN EXAMPLE OF A MATRIX WITH TWO AND THREE COLUMNS--AND THEY GIVE AN EXAMPLE. AND IT GOES ON TO SAY THAT MATRIX CAN BE MULTIPLIED UNDER CERTAIN CONDITIONS. MATRIX MAY NOT BE THE BEST WORD TO USE HERE. AND I WOULD ASK SENATOR WATERMEIER IF HE WOULD LOOK AT THAT LANGUAGE. THAT'S NOT IN THE FORM OF A QUESTION, JUST A SUGGESTION, SENATOR WATERMEIER. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR WATERMEIER. [LB106]

SENATOR WATERMEIER: I'M GOING TO ASK ONE MORE TIME, WE'LL VOTE NO ON THE AM521, THAT WILL CLEAR THE SLATE TO GET US TO THE LB. THERE'S A COUPLE AMENDMENTS LAYING IN WAIT THAT WILL HAVE TO BE WITHDRAWN. I THINK I EVEN HAVE A SHELL AMENDMENT IN THERE. THEN WE CAN GET TO AM1099. SO VOTE "NO" AM521. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS TO LB106. [LB106]

SENATOR GARRETT: MR. PRESIDENT, I'LL LET SENATOR MURANTE, THE...IS BACK. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR, I DID NOT SEE SENATOR MURANTE. SENATOR MURANTE, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS TO LB106. [LB106]

SENATOR MURANTE: WELL, I'M IN THE UNUSUAL POSITION OF ASKING YOU TO VOTE AGAINST MY OWN AMENDMENT, BUT PLEASE VOTE AGAINST MY AMENDMENT. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. THE QUESTION IS THE ADOPTION OF AM521 TO LB106. ALL THOSE IN FAVOR VOTE AYE; THOSE

Floor Debate
April 01, 2015

OPPOSED, VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.
[LB106]

ASSISTANT CLERK: 0 AYES, 37 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE
COMMITTEE AMENDMENTS. [LB106]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE NOT ADOPTED.
RETURNING TO LB106 AS AMENDED. [LB106]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT AS OFFERED BY
SENATOR WATERMEIER, AM1099. (LEGISLATIVE JOURNAL PAGE 1040-1041.) [LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER, YOU'RE WELCOME TO OPEN ON
YOUR AMENDMENT. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I APPRECIATE THE
DISCUSSION TODAY. I THINK THERE'S BEEN A LOT OF GOOD COMMENTS. I MADE
SOME PROMISES TO CHANGE A SMALL AMOUNT BETWEEN GENERAL FILE AND
SELECT FILE ON ADDING THE ISSUE OF THE ZONING PEOPLE. I MADE SOME
PROMISES ON MY INTENT. I THINK WE'VE MADE GOOD LEGISLATIVE INTENT
TODAY. AM1099, IN GENERAL, SHELLS LB106 AND PUTS IN PLACE, DIRECTS THE
DEPARTMENT OF AG TO BUILD AN ASSESSMENT TOOL, WHICH HAS BEEN
CALLED A MATRIX, AND I CAN LOOK AT THAT WORD, AS WELL TOO, TO
POSSIBLY EVEN CHANGE THAT, BUT IT DIRECTS THE DEPARTMENT OF AG TO
BUILD A COMMITTEE THAT WILL BUILD THIS ASSESSMENT MATRIX AND MAKE
THAT AVAILABLE TO THE COUNTIES AS AN OPTIONAL TOOL THAT THEY CAN USE
IN THEIR ARSENAL OF DECISION-MAKING PROCESSES IN THE CONDITIONAL-USE
PERMIT. SO I WOULD ASK FOR YOUR VOTE YES, GREEN VOTE ON AM1099. THANK
YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATOR KUEHN,
YOU'RE RECOGNIZED. [LB106]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND I HAVE APPRECIATED THE
DISCUSSION AND THE DEBATE THIS AFTERNOON. I ALSO WOULD LIKE TO THANK
SENATOR WATERMEIER FOR ALL OF THE TIME AND WILLINGNESS TO WORK
THROUGH THE ISSUES THAT WE'VE ENCOUNTERED WITH LB106 OVER THE PAST
SEVERAL DAYS. WE'RE IN A MUCH BETTER PLACE TODAY THAN WE WERE WHEN

Floor Debate
April 01, 2015

WE STARTED WITH THIS BILL, AND I ENCOURAGE YOUR SUPPORT FOR AM1099. THANK YOU, AND I YIELD ANY ADDITIONAL TIME TO SENATOR WATERMEIER IF HE WOULD LIKE IT. [LB106]

PRESIDENT FOLEY: AND SENATOR WATERMEIER WAIVES THAT TIME. THANK YOU, SENATOR KUEHN. SENATOR BLOOMFIELD. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AS ONE OF THE OPPONENTS TO LB106, I ALSO WANT TO THANK SENATOR WATERMEIER FOR COMING AS FAR AS WE HAVE ON THIS. I, AGAIN, WILL BE SUPPORTING AM1099. I STILL DON'T THINK I CAN PROBABLY GET TO LB106. BUT AM1099, WE NEED TO VOTE FOR IT, LET'S GET THAT PASSED, WE'LL MAKE IT THE BILL. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR WATERMEIER, YOU'RE WELCOME TO CLOSE ON AM1099. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I WOULD WAIVE CLOSING, EXCEPT THERE'S THAT ONE VOTE OUT THERE I NEED TO GET. I NEED TO GET SENATOR BLOOMFIELD. I THINK HE'LL VOTE FOR LB106 WHEN HE THINKS ABOUT IT, THAT WE'VE DONE REALLY GOOD WORK. SENATOR KUEHN DIDN'T MENTION IT, BUT HE WORKED PRETTY HARD BEHIND THE SCENES. SENATOR GROENE REALLY DESERVES A LOT OF WORK IN GETTING IT OFF CENTER. THE GOVERNMENT COMMITTEE, I STILL BELIEVE IT BELONGED IN GOVERNMENT COMMITTEE, BECAUSE THE DISCUSSION WE'VE HAD TODAY DID COME OUT OF A ZONING ISSUE. SO PLEASE VOTE GREEN ON AM1099, AND THEN WE'LL VOTE GREEN ON LB106. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. THE QUESTION IS THE ADOPTION OF AM1099 TO LB106. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB106]

ASSISTANT CLERK: 39 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: AM1099 IS ADOPTED. MR. CLERK. [LB106]

Floor Debate
April 01, 2015

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL.
[LB106]

PRESIDENT FOLEY: SENATOR WATERMEIER WAIVES CLOSING ON THE BILL.
EXCUSE ME, SENATOR CHAMBERS HAS HIS LIGHT ON. I'M SORRY, SENATOR.
[LB106]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SHAKESPEARE WROTE A PLAY CALLED THE MERCHANT OF VENICE, AND THERE WAS A FELLOW WHO MADE A DEAL. AND (AUDIENCE SOUND) (LAUGH) I DON'T KNOW IF THAT WAS ONE OF THOSE SOUNDS THEY MAKE IN THE THEATER WHEN THEY DON'T LIKE WHAT'S GOING FORTH, BUT IT KIND OF MADE ME STOP FOR A MOMENT TO ACKNOWLEDGE THAT THE MESSAGE WAS RECEIVED, WAS HEARD BUT NOT ACTED UPON. AND THE MATTER CAME UP OF A GUY PAYING OFF BY GIVING UP HIS POUND OF FLESH. ALL YOU COULD TAKE WAS THE FLESH, NO BLOOD, NO BONE, NO SINEW, NO MUSCLE. I COULD ASK FOR MY POUND OF FLESH RIGHT NOW. AND NOTHING, NOTHING, IS SO PLEASURABLE AS TO SAY--I TOLD YOU SO. BUT I'M NOT GOING TO DO THAT. I'M GOING TO EXERCISE...I WANT SENATOR FRIESEN TO STAY OUT OF MY BUSINESS. SENATOR FRIESEN, YOU OUGHT TO TURN TO THE FRONT OF THE ROOM AND NOT LOOK AT ME. BUT HERE IS THE POINT FOR THIS AFTERNOON. A BILL STARTED OUT AND THERE WERE A LOT OF PEOPLE, AS SENATOR SCHEER SAID, WHO WERE GREATLY OPPOSED TO IT AND SO DID OTHERS. THERE WAS A LOT OF DISCUSSION. NOBODY SAW THAT AS BEING OR CHARACTERIZED IT AS A FILIBUSTER. PROFOUND CHANGES WERE MADE. SO IF YOU LOOK AT WHAT WE'RE DEALING WITH NOW AND COMPARED IT TO WHAT WAS BEFORE US AT THE BEGINNING, YOU WOULDN'T KNOW THAT THE SAME THING IS REALLY BEING LOOKED AT, BECAUSE IT IS TRANSMOGRIFIED FROM WHAT IT WAS INTO SOMETHING THAT IS ALMOST UNRECOGNIZABLE IF YOU COMPARE THE TWO. BUT IF YOU LOOK AT WHAT HAS RESULTED, YOU HAVE SEEN AN EXAMPLE OF HOW THE LEGISLATURE OPERATES. MAYBE SOMEBODY STARTS OUT WITH WHAT TO THAT PERSON SEEMED LIKE A VISION THAT MICHELANGELO WOULD HAVE WHEN HE DID THE STATUE OR CORRECTED IT, THAT FAMOUS STATUE OF DAVID. AND MAYBE THAT'S WHAT WE ENVISION, BUT WE ARE NOT THE ONLY ONES CHIPPING AWAY AT THE BLOCK OF MARBLE. EVERYBODY HAS A CHISEL. EVERYBODY HAS A HAMMER. AND EVERYBODY IS GIVEN A CHANCE TO STRIKE. SO YOU'RE NOT GOING TO GET PRECISELY WHAT YOU WANT WHEN YOU HAVE A BILL WITH A NUMBER OF MOVING PARTS. SO YOU SALVAGE WHAT YOU CAN. SINCE WE CANNOT PRODUCE A DAVID, WHAT WE WILL DO IS PUT SOMETHING OUT THERE WHICH TO THE UNTRAINED EYE WILL LOOK LIKE A PIECE OF ROCK THAT HAS BEEN TOTALLY MUTILATED, BUT THEN IF

Floor Debate
April 01, 2015

YOU PUT IT IN A MUSEUM, ON A STAND, AND PUT A SIGN ABOVE IT THAT SAYS "COOPERATION," THEN EVERYBODY WILL FEEL THAT SINCE IT'S IN A MUSEUM IT MUST HAVE MERIT. SINCE THE WORD ON THE SIGN IS "COOPERATION," COOPERATION REQUIRES THE ACTION OF MORE THAN ONE PERSON. SO I WOULD GET FROM IT THAT COOPERATION HAS BROUGHT A BLOCK OF MARBLE TO THIS POINT AND MORE COOPERATION CAN PERFECT IT. SOMEBODY ELSE MAY SAY THAT THE COOPERATION TOOK THIS BLOCK OF MARBLE WHICH WAS UGLY BECAUSE IT HAD STRAIGHT LINES, SHARP EDGES, AND NATURE HATES A STRAIGHT LINE, SO COOPERATION TOOK SOMETHING THAT NATURE HATED IT AND CONVERTED IT INTO SOMETHING, WHICH ALTHOUGH PERHAPS NOT BEAUTIFUL, IS NO LONGER HATED BY NATURE. AND BEAUTY IS IN THE EYE OF THE BEHOLDER ANYWAY. SO INSTEAD OF COMPARING WHAT WE DO HERE TO... [LB106]

PRESIDENT FOLEY: ONE MINUTE. [LB106]

SENATOR CHAMBERS: ...TO MAKING SAUSAGE, AND THAT MIGHT BE WHAT IT IS, IT REALLY BOILS DOWN TO OUR DOING THE BEST WE CAN WITH WHAT WE HAVE TO WORK WITH, AND HOPE THAT THE FINAL PRODUCT IS ONE THAT'S NOT GOING TO DO DAMAGE. IT MAY NOT DO ANYTHING THAT'S AFFIRMATIVELY GOOD OR A POSITIVE GOOD, BUT AT LEAST IT DOESN'T DO ANY HARM. AND THAT BRINGS ME BACK TO THE LORAN SCHMIT MAXIM--IT DOESN'T HELP ANYBODY, SENATOR SCHEER; IT DOESN'T HURT ANYBODY, SENATOR WATERMEIER; IT DOESN'T HELP ANYBODY, SENATOR FRIESEN; IT DOESN'T COST ANYTHING, SENATOR WILLIAMS; IT DOESN'T DO ANYTHING, SENATOR CRAWFORD; EXCEPT THAT IT ALLOWED A LOT OF PARTICIPATION BY PEOPLE FROM ACROSS THE AISLES, FROM FRONT TO BACK, IN THE LEGISLATURE, BASICALLY, IGNORING WHAT WAS SAID OR DICTATED BY THOSE OUTSIDE THE GLASS. [LB106]

PRESIDENT FOLEY: TIME, SENATOR. [LB106]

SENATOR CHAMBERS: YOU SAID TIME? [LB106]

PRESIDENT FOLEY: YES, SENATOR. THANK YOU, SENATOR CHAMBERS. SEEING NO SENATORS IN THE QUEUE, SENATOR WATERMEIER, DID YOU WAIVE CLOSING, SENATOR? [LB106]

SENATOR WATERMEIER: I BELIEVE I HAVE A CHANCE TO CLOSE NOW AFTER SENATOR CHAMBERS. [LB106]

Floor Debate
April 01, 2015

PRESIDENT FOLEY: YOU WANT TO CLOSE? [LB106]

SENATOR WATERMEIER: YEAH. [LB106]

PRESIDENT FOLEY: YEAH, PLEASE PROCEED. [LB106]

SENATOR WATERMEIER: ALL RIGHT, THANK YOU, MR. PRESIDENT. I THOUGHT I BETTER JUST BRING US BACK A LITTLE BIT AFTER THAT DIVERGENCE. I APPRECIATE SENATOR CHAMBERS AND TALKING ABOUT WHERE WE WENT. JUST TO MAKE SURE THAT WE'RE ALL ON FOCUS HERE TO VOTE GREEN FOR LB106. IT IS APRIL FOOL'S DAY; HATE TO HAVE ANYBODY FOOL ME HERE TODAY, SO LET'S MAKE SURE WE'RE CLEAR ON LB106. AND ALSO, I DON'T WANT TO TAKE ADVANTAGE OF THE EASTER SEASON AND HAVE TO RE-RESURRECT THIS AGAIN. LET'S MAKE SURE WE VOTE GREEN ON THIS BILL RIGHT NOW. THANK YOU, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. THE QUESTION IS THE ADVANCE OF LB106 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB106]

ASSISTANT CLERK: 34 AYES, 3 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB106]

PRESIDENT FOLEY: LB106 ADVANCES. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB106]

SPEAKER HADLEY: MR. PRESIDENT, JUST TO LET THE BODY KNOW WHAT MY PLANS ARE, TOMORROW WE WILL START WITH FINAL READING, AND, BASICALLY, GO THROUGH ABOUT 15 BILLS WITH FINAL READING STARTING WITH THAT. THEN WE WILL GO TO THE HANSEN DIVISION FOR SPEAKER PRIORITY, AND THEN GO FROM THERE. I AM ALSO ASKING THAT WE ADJOURN FOR THE DAY. THE APPROPRIATIONS COMMITTEE IS TRYING TO GET THE BUDGET DONE, BUT JUST TO LET THEM KNOW THIS IS THE LAST DAY THAT THAT HAPPENS. SO WE EXPECT THEM TO WORK NOONS AND NIGHTS NEXT WEEK. BUT WE WILL GET...START TOMORROW ON FINAL READING. THANK YOU, MR. PRESIDENT.

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Floor Debate
April 01, 2015

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS: NEW BILL, LB347A, BY SENATOR KRIST (READ LB347A BY TITLE FOR THE FIRST TIME.) NEW RESOLUTIONS: LR166, LR167, LR168 BY SENATOR LARSON, THOSE WILL BE LAID OVER. LR169 OFFERED BY SENATOR CRAIGHEAD ALSO WILL BE LAID OVER. COMMUNICATIONS BY THE GOVERNOR REGARDING APPOINTMENT TO THE CLIMATE ASSESSMENT RESPONSE COMMITTEE. AMENDMENTS TO BE PRINTED: SENATOR PANSING BROOKS TO LB245; SENATOR BOLZ TO LB243. NAME ADDS, MR. PRESIDENT: SENATOR GARRETT TO LB591, SENATOR SCHILZ TO LB623. (LEGISLATIVE JOURNAL PAGES 1041-1045.) [LB347A LR166 LR167 LR168 LR169 LB245 LB243 LB591 LB623]

AND FINALLY A PRIORITY MOTION: SENATOR BLOOMFIELD WOULD MOVE TO ADJOURN UNTIL THURSDAY, APRIL 2, AT 9:00 A.M.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.