

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
May 04, 2015

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SENATOR KRIST PRESIDING

SENATOR KRIST: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SEVENTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR LES PARMENTER, SENATOR BRASCH'S DISTRICT. HE'S FROM THE TRINITY UMC/UCC CHURCH IN WEST POINT. PLEASE RISE.

PASTOR PARMENTER: (PRAYER OFFERED.)

SENATOR KRIST: THANK YOU, PASTOR, FOR THE PRAYER. I CALL TO ORDER THE SEVENTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SENATOR KRIST: ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, I HAVE NEITHER MESSAGES, REPORTS, NOR ANNOUNCEMENTS AT THIS TIME.

SENATOR KRIST: WELL, THEN LET'S PROCEED TO THE FIRST ITEM ON THE AGENDA.

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CLERK: MR. PRESIDENT, LB72. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER88, LEGISLATIVE JOURNAL PAGE 1228.) [LB72]

SENATOR KRIST: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB72]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB72. [LB72]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR? OPPOSED? THEY'RE ADOPTED. [LB72]

CLERK: MR. PRESIDENT, SENATOR SCHUMACHER, I HAVE AM1420 BUT A NOTE YOU WISH TO WITHDRAW. [LB72]

SENATOR SCHUMACHER: CORRECT. [LB72]

CLERK: SENATOR SCHUMACHER WOULD MOVE TO AMEND WITH AM1473. (LEGISLATIVE JOURNAL PAGE 1361.) [LB72]

SENATOR KRIST: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB72]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. AM1473 IS LB72, AS PASSED ON GENERAL FILE, WITH THE FOLLOWING THREE REFINEMENTS ARRIVED AT AFTER NEGOTIATIONS WITH THE BAR ASSOCIATION AND FINANCIAL INSTITUTIONS, INCLUDING THOSE LICENSED UNDER THE NEBRASKA TRUST COMPANY ACT. THE FIRST REFINEMENT ALLOWS TRUSTEES OF A REVOCABLE TRUST WHO ARE EITHER FINANCIAL INSTITUTIONS, AS THE DEFINED IN 77-3801; TRUST COMPANIES LICENSED UNDER THE NEBRASKA TRUST COMPANY ACT; AND NEBRASKA ATTORNEYS TO AVOID WAITING THE ESTIMATED 10 TO 60 DAYS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONDUCT A RECORD CHECK AND ISSUE THE CLEARANCE TO DISTRIBUTE TRUST ASSETS TO THE HEIRS IN THOSE CASES WHERE THERE WAS NOTHING DUE TO DHHS. TO BE ABLE TO USE THE EXPEDITED DISTRIBUTION, SUCH TRUSTEES WOULD BE REQUIRED TO FILE AN AFFIDAVIT WITH DHHS IDENTIFYING THE TRUSTOR AND STATING THERE WAS NOTHING DUE TO DHHS. IF THAT WAS KNOWINGLY FALSE, THE OFFENDING TRUSTEE WOULD BE PERSONALLY LIABLE. ACCORDING TO BILL DRAFTERS, THE LANGUAGE NEEDS TO BE REPRINTED IN

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THREE DIFFERENT PLACES IN STATUTES AND THE REPETITION ACCOUNTS FOR THE BULK OF THE LANGUAGE OF AM1473. THE SECOND REFINEMENT COMES FROM THE BAR ASSOCIATION AND EXPANDS ON THE LANGUAGE FROM FEDERAL LAW 42 U.S.C. 1396p(b)(4)(B), WHICH APPEARS AT LINE 1 OF PAGE 9 OF LB72 E&R AMENDMENT. THE REFINEMENT REITERATES THE ESTATE OF A RECIPIENT OF MEDICAL ASSISTANCE INCLUDES ASSETS TO TRANSFERRED AFTER DEATH OF A TRUSTEE THROUGH A TRUST OR SIMILAR ARRANGEMENT TO A BENEFICIARY DESCRIBED IN NEBRASKA LAW, 77-2004 OR 2005. THIS IS IN ADDITION TO THE PROPERTY DEFINED IN 42 U.S.C. 1396p(b)(4)(A). THE FINAL REFINEMENT APPEARS ON PAGE 12 AT LINE 21 AND IN CLEAR LANGUAGE STATES WHAT WAS SAID SEVERAL TIMES IN THE GENERAL FILE LEGISLATIVE HISTORY, THAT BEING THAT THE REQUIREMENT OF NOTIFYING DHHS IN CERTAIN INHERITANCE TAX PROCEEDINGS IS FOR NOTICES PURPOSE ONLY AND SHOULD NOT BE CONSTRUED TO DELAY THE DETERMINATION OF INHERITANCE TAXES OR TO REQUIRE A HEARING IN THE PROCEEDING IF SUCH HEARING WOULD NOT OTHERWISE BE REQUIRED. NONE OF THE PROVISIONS OF AM1473 ADD BACK IN THE CONTROVERSIAL LIEN PROVISIONS OF THE ORIGINAL SECTION 5 OF LB72, WHICH REMAIN OUT OF THE BILL. LB72 IS A STEP IN THE DIRECTION OF BRINGING NEBRASKA'S MEDICAID RECOVERY PROGRAM IN LINE WITH A MAJORITY OF THE OTHER STATES AND WITH THE 1993 FEDERAL LAW DIRECTING THE IMPLEMENTATION OF MEDICAID RECOVERY PROGRAMS, WHICH NEBRASKA HAS SO FAR ONLY MINIMALLY COMPLIED. DURING THE UPCOMING INTERIM, I LOOK FORWARD TO WORKING WITH THOSE OF YOU WHO HAVE EXPRESSED AN INTEREST AND WITH DHHS IN FURTHER DEVELOPMENT OF NEBRASKA'S MEDICAID RECOVERY PROGRAM. I ASK FOR YOUR GREEN VOTE ON AM1473. THANK YOU. [LB72]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER. (VISITORS INTRODUCED.) YOU'VE HEARD THE OPENING TO AM1473 TO LB72. THOSE WISHING TO SPEAK: SENATOR DAVIS AND SENATOR FRIESEN. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB72]

SENATOR DAVIS: THANK YOU, MR. CHAIRMAN. GOOD MORNING, COLLEAGUES. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A FEW QUESTIONS. [LB72]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES, I WILL. [LB72]

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SENATOR DAVIS: SO, SENATOR SCHUMACHER, I HAVE HAD A NUMBER OF E-MAILS FROM ATTORNEYS WHO ARE KIND OF CONCERNED ABOUT SOME OF THE LANGUAGE, AND MOST OF THIS TOOK PLACE TEN DAYS AGO AND IN ASSOCIATION WITH THE BAR ASSOCIATION. SO HAVE ALL THOSE CONCERNS BEEN ADDRESSED AND WORKED OUT, BECAUSE OTHERWISE THEY WERE SUGGESTING WE LAY OVER FOR ANOTHER YEAR. [LB72]

SENATOR SCHUMACHER: RIGHT. THERE ARE A SMALL SEGMENT OF WHAT THEY CALL MEDICAID ESTATE PLANNERS WHO ARE NOT PARTICULARLY HAPPY WITH THIS. I HAVE WORKED WITH THE BAR ASSOCIATION. THE BAR ASSOCIATION'S SUGGESTED LANGUAGE IS INCLUDED IN THIS BILL, IN THE AMENDMENT. AND MOST OF THE CONTROVERSIAL LANGUAGE WAS TAKEN OUT ON GENERAL FILE WHEN WE STRUCK SECTION 5. [LB72]

SENATOR DAVIS: SO THE BAR ASSOCIATION NOW IS SUPPORT OF THE BILL? [LB72]

SENATOR SCHUMACHER: THE BAR ASSOCIATION'S LANGUAGE IS INCLUDED. I DON'T KNOW IF THEY TOOK A VOTE IN SUPPORT, BUT THEY'RE CERTAINLY NOT OPPOSING IT. [LB72]

SENATOR DAVIS: THANK YOU, SENATOR SCHUMACHER. [LB72]

SENATOR KRIST: THANK YOU, SENATOR DAVIS AND SENATOR SCHUMACHER. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB72]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. SENATOR SCHUMACHER, WOULD YOU YIELD TO A QUESTION? [LB72]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES, I WILL. [LB72]

SENATOR FRIESEN: SO THE CURRENT AMENDMENT, WHAT IT DOES IS IF YOU HAVE A REVOCABLE TRUST AND THE PERSON DIES, THEN IT BECOMES NONREVOCABLE. CURRENTLY NOW, UNDER THIS LANGUAGE, THE HEALTH AND HUMAN SERVICES WOULD HAVE 60 DAYS TO REVIEW IT BEFORE THEY WOULD LET THE ESTATE CLEAR? IS THAT CORRECT? [LB72]

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SENATOR SCHUMACHER: RIGHT. SOMEONE PASSES AWAY. A TRUSTEE IS HOLDING THE PROPERTY. THEY HAVE TO NOTIFY DHHS. DHHS HAS UP TO 60 DAYS TO RESPOND WITH A WAIVER IF THEY'RE OWED ANY...NOT OWED ANYTHING. THE DHHS SAYS THAT THEY THINK THEY CAN DO IT PROBABLY IN 10 DAYS, BUT 60 DAYS IS SIMILAR TO LANGUAGE IN THE OTHER SECTIONS THAT ARE NOT BEING AMENDED OF THE PROBATE LAW. THIS DOES MAKE AN EVEN QUICKER, THE AMENDMENT, MAKES AN EVEN QUICKER AVENUE IN THE CASE IF THE TRUSTEE IS AN ATTORNEY, A FINANCIAL INSTITUTION, OR A TRUST COMPANY LICENSED UNDER NEBRASKA'S TRUST ACT, IN WHICH CASE IF THEY KNOW THAT THE PERSON DOES NOT OWE ANY MEDICAID REIMBURSEMENT, THEY CAN SIMPLY CERTIFY THAT AND IMMEDIATELY DO IT. AS A PRACTICAL MATTER, THERE'S NOT MANY DISBURSEMENTS MADE FROM A TRUST WITHIN 60 DAYS AFTER SOMEBODY DIES. [LB72]

SENATOR FRIESEN: THE PERSON MAKING THAT CERTIFICATION, THOUGH, IS THEN HELD LIABLE IN CASE THERE IS SOMETHING FOUND DURING THAT NEXT 60 DAYS? [LB72]

SENATOR SCHUMACHER: THE...IF A FINANCIAL INSTITUTION, FOR EXAMPLE, CERTIFIES THAT THEY'VE LOOKED INTO IT AND THEY'RE SATISFIED THERE'S NO LIEN AND, THEREFORE, MAKE A QUICKIE DISTRIBUTION, IF THEY KNOWINGLY LIED THEN THEY COULD BE LIABLE. YES. [LB72]

SENATOR FRIESEN: OKAY. SO COULD ANY OF THE BENEFICIARIES ALSO CERTIFY, OR DOES IT HAVE TO BE EITHER THE ATTORNEY OR AN INSTITUTION HOLDING THE TRUST THAT HAS TO CERTIFY THAT? [LB72]

SENATOR SCHUMACHER: THE CERTIFIER ON THE QUICKIE DISTRIBUTION THING IS...THE ONES QUALIFYING FOR THAT ARE A FINANCIAL INSTITUTION, A NEBRASKA TRUST COMPANY, OR LICENSED ATTORNEY. [LB72]

SENATOR FRIESEN: OKAY. SO YOU WOULD ASSUME, I GUESS, THAT THEY'RE GOING TO DO DUE DILIGENCE BEFORE THEY WOULD SIGN OFF ON SOMETHING LIKE THAT. [LB72]

SENATOR SCHUMACHER: I WOULD SAY THAT'S A PRETTY SAFE ASSUMPTION, THAT UNLESS THEY WERE CERTAIN THEY WOULDN'T DARE RISK ANYTHING. [LB72]

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SENATOR FRIESEN: OKAY. THANK YOU, MR. SCHUMACHER. THANK YOU, MR. PRESIDENT. [LB72]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN AND SENATOR SCHUMACHER. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB72]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. WOULD SENATOR SCHUMACHER YIELD TO A QUESTION, PLEASE? [LB72]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES, I WILL. [LB72]

SENATOR CAMPBELL: MY QUESTION, SENATOR, IS HOW DOES THIS PROCESS THAT YOU HAVE PUT IN THE AMENDMENT DIFFER FROM WHAT NORMALLY GOES ON RIGHT NOW? [LB72]

SENATOR SCHUMACHER: NORMALLY WHAT GOES ON RIGHT NOW, LET'S SAY SOMEBODY PUT THEIR PROPERTY IN A REVOCABLE TRUST, WHICH MEANS IT TAKES EFFECT AT THE TIME THEY PASS AWAY, USUALLY IT DOES. AND RIGHT NOW, IF THEY PASS AWAY AND THEY CAN...THE TRUSTEE, ACCORDING TO THE TERMS OF THE TRUST, CAN DISTRIBUTE THE PROPERTY OUT TO THE HEIRS WITHOUT NOTIFYING DHHS. IF DHHS HAS A LEGITIMATE CLAIM, IT VERY WELL MAY NEVER KNOW THAT THERE WAS A DEATH OR ANY MONEY THAT WAS INVOLVED IN A TRUST. WHAT THIS DOES IS THIS HAS NOTICE TO DHHS SO IF THERE IS ANYTHING OWED, BEFORE THE HEIRS GET THE MONEY THE TAXPAYERS ARE PAID. [LB72]

SENATOR CAMPBELL: THANK YOU, SENATOR SCHUMACHER. I CERTAINLY CAN SUPPORT AM1473 THAT'S BEEN PUT FORWARD HERE, BECAUSE I THINK A NOTICE IS A VERY APPROPRIATE STEP THAT WE HAVE NOT HAD IN THE STATUTES. I HAVE NOT HEARD FROM EITHER OF MY ESTATE PLANNING ATTORNEYS WHO RAISED THE ISSUES, SO I AM ASSUMING THAT WE CAN GO FORWARD. AND, SENATOR SCHUMACHER, MY OFFER TO SERVE WITH YOUR COMMITTEE STILL STANDS BECAUSE I'M VERY INTERESTED IN HOW WE PROCEED ON THIS ISSUE. SO, COLLEAGUES, I WOULD ASK FOR A GREEN ON THE AMENDMENT, AS WELL AS PASSING LB72. THANK YOU, MR. PRESIDENT. [LB72]

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SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON AM1473. SENATOR SCHUMACHER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1473. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB72]

CLERK: 31 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SCHUMACHER'S AMENDMENT. [LB72]

SENATOR KRIST: AM1473 IS ADOPTED. [LB72]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB72]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB72]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB72 TO E&R FOR ENGROSSING. [LB72]

SENATOR KRIST: STAND BY ONE. I MISSED SENATOR SCHEER IS IN THE QUEUE. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB72]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I JUST WANT TO RISE REAL QUICKLY IN REFERENCE TO SENATOR DAVIS' COMMENTS AND QUESTION TO SENATOR SCHUMACHER. I WELL HAVE BEEN CONTACTED I THINK BY EVERY ATTORNEY, AT LEAST IN MY DISTRICT, THAT DOES ESTATE WORK. NONE OF THEM ARE COMFORTABLE, EVEN WITH THE AMENDMENT THAT'S GOING ON. THEY FELT THAT IT WOULD BE A WISER DECISION TO DO AN INTERIM WORK AND COME BACK WITH A BILL THAT EVERYBODY KNEW WHAT IT WAS DOING RATHER THAN TRYING TO MAKESHIFT SOMETHING OVER THE...PASS SOMETHING NOW AND THEN TRY TO WORK OVER THE SUMMER AND HAVING SOMETHING THAT MAY BE INAPPROPRIATE PASSED AT THIS POINT IN TIME. I WILL NOT BE VOTING FOR THE BILL. BUT I JUST WANT TO MAKE SURE THAT I'M NOT DISPUTING THAT SENATOR SCHUMACHER PROBABLY WORKED WITH THE FOLKS OVER AT THE BAR. I DON'T KNOW THAT THEY ARE OR AREN'T SUPPORTING IT. I JUST KNOW THAT 10 TO 15 PEOPLE THAT HAVE CONTACTED ME, AT LEAST IN MY AREA, THEY CERTAINLY ARE NOT SUPPORTIVE OF WHAT WE HAVE ON TAP AND WOULD CERTAINLY PREFER A WORKING GROUP OVER THE SUMMER AND FALL TO COME UP WITH A PLAN THAT EVERYONE FULLY UNDERSTANDS THE

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IMPLICATIONS OF IT AND THE CONSTITUTIONALITY OF IT. SO I JUST WANTED TO GET THAT ON RECORD THAT THERE ARE STILL, I THINK, LARGE CONCERNS OUT THERE FROM THE ATTORNEYS THAT ARE DOING THAT TYPE OF WORK. SO WITH THAT SAID, THANK YOU, MR. PRESIDENT. [LB72]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB72]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. AS INDICATED ON GENERAL FILE, THIS IS JUST A FIRST STEP AND THE MEAT OF THE WORK AS TO LIENS AND HOW THE STATE GOES ABOUT RECAPTURING PROPERTY THAT WOULD OTHERWISE GO TO THE HEIRS WITH A BIG BILL LAYING IN THE TAXPAYERS' HANDS AT DHHS, THAT WORK WILL BE DONE THIS SUMMER. A NUMBER OF YOU HAVE EXPRESSED INTEREST AND I CERTAINLY INVITE YOU TO PARTICIPATE. THIS BEGINS THE PROCESS BY LETTING DHHS KNOW THAT THERE IS MONEY MOVING THAT THEY MAY BE ENTITLED TO, AND MAKES IT VERY CLEAR THAT, AMONG OTHER THINGS, TRUSTS ARE, REVOCABLE TRUSTS, ARE THINGS THAT ARE COVERED AND SHOULD NOT BE CUT LOOSE WITH TO THE HEIRS UNTIL THE TAXPAYERS ARE SQUARED UP WITH. I'D ASK FOR YOUR SUPPORT OF LB72. WE WORKED HARD WITH THE FINANCIAL INSTITUTIONS AND THE BAR TO ACCOMMODATE SPECIFIC INTERESTS, AND THIS SUMMER I THINK WE WILL MAKE GOOD PROGRESS TO BRING US INTO LINE WITH I THINK IT'S NOW NEARLY 40 OTHER STATES WHO ARE COMPLYING FULLY WITH THE FEDERAL LAW AND ITS COLLECTION MECHANISMS. THANK YOU. [LB72]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER. SENATOR HANSEN FOR A MOTION. [LB72]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB72 TO E&R FOR ENGROSSING. [LB72]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. LB72 ADVANCES. (VISITORS INTRODUCED.) NEXT ITEM. [LB72]

CLERK: MR. PRESIDENT, LB72A. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB72A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB72A]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB72A TO E&R FOR ENGROSSING. [LB72A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. LB72A ADVANCES. NEXT ITEM. [LB72A]

CLERK: LB469. E&R AMENDMENTS FIRST OF ALL, SENATOR. (ER86, LEGISLATIVE JOURNAL PAGE 1228.) [LB469]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB469]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB469. [LB469]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. ADVANCES. [LB469]

CLERK: KEN HAAR WOULD MOVE TO AMEND WITH AM1499. (LEGISLATIVE JOURNAL PAGE 1362.) [LB469]

SENATOR KRIST: SENATOR KEN HAAR, YOU ARE RECOGNIZED. [LB469]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I RISE IN SUPPORT OF LB469. I AM GOING TO SPEND SOME TIME TALKING ABOUT SOME ASPECTS, BECAUSE I FEEL THIS IS A REALLY IMPORTANT BILL. BUT ONCE AGAIN, I RISE IN SUPPORT OF LB469. MY AMENDMENT IS REALLY VERY SIMPLE. IT JUST, IN THE BILL ITSELF, IT TALKS ABOUT JOBS LOST. AND THERE WILL BE SOME JOBS GAINED. SO SENATOR SMITH AND I HAVE AGREED THAT WE'RE JUST GOING TO TAKE OUT THE TERM "AND JOBS LOST." THAT'S WHAT WE'RE TALKING ABOUT. BUT I WOULD LIKE TO TAKE SOME TIME TALKING ABOUT SOME ISSUES CONNECTED WITH THIS. I WANT TO SET A CONTEXT FOR THIS BILL. ABOUT A WEEK AGO, THERE WAS A MASSIVE EARTHQUAKE IN NEPAL. AND AS WE LEARNED, THE TECTONIC PLATES BETWEEN CHINA AND INDIA ARE COLLIDING AND EVERY SO OFTEN THAT PENT-UP ENERGY HAS TO BE RELEASED. AND IT RESULTED IN A MASSIVE EARTHQUAKE THAT MOVED THE CITY OF KATMANDU 10 FEET, 10 FEET ON THE GLOBE. IF WE COULD HARNESS THAT KIND OF ENERGY WE PROBABLY COULD SCRAP ALL OUR OTHER ENERGY SOURCES THAT WE HAVE, BUT WE CAN'T. BUT A THING THAT'S REALLY BEEN OBVIOUS TO ME,

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WHEREAS AN EARTHQUAKE LIKE THAT WE WILL NEVER BE ABLE TO CONTROL, FOR THE FIRST TIME IN HISTORY, REALLY, WE CAN CHANGE THE WORLD IN A REALLY SIGNIFICANT WAY, AND THAT'S IN TERMS OF CLIMATE CHANGE. AND THIS BILL AND THE ENERGY STUDY AND SO ON HAS A LOT TO DO WITH CLIMATE CHANGE. SO I'M GOING TO START WITH THE EPA, BECAUSE THAT'S THE GENESIS OF AT LEAST THE FIRST PART OF THE BILL. THE BILL IS REALLY TWO PARTS: ONE HAS TO DO WITH THE EPA'S CLEAN POWER PLANT RULE; THE OTHER HAS TO DO WITH THE STATE ENERGY PLAN. SO I WOULD LIKE TO TALK, FIRST OF ALL, ABOUT THE EPA'S PROPOSED RULE ON COAL PLANTS. AND I'M GOING TO DO A LITTLE BIT OF READING HERE BECAUSE THIS IS VERY SUCCINCT. IT'S FROM THE WASHINGTON POST. THE ENVIRONMENTAL PROTECTION AGENCY HAS PROPOSED A RULE DESIGNED TO CUT CARBON DIOXIDE EMISSIONS FROM EXISTING COAL PLANTS BY AS MUCH AS 30 PERCENT BY 2030, COMPARED WITH 2005 LEVELS. OF COURSE, THE REGULATION HAS PROMPTED HEAVY LOBBYING FROM INDUSTRY AND ENVIRONMENTAL GROUPS. AND AS SOMEONE SAID, IT WILL BE THE SUPER BOWL OF CLIMATE POLITICS. SO WHY IS THE EPA REGULATING GREENHOUSE GAS EMISSIONS FROM POWER PLANTS? UNDER PRESIDENT GEORGE W. BUSH, THE EPA ARGUED THAT CONGRESS NEVER INTENDED TO REGULATE CARBON DIOXIDE AND OTHER GREENHOUSE GASES UNDER THE CLEAN AIR ACT. SO THE AGENCY ITSELF, IN 2007, WAS SAYING, WE DON'T HAVE THE AUTHORITY TO REGULATE CARBON DIOXIDE. IN 2007 THE SUPREME COURT, THE ROBERTS COURT, DISAGREED, RULING IN MASSACHUSETTS v. EPA THAT THE LAW WAS UNAMBIGUOUS AND THAT EMISSIONS CAME UNDER...THAT CO2 EMISSIONS CAME UNDER ITS BROAD DEFINITION OF AIR POLLUTANT. SO ACCORDING TO THE U.S. SUPREME COURT, CO2 UNDER THE CLEAN AIR ACT IS A POLLUTANT. SO WHY TARGET EXISTING POWER PLANTS? EXISTING POWER PLANTS ARE THE LARGEST SOURCE OF THE NATION'S CARBON DIOXIDE EMISSIONS, ACCOUNTING FOR 38 PERCENT OF ALL CO2 EMISSIONS. THE TRANSPORTATION SECTOR COMES IN SECOND AT 32 PERCENT. THE EPA SAYS THE AVERAGE AGE OF THE NATION'S COAL FLEET IS 42 YEARS, MEANING THAT MOST OF THEM AREN'T NEARLY AS EFFICIENT AS NEW COAL PLANTS, ALTHOUGH MANY HAVE BEEN UPDATED, WHICH IS VERY EXPENSIVE, BY THE WAY. THE REGULATION ALSO COULD AFFECT NATURAL GAS POWER PLANTS WHICH EMIT ABOUT HALF AS MUCH GREENHOUSE GAS AS COAL PLANTS. SO HOW ARE THESE REGULATIONS GOING TO BE IMPLEMENTED? AND HERE'S WHERE THE BILL TODAY COMES INTO PLAY. AFTER THE EPA FINALIZES ITS PROPOSAL IN MID-2015--AND THAT HASN'T BEEN FINALIZED--IT WILL GIVE STATES A YEAR TO DESIGN THEIR IMPLEMENTATION PLANS. SO NEBRASKA, ALONG WITH EVERY OTHER STATE, WILL HAVE TO HAVE AN IMPLEMENTATION PLAN. IT WILL LET STATES MEET EMISSION TARGETS FOR POWER PLANTS IN SEVERAL WAYS, INCLUDING PLANT UPGRADES, SWITCHING

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FROM COAL TO NATURAL GAS, OR BY IMPROVING ENERGY EFFICIENCY OR PROMOTING RENEWABLE ENERGY OUTSIDE THE FENCE, MEANING OUTSIDE THE PLANT SITE. THE APPROACH WILL GIVE STATES GREATER FLEXIBILITY IN DESIGNATING PLANS TO MEET THE EPA'S TARGET. MANY INDUSTRY GROUPS ARE INSISTING THE EPA MUST LIMIT ITSELF TO MUCH MORE MODEST EFFICIENCY GAINS, AND THE OKLAHOMA ATTORNEY GENERAL HAS VOWED TO FILE SUIT AGAINST EPA REGULATIONS. BUT IF A STATE DOES NOT COME UP WITH AN EFFECTIVE IMPLEMENTATION PLAN, THEN THE EPA CAN IMPOSE A FEDERAL PLAN. NOW IT IS PRODUCING SOME INTERESTING BEDFELLOWS. FOR EXAMPLE, WHILE MANY UTILITIES ARE ARGUING AGAINST THE PLAN, SOME UTILITIES' COMPANIES THAT HAVE LOW CARBON FLEETS WITH NATURAL GAS OR NUCLEAR POWER PLANTS, INCLUDING PG&E AND SO ON, ALSO FAVOR STRICT LIMITS ON GREENHOUSE GAS EMISSIONS. SO THE POLITICAL IMPLICATIONS: THERE WILL BE POLITICAL INFIGHTING IN THE STATES AND IN CONGRESS, AND WE'RE GOING TO SEE THAT GOING ON AND ON. SO THE U.S. SUPREME COURT HAS SAID THAT CO2 IS A POLLUTANT. AND AS ANOTHER ARTICLE I'VE BEEN READING POINTS OUT, IT'S ONE OF THE ONLY POLLUTANTS NOW IN THIS COUNTRY WHERE THE POLLUTERS DON'T HAVE TO PAY FOR THEIR POLLUTION. HOW MUCH TIME IN THIS TIME AT MIKE? [LB469]

SENATOR KRIST: THREE MINUTES. [LB469]

SENATOR HAAR: THREE MINUTES, OKAY. SO THE NEXT THING IN CONNECTION THEN, SINCE CO2 IS A POLLUTANT AND NEBRASKA IS GOING TO HAVE TO RESPOND TO IT, I WOULD LIKE TO TALK ABOUT THE UNL REPORT THAT WAS ISSUED LAST SEPTEMBER. AND RIGHT NOW I'M PASSING OUT A SHEET THAT TALKS ABOUT THE FINDINGS OF THAT UNL REPORT. THE FULL DOCUMENT IS ONLINE AND IT'S REFERENCED ON THIS ORANGE COPY. BUT I'M GOING TO GO OVER THESE KEY POINTS BECAUSE IT'S VERY IMPORTANT. IF YOU WANT A COPY OF THE WHOLE REPORT, I HAVE COPIES OF THAT REPORT AVAILABLE. HERE'S SOME OF THE KEY POINTS. SCIENTIFIC EVIDENCE CONFIRMS THAT HUMAN ACTIVITIES ARE THE PRIMARY CAUSE FOR THE WARMING THAT THE PLANET HAS EXPERIENCED, ESPECIALLY IN RECENT DECADES. NINETY-SEVEN PERCENT OF CLIMATE SCIENTISTS AGREE THAT HUMANS AND WHAT WE'VE BEEN DOING SINCE THE INDUSTRIAL REVOLUTION ARE THE MAIN CAUSE. ANY DEBATE RESTRICTED TO PRECISELY HOW THESE CHANGES WILL PLAY OUT AND WHAT ACTIONS ARE NEEDED TO ADAPT TO AND MITIGATE THESE CHANGES WILL GO ON FOR DECADES. THE MAGNITUDE AND RAPIDITY OF THE PROJECTED CHANGES IN CLIMATE ARE UNPRECEDENTED COMPARED TO NATURAL CLIMATE CHANGE AND VARIABILITY. NATURAL FORCINGS HAVE ALWAYS OCCURRED AND

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CONTINUE TODAY, HAVING PRODUCED CLIMATE CHANGE AND VARIABILITY THROUGHOUT THE EARTH'S HISTORY. ONLY RECENTLY HAVE ANTHROPOGENIC-- IN OTHER WORDS, HUMAN--FORCINGS BECOME LARGE ENOUGH TO SIGNIFICANTLY AFFECT THE CLIMATE CHANGE SYSTEM. [LB469]

SENATOR KRIST: ONE MINUTE. [LB469]

SENATOR HAAR: THANK YOU. MULTIPLE LINES OF OBSERVATIONAL EVIDENCE SHOW THE EARTH'S CLIMATE IS CHANGING ON GLOBAL, REGIONAL, AND LOCAL SCALES, AND IS WARMING OVERALL. TEMPERATURE CHANGE REPRESENTS ONLY ONE ASPECT OF THE CHANGING CLIMATE. CHANGES IN RAINFALL, INCREASED MELTING OF SNOW AND ICE, RISING SEA LEVELS, AND INCREASED OCEAN ACIDITY ARE A FEW OF THE OTHER KEY INDICATORS. SO IN MY NEXT TIME, I WOULD LIKE TO GO ON AND GO OVER THIS ORANGE SHEET THAT THE UNIVERSITY OF NEBRASKA...IT'S A SUMMARY OF THE UNIVERSITY'S STUDY ON ASSESSING AND UNDERSTANDING CLIMATE CHANGE. THANK YOU. [LB469]

SENATOR KRIST: THANK YOU, SENATOR HAAR. (VISITORS AND DOCTOR OF THE DAY INTRODUCED.) CONTINUING WITH THE DEBATE, THOSE STILL WISHING TO SPEAK: SENATOR CRAWFORD, SMITH, AND KEN HAAR. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB469]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF AM1499, AS WELL AS THE UNDERLYING BILL, LB469. I'M PLEASED AND PROUD THAT WE HAVE A BIPARTISAN EFFORT MOVING FORWARD TO MAKE SURE THAT WE ARE PROACTIVE IN OUR ENERGY POLICY IN THIS STATE. AS I MENTIONED DURING THE DEBATE ON...EXCUSE ME. AS WAS MENTIONED DURING THE DEBATE ON GENERAL FILE, THE CONTENTS OF THE ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED REGULATIONS UNDER SECTION 111(d) WILL NOT BE KNOWN UNTIL THE EPA RELEASES THE FINAL VERSION OF THE REGULATIONS SOMETIME LATER THIS YEAR. BASED OFF THE INITIAL VERSION OF THE REGULATIONS, HOWEVER, ONE POTENTIAL WAY FOR NEBRASKA TO MEET THESE REGULATIONS IN A COST-EFFECTIVE MATTER COULD BE THROUGH THE ADOPTION AND ENFORCEMENT OF A NEW BUILDING ENERGY CODE IN THE STATE. THIS IS PART OF THAT PLAN THAT THE STATE PUTS TOGETHER THAT SENATOR HAAR HAS JUST MENTIONED. THE URBAN AFFAIRS COMMITTEE WILL BE CONDUCTING AN INTERIM STUDY ON ENERGY CODES LATER THIS YEAR. AND THE POTENTIAL ROLE THAT UPDATING ENERGY CODES COULD PLAY IN COMPLYING WITH THE 111(d) REGULATIONS WILL BE AN ISSUE

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THAT WILL NO DOUBT BE EXAMINED IN DETAIL. WHILE THE POTENTIAL ROLE OF ENERGY CODES IN MEETING THE 111(d) REGULATIONS IS UNCLEAR AT THIS POINT, I AM HOPEFUL THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY WILL CONSIDER ENERGY CODES WHEN DRAFTING THE STATE'S PLAN TO MEET THE NEW REQUIREMENTS SHOULD IT BE AN AVAILABLE AVENUE TO DO SO IN A COST-EFFECTIVE MANNER. AND COUNSEL AND THE COMMITTEE OF URBAN AFFAIRS IS ANXIOUS TO WORK WITH THEM TO MAKE SURE WE DO THAT IN OUR STATE. THANK YOU, MR. PRESIDENT. [LB469]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. COLLEAGUES, PLEASE TAKE NOTE, LB67 HAS BEEN REMOVED FROM THE SCHEDULE FOR TODAY. SENATOR SMITH, YOU'RE RECOGNIZED. [LB469]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. IF YOU WERE LISTENING CLOSELY TO SENATOR KEN HAAR'S DISCUSSION OF HIS AMENDMENT AND SOME OF HIS BACKGROUND AND HOW IT RELATES TO MY LB469, YOU MAY BE A BIT CONFUSED. AND IT GIVES YOU PERHAPS A GLIMPSE INTO THE LAST FOUR YEARS ON THE NATURAL RESOURCES COMMITTEE WHERE SENATOR KEN HAAR AND I SAT ON THAT COMMITTEE AND WE HAD POLAR OPPOSITE OPINIONS ON MANY, MANY ENERGY-RELATED ISSUES. BUT SENATOR KEN HAAR HAS SPOKEN WITH ME ABOUT THIS AMENDMENT. WE DISCUSSED IT AT LENGTH. AND I HAVE NO PROBLEM AT ALL WITH THIS AMENDMENT. I DO NOT BELIEVE THAT IT DETRACTS FROM THE INTENTIONS OF LB469 WHICH IS REQUIRING THE STATE ENERGY OFFICE TO PERFORM AN ASSESSMENT OF THE STATE PLAN DEVELOPED TO REGULATE CARBON DIOXIDE EMISSIONS. AND ALSO, IF YOU RECALL, LB469 WAS AMENDED TO CREATE A STATE ENERGY PLAN. AGAIN, I DO NOT BELIEVE SENATOR KEN HAAR'S AMENDMENT DETRACTS FROM THE INTENTIONS OF THE UNDERLYING BILL AND I WILL SUPPORT HIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB469]

SENATOR KRIST: THANK YOU, SENATOR SMITH. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB469]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, AGAIN, I WANT TO MAKE IT REALLY CLEAR, I'M NOT FILIBUSTERING. I SUPPORT THIS BILL. BUT AS A FORMER TEACHER, I FEEL IT'S IMPORTANT TO GIVE SOME CONTEXT. I WANT YOU TO GO BACK TO THE PINK COPY AGAIN--PINK, ORANGE, WHATEVER IT IS--PAST AND PROJECTED CHANGES IN NEBRASKA'S CLIMATE. AS WE SAID EARLIER, THE SUPREME COURT HAS SAID THAT CO2 IS A POLLUTANT, AND SO THE EPA

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HAS COME FORWARD WITH THE REQUIREMENT THAT EVERY STATE COME UP WITH A CLEAN ENERGY POWER PLANT PROPOSAL. BUT IF YOU LOOK AT THE PROJECTED CHANGES IN NEBRASKA'S CLIMATE, THE OVERALL CLIMATE HAS WARMED 1 DEGREE SINCE 1895. PROJECTED TEMPERATURE CHANGES FOR NEBRASKA RANGE FROM AN INCREASE OF 4 TO 5 DEGREES FAHRENHEIT, LOW EMISSIONS SCENARIO, TO 8 TO 9 DEGREES, HIGH EMISSION SCENARIO, BY THE END OF THE TWENTY-FIRST CENTURY. I WON'T BE HERE BUT MY GRANDCHILDREN WILL BE. AND THE LARGEST UNCERTAINTY AMONG CLIMATE SCIENTISTS IS, ARE WE GOING TO DO ANYTHING ABOUT IT? OBVIOUSLY, WE'RE GOING TO HAVE TO ADAPT. HERE IN NEBRASKA, BEING AN AGRICULTURAL STATE, WE'RE GOING TO HAVE TO ADAPT TO THE CHANGING CLIMATE. AS ONE IMAGINES, IF THE WORST SCENARIO, 8 TO 9 DEGREES FAHRENHEIT BY THE END OF THE CENTURY, HOW WOULD YOU RAISE CATTLE IN THAT ENVIRONMENT, FOR EXAMPLE? SO I HOPE YOU'LL LOOK OVER THIS. AGAIN, I HAVE COPIES OF THE FULL REPORT IF YOU'D LIKE A COPY. AND ONE OF THE BIG THINGS THAT HAS COME UP A NUMBER OF TIMES WHEN WE'VE HAD A HEARING ON RELATED BILLS IS THAT THE SNOWPACK IN THE ROCKIES IS PROJECTED TO DECREASE. AND COULD I HAVE A GAVEL, PLEASE? THANK YOU. THE SNOWPACK IN THE ROCKIES IS PROJECTED TO DECREASE, AND GUESS WHERE WE GET OUR SNOW...OUR SURFACE WATER, IS FROM MELTING SNOW WATER. SO THE CLIMATE IS CHANGING AND THE EPA IS REQUIRING NEBRASKA TO DO A PLAN TO DEAL WITH THAT. NOW ANY PLAN LIKE THIS REQUIRES SIGNIFICANT CHANGES. AND AGAIN, I'M NOT GOING TO TALK TOO LONG ON THIS BUT I'D LIKE TO BRING THIS UP BECAUSE I'VE BEEN LOOKING BACK AT HISTORY AT SOME OF THE SIGNIFICANT CHANGES, THE TRANSITIONS WE'VE HAD, IN ENERGY, FOR EXAMPLE, FROM WOOD TO COAL AND OIL AND NOW EVENTUALLY TO RENEWABLES. AND IN THAT PROCESS, THERE ARE ALWAYS WINNERS AND LOSERS. AS SOMEONE HAS SAID, ENERGY TRANSITIONS ARE POTENTIAL, DIFFICULT, AND UNPREDICTABLE. AND I WANT TO TALK JUST BRIEFLY ABOUT AN ARTICLE I FOUND. IT'S CALLED "THE BIG SHIFT LAST TIME: FROM HORSE DUNG TO CAR SMOG." AND I'LL START WITH THE WILL ROGERS QUOTE. HE SAID, "YOU KNOW HORSES ARE SMARTER THAN PEOPLE. YOU NEVER HEARD OF A HORSE GOING BROKE BETTING ON PEOPLE." WELL, HORSES WERE THE MAIN METHOD OF TRANSPORTATION IN THE GREAT CITIES IN THE 1800s. AND THE PROBLEM, OF COURSE, WAS THAT THEY PRODUCED A GREAT DEAL OF DUNG. AND THERE WERE PROJECTIONS IN THE LATE PART OF THE 1800s THAT, UNLESS SOMETHING WAS DONE, NEW YORK STREETS WOULD BE NINE-FEET DEEP IN HORSE MANURE. SO WHEN THE CAR CAME ALONG, THE TRANSITION HAPPENED. ONE OF THE REASONS IT HAPPENED RATHER QUICKLY, ALTHOUGH WITHOUT A LOT OF WINNERS AND LOSERS, WAS THE FACT THAT, UNLIKE OIL AND

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ELECTRICITY, HORSEPOWER GAVE CITIZENS A FAIR SENSE OF THE DIRECT COSTS OF ENERGY CONSUMPTION. AND SO AS WE GO INTO THE FUTURE AND AS WE LOOK AT AN ENERGY PLAN, WE'RE GOING TO BE LOOKING AT THE REAL COST OF ENERGY CONSUMPTION IN OUR CURRENT SOCIETY. NOW I WOULDN'T WANT TO LIVE IN A SOCIETY WHERE THERE WAS NO COAL HAVING BEEN BURNED, NO OIL BEING BURNED. OUR CIVILIZATION WOULD NOT HAVE MOVED VERY FAR, I BELIEVE. BUT NOW WE SEE THAT WE'RE ACTUALLY CHANGING OUR EARTH WITH THAT CHOICE, AND WE'RE GOING TO HAVE TO MAKE SOME CHOICES INSTEAD OF...IN TERMS OF MITIGATING OUR CO2 PRODUCTION, AND THAT'S WHAT THE EPA RULE IS ABOUT; AND ALSO ADAPTING, AND THAT'S WHAT THE ENERGY PLAN IS ABOUT. [LB469]

SENATOR KRIST: TIME, SENATOR. [LB469]

SENATOR HAAR: THANK YOU. [LB469]

SENATOR KRIST: YOU'RE NEXT IN THE QUEUE. WOULD YOU LIKE TO MAKE THIS YOUR CLOSING? THERE'S NO ONE AFTER YOU OR... [LB469]

SENATOR HAAR: YES. [LB469]

SENATOR KRIST: OKAY. [LB469]

SENATOR HAAR: I'LL MAKE IT MY CLOSING AS WELL. [LB469]

SENATOR KRIST: OKAY. THANK YOU. [LB469]

SENATOR HAAR: OKAY. ONCE AGAIN, I RISE IN SUPPORT OF LB469. AND I WANT TO GO BACK TO MY HORSE STORY. ACTUALLY, IT TOOK ABOUT 50 YEARS TO TRANSITION FROM HORSES TO AUTOMOBILES AND TRACTORS. AND THERE WERE WINNERS AND LOSERS. IT WAS NOT DIFFICULT, IT WAS NOT PREDICTABLE. SO AS WE'RE GOING TO SEE WHATEVER PLAN WE COME UP WITH, WHATEVER PLAN THE STATE COMES UP WITH TO COMPLY WITH THE EPA REGULATIONS, THERE WILL BE WINNERS AND LOSERS. IT'S NOT GOING TO HAPPEN OVERNIGHT, BUT IT'S SOMETHING WE MUST DO. AND SO MY AMENDMENT JUST RECOGNIZES THAT IN A WAY BY SAYING...BY TAKING OUT THE WORDS "JOBS LOST" BECAUSE THERE WILL BE JOBS GAINED IN THIS TRANSMISSION. AS WE GO TO RENEWABLE ENERGIES--WIND, SOLAR, AND OTHER THINGS THAT WE PROBABLY AREN'T EVEN

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AWARE OF AT THIS POINT--THERE WILL BE NEW TECHNOLOGIES, THERE WILL BE NEW JOBS. AND SO, AGAIN, I STAND IN SUPPORT OF LB469. I WOULD HOPE THAT IN THE SECOND PART WITH THE ENERGY PLAN, THERE WILL BE A LOT OF PUBLIC INPUT, BECAUSE THE PUBLIC IS GOING TO HAVE TO BE AWARE OF WHAT'S GOING ON, BECAUSE, AGAIN, THERE WILL BE WINNERS AND LOSERS. THANK YOU VERY MUCH. [LB469]

SENATOR KRIST: THANK YOU, SENATOR HAAR. YOU'VE HEARD THE CLOSING ON AM1499. THE QUESTION IS THE ADOPTION OF AM1499 TO LB469. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB469]

CLERK: 32 AYES, 0 NAYS ON ADOPTION OF SENATOR HAAR'S AMENDMENT. [LB469]

SENATOR KRIST: AM1499 IS ADOPTED. [LB469]

CLERK: SENATOR SCHILZ WOULD MOVE TO AMEND, AM1491. (LEGISLATIVE JOURNAL PAGES 1362-1364.) [LB469]

SENATOR KRIST: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB469]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. AND FIRST, I WANT TO APOLOGIZE FOR THE SHORT NOTICE ON THIS AMENDMENT, BUT IT IS AN IMPORTANT AMENDMENT, ALBEIT NOT TOO COMPLICATED. SO AM1491 WOULD GO TO PUT INTO STATUTE MARKINGS FOR METEOROLOGICAL EVALUATION TOWERS, OR MET TOWERS, THAT THEY USE FOR MEASURING WIND AND CAPACITIES AND THINGS LIKE THAT. A LOT OF THE PILOTS AND STUFF HAVE TROUBLE SEEING THEM. THEY GO UP REALLY FAST AND THEY COULD BE A REAL ISSUE. SO AM1491 DEFINES METEOROLOGICAL EVALUATION TOWER, AND REQUIRES SUCH TOWERS AT A HEIGHT OF AT LEAST 50 FEET BUT NO MORE THAN 200 FEET TO BE MARKED AS PROVIDED IN THE BILL...OR IN THE AMENDMENT. THE AMENDMENT HAS A TIME PROVISION FOR OWNERS OF MET TOWERS TO COMPLY WITH THE MARKING AND REGISTRATION REQUIREMENTS FOR TOWERS THAT ARE CURRENTLY ERECTED AND FOR TOWERS THAT ARE YET TO BE ERECTED. AM1491 ALSO ALLOWS THE DEPARTMENT OF AERONAUTICS TO ADOPT AND PROMULGATE RULES AND REGS FOR CARRYING OUT THE PURPOSES OF THE BILL. THE PURPOSE OF THIS AMENDMENT IS TO ENSURE AERONAUTIC SAFETY. MET TOWERS ARE OFTEN

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ERECTED VERY QUICKLY AND OFTEN TEMPORARILY TO TEST THE FEASIBILITY OF WIND TOWERS OR OTHER METEOROLOGICAL FACTORS. BECAUSE THESE TOWERS GO UP WITH LITTLE OR NO NOTICE, IT CREATES A HAZARD FOR LOW-FLYING PLANES, MOST NOTICEABLY CROP DUSTERS. BY REQUIRING THESE TOWERS TO BE BRIGHTLY PAINTED, IT CAN GO A LONG WAY TO PREVENTING FATAL CRASHES BETWEEN LOW-FLYING CRAFT AND MET TOWERS. THIS AMENDMENT IS A REDUX OF LB205 THAT PASSED FROM THE NATURAL RESOURCES...ACTUALLY, PASSED FROM THE GOVERNMENT COMMITTEE ON A 7-0 VOTE WITH 1 MEMBER ABSENT. AND I WOULD PLEASE ENCOURAGE YOU TO VOTE TO ATTACH THIS IMPORTANT SAFETY PROVISION TO LB469. THANK YOU VERY MUCH, MR. PRESIDENT. [LB469 LB205]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. YOU'VE HEARD THE OPENING ON AM1491. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB469]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SCHILZ WOULD YIELD TO A QUESTION OR TWO. [LB469]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD? [LB469]

SENATOR SCHILZ: YES. [LB469]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. WHEN WE WERE DEBATING LB205, THERE WERE A LOT OF QUESTIONS ABOUT TOWERS THAT HAD ALREADY BEEN BUILT. AND I HAVEN'T GOT TO LOOK AT THE AMENDMENT TO SEE IF YOU INCLUDED TOWERS THAT ARE ALREADY THERE OR... [LB469 LB205]

SENATOR SCHILZ: YEAH. [LB469]

SENATOR BLOOMFIELD: ...EVERYTHING ELSE THAT... [LB469]

SENATOR SCHILZ: YES, WE HAVE. AND IN THE AMENDMENT, WHAT IT WOULD SAY IS ANY TOWER THAT IS UP ALREADY, THOSE FOLKS WOULD HAVE A YEAR TO BE ABLE TO GET THOSE PAINTED AND MARKED. [LB469]

SENATOR BLOOMFIELD: OKAY. WE HAD LOOKED AT SEVERAL AMENDMENTS. AND I'M THE ONE THAT WAS ABSENT THE DAY THE VOTE WAS TAKEN AND I...I GUESS I NEVER LOOKED AT IT AGAIN. BUT HOW MANY OF THE AMENDMENTS

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THAT WE HAD TALKED ABOUT HAVE BEEN ADDED TO THE AMENDMENT NOW OR IS THIS THE ORIGINAL BILL? [LB469]

SENATOR SCHILZ: THIS WOULD BE A MUCH PARED DOWN VERSION OF THE ORIGINAL BILL. WE TOOK ALL THE OTHER TOWERS OUT. YOU'RE RIGHT, IT'S BASICALLY THE ORIGINAL BILL THAT JUST TALKED ABOUT MET TOWERS. [LB469]

SENATOR BLOOMFIELD: OKAY, THANK YOU. [LB469]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR SCHILZ. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM1491 TO LB469. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB469]

CLERK: 28 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB469]

SENATOR KRIST: THE AMENDMENT IS ADOPTED. [LB469]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB469]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB469]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB469 TO E&R FOR ENGROSSING. [LB469]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR VOTE AYE. OPPOSED, NAY. IT ADVANCES. [LB469]

CLERK: LB469A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB469A]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB469A]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB469A TO E&R FOR ENGROSSING. [LB469A]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. IT ADVANCES. (VISITORS INTRODUCED.) MR. CLERK. [LB469A]

CLERK: MR. PRESIDENT, LB85, I HAVE E&R AMENDMENTS, SENATOR. (ER87, LEGISLATIVE JOURNAL PAGE 1229.) [LB85]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB85]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB85. [LB85]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB85]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB85]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB85]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB85 TO E&R FOR ENGROSSING. [LB85]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB85 ADVANCES. NEXT ITEM. [LB85]

CLERK: MR. PRESIDENT, LB253. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB253]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB253]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB253 TO E&R FOR ENGROSSING. [LB253]

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SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB253 ADVANCES. [LB253]

CLERK: MR. PRESIDENT, LB423. I HAVE E&R AMENDMENTS FIRST OF ALL, SENATOR. (ER93, LEGISLATIVE JOURNAL PAGE 1271.) [LB423]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB423]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB423. [LB423]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THEY'RE ADOPTED. [LB423]

CLERK: SENATOR NORDQUIST WOULD MOVE TO AMEND WITH AM1498. (LEGISLATIVE JOURNAL PAGES 1364-1368.) [LB423]

SENATOR KRIST: SENATOR NORDQUIST, YOU ARE RECOGNIZED TO OPEN. [LB423]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AM1498 DOES A FEW THINGS. FIRST OF ALL, ON GENERAL FILE WE ADOPTED SENATOR McCOLLISTER'S AMENDMENT WHICH PUT A SUNSET ON THE BILL. ON PAGE 6, LINES 28 THROUGH 31, WE CLARIFY THAT "NO RENEWABLE ELECTRIC GENERATION FACILITY FOR WHICH AN APPLICATION FOR SALES TAX EXEMPTION UNDER SECTION 77-2704.57 IS FILED AFTER DECEMBER 31, 2021, SHALL BE ELIGIBLE FOR THE TAX CREDITS AUTHORIZED UNDER THIS SECTION." SO WE HAVE A FIVE-YEAR APPLICATION WINDOW FOR THE CREDITS. WE ALSO, WORKING WITH SENATOR WATERMEIER, TRYING TO ALIGN THIS BILL WITH THE PERFORMANCE AUDIT CREDIT...TAX CREDIT ANALYSIS THAT'S GOING ON, HAVE INCLUDED PURPOSE AND GOALS AS WELL AS REPORTING REQUIREMENTS. AND YOU'LL FIND THAT ON PAGE 1 AND 2 LARGELY OF THE AMENDMENT. WE ASK THAT INFORMATION BE PROVIDED TO THE DEPARTMENT OF REVENUE. WE LAY OUT THE GOALS OF THE PRODUCTION TAX CREDIT TO CONTRIBUTE TO A DIVERSE STATE ECONOMY, INCREASE STATE AND COUNTY REVENUES THROUGH TAXES PAID BY THE PRODUCER OF ELECTRICITY, INCREASE INVESTMENT IN THE STATE THROUGH DESIGNATION OF RENEWABLE ELECTRIC GENERATING FACILITIES AS C-BED DEVELOPMENT PROJECTS, AND THEN TO CREATE JOBS IN THE STATE OF NEBRASKA. THOSE ARE THE GOALS OF LB423. AND THAT

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NUMBER...A NUMBER OF THOSE METRICS WILL BE REPORTED TO THE DEPARTMENT OF REVENUE. AND THAT IS ON PAGE 6, LINES 16-27. I'D APPRECIATE YOUR SUPPORT OF THIS AMENDMENT. THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. MR. CLERK FOR AN AMENDMENT. [LB423]

CLERK: MR. PRESIDENT, SENATOR NORDQUIST WOULD MOVE TO AMEND HIS AMENDMENT WITH AM1507. (LEGISLATIVE JOURNAL PAGE 1368.) [LB423]

SENATOR KRIST: SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB423]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AM1507 IS AN ATTEMPT TO REDUCE THE FISCAL IMPACT OF THE BILL. RIGHT NOW, THE PRODUCTION TAX CREDIT STARTS AT 1 CENT. THIS WOULD REDUCE IT TO .75 CENTS FOR EACH KILOWATT-HOUR. WE HAVE SOME NEW REVENUE ESTIMATES ON THAT. AND THEN ALSO THE INVESTMENT TAX CREDIT, WHICH IS GOOD FOR 30 PERCENT OF THE INVESTMENT MADE, YOU GET TO CHOOSE EITHER THE PRODUCTION CREDIT OR THE INVESTMENT CREDIT IN THE GENERAL FILE AMENDMENT. WE LIMITED THE INVESTMENT CREDIT TO \$2 MILLION. WE BRING THAT DOWN TO \$1 MILLION. THAT COMPONENT OF THE BILL IS VERY IMPORTANT FOR SMALLER, COMMUNITY-BASED PRODUCTION PROJECTS. SO WITH THESE AMENDMENTS, WE WERE ATTEMPTING TO AGAIN, BRING DOWN THE LONG-TERM FISCAL IMPACT OF LB423. THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. YOU'VE HEARD THE OPENING TO AM1507 TO AM1498. THOSE WISHING TO SPEAK: SENATOR McCOLLISTER AND SENATOR GROENE. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB423]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WANT TO THANK SENATOR NORDQUIST FOR REDUCING THE FISCAL IMPACT, INCORPORATING THE FIVE-YEAR SUNSET CLAUSE, AND ALSO SHIFTING THE REPORTING OF THIS BILL TO ANOTHER MECHANISM OVER THE REVENUE DEPARTMENT. SO THOSE ARE ALL GOOD CHANGES. BUT THE ORIGINAL FISCAL IMPACT OF THIS BILL COULD HAVE BEEN \$100 MILLION, \$100 MILLION. AND SO BY REDUCING THAT FISCAL IMPACT WITH THIS OTHER AMENDMENT, REDUCED IT BY APPROXIMATELY HALF. SO THAT'S A VERY GOOD THING. THE THING THAT WE'RE STILL A BIT CONCERNED ABOUT IS THE NEED

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PERHAPS TO ESTABLISH SOME YEARLY CAPS OR A CAP FOR THE ENTIRE PROJECT. AND WE WILL PERHAPS TRY TO CATCH THAT IF NEED BE BEFORE IT HITS FINAL READING. BUT I'M GRATEFUL FOR SENATOR NORDQUIST FOR THE CHANGES THAT HE MADE, AND THAT IMPROVES THE BILL IMMEASURABLY. [LB423]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STAND IN OPPOSITION TO LB423. THE AMENDMENTS, I'LL VOTE NO ON THOSE ALSO BECAUSE I'M CONFUSED HOW THIS CHANGES THE FISCAL IMPACT...VERY LITTLE. I PASSED OUT SOME HANDOUTS TO YOU ABOUT THE COST OF...THAT COULD OCCUR ON THIS PROJECT. IF YOU'LL SEE, I GAVE YOU TWO SCENARIOS ON A 400 MEGAWATT VERSUS AN 80 MEGAWATT OPERATION. THE 400 MEGAWATT ONE I DID BECAUSE WE'VE ALL SEEN THE ARTICLE IN THE WORLD-HERALD AND KNOW ABOUT THE PROJECT AT O'NEILL THAT'S BEING DONE BY BERKSHIRE HATHAWAY. THAT PROJECT UP THERE, IT'S GOING TO BE 235 WINDMILLS AROUND THERE. IT'S 1.7 KILOWATT PER WINDMILL, MAX. SO YOU'RE FIGURING ABOUT 235 WINDMILLS. I GOT THESE NUMBERS. I ASKED THE ASSISTANCE OF THE PUBLIC POWER, NEBRASKA PUBLIC POWER. THEY ARE NEUTRAL ON THIS BILL. I ASKED THEM THEIR ANALYSIS TO HELP ME RUN THE NUMBERS. SO THESE AREN'T RUN ON MY CALCULATOR. THEY ARE THE FISCAL ANALYSIS FROM NEBRASKA PUBLIC POWER. AND THEY'RE NEUTRAL. THE FEDERAL PAYMENT IS GOING TO BE \$40,296,000 A YEAR ON THAT PROJECT AT O'NEILL TIMES TEN YEARS. I AM NOT SURE, WHICH I'M GOING TO DROP AN AMENDMENT, IF THAT PROJECT IF IT WASN'T PIECEMEAELED TO SMALLER PROJECTS, THAT IT COULDN'T BE...END UP GETTING THE STATE TAX CREDIT ALSO. AT 50 PERCENT CAPACITY, WHICH THE FIGURES WERE FIGURED AT 50 PERCENT CAPACITY, WHICH IS TOPS WHAT A WINDMILL FARM IN NEBRASKA CAN PRODUCE KILOWATTS, THAT WOULD ADD ANOTHER \$17,520,000 FOR THE WHOLE PROJECT WOULD GENERATE FROM OUR STATE PRODUCTION TAX CREDITS. NOW I UNDERSTAND 400 MEGAWATT FARM IS PROBABLY OUTSIDE OF THE PARAMETERS OF A C-BED. BUT IT COULD BE PIECEMEAELED. IN THE ORIGINAL BILL, IT STATES: "ANY PRODUCER OF ELECTRICITY GENERATED BY A NEW RENEWABLE ELECTRIC GENERATION FACILITY PLACED INTO COMMERCIAL OPERATION ON OR AFTER THE EFFECTIVE DATE OF THIS ACT." THAT PROJECT, I'M NOT CLEAR AT O'NEILL IF THEY TAKE A SPADE TO IT, IF THEY AREN'T HALFWAY BUILT AND THEY HAVEN'T PRODUCED ANY COMMERCIAL OUTPUT YET. AT TWO YEARS DOWN THE ROAD, THEY COULDN'T APPLY. AND IF YOU'RE RICH ENOUGH AND YOU'VE GOT THE RIGHT

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AMOUNT OF LAWYERS, YOU CAN MAKE IT LOOK LIKE IT'S LOCALLY OWNED. NOW THIS THING COULD GET OUT OF CONTROL. I GAVE YOU ANOTHER...I'LL KEEP GOING BACK TO THIS AS MY FIVE MINUTES RUN OUT. BUT ON AN 80 MEGAWATT FACILITY AT 50 PERCENT CAPACITY--THAT'S MORE TO THE C-BED SIDE--IF THE FEDERAL COMES BACK IN, THEY'RE GOING GET \$8 MILLION A YEAR ON 47 WINDMILLS FOR TEN YEARS. AND YOU THROW IN \$3,504,000 IF YOU TAKE THE PRODUCTION TAX CREDIT A YEAR. AND THAT'S THE OLD NUMBERS BEFORE WE AVERAGED AT .75. IF YOU LOOK ON THE SECOND PAGE, I HEARD SENATOR McCOLLISTER SAY THAT THE FISCAL IMPACT WOULD BE LOWERED. I HAVE A TOTAL OVER THE TEN YEARS OF \$595,000 WITH THE OLD LANGUAGE. MY ASSISTANTS REFIGURED IT AT .75. IT DROPS IT FROM \$595,000 PER WINDMILL TO \$558,000. I DON'T CALL THAT AN ADJUSTMENT OF MUCH OF THE TAX CREDIT. [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

SENATOR GROENE: I WILL CONTINUE TO GO BACK TO THIS INFORMATION. WE CAN'T BE GIVING TAX CREDITS AWAY. ANOTHER HANDOUT I GAVE YOU IS THAT IN THE SOUTHWEST PUBLIC POWER COOPERATIVE, WE HAVE CAPACITY RIGHT NOW 63,604 MEGAWATTS. THE MAX WE'VE EVER USED ON PEAK LOAD HAS BEEN 45,301. FREE MARKETS PLAYS INTO THIS AT ALL, THIS IS PIE IN THE SKY. IF YOU WANT TO BE SO-CALLED PROGRESSIVE AND YOU'RE WORRIED ABOUT THE SMALL MAN, THESE PROJECTS DRIVE UP THE COST OF UTILITIES TO THE AVERAGE HOMEOWNER. THIS IS ABOUT GREEN. THIS IS ABOUT...CALL IT A SECULAR HUMANISM RELIGION WHO BELIEVES THAT WE'VE GOT TO SAVE THE PLANET. THIS HAS NOTHING TO DO WITH PRACTICAL FREE-MARKET PRINCIPLES ON THE COST OF ELECTRICITY. THIS HAS NOTHING DO WITH IT. [LB423]

SENATOR KRIST: TIME, SENATOR. [LB423]

SENATOR GROENE: THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR GROENE. THOSE STILL WISHING TO SPEAK: SENATOR STINNER, FRIESEN, AND NORDQUIST. SENATOR STINNER, YOU'RE RECOGNIZED. [LB423]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, SENATOR McCOLLISTER, MYSELF, AND SENATOR NORDQUIST HAVE BEEN VISITING. AND AS A MEMBER OF THE APPROPRIATIONS COMMITTEE, I KNOW

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THAT WE'VE PASSED INCENTIVE PROGRAMS WITHOUT HAVING THE CURTAILMENTS, WITHOUT KNOWING WHAT WE'RE DOING. AND IN LOOKING AT THE PROJECT, I AGREE WITH SENATOR NORDQUIST THAT VERY FEW PEOPLE ARE GOING TO TAKE THE \$2 MILLION LIMITATION OR THE 30 PERCENT. SO THAT COULD GO OFF OF THE BOARD. MOST EVERYBODY IS GOING TO BE INTERESTED IN THE PRODUCTION CREDIT. NOW IN ORDER TO UNDERSTAND THE PRODUCTION CREDIT, I THINK THE PROPOSAL RIGHT NOW IS I WANT TO HAVE A NUMBER. AND THAT NUMBER THAT'S BEEN THROWN OUT RIGHT NOW OVER A FIVE-YEAR APPLICATION PERIOD OF TIME, \$75 MILLION, WHICH IS ABOUT \$15 MILLION A YEAR, WOULD BE A NUMBER THAT WOULD BE ACCEPTABLE TO ME. I DO SUPPORT THE C-BED IDEA AND PROJECTS. BUT I DON'T WANT IT...HAVE IT TO BE AN UNLIMITED FISCAL BUSTER WHERE, YOU KNOW, ONE YEAR WE HAVE \$20 MILLION IN TAX CREDITS COMING UP, ANOTHER YEAR WE HAD \$30 MILLION, \$40 MILLION. WE WANT TO HAVE SOME SORT OF PREDICTABLE FLOW. WE WANT TO LIMIT IT. AND WITH A SUNSET OF FIVE YEARS, WE COULD PUT TOGETHER \$75 MILLION. IT'S GONE. NOW HERE'S HOW THE TAX CREDITS WORK. IT'S ACTUALLY A 15-YEAR PROJECT. SO YOUR APPLICATION IS FIVE YEARS. YOU'VE GOT 15 YEARS OF TAX CREDITS THAT ARE SITTING OUT THERE. YOU AS AN INDIVIDUAL MIGHT AT THE END OF 15 YEARS PICK UP A TAX CREDIT. YOU'D HAVE FIVE MORE YEARS OF CARRYFORWARD TO USE THAT TAX CREDIT. SO IT'S REALLY A 20-YEAR PROJECT. SO WHEN YOU LOOK AT \$75 MILLION NOW OVER A 20-YEAR PERIOD OF TIME, WITH THE PERFORMANCE AUDIT COMMITTEE TAKING A LOOK AT HOW EFFECTIVE THIS PROJECT IS AND IF IT'S REALLY EFFECTIVE, MAYBE WE EXPAND IT AT SOME POINT IN TIME. BUT AT LEAST WE'VE CURTAILED IT INSIDE OF \$75 MILLION, WHICH I THINK IS PALATABLE AS YOU LOOK AT A 20-YEAR TIME PARAMETER TO USE IT. SO THAT'S I THINK WHAT WE'RE GOING TO TRY TO AMEND IT TO SO THAT YOU AS SENATORS CAN SAY WE'VE DEVOTED \$75 MILLION TO WIND ENERGY, WIND GENERATION, SMALL PROJECTS, WITHIN COMMUNITY-BASED PROJECTS. AND WE'VE LIMITED THE SCOPE OF IT. WE'VE LIMITED THE TOTAL DOLLARS. SO THAT I THINK WILL COME OUT IN AN AMENDMENT. I DON'T KNOW WHERE WE'RE AT WITH THAT AMENDMENT. BUT IT DEFINITELY IS ACCEPTABLE TO ME IN THAT FORMAT. THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR STINNER. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB423]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AGAIN, I'LL REFER BACK TO THE BRATTLE GROUP STUDY THAT WAS DONE IN NEBRASKA. AND WHAT THAT STUDY SHOWED WAS THAT WE ARE A POWER SURPLUS STATE. AND EVEN THOUGH WE ARE AN EXCELLENT STATE TO DEVELOP WIND ENERGY INTO--IT'S

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BECAUSE OF OUR WIND CAPACITY HERE--WE ARE A POWER SURPLUS. AND THE DIFFICULTY RIGHT NOW IS WHERE DO YOU SEND THAT POWER? HOW DO YOU TRANSFER IT OUT OF STATE TO THE CUSTOMERS THAT NEED IT, AND WHAT DO YOU DO WITH IT? IF YOU DUMP IT IN ON OUR GRID WHICH IS WHAT SOME WOULD LIKE TO DO, YOU CAN JUST ADD WIND FARMS AND FORCE THE PUBLIC POWER INDUSTRY TO DISTRIBUTE THAT AND WITH NO COST RESPONSIBILITY TO THE WIND GENERATION PEOPLE. AND SO IN THE END, WHAT IT DOES IS ALLOWS A COAL-FIRED POWER PLANT...FOR INSTANCE, WHEN THE WIND IS BLOWING ON A GOOD DAY, IF WE OVERDEVELOP OUR WIND ENERGY, YOU'LL HAVE A COAL-FIRED POWER PLANT IDLING ALONG AT 40 PERCENT OF CAPACITY. AND WHEN THE WIND DIES DOWN, THEY NEED LIKE A 24-HOUR NOTICE IN ORDER TO RAMP UP PRODUCTION. AND SO WHAT NEEDS TO BE DONE WHEN ALL OF THIS WIND GOES OFF LINE BECAUSE THE WIND QUITS IS WE NEED TO BUILD NATURAL GAS PEAKING SYSTEMS. AND WHO'S RESPONSIBLE FOR THAT COST? THE CUSTOMERS OF PUBLIC POWER. SO IN THE END, WE WILL HAVE TWO DIFFERENT POWER SOURCES WE'RE PAYING FOR. I DON'T MIND WIND BEING PART OF OUR PORTFOLIO. I THINK WITH WARREN BUFFETT'S ADDITION OF THESE 400 MEGAWATTS, WE WERE ALREADY A SURPLUS POWER STATE. WE DON'T NEED ANY MORE WIND DEVELOPMENT. I CAN SUPPORT THE SOLAR SIDE OF IT BECAUSE THAT POWER GENERATION COMES IN WHEN OUR PEAK LOAD IS NEEDED THE MOST. IT'S IN SUMMER WHEN IT'S THE HOTTEST AND THE WIND ISN'T BLOWING; THAT'S WHEN THE SOLAR POWER WOULD KICK IN. THAT I COULD SUPPORT. BUT THIS BILL WILL BE USED MORE BY THE POWER INDUSTRY. WE CURRENTLY HAVE THREE PROJECTS I THINK THAT ARE COMING ON-LINE OR WILL COME ON-LINE WITH SOLAR ENERGY. AND I THINK THAT WOULD BE A GOOD EXPERIMENT TO SEE ONCE HOW SOLAR ENERGY WORKS WITH OUR SYSTEM. I THINK IT WOULD WORK WELL. THE WIND GENERATION PORTION OF IT THOUGH I JUST CANNOT SUPPORT THAT BECAUSE I THINK THAT WE'VE ALREADY OVERDEVELOPED THE WIND GENERATION FACILITIES IN THIS STATE CURRENTLY. NOW IF WE CAN FIND A PLACE TO MARKET THAT POWER AND SEND IT OUT OF THE STATE AND EXPORT IT WITHOUT ADDITIONAL COSTS TO US, THE CONSUMER, I WOULD BE IN FAVOR OF THAT ALSO. I QUESTION MANY TIMES HOW MUCH TAX CREDITS THAT THESE WIND FARMS ARE CAPABLE OF EARNING. IF THEY'RE SUBJECT TO THE NEBRASKA ADVANTAGE ACT FOR JOB CREATION AND INVESTMENT AND ON TOP OF THAT THEY GET THE PRODUCTION TAX CREDIT...I KNOW THERE WERE UNDER THE FEDERAL PRODUCTION TAX CREDITS WHICH EXPIRED AT THE END OF LAST YEAR, THERE WERE WIND FARMS THAT COULD ACTUALLY BASICALLY JUST BE PUT UP AND DID NOT HAVE TO EVEN PRODUCE ANY ELECTRICITY FOR THEM TO MAKE MONEY. ANY ELECTRICITY THEY GENERATED AT WHATEVER COST THAT WAS, THAT WAS GRAVY ON TOP,

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THAT WAS OF BENEFIT TO THEM IF THEY PRODUCED IT. OTHERWISE, IT WAS REALLY NOT NEEDED AS FAR AS MAKING IT A VIABLE PROJECT. THEY QUALIFIED FOR TOO MANY DIFFERENT TAX INCENTIVES. AND I THINK WE NEED TO DO A LONGER TERM SUMMARY IN DETERMINING WHAT OUR BASE LOAD IS GOING TO BE. IF WE'RE GOING MOVE AWAY FROM COAL-FIRED POWER PLANTS AND IF THAT'S OUR CONCERN IS GLOBAL WARMING, NATURAL GAS PEAKING STATIONS DON'T CHANGE ANYTHING REALLY. THEY'LL BE A LITTLE CLEANER BURNING. THEY STILL EMIT CO2. AND NATURAL GAS SUPPLIES DOWN IN THE FUTURE WILL BE LIMITED. WE'RE NOT GOING HAVE AN UNLIMITED SOURCE OF NATURAL GAS. SO SOMEHOW WE NEED TO DO MORE OF A COMPREHENSIVE ENERGY STUDY IN NEBRASKA THAT DETERMINES WHAT IN THE FUTURE OUR BASE LOAD WILL BE. [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

SENATOR FRIESEN: IF IT'S NOT GOING BE COAL--THANK YOU, MR. PRESIDENT--IF IT'S NOT GOING TO BE COAL THEN WHAT SHOULD IT BE? WE CANNOT BASE OUR BASE LOAD ON WIND ENERGY OR SOLAR. IT HAS TO BE BASED ON A STABLE FUEL SUPPLY. AND IF WE LEAVE THE COAL-FIRED POWER PLANTS IDLING AT 50 PERCENT OF CAPACITY, THAT ADDS MORE POLLUTION THAN IF THEY WERE JUST RUNNING AT 90 PERCENT OF CAPACITY LIKE THEY CURRENTLY SHOULD BE. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB423]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. YOU KNOW, IT'S STILL IMPORTANT THAT WE MOVE FORWARD WITH THE AMENDMENTS THAT ARE PENDING. WE DO HAVE AN AMENDMENT UP AT BILL DRAFTING THAT I'VE BEEN WORKING WITH SENATOR McCOLLISTER AND SENATOR STINNER ON. THE IDEA IS TO PUT SOME SORT OF A CAP ON THIS. AND I'M WILLING TO MAKE THAT A CONCESSION AT THIS POINT. WHAT WE'RE LOOKING AT IS A CAP. THE PROGRAM WOULD STILL SUNSET AFTER FIVE YEARS. BUT IN THAT FIVE-YEAR PERIOD, THERE WOULD BE AVAILABLE A TOTAL AMOUNT OVER THE FIVE YEARS OF \$75 MILLION WORTH OF CREDITS. THE IMPACT OF THOSE CREDITS THOUGH AREN'T FELT JUST IN THOSE FIVE YEARS. MOST LIKELY A MAJORITY OF THOSE CREDITS, THE IMPACT OF THE CREDITS WILL NOT BE IN THOSE FIVE YEARS. IT WILL RATHER BE OVER THE TEN-YEAR PERIOD THAT THE PRODUCTION CREDITS ARE EARNED. SO AS A DEVELOPER, A WIND ENERGY DEVELOPER, YOU WOULD

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GO INTO THE DEPARTMENT OF REVENUE, SAY I'M GOING TO PRODUCE. I'M GOING TO HAVE A PROJECT OF X AMOUNT OF CAPACITY THAT WILL GENERATE THIS MUCH OVER A TEN-YEAR PERIOD. AND IF THEY ESTIMATE THAT YOUR PROJECT OVER THAT TEN-YEAR PERIOD WOULD QUALIFY FOR \$5 MILLION WORTH OF PRODUCTION TAX CREDITS, THAT THAT \$5 MILLION THEN WOULD BE TAKEN OUT OF THE \$75 MILLION AVAILABLE POT. SO AGAIN, THE \$75 MILLION IMPACT TO STATE REVENUES IS SPREAD OUT ESSENTIALLY OVER A 15-YEAR PERIOD. SO IT DOESN'T HAVE A BIG IMPACT IN ANY ONE YEAR. BUT IT DOES LIMIT OVER THE COURSE OF THE TIME FRAME, DOES PUT A LIMIT ON IT AND GIVES US THE ABILITY...AS WE WILL ADOPT IN AM1498, THE ABILITY TO REALLY ANALYZE THIS TAX CREDIT AND LOOK AT ITS POSITIVE IMPACTS. I HAVEN'T HAD MUCH TIME TO LISTEN TO DISCUSSION ON THE FLOOR. I WILL SAY THAT ON THE ANNOUNCEMENT FROM BERKSHIRE INVESTING IN WIND, OBVIOUSLY A VERY POSITIVE ADVANCEMENT. THEY WOULD NOT UTILIZE LB423 BECAUSE OF THE C-BED LIMITATION. IT IS, UNLIKE A LOT OF OTHER STATES AND UNLIKE A LOT OF OUR OTHER TAX CREDITS IN THIS STATE, IT IS A FAIRLY RESTRICTIVE APPROACH. YOU HAVE TO SPEND 25 PERCENT OF THE INVESTMENT IN NEBRASKA. AND FOR A PROJECT THE SIZE OF THE BERKSHIRE PROJECT, 400 MEGAWATTS, THAT IS NOT EVEN REMOTELY FEASIBLE. BUT FOR A SMALLER PROJECTS, IT IS. AND THIS APPROACH ENSURES NEBRASKA BENEFIT, ENSURES POSITIVE BENEFITS TO THE STATE OF NEBRASKA, TO THE TAXPAYERS OF NEBRASKA. AND THIS IS...YOU KNOW, IT'S NOT MUCH DIFFERENT THAN SENATOR HADLEY WHEN HE PRIORITIZED, LB104 A FEW YEARS AGO WHICH REMOVED THE SALES TAX ON THE INPUTS FOR RENEWABLE ENERGY GENERATION. AND I BELIEVE HE SAID IT AT THAT TIME, AND I WILL SAY IT THE SAME HERE, THAT WE LOOK AT THE REVENUE LOSSES AND THEY ARE SIGNIFICANT NUMBERS AND PEOPLE GET CONCERNED. BUT IF WE DON'T INCENTIVIZE THESE PROJECTS, THEY'RE NOT GOING TO COME HERE BECAUSE OTHER STATES DO INCENTIVIZE THEM. SO TO SAY THIS IS A TRUE REVENUE LOSS...SPEAKER HADLEY MADE A SIMILAR CASE ON LB104, AND I AGREED WITH HIM AT THE TIME. TO SAY THAT THIS IS A TRUE REVENUE LOSS JUST...YOU KNOW, IT APPEARS THAT WAY ON THE FISCAL NOTE, AND THAT'S HOW WE ALWAYS BUDGET. BUT THESE PROJECTS JUST WON'T BE DEVELOPED IN NEBRASKA WITHOUT--ESPECIALLY THESE SMALLER PROJECTS--WITHOUT THE RIGHT INCENTIVES IN PLACE. I THINK ONE OTHER THING THAT I WANTED TO CLARIFY, I THINK SENATOR GROENE MAY HAVE MENTIONED THAT THERE... [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

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SENATOR NORDQUIST: ...WAS A FEDERAL PRODUCTION TAX CREDIT. AGAIN, THAT HAS GONE AWAY. THAT IS NO LONGER IN PLACE. SO NOW STATES ARE COMPETING. AND NEBRASKA, PREVIOUSLY, WAS AT A DISADVANTAGE BECAUSE WITH THE FEDERAL PRODUCTION TAX CREDIT, IT WAS DIFFICULT FOR A PUBLIC POWER STATE TO BE IN THE GAME AND BE COMPETITIVE. NOW THAT THAT HAS GONE AWAY, IT'S A STATE-BASED COMPETITION, AND WE CAN BE AS COMPETITIVE AND WE SHOULD BE AS COMPETITIVE AS ALL OF OUR NEIGHBORING STATES. SO I APPRECIATE THE WORK OF SENATOR McCOLLISTER AND SENATOR STINNER. AS SOON AS WE GET AN AMENDMENT PREPARED, WE WILL BRING THAT DOWN. IT MIGHT...HOPEFULLY IT WILL BE BEFORE WE'RE DONE AT 11:50 AND MOVE ON TO OTHER ITEMS. BUT IF NOT, IT WILL BE READY THE NEXT TIME WE COMMENCE DEBATE ON SELECT FILE. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. (VISITORS INTRODUCED.) THOSE STILL WISHING TO SPEAK: SENATOR KEN HAAR, GROENE, DAVIS, SCHUMACHER, SCHNOOR, AND McCOLLISTER. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB423]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I'M ALWAYS SURPRISED THAT WE KEEP HEARING ABOUT PROPERTY TAX RELIEF AND THEN WE DON'T WANT TO LOOK AT A SOURCE OF PROPERTY TAX RELIEF. THE SHEET I PASSED OUT, THE THREE-PAGER, SHOWS A BENCHMARK OF THE KIND OF PROPERTY TAX AND INVESTMENT AND SO ON THAT GOES ALONG WITH WIND DEVELOPMENT. AS YOU CAN SEE, A BENCHMARK OF 1,000 MEGAWATTS BRINGS IN \$1.7 BILLION IN TOTAL PROJECT INVESTMENT, PERSONAL INCOME TAX ANNUALLY OF \$550,000, PROPERTY TAX INCREASE OF \$1.5 MILLION. TALK TO THE PEOPLE UP IN BLOOMFIELD AND THEY HAVE BEEN SEEING THE RESULTS OF THIS KIND OF PROPERTY TAX INCREASE AND WHAT IT'S DONE TO THE PROPERTY TAX LEVY FOR LANDOWNERS. AN ANNUAL NAMEPLATE CAPACITY TAX, AND THIS REPLACES THE PROPERTY TAXES THAT WOULD OTHERWISE BE IMPOSED ON WIND INFRASTRUCTURE. THIS GOES TO THE COUNTIES. TOTAL ANNUAL REVENUE INCREASE OF \$5.5 MILLION, AND THAT'S FOR 1,000 MEGAWATTS. IOWA HAS DEVELOPED 6,000 MEGAWATTS. WE HAVE DEVELOPED...WE'RE IN THE PROCESS OF DEVELOPING MORE BUT SO IS IOWA...OF 900 MEGAWATTS. AND IN THOSE TWO BASES, YOU CAN SEE THAT THE TOTAL INVESTMENT, THE TOTAL PROJECT INVEST IN IOWA WOULD BE \$10.2 BILLION; IN NEBRASKA, \$1.5 BILLION. IN PAST WE'VE TALKED ABOUT MANY BILLS TO BRING THINGS LIKE DATA CENTERS INTO NEBRASKA. WE WELCOME INVESTMENT IN THIS STATE BY OTHER INDUSTRIES. IT SEEMS THAT WIND IS ONE THAT THREATENS US. AGAIN, IOWA,

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THEIR TOTAL PROJECT INVESTMENT, \$10.2 BILLION; NEBRASKA, \$1.5 BILLION. PERSONAL INCOME TAX IN IOWA, IF BY NEBRASKA RATES, WOULD BE \$3.3 MILLION; IN NEBRASKA, \$500,000. ANNUAL PROPERTY TAX INCREASE IN IOWA ACCORDING TO NEBRASKA RATES WOULD BE \$9 MILLION, MOST OF THIS PROPERTY TAX RELIEF GOING TO RURAL NEBRASKA; IN NEBRASKA, IT'S BEEN ABOUT \$1.3 MILLION. SO THE TOTAL ANNUAL REVENUE INCREASE IN IOWA, IF YOU USE NEBRASKA STANDARDS, WOULD BE \$33 MILLION; IN NEBRASKA, IT'S \$5 MILLION. THE TOTAL 20-YEAR NEBRASKA TAX REVENUE INCREASE IS \$100 MILLION. IN IOWA WITH SIX TIMES THE WIND DEVELOPMENT, IT WOULD BE ALMOST \$700 MILLION. AND I DIDN'T COMPLETE THE TABLE. BUT IN IOWA, YOU ALSO HAVE ALL OF THOSE EXTRA THINGS THAT GO ALONG WITH WIND DEVELOPMENT. IOWA IS THE ONLY STATE NOW WHICH PRODUCES ALL PARTS OF A WIND TURBINE, FROM THE TOWERS TO THE WIND TURBINE BLADES TO THE NACELLE, IT'S THAT BIG THING THAT SITS AT THE TOP AND GENERATES THE ELECTRICITY. SO THERE'S ALSO MANUFACTURING AS ONE OF THE VERY DIRECT KINDS OF BENEFITS THAT GOES WITH WIND DEVELOPMENT. AND THEN IF YOU LOOK AT THE LAST PAGE, BERKSHIRE HATHAWAY'S INVESTMENT, THEY'RE GOING TO BE THE DEVELOPER FOR OUR WIND PROJECT. SO I GUESS WHAT WE HEARD LAST WEEK, THAT WARREN BUFFETT DOESN'T LIKE WIND, DOESN'T QUITE HOLD TRUE. [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

SENATOR HAAR: THANK YOU. AND IF YOU LOOK AT WHAT THIS ARTICLE IS SAYING, THE UNDERLINING, IT'S ABOUT THE SAME KINDS OF THINGS I JUST TALKED ABOUT. IT'S BRINGING ENORMOUS INVESTMENT INTO THIS STATE. IT'S BRINGING JOBS. IT'S BRINGING MANUFACTURING, ALL THOSE KINDS OF THINGS THAT GO WITH BRINGING WIND TO NEBRASKA. AND MY NEXT TIME AT THE MIKE, I'M GOING TO TALK ABOUT WHAT I THINK THE BRATTLE REPORT SAID. AND IT'S A LITTLE MORE EXPANSIVE THAN BASICALLY THE NEGATIVE SPIN THAT WE'VE HEARD SO FAR. THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I GUESS I WAS WAY OVERESTIMATING THE PROPERTY TAX GAIN FROM THIS PROJECT. I WAS TAKING \$2.5 MILLION TIMES 203 WINDMILLS OUT IN THE O'NEILL PROJECTS. AND I THOUGHT, MAN, IT'S GOING TO BE \$17 MILLION IN PROPERTY TAX. BUT I GUESS

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THIS IS MORE LIKE IN LIEU OF TAXES, AND WE'RE TALKING \$5 MILLION. SO IF A FARMER BUILT A FACILITY OR A SMALL INDUSTRY BUILT A FACILITY, THEY WOULD BE PAYING A LOT MORE PROPERTY TAXES THAN THIS WIND FARM DOLLAR FOR DOLLAR AT ONLY \$5 MILLION. I'D LIKE TO REMIND YOU THAT WE'RE GOING TO BE GIVING...IF THIS PROJECT HERE WITH 80...I'M ASSUMING CLOSER TO MY EXAMPLE OF 80 MEGAWATTS, WE'D BE PAYING INCOME AND SALES TAX RECEIPTS BACK TO THESE FOLKS FOR...I MEAN THAT ISN'T INCOME AND SALES TAX THAT THEY'RE PAYING US AND THEN WE GIVE THEM THE REBATE. THIS IS JUST OUT OF THE GENERAL FUND, \$3.5 MILLION DOLLARS. AND SUPPOSEDLY WE'RE GOING TO...THE LOCAL PEOPLE ARE GOING TO GET \$5 MILLION DOLLARS BACK, PROPERTY TAXES. AND THEN WE'RE GOING TO GET \$4 MILLION BACK ON THE BERKSHIRE ONE ON LAND LEASES. THAT'S ONLY THE PEOPLE THAT PUT THE WINDMILLS ON IT, NOT THE FOLKS THAT HAVE TO LIVE RIGHT NEXT TO IT. THIS IS BAD POLICY. THIS IS TOTALLY BAD POLICY. I'LL REMIND YOU THAT THE GENERATING CAPACITY IN THE SOUTHWEST POWER POOL IS 63,644 MEGAWATTS. THE MOST PEAK LOAD WE GENERATE IS 45,301. WE ALREADY HAVE 18,000 EXCESS AND NOW WE'RE GOING HAVE ANOTHER 400 MEGAWATTS, 200 BECAUSE IT'S ONLY 50 PERCENT EFFICIENT. AND THE THING ABOUT WIND, WHEN IT'S THERE, YOU'VE GOT TO PUT IT INTO THE SYSTEM BECAUSE YOU CAN'T TURN IT BACK, UNLESS YOU SHUT THE WINDMILLS OFF I GUESS. IT'S HARD TO REGULATE. SO WHAT HAPPENS IS OUR VERY EFFICIENT...USED-TO-BE VERY EFFICIENT NEBRASKA PUBLIC POWER, IT WAS THE ONE EXCEPTION I ALWAYS TOLD FOLKS ABOUT. THERE'S ALWAYS AN EXCEPTION TO THE RULE THAT'S ON FREE MARKETS, AND THAT ONE THAT I FOUND IS NEBRASKA PUBLIC POWER, BASICALLY A SOCIALIZED SYSTEM, VERY WELL RUN. EVEN THE LEFT CAN'T SAY IT'S A HUGE CORPORATION TAKING MONEY OUT OF THE STATE. IT ALL STAYS HERE. THE EXECUTIVES AREN'T PAID NEAR AS MUCH AS CON ED OR ANY OF THOSE. IT'S WELL RUN. SO WE HAVE THIS GREAT, EFFICIENT-RUN ENTITY AND THIS BODY THROWS A MONKEY WRENCH INTO IT. WE DRIVE UP THE ELECTRICAL COSTS FOR THE CONSUMER BY MAKING A VERY EFFICIENT, VERY WELL-RUN PUBLIC POWER INEFFICIENT. NOT ONLY THAT, WE PAY FOR THE INEFFICIENCY BY GIVING TAX BREAKS. WHEN WE FIRST VOTED ON THIS, WE DIDN'T KNOW ABOUT THE 400-MEGAWATT FARM AT O'NEILL, DID WE? THAT'S GOING TO DUMP IN A LOT MORE CAPACITY THAT'S GOING TO HAVE TO...IMAGINE, IT'S SORT OF LIKE THIS, BUT IT'S NOT...THE SCENARIO ISN'T 100 PERCENT. IMAGINE DRIVING FROM HERE TO...FROM NORTH PLATTE IN A FIVE SPEED IN SECOND GEAR AT 70 MILES AN HOUR AND TELL ME HOW EFFICIENT THAT IS AND THE FUEL YOU BURN. YOU START TAKING HYDROELECTRIC PLANTS AND YOU TAKE COAL-BURNING PLANTS AND NATURAL GAS PLANTS AND YOU START FLUCTUATING FOR THE WIND, YOU MAKE THEM LESS

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EFFICIENT. SO FOR A POUND OF CARBON DIOXIDE THAT WE'RE PUMPING INTO THIS, WE'RE GETTING LESS POWER FOR IT BECAUSE SOMEBODY THINKS WIND IS THE REASON TO EXIST IN PUBLIC POWER. IT'S INEFFICIENT, INEFFICIENT. SO THE ONE IN O'NEILL IS GOING TO GET \$40,296,000 OF OUR FEDERAL TAX DOLLARS--I HAPPEN TO PAY MORE IN FEDERAL TAX DOLLARS THAN I DO IN STATE, AND I THINK MOST OF YOU DO--\$40,296,000 A YEAR FOR TEN YEARS. AND THEY'RE GOING TO GIVE \$4 MILLION BACK TO THE LOCAL IN LEASES AND THEY'RE GOING TO GIVE SOMETHING TO THE COMMUNITY CENTER. HOW NICE. AND THEY'RE GOING TO PAY \$5 MILLION TO...MAYBE IN PROPERTY TAXES. IT DEPENDS HOW THAT NUMBER ROLLS OUT TOO. BOY, ARE WE REALLY...SEE WHAT GOVERNMENT GETS IN FREE ENTERPRISE, HOW EFFICIENT WE GET. FORTY MILLION DOLLARS IN FEDERAL TAXES AND I'M NOT EVEN TALKING THE STATE BECAUSE THEY COULD COME BACK UNLESS MY AMENDMENT GETS ADOPTED, WHICH I HAVEN'T...WHICH I'VE DROPPED OR SHOULD DROP HERE ON THIS. BUT THEY CAN DO IT AS LONG AS THEY'RE NOT COMMERCIALY CREATING YET. THEY COULD COME BACK AND APPLY FOR THIS. THEY COULD SPLIT PART OF THIS 400-MEGAWATT FARM OFF AND TAKE AN \$8 MILLION. YOU GOT ENOUGH LAWYERS, YOU CAN DO ANYTHING... [LB423]

SENATOR KRIST: TIME, SENATOR. [LB423]

SENATOR GROENE: ...AND COME BACK AND DOUBLE DIP AND GAIN ANOTHER PTC, THE PRODUCTION TAX CREDITS FROM THE STATE ON TOP OF THEIR \$40 MILLION. THIS IS ABSOLUTELY AMAZING. [LB423]

SENATOR KRIST: TIME, SENATOR. [LB423]

SENATOR GROENE: OH, I THOUGHT YOU SAID A MINUTE. SORRY. [LB423]

SENATOR KRIST: THAT'S ALL RIGHT. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB423]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WANT TO TAKE A LITTLE BIT OF ISSUE WITH SOME OF THE THINGS THAT SENATOR GROENE HAS SAID. AND WHILE I RESPECT PUBLIC POWER A GREAT DEAL, I THINK WHAT WE REALLY NEED TO THINK ABOUT IS THE MODEL THAT WAS IN EXISTENCE AND THE MODEL THAT'S WORKING TODAY AND WHAT'S GOING ON WITH PUBLIC POWER. SO FOR YEARS AND YEARS, WE GENERATED ENOUGH POWER THROUGH OUR PLANTS TO FUND ALL...TO TAKE CARE OF ALL THE POWER NEEDS FOR OUR

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IRRIGATION IN THE SUMMERTIME. AND THEN IN THE WINTERTIME, WE WERE ABLE TO SELL ALL OF THAT EXTRA POWER SOMEWHERE ELSE, MAKE MONEY ON IT, AND THAT HELD RATES DOWN FOR NEBRASKANS. AND THAT WAS A REALLY GREAT MODEL AND IT WORKED REALLY WELL FOR A LONG, LONG TIME. BUT THE MODEL DOESN'T WORK ANYMORE, AND SO WE'RE STARTING TO SEE QUITE A MODIFICATION IN RATES FOR OUR CONSTITUENTS AND OUR CUSTOMERS AND THAT GIVES PEOPLE A LOT OF HEARTBURN. SO WHEN THE MODEL IS BROKEN, IT'S TIME TO LOOK AT SOME NEW APPROACHES AND NEW THINGS TO DO. WE ARE SEEING ALREADY OUR REAS IN THIS STATE BREAKING AWAY FROM THE ASSOCIATION WITH PUBLIC POWER BECAUSE THEY'RE GOING ELSEWHERE TO BUY CHEAPER POWER. AND THAT'S JUST GOING TO BE THE WAY IT'S GOING TO BE. YOU CANNOT PUT A MOAT AROUND THE STATE OF NEBRASKA AND SAY WE'RE JUST GOING TO HOLD THIS LITTLE STATE OF NEBRASKA ALL TO OURSELVES. NOW THAT WE'RE IN THE SOUTHWEST POWER POOL, THINGS ARE DRAMATICALLY DIFFERENT THAN THEY WERE. AND AS POWER NEEDS CHANGE IN THIS COUNTRY, IT'S GOING TO MOVE MORE AND MORE RAPIDLY IN THAT DIRECTION. WE HAVE A SIGNIFICANT NUMBER OF LARGE INDUSTRIES IN THIS COUNTRY WHO ARE VERY CONCERNED ABOUT GLOBAL WARMING, WHETHER YOU BELIEVE IT OR NOT IS IRRELEVANT. IF CORPORATE BUSINESS PEOPLE BELIEVE IT AND THEY'RE WILLING TO PUT THEIR MONEY WHERE THEIR MOUTH IS, THEN, YOU KNOW, WE NEED TO RESPOND TO THAT. SO WE SAW IN KEARNEY THAT POSSIBLY THE NONABILITY OF GREEN ENERGY MIGHT HAVE STEERED FACEBOOK AWAY FROM KEARNEY. WE HAVE OTHER INDUSTRIES THAT ARE JUST LIKE THAT, THAT WANT TO SAY TO THEIR CUSTOMERS AND TO THEIR STOCKHOLDERS, HEY, WE ARE FOR GREEN ENERGY. WE WANT TO SUPPORT THAT. THIS IS A WAY TO DO THAT THROUGH THIS BILL. IT'S GOOD PUBLIC POLICY. AND IT'S VERY GOOD FOR THE PARTS OF NEBRASKA THAT I REPRESENT AND THAT SENATOR SCHILZ REPRESENTS, RURAL NEBRASKA, AND THAT SENATOR GROENE REPRESENT FRANKLY, RURAL NEBRASKA WHERE WE NEED TO REVITALIZE OUR COMMUNITIES. I THINK WIND ENERGY IS ONE TOOL. AND I THINK SOLAR IS A GREAT TOOL AND ON THE VERGE OF BEING MAYBE MORE SUCCESSFUL AND HAVING MORE STAYING POWER THAN WIND. BUT THE PROPERTY TAX BENEFITS ARE REAL HERE, SENATORS. YOU KNOW, THERE'S PROPERTY TAX THAT GETS PAID TO THAT LOCAL SCHOOL, LOCAL CITY, LOCAL COUNTY. THERE'S ALSO THE NAMEPLATE CAPACITY TAX THAT DOES THE SAME THING. SO I JUST WAS DOING A LITTLE BIT OF CHECKING BECAUSE WE ARE THE ONLY PUBLIC POWER MODEL IN THE NATION ANYMORE. AND I FIND IT INTERESTING THAT PEOPLE WANT TO CAST THE PUBLIC POWER MODEL AS A VERY EFFICIENT AND VERY SUCCESSFUL MODEL WHEN IT'S REALLY PUBLIC JUST LIKE GOVERNMENT IN SO MANY WAYS. IT IS A GOVERNMENTAL ENTITY IN A LOT OF WAYS. XCEL CORPORATION

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OPERATES OUT OF MINNESOTA, AND THEY PAY \$214 MILLION TO ENTITIES IN MINNESOTA FOR PROPERTY TAXES. THAT'S PRIVATE INDUSTRY. I DON'T HAVE THE DOLLARS FOR IOWA. I'M SURE IT'S THE SAME. ALL ACROSS THE COUNTRY IN ALMOST EVERY STATE, PRIVATE ENERGY COMPANIES ARE PAYING PROPERTY TAXES. WE DON'T HAVE THE MODEL IN NEBRASKA. WHAT WE HAVE IS A DIFFERENT MODEL AND IT'S AN IN LIEU OF TAX MODEL. AND LAST YEAR, PUBLIC POWER, AT LEAST AS FAR AS WE COULD TELL, THIS IS...NPPD I BELIEVE WAS \$9.7 MILLION. NOW I NEED TO CHECK THAT. THOSE ARE IN LIEU OF TAXES THAT GO TO THE CITIES WHERE THE POWER IS SOLD AND BOUGHT FROM. I THINK WE NEED TO REALLY WORK HARD ON OUR GREEN ENERGY. I THINK IT'S IMPORTANT TO THE CITIZENS OF THE STATE OF NEBRASKA AND ESPECIALLY TO RURAL NEBRASKA. [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

SENATOR DAVIS: GOOD BILL, I WOULD URGE YOU ALL TO SUPPORT IT. I'M OKAY WITH THE SENATOR'S SUGGESTION. I THINK THAT MIGHT BE GOOD PUBLIC POLICY. IF WE DON'T INCENTIVIZE THIS PRODUCT, WE'RE NOT GOING TO HAVE ANY WIND ENERGY AND WE'RE NOT GOING TO HAVE ANY MORE DEVELOPMENT. SO YOU CAN SAY THERE'S NO BENEFIT TO NEBRASKA AND NO TAX CREDITS WILL BE USED IF THAT'S WHAT YOU WANT TO DO. I DON'T THINK THAT'S WHAT WE REALLY WANT TO DO HERE. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR KRIST: THANK YOU, SENATOR DAVIS. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB423]

SPEAKER HADLEY: MR. PRESIDENT, THANK YOU. JUST A COUPLE QUICK THINGS, I'D LIKE TO GIVE YOU AN UPDATE OF WHERE WE STAND. WE'RE IN THE, WHAT? WE'RE IN THE SEVENTY-FOURTH DAY. RIGHT NOW, WE HAVE PRIORITY BILLS IN COMMITTEE, 8; PRIORITY BILLS ON GENERAL FILE, 31; ON SELECT, 19; AND ON FINAL READING, 26. SO THAT GIVES YOU SOME IDEA OF WHERE WE STAND ON PRIORITY BILLS. SECOND, THIS IS THE FIRST DAY WE'RE TRYING THE STANDING AT EASE. THE PRESIDENT WILL DECIDE WHEN THAT IS AROUND NOON. WE'LL STAND AT EASE FOR 20 MINUTES. YOU CAN GET FOOD, GO TO MEETINGS, WHATEVER YOU NEED TO DO. I WOULD ASK THAT WHEN WE COME BACK THAT YOU MAKE SURE YOU DO COME BACK SO THAT AT ALL TIMES WE HAVE A QUORUM ON THE FLOOR OF 25, WHICH IS NECESSARY. ALSO IF YOU'RE LEAVING FOR MEETINGS AND SUCH AS THAT IN THE BUILDING, I WOULD ASK THAT YOU NOT CHECK OUT SO THAT WE CAN HAVE, IF THERE IS A CALL OF THE HOUSE, WE

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CAN HAVE AN APPROPRIATE NUMBER OF PEOPLE HERE AND HAVE FAIR VOTES ON THE BILLS. SO IF YOU HAVE ANY QUESTIONS ABOUT HOW THAT'S GOING TO WORK, LET ME KNOW. BUT WE'RE GOING GIVE IT A TRY THIS WEEK. WE WILL ADJOURN BY 7:00 TONIGHT AND TOMORROW NIGHT AND THE NEXT NIGHT, BUT YOU WILL NOT HAVE SUPPER THAT NIGHT. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. THOSE STILL WISHING TO SPEAK: SENATORS SCHUMACHER, SCHNOOR, McCOLLISTER, NORDQUIST, AND OTHERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB423]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. ONE THING I WANT TO CERTAINLY SUPPORT IS SENATOR STINNER'S NOTION THAT WE NEED TO HAVE A CAP ON THIS. AT BEST, THIS IS AN UNLIMITED PROPOSITION AS IT'S WRITTEN NOW AND UNLIMITED EXPOSURE FOR A HIGHLY QUESTIONABLE VENTURE. AND AT LEAST WE OUGHT TO KNOW WHAT OUR STOP-LOSS IS ON THIS PROJECT. AND I SUPPORT, IF THIS BILL MOVES FORWARD, A LIMITATION ON HOW MUCH IS AT RISK KEEPING IN MIND THAT EVEN IF THAT'S AT \$75 MILLION, AT THE 15 PERCENT DISCOUNT FOR MIDDLEMAN FACTOR, WE'LL BE PAYING \$11,250,000 TO SOME MIDDLEMAN WHO MIDDLEMANS THESE THINGS. SO WE'RE BASICALLY USING...THIS TAX CREDIT MECHANISM WILL COST US, FOR \$75 MILLION, \$11 MILLION. ONE WOULD CERTAINLY THINK THAT'S A LOT OF PROPERTY TAX RELIEF. ONE WOULD CERTAINLY THINK THAT \$11 MILLION COULD BE CONSERVED IF WE DID THIS THROUGH THE APPROPRIATIONS PROCESS OR SOME GRANT PROCESS RATHER THAN THIS BACKHANDED TAX CREDIT WITH TRANSFERABLE TAX CREDITS. BUT THAT BEING AS IT MAY, I'VE GOT A FEW QUESTIONS FOR SENATOR NORDQUIST. WOULD HE YIELD? [LB423]

SENATOR KRIST: SENATOR NORDQUIST, WILL YOU YIELD? [LB423]

SENATOR NORDQUIST: YES. [LB423]

SENATOR SCHUMACHER: SENATOR NORDQUIST, HOW MANY C-BED PROJECTS ARE THERE NOW IN NEBRASKA? [LB423]

SENATOR NORDQUIST: I'M GOING TO HAVE TO GET THAT FOR YOU. I DON'T KNOW OFF THE TOP OF MY HEAD. [LB423]

SENATOR SCHUMACHER: ARE THERE QUITE A FEW? [LB423]

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SENATOR NORDQUIST: I'M GOING TO HAVE TO LOOK. I'M NOT SURE. [LB423]

SENATOR SCHUMACHER: OKAY. ALL RIGHT. HOW OLD IS THIS PROGRAM? WHEN WAS C-BED PASSED? [LB423]

SENATOR NORDQUIST: TWO THOUSAND SEVEN WAS WHEN C-BED WAS CREATED. [LB423]

SENATOR SCHUMACHER: SO WE'RE NOW INTO THE PROGRAM FOR SEVEN YEARS. WHEN THEY PASSED IT, DID THEY PUT THE TAX PERKS OR SUBSIDY PERKS? DO THEY GET ANY PERKS NOW FROM THE STATE? [LB423]

SENATOR NORDQUIST: SO IF YOU LOOK AT THE AMENDMENT THAT WE HAVE, IT'S THE SALES TAX EXEMPTION. SO AS IT TALKS ON PAGE 6, LINES 28-31 AND TO QUALIFY FOR THIS CREDIT, THEY HAVE TO MAKE "APPLICATION FOR SALES TAX EXEMPTION UNDER SECTION 77-2704.57." SO IT'S A SALES TAX EXEMPTION THAT THEY CURRENTLY QUALIFY FOR. [LB423]

SENATOR SCHUMACHER: SO THAT WOULD MEAN IF THEY BUY A WINDMILL, THEY WOULDN'T HAVE TO PAY SALES TAX. [LB423]

SENATOR NORDQUIST: RIGHT. [LB423]

SENATOR SCHUMACHER: AND THAT'S THE EXTENT OF OUR PRESENT PERKS? [LB423]

SENATOR NORDQUIST: I BELIEVE SO. [LB423]

SENATOR SCHUMACHER: OKAY. WHEN YOU GET THE INFORMATION ON HOW MANY THERE ARE, I'D BE INTERESTED IN KNOWING HOW MUCH INTEREST THERE REALLY IS AT THE PRESENT LEVEL IN NEBRASKA OVER THE LAST SEVEN YEARS. SENATOR, HOW DOES THIS BILL FIT IN WITH THE STATE'S ENERGY PLAN? [LB423]

SENATOR NORDQUIST: I DON'T KNOW. [LB423]

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SENATOR SCHUMACHER: OKAY. WAS THIS PARTICULAR COURSE OF ACTION RECOMMENDED BY THE...I THINK THEY CALL IT THE BRATTLE REPORT? [LB423]

SENATOR NORDQUIST: THE REPORT THAT CAME OUT OF SENATOR DAVIS' LB1107 I BELIEVE IT WAS FROM LAST YEAR WHERE STUDIED, THAT THIS WAS A RECOMMENDATION TO ESTABLISH A PRODUCTION TAX CREDIT. [LB423]

SENATOR SCHUMACHER: BUT NO FURTHER THAN THAT? [LB423]

SENATOR NORDQUIST: NO FURTHER THAN THAT? [LB423]

SENATOR SCHUMACHER: NO PARTICULARS BEYOND THAT? [LB423]

SENATOR NORDQUIST: I DON'T BELIEVE IT LAID OUT ANY PARTICULAR PARAMETERS OF THAT. [LB423]

SENATOR SCHUMACHER: OKAY, OKAY. THANK YOU, SENATOR NORDQUIST. RIGHT NOW, SENATOR GROENE IS PERFECTLY CORRECT, WE HAD A VERY EFFICIENT PRODUCTION SYSTEM IN NEBRASKA. WE'RE NOW PART OF I THINK THEY CALL IT THE SOUTHWEST POWER POOL. THE CAPACITY OF THE POWER POOL AND THEIR NETWORK OF LINES AND CONNECTIONS IS FAR MORE THAN WHAT WE NEED RIGHT NOW. AND UNDER THE WAY WIND ENERGY IS PUT TOGETHER, WHEN WIND COMES ON-LINE, EVERYTHING ELSE HAS GOT TO BE...THE GENERATORS HAVE GOT TO BE KICKED INTO LOW GEAR. MUCH LIKE SENATOR GROENE EXPLAINED, YOU'RE DRIVING DOWN THE INTERSTATE IN SECOND GEAR AND YOU NEVER SHIFT INTO CRUISE. AND WHEN THAT HAPPENS, THE COSTS GO WAY UP ON OUR TRADITIONAL GENERATION FACILITIES, WHICH HAVE GOT TO BE MAINTAINED AND READY TO KICK INTO HIGH GEAR WHEN THE WIND ISN'T BLOWING. AND WE'RE A LONG WAY FROM A POPULATION CENTER IN WHICH THIS ELECTRICITY... [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

SENATOR SCHUMACHER: ...IS CONSUMED. THAT MEANS THERE'S LONG AND EXPENSIVE AND FRANKLY, SECURITY VULNERABLE LINES THAT HAVE GOT TO BE ATTACHED TO THESE PARTICULAR WINDMILLS. THIS IS REALLY NOT SMART ENERGY POLICY, CONTRARY TO WHAT NUCLEAR MIGHT BE, BUT THAT'S A DISCUSSION FOR ANOTHER DAY. THIS IS NOT SMART POLICY. BUT IF WE ARE

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INTO THE FAD OF WE'VE GOT TO DO IT, WE'VE GOT JUMP OFF THE BRIDGE BECAUSE THE OTHER PEOPLE AROUND US ARE JUMPING OFF THE BRIDGE, IF WE'RE INTO THAT MODE THEN CERTAINLY WE NEED TO LIMIT OUR EXPOSURE AND REALIZE THAT WIND ENERGY DOES NOT CASH FLOW OR THERE WOULD BE A WHOLE LOT MORE OF IT. IT IS NOT AN EFFICIENT WAY TO GENERATE ELECTRICITY. AND IT MAY ACTUALLY DETER OUR DESIRE TO GO INTO WHAT BE FAR BETTER AVENUES SUCH AS NUCLEAR THORIUM AND FUSION. THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB423]

SENATOR SCHNOOR: THANK YOU, SIR. SENATOR SCHUMACHER, WILL YOU YIELD TO A QUESTION, PLEASE? [LB423]

SENATOR KRIST: SENATOR SCHUMACHER, WILL YOU YIELD? [LB423]

SENATOR SCHUMACHER: YES, I WILL. [LB423]

SENATOR SCHNOOR: I WAS GOING TO COME OVER AND ASK YOU ON THE SIDE, BUT I WAS SPEAKING RIGHT AFTER YOU. SO YOU TALKED ABOUT AN \$11 MILLION COST AFTER ALL OF THE, I'LL SAY THE REFUNDS, PROPERTY TAX SAVINGS, AND SO ON AND SO FORTH. DID I HEAR THAT CORRECTLY? [LB423]

SENATOR SCHUMACHER: BASICALLY, WHEN YOU USE A TAX CREDIT AND YOU GIVE IT SOMEBODY WHO CAN'T USE IT--WHICH IS WHAT THESE SMALL WIND FARMS CAN'T BECAUSE THEY DON'T MAKE ANY MONEY--WHEN YOU GIVE THEM A TAX CREDIT THEN AND THEY CAN'T USE IT, THEY'VE GOT TO SELL IT TO SOMEBODY WHO CAN. SO IF THEY'VE GOT \$1 MILLION IN TAX CREDITS, APPARENTLY THE GOING RATE IS A 15 PERCENT DISCOUNT. SO IF YOU HAVE THEM, SOMEBODY OUT THERE IN THE WORLD WHO HAS A \$1 MILLION TAX BILL, HE'LL SAY TO YOU OR YOU'LL NEGOTIATE WITH HIM, BETTER IF HE'S YOUR FRIEND. LOOK, I WILL SELL YOU MY \$1 MILLION IN TAX CREDITS IF YOU GIVE ME \$850,000. THE STATE LOSES ALL \$1 MILLION BECAUSE THE GUY WHO YOU SOLD THEM TO CAN CASH THEM IN. HE DOESN'T HAVE TO PAY THAT MUCH TAX. MEANWHILE, THE WIND FARMER, HE ONLY GETS \$850,000 BECAUSE THAT'S ALL HE SOLD THEM FOR. IN THE END, WE PAY OUT \$1 MILLION FOR \$850,000 WORTH OF WIND DEVELOPMENT AND THAT'S JUST BAD MATH. [LB423]

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SENATOR SCHNOOR: OKAY. THANK YOU. THAT GIVES ME A LITTLE BIT BETTER EXPLANATION. WE'VE HEARD SENATOR FRIESEN I BELIEVE AND I THINK SENATOR GROENE TALKED ABOUT THE BRATTLE REPORT, AS WELL AS SENATOR NORDQUIST, THAT THEY SAID THAT THIS CREDIT WAS RECOMMENDED BY THE BRATTLE STUDY. BUT ALSO IN THAT BRATTLE STUDY, THEY GENERALLY SAID THAT WIND ENERGY IN NEBRASKA ULTIMATELY DOESN'T WORK. THAT WAS MY UNDERSTANDING. SO WE TALK ABOUT...LAST WEEK WE TALKED ABOUT GOOD TAX POLICY. SO I'D LIKE TO TALK ABOUT THE TAX POLICY AND JUST GENERAL BUSINESS SENSE. WE'RE TALKING SOMETHING THAT'S 50 PERCENT EFFICIENT, WHICH A WINDMILL IS. SENATOR SCHUMACHER TALKED ABOUT THE BAD WAY OF DOING BUSINESS HERE AS FAR AS THE TAX INCENTIVES AND THE TAX RELIEF GOES. SO EVERYTHING HERE THAT I HEAR JUST DOES NOT SOUND GOOD, THAT THIS IS NOT SOMETHING THAT WE SHOULD BE PURSUING. IF WE...SENATOR DAVIS TALKED ABOUT IF WE DON'T DO THIS, WE'RE NEVER GOING TO HAVE WIND ENERGY IN NEBRASKA. WELL, WE DON'T HAVE ANY SO FAR...I SHOULDN'T SAY THAT. WE HAVE VERY LITTLE SO FAR. AND I WOULD LIKE TO ATTRIBUTE THAT TO THE GOOD, COMMONSENSE LEGISLATION THAT'S BEEN COMING DOWN THE PIKE LONG BEFORE I GOT HERE. SO I WOULD JUST ASK EVERYBODY TO LOOK AT THIS FROM A BUSINESS STANDPOINT AND FROM A TAX POLICY STANDPOINT AND JUST FROM AN EFFICIENCY STANDPOINT. YOU WOULD NEVER BUY A PIECE OF EQUIPMENT AND USE IT AT 50 PERCENT EFFICIENCY IN YOUR OPERATION BECAUSE YOU'RE WASTING HALF YOUR MONEY. SO I AM GOING TO VOTE FOR THE AMENDMENTS BECAUSE I THINK IT'S MAKES THE BILL A LITTLE BETTER, BUT I WILL BE VOTING AGAINST LB423 JUST AS I DID ON GENERAL FILE. AND I WOULD ASK EVERYBODY TO LOOK AT THIS FROM A BUSINESS STANDPOINT AS WELL AS A GOOD TAX POLICY STANDPOINT AND VOTE ACCORDINGLY. BUT I'M ASKING EVERYBODY TO VOTE AGAINST THE BILL. SO THANK YOU, SIR. [LB423]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB423]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I'LL JUST REITERATE SOME OF THE COMMENTS THAT SENATOR SCHNOOR INDICATED. THIS BILL CAME THROUGH THE NATURAL RESOURCES COMMITTEE. AND I THINK IT CAME OUT OF COMMITTEE WITH A 5-3 VOTE. SO IT CERTAINLY WAS NOT ONE OF OUR FAVORITES. IN MY VIEW OF THIS BILL IS WE'RE MAKING A BAD BILL LESS BAD. SO I WOULD ENCOURAGE YOU TO VOTE FOR THE AMENDMENTS, CERTAINLY DO THAT BECAUSE THAT MAKES THE...ENHANCES THE BILL. AND WE'LL HAVE TO JUDGE HOW THE BILL LOOKS ON FINAL READING,

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WHETHER IT'S SOMETHING THAT THE BODY SHOULD PASS. THANK YOU, MR. PRESIDENT. [LB423]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB423]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I JUST WANT TO CLEAR UP A FEW THINGS. FIRST, SENATOR McCOLLISTER, THIS BILL CAME OUT OF THE REVENUE COMMITTEE. AND I'M NOT SURE WHAT THE VOTE WAS. IT WAS OBVIOUSLY...6-2 VOTE OUT OF THE REVENUE COMMITTEE. WITH SENATOR SCHNOOR'S COMMENTS ABOUT LET'S THINK ABOUT THE BUSINESS COMPONENT HERE, THAT IT DOESN'T MAKE GOOD BUSINESS SENSE, I GUESS THAT'S HIS PREROGATIVE. AND I GUESS WARREN BUFFETT WOULD DISAGREE WITH THE INVESTMENT THAT THEY'VE ANNOUNCED IN NEBRASKA AND THE CONTINUED INVESTMENT THEY'VE BEEN MAKING AROUND THE COUNTRY. AS I MENTIONED ON GENERAL FILE, BERKSHIRE HATHAWAY, MIDAMERICAN ENERGY, WHICH IS I BELIEVE NOW BERKSHIRE HATHAWAY ENERGY OR BERKSHIRE ENERGY, IS MAKING A \$30 BILLION INVESTMENT IN RENEWABLE ENERGY. SO OBVIOUSLY AS SOMEONE WHO DISCLOSES ON MY FINANCIAL DISCLOSURE SHEET THAT I'M A SHAREHOLDER OF BERKSHIRE--B, NOT A--THAT I SURE HOPE THAT THEY ARE MAKING A GOOD BUSINESS DECISION. I ASSUME THAT THEIR EXPERTS ARE TELLING THEM THAT THEY ARE. SENATOR SCHUMACHER ASKED, AND I'M SORRY I DIDN'T HAVE THE INFORMATION IN FRONT OF ME, C-BED SINCE 2007, THERE HAVE BEEN THREE PROJECTS THAT HAVE UTILIZED THAT. SO OBVIOUSLY IT'S CLEAR THAT THE CURRENT C-BED COMPONENT ISN'T SOMETHING THAT IS SUPER ATTRACTIVE TO WIND DEVELOPERS BECAUSE IT IS A FAIRLY ONEROUS PROJECT. AND THE THREE PROJECTS ARE AND BLUESTEM SPRINGVIEW WIND FARM LOCATED IN KEYA PAHA, ELKHORN RIDGE LOCATED IN KNOX COUNTY, AND VALENTINE WIND LOCATED IN CHERRY COUNTY ARE THE THREE PROJECTS THAT HAVE UTILIZED THE SALES TAX EXEMPTION FOR C-BED. AND THEN WE ALSO HAVE LB104 WHICH PASSED THIS LEGISLATURE IN 2013 WHICH IS NOT C-BED, BUT IT'S THROUGH NEBRASKA ADVANTAGE. AND THAT CREATES A SALES TAX REFUND FOR PROJECTS WITH A TOTAL INVESTMENT OVER \$37 MILLION. AND I BELIEVE WE JUST GOT OUR REPLACEMENT AMENDMENT DOWN HERE WITH WHAT WE WORKED ON WITH SENATOR McCOLLISTER AND STINNER. I WILL GET THAT FILED AND WOULD APPRECIATE THE BODY'S SUPPORT OF IT. THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR NORDQUIST. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB423]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. REMEMBER LAST WEEK WE HAD A HUGE DISAGREEMENT IN HERE ABOUT WOODMEN INSURANCE AND HOW THAT WAS GOING TO COST US \$1.4 MILLION I BELIEVE WAS THE NUMBER. COLLEAGUES, THE FISCAL NOTE ON THIS BILL, FISCAL 2016-17, \$6,920,000; FISCAL '17-18, \$11,942,000; FISCAL '18-19, \$14,672,000; FISCAL '19-20, \$19,191,000. THESE ARE ALL IN REDUCED INCOME COMING INTO THE STATE. AND WERE GREATLY CONCERNED ABOUT \$1.4 MILLION TO KEEP 500 JOBS SECURE IN OMAHA? LET'S TAKE A GOOD, HARD LOOK AT THIS, COLLEAGUES. ALL THAT GLITTERS IS NOT GOLD. I'D YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE IF HE COULD USE IT. [LB423]

SENATOR KRIST: SENATOR GROENE, 3:30. [LB423]

SENATOR GROENE: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR BLOOMFIELD. I'LL GO BACK A LITTLE BIT TO THE AESTHETICS OF THIS. ANOTHER SENATOR SHARED THIS WITH ME, A LETTER THEY GOT FROM A FARM FAMILY THAT UP IN ANTELOPE COUNTY WHERE PRAIRIE BREEZE II IS CURRENTLY CONSTRUCTING A WIND TURBINE PROJECT. I FEEL THE STATE MUST STEP IN IMMEDIATELY TO STRENGTHEN THE SETBACKS AND REGULATIONS THESE COMPANIES MUST ABIDE BY. THE STATE NEEDS TO SET THESE AND THEN LOCAL COUNTIES CANS USE THEM AS GUIDELINES FOR THE MINIMUM STANDARDS. KIND OF FITS UNDER LB610 (SIC--LB106) THAT I WORKED WITH SENATOR WATERMEIER ON. I REQUEST THIS IN THE HOPES THAT NO MORE PEOPLE WILL BE DAMAGED...NOT LB610. WHAT WAS IT? I REQUEST THIS IN THE HOPES THAT NO MORE PEOPLE WILL BE DAMAGED BY POOR PLANNING BY LOCAL AUTHORITIES WHO DO NOT HAVE THE TRAINING OR RESOURCES TO SET UP A FAIR CUP PROVISIONS. WE OWN THREE QUARTERS OF LAND IN ONE SECTION. OF THIS 480 ACRES, AFTER THE CURRENTLY PLANNED WIND TOWERS ARE INSTALLED IMMEDIATELY BORDERING OUR PROPERTY ON ALL FOUR SIDES, WE WILL ONLY BE ABLE TO SAFELY HAVE ABOUT 80 ACRES SPRAYED BY AERIAL APPLICATION AS WE HAVE IN THE PAST. WHILE IT IS TOO LATE FOR US, THIS INSANITY HAS TO END. THE WIND TURBINES SHOULD EITHER BE CONSTRUCTED IN STRAIGHT LINES OR IN BLOCKS OF SECTIONS OF LAND THAT ARE PERHAPS THE STATE SCHOOL LAND OR PURCHASED BY...THEY'VE GOT ALL SORTS OF IDEAS IN HERE...AREA WHERE NO HOMES ARE WITHIN TWO MILES. IT SEEMS THAT THE COMPANIES COME IN AND CONVINC THE ABSENTEE LANDOWNERS-- WE'VE GOT A BIG ONE OUT WEST; HE LIVES IN ATLANTA--AND CONVINC THE ABSENTEE LANDOWNERS OF THE BENEFITS OF THEM. IN OUR AREA, ALL OF THE TURBINES ARE BEING INSTALLED BY ABSENTEE LANDOWNERS. THEY WILL NOT HAVE TO LIVE BY THE CONSTANT WHINE OF THE TURBINE, SWISH OF THE

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BLADES, AND SHADOW FLICKER. MANY STATES HAVE 2,000 FEET FROM PROPERTY EDGE OF NONPARTICIPANTS. OHIO HAS TWO MILES. ANTELOPE HAS 2,000 FEET FROM THE EDGE OF A HOUSE. WE DO NOT FARM FROM OUR HOUSE, NOR DO PEOPLE ONLY LIVE IN THEIR HOUSE. THEY SHOULD BE ABLE TO ENJOY THE PROPERTY FOR ANY POINT OF IT. BUT WE MUST SACRIFICE TO SAVE THE PLANET. I UNDERSTAND THAT. UNLESS YOU LIVE IN A CITY WHERE THE WINDMILLS AREN'T. PLEASE, BEFORE THE NEXT VOTE IN THE LEGISLATURE, GO OUT TO THE ALREADY-CONSTRUCTED WIND PROJECTS. VISIT WITH THE PEOPLE WHO LIVE BY THE TURBINES AND ARE AFFECTED BY THEM ON A DAILY BASIS AND FOLLOW THE TREND OF OTHER STATES BY INCREASING THE SETBACKS. WE'RE NOT READY FOR THIS, FOLKS. I DON'T CARE WHAT LIMIT YOU PUT ON THIS, IT STRETCHES OUT 10 YEARS. [LB106 LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

SENATOR GROENE: IF WE ONLY PUT ONE YEAR INTO THIS OR THREE OR FOUR YEARS INTO THIS AND WHOLE BUNCH OF PEOPLE FLOCK IN AND MOVE THE NUMBERS AROUND, WE'RE HUNG WITH IT FOR TEN YEARS. AND IT'S GOING TO BE RUSHED. AND IT'S GOING TO BE SOLD AS ECONOMIC DEVELOPMENT. SO WHAT ARE THE COUNTY ZONE AUTHORITIES GOING TO DO? ACCEPT IT ON MR. TURNER'S LAND OR SOMEBODY ELSE WHO MOVED TO LINCOLN AND DOESN'T CARE IF THERE'S WINDMILLS OUT WEST ANYMORE? THIS AFFECTS US IN RURAL NEBRASKA. AND NOT EVERYBODY IS FOR THIS. MOST PEOPLE ARE NOT FOR THIS PROJECT. WE LIKE PUBLIC POWER. WE LIKE THE WAY THINGS ARE. WE LIKE...THE HOPE THAT PUBLIC POWER CAN TAKE CONTROL AGAIN, WHICH WE INTENDED, OF OUR ENERGY COST AND NOT INJECTED BY A BUNCH OF EXPERTS, 49 EXPERTS IN A BUILDING IN LINCOLN BECAUSE WE FEEL GOOD, BECAUSE SOMEBODY TOLD US IT'S A GOOD IDEA. THANK YOU. [LB423]

SENATOR KRIST: THANK YOU, SENATOR GROENE. YOU'LL NOTICE THE TIME IS GETTING TOWARDS 11:50. BUT BECAUSE WE ONLY HAVE TWO BILLS THAT ARE CLEAN, I AM GOING TO DELAY ON THE 11:50 UNTIL ABOUT 11:57. WITH THAT, I RECOGNIZE SENATOR KEN HAAR. [LB423]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I'D LIKE TO GIVE ONE MINUTE OF MY TIME TO SENATOR NORDQUIST. [LB423]

SENATOR KRIST: SENATOR NORDQUIST, YOU'RE YIELDED ONE MINUTE. [LB423]

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SENATOR NORDQUIST: THANK YOU, SENATOR HAAR, AND THANK YOU, MR. PRESIDENT. I'D LIKE TO SUBSTITUTE FOR AM1525 FOR AM1507. (LEGISLATIVE JOURNAL PAGE 1368-1369.) [LB423]

SENATOR KRIST: NO OBJECTIONS, SO ORDERED. [LB423]

SENATOR NORDQUIST: AND JUST TO CLARIFY, THIS IS THE AMENDMENT THAT WE'VE, SENATOR STINNER, SENATOR McCOLLISTER, AND I HAVE TALKED ABOUT. THE TAX COMMISSION SHALL...IT INCLUDES THE PIECES THAT WERE IN AM1507, THE .75 CENT CREDIT, LIMITING THE INVESTMENT CREDIT FROM \$1 MILLION RATHER THAN \$2 MILLION, AND WE ADD THE NEW PIECE THAT "THE TAX COMMISSIONER SHALL LIMIT THE MONETARY AMOUNT OF TAX CREDITS PERMITTED UNDER THIS SECTION TO A LEVEL NECESSARY TO LIMIT TAX CREDIT UTILIZATION AT NO MORE THAN SEVENTY-FIVE MILLION DOLLARS OF NEW TAX CREDITS. SUCH LIMITATION ON TAX CREDITS SHALL BE BASED ON THE ANTICIPATED UTILIZATION OF CREDITS WITHOUT REGARD TO THE POTENTIAL FOR TAXPAYERS TO CARRY FORWARD TAX CREDITS TO LATER TAX YEARS." I WILL YIELD MY TIME BACK TO SENATOR HAAR. [LB423]

SENATOR KRIST: SENATOR HAAR, 4:00. [LB423]

SENATOR HAAR: THANK YOU VERY MUCH. I FIND IT VERY INTERESTING WHEN WE TALK ABOUT BRINGING OTHER BUSINESS TO NEBRASKA, WE LOVE INVESTMENT, WE LOVE THE TAXES IT GENERATES, THE JOBS IT CREATES, THE INDUSTRY IT CREATES. BUT WHEN IT COMES TO WIND, WE ARGUE AGAINST LOCAL CONTROL BECAUSE THESE LOCAL PEOPLE, THESE COUNTY COMMISSIONERS CAN'T MAKE GOOD DECISIONS. THAT'S WHAT I'VE HEARD THIS MORNING. AND WE HAVE TO ARGUE FOR PROTECTIONISM TO KEEP PUBLIC POWER VIABLE. IT SEEMS UPSIDE DOWN TO ME. THE AVERAGE RATEPAYER IN IOWA PAYS \$36 LESS PER MONTH THAN THE AVERAGE RATEPAYER IN NEBRASKA. SO WE HAVE TO KEEP PROTECTING PUBLIC POWER FROM WIND BECAUSE WE CAN'T FIGURE OUT HOW TO USE WIND. IT'S GOING TO THREATEN PUBLIC POWER. IOWA IS NOW 27 PERCENT WIND. THEY FIGURED OUT HOW TO USE IT. WE ALSO KNOW THAT IOWA HAS BEEN ATTRACTING CUTTING-EDGE BUSINESSES LIKE GOOGLE, MICROSOFT, AND FACEBOOK BECAUSE THEY WANTED TO LOCATE THEIR FACILITIES IN STATES WITH SIGNIFICANT RENEWABLE ENERGY PORTFOLIOS. NOW TWO REASONS, ONE IS BECAUSE THEY LIKE TO BRAND THEMSELVES WITH GREEN. BUT A MORE IMPORTANT REASON AS I'VE LEARNED IN TALKING TO SOME OF THEM IS THAT WITH WIND AND SOLAR YOU CAN

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ACTUALLY TIE IN YOUR COSTS FOR 20 YEARS OR SO. WITH THE COST OF COAL, THE COST OF COAL HAS DOUBLED, MORE THAN DOUBLED IN THE LAST DECADE. TRANSPORTATION HAS BEEN GOING UP AND UP. SO YOU CAN'T TIE IN...ONE OF THE PITFALLS RIGHT NOW OF FOSSIL FUELS IS PRICES ARE GOING UP AND UP AND WE DON'T KNOW WHAT THEY'RE GOING TO END. YOU CAN'T TIE IN COSTS. WITH RENEWABLES LIKE WIND AND SOLAR, THE FUEL IS FREE, YOU KNOW WHAT THE UP-FRONT COSTS ARE. YOU CAN ESTIMATE THE MAINTENANCE AND THEY LAST FOR 20 YEARS. AND SO ONE OF THE REASONS THESE HIGH-TECH COMPANIES THAT DEMAND A LOT OF ELECTRICITY ARE GOING TO STATES LIKE IOWA IS THEY CAN TIE IN THEIR COST FOR THE NEXT 20, 30 YEARS. YOU CAN'T DO THAT WITH FOSSIL FUELS. AND AROUND THE PROTECTIONISM, LES, OPPD, AND NPPD HAVE ALL JOINED THE SOUTHWEST POWER POOL. NOW THAT'S A MARKETPLACE. AND LIKE IN ALL FREE MARKETPLACES, THE LOWEST PRODUCTION COSTS ARE THE ONES THAT GET USED. AND SO IF YOU HAVE A WIND DEVELOPER COMING INTO NEBRASKA, FOR EXAMPLE, AND HE INVESTS IN THAT WIND, IN THOSE WIND TURBINES, IN THOSE WIND TURBINES AND HE CAN'T PRODUCE THE LOWEST COST ENERGY, HE LOSES MONEY, HE OR SHE, THE COMPANY, THE INVESTORS LOSE MONEY. SO I WISH WE COULD GIVE LOCAL PEOPLE, LOCAL COMMISSIONERS WHO SET ZONING LAWS, YOU KNOW, RECOGNIZE THAT THEY'RE... [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

SENATOR HAAR: ...ELECTED BY THE PEOPLE TOO. AND WE HAVE TO STOP SAYING THEY DON'T KNOW WHAT THEY'RE DOING. THEY'LL NEVER KNOW HOW TO WRITE THESE LAWS. THEY'LL JUST GO AFTER THE MONEY. WELL, THEN MAYBE WE SHOULD GET RID OF LOCAL CONTROL AND GIVE IT ALL TO THE STATE GOVERNMENT. WOULDN'T THAT BE GREAT? AND LET'S STOP MAKING THE ARGUMENT THAT WE HAVE TO PROTECT PUBLIC POWER FOR IT TO CONTINUE TO EXIST. WE SEE ALREADY IN IOWA THE OPPOSITE HAPPENING. THEIR RATES ARE LOWER THAN OURS. SO I WILL SUPPORT THESE AMENDMENTS. I SUPPORT LB423. WE DO NEED TO BE MOVING INTO THE FUTURE. IT'S NOT GOING TO HAPPEN ALL OF A SUDDEN. AND RENEWABLES ARE AN IMPORTANT PART OF THAT MOVE TO THE FUTURE. THANK YOU VERY MUCH. [LB423]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB423]

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SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. LET ME ADDRESS A LITTLE BIT OF THE... WE KEEP HEARING THAT IOWA HAS LOWER ELECTRICITY COSTS. BUT LET'S LOOK AT THIS IN THE LONGER TERM PICTURE. WHAT IF WE WOULD INCENTIVIZE WIND ENERGY UNTIL REACH A CAPACITY OF LIKE 75 PERCENT OF OUR NEEDS OR 80 PERCENT OF OUR NEEDS ARE MET BY WIND ENERGY. AND THE ONLY REASON IOWA CAN DO THIS AND OFFER THIS LOW RATE IS THAT THE FEDERAL PRODUCTION TAX CREDIT ALONG WITH THE IOWA PRODUCTION TAX CREDIT, THOSE WIND FARMS WOULD NOT HAVE TO GENERATE ONE KILOWATT OF ELECTRICITY IN ORDER FOR THEM TO THE INVESTOR TO MAKE MONEY. THEY CAN SIT THERE AND LOOK BEAUTIFUL ON THE LANDSCAPE. I, FOR ONE, DO NOT WANT TO LOOK AT THEM. BUT WITH ALL THOSE PRODUCTION TAX CREDITS OUT THERE, THEY DO NOT NEED TO GENERATE ELECTRICITY. SO WHATEVER THEY DO GENERATE DRIVES DOWN THE COST OF EVERYBODY ELSE'S BECAUSE THEY WILL SELL IT AT WHATEVER COST IS NECESSARY. THEY JUST DUMP IT ON THE MARKET. IT'S GRAVY. SO LONG TERM, LET'S LOOK AT THAT. LET'S LOOK AT 75 PERCENT OF OUR NEEDS ARE MET WITH WIND POWER AND WE KEEP DRIVING DOWN THE COST OF OUR ELECTRICITY AND, YES, IN THE NEAR TERM WE WILL HAVE CHEAPER ELECTRICITY COSTS. BUT WE WILL DRIVE UP THE COST OF PUBLIC POWER, AND WE WILL PUT IT OUT OF BUSINESS, SO TO SPEAK. IF IT WAS PRIVATE INDUSTRY, WE COULD RUIN IT. WE COULD DESTROY IT. WHAT IS GOING TO BE OUR BASE LOAD? SOMETIMES WE HAVE TO LOOK AT THIS AND DO SMART DEVELOPMENT. JUST BECAUSE SOMETHING IS GOING TO LOCATE IN MY AREA AND IT'S GOING TO BE GOOD FOR MY PROPERTY TAXPAYERS IS NOT A REASON I'M GOING TO VOTE FOR A PRODUCTION TAX CREDIT. WE HAVE TO LOOK AT THE BIGGER PICTURE AND WHAT'S BEST FOR THE STATE. AND RIGHT NOW WE DON'T HAVE A PLAN. WE DON'T KNOW WHAT OUR BASE LOAD IS GOING TO BE. WE DON'T KNOW WHERE IT'S GOING TO COME FROM AND WHAT CHEAPER COST OF ELECTRICITY THROUGH A PRODUCTION TAX CREDIT OR WHATEVER OTHER CREDITS THEY ARE SUBJECT TO, IT COULD DRIVE DOWN THE COST OF ELECTRICITY, YES. BUT IN THE LONGER TERM, IS IT GOOD FOR THE STATE? WOULD SENATOR NORDQUIST YIELD TO A QUESTION? [LB423]

SENATOR KRIST: SENATOR NORDQUIST, WILL YOU YIELD TO A QUESTION?
[LB423]

SENATOR NORDQUIST: YES. [LB423]

SENATOR FRIESEN: SENATOR NORDQUIST, THE PRODUCTION TAX CREDIT, IS IT BASED ON THE ACTUAL KILOWATTS PRODUCED, OR IS ON THE NAMEPLATE CAPACITY, OR HOW IS THAT DETERMINED? [LB423]

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SENATOR NORDQUIST: IT'S BASED ON THE ACTUAL PRODUCTION, HOW MUCH THE WIND BLOWS, NOT BASED ON NAMEPLATE CAPACITY. WITH THE NEW LIMIT, THE DEPARTMENT OF REVENUE WILL ESTIMATE. SO IN YOUR COMMENT JUST TO BE CLEAR, THE FEDERAL AND IOWA'S PRODUCTION TAX CREDITS ARE BASED ON THE PRODUCTION THAT COMES OUT OF THE TURBINE. [LB423]

SENATOR FRIESEN: CORRECT. SO, OKAY, WHO MAKES THE DECISION ON WHEN THE WIND FARM COME ON-LINE OR WHEN IT DOESN'T. I MEAN THERE ARE DAYS WHEN THE WIND IS BLOWING OBVIOUSLY THAT SOME OF THE PLANTS...WIND FARMS ARE NOT ON-LINE. WHO MAKES THAT DETERMINATION? [LB423]

SENATOR NORDQUIST: AND I SAT THROUGH SOME BRIEFINGS ON IT. I'M NOT SURE WHO CONTROLS. USUALLY THEY HAVE A BASE LOAD AND A LOT OF TIMES THEY WILL PARTNER WITH WIND AND NATURAL GAS BECAUSE NATURAL GAS IS SOMETHING THAT CAN BE ESSENTIALLY FLIPPED ON AND OFF MUCH EASIER THAN A COAL-FIRED PLANT. SO THEY ENSURE THEY HAVE A BASE LOAD. IF THEY NEED TO SUPPLEMENT IT WITH NATURAL GAS IF THE WIND ISN'T BLOWING, AND I CAN'T REMEMBER WHO'S MAKING THE CALLS ON THAT. [LB423]

SENATOR FRIESEN: THE ANSWER WOULD BE THE SOUTHWEST POWER POOL MAKES THE CALL. [LB423]

SENATOR NORDQUIST: RIGHT, OKAY. [LB423]

SENATOR FRIESEN: AND SO THE COMMENT WAS MADE EARLIER THAT THEY WILL CHOOSE THE CHEAPEST RATE OUT THERE. SO IF THERE'S WIND ENERGY I WOULD ASSUME THAT, BUT THEY NEED TO WORK WITH THE COAL-FIRED INDUSTRY TO TELL THEM TO RAMP DOWN AHEAD OF TIME. THEY NEED ADVANCE NOTICE. SO WHEN IT COMES DOWN TO THAT, THEY WILL COLLABORATE, I TAKE IT. BUT THEN SOMEONE IS GOING TO HAVE TO PROVIDE THE PEAKING STATION. WHO'S RESPONSIBLE FOR THOSE COSTS OF BUILDING THESE OTHER GENERATION FACILITIES THAT COVER THE TIME FRAME BETWEEN A COAL-FIRED POWER PLANT BEING ABLE TO COME ON-LINE AND THE WIND DYING DOWN? [LB423]

SENATOR KRIST: ONE MINUTE. [LB423]

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SENATOR NORDQUIST: WELL, THAT WOULD BE THE PUBLIC...IN NEBRASKA, IT WOULD BE PUBLIC POWER ENTITIES THAT ARE MAKING THESE PURCHASE AGREEMENTS WITH THE PRODUCERS. [LB423]

SENATOR FRIESEN: SO ME AS A RATEPAYER ARE GOING TO END UP PROVING ANOTHER SOURCE OF GENERATION IN ORDER FOR WIND GENERATION TO WORK IN THIS STATE. [LB423]

SENATOR NORDQUIST: RIGHT, RIGHT. SO LIKE WHEN LES CHOSE TO BUY RENEWABLES AND DIVERSIFY THEIR PORTFOLIO, THEY WENT TO OKLAHOMA AND SIGNED AN AGREEMENT WITH...TO BUY OKLAHOMA WIND RATHER THAN BUYING LOCAL WIND. [LB423]

SENATOR FRIESEN: SO IN THE LONGER TERM, IT LOOKS TO ME THAT OUR COSTS ARE GOING TO GO UP IF WE DON'T DEVELOP A STRATEGIC PLAN ON WHERE OUR ELECTRICITY IS GOING TO COME FROM IN THE LONGER TERM. THANK YOU, SENATOR NORDQUIST. [LB423]

SENATOR NORDQUIST: THANK YOU. [LB423]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB423]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN AND SENATOR NORDQUIST. WE'RE NOW AT A POINT IN THE SCHEDULE WE'RE GOING TO ADDRESS ANY SELECT FILE BILL LISTED WITHOUT AN AMENDMENT OTHER THAN E&R AMENDMENT WILL BE VOTED UPON AT THIS TIME. MR. CLERK. [LB423]

CLERK: MR. PRESIDENT, THE FIRST BILL, LB348. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER89, LEGISLATIVE JOURNAL PAGE 1229.) [LB348]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB348]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB348. [LB348]

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SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. THEY ARE ADOPTED. [LB348]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB348]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB348]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB348 TO E&R FOR ENGROSSING. [LB348]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB348 ADVANCES. [LB348]

CLERK: LB317, MR. PRESIDENT. I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER94, LEGISLATIVE JOURNAL PAGE 1292.) [LB317]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB317]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB317. [LB317]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. THEY ARE ADOPTED. [LB317]

CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB317]

SENATOR KRIST: SENATOR HANSEN FOR A MOTION. [LB317]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB317 TO E&R FOR ENGROSSING. [LB317]

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. LB317 ADVANCES. ITEMS FOR THE RECORD. [LB317]

CLERK: MR. PRESIDENT, REFERENCE REPORT REFERRING GUBERNATORIAL APPOINTEE TO STANDING COMMITTEE FOR CONFIRMATION HEARING.

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AMENDMENTS TO BE PRINTED TO LB67, SENATOR SCHUMACHER; SENATOR CRAWFORD, LB67; SENATOR SCHEER, LB294; SENATOR NORDQUIST, LB423A; SENATOR SCHUMACHER, LB330; SENATOR SCHUMACHER, LB575; SENATOR MURANTE, LB575; SENATOR COASH, LB566; SENATOR GROENE, LB423; AND SENATOR JOHNSON TO LB360. (ALSO SENATOR KRIST AMENDMENT TO BE PRINTED TO LB347.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1369-1378.) [LB67 LB294 LB423A LB330 LB575 LB566 LB423 LB360 LB347]

SENATOR KRIST: THANK YOU, MR. CLERK. SO TO BE CLEAR, WE'LL BE STANDING AT EASE. LUNCH IS IN THE SENATORS' LOUNGE. WE'LL STAND AT EASE FOR APPROXIMATELY 20 MINUTES GIVEN THE HOUR. THE GAVEL WILL FALL AT 12:25--12:25. PLEASE BE RESPECTFUL OF YOUR TIME BACK IN YOUR SEATS SO WE HAVE A QUORUM. 12:25. WE ARE STANDING AT EASE.

EASE

SENATOR KRIST: WE'LL OPEN WITH THIS AFTERNOON'S BUSINESS AND WE'LL START WITH GENERAL FILE. MR. CLERK.

CLERK: MR. PRESIDENT, IF I MAY, JUST ONE ITEM. A HEARING NOTICE FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. (LEGISLATIVE JOURNAL PAGE 1378.)

MR. PRESIDENT, LB468, A BILL ORIGINALLY INTRODUCED BY SENATOR NORDQUIST. (READ TITLE.) THE BILL WAS PRESENTED LAST FRIDAY, MR. PRESIDENT. SENATOR NORDQUIST OPENED ON THE BILL, AS WELL AS THE RETIREMENT SYSTEMS COMMITTEE AMENDMENTS. THE COMMITTEE AMENDMENTS HAVE BEEN ADOPTED. AT THIS TIME, I HAVE NOTHING PENDING TO THE BILL, MR. PRESIDENT. [LB468]

SENATOR KRIST: SENATOR NORDQUIST, WOULD YOU LIKE TO REFRESH US ON LB468? [LB468]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. WITH THE COMMITTEE AMENDMENT BEING ADOPTED, AM1172, WE'VE MOVED FORWARD WITH BOTH THE BENEFIT CHANGES AND THE FUNDING CHANGES FOR THE JUDGES RETIREMENT PLAN. THIS IS A PENSION REFORM BILL. THAT'S WHAT

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WE'RE TRYING TO DO IS REFORM OUR PENSION SYSTEMS IN NEBRASKA, MUCH LIKE WE DID WITH THE EDUCATION PENSION REFORM BILL THAT WE PASSED TWO YEARS AGO FOR ALL SCHOOL EMPLOYEES THAT IMPACTED BOTH THE STATE SCHOOL EMPLOYEE SYSTEM AND THE OMAHA SYSTEM. THIS IS THE SECOND OF OUR THREE DEFINED BENEFIT PLANS, THE JUDGES RETIREMENT PLAN THAT WE ARE ATTEMPTING TO REFORM, TO BRING THESE PLANS INTO BETTER FISCAL POSITION, TO MAKE THEM SUSTAINABLE LONG TERM. AS I SAID ON GENERAL FILE, DEFINED BENEFIT PLANS COME DOWN TO A SIMPLE EQUATION. THE BENEFITS YOU PAY OUT PLUS THE EXPENSES TO ADMINISTER THOSE BENEFITS NEED TO EQUAL OVER THE LONG RUN THE CONTRIBUTIONS GOING INTO THE PLAN AND THE INVESTMENTS INTO THOSE PLANS. THESE PLANS HAVE A GREAT DEAL OF LONGEVITY. THEY'RE NOT STOPPING TOMORROW. SO THE CHANGES THAT WE MAKE ARE LONG-TERM CHANGES TO STEER THE PLANS IN THE RIGHT DIRECTION. WE MAKE BENEFIT REDUCTIONS FOR ALL NEW HIRES STARTING AFTER JULY 1, 2015. WE MAKE IT THEIR FINAL AVERAGE COMPENSATION FOR PURPOSES OF CALCULATING BENEFITS IS BASED ON THEIR FINAL FIVE YEARS OF SALARY RATHER THAN THEIR FINAL THREE YEARS OF SALARY. THE MAXIMUM COST OF LIVING ADJUSTMENT IS 1 PERCENT WITH AN ADDITIONAL 1.5 PERCENT THAT WOULD BE DISCRETIONARY. THE PUBLIC EMPLOYEES RETIREMENT BOARD WOULD DETERMINE THAT ONLY IF THE PLAN IS OVER 100 PERCENT FUNDED. JUDGES WOULD CONTINUE MAKING 10 PERCENT CONTRIBUTION RATE AFTER 20 YEARS OF SERVICE. IT WOULD NOT FALL OFF AFTER 20 YEARS OF SERVICE, AND CONTRIBUTION RATE WOULD BE 10 PERCENT INSTEAD OF 9 PERCENT. FOR THE FUNDING SIDE, WE EXTEND OUR \$6 COURT FEE TO PRETRIAL DIVERSION CASES, WHICH SHOULD GENERATE ABOUT \$180,000 A YEAR FOR THE PLAN, AND WE REDIRECT \$2 FOR THE FIRST TWO YEARS AND THEN \$3 AFTER THAT FROM THE GENERAL FUND, COURT FEES THAT GO TO THE GENERAL FUND TO THE JUDGES RETIREMENT FUND. WITH THOSE CHANGES, THE FUNDING, THE 30-YEAR FUNDING NEEDS OF THE PLAN DROP FROM \$110 MILLION DOWN TO ONLY ABOUT \$17 MILLION ACCORDING TO OUR ACTUARY. I'D APPRECIATE YOUR ADVANCEMENT OF LB468. THANK YOU. [LB468]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: THANK YOU, SENATOR NORDQUIST, FOR THAT UPDATE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB468]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THE POINTS THAT I'M GOING TO MAKE WOULD BE FROM MY POINT OF VIEW OF MORE CONSEQUENCE IF MORE PEOPLE WERE HERE BECAUSE

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I WILL NEED VOTES. HOWEVER, I'M GOING TO TAKE TIME DISCUSSING THIS, PUTTING INFORMATION INTO THE RECORD, AND THEN I WILL REPEAT SOME THINGS WHEN WE HAVE MORE IN THE BODY. I CAN EXTEND THE TIME BY OFFERING AMENDMENTS AND MOTIONS. AND I'D LIKE TO SAY SOMETHING TO SENATOR NORDQUIST, IF HE WILL YIELD. [LB468]

SENATOR WATERMEIER: SENATOR NORDQUIST? [LB468]

SENATOR NORDQUIST: YES. [LB468]

SENATOR CHAMBERS: SENATOR NORDQUIST, THIS APPROACH THAT I'M TAKING WAS NOT WHAT I INTENDED THE NEXT TIME THE BILL CAME BEFORE US. BUT BECAUSE OF THE TYPES OF THE THINGS THAT I'M RAISING, I THINK THE BILL IS VERY SERIOUS. YOU ARE SERIOUS ABOUT WHAT YOU'RE DOING. YOU'RE, AS THE CHAIRPERSON, TRYING TO HANDLE THIS IN THE WAY THAT YOU THINK IS MOST NOT JUST EXPEDIENT BUT PRUDENT. I HAPPEN TO DISAGREE. BUT UNDER THE CIRCUMSTANCES, I'M GOING TO HANDLE WHAT I'M DOING THE WAY THAT I THINK THAT I NEED TO. [LB468]

SENATOR NORDQUIST: ALL RIGHT. THANK YOU. [LB468]

SENATOR CHAMBERS: SO THAT'S ALL THAT I WANTED TO SAY DIRECTLY TO THE CHAIRMAN. BUT I WILL ASK HIM A QUESTION SINCE I HAD ASKED HIM TO. SENATOR NORDQUIST, IF THERE WERE SOME ALTERNATIVE FUNDING MECHANISM THIS SESSION, WOULD THAT SATISFY WHAT IT IS YOU'RE TRYING TO DO? [LB468]

SENATOR NORDQUIST: IF IT FUNDED IT AT THE LEVEL THAT IT NEEDED TO BE AND AS A MEMBER OF THE APPROPRIATIONS COMMITTEE, I'M OBVIOUSLY VERY CONCERNED ABOUT WHERE OUR GENERAL FUND DOLLARS GO AND I WOULDN'T WANT IT TO HARM OTHER FUNDING ASPECTS IN THE STATE BUDGET, BUT GOAL NUMBER ONE IS MAKING SURE THAT THE FUNDING GOES INTO THE PLAN THAT'S NEEDED. [LB468]

SENATOR CHAMBERS: AND HOW MUCH THIS SESSION WOULD BE NEEDED TO CARRY US UNTIL NEXT YEAR? [LB468]

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SENATOR NORDQUIST: WELL, IF WE MAINTAIN THE CURRENT COURT FEES, IT'S \$750,000 THE FIRST YEAR AND \$660,000 THE SECOND YEAR, WHICH WERE INCLUDED, IF I MAY, I DON'T WANT TO TAKE TOO MUCH OF YOUR TIME... [LB468]

SENATOR CHAMBERS: YES, GO AHEAD. [LB468]

SENATOR NORDQUIST: ...WHICH WERE INCLUDED IN THE GOVERNOR'S BUDGET, AND WE INCLUDED THEM IN THE PRELIMINARY BUDGET FOR...THAT CAME TO THE FLOOR. WE PULLED THOSE OUT BECAUSE WE WERE DOING THIS LARGER REFORM APPROACH, WHICH INCLUDED THE BENEFIT REDUCTIONS AND THE FEES THAT WERE GOING INTO THE PLAN. [LB468]

SENATOR CHAMBERS: SENATOR NORDQUIST, AS A MEMBER OF THE JUDICIARY COMMITTEE, I AND OTHER MEMBERS, I'M LOOKING AT SOME BROAD-BASED, LONG-TERM REFORMS, IF YOU WANT TO CALL THEM THAT. BECAUSE OF THE INVOLVEMENT OF PEOPLE WHO ARE NOT MEMBERS OF THE LEGISLATURE, CHANGES ARE BEING PROPOSED AND SOME MAY BE ADOPTED. SO IN THESE KIND OF EFFORTS YOU MAY NOT GET ALL YOU WANT BUT YOU GET WHAT YOU CAN AS YOU MOVE ALONG. WOULD YOU AGREE WITH THAT AS GENERAL PROPOSITION? [LB468]

SENATOR NORDQUIST: ARE YOU QUOTING THE ROLLING STONES? WAS THAT A DIRECT QUOTE FROM THE ROLLING STONES? [LB468]

SENATOR CHAMBERS: THAT YOU GET...I DIDN'T HEAR WHAT YOU... [LB468]

SENATOR NORDQUIST: NO. MAYBE YOU GET WHAT YOU NEED. RIGHT? [LB468]

SENATOR CHAMBERS: RIGHT, GET WHAT YOU CAN. NOW THERE...THIS WAS IN THE GOVERNOR'S BUDGET. WHEN YOU SAY IN THE GOVERNOR'S BUDGET, DOES THAT MEAN THAT GENERAL FUNDS WOULD BE USED TO PAY THIS AMOUNT? [LB468]

SENATOR NORDQUIST: THAT WAS HIS RECOMMENDATION. THE RETIREMENT COMMITTEE THOUGHT IT WAS PRUDENT NOT JUST TO KEEP DUMPING THE GENERAL FUND MONEY IN BUT TO TAKE AN APPROACH THAT WOULD SCALE BACK BENEFITS AND INCREASE SUSTAINABLE FUNDING STREAMS INTO THE PLAN. [LB468]

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SENATOR CHAMBERS: THE GOVERNOR WILL BE HERE PROVIDED HE DOESN'T DIE, RESIGN, GET CONVICTED OF A FELONY. THE WORLD DOES NOT END, AND OTHER POSSIBILITIES THAT ARE NOT LIKELIHOODS, HE WOULD BE BACK NEXT YEAR. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: WOULD YOU AGREE? [LB468]

SENATOR NORDQUIST: YES, HE LIKELY WOULD BE. [LB468]

SENATOR CHAMBERS: WHEN THIS FORTUNE-TELLER BOARD CAME IN ESTIMATING HOW MUCH MONEY WOULD BE AVAILABLE, THEY CAME UP WITH A FIGURE OF ABOUT \$10 MILLION MORE THAN WHAT PEOPLE THOUGHT MIGHT BE AVAILABLE. IS THAT TRUE OR NOT? [LB468]

SENATOR NORDQUIST: YES. AND THAT CERTAINLY EXCEEDED MOST PEOPLE'S EXPECTATIONS. [LB468]

SENATOR CHAMBERS: AND I'M GOING TO PUT ON MY LIGHT SO I WON'T GO OVER. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS, SENATOR NORDQUIST. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB468]

SENATOR CHAMBERS: THANK YOU. AND, SENATOR NORDQUIST, THAT'S ALL I WILL ASK YOU UNLESS I HAVE ANOTHER QUESTION. I WANT TO MAKE OBSERVATIONS AND, FOR THESE, I WISH SOME OTHER SENATORS WERE HERE. I AM NOT TAKING US BY MY APPROACH OUTSIDE OF WHAT THE GOVERNOR HAS RECOMMENDED ALREADY. SO THE GOVERNOR WOULD NOT HAVE ANY REASON TO VETO THIS BILL IF I CAN PERSUADE THE BODY TO DO THAT WHICH THE GOVERNOR RECOMMENDED DOING. WHEN THE APPROPRIATIONS COMMITTEE WAS IN OPERATION, THEY DID NOT KNOW THAT OTHER OR ADDITIONAL \$10 MILLION WOULD BE AVAILABLE. THIS AMOUNT AT MOST, IF THERE'S \$700,000-SOMETHING NOW AND \$600,000-SOMETHING ANOTHER TIME, IF YOU JUST TOOK \$750,000, \$750,000, DOUBLE IT, AND THAT COMES TO NOT \$2 MILLION. THERE IS MONEY WHICH THE APPROPRIATIONS COMMITTEE DID NOT HAVE WHICH NOW IS AVAILABLE. TAKING THIS AMOUNT FROM THAT MONEY DISTURBS NOTHING

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THAT THE APPROPRIATIONS COMMITTEE DID. IT FITS WITH WHAT THE GOVERNOR TALKED ABOUT AS FAR AS THE FUNDING FOR THIS PROPOSITION. I FEEL SO STRONGLY ABOUT JUSTICE, THE COURT SYSTEM, THE DISPENSING OF JUDGMENT, OF JUSTICE, THE ACCESSIBILITY OF JUSTICE THAT I DON'T WANT PURELY POLITICAL ISSUES TO INTERVENE AND DETERMINE WHAT IS DONE IN THE JUDICIAL SYSTEM. THIS TINKERING WITH FEES AND COURT COSTS ALWAYS IS POLITICAL, PURE AND SIMPLE. THEY TRY TO GET WHAT THEY CAN OVER MY OBJECTION AND DURING THE TIME FOR A FOUR-YEAR PERIOD WHEN I WAS NOT HERE. BUT NOW I AM BACK, AND I'M BACK WITH A VENGEANCE. IN THE SAME WAY THAT SENATOR NORDQUIST AND HIS COMMITTEE FEEL THAT THE AGENDA THEY HAVE MAPPED BY WAY OF THE BILL THAT WE'RE PRESENTED WITH AND THE AMENDMENTS THEY MAY FAVOR, I HAVE AN AGENDA TOO. IT HAPPENS THAT THERE ARE NOT AS MANY OF ME AS THERE ARE OF THEM. BUT THE NUMBER OF PEOPLE ON THE SIDE OF A QUESTION NEVER DETERMINES THE VALIDITY OF IT. THE FEWNESS OF PEOPLE ON THE OTHER SIDE DOES NOT INDICATE A LACK OF VALIDITY. IF ANYBODY ON THIS FLOOR HAD HAD AS MUCH DEALING WITH THE COURTS AS I HAVE, NOT AS A DEFENDANT, ALTHOUGH IN TRAFFIC...IN FACT, WHAT I'M GOING TO DO IS GATHER SOME OF THE COURT DECISIONS THAT I'VE GOTTEN FROM THE SUPREME COURT TO SHOW THAT I DO KNOW SOMETHING ABOUT THE LAW. THAT I HAVE WON TRAFFIC CASES WHICH PEOPLE MAY SAY IS NOTHING, BUT WHEN YOU BEAT RADAR, YOU BEAT VASCAR, AND YOU BEAT THESE OTHER HIGH-TECH MEANS OF DETERMINING SPEED, THAT IS THE KIND OF CASE LAWYERS DON'T LIKE TO TAKE BECAUSE THEY'RE DIFFICULT TO WIN. BUT I'M GOING TO SHOW YOU THE ONES THAT I HAVE WON. AND A DIFFERENT...TO SHOW YOU MY VERSATILITY WHERE I HAD A GRAND JURY REPORT COMPLETELY EXPUNGED FROM THE RECORD... [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: ...TO SHOW THAT I AM NOT JUST SAYING WORDS, I KNOW SOMETHING ABOUT THE LEGAL SYSTEM, I HAVE STUDIED IT, I HAVE PARTICIPATED IN IT. AND BECAUSE I'M AWARE OF THE IMPORTANCE THAT AN INDEPENDENT JUDICIARY IS TO A DEMOCRATIC SOCIETY OR ANY OTHER ONE IF YOU CAN HAVE AN INDEPENDENT JUDICIARY IN A DIFFERENT TYPE OF SOCIETY, THAT I WILL DO ALL THAT I CAN TO MAINTAIN THE INTEGRITY OF THAT SYSTEM. AND WHEN WE FUND IT BY A NICKEL HERE AND A NICKEL THERE, IT'S NOT GOING TO DO THE JOB AS IT SHOULD. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. SENATOR NORDQUIST, YOU ARE RECOGNIZED. [LB468]

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SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I CERTAINLY APPRECIATE SENATOR CHAMBERS' CONCERN OVER MAINTAINING OR KEEPING COURT FEES AT A RELATIVE LEVEL. AND IT'S BEEN HIS DEDICATION, PASSION ON THAT ISSUE THAT HAS KEPT OUR COURT FEES AS CERTAINLY THE LOWEST IN THE REGION AND SOME OF THE LOWEST IN THE NATION. I'M GOING TO ASK SENATOR CHAMBERS A QUESTION HERE IN SECOND, SO I JUST WANTED TO GET HIS ATTENTION. I'VE BEEN AROUND THE CAPITOL SINCE ABOUT 2004. AND ONE OF THE FIRST LESSONS THAT I PICKED UP AS A STAFFER, SENATOR CHAMBERS USED TO MAYBE SCOLD LEGISLATORS ABOUT PUTTING LANGUAGE IN BILLS THAT WOULD SAY IT'S THE INTENT OF THE LEGISLATURE TO APPROPRIATE A MILLION DOLLARS TO PROGRAM X. HE WOULD SAY THAT IS NOT HOW WE APPROPRIATE MONEY. YOU CAN'T TIE THE HANDS OF FUTURE LEGISLATURES LIKE THAT. IT GOES THROUGH THE BUDGET PROCESS. IT GOES THROUGH...OR AN A BILL. MY CONCERN, AND IT REALLY KIND OF COMES FROM THAT LISTEN ON LB468, IS IF WE JUST PUT THE MONEY IN THAT'S DUE FOR THESE TWO YEARS WITHOUT THE LONG-TERM COMMITMENT OF MONEY TO THESE PLANS, FUTURE LEGISLATURES AND MEMBERS OF...LEGISLATOR MEMBERS OF FUTURE LEGISLATURES CAN CHOOSE LIKE WE'VE SEEN IN CITIES AROUND THE COUNTRY, KICK THE CAN DOWN THE ROAD AND SAY, WELL, YOU KNOW, MAYBE WE DON'T MAKE THE PAYMENT THIS YEAR. I WOULD LIKE TO SPEND A MILLION DOLLARS OVER HERE, SO LET'S NOT PUT THE MONEY IN. THAT'S THE CONCERN THAT I HAVE WITH NOT MAKING THE LONG-TERM FUNDING STREAM COMMITMENT LIKE WE DID WITH THE SCHOOL PLAN. SO IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, YIELD? [LB468]

SENATOR CHAMBERS: YES, I WILL. [LB468]

SENATOR NORDQUIST: SO, SENATOR CHAMBERS, DOES MY HISTORY ACCOUNT OF YOUR...AND I HAVEN'T HEARD YOU SAY IT TOO MUCH RECENTLY. SO MAYBE THE MESSAGE GOT THROUGH THAT PEOPLE DON'T DO THAT ANYMORE. BUT WAS THAT THE CASE THAT YOU USED TO TELL LEGISLATORS THAT MESSAGE IN THE PAST? [LB468]

SENATOR CHAMBERS: FROM THE STANDPOINT OF HISTORY, YOU GET AN A.
(LAUGHTER) [LB468]

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SENATOR NORDQUIST: THANK YOU. THANK YOU. SO JUST, YOU KNOW, THAT IS MY CONCERN HERE IS THAT WHEN IT'S LEFT UP TO AN ANNUAL APPROPRIATION AND THIS IS WHAT'S HAPPENED WITH EVERY CITY AROUND THE COUNTRY. THEY START CHOOSING, WELL, WE'VE GOT TO PAY ROADS THIS YEAR. WE GOT TO PICK UP TRASH THIS YEAR. WE'VE GOT SOME OTHER PROJECTS WE WOULD LIKE TO DO. LET'S SKIP THIS YEAR'S PAYMENT AND LET'S...MAYBE NEXT YEAR'S TOO. WE CAN MAKE UP FOR THIS DOWN THE ROAD. AND ALL OF A SUDDEN DOWN THE ROAD YOU'RE ON THE VERGE OF BANKRUPTCY, AT LEAST WITH THOSE CITIES. NOW THE STATE IS OBVIOUSLY IN A MUCH BETTER POSITION. SO THAT'S WHY A CONSTANT FUNDING STREAM THAT IS IN STATUTE THAT IS DEDICATED TO THIS AND FOR THIS PLAN IT'S BEEN COURT FEES, THAT'S WHY WE WANT TO MAINTAIN IT AND DIRECT COURT FEES TO THIS PLAN TO HAVE THAT SUSTAINABLE ONGOING FUNDING STREAM. THANK YOU. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR NORDQUIST AND SENATOR CHAMBERS. SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME ON THE BILL. [LB468]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WHAT SENATOR NORDQUIST SAID WAS ACCURATE. THE MAIN POINT BEING THAT A FUTURE GENERATION CAN...LEGISLATURE CANNOT BE BOUND BY A PRIOR LEGISLATURE. EVEN THE LEGISLATURE AS IT EXISTS NOW COMPROMISING THOSE OF US WHO ARE HERE CAN DO SOMETHING DIFFERENT NEXT YEAR THAN WHAT WE HAVE DONE THIS YEAR. THE CONSTITUTION GIVES US PLENARY AUTHORITY TO LEGISLATE IN ANY AND EVERY AREA WITHOUT ANY LIMITATION OTHER THAN WHAT YOU'D FIND IN THE U.S. CONSTITUTION, FEDERAL LAWS, AND FEDERAL TREATIES, WHICH ARE THE SUPREME LAW OF THE LAND, ANY PROVISION IN ANY STATE CONSTITUTION TO THE CONTRARY NOTWITHSTANDING. THAT'S WHAT THE CONSTITUTION SAYS MORE OR LESS. IF THERE IS SOMETHING IN THE NEBRASKA CONSTITUTION RELATED TO WHAT WE CAN DO AS A LEGISLATURE, IT IS THERE NOT AS A GRANT OF AUTHORITY, BECAUSE THE LEGISLATURE COMES INTO BEING WITH ALL, LET ME SAY ABSOLUTE AUTHORITY WITH THE EXCEPTIONS THAT I MENTION. SO IF THERE'S SOMETHING IN THE CONSTITUTION RELATIVE TO HOW WE FUNCTION, IT WOULD BE A RESTRICTION. THE LEGISLATURE IS RESTRICTED OR LIMITED BY THE CONSTITUTION OF THE STATE, NOT GRANTED AUTHORITY BY THE CONSTITUTION BECAUSE THE LEGISLATURE COMES WITH ALL THAT AUTHORITY. THERE IS NOTHING THAT THE CONSTITUTION CAN GRANT TO THE LEGISLATURE WHICH THE LEGISLATURE DOES NOT ALREADY HAVE. SO IT PLACES LIMITATIONS. IF SENATOR NORDQUIST GETS WHAT HE WANTS WITH THIS BILL,

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FOR THE SAKE OF THE QUESTION THAT I'M ASKING HIM, I'M GOING TO PRESUME THAT HE GETS WHAT HE WANTS WITH THIS BILL, AND I WOULD LIKE TO ASK HIM TO YIELD TO A QUESTION OR TWO, IF HE WILL. [LB468]

SENATOR WATERMEIER: SENATOR NORDQUIST? [LB468]

SENATOR NORDQUIST: YES. [LB468]

SENATOR CHAMBERS: SENATOR NORDQUIST, YOU WOULD AGREE, AND THIS IS FOR THE RECORD AND THE PURPOSES OF PEOPLE WHO MIGHT READ IT AND NOT BE AS KNOWLEDGEABLE ABOUT THE DIFFERENCE BETWEEN THE CONSTITUTION AND A STATUTE AS WE ARE. WHAT WOULD PREVENT THE LEGISLATURE FROM UNDOING NEXT SESSION WHAT YOU'RE DOING WITH THIS BILL? [LB468]

SENATOR NORDQUIST: THE SHORT ANSWER WOULD BE NOTHING. BUT...I'LL LEAVE IT AT THAT. I MEAN, I CAN...I'D LIKE TO JUST SAY JUST PRACTICALLY SPEAKING THOUGH, BUDGET DECISIONS HAPPEN MUCH MORE QUICKLY THAN THE POTENTIAL CHANGE OR REPEAL OF STATUTE. THAT WOULD BE... [LB468]

SENATOR CHAMBERS: BUT THE FACT IS, NEXT YEAR WE COULD UNDO EVERYTHING WE'VE DONE THIS YEAR, EVEN THOSE THINGS THAT HAVE BECOME LAW, COULDN'T WE? [LB468]

SENATOR NORDQUIST: RIGHT. BUT THOSE...WHAT WE DO HERE WILL STAY IN LAW UNTIL IT'S CHANGED. WHAT WE PUT INTO THE BUDGET WILL SUNSET IN TWO YEARS. THE BUDGET IS ONLY A TWO-YEAR DOCUMENT, AND THAT MONEY WON'T COME BACK UNLESS IT IS REAPPROVED IN TWO YEARS. [LB468]

SENATOR CHAMBERS: BUT HOWEVER WE DECIDE THIS SESSION TO SPEND THAT MONEY, WE CAN CHANGE THAT NEXT SESSION, CAN'T WE? [LB468]

SENATOR NORDQUIST: I CERTAINLY AGREE WITH THAT. I THINK IT'S JUST A PRACTICAL MATTER OF WHICH IS MORE DIFFICULT AND...YEAH. [LB468]

SENATOR CHAMBERS: AND THAT'S ALL I'LL ASK YOU FOR NOW AS I CONTINUE MY LECTURE. AND I DON'T CALL THIS TEACHING ANYMORE. I CALL IT

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ENCOURAGING US TO LEARN. THERE'S NOTHING I CAN TEACH ANYBODY, BUT I MIGHT CAN INSPIRE SOMEBODY TO LEARN. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: AS A LEGISLATURE, WE CAN CHANGE WHATEVER HAS BEEN PLACED WHERE IT IS BY WAY OF LEGISLATION. WE CANNOT AMEND THE CONSTITUTION BY LEGISLATION. SO THE VERY ARGUMENTS THAT SENATOR NORDQUIST MADE BY WAY OF OBJECTING TO WHAT I'M DOING, SAYING THAT IF WE DO IT THIS YEAR, IT MAY NOT BE DONE NEXT YEAR, SOME OTHER DECISION MAY BE TAKEN, THAT APPLIES TO EVERYTHING SINGLE THING WE DID, EVERYTHING SINGLE THING WE WILL DO. SO IT'S NOT A GOOD ARGUMENT. AND I PUT A MOTION UP THERE WHICH I AM NOT INTENDING TO TAKE TO A VOTE. BUT IN ORDER TO CONTINUE HAVING THE OPPORTUNITY TO SPEAK AND I WILL OFFER OTHER MOTIONS OR AMENDMENTS IF IT'S NECESSARY TO DO SO. I AM NOT OF A MIND...I SHOULDN'T SAY THIS. BUT MY MIND CAN CHANGE JUST LIKE LEGISLATURES CAN CHANGE. I'M NOT OF A MIND AT THIS POINT... [LB468]

SENATOR WATERMEIER: TIME, SENATOR. [LB468]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: MR. CLERK FOR A MOTION. [LB468]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO INDEFINITELY POSTPONE LB468. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR INDEFINITELY POSTPONE. [LB468]

SENATOR CHAMBERS: DO THEY RECOGNIZE THE INTRODUCER FIRST OR SHOULD I GO AHEAD AND PRESENT MINE? MR. PRESIDENT, MEMBERS OF THE... [LB468]

SENATOR WATERMEIER: SENATOR NORDQUIST, TAKE IT UP NOW OR PUSH IT BACK? [LB468]

SENATOR NORDQUIST: YEAH. TAKE IT UP. [LB468]

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SENATOR WATERMEIER: TAKE IT UP NOW. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB468]

SENATOR CHAMBERS: THANK YOU. AND I JUST WANT OUR PROCEEDINGS TO BE REGULAR. I'M NOT OF A MIND TO TAKE THIS BILL TO A CLOTURE VOTE AT THIS POINT. BUT I FEEL VERY STRONGLY ABOUT IT. AND MY COLLEAGUES ARE NOT HERE TO LISTEN. SO WHAT I AM SAYING MAY BE CONSTRUED AS WHAT SOME PEOPLE CALL A THREAT BECAUSE SUCH PEOPLE ARE OF A MIND TO FEEL THAT ANYTHING STATED WHICH IS CONTRARY TO WHAT THEY WANT TO DO AS A THREAT. BUT IT IS A REAL POSSIBILITY. ALL I'M TAKING FROM THIS BODY IS TIME. AND I'M NOT GOING TO DO THAT ON EVERY ISSUE. BUT ON ONE AS SERIOUS AS THIS, I WILL TAKE ALL THE TIME THAT I NEED. THE REASON I SAY I'M NOT OF A MIND TO DO THAT BECAUSE I THINK I SHOULD BE ABLE TO PERSUADE ENOUGH OF YOU TO AMEND THIS BILL SO THAT WE GET RID OF THE APPROACH BEING TAKEN BY SENATOR NORDQUIST. I DON'T WANT TO TRY TO CRAFT AN AMENDMENT ON THE FLY. BUT WHEN SOME OF THOSE WHO WORK IN THE FISCAL OFFICE SHOW UP, ALTHOUGH THEY MAY NOT BECAUSE THIS IS NOT A PART OF THE BUDGET BILL, I MAY FIND A WAY TO GET SOME ASSISTANCE IN CRAFTING AN AMENDMENT TO DO WHAT IT IS THAT I'M INTERESTED IN DOING. SINCE I'M GOING TO BE TALKING, I WILL NOT TRY TO TALK AND CRAFT SUCH AN AMENDMENT AT THE SAME TIME. WERE I TO CRAFT AN AMENDMENT THAT APPROXIMATED WHAT I'M TRYING TO DO, IF IT TURNS OUT TO BE UNSUCCESSFUL, THEN I HAVEN'T DONE ANYTHING. SO I WILL JUST HAVE TO TAKE MY TIME AND THE BODY'S TIME TO WORK ON THIS ISSUE. THERE ARE THOSE OF YOU WHO HAVE HAD OTHER ISSUES THAT I WORK WITH YOU ON. THEY MEANT A GREAT DEAL TO YOU. THEY MEANT A GREAT DEAL TO THE PEOPLE YOU REPRESENT DIRECTLY. AND I'VE BEEN WILLING TO PUT FORTH TIME AND EFFORT, AND I'LL CONTINUE TO DO THAT NO MATTER WHAT HAPPENS ON THIS BILL. BUT JUST STOP AND THINK FOR ONE MINUTE OR LET ME SAY A MOMENT. A MINUTE COMPROMISES 60 SECONDS. A MOMENT IS AN INDEFINITE AMOUNT OF TIME. SO I'LL SAY A MOMENT RATHER THAN A MINUTE. THINK FOR A MOMENT HOW MUCH SOME THINGS MEAN TO YOU AND HOW HARD YOU'RE WILLING TO WORK TO ACHIEVE THOSE ENDS. MULTIPLY THAT BY TEN, THEN CONTINUE TO MULTIPLY EXPONENTIALLY AND YOU'LL BEGIN TO GET AN IDEA OF HOW I FEEL ABOUT THE COURTS. THE OTHER DAY I MADE REFERENCE TO THE NUMBER WITHOUT GIVING A SPECIFIC ONE OF COMPLAINTS I FILED AGAINST JUDGES. JUDGES HAVE BEEN DISCIPLINED AS A RESULT. THE REASON I DID THAT ON THOSE OCCASIONS WAS BECAUSE THESE JUDGES BEHAVED IN A WAY THAT I FELT NOT ONLY BROUGHT DISREPUTE TO THE JUDICIARY, THE JUDICIAL SYSTEM, AND THE LAW ITSELF, BUT IT UNDERMINED THE MORAL AUTHORITY OF THE

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COURT SYSTEM. IT WOULD DEGRADE AND UNDERMINE THAT MORAL AUTHORITY. THE COURTS OPERATE ON THE BASIS OF MORAL AUTHORITY BECAUSE THEY DO NOT HAVE TROOPS WITH WHICH TO ENFORCE A SINGLE ORDER THAT THEY MAY ENTER. IF WHOEVER HAS ENOUGH POWER TO RESIST A COURT ORDER CHOSE TO DO SO, THERE WOULD BE NOTHING THE COURT COULD DO ABOUT IT. WHO WOULD HAVE THAT POWER? COLLECTIVELY, CONGRESS WOULD. CONGRESS COULD SAY, WELL, THE SUPREME COURT MADE ITS DECISION, LET THE SUPREME COURT CARRY OUT ITS DECISION, WHICH THE SUPREME COURT CANNOT DO. AND IF EVERY INSTRUMENTALITY, SAY THE U.S. MARSHALS, PEOPLE ALONG THAT LINE AND IN THAT LINE OF WORK WERE ORDERED BY THE COURT TO DO SOMETHING AND THEY REFUSED, THERE'S NOTHING THE COURT COULD DO ABOUT IT. THE COURT COULD ENTER ANOTHER ORDER AND FIND THEM IN CONTEMPT. BUT WHO IS GOING TO CARRY OUT THAT ORDER? IN OTHER WORDS, IN A SOCIETY WHICH CALLS ITSELF DEMOCRATIC, A CRISIS EXISTS OF CONSTITUTIONAL PROPORTIONS IF ANY OF THE THREE BRANCHES ABSOLUTELY REFUSES TO DO WHAT IT IS SUPPOSED TO DO. THAT IS A CRISIS AND THERE IS NO WAY TO RESOLVE IT. SO EACH BRANCH HAS A CERTAIN MORAL AUTHORITY, NOT MILITARY. THE COURT SYSTEM IN THE STATE OPERATES ON THE BASIS OF MORAL AUTHORITY. ONCE THE HIGHEST COURT IN THE STATE ENTERS AN ORDER, MAKES A RULING, REACHES A DECISION, THAT BECOMES THE LAW AS FAR AS THAT ASPECT OF THE CASE THAT THE COURT HANDLED. AND BY THE WAY, THERE'S A DIFFERENCE BETWEEN A SUPREME COURT DECISION AND A SUPREME COURT OPINION. THE DECISION IS HOW THE COURT ACTUALLY RULES. YEA, NAY, MAYBE, YOU GET SOME, YOU LOSE SOME. THAT'S THE DECISION. THE OPINION IS THAT WRITTEN TEXTUAL MATERIAL PROVIDED BY THE COURT IN ORDER TO EXPLAIN THE DECISION THAT IT REACHED, HOW AND WHY IT REACHED THAT DECISION. SO WHEN THERE ARE JUDGES WHO MISUSE THEIR OFFICE, THEY UNDERMINE AND DEGRADE THE MORAL AUTHORITY OF THE COURT ITSELF. SINCE THE COURTS DO NOT SELF-POLICE, SINCE THERE IS NOBODY ELSE WHO AT LEAST ON THOSE ISSUES WHERE I BROUGHT COMPLAINTS PREPARED TO DO ANYTHING, I DID WHAT I THOUGHT NEEDED TO BE DONE. SO I HAVE INVESTED TIME AND EFFORT IN DOING WHAT I COULD TO HELP MAINTAIN THE INTEGRITY OF THE JUDICIARY, THE JUDICIAL SYSTEM, THE COURTS. OTHERS ON THIS FLOOR CANNOT SAY THAT. MORE IS ENTAILED IN ACHIEVING THAT END THAN VOTING A SALARY INCREASE OR MORE MONEY INTO THEIR RETIREMENT FUND. THE WORK THAT I DO IS MUCH HARDER. SENATOR NORDQUIST WILL HAVE HELP FROM THESE OTHER SENATORS. NOBODY WOULD SIGN ON TO THE COMPLAINTS THAT I FILE, DO THE RESEARCH, AND ALL THAT IS ENTAILED. SO I HAVE PUT MYSELF IN A POSITION TO HAVE EARNED THE RIGHT TO CONTINUE MY CRUSADE, IF YOU WOULD CALL

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IT THAT, TO UPHOLD THE INTEGRITY OF THE JUDICIARY AND I THINK THIS PIECEMEALING DOES NOT DO IT. THERE IS ALWAYS GOING TO BE A GENERAL FUND AND THAT GENERAL FUND WILL ALWAYS HAVE ENOUGH MONEY IN IT TO APPROPRIATE WHAT IT TAKES TO OPERATE THE COURTS. IT HAS ENOUGH TO APPROPRIATE MONEY FOR THE EXECUTIVE BRANCH, FOR THE LEGISLATIVE BRANCH. BUT WHEN WE COME TO THAT ONE WHICH CAN BE CONSIDERED THE MORAL GLUE OR ETHICAL GLUE TO HOLD THE SOCIETY TOGETHER, THEN WE SAY WE CANNOT USE THAT SOURCE OF MONEY WHICH EXISTS FOR THE PURPOSE OF FUNDING ESSENTIAL GOVERNMENT OPERATIONS, AND NOTHING IS MORE ESSENTIAL THAN AN INDEPENDENT, COMPETENT JUDICIARY. THIS BILL AND ITS APPROACH UNDERMINES THAT. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: AND I HAVE TO FIGHT AGAINST IT. AND I'M PREPARED TO DO THAT. I DON'T KNOW HOW LONG IT WILL TAKE. MAYBE SOME WAY ALONG THE LINE I CAN GET SOME SAMPLE VOTES TO LET ME KNOW IF I'M GOING TO HAVE TO TRY TO MAKE THEM GET 33 VOTES OR IF I CAN TALK SOME SENSE INTO MY COLLEAGUES' HEAD, SENSE IN THE SENSE OF SEEING WHAT IS REALLY AT STAKE HERE. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. SENATOR NORDQUIST, YOU ARE RECOGNIZED TO RESPOND TO THE MOTION TO INDEFINITELY POSTPONE. [LB468]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. CERTAINLY, AGAIN, I APPRECIATE SENATOR CHAMBERS' PASSION AND THE WORK THAT HE'S PUT IN ON COURT FEES IN OUR STATE DURING HIS TIME IN THE LEGISLATURE. I WOULD OPPOSE THE MOTION TO INDEFINITELY POSTPONE. WE NEED TO MOVE FORWARD, NUMBER ONE, WITH THE BENEFIT REDUCTION CHANGES AND, YES, THERE WAS NEGOTIATION THAT WENT...THAT TOOK PLACE BETWEEN ALL PARTIES ABOUT BENEFIT REDUCTIONS AND A SUSTAINABLE FUNDING STREAM. AS WE WORK ON OUR DEFINED BENEFIT PLANS, IT'S AS CLOSE AS TO COLLECTIVE BARGAINING AS WE AS A LEGISLATURE DO. WE WORK WITH THE SCHOOL PLAN, WITH THE TEACHERS, THE ADMINISTRATORS, AND THE SCHOOL BOARDS, WITH THE JUDGES PLAN, THE COUNTY AND DISTRICT JUDGE ASSOCIATIONS, AND WITH THE STATE PATROL PLAN, WITH THE STATE TROOPERS ASSOCIATION OF NEBRASKA. SO, YOU KNOW, THIS BILL HAS VERY MUCH BEEN A GIVE AND TAKE. THEY GAVE ON BENEFIT REDUCTIONS AND WE SAID WE WOULD

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COME UP WITH A PORTION OF NEW FUNDS TO STRENGTHEN THIS PLAN AND MAKE SURE THAT THOSE FUNDS ARE SUSTAINABLE SO THAT FUTURE LEGISLATORS WOULDN'T JUST PULL THEM OUT OF THE BUDGET WHEN THEY SEE SOMETHING ELSE THEY WOULD LIKE TO SPEND THE MONEY ON. THIS IS VERY MUCH A SIMILAR DISCUSSION WE HAD TWO YEARS AGO ON THE SCHOOL PLAN, MAKING SURE THAT WE HAVE DEDICATED FUNDING STREAMS GOING INTO THESE PLANS TO SHORE THEM UP. THANK YOU. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR NORDQUIST. MEMBERS, YOU'VE HEARD THE OPENING ON THE INDEFINITELY POSTPONE MOTION. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR KOLOWSKI, SENATOR SCHUMACHER, SENATOR CHAMBERS. SENATOR KOLOWSKI, YOU ARE RECOGNIZED. [LB468]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. THANK YOU. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, 5:00. [LB468]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KOLOWSKI. MEMBERS OF THE LEGISLATURE, THIS IS A SUBJECT ON WHICH I COULD SPEAK ALL DAY. I DON'T HAVE TO BECOME EMOTIONAL. I NEED NO HISTORICALS. THE SUBJECT WILL CARRY ITSELF. IT WOULD BE IN A SENSE AS THOUGH I'M THE AXE MAN WHO IS OTHERWISE KNOWN AS THE EXECUTIONER. I HOLD THE POWER OF LIFE OVER THE CONDEMNED. SO I CAN EVEN BE GRACIOUS. I CAN BE COURTEOUS, POLITE, EVEN COURTLY. I CAN SAY, MY FELLOW CITIZEN, ARE YOU COMFORTABLE? IS THERE ANYTHING I CAN DO FOR YOU SHORT OF WHAT I'M HERE TO CARRY OUT? WOULD YOU LIKE TO REPOSITION YOURSELF? ARE YOU GETTING CRAMPED ANYWHERE? IF YOU'RE GOING TO HAVE YOUR HEAD CHOPPED OFF WITH AN AXE BECAUSE WHEN THE TIME COMES, I'M GOING TO TAKE YOUR HEAD. THERE'S A CONCESSION THAT THEY WOULD GIVE TO ROYALTY. THEY WOULD TRY TO COMMISSION SOMEBODY WHO KNEW HOW TO SWING A SWORD AND GET A VERY SHARP SWORD. AND IF A MEMBER OF THE ROYAL FAMILY, AND SOME OF THEM LOST THEIR HEADS, DID NOT WANT TO PLACE HIS OR HER NECK IN THE SAME SPOT THAT THE COMMON PERSON OR THE LOWER ORDER HAD PLACED HIS OR HER NECK, THAT PERSON WOULD BE ALLOWED TO KNEEL, HANDS TIED BEHIND THE BACK, UPRIGHT. THEN WITH ONE HARD SWING THAT WOULD HAVE MADE BARRY BONDS PROUD, BABE RUTH PROUD, A-ROD, WHO JUST TIED WILLIE MAYS' HOME RUN RECORD THE OTHER DAY, PROUD, AND WILL TAKE THAT SWORD AND SLICE THAT HEAD

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OFF. AND THAT EXECUTIONER DID NOT HAVE TO BE ANGRY, DID NOT HAVE TO FROWN, NONE OF THAT. BECAUSE THE POSITION THAT EACH OF THESE PEOPLE OCCUPIED ALLOWED OF NO ARGUMENT, NO DISCUSSIONS, NO NEGOTIATION. BOTH OF THEM WERE THERE FOR ONE PURPOSE AND IT WAS GOING TO BE CARRIED OUT NO MATTER WHAT. AND IT WAS CARRIED OUT, ALONG WITH THE PERSON WHO LOST HIS OR HER HEAD. SO WITH THIS ISSUE THAT I'M TALKING ABOUT, I'M SPEAKING ON BEHALF OF PEOPLE WHO DON'T EVEN REALIZE THE IMPORTANCE OR SERIOUSNESS OF WHAT IS BEING DISCUSSED. MOST PEOPLE BECOME AWARE OF A JUDGE WHEN HE OR SHE HAS RENDERED A DECISION CONTRARY TO WHAT THE PERSON WANTED OR FAVORING A PERSON. THE COURT IS THE ONLY PLACE I CAN THINK OF WHERE A DECISION MUST BE MADE TO RESOLVE AN ISSUE. IF THE PRESIDENT SAYS, I'M GOING TO VETO, THAT DOESN'T RESOLVE THE ISSUE. THAT POSTPONES IT. THE COURTS HAVE TO DECIDE. THAT'S WHAT THEY'RE THERE FOR. THAT'S WHAT THE JUDGES ARE PAID TO DO. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: SO YOU NEVER NEED BE SYMPATHETIC IF A JUDGE HAS A HARD CASE. THE JUDGE IS PAID TO HANDLE HARD CASES. YOU DON'T HAVE TO FEEL SORRY FOR A REFEREE IN A PROFESSIONAL FOOTBALL GAME IF THERE IS A CONTROVERSIAL CALL THAT HAS TO BE MADE ON A PLAY BECAUSE THE REFEREE IS PAID TO MAKE THE CALL. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR KOLOWSKI AND SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB468]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THIS IS AN IMPORTANT ISSUE. IT DEALS WITH SOME PHILOSOPHY AND SOME FINANCE AND CONCEIVABLY IT DEALS WITH A WHOLE LOT OF MONEY. I WILL NOTE AT THE ONSET ALL THE EMPTY CHAIRS IN THE CHAMBER. MAYBE PEOPLE ARE WATCHING THIS ON TELEVISION, MAYBE THEY'RE NOT. BUT AT ANY RATE, THIS IS AN IMPORTANT ISSUE. THIS GOES BACK TO OUR PHILOSOPHY OF GOVERNMENT. WHEN YOU RUN FOR OFFICE, IT SEEMS THAT THERE'S A RULE IN THE BOOK YOU PROMISE TO REDUCE TAXES AND YOU PROMISE NOT SPEND MONEY, AND THAT SOMEHOW GETS YOU ELECTED. THEN YOU'RE FACED WITH REALITY. IN REALITY YOU'VE GOT TO SPEND MONEY AND YOU PROBABLY CAN'T HOLD THE LINE ON TAXES VERY LONG. BUT THERE'S SOME GIMMICKS YOU CAN PLAY ALONG THE WAY. ONE OF WHICH IS YOU CAN PROMISE EMPLOYEES IN EMPLOYEE NEGOTIATIONS OR IN THEIR SALARIES, TAKE A LOWER SALARY NOW

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AND WE WILL MAKE YOUR RETIREMENT REALLY PRETTY DECENT. WE WILL HAVE COST OF LIVING, WE WILL HAVE THIS FORMULA, THAT FORMULA, AND WE WILL DEFINE WHAT YOUR BENEFITS WILL BE. AND, BY GOSH, YOU CAN COUNT ON THAT. AND YOU FUNCTIONALLY ENTER INTO A CONTRACT WITH THOSE EMPLOYEES. STATE OR THE CITIES ARE BOUND BY THAT CONTRACT. THEY CAN'T WEASEL OUT OF IT. THE COURTS WILL HOLD THEM TO IT. FUTURE LEGISLATURES HAVE GOT TO FINANCE IT WHETHER THEY LIKE IT OR NOT, JUST LIKE WE HAD TO PAY THOSE TORT CLAIMS THE OTHER DAY BECAUSE OTHERWISE WE'D GET SUED AND THEY WOULD SEND THE SHERIFF OFF TO SELL THE SOWER OFF THE ROOF OR WHATEVER. BUT ACCORDING TO THE FORMULAS, YOU PLUG IN EXPECTED VARIABLES. AND WHEN WE GET DOWN TO THE PENSION AREA FOR THE STATE JUDGES, WHEN YOU PLUG IN THE VARIABLES, ONE YOU CAN PULL OUT OF THE HAT WITH SOME JUSTIFICATION AS THOUGH WE'RE GOING TO GET 8 PERCENT YEAR-OVER-YEAR RETURN AND WE'RE GOING TO JUST BE REALLY, REALLY SWELL IF WE JUST BRING A LITTLE MONEY IN NOW. THERE'S A HIGH PROBABILITY THAT THAT 8 PERCENT IS A BIT OF DISNEY WORLD AND THAT REALITY IS PROBABLY CLOSER TO 4 PERCENT. BUT THAT'S JUST PROBABILITIES. NO ONE KNOWS FOR SURE. AT ANY RATE, THE CHOICE IN THIS PARTICULAR BILL IS, WE'RE GOING TO MAKE THE THING WORK AT THE 8 PERCENT ASSUMPTION BY HOOKING PEOPLE MORE COURT COSTS. NOW COURT COSTS ARE ABOUT AS REGRESSIVE A FORM OF TAXATION AS YOU CAN POSSIBLY IMAGINE. YOU'RE NOT BASED UPON YOUR ABILITY TO PAY WHEN YOU HAPPEN TO BE UNLUCKILY ENOUGH TO TRIP A RADAR OR WHEN YOUR KIDS HAPPEN TO BE UNLUCKY ENOUGH TO GET INTO TROUBLE AND YOU'VE GOT TO DO AN MIP CASE WITH THEM OR YOU HAPPEN TO BE UNLUCKY ENOUGH TO DO A DIVORCE OR AN ARGUMENT WITH YOUR NEIGHBOR OR ALL THESE OTHER THINGS. BUT THEY ARE AN UNSEEN TAX AND A WAY TO FUND THINGS. PROBLEM IS, IF WE SET THE PRECEDENT THAT'S HOW WE'RE GOING TO FUND THINGS IS ON THE BACK OF THE JUDICIARY AND ON USING OF THE COURT SYSTEM, WE MAY VERY WELL COME UP REALLY SHORT OR WE MAY VERY WELL HAVE SOME HIGH, HIGH COURT COSTS, FAR HIGHER THAN JUSTICE CAN PERMIT DOWN THE ROAD. THE BETTER POLICY DECISION WOULD BE, LOOK, WE MADE THIS DEAL. IT'S NOT A COURT COST-RELATED DEAL AT ALL. WE MADE A DEAL WHEN WE HIRED THE JUDGES THAT THIS IS WHAT THEY WERE GOING TO GET. AND UNTIL WE CHANGE THAT DEAL WITH NEW JUDGES COMING IN, WE'RE STUCK WITH IT FROM ALL THE JUDGES THAT ARE ON THE PAYROLL BEFORE THE CHANGE. AND THAT'S A GENERAL OBLIGATION OF THE TAXPAYERS, AND WE SHOULDN'T TRY TO BE SQUIRRELY WITH THEM. THAT'S A BILL WE RAN UP. IT'S A BILL THAT WE SHOULD FINANCE THROUGH SALES, INCOME, OR PROPERTY TAXES AND NOT SOME OFF-

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THE-SIDE CHARGE THAT WON'T COME TO OUR ATTENTION AND WE DON'T HAVE TO TAKE THE CONSEQUENCES FOR. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR SCHUMACHER: IT WILL MAKE US TO FUND IT LIKE WE SHOULD THROUGH THE GENERAL FUND WITH APPROPRIATIONS WHICH WE HAVE TO MAKE BECAUSE, OTHERWISE, THEY WILL SELL THE SOWER OFF THE ROOF. TO FUND IT THAT WAY IS A WAY THAT'S RESPONSIBLE. IT'S A WAY THAT LOOKS AT THE BOOKS AND SAYS LET'S DO IT. THIS IS A LEGITIMATE COST OF GOVERNMENT, IT IS A LEGITIMATE EXPENSE. WE SHOULDN'T TRY TO PROMISE THINGS WE CANNOT DELIVER, AND LET'S FACE THE MUSIC. LET'S JUST DO IT UP-FRONT AND TRANSPARENT. OOPS. I USED THAT WORD, SENATOR WILLIAMS, TRANSPARENT. SORRY. LET'S JUST DO IT RIGHT. AND I THINK THAT IF SENATOR CHAMBERS HAS A BILL TO SAY LET'S TAKE THIS OUT OF THE GENERAL FUND OR AN AMENDMENT, I'D SURE SUPPORT IT. THANK YOU. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB468]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR MELLO A QUESTION. [LB468]

SENATOR WATERMEIER: SENATOR MELLO, YIELD? [LB468]

SENATOR MELLO: YES. [LB468]

SENATOR CHAMBERS: SENATOR MELLO, BY WAY OF INTRODUCTION, THERE ARE PEOPLE WHO HAVE HAD BILLS THAT I DID NOT LIKE. THE ATTORNEY GENERAL, JON BRUNING, HAD ONE THAT HAD SOMETHING TO DO WITH ELECTRONIC ENTICEMENT AND SO FORTH, AND IT HAD PUT TOGETHER A CONGLOMERATION OF BILLS FROM ALL OVER THE COUNTRY. AND MIKE FRIEND WAS THE ONE WHO BROUGHT IT. I DIDN'T LIKE THE BILL. BUT YOU KNOW WHAT I DID? I REWROTE THE WHOLE THING. AND THE ATTORNEY GENERAL AGREED THAT IT WAS MUCH BETTER NOT ONLY THAN WHAT HE WROTE, BUT BETTER THAN WHAT HE THOUGHT HE COULD GET. WHAT I WOULD...WE'RE JUST WOOL GATHERING HERE. WOULD IT BE UNETHICAL FOR YOU TO HAVE SOMEBODY ON YOUR STAFF WHO KNOWS HOW TO DRAFT THESE KIND OF AMENDMENTS, TO DRAFT AN

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AMENDMENT TO DO WHAT IT IS THAT I'M TALKING ABOUT DOING, NAMELY...NO, I'M NOT GOING TO ASK YOU THAT. I DON'T WANT TO BE BEHOLDEN TO YOU. THAT'S ALL. I DON'T HAVE A QUESTION, SENATOR MELLO. (LAUGHTER) BUT, MEMBERS OF THE LEGISLATURE, I'M GOING TO HOLD THIS BILL UP AS LONG AS I NEED TO. AND WE WON'T BE ABLE...I WON'T BE ABLE TO KEEP US HERE ON THIS BILL UNTIL 7:00, I DON'T THINK. BUT I'M PREPARED TO TAKE THAT AMOUNT OF TIME. AND YOU ARE SUPPOSED TO HAVE EATEN AND HAVE DONE EVERYTHING ELSE YOU WANTED TO DO, SO WE SHOULD ALL BE HERE. BUT YOU CAN LOOK AROUND THIS FLOOR AND SEE HOW FEW PEOPLE WE HAVE. I DON'T THINK THERE WILL BE ANOTHER ISSUE AS IMPORTANT AS THIS THAT WE'LL DEAL WITH THE REST OF THE SESSION. AND I KNOW MY BILL TO ABOLISH THE DEATH PENALTY IS AMONG THOSE BILLS THAT HAVE YET TO BE DEALT WITH. BUT WE ARE TALKING ABOUT A BRANCH OF GOVERNMENT. I HAVE WATCHED THE GUTTING OF THE LEGISLATIVE BRANCH BECAUSE SOME PEOPLE DIDN'T LIKE ME. AND I'M GOING TO PRESENT ARTICLES TO YOU ALL AND SOME FROM AS FAR AWAY AS NEW YORK AND LOS ANGELES, CALIFORNIA, WHO KNEW WHY NEBRASKANS VOTED FOR TERM LIMITS, OH, AND WASHINGTON, D.C., BECAUSE THE OPERATION THAT FUNDED IT OPERATES OUT OF WASHINGTON, D.C. IT'S ONLY THOSE WHO PARTICIPATE AS IN THIS STATE IN ARE WRONG. ONCE THEY ACHIEVE IT, WANT TO BACK AWAY FROM CULPABILITY WHEN THEY SEE WHAT A BLUNDER THEY MADE. I DON'T WANT TO SEE ANOTHER BRANCH OF GOVERNMENT GUTTED IN THE WAY THE LEGISLATURE WAS. THE LEGISLATURE, IN MY VIEW, CAN NEVER, EVER RECOVER AS LONG AS THERE IS A STATE. EVEN IF TERM LIMITS WERE ABOLISHED TOMORROW, YOU COULD NOT RECOVER FROM WHAT HAS BEEN DONE WITH THE TERM LIMIT FIASCO THAT HAS TAKEN PLACE. PEOPLE WHO ARE ON THE OUTSIDE DON'T CARE. IT MAKES THEM NO DIFFERENCE. AND WHY SHOULD IT WHEN WE SHOW SO LITTLE RESPECT FOR LEGISLATURE OURSELF, SO LITTLE RESPECT FOR THE PREROGATIVES THAT WE HAVE, SO LITTLE WISE USE OF THE POWER THAT WE ARE ENTRUSTED WITH. WE ARE NOT A BODY THAT OPERATES ON BEHALF OF THE PUBLIC. WE ARE NOT A BODY WHO LOOKS AT THOSE WHO NEED HELP THE MOST AND EXTEND THAT HELP. THERE'S A VERSE IN THE BIBLE THAT NEVER MADE SENSE TO ME. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: JESUS SAID IT. TO HIM THAT HATH SHALL BE GIVEN; FROM HIM THAT HATH NOT SHALL BE TAKEN EVEN THAT WHICH HE SEEMETH TO HAVE. AND I THINK RATHER THAN STATING HIS PRINCIPLE, HE WAS STATING A PRINCIPLE ABOUT HOW THINGS ARE DONE IN THIS WORLD. IF SOMEBODY DOESN'T NEED YOUR HELP, YOU'LL GIVE IT. IF SOMEBODY DOES NEED IT, YOU

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CAN'T...THAT PERSON CANNOT GET IT. AND THERE'S SOMETHING I WANT TO SAY ABOUT PROLETARIANS THE NEXT TIME I'M RECOGNIZED. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS AND SENATOR MELLO. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB468]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. WOULD SENATOR NORDQUIST YIELD FOR A QUESTION, PLEASE? [LB468]

SENATOR WATERMEIER: SENATOR NORDQUIST, YIELD? [LB468]

SENATOR NORDQUIST: YES. [LB468]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST. BACK TO THE BILL ITSELF, AND IF YOU'RE NOT THE RIGHT PERSON TO ASK, IF YOU COULD JUST MAYBE POINT ME IN THE RIGHT DIRECTION THAT WOULD BE FINE. WE TALKED ABOUT FUNDING THE RETIREMENT EITHER FROM A GENERAL FUND BASIS OR A FEE BASIS. WHERE DOES NEBRASKA STAND COMPARABLE TO OTHER STATES THAT DO USE THE FEES TO FUND THE RETIREMENT? AND THOSE THAT DON'T, HOW MANY OF THE STATES THEN PROVIDE THE FUNDS FROM...FOR EXAMPLE, A GENERAL FUND TO DO THAT, I MEAN, AS FAR AS A MIX AROUND THE NATION? [LB468]

SENATOR NORDQUIST: THAT'S PROBABLY A PRETTY TOUGH QUESTION TO ANSWER. WE WOULD HAVE TO DO SOME EXTENSIVE RESEARCH. I KNOW THERE ARE OTHER STATES THAT FUND WITH DEDICATED FUNDING STREAMS, WHETHER THEY'RE COURT FEES OR NOT, I DON'T KNOW. BUT AS FAR AS TOTAL COURT FEES, I KNOW WE'RE THE LOWEST OF ALL THE STATES AROUND US. BUT AS FAR AS WHAT GOES INTO RETIREMENT PLANS, A LOT OF STATES HAVE DIFFERENT STRUCTURES. SOME TAKE MOTOR VEHICLE TAXES TO FUND THEIR STATE TROOPER PLAN. SO IT'S TOUGH TO BE ABLE TO ANSWER THAT SO DIRECTLY. [LB468]

SENATOR SCHEER: FAIR ENOUGH. THANK YOU VERY MUCH. THANK YOU, MR. PRESIDENT. [LB468]

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SENATOR WATERMEIER: THANK YOU SENATOR SCHEER, SENATOR NORDQUIST. SENATOR MELLO, YOU'RE RECOGNIZED. [LB468]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I JUST WANTED TO PROVIDE SOME HISTORICAL FACTS IN REGARDS TO SOME OF THE CONVERSATIONS THAT HAVE BEEN HAD THIS AFTERNOON ON THE FLOOR REGARDING LB468. FIRST OFF, THE STATE OF NEBRASKA HAS BEEN LEVYING COURT FEES SINCE 1955 THAT HAVE BEEN DIRECTED TO THE JUDGES RETIREMENT SYSTEM. THIS IS NOT A NEW PHENOMENON THAT HAS RECENTLY HAPPENED, SO TO SPEAK, IN MY TIME IN THE LEGISLATURE. IT HAPPENED WELL BEFORE I WAS EVEN BORN THAT THE LEGISLATURE, BY STATE LAW, HAD DIRECTED COURT FEES TO COVER THE JUDGES RETIREMENT PLAN. THAT'S THE FIRST THING. THE SECOND THING IS: SENATOR NORDQUIST JUST ANSWERED SENATOR SCHEER'S QUESTION IN RESPECTS TO THE TOTAL AMOUNT OF COURT FEES IN REGARDS TO NEBRASKA BEING ONE OF THE LOWEST IN THE REGION. BUT I DIRECT THE BODY, OVERWHELMINGLY, IN REGARDS TO, IF YOU LOOK AT YOUR BUDGET BOOK, UNDER THE SUPREME COURT, AND YOU'LL NOTICE THAT THE COMMITTEE'S...THE APPROPRIATIONS COMMITTEE PROPOSED BUDGET FOR THE FIRST YEAR OF THE BIENNIUM FOR THE SUPREME COURT IS \$163 MILLION THE FIRST YEAR AND IT'S \$15 MILLION IN CASH FUNDS THAT FIRST YEAR AS WELL. SO \$163 MILLION IN GENERAL FUNDS AND \$15 MILLION IN CASH FUNDS, THOSE CASH FUNDS ARE COURT FEES. SO I WANT TO MAKE SURE...I KNOW THAT SENATOR CHAMBERS HAS A PHILOSOPHICAL OPPOSITION OF WANTING TO SEE COURT FEES LEVIED IN REGARDS TO COVERING THE OPERATIONAL COST, SO TO SPEAK, OF THE SUPREME COURT AS A STATE AGENCY. BUT WHEN YOU LOOK AT THE AMOUNT OF COURT FEES THAT ARE GENERATED, WHICH BY THE WAY I DID SAY THIS ON FRIDAY, THAT \$8.5 MILLION OF COURT FEES GETS REDIRECTED TO THE GENERAL FUND, THAT'S A POINT I'LL COME BACK TO IN A BIT. BUT WHEN YOU SEE THE AMOUNT OF COURT FEES, THE LITTLE AMOUNT OF COURT FEES THAT'S ACTUALLY USED TO COVER THE OPERATIONS OF THE SUPREME COURT, THE \$15 MILLION IN CASH FUND AND EVEN IF YOU TAKE INTO CONSIDERATION THE \$8.5 MILLION THAT GETS MOVED TO THE GENERAL FUND, YOU SUBTRACT THAT \$8.5 MILLION, COLLEAGUES, AND YOU'RE STILL SEEING A BUDGET THAT'S 90 PERCENT, GIVE OR TAKE, GENERAL FUNDED AND 10 PERCENT CASH FUNDED, SO TO SPEAK, THROUGH COURT FEES AND/OR REDIRECTIONS OF THE GENERAL FUND. MY LAST POINT WAS SOMETHING I MENTIONED ON FRIDAY, WHICH SENATOR SCHUMACHER JUST RAISED IT...THE QUESTION A LITTLE BIT IN THE SENSE OF WHETHER OR NOT IT'S APPROPRIATE JUST TO USE GENERAL FUNDS TO COVER THE FISCAL IMPACT OF LB468. COLLEAGUES, THAT'S, ESSENTIALLY, WHAT WE'RE DOING. RIGHT NOW THERE'S \$8.5 MILLION WORTH OF COURT FEES THAT

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GETS REDIRECTED TO THE GENERAL FUND. INSTEAD, WHAT THE RETIREMENT COMMITTEE HAS DONE IS REDIRECT THOSE COURT FEES AWAY FROM THE GENERAL FUND TO THE RETIREMENT SYSTEM. SO THERE IS A GENERAL FUND FISCAL IMPACT BY ADOPTING AND IMPLEMENTING LB468. THE GENERAL FUND WILL SEE A REDUCTION IN REVENUE FROM COURT FEES BECAUSE WE'RE TRYING TO REDIRECT THE PURPOSE OF COURT FEES BACK TO, QUOTE UNQUOTE, THE INTENDED POINT OF ADMINISTERING JUSTICE, SO TO SPEAK, THROUGH THE SUPREME COURT. NOW IT'S THROUGH THE RETIREMENT SYSTEM, BUT WE ARE TRYING TO REDIRECT THOSE COURT FEES AWAY FROM GENERAL OBLIGATIONS AND GENERAL FUNDING SPENDING BACK TO THE SUPREME COURT'S OBLIGATION WITH THEIR DEFINED BENEFIT PLAN FOR THEIR JUDGES. IF SENATOR CHAMBERS, WHILE I BELIEVE IS WELL INTENTIONED IN REGARDS TO HIS CONCERNS ABOUT THE POLICIES HERE AND WANTING TO TALK ABOUT THE IMPACT OF LB468, IF WE HAVE TO GO, UNFORTUNATELY, 8 HOURS ON GENERAL, 12 HOURS ON SELECT, AND 1 HOUR ON FINAL READING, COLLEAGUES, WE WILL HAVE TO DO THAT. THIS IS NOT A NEW POLICY. WE HAVE DONE THIS MULTIPLE TIMES IN MY TIME IN THE LEGISLATURE. AND, ARGUABLY, THIS HAS BEEN, ARGUABLY, THE BEST COMPROMISE THAT WE HAVE BEEN ABLE TO DEVELOP BETWEEN THE JUDICIARY COMMITTEE AND THE RETIREMENT COMMITTEE. AND I CAN UNDERSTAND IF MEMBERS DON'T PHILOSOPHICALLY SUPPORT USING COURT FEES OR CHARGING COURT FEES FOR THE ADMINISTRATION OF JUSTICE. BUT, COLLEAGUES, THIS HAS BEEN HAPPENING SINCE 1955. THIS IS NOT AN IDEA THAT SENATOR NORDQUIST OR SENATOR KOLTERMAN OR SENATOR DAVIS OR SENATOR GROENE OR MYSELF OR SENATOR KOLOWSKI SIMPLY MADE UP. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR MELLO: WE WEREN'T SIMPLY TRYING TO FIND A WAY TO FUND THE JUDGES RETIREMENT PLAN AND SAID, HEY, WE'LL USE COURT FEES, THAT'S A GREAT IDEA. NO. WE MADE A COMPROMISE WITH A MAJORITY OF THE MEMBERS ON THE JUDICIARY COMMITTEE TO REDIRECT EXISTING COURT FEES. BY THE WAY, SENATOR SCHUMACHER, THERE IS NO NEW, QUOTE UNQUOTE, COURT FEES; THERE IS A PRETRIAL DIVERSION FEE WHICH, ARGUABLY, COUNTIES AND CITIES RIGHT NOW ARE CHARGING RANDOMLY ACROSS THE STATE, WHICH IS PROBABLY A BIGGER POLICY ISSUE WE'VE GOT TO CONSIDER MOVING FORWARD. BUT WE DID NOT INCREASE, QUOTE UNQUOTE, COURT FEES. THAT WAS A DECISION THE JUDICIARY COMMITTEE MADE. THE RETIREMENT COMMITTEE ACCEPTED THAT AND MOVED FORWARD WITH LB468 WHICH...WHAT WAS ADOPTED AND MOVED OUT OF THE JUDICIARY COMMITTEE ON A 5-3 VOTE. I

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CAN APPRECIATE SENATOR CHAMBERS' DISAGREEMENT WITH THE POLICY, I REALLY CAN. BUT, COLLEAGUES, THIS IS A RESPONSIBLE WAY TO REFORM OUR JUDGES RETIREMENT SYSTEM LONG TERM TO MAKE IT SUSTAINABLE BY REDUCING BENEFITS AND REDIRECTING GENERAL FUND DOLLARS, I REMIND YOU, BACK INTO THE JUDGES RETIREMENT PLAN. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR MELLO. SENATOR EBKE, YOU ARE RECOGNIZED. [LB468]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I'M NOT REALLY SURE YET WHETHER I AGREE WITH SENATOR CHAMBERS ON THIS ISSUE OR NOT. BUT I DO APPRECIATE THIS EFFORT, WHICH IS SORT OF FORCING US TO TALK ABOUT PHILOSOPHY, HOW WE THINK THAT WE SHOULD FUND OUR VARIOUS OBLIGATIONS. SO AT THIS POINT, IF SENATOR CHAMBERS WOULD LIKE A LITTLE TIME, I WOULD BE HAPPY TO YIELD THE REMAINDER OF MY TIME. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, 4:30. [LB468]

SENATOR CHAMBERS: THANK YOU, SENATOR EBKE. THANK YOU, MR. PRESIDENT. BEFORE I ADDRESS SOME OF WHAT SENATOR MELLO SAID, I WANT TO GET BACK TO WHAT A PROLETARIAN IS. IN ANCIENT ROME, BEFORE I WAS BORN, THE LOWEST CLASS IN SOCIETY WAS A MEMBER OF THE PROLETARIAT. THEY WERE THE PROPERTYLESS CLASS; THEY OWNED NOTHING. THEY HAD NO PROPERTY; THEY HAD NO MEANS TO PRODUCE ANYTHING. AND THE ONLY THING THEY COULD SELL WAS THEIR LABOR OR SELF. AND THAT TERM HAS PERSISTED. THE PROLETARIAN CLASS, OR THE PROLETARIAT, SELLS ITS LABOR. THESE ARE THE ONES WHO HAVE TAKEN FROM THEM EVEN THAT WHICH THEY SEEM TO HAVE--THEIR DIGNITY, THEIR SELF-RESPECT, AND THEY ARE COMMODIFIED. BUT THOSE OF YOU WHO NEVER ARE IN THAT SET OF CIRCUMSTANCES CERTAINLY CAN MUSTER UP NO SYMPATHY, BECAUSE SOMEBODY HAS GOT TO DO THE DIRTY WORK, SOMEBODY HAS GOT TO CLEAN THE TOILETS, SOMEBODY HAS GOT TO WIPE THE REAR ENDS OF OLD PEOPLE WHO ARE ILL AND CANNOT WIPE THEMSELVES. SO THE ONES WHO DO THE MOST INTIMATE THINGS FOR THOSE PEOPLE WITH THE GREATEST NEED MAKE THE LEAST MONEY. DO YOU THINK A BRAIN SURGEON IS GOING TO EMPTY A BED PAN? WHAT COULD BE MORE DEMEANING TO SOMEBODY TO NOT BE ABLE TO TAKE CARE OF YOUR OWN BODILY FUNCTIONS? AND YET, THERE ARE PEOPLE WHO DO THAT AND THEY DON'T GET ANY RESPECT. THEY DON'T GET A DECENT

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SALARY, NOT A DECENT WAGE. SO IF YOU LOOK UP THAT WORD, PART OF IT, YOU'LL SEE THAT IT CAN, BY A STRETCH, HAVE SOMETHING TO DO WITH PROCREATION OR REPRODUCTION. SO THESE PEOPLE WHO ARE PROPERTYLESS, WHO ARE THE LOWEST CLASS OF ROMAN CITIZEN COULD DO NOTHING FOR THE STATE EXCEPT PRODUCE CHILDREN. THAT'S ALL THAT THEY WERE GOOD FOR. AND AS IT WAS THEN, SO IT IS NOW. WHAT SENATOR MELLO SAYS ABOUT THE LONGEVITY OF THIS FUNDING MECHANISM, THROUGH FEES AND SO FORTH, IS TRUE. IF YOU LOOK AT THE RECORD, YOU'LL SEE THAT A CHANGE BEGAN TO OCCUR WHEN I GOT IN THE LEGISLATURE. I DID NOT KNOW EVERYTHING ABOUT THE LEGISLATURE OR THE STATE GOVERNMENT OF NEBRASKA WHEN I FIRST CAME HERE. I LEARNED AS I WENT ALONG. AND AS I BECAME AWARE OF WHAT THESE FEES WERE FOR AND WHEN THEY WERE RAISED AND THEY HAD NOTHING TO DO DIRECTLY WITH THE ADMINISTRATION OF JUSTICE, I BEGAN TO RESIST THEM. AND IF YOU WANT TO CHECK, SENATOR MELLO OR ANYBODY ELSE, YOU CAN ALMOST PINPOINT WHEN AND WHY THE FEES IN NEBRASKA ARE LOWER THAN THOSE IN ANY OTHER STATE IN THIS REGION. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: BUT YOU DON'T ACKNOWLEDGE WHAT I'VE DONE; NOBODY IN THIS STATE KNOWS HOW HARD I'VE WORKED. I WORK IN THE TRENCHES, I WORK IN THE CRAWL SPACES, I WORK WHERE THE HARD WORK HAS TO BE DONE THAT WILL AFFECT THE PEOPLE THE MOST THAT THEY ARE LEAST AWARE OF. BUT I DO IT BECAUSE IT'S THE RIGHT THING FOR ME TO DO. SO IF I COULD, AT ONE FELL SWOOP, CORRECT THESE INTRACTABLE PROBLEMS, I WOULD. BUT I HAVE TO DO THEM INCREMENTALLY BY DEGREES--HERE A LITTLE, THERE A LITTLE, WORD UPON WORD, LINE UPON LINE. AND AS LONG AS I'M HERE, I WILL NOT QUIT. SO AS LONG AS IT TAKES OR AS LONG...LET ME SAY IT--AS MUCH TIME AS I HAVE, I'M WILLING TO EXPEND IT TO DO WHAT I THINK IS RIGHT. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS AND SENATOR EBKE. SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE. [LB468]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, ONE OF THE MOST SERIOUS PROBLEMS CONFRONTING THE COURTS IN THIS COUNTRY NOW, AND I DOUBT THAT ANYBODY ON THIS FLOOR, OTHER THAN MYSELF, WOULD FIND ANY PROBLEM WITH IT. THERE ARE STATES WHERE THEY DON'T USE WHAT THEY CALL THE MISSOURI PLAN WHERE JUDGES

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ARE APPOINTED AND THEN THEY STAND FOR RETENTION WHEN ELECTIONS COME PERIODICALLY. THE QUESTION IS: SHALL THIS PERSON BE RETAINED OR NOT? IF THERE ARE MORE "NOs" THAT PERSON NO LONGER IS A JUDGE. BUT A JUDGE DOESN'T HAVE TO GO OUT AND HUSTLE MONEY TO CONDUCT A CAMPAIGN, AS HAPPENS IN OTHER STATES, AND EVEN THE JUDGES WHERE THOSE STATES OCCUR AND THOSE WHO HAVE BEEN MOST SUCCESSFUL SAID THEY NEVER FEEL RIGHT IN DOING THAT BECAUSE EVEN IF THEY ARE NOT GOING TO PLACATE THE PERSONS WHO DONATE HEAVILY TO THEIR CAMPAIGN, THE PERCEPTION IS THERE. IF THEY RULE IN FAVOR OF THIS INDIVIDUAL OR THIS INTEREST, THEN THE CHARGE IS MADE: YEAH, YOU WERE BOUGHT AND PAID FOR. IF THE JUDGE RULES AGAINST THAT ENTITY, THAT ENTITY CAN SAY: YOU'RE RULING AGAINST US TO SHOW THAT YOU ARE NOT GOING TO BE INFLUENCED BY THE FACT THAT WE GAVE YOU SOMETHING. SO NO MATTER WHAT THE JUDGE DOES, WHEN THE JUDGE HAS TO BECOME A POLITICIAN, THEN THE INTEGRITY OF THE SYSTEM IS COMPROMISED; THE IMPARTIALITY AND THE APPEARANCE OF IT IS GONE. THE INDEPENDENCE OF THE JUDICIARY BECOME TWO WORDS, INDEPENDENT AND JUDICIARY, WHICH CANNOT BE PUT IN THE SAME SENTENCE UNLESS THEY ARE OPPOSED TO EACH OTHER. I AM NOT WILLING TO WATCH THIS DEGRADATION OF THE JUDICIAL FUNCTION; THIS MONETIZING OF THE DISPENSING OF MONEY. SENATOR NORDQUIST WILL BE GONE FROM HERE SOON. SENATOR MELLO WILL BE GONE FROM HERE SOON. I WAS HERE LONGER THAN BOTH OF THEM PUT TOGETHER, SEVERAL TIMES OVER, AND I DID NOT VARY OR WAVER FROM WHAT I'M SAYING NOW. THEY THINK IN THE MOMENT BECAUSE THEY ARE YOUNG, THEIR WHOLE LIFE IS IN FRONT OF THEM. THEY DON'T CARE WHAT HAPPENS AFTER THEY ARE GONE. THEY JUST WANT TO HAVE A SUCCESS NOW. AND THEY HAVE GOT THE VOTES AND THEY KNOW IT. IF THEY HAD TO WORK AS HARD TO GET VOTES AS I DO, YOU WOULDN'T SEE THEM DOING WHAT THEY DO. SENATOR MELLO STARTS OUT WITH NINE VOTES ON WHATEVER HE BRINGS, AND HE KNOWS IT. AND WHOEVER IS THE CHAIRPERSON OF A COMMITTEE STARTS OFF WITH THOSE VOTES. I DON'T EVEN START OUT AT GROUND ZERO. I START AT A SUBBASEMENT POSITION, UPHILL TO GET TO THE FIRST FLOOR, AND THEN WORK HARDER FROM THERE THAN ANYBODY ELSE. THEN THE CONSTITUENCIES OF MY STRONGEST OPPONENTS WILL BENEFIT OFTEN FROM WHAT I HAVE DONE. THEY WILL BENEFIT THE MOST. AND IF I WAS PETTY AND SMALL-MINDED LIKE MANY OF MY COLLEAGUES, AND YOU KNOW WHO YOU ARE, I WOULDN'T DO THIS. I WOULD BE IN A POSITION TO MOCK EVERY ONE OF YOU SO OFTEN. BUT IF I MOCK YOU, WHAT ABOUT THE PEOPLE OUT THERE? YEAH, THEY WERE DUMB TO SEND YOU HERE. BUT WHEN HAVE THE PUBLIC EVER BEEN INTELLIGENT? I

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THINK IT MAY HAVE BEEN ALEXANDER HAMILTON, WHOM SOME PEOPLE RESPECT SO GREATLY, HE SAID THE PEOPLE ARE A GREAT BEAST,... [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: ...SADDLED, BRIDLED, AND READY TO BE RIDDEN. THAT'S WHAT A FOUNDING FATHER SAID. THEY DIDN'T HAVE RESPECT FOR THE ORDINARY PERSON. THE CONSTITUTION WASN'T WRITTEN FOR ORDINARY PEOPLE. YOU HAD TO BE WHITE, MALE, AND OWN SOME LAND. YOU ALL DON'T HAVE HISTORY TAUGHT TO YOU PROPERLY, SO EVERYTHING THAT YOU KNOW IS SKEWED. AND MY PROBLEM IS I TAKE SERIOUSLY THINGS THAT THOSE WHO ADVOCATE THEM DON'T TAKE SERIOUSLY. I THINK THE JUDICIARY SHOULD BE IMPARTIAL. I THINK IT SHOULD BE INDEPENDENT. AND YOU ALL DON'T. AND YOU WILL DO THINGS TO UNDERMINE. THE ONLY THING THAT THE JUDICIAL SYSTEM HAS TO MAINTAIN ITS INTEGRITY AND THAT IS ITS MORAL FORCE AND POWER. AND WHEN THEY HAVE TO WALK AROUND HERE WITH A TIN CUP TO THE POLITICIANS AND PLAY POLITICS, YOU HAVE REDUCED THEM TO A LEVEL THAT SHOULD NEVER BE TOLERATED. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE IN THE QUEUE, SENATOR CHAMBERS, YOU SPOKE TWICE TO THIS BRACKET...OR INDEFINITELY POSTPONED, AND THIS WILL BE YOUR CLOSING. YOU ARE RECOGNIZED TO CLOSE. [LB468]

SENATOR CHAMBERS: THANK YOU. AND IT'S JUST A MOTION TO POSTPONE...INDEFINITELY POSTPONE, BECAUSE THERE NEED NOT BE A PRIORITY MOTION. BUT I KNOW WHAT THE VOTE ON THIS WAS GOING TO BE, SO I'M GOING TO OFFER MY RECONSIDERATION MOTION. BUT IF I WANTED TO BE VERY SLICK, YOU KNOW WHAT I COULD DO? I COULD SIMPLY WITHDRAW MY KILL MOTION BEFORE IT COMES TO A VOTE AND THEN OFFER IT AGAIN. IT WASN'T VOTED ON. THE ISSUE WASN'T DECIDED. SO YOU ALL MAKE ME A PERSON WHO HAS TO THINK OF WAYS TO DO WHAT YOU DON'T EVER HAVE TO WORRY ABOUT BECAUSE YOU SELDOM STAND ALONE. AND IF IT WAS SOMETHING WHERE IT REQUIRED YOU TO STAND ALONE, YOU WOULDN'T STAND ALONE VERY LONG. YOU DON'T KNOW HOW TO DO IT. YOU DON'T KNOW WHAT IT MEANS. DO YOU KNOW WHAT? YOU ALL ARE FED BY LOBBYISTS. HOW MANY OF YOU ALL WOULD SUPPORT A RESOLUTION IF I OFFERED IT WHICH SAID THAT NO MEALS WILL BE PROVIDED FOR THE LEGISLATURE WHILE IN SESSION BY ANY LOBBYISTS OR LOBBYING ENTITY? WOULD YOU ALL VOTE FOR THAT

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RESOLUTION? I WAS GOING TO OFFER IT. I WON'T TELL YOU WHO THE SPEAKER WAS, BUT IT WASN'T THIS ONE. SPEAKER BEGGED ME NOT TO DO IT. SO I DIDN'T DO IT. BUT ALL THIS TALK OF TRANSPARENCY DOESN'T APPLY HERE. THIS IDEA OF NOT BEING FOR SALE DOESN'T APPLY HERE. BUT WHAT'S THE GOING PRICE? A MEAT LOAF SANDWICH AND A CHICKEN DINNER. SO IT WOULD BE VERY EASY TO RIDICULE THE LEGISLATURE EVERY SINGLE DAY. PERIODICALLY, CHRISTIANITY DESCENDS ON ME AND I BEHAVE LIKE A CHRISTIAN AND THAT'S THE WAY I DO YOU ALL. BUT TODAY, I'M TRYING TO APPEAL TO YOUR MIND, TO YOUR SENSE OF PROPRIETY. I DON'T KNOW IF ANY OF YOU HAVE EVER HAD TO GO TO COURT FOR ANY REASON WHERE YOU WERE A PARTY, EITHER A PLAINTIFF OR A DEFENDANT OR EVEN A WITNESS. COURTS ARE NOT FRIENDLY PLACES. PEOPLE DON'T LIKE TO GO INTO COURTROOMS NO MATTER WHICH SIDE THEY'RE ON. LAWYERS MIGHT LIKE IT BECAUSE THAT'S WHERE THEY MAKE THEIR LIVING. BUT THEY'RE NOT FRIENDLY PLACES FOR ORDINARY PEOPLE. BUT DESPITE THAT, I GUESS YOU COULD SAY THAT ABOUT HOSPITALS. YOU NEED THEM, BUT YOU WOULD RATHER NOT HAVE TO GO THERE AND TAKE ADVANTAGE OF ANY OF THEIR SERVICES. I CAN DIGRESS DURING THIS PRESENTATION BECAUSE I HAVE THE TIME. WHEN I WAS COMING DOWN HERE TODAY, I HEARD A DISCUSSION OF WHAT THEY CALL SEPSIS, OR BLOOD POISONING, AND THE ONLY THING THAT CAN BE TREATED ARE THE SYMPTOMS. THEY DON'T KNOW WHAT CAUSES IT. THEY CANNOT GO AFTER THE SOURCE BECAUSE THEY DON'T KNOW WHAT THE SOURCE IS. SOMETIMES THEY CAN OFFER A TREATMENT THAT WILL PREVENT THE MASSIVE FAILURE OF ORGANS; SOMETIMES THEY CANNOT. SO IF THEY HAPPEN TO PULL SOMEBODY THROUGH, THEY DON'T KNOW WHY. IF SOMEBODY DOESN'T PULL THROUGH, THEY DON'T KNOW WHY. ONE DOCTOR WAS SAYING IT COULD MEAN THAT...HE SAID "WE", I WON'T USE "WE" BECAUSE I'M NOT IN THE MEDICAL PROFESSION, BUT HE SAID THEY DON'T KNOW WHAT IT IS THEY'RE DEALING WITH OR HOW TO DEAL WITH IT. SO THEY'RE NOT IN A POSITION TO RECOMMEND AN APPROPRIATE TREATMENT, ESPECIALLY SINCE WHAT THEY OFFER WORKS SOMETIMES AND IT DOESN'T WORK OTHER TIMES. MICE ARE NOT A GOOD STAND-IN FOR HUMAN BEINGS BECAUSE THEIR IMMUNE SYSTEM DOESN'T OPERATE THE SAME WAY. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: THEY'VE BEEN ABLE TO FIND WAYS TO CURE SEPSIS IN MICE, BUT NOT HUMAN BEINGS. SO THEY DON'T HAVE A STAND-IN. SO MAYBE WHAT THEY'LL DO IS TAKE PEOPLE OF MY COMPLEXION AND BEGIN TO USE US AS STAND-INS. BUT THEY DON'T NECESSARILY KNOW HOW TO INTRODUCE

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SEPSIS ALL THE TIME. IT STARTS WITH AN INFECTION, AND THEN IT GOES FROM THAT TO SOMETHING ELSE. BUT THIS IS A SOCIETY WHERE HIGH STANDARDS ARE EXPRESSED, BUT THEY'RE NOT LIVED UP TO. AND THAT BRINGS ME BACK TO THE DISCUSSION OF THE JUDICIARY. PEOPLE LIKE TO SAY AMERICA HAS THE BEST JUDICIAL SYSTEM IN THE WORLD, AND THEY DON'T EVEN UNDERSTAND THE JUDICIAL SYSTEM IN THEIR CITY, IN THEIR COUNTY, IN THEIR STATE. THEY DON'T UNDERSTAND THE JUDICIAL SYSTEM IN ANY OTHER STATE, LET ALONE THE JUDICIAL SYSTEM IN ANY OTHER COUNTRY IN THE WORLD. SO THOSE ARE THE KIND OF SLOGANS, THAT IS THE TYPE OF SLOGANEERING THAT AMERICANS DO THOUGHTLESSLY AND WILL, THEREFORE, SAY THIS IS THE BEST COUNTRY IN THE WORLD, WHICH AIN'T NECESSARILY SO. THANK YOU, MR. PRESIDENT.
[LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU HAVE HEARD THE CLOSING ON THE MOTION TO INDEFINITELY POSTPONE.
[LB468]

SENATOR CHAMBERS: AND I WOULD ASK FOR A CALL OF THE HOUSE. [LB468]

SENATOR WATERMEIER: THERE HAS BEEN A CALL OF THE HOUSE. 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. [LB468]

CLERK: 24 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB468]

SENATOR WATERMEIER: A SIMPLE MAJORITY VOTE. 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 KINTNER, PLEASE CHECK IN. SENATORS, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR GARRETT, SENATOR DAVIS, SENATOR PANSING BROOKS, SENATOR CAMPBELL, WOULD YOU PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR CAMPBELL, SENATOR PANSING BROOKS, SENATOR DAVIS, AND SENATOR GARRETT, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. MEMBERS, THE QUESTION BEFORE THE BODY IS TO INDEFINITELY POSTPONE LB468. I WILL REMIND THE MEMBERS, THIS TAKES A SIMPLE

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MAJORITY VOTE TO PASS. HAS EVERYONE VOTED WHO WISHES? RECORD, MR. CLERK. [LB468]

CLERK: 0 AYES, 32 NAYS, MR. PRESIDENT, ON THE MOTION TO INDEFINITELY POSTPONE. [LB468]

SENATOR WATERMEIER: THE MOTION FAILS. RETURNING TO LB468. RAISE THE CALL. MR. CLERK. [LB468]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE TAKEN WITH RESPECT TO THE INDEFINITE POSTPONEMENT OF LB468. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, YOU ARE RECOGNIZED ON YOUR MOTION TO RECONSIDER. [LB468]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR MELLO CALLED SOMETHING TO MY ATTENTION THAT I HAD NEGLECTED TO PAY ATTENTION TO. I SHOULD HAVE LOOKED AT THE AGENDA TO SEE, OR UP THERE, THAT WE'RE ON GENERAL FILE. I WAS THINKING EVERYTHING IS SELECT FILE. SO EVERYTHING DOESN'T HAVE TO BE DONE TODAY. AND I'M NOT GOING TO SAY HOW LONG I WILL CONTINUE ON THIS, BUT I WILL HAVE TIME TO CRAFT AN AMENDMENT WHICH I WILL DO FOR SURE. AND I WILL GET THE HELP FROM WHOMEVER I NEED TO, TO LET WHATEVER IN THIS BILL MIGHT BE ALL RIGHT. BUT SENATOR MELLO TOUCHED ON SOMETHING WHICH IS A MICROCOSM OF WHAT I WOULD SAY. EVERY FEE, EVERY COURT COST THAT EXISTS NOW WOULD GO TO THE GENERAL FUND AND THEN IT WOULD BE UTILIZED IN PART TO OPERATE THE JUDICIARY AND WHATEVER SHORTFALL WAS THERE WOULD BE MADE UP WITH GENERAL FUND MONEY. I DON'T SAY THERE SHOULD BE NO COURT COSTS, NO FEES; I'VE NEVER SAID THAT. WHAT I HAVE SAID IS THAT WHEN RAISES ARE SOUGHT, IT'S EITHER BECAUSE OF SOME DEAL FOR THE JUDGES' SALARY OR FOR THE RETIREMENT. AND THAT HAS NOTHING TO DO WITH THE DISPENSING OF JUSTICE. AND MY PRESENCE HAS CONTRIBUTED TO COURT COSTS AND THESE MISCELLANEOUS FEES NOT RISING IN THE WAY THEY HAVE IN OTHER STATES. I'VE HAD PEOPLE FROM CALIFORNIA CONTACT ME, WE'D BE TALKING ABOUT ONE THING OR THE OTHER AND IF IT WAS A LAWYER, THEY HAVE WHAT I CONSIDERED EXORBITANT COURT COSTS OF EVERY VARIETY COMPARED TO WHAT IT IS HERE. BUT THEY DO TRY TO UTILIZE THAT KIND OF SYSTEM TO UNDERWRITE THE JUDICIARY. SO

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THERE ARE STATES THAT MAY NOT DO IT EXACTLY THE WAY NEBRASKA IS DOING IT NOW, BUT HAVE A SIMILAR MENTALITY. MAYBE THE ATTITUDE I HAVE ABOUT THE COURTS IS NAIVE, UNREALISTIC, IMPRACTICAL, UNPRAGMATIC. BUT WHEN YOU ARE ALWAYS ON THE UNDERSIDE OF THE GARMENT, WHEN YOU'RE ALWAYS LIFTING THE HEAVY END OF THE LOG, WHEN YOU NEVER RECEIVE FAIR TREATMENT, NEVER ARE ACCORDED COMMON RESPECT, AND WILL BE DEGRADED IN ANY WAY THAT PEOPLE FEEL LIKE THEY'RE BIG ENOUGH TO DEGRADE YOU, THEN YOU LOOK FOR WHATEVER MIGHT BE USED TO HELP IN A SITUATION LIKE THAT. FOR MYSELF, I BELIEVE I CAN TAKE CARE OF MYSELF ANYWHERE, ANYWHERE AGAINST ANY MAN OR ANY GROUP OF MEN. BUT IT'S NOT ENOUGH FOR ME. THERE ARE PEOPLE OF MY COMPLEXION WHO CANNOT HELP THEMSELVES. THERE ARE PEOPLE OF YOUR COMPLEXION WHO CANNOT HELP THEMSELVES. IN EAST OMAHA, THEY WERE CALLED RIVER RATS WHEN I WENT TO LOTHROP SCHOOL, LOOKED DOWN ON, AND IF ANY WHITE KIDS WHO CAME FROM THAT GENERAL AREA CAME TO THE SCHOOL I WENT TO, THEY WERE PICKED ON AND THEY WERE BULLIED. AND GUESS WHO WOULD HELP KEEP THE BULLIES OFF? I DID, BECAUSE I DIDN'T LIKE TO SEE ANYBODY WHO WAS WEAK MISTREATED BY PEOPLE WHO WERE STRONG. AND IT DIDN'T OCCUR TO ME, BEING A CHILD AS I WAS, TO SAY, HEY, HE LOOKS JUST LIKE YOU. YOU ALL ARE THE SAME COLOR, SO WHY ARE YOU DOING THAT TO HIM? ALL I SAW WAS A BUNCH OF PEOPLE, ANY ONE OF WHOM MAY HAVE BEEN ABLE TO WHIP THIS LITTLE BOY BY HIMSELF, BUT THEY BROUGHT A GANG TO DO IT--WHITE KIDS BEATING UP WHITE KIDS. AND I INTERVENED, NOT TO BE A HERO, TO HAVE SOME PEACE OF MIND, LIKE WHAT I SEEK FOR IT NOW. SO THE JUDICIAL SYSTEM AIN'T MUCH, BUT IT'S ALL THAT THOSE WHO ARE ON THE UNDERGARMENT HAVE...THE UNDERSIDE OF THE GARMENT WILL HAVE. SO IT HAS TO BE MAINTAINED INTACT. IT HAS TO BE VIABLE. IT HAS TO BE STRONG. IT HAS TO BE FUNCTIONING. IF YOU STOOD SENATOR MELLO NEXT TO ME AND NOBODY KNEW THAT HE'S THE CHAIRMAN OF THE APPROPRIATIONS COMMITTEE IN THE LEGISLATURE AND I'M JUST ONE OF THE DRONES WHO WORKS IN THE LEGISLATURE, THEN WITHOUT BEING AWARE OF THAT, THEY KNOW THAT HE'S GOING TO GET A BETTER BREAK IN THE SOCIETY THAN I WOULD JUST BECAUSE HE'S WHITE. WHO IN HERE CAN HONESTLY SAY THEY DON'T KNOW THAT? EVERYWHERE, PEOPLE OF MY COMPLEXION ARE HATED, EVEN IN ISRAEL WHERE THEY PRETEND TO BE THE CHOSEN PEOPLE OF GOD. AND I SAW WHERE AN ETHIOPIAN...RABBIS HAD SAID THAT ETHIOPIANS ARE PART OF ONE OF THE TRIBES OF ISRAEL. THEY WERE ENCOURAGED TO COME TO ISRAEL AND THEY WENT. THEY SERVED IN THE MILITARY. THEY PAID TAXES. AND SOMETHING HAPPENED ON VIDEO THAT HAPPENED TO BLACK MEN, ONLY IT WAS WORSE IN THIS COUNTRY BECAUSE BLACK MEN WERE LYNCHED IN THE UNITED STATES OF

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AMERICA UNIFORM. AND YOU KNOW WHY? BECAUSE AFTER THEY CAME BACK FROM OTHER PLACES RISKING THEIR LIVES TO RESCUE AND SAVE WHITE PEOPLE'S RIGHTS, WHITE PEOPLE IN THIS COUNTRY SAID THEY ARE GOING TO BE UPPITY AND BIGGITY NOW AND THINK THEY'RE SOMETHING. SO THEY LYNCHED THEM IN THEIR UNIFORM. THIS WAS A VIDEO THAT WENT VIRAL OF ISRAELI COPS BEATING UP AN ISRAELI SOLDIER, IN UNIFORM, WHO HAPPENED TO BE MY COMPLEXION. AND THEY COMPARED THAT TO WHAT HAPPENS IN AMERICA. THEY'RE FOLLOWING THE WRONG EXAMPLES OF THEIR NUMBER ONE ALLY. BIRDS OF A FEATHER FLOCK TOGETHER. IF YOU WALK WITH THOSE WHO ARE LAME, YOU YOURSELF WILL LEARN TO LIMP. AND THAT IS WHAT IS IN THE NEWS TODAY. AND I'M GOING TO SHOW YOU ALL A STORY THAT I CLIPPED FROM THE WALL STREET JOURNAL SOMETIME AGO, BECAUSE I KNEW IT WAS GOING TO BECOME WORSE THAN WHAT WAS BEING WRITTEN ABOUT IN THAT ARTICLE AND IT TALKED ABOUT THE DISCRIMINATION THAT WAS BEING SHOWN AGAINST NONWHITE JEWS. JEWS AREN'T WHITE. THEY'RE BRAND-X WHITE PEOPLE, THEY'RE WHITE PEOPLE, BRAND-A-EUROPEAN WHITES WHO DON'T RECOGNIZE JEWS AS BEING WHITE. AND THEY KNOW IT. THAT'S WHY THEY CHANGED THEIR NAME FROM MORGENSTERN TO MORNING STAR. A LOT OF MOVIE ACTORS AND ACTRESSES ARE JEWS AND HAVE JEWISH NAMES, BUT THEY CHANGED THEM BECAUSE THEY KNOW THE MILIEU IN WHICH THEY WORK. BUT THEY HAVE TO PRETEND THAT EVERYTHING IS ALL RIGHT AND GO ALONG WITH THE SYSTEM. YOU MAKE EVERYBODY BEND OVER AND GIVE UP HIS OR HER DIGNITY AND SELF RESPECT. THEN YOU DON'T WANT ANYBODY TO TALK ABOUT IT, BUT YOU BENEFIT FROM IT. THAT'S WHY A COURT SYSTEM IS NEEDED THAT MIGHT DO WHAT THE SUPREME COURT IN ISRAEL DID FOR THOSE ETHIOPIANS. THE GOVERNMENT WANTED TO IMPOSE SOME KIND OF RESTRICTIONS ON THEM AND THE SUPREME COURT SAID NO. AND I THINK THEY DID IT BECAUSE ISRAEL IS RIGHT NOW UNDER THE MICROSCOPE AND IT WOULD LOOK BAD FOR THEM WHO ARE ALWAYS TALKING ABOUT WHAT HAPPENS TO THEM. THEN HERE THEY ARE DOING THESE VERY THINGS TO OTHER PEOPLE WHOM THEY INVITED TO THEIR COUNTRY. WE AS BLACK PEOPLE WERE DRAGGED TO THIS COUNTRY IN CHAINS. WE'RE THE ONLY ONES WHO WERE FORCED TO COME HERE. NONE OF YOU WERE FORCED. WE WERE THE ONLY ONES FORCED TO COME HERE. AND AS I ALWAYS SAY, YOU FORCED US TO LEARN YOUR LANGUAGE, THEN YOU MADE FUN OF HOW WE SPOKE IT AND LAUGHED AT US. YOU THINK I DON'T KNOW THIS? YOU THINK IT DOESN'T MAKE ME SOME DIFFERENCE TO THIS DAY? THAT'S WHY I BROUGHT UP HOW HYPOCRITICAL THOSE ARE WHO SAY THESE LATINO CHILDREN SHOULD NOT BE ABLE TO HAVE A DRIVER'S LICENSE, BECAUSE THEIR PARENTS CAME TO THIS COUNTRY UNDER CIRCUMSTANCES THAT WERE NOT ACCORDING TO THE LAW. THEY WANT TO PUNISH THE CHILDREN FOR WHAT

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THEIR PARENTS DID. THEN WHEN I TALK ABOUT SLAVERY AND OTHER PEOPLE TALK ABOUT REPARATIONS, YOU KNOW THE FIRST THING THESE WHITE PEOPLE WHO LIVE NOW SAY, WE DIDN'T OWN SLAVES. WE DIDN'T DO THAT. WELL, THESE CHILDREN DID NOT DO ANYTHING ILLEGAL. SO IF IT WORKS FOR YOU TO CAST ASIDE ANY RESPONSIBILITY YOU WOULD HAVE FOR THE ENSLAVEMENT OF MY PEOPLE BY YOUR ANCESTORS, YOUR FOREBEARS AND YOUR FOREFATHERS... [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: ...AND YOU'RE THEIR CHILDREN AND YOU DON'T WANT TO TAKE THE BLAME OR PUNISHMENT FOR IT, WHY ARE YOU PUTTING BLAME ON THESE CHILDREN WHO INDEED ARE BLAMELESS AND PUNISHING THEM? THAT'S THE WAY YOU TWIST AND DISTORT AND CORRUPT EVERYTHING THAT COULD BE CALLED A PRINCIPLE AND EVERYBODY IN THIS WORLD SEES IT. THE TYRANTS SAY, YOU WANT TO CONDEMN US, BUT AT LEAST YOU CAN'T CRITICIZE AND CONDEMN US FOR HYPOCRISY. YOU'RE THE ONE WHO TALKS ABOUT FREEDOM. YOU'RE THE ONE WHO TALKS ABOUT THE RIGHT TO VOTE AND EVERY DAY WE READ THE PAPER WHERE YOU'RE TRYING TO SUPPRESS AND REPRESS THE VOTE OF BLACK PEOPLE. THEN YOU'RE GOING TO TELL US ABOUT DEMOCRACY AND VOTING? YOU'RE GOING TO INSIST THAT THE KURDS AND THE SHIITES AND THE SUNNIS ALL SHARE GOVERNMENTAL POWER. BUT THEN IN YOUR COUNTRY, YOU SAY, WELL, WE DON'T BELIEVE IN WHAT DO THEY CALL IT... [LB468]

SENATOR WATERMEIER: TIME, SENATOR. [LB468]

SENATOR CHAMBERS: NOT TIME, BUT I WILL GET INTO THAT. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, YOU ARE RECOGNIZED...OH, EXCUSE ME, MEMBERS, YOU HEARD THE OPENING ON THE RECONSIDER MOTION TO INDEFINITELY POSTPONE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB468]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I DON'T THINK IT MAKES THEM MUCH DIFFERENCE WHAT IT IS THAT WE'RE DISCUSSING, BECAUSE WE COULD BE TALKING ABOUT THE WEATHER AND NOT GET AROUND TO WHAT I'M TALKING ABOUT NOW, BECAUSE THIS IS THE REALITY. BY THE WAY, I'M WAITING

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FOR MY APOLOGIES. YOU ALL ARE UP HERE CONDEMNING ME ABOUT CRITICIZING THESE COPS. AND SINCE THEN, A BLACK MAN WAS SHOT IN THE BACK IN SOUTH CAROLINA ON VIDEO THAT THEY DIDN'T KNOW, SO THE LYING COP HAD PUT TOGETHER HIS STORY ABOUT THIS BLACK GUY TAKING HIS GUN FROM HIM, BUT THE VIDEO SHOWS THIS COP PICKING UP HIS TASER OFF THE GROUND AND WALKING OVER AND DROPPING IT BY THE BLACK GUY. A YOUNG BLACK GUY WAS SHOT IN THE BACK IN A SIMILAR FASHION, BUT IT WASN'T ON VIDEO, BUT IT FOLLOWED THE SAME SCRIPT. THEY CLAIM THAT THEY FOUND A GUN AND HE HAD BEEN SHOT IN THE BACK. TWO OF THE BULLETS HIT HIM, ONE IN THE RIGHT BACK AND THE OTHER IN THE LEFT. THEN THE BLACK GUY WHO IS ON THE GROUND, AND THERE WAS A CAMERA OF IT, SEVERAL DEPUTIES ON TOP OF HIM, THEN THIS OLD WHITE GUY COMES UP AND SAID HE MISTOOK HIS REVOLVER FOR A TASER AND SHOT HIM IN THE BACK DEAD. WHERE IS MY APOLOGY? ISIS DOESN'T DO THAT. OR DO THEY? YOU SAY, YEAH, THAT'S JUST WHAT ISIS DOES. I SAY, WELL, THERE YOU GO. AND THIS YOUNG BLACK MAN IN SOUTH CAROLINA, SPINAL CORD, 80 PERCENT SEVERED. AND YOU KNOW WHAT THE POLICE UNION SAYS? THE POLICE DID NOTHING WRONG. FIRST OF ALL, THEY HAD NO PROBABLE CAUSE TO MAKE AN ARREST. SECONDLY, THEY MADE STOPS IN GOING TO THE POLICE STATION WHICH THEY SHOULDN'T HAVE. THIRDLY, THEY DIDN'T GIVE THE MEDICAL CARE THEY SHOULD HAVE. FOURTHLY, THEY DID NOT STRAP HIM IN TO THAT PADDY WAGON. AND YET THE UNION SAYS THEY DIDN'T DO ANYTHING WRONG, WHICH SHOWS HOW ROTTEN THESE COPS ARE, HOW THEY LIE, HOW THEY STICK TOGETHER. HOW THEY, INDEED, HAVE BEEN GIVEN A LICENSE TO KILL AND BRUTALIZE AND ASSAULT BLACK PEOPLE. THAT PROVES IT. THEIR UNION SAYS THEY DIDN'T DO ANYTHING WRONG. AND THE WRONGFUL CONDUCT IS RIGHT THERE FOR EVERYBODY TO SEE. AND YOU WONDER WHY I'M UPSET. THEN YOU ALL STAND UP HERE AND CONDEMN ME AND SAY MAKE AN APOLOGY TO THESE COPS. AND I DIDN'T SAY ANYTHING TO ANY PARTICULAR COP. AND IT HAPPENS THAT I WAS SPEAKING ABOUT A WHITE GUY FROM A PART OF OMAHA WHERE HE WOULD BE CONSIDERED A POOR MAN, SHOT IN THE BACK THREE TIMES. HE WAS STANDING ON THE HOOD OF A CAR. HIS BACK TO THE COP. PUT HIS HANDS ON A BARBED WIRE FENCE AND PUT ONE OF HIS LEGS UP TO GO OVER THE FENCE AND A COP SHOT HIM IN THE BACK. AND YOU KNOW WHAT THIS COP LIED AND SAID? WELL, HE WAS APPROACHING OTHER OFFICERS, SO HE FELT THOSE OFFICERS WERE THREATENED, SO HE SHOT HIM IN THE BACK. WELL NOW, IF HE'S APPROACHING OTHER OFFICERS AND THEY'RE FACING HIM, WHY DIDN'T THEY SHOOT HIM IF THEY FELT THREATENED? YOU SEE THE COCK-AND-BULL LIES THAT THEY CAN TELL AND GET AWAY WITH IT? THEN A WHITE GRAND JURY SAID HE DIDN'T DO ANYTHING WRONG; PROSECUTOR WON'T BRING ANY CHARGES. SO WHEN I SAY

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THEY HAVE A LICENSE TO KILL, I MEAN IT. AND THEIR CONDUCT DEMONSTRATES IT. AND EVERYTHING THAT HAPPENS, IT JUST HAPPENS NOW THAT IT'S CAUGHT ON VIDEO. BUT IN EVERY ONE OF THE VIDEOS THAT WILL BE SHOWN, WHAT IS SHOWN IS CONTRARY WHAT THE COP HAD WRITTEN AND OTHER COPS HAD WRITTEN TO SUPPORT AND UPHOLD WHAT THEY HAD DONE BECAUSE THEY DIDN'T KNOW THAT THEY WERE ON CAMERA. THAT'S WHAT HAPPENS IN THIS COUNTRY. SO WHY SHOULDN'T I BE OUT THERE THROWING BOMBS? BECAUSE IT'S GOING TO TAKE SOME KIND OF CHANGE IN THE STRUCTURE OF THIS GOVERNMENT SO THAT PEOPLE WON'T HAVE TO CONFRONT WHAT BLACK PEOPLE HAVE TO CONFRONT. [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: WHY SHOULD YOU HAVE TO TELL YOUR CHILD, DON'T CALL A COP'S ATTENTION TO YOU? AND THEN YOUR CHILD IS NOT DOING ANYTHING WRONG AND YOU HAVE TO TELL YOUR CHILD HOW TO ACT WHEN HE OR SHE IS NOT DOING ANYTHING WRONG TO AVOID BEING ACCOSTED BY A COP. AND YOU ALL WANT ME TO APOLOGIZE TO THESE COPS. AND YOU NEVER SAY ANYTHING WHEN YOU BECOME AWARE OF THESE MURDERS THAT THEY COMMIT. AND I SAY MURDERS BECAUSE THAT'S WHAT THEY'VE BEEN CHARGED WITH, MURDER, M-U-R-D-E-R, AND YOU ALL ARE QUIET. WHERE IS MY APOLOGY? YOU SIT AROUND HERE LIKE KNOTS ON LOGS. YOU DON'T WANT ME TO TALK ABOUT IT. YOU DON'T WANT ANYBODY ELSE TO TALK ABOUT IT AND YOU WON'T TALK ABOUT IT. IF I DON'T TALK ABOUT THE WAY BLACK PEOPLE ARE SHOT DOWN IN BROAD DAYLIGHT BY THE POLICE, WHO IN HERE WILL DO IT? WELL, I'M GOING TO DO IT. YOU DON'T LIKE WHAT I SAY, I DON'T LIKE WHAT THOSE WHO SERVE YOU DO. I OUGHT TO GET THAT TRANSCRIPT AND READ EVERYTHING THAT WENT ON... [LB468]

SENATOR WATERMEIER: TIME, SENATOR. [LB468]

SENATOR CHAMBERS: ...IN THAT HEARING THAT WE HAD. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB468]

SENATOR CHAMBERS: WHAT I'M TALKING ABOUT NOW SHOWS THE DIFFICULTY OF MY JOB: KNOWING HOW ROTTEN THESE POLICE CAN BE; KNOWING HOW CORRUPT THE PROSECUTORS ARE WHEN THEY JUSTIFY THEM. I'M THE ONE WHO

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HAS TO TALK ABOUT TRYING TO MAINTAIN THE INTEGRITY OF YOUR JUDICIAL SYSTEM. YOU THINK SO LITTLE OF IT. YOU THINK SO LITTLE OF IT THAT YOU DON'T BELIEVE THAT IT OUGHT TO BE FUNDED WITH GENERAL FUND MONEY. YOU KNOW WHY THEY CALL IT A GENERAL FUND? I DON'T KNOW WHY THEY CALL IT THAT. I GUESS BECAUSE THEY ALWAYS HAVE. BUT IT'S THE PLACE WHERE MONEY THAT COMES IN TO THE STATE IS ACCUMULATED. AND THE COST OF DOING WHAT GOVERNMENTS DO WILL BE PAID OUT OF THAT FUND. AND SINCE THE JUDICIARY IS ONE OF THE THREE BRANCHES OF GOVERNMENT, IT IS OF BENEFIT TO THE ENTIRE SOCIETY. IT IS AN ESSENTIAL PART OF THIS GOVERNMENT WITHOUT WHICH THIS GOVERNMENT WOULD NOT EXIST AS IT DOES NOW. WHY DOESN'T THAT MEAN ANYTHING TO YOU ALL? IT'S YOUR GOVERNMENT. YOUR FOREFATHERS CREATED IT, NOT MINE. MINE WERE BEING HELD AS SLAVES WHILE THIS COUNTRY WAS BEING CREATED AND THE DOCUMENT THAT CREATED IT, THE CONSTITUTION, SAID THAT THE SLAVE TRADE CANNOT BE AFFECTED BEFORE 1808 AND NO AMENDMENT COULD BE MADE TO THE CONSTITUTION TO TOUCH THE SLAVE TRADE. THE CONSTITUTION SAYS THAT NOW! BUT YOU KNOW WHAT YOU COULD HAVE DONE? YOU COULD HAVE CHANGED FROM A PRESIDENT TO A KING. YOU COULD HAVE HAD A MONARCHY. YOU COULD HAVE HAD A PARLIAMENT INSTEAD OF A CONGRESS. ANYTHING IN THE CONSTITUTION COULD HAVE BEEN AMENDED; ANYTHING, EXCEPT ONE THING, THAT WAS THE LINCHPIN OF AMERICANA, AND CHRISTIAN AMERICA AT THAT. YOU CAN NOT AMEND THIS CONSTITUTION TO TOUCH THE SLAVE TRADE. HOW MANY OF YOU ALL KNEW THAT WAS THERE? SO WHEN YOU LIONIZE THE CONSTITUTION, IT DOESN'T HAVE AN INSULT TO YOU OR A DEROGATION OF YOUR VERY HUMANITY. BUT IT'S THERE WHERE I AND MY KIND ARE CONCERNED. I READ YOUR CONSTITUTION AND I TRY TO HOLD YOU TO IT. AND IT'S EXTREMELY DIFFICULT TO DO. FORTUNATELY, THERE ARE SOME PEOPLE OF YOUR COMPLEXION WHO TAKE THEIR CONSTITUTION SERIOUSLY AND THEY ARE CONDEMNED OFTEN OUT OF HAND. ONE SUCH ORGANIZATION IS THE ACLU, BUT THERE ARE PEOPLE OF ALL NATIONALITIES, RELIGIONS, RACES, SEXUAL ORIENTATIONS IN THAT ORGANIZATION. THEY HAVE DEFENDED THE RIGHTS OF NAZIS TO DEMONSTRATE. THEY HAVE DEFENDED THE RIGHTS OF THOSE WHO, IF THEIR POLICIES WERE TO BE PUT INTO EFFECT, WOULD DESTROY THIS COUNTRY. BUT THEIR RIGHT TO ADVOCATE THOSE THINGS, AS LONG AS THEY'RE NOT TAKING STEPS TOWARD BRINGING IT ABOUT IN A WAY THAT THE LAW PROHIBITS, PROTECTING THEIR RIGHT. SO THOSE ARE THE PEOPLE OF YOUR COMPLEXION WHO UNDERSTAND WHAT I'M TALKING ABOUT. THERE WAS A SENATOR HERE NAMED DWITE PEDERSEN WHO SAID, AS MUCH AS HE BELIEVED... [LB468]

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SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: ...THE TRUTH OF WHAT I SAID, HE DIDN'T REALLY SEE WHAT HAPPENED UNTIL HE HAD A BLACK GRANDCHILD. DWITE PEDERSEN WAS WHITE AND HIS DAUGHTER WAS WHITE; THE GRANDCHILD WAS BLACK. THEN HE SAID THAT'S WHEN HE BECAME AWARE OF THINGS. HE'D SEE HOW PEOPLE WOULD LOOK WHEN HE WAS IN THE STORE WITH THAT LITTLE BABY. AND HE'D SAY: ERNIE, YOU KNOW, DO YOU KNOW HOW IT MAKES YOU FEEL WHEN PEOPLE TREAT A BABY LIKE THIS? I'D SAY: DWITE, I'VE BEEN BLACK ALL MY LIFE. YOU THINK I DON'T KNOW. TELL THAT TO YOUR PEOPLE. ASK THEM CAN THEY IMAGINE WHAT IT IS. WE DON'T HAVE TO IMAGINE IT. IT'S A MATTER OF DAY-TO-DAY EXPERIENCE. SO ALL OF THAT COMES BACK TO WHAT I'M TALKING ABOUT ON THIS BILL, THE JUDICIARY HAS TO BE KEPT INDEPENDENT TO THE EXTENT THAT THAT IS POSSIBLE. [LB468]

SENATOR WATERMEIER: TIME, SENATOR. SEEING NO ONE IN THE QUEUE, SENATOR CHAMBERS, YOU SPOKE TWICE ON THIS MOTION. THIS WILL BE YOUR CLOSING. [LB468]

SENATOR CHAMBERS: CAN'T BLAME ME FOR TRYING. MR. PRESIDENT,... [LB468]

SENATOR WATERMEIER: YOU ARE RECOGNIZED. [LB468]

SENATOR CHAMBERS: ...MEMBERS OF THE LEGISLATURE, I'VE GOT TO PUT TOGETHER ANOTHER MOTION. AND SINCE WE ARE ON GENERAL FILE, THEN I HAVE ANOTHER SHOT AT IT. WHEN I STARTED, I SAID I DIDN'T KNOW HOW LONG I WOULD STAY ON IT TODAY. AND AT THIS MOMENT, I'M STILL NOT AWARE. MAYBE I OUGHT TO JUST GO THROUGH THE RULE BOOK AND LOOK AT ALL THE MOTIONS THAT CAN BE OFFERED AND LET IT BE SOMETHING LIKE A CLINIC. BUT A TIME CAN BE REACHED WHEN IT'S NOT MY RESPONSIBILITY TO TRY TO VINDICATE THE RULES OF THIS LEGISLATURE. I'D LIKE TO ASK SENATOR MELLO A QUESTION, IF HE'S HERE. [LB468]

SENATOR WATERMEIER: SENATOR MELLO IS CHECKED OUT, SENATOR CHAMBERS. SENATOR CHAMBERS, SENATOR MELLO IS CHECKED OUT. [LB468]

SENATOR CHAMBERS: IS SENATOR NORDQUIST BACK THERE? [LB468]

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SENATOR WATERMEIER: SENATOR NORDQUIST, WOULD YOU YIELD TO A QUESTION? [LB468]

SENATOR NORDQUIST: YES. YES. [LB468]

SENATOR CHAMBERS: SENATOR NORDQUIST, IF THIS BILL DOESN'T PASS AT ALL, WHAT HAPPENS? [LB468]

SENATOR NORDQUIST: WELL, WE WOULD HAVE TWO OPTIONS. WE COULD GO IN AND AMEND THE BUDGET AND PUT MONEY IN TO MEET THE ACTUARIALLY-REQUIRED CONTRIBUTION, WHICH, IF THIS BILL DIDN'T PASS, THAT WOULD BE THE PRUDENT THING TO DO. IF THAT DIDN'T HAPPEN, THEN WE WOULD NOT FUND OUR ACTUARIALLY-REQUIRED CONTRIBUTION; AND BY NOT DOING THAT, WE WOULD ADD ON TO THE UNFOUNDED LIABILITY IN OUR PENSION PLAN AND CREATE SIGNIFICANT PROBLEMS. THE ONE PIECE THAT WOULD HAVE AN IMPACT IS ANY JUDGES, THIS BILL WOULD REDUCE BENEFITS FOR JUDGES HIRED AFTER JULY 1, 2015. IF NO CHANGES WERE MADE TO THAT, THEN ANY NEW JUDGE HIRED CONTINUES TO GET THE MORE GENEROUS PENSION BENEFITS. [LB468]

SENATOR CHAMBERS: SO EVEN WITH MY OPPOSITION TO THE PORTION OF THE BILL THAT I'M TALKING ABOUT, THERE ARE ASPECTS OF THE BILL WHICH WOULD BE...THAT FROM WHAT I'VE SAID, I WOULDN'T NECESSARILY BE OPPOSED TO. DO YOU AGREE WITH THAT? [LB468]

SENATOR NORDQUIST: THAT'S WHAT YOU'VE SAID, YEAH. [LB468]

SENATOR CHAMBERS: SO AN AMENDMENT COULD BE DRAFTED THAT WOULD ADDRESS ONLY WHAT I'M TALKING ABOUT AND LEAVE INTACT THOSE OTHER MATTERS. AND WHAT I'M TALKING ABOUT IS FUNDING WHATEVER THE AMOUNT THAT'S NEEDED TO MAINTAIN WHAT YOU HAVE SAID, THROUGH YOUR COMMITTEE, IS NECESSARY, \$700,000-SOMETHING. AND THEN THAT \$600,000, IF THAT HAS TO BE DONE THIS TIME, THAT'S THE KIND OF AMENDMENT THAT WOULD HAVE TO BE DRAFTED AND EVERYTHING ELSE COULD BE LEFT ALONE, CORRECT? [LB468]

SENATOR NORDQUIST: THAT IS CORRECT. AND YOU CERTAINLY HAVE THE RIGHT TO DO THAT. I WOULD PREFER A MORE ONGOING FUNDING COMMITMENT, BUT

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YOU DO HAVE THE RIGHT TO OFFER THAT AMENDMENT AND THAT COULD HAPPEN. [LB468]

SENATOR CHAMBERS: AND HOW, IF YOU WERE GOING TO DRAFT THAT AMENDMENT, WOULD YOU WORD IT? [LB468]

SENATOR NORDQUIST: (LAUGHTER) I WOULD GO OVER TO MY LEGAL COUNSEL AND SAY, KATE, DRAFT AN AMENDMENT TO DO THIS. (LAUGHTER) [LB468]

SENATOR CHAMBERS: WELL, NOT BEING A CHAIRPERSON, I DON'T HAVE THAT LUXURY. [LB468]

SENATOR NORDQUIST: WELL, CERTAINLY SHE'S AVAILABLE FOR ANYONE IF YOU HAVE ANY...NEED ANY ASSISTANCE ON THAT. SO, I MEAN, IS YOUR CONCERN... [LB468]

SENATOR CHAMBERS: COULD I MAKE THAT...DO I HAVE TO GO OVER THERE OR CAN I JUST REQUEST IT FROM HERE THAT SUCH AN AMENDMENT BE DRAFTED? [LB468]

SENATOR NORDQUIST: PROBABLY EITHER WAY. [LB468]

SENATOR CHAMBERS: I WOULD MAKE THE REQUEST, AND HERE IS WHY I WANT IT DONE LIKE THAT. THERE ARE ASPECTS OF THE BILL THAT I HAVE NO OPPOSITION TO WHATSOEVER, AND IF THEY WERE THE ONLY THINGS BEFORE US, I WOULDN'T EVEN BE SPEAKING ON THE BILL. IF I THOUGHT THERE WAS NOT MONEY AVAILABLE, I WOULDN'T SAY THIS. BUT NEBRASKA IS NOT WITHOUT MONEY. NOT ONLY ARE THEY NOT WITHOUT MONEY, BUT THERE IS 10 MILLION ADDITIONAL DOLLARS... [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: ...THAT HAVE BECOME AVAILABLE FOR SURE WHICH WERE NOT AVAILABLE FOR SURE WHEN WE STARTED. SO THE BULK OF THAT WOULD STILL BE AVAILABLE. SO THE QUESTION THAT I WOULD ASK OF SENATOR NORDQUIST...YOU SAID I HAVE ONE MINUTE? [LB468]

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SENATOR WATERMEIER: YES. THIRTY SECONDS...35 SECONDS. [LB468]

SENATOR CHAMBERS: THEN I WILL STOP. AND WHAT ARE WE TALKING ABOUT?
[LB468]

SENATOR WATERMEIER: YOU ARE CLOSING ON THE RECONSIDER MOTION.
[LB468]

SENATOR CHAMBERS: ALL RIGHT. THEN I WILL WITHDRAW THAT PENDING
MOTION. [LB468]

SENATOR WATERMEIER: THIS TAKES UNANIMOUS CONSENT TO WITHDRAW A
RECONSIDER MOTION. SEEING ANYONE TO OBJECT? SO ORDERED. MR. CLERK,
FOR A MOTION? [LB468]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO BRACKET LB468
UNTIL JUNE 5 OF 2015. [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN
ON YOUR BRACKET MOTION. [LB468]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE
LEGISLATURE, I SEE THAT SENATOR MELLO IS BACK NOW, BUT THE REAL
QUESTION THAT I WAS GETTING AT, SENATOR NORDQUIST ANSWERED FOR ME.
BUT SINCE SENATOR MELLO IS BACK, I'D LIKE TO ASK HIM A QUESTION OR TWO
IF HE IS AVAILABLE AT THIS TIME. [LB468]

SENATOR WATERMEIER: SENATOR MELLO, YIELD TO A QUESTION? [LB468]

SENATOR MELLO: OF COURSE. [LB468]

SENATOR CHAMBERS: SENATOR MELLO, DO YOU AGREE THAT SINCE THE
FORTUNE TELLERS CAME BACK AND WERE ABLE TO TELL A SPECIFIC AMOUNT
OF MONEY THAT IS NOW AVAILABLE, THAT WAS NOT AVAILABLE BEFORE, THAT
MORE ACTUAL MONEY IS AVAILABLE NOW TO BE SPENT THAN WAS AVAILABLE
FOR SURE AT THE TIME THIS BILL, THAT WE'RE DISCUSSING, WAS DRAFTED? IS
THAT TRUE? [LB468]

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SENATOR MELLO: THAT, ACTUALLY, ARGUABLY, MAY NOT BE...I SHOULDN'T SAY THAT. THAT'S PARTIALLY TRUE, SENATOR CHAMBERS, BECAUSE THE FORECASTING BOARD, PRIOR TO THE INTRODUCTION OF THIS BILL, AND WHAT OUR PRELIMINARY NUMBERS HAD SHOWN THAT WE WERE GOING TO HAVE ROUGHLY \$10 MILLION MORE DURING THE BUDGET PROCESS AND THE FORECASTING BOARD IN FEBRUARY AT THE END OF FEBRUARY CAME BACK AND REDUCED THIS BY \$10 MILLION. SO THIS...NOT THIS \$10 MILLION THAT THEY GAVE US BACK ON THURSDAY, ESSENTIALLY, BRINGS US BACK UP TO SOME OF THE SIMILAR NUMBERS WE WERE AT WHEN THIS BILL, ARGUABLY, WAS INTRODUCED. [LB468]

SENATOR CHAMBERS: ALL RIGHT. THEN LET ME GO FROM A DATE BEYOND WHEN IT WAS INTRODUCED. THERE WAS A POINT AT WHICH, DURING THE CONSIDERATION OF THIS BILL, THAT \$10 MILLION, WHICH THE FORTUNE TELLERS SAID IS ACTUALLY AVAILABLE, WAS NOT ACTUALLY AVAILABLE. IS THAT TRUE? [LB468]

SENATOR MELLO: THAT IS CORRECT. BUT IT HAD NO IMPACT ON THE UNDERLYING FISCAL IMPACT OF THIS BILL. [LB468]

SENATOR CHAMBERS: BUT THAT'S \$10 MILLION THAT YOU DIDN'T HAVE? [LB468]

SENATOR MELLO: YES. [LB468]

SENATOR CHAMBERS: SO THIS MONEY THAT IT WOULD TAKE TO FUND, THIS \$700,000-SOMETHING... [LB468]

SENATOR MELLO: WHICH IS COMING FROM THE GENERAL FUND, CORRECT. [LB468]

SENATOR CHAMBERS: IT'S NOT GOING TO HURT ANYTHING TO TAKE IT, IS IT? [LB468]

SENATOR MELLO: WELL, IT'S ONE OF THOSE BILLS, SENATOR CHAMBERS, THAT, ARGUABLY, HAS A VERY IMPORTANT ROLE IN REGARDS TO THE OPERATIONS OF STATE GOVERNMENT, WHICH IS WHY IT'S BEEN DESIGNATED AS A COMMITTEE PRIORITY AND IT'S BEEN CONNECTED AND DIRECTLY TIED TO THE JUDGES' SALARY INCREASE BILL. [LB468]

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SENATOR CHAMBERS: AND THAT IS ALL THE MORE REASON TO SEE HOW REASONABLE I'M BEING. I'M NOT SAYING DIG INTO THE GRISTLE, BONE, AND MUSCLE OF WHAT WAS HERE BEFORE THAT \$10 MILLION WAS PROVIDED BY THE FORTUNE TELLERS. YOU MIGHT HAVE HOPED FOR THAT. THERE MAY HAVE BEEN THEORIES ABOUT IT. BUT NOBODY WAS CERTAIN. AND YOU AND I EVEN, YOU GOT AN AGREEMENT FROM ME TO LEAVE A CERTAIN BILL ALONE UNTIL WE KNEW FOR SURE WHAT THEY MIGHT DO BECAUSE THERE COULD BE CHANGES OR EFFECTS COMING FROM THAT. SO IT WAS NOT KNOWN. THAT MONEY COULD FUND WHAT I'M TALKING ABOUT DOING AND STILL HAVE PLENTY LEFT OVER OF THAT \$10 MILLION, ISN'T THAT TRUE? [LB468]

SENATOR MELLO: SENATOR CHAMBERS, THERE IS \$49 MILLION, CURRENTLY, RIGHT NOW, OUTSIDE OF THE APPROPRIATIONS COMMITTEE BUDGET THAT'S AVAILABLE FOR ALL A BILLS. AND THIS HAS AN A BILL IF THIS MOVES TO SELECT FILE. SO I DON'T THINK EVERYONE FULLY UNDERSTANDS--THIS IMPACTS THE GENERAL FUND. BUT WE HAVE COURT FEES RIGHT NOW THAT ARE DIRECTED TO THE GENERAL FUND WHICH SERVES AS REVENUE SOURCE. WE'RE ELIMINATING PART OF THAT REVENUE SOURCE AND REDIRECTING IT TO THE RETIREMENT SYSTEM SO IT WILL HAVE A SIGNIFICANT GENERAL FUND IMPACT, ROUGHLY \$700,000 A YEAR, SO TO SPEAK. [LB468]

SENATOR CHAMBERS: BUT THAT WOULD BE AN ONGOING PROPOSITION, WOULDN'T IT...THE WAY THE BILL WAS DRAFTED NOW? [LB468]

SENATOR MELLO: IT WOULD BE AN ONGOING PROPOSITION IF IT WAS NOT UTILIZING THE REDIRECTION OF THE COURT FEES, WHICH WAS PART OF WHAT GOVERNOR RICKETTS HAD PROPOSED IN HIS BUDGET. IT WOULD HAVE BEEN AN ANNUAL \$700,000 APPROPRIATION AS WELL. [LB468]

SENATOR CHAMBERS: AND THAT COULD STILL BE DONE IF THEY WANTED TO DO IT THAT WAY. THEY COULD STILL HAVE THAT \$700,000 ANNUAL APPROPRIATIONS, COULDN'T THEY? IT'S JUST THAT A DECISION WAS MADE NOT TO DO IT THAT WAY. BUT THE GOVERNOR THOUGHT IT SHOULD BE DONE THAT WAY, DIDN'T HE? HE PUT IT IN HIS BUDGET. [LB468]

SENATOR MELLO: THE GOVERNOR HAD PUT THAT IN HIS BUDGET BECAUSE THE GOVERNOR DID NOT HAVE TIME, MY UNDERSTANDING WAS, TO PRODUCE HIS OWN JUDGES RETIREMENT REFORM BILL, WHICH I CAN'T SPEAK FOR THE GOVERNOR IN THAT SENSE. HE PUT IT IN HIS BUDGET TO MAKE SURE THAT

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THERE WAS A RECOGNITION THAT THERE WAS GOING TO HAVE SOME FISCAL IMPACT TO ENSURE THE STATE MET THE ACTUARIALLY-REQUIRED CONTRIBUTION FOR THE JUDGES DEFINED BENEFIT SYSTEM. [LB468]

SENATOR CHAMBERS: AND HOW MUCH WAS THAT AMOUNT THAT HE HAD PUT IN HIS BUDGET FOR THIS? [LB468]

SENATOR MELLO: IT'S ROUGHLY A LITTLE LESS THAN WHAT...IT'S ROUGHLY A LITTLE LESS THAN WHAT THIS BILL WAS. I BELIEVE IT WAS CLOSER TO \$690,000 OR \$660,000 A YEAR. THIS BILL WILL BE CLOSER TO \$700,000 A YEAR, AND THEN IT MOVES UP NEXT BIENNIUM TO \$1 MILLION A YEAR. SO IT GOES FROM \$700,000 EACH YEAR, THIS BIENNIUM, UP TO \$1 MILLION NEXT BIENNIUM. [LB468]

SENATOR CHAMBERS: AND IF THIS BILL WERE FUNDED FROM THE GENERAL FUND, WE COULD PASS A BILL THAT WOULD PUT ALL COURT COSTS INTO THE GENERAL FUND, COULDN'T WE? [LB468]

SENATOR MELLO: SENATOR CHAMBERS, I WILL CONTINUALLY REMIND YOU AND SENATOR SCHUMACHER AND ANYONE ELSE, THIS IS FUNDED FROM THE GENERAL FUND. WE'RE SIMPLY REDESIGNATING EARMARKED REVENUE THAT COMES TO THE GENERAL FUND AND REDIRECTING THAT EARMARKED GENERAL FUND REVENUE TO THE RETIREMENT SYSTEM. SO IT IS FUNDED, ESSENTIALLY, FROM THE GENERAL FUND. WE TRIED TO KEEP IT CONNECTED, THOUGH, TO COURT FEES. [LB468]

SENATOR CHAMBERS: THEN WHY WAS TALK MADE THAT IT MIGHT BE NECESSARY TO BUMP UP THE COURT FEES TO KEEP DOING WHAT YOU'RE DOING WITH THIS BILL? [LB468]

SENATOR MELLO: BECAUSE, SENATOR CHAMBERS, OF THE DEBATE WE'RE HAVING ON FRIDAY AND DEBATE WE'RE HAVING TODAY. IT WAS MY UNDERSTANDING FROM SOME OF THE HISTORIANS WITHIN THE LEGISLATURE THAT YOU SPECIFICALLY REFUSED TO INCREASE COURT FEES WHEN THE LEGISLATURE HAD TO CONSIDER PREVIOUS CHANGES TO THE JUDGES RETIREMENT PLAN. SO LIKE ALL GOOD NEGOTIATORS, SENATOR NORDQUIST AND THE ENTIRE RETIREMENT COMMITTEE DECIDED TO PUT FORWARD WHAT WE THOUGHT WAS OUR BEST HAND TO YOU IN THE JUDICIARY COMMITTEE TO CONSIDER WHOLESALE REFORM TO THE JUDGES RETIREMENT PLAN. THE JUDICIARY COMMITTEE TOOK THAT OFFER AND ULTIMATELY REJECTED MOST

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OF IT, IF NOT, WITH THE EXCEPTION OF THE PREDIVERSION FEES, WHICH ARE SPORADICALLY BEING CHARGED NOW ACROSS THE STATE, AND INSTEAD, AFTER WE SAW WHAT THE JUDICIARY COMMITTEE HAD DECIDED, WE CAME BACK, AS A RETIREMENT COMMITTEE, AND DECIDED WE WILL SIMPLY THEN APPROPRIATE THE FUNDING THAT WOULD COME FROM THE GENERAL FUND FROM COURT FEES AND REDIRECT THOSE. IT HAS THE SAME FISCAL IMPACT, BUT IT JUST IS CLOSER CONNECTED TO WHAT THE ORIGINAL POLICY CONSIDERATION WAS. [LB468]

SENATOR CHAMBERS: BUT THERE IS GOING TO BE AN INTERPLAY, A COUPLING OF FEES AND COURT COSTS TO THE JUDGES PENSION FUND, ISN'T THERE? [LB468]

SENATOR MELLO: RIGHT NOW THERE IS A CERTAIN NUMBER OF DOLLARS IN COURT FEES THAT AUTOMATICALLY GET DIRECTED TO THE JUDICIAL RETIREMENT SYSTEM. IT'S ROUGHLY \$3.1 MILLION A YEAR. THAT NUMBER WILL INCREASE, AND THE AMOUNT THAT'S GOING TO THE GENERAL FUND, WILL DECREASE. THAT IS THE INTERPLAY. [LB468]

SENATOR CHAMBERS: AND WHEN YOU MENTIONED THIS DIVERSION FEE, PEOPLE WHO GO INTO THAT DIVERSION PROGRAM, THEY DON'T ALL PAY THAT FEE, DO THEY? [LB468]

SENATOR MELLO: SENATOR CHAMBERS, THE RESEARCH DONE BY THE RETIREMENT COMMITTEE'S LEGAL COUNSEL HAS SHOWN A VARIETY OF COUNTIES AND CITIES ACROSS THE STATE ARE RANDOMLY DECIDING WHETHER TO CHOOSE TO CHARGE THAT \$6 COURT FEE FOR PREDIVERSION PROGRAMS. THE REALITY IS, IT DOESN'T GENERATE A CONSIDERABLE AMOUNT OF MONEY BY CHARGING THIS \$6 FEE BECAUSE WE DON'T FULLY UNDERSTAND HOW THE COUNTIES CURRENTLY, RIGHT NOW, ARE GOING ABOUT COLLECTING THIS FEE AND ARE CHARGING THIS FEE. SO, REALLY, EVEN BY US DOING THIS PREDIVERSION FEE, IT DOESN'T HAVE A DRAMATIC IMPACT IN REGARDS TO THE OVERALL FUNDING OF THE PROGRAM BECAUSE WE CONSCIOUSLY DECIDED TO INCREASE THE GENERAL FUND EQUIVALENT APPROPRIATION NEXT BIENNIUM TO \$1 MILLION EACH YEAR. [LB468]

SENATOR CHAMBERS: DOESN'T THE DIVERSION PROGRAM MEAN WHAT THAT WORD SAYS, THAT YOUR DIVERTED FROM GOING THROUGH THE COURT SYSTEM? [LB468]

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SENATOR MELLO: I BELIEVE IT...ONE COULD MAKE THAT GENERAL, BASIC ASSUMPTION, YES. I WOULD SAY IT DOESN'T DIVERT YOU AWAY FROM ENGAGING WITH THE COURT SYSTEM, BUT YOU MAY NOT HAVE TO GO TO COURT. [LB468]

SENATOR CHAMBERS: SO THE THINGS THAT ARE SUPPOSED TO BE COVERED BY COSTS ARE NOT GENERATED BY THIS DIVERSION PROGRAM, ISN'T THAT CORRECT? [LB468]

SENATOR MELLO: PLEASE REPEAT THAT, SENATOR CHAMBERS. [LB468]

SENATOR CHAMBERS: IF THERE ARE COSTS ASSOCIATED WITH GOING THROUGH THE COURT SYSTEM AND YOU DO NOT GO THROUGH THAT COURT SYSTEM, YOU DON'T GENERATE THOSE COSTS, DO YOU? [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR MELLO: THE ARGUMENT IS THAT TO SOME EXTENT, EVEN WITH PRETRIAL DIVERSION, THERE IS AN AFFILIATED COST WITH THE COURT SYSTEM. IT'S JUST, ARGUABLY, NOT THE SAME LEVEL OF COST AS IF ONE WAS TO GO THROUGH A FULL...THROUGH A TRIAL OR A COURT VISITATION WITH A JUDGE. [LB468]

SENATOR CHAMBERS: DESPITE ALL OF ARE MEANDERINGS AND SO FORTH, AN AMENDMENT COULD BE DRAFTED WHERE THE MONEY THAT IS NEEDED FOR THE JUDGES RETIREMENT COULD ALL COME FROM THE GENERAL FUND? IT COULD BE GENERAL FUND FUNDED FROM NOW ON? [LB468]

SENATOR MELLO: IT'S BEING...I GUESS, SENATOR CHAMBERS, AND I COULD PUT MY LIGHT ON AND YIELD YOU SOME TIME AND WE COULD CONTINUE THIS DIALOGUE. I DON'T KNOW HOW TO EXPLAIN IT ANY OTHER WAY, WHICH IS AN ACCOMPANYING A BILL WILL BE FOLLOWING LB468 IF IT MOVES TO SELECT FILE. THAT WILL HAVE A GENERAL FUND IMPACT, WHICH IS THE EQUIVALENT, ESSENTIALLY, OF A GENERAL FUND APPROPRIATION BECAUSE THE LOSS OF GENERAL FUND REVENUE IS BEING DIVERTED TO THE JUDGES RETIREMENT SYSTEM. SO ANY TIME SOMEONE SAYS... [LB468]

SENATOR WATERMEIER: TIME, SENATORS. [LB468]

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SENATOR MELLO: ...IS THIS GENERAL FUNDED...I'LL YIELD SOME TIME TO YOU. [LB468]

SENATOR WATERMEIER: THANK YOU, SENATOR CHAMBERS, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE OPENING TO THE MOTION TO BRACKET UNTIL JUNE 5, 2015. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR NORDQUIST, SENATOR SCHUMACHER, AND SENATOR MELLO. SENATOR NORDQUIST, YOU ARE RECOGNIZED. [LB468]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. AND I JUST WANT TO JUMP IN FOR CLARIFICATION AND SEE WHAT DIRECTION IT IS THAT SENATOR CHAMBERS WOULD LIKE US TO HEAD. THERE ARE TWO COMPONENTS OF FUNDING COMING INTO THE JUDGES RETIREMENT PLAN UNDER THIS AMENDMENT, UNDER THE COMMITTEE AMENDMENT. AND I HOPE SENATOR CHAMBERS IS LISTENING BECAUSE I DO WANT TO ASK HIM A QUESTION ABOUT THIS. THE FIRST IS THE NEW FEE, THE \$6, WHICH WE CURRENTLY HAVE ON ALL COURT CASES, \$6 FEE ON PRETRIAL DIVERSION. WE HAVE CARVED OUT JUVENILE PRETRIAL DIVERSION. SO MAINLY WE'RE TALKING ABOUT A \$6 FEE ON STOP CLASSES. AND AS SENATOR MELLO JUST SAID, THERE ARE SOME ADMINISTRATIVE COMPONENTS TO THAT THAT WOULD HAVE SOME IMPACT ON THE COURT. STOP CLASSES RANGE, MOST OF THEM ARE IN THE MID \$100 RANGE, \$140, ALL THE WAY UP TO \$200-AND-SOME, SO THAT'S THE NEW COMPONENT. THE SECOND COMPONENT IS WE TAKE...OF THE COURT FEES, THERE IS ABOUT \$20 COURT FEE ON CRIMINAL, CIVIL, TRAFFIC CASES THAT GOES TO THE GENERAL FUND. WE TAKE \$2 OF THAT \$20 FOR A TWO-YEAR PERIOD, AND THEN IT GOES UP TO \$3 AND WE DIRECT THAT INTO THE JUDGES RETIREMENT FUND. SO THOSE ARE THE TWO COMPONENTS. WOULD SENATOR CHAMBERS YIELD TO A QUESTION? [LB468]

SENATOR WATERMEIER: SENATOR CHAMBERS, WOULD YOU YIELD? [LB468]

SENATOR CHAMBERS: I WILL, BUT I HAVEN'T BEEN FOLLOWING YOUR DISCUSSION BECAUSE I WAS... [LB468]

SENATOR NORDQUIST: (LAUGH) OKAY, ALL RIGHT, I'LL TRY TO BE... [LB468]

SENATOR CHAMBERS: IF I CAN ANSWER, I WILL. [LB468]

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SENATOR NORDQUIST: ...I'LL TRY TO BE...I'LL TRY TO QUICKLY REITERATE IT. TWO COMPONENTS, FUNDING STREAMS INTO THIS. THE FIRST IS THE \$6 COURT FEE ON PRETRIAL DIVERSION, WHICH WE'VE ELIMINATED JUVENILE PRETRIAL DIVERSION. WE'RE TALKING MAINLY THE BULK OF THIS IS STOP CLASSES, WHICH RIGHT NOW RANGE ABOUT \$150 TO \$200, IF YOU'RE GOING TO GO THROUGH A STOP CLASS. SO WE'RE GOING TO PUT A \$6 FEE ON THAT. THAT'S THE NEW FEE. THE OTHER PIECE THAT WE DO IS WE TAKE RIGHT NOW ON... [LB468]

SENATOR CHAMBERS: OKAY, CAN WE STOP THERE? [LB468]

SENATOR NORDQUIST: YES. [LB468]

SENATOR CHAMBERS: SO WE CAN TAKE IT A PIECE AT A TIME. SUPPOSE WE DEAL WITH THAT PRETRIAL DIVERSION FEE AND WE NOT HAVE A FEE ON PRETRIAL DIVERSION ANYWHERE. THEN THERE WOULD NOT BE ANY FEE BEING REALIZED FROM THE PRETRIAL DIVERSION PROGRAM. WOULD THAT BE AN ACCURATE STATEMENT? [LB468]

SENATOR NORDQUIST: IF WE GOT RID OF...IF WE TOOK THAT PIECE OUT OF THE BILL, THERE WOULD BE NO STATEWIDE FEE ON PRETRIAL DIVERSION. FROM OUR RESEARCH, PRETRIAL DIVERSION FEES VARY GREATLY AND ARE ADMINISTERED AT THE COUNTY LEVEL. SOME COUNTIES ARE CHARGING AS MUCH AS \$40 OF COUNTY FEES ON PRETRIAL DIVERSION, WHICH DOESN'T COME TO THE STATE, IT GOES TO THEIR COUNTY OPERATIONS. THAT'S SOMETHING THAT SHOULD BE LOOKED AT IN THE INTERIM AS TO HOW COUNTIES ARE ASSESSING THOSE FEES BECAUSE THEY... [LB468]

SENATOR CHAMBERS: WELL, WITH WHAT THE BILL SAYS NOW, IF THERE ARE COUNTIES CHARGING MORE THAN \$6, WHAT HAPPENS WITH THEIR MONEY...IN OTHER WORDS, WHAT I'M TRYING TO ASK YOU, FROM WHERE WILL THIS PRETRIAL DIVERSION \$6 FEE COME FROM? IF IT CURRENTLY GOES TO THE COUNTY, IT WILL, BY THIS BILL, GO TO THE GENERAL FUND? IS THAT WHAT YOU'RE TELLING ME? [LB468]

SENATOR NORDQUIST: WELL, WE'RE COMING IN AND SAYING THE STATE'S GOING TO TAKE \$6 OF FEES ON PRETRIAL DIVERSION. WE'RE NOT TELLING COUNTIES RIGHT NOW ANYTHING ELSE. THEY CAN CONTINUE TO OPERATE AS THEY HAVE WITH THEIR CURRENT FEE STRUCTURE, ALTHOUGH I THINK THAT'S AN ISSUE THAT A JUDICIARY COMMITTEE SHOULD LOOK AT IN THE FUTURE. [LB468]

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SENATOR CHAMBERS: IF A COUNTY HAS NO PRETRIAL DIVERSION FEE NOW, THERE WILL BE NOTHING THAT GOES TO THE STATE FROM THAT COUNTY? [LB468]

SENATOR WATERMEIER: ONE MINUTE. [LB468]

SENATOR CHAMBERS: BECAUSE I'M NOT FOLLOWING WHAT YOUR SAYING. [LB468]

SENATOR NORDQUIST: NO. IF THEY HAVE NO PRETRIAL DIVERSION, THEN THERE WOULDN'T BE A FEE. BUT IF THEY HAVE PRETRIAL DIVERSION, THEY HAVE TO GIVE US \$6 PER INCIDENT OR PER CASE. [LB468]

SENATOR CHAMBERS: SO IF THEY DON'T HAVE A FEE, THIS BILL, BY ITS OPERATION... [LB468]

SENATOR NORDQUIST: THIS WOULD BE A NEW FEE. [LB468]

SENATOR CHAMBERS: ...WOULD PLACE A FEE WHERE CURRENTLY THERE IS NONE. [LB468]

SENATOR NORDQUIST: RIGHT. YEAH. AND IF THEY HAVE A \$40 FEE RIGHT NOW, THEY COULD CHOOSE WHETHER THAT COMES OUT OF THE \$40 OR WHETHER THIS GETS ADDED TO THE \$40 BECAUSE THERE SEEMS LIKE THERE REALLY ISN'T ANY RESTRICTIONS ON WHAT COUNTIES CHARGE FOR FEES ON PRETRIAL DIVERSION. [LB468]

SENATOR CHAMBERS: WOULD YOU SUPPORT AN AMENDMENT THAT DOES AWAY, NOT ONLY WITH THIS \$6 THAT YOU'RE TALKING ABOUT, BUT PRETRIAL DIVERSION FEES ALL OVER THE STATE? [LB468]

SENATOR NORDQUIST: WOW. I WOULD PROBABLY HAVE A FEW MORE OPPONENTS OUT IN THE ROTUNDA, INCLUDING THE REPRESENTATIVES OF NACO. I THINK IT NEEDS TO BE A BIGGER DISCUSSION THAN THROWING IT ON THIS AMENDMENT BECAUSE I DON'T KNOW WHAT PROGRAMS ARE BEING FUNDED AT THE COUNTY LEVEL WITH THOSE PRETRIAL DIVERSION FEES. I DO THINK THERE NEEDS TO BE A STUDY ABOUT WHETHER THERE NEEDS TO BE UNIFORMITY AND SOME... [LB468]

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SENATOR COASH PRESIDING

SENATOR COASH: TIME, SENATORS. [LB468]

SENATOR NORDQUIST: THANK YOU. [LB468]

SENATOR COASH: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB468]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. JUST SO WE CAN KIND OF TRY TO BRING THIS TO A HEAD AND SEE WHAT THE SENTIMENT IN THE BODY IS, I UNDERSTAND THAT THERE IS TWO PIECES OF LANGUAGE THAT WOULD TAKE OUT THE NEW FEES THAT REGARD PRETRIAL DIVERSION. ONE IS THE NEW LANGUAGE ON PAGE 10 OF AM1172, AND THE OTHER IS SECTION 7 AND 8 ON PAGE 18. IF WE ELIMINATE THOSE, THAT REMOVES THE NEW MONEY FOR PRETRIAL DIVERSION FROM BEING CHARGED. AND THEN THE OTHER ISSUE THAT I'M HEARING IS THAT SOME COUNTIES DO, SOME COUNTIES DON'T, SOME COUNTIES MAY BE FUNDING PROGRAMS. NO ONE IS REALLY QUITE SURE WHERE THEY GET THE AUTHORITY TO CHARGE THOSE FEES FROM, APPARENTLY IT'S NOT STATUTORY. AND SO REALLY THEY SHOULDN'T BE DOING IT IF THEY'RE NOT AUTHORIZED TO DOING IT. SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION? [LB468]

SENATOR COASH: SENATOR CHAMBERS, WILL YOU YIELD? [LB468]

SENATOR CHAMBERS: YES. [LB468]

SENATOR SCHUMACHER: SENATOR CHAMBERS, IF AN AMENDMENT WERE TO PASS THAT TAKES OUT THE NEW FEES FOR THE PRETRIAL DIVERSION AND PROHIBITS COUNTIES FROM CHARGING PRETRIAL DIVERSION FEES, UNLESS THEY ARE OTHERWISE AUTHORIZED BY LAW, WOULD THAT SATISFY YOUR OBJECTIONS? [LB468]

SENATOR CHAMBERS: I'D LEAVE THE BILL ALONE. [LB468]

SENATOR SCHUMACHER: SENATOR NORDQUIST, WOULD YOU YIELD TO A QUESTION? [LB468]

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SENATOR COASH: SENATOR NORDQUIST? [LB468]

SENATOR NORDQUIST: YES. [LB468]

SENATOR SCHUMACHER: IS IT YOUR IMPRESSION THAT TO GET RID OF THE PRETRIAL DIVERSION ISSUE, WE WOULD HAVE TO DO WHAT I JUST SAID, STRIKE THE NEW LANGUAGE ON PAGE 10 OF AM1172 AND STRIKE SECTION 7 AND 8 ON PAGE 18? [LB468]

SENATOR NORDQUIST: YES. THAT'S WHAT IT WOULD TAKE FOR AN AMENDMENT TO DO THAT. [LB468]

SENATOR SCHUMACHER: THAT WOULD BRING THE ISSUE TO A HEAD FOR A VOTE? [LB468]

SENATOR NORDQUIST: RIGHT. AND I COULD TALK ON MY OWN TIME OF WHY I WOULD PREFER NOT TO DO THAT, BUT THAT WOULD BE THE CORRECT WAY TO DO IT. [LB468]

SENATOR SCHUMACHER: OKAY, THANK YOU, SENATOR NORDQUIST. THEN I'LL FINISH PUTTING...DOTTING THE I'S AND CROSSING THE T'S ON THIS AMENDMENT TO BRING THIS TO A HEAD SO WE CAN MOVE ON. THE AMENDMENT, BASICALLY, WOULD STRIKE THE NEW FEES ON THE PRETRIAL DIVERSION AND SAY TO COUNTIES, LOOK, YOU CAN'T CHARGE ANYTHING UNDER PRETRIAL DIVERSION PROGRAM UNDER (SECTION) 29-3602 WITHOUT FURTHER AUTHORIZATION. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR MELLO, YOU'RE RECOGNIZED [LB468]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. WOULD SENATOR CHAMBERS YIELD TO A CONVERSATION? [LB468]

SENATOR COASH: SENATOR CHAMBERS, WILL YOU YIELD? [LB468]

SENATOR CHAMBERS: YES, I WILL. [LB468]

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SENATOR MELLO: SENATOR CHAMBERS, I JUST WANT TO BE ABLE TO...SINCE I FELT LIKE I WAS TALKING AN AWFUL LOT ON YOUR TIME, I WANTED TO BE ABLE TO PROVIDE THIS OPPORTUNITY TO CONTINUE THAT DIALOGUE IN REGARDS TO SOME OF THE QUESTIONS THAT YOU WERE ASKING IN RESPECT TO COURT FEES, THE IMPACT OF LB468 ON THE GENERAL FUND, THE MECHANISM WHICH WAS CREATED BY THE RETIREMENT COMMITTEE AND THE LIKE. SO I'LL TURN IT BACK TO YOU, SO TO SPEAK, IF YOU WOULD LIKE TO CONTINUE THAT DIALOGUE. [LB468]

SENATOR CHAMBERS: YES, I WILL. (INAUDIBLE) [LB468]

SENATOR COASH: SENATOR CHAMBERS. [LB468]

SENATOR CHAMBERS: AND, SENATOR MELLO, SENATOR SCHUMACHER NOW HAS AMENDATORY LANGUAGE THAT DOES BRING THINGS INTO A MANAGEABLE, UNDERSTANDABLE FORMAT. WHAT I WAS TALKING ABOUT WAS NOT CONNECTING COURT COSTS AND FEES TO ANYTHING THAT HAD TO DO DIRECTLY WITH THE DISPENSING OF JUSTICE. ANYBODY COULD SAY THAT IF COURT COSTS AND COURT FEES DERIVED WOULD WIND UP GOING TO THE GENERAL FUND, THERE WOULD STILL BE SOME USE OF THAT MONEY TO FUND THE OPERATION OF THE COURTS. BUT THERE IS NOT THE DIRECT CONNECTION THAT THEY HAVE NOW WHERE THEY SAY JUDGES' SALARIES ARE GOING TO REQUIRE SO MUCH, THE JUDGES RETIREMENT IS GOING TO REQUIRE SO MUCH, SO WE HAVE TO RAISE COURT FEES AND COURT COSTS TO FUND THESE THINGS. THAT IS THE DIRECT CONNECTION THAT I THINK SHOULD NOT BE THERE. SO SENATOR SCHUMACHER HAS CRAFTED AN AMENDMENT AND IF IT'S ACCEPTED, THEN I WILL LEAVE THE BILL ALONE. AND WHEN SENATOR NORDQUIST MENTIONED THAT DOING SOMETHING LIKE THIS WOULD CREATE OPPOSITION IN THE LOBBY, NOBODY IN THE LOBBY HAS A VOTE, JUST THOSE OF US ON THE FLOOR. EVEN THOUGH THERE MAY BE PRACTICES THAT HAVE GONE ON FOR SOME PERIOD OF TIME, IT CAN BE ANALOGIZED TO THE SITUATION WHERE NO MATTER HOW UNCONSTITUTIONAL A PIECE OF LEGISLATION MAY BE, UNTIL A COURT DECLARES IT TO BE UNCONSTITUTIONAL, IT HAS FORCE AND EFFECT. SO IF COUNTIES HAVE GOTTEN AWAY WITH MISUSING THE JUDICIAL SYSTEM FEE SETTING AND SO FORTH FOR A LONG PERIOD OF TIME, THAT DOES NOT MEAN THEY SHOULD BE ALLOWED TO CONTINUE DOING SO. A THIEF MAY STEAL, BUT NO MATTER HOW LONG THE THIEF HOLDS THAT STOLEN GOODS, WHEN THE THIEF IS CAUGHT WITH THE GOODS, HE MUST GIVE THEM UP AND NO MATTER HOW LONG HE HOLDS THEM, HE DOES NOT OBTAIN GOOD TITLE. THE ONLY WAY TITLE CAN BE DIVESTED FROM ONE PERSON AND REPOSED IN ANOTHER IS IF

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YOU HAVE AN ADVERSE POSSESSION TYPE STATUTE THAT SETS OUT DIFFERENT REQUIREMENTS. AND WHEN THOSE REQUIREMENTS ARE MET, THE ONE WHO IS IN ADVERSE POSSESSION GETS THE LAND. BUT IT'S NOT WHERE YOU CAN DO THINGS SECRETLY AND IN A CLANDESTINE FASHION AND SO FORTH. BUT UNDER ORDINARY CIRCUMSTANCES, ONE PERSON CANNOT DIVEST ANOTHER PERSON OF OWNERSHIP. THE COUNTIES WITHOUT AUTHORITY HAVE BEEN DOING THINGS WHICH PERHAPS THEY SHOULD NOT HAVE BEEN DOING UNDER ANY CIRCUMSTANCES. THIS AMENDMENT IS RELATING TO WHAT THE STATE IS UNDERTAKING. THE STATE IS GOING TO REQUIRE THAT A FEE BE PLACED... [LB468]

SENATOR COASH: ONE MINUTE. [LB468]

SENATOR CHAMBERS: ...ON A SERVICE WHICH CURRENTLY MAY NOT BE PLACED. IT WON'T BE BECAUSE THE COUNTY HAS SAID THIS IS WHAT IT TAKES TO ADMINISTER THE PROGRAM. IT'S THAT THE STATES SAID--BY OPERATION OF LAW, WE'RE GOING TO SAY WHEREVER THERE IS A DIVERSION PROGRAM, \$6 FROM THAT HAS TO COME FROM THE STATE. AND IF THERE CURRENTLY IS NO \$6 ASSESSMENT, THIS BILL REQUIRES SUCH AN ASSESSMENT. THAT IS NOT APPROPRIATE, IN MY VIEW. AND THAT'S WHY IF SENATOR SCHUMACHER'S AMENDMENT IS ADOPTED, DESPITE THE SQUEALS THAT MAY COME FROM THE LOBBY, THEN DO WHAT YOU WANT WITH THE REST OF THE BILL. THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR MELLO. [LB468]

SENATOR COASH: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB468]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, WHEN SENATOR SCHUMACHER FINISHES CROSSING THE T's AND DOTTING THE I's, I WILL FOCUS ON HIS AMENDMENT; AND IT SHOULDN'T TAKE NEARLY THE AMOUNT OF TIME TO DISCUSS THAT AND GET A VOTE, AS HAS BEEN THE CASE UP TO NOW. BUT IF I LOSE TODAY ON THAT, THEN I'VE LOST FOR TODAY. BUT THAT DOESN'T MEAN I WON'T RENEW THE STRUGGLE AT ANOTHER POINT. I HAD INDICATED AT THE OUTSET THAT WHILE TALKING ABOUT THIS MATTER, I COULD NOT CRAFT AN AMENDMENT THAT WOULD EFFECTUATE WHAT I HAD IN MIND. AND IF I HAD TRIED ON THE FLY TO WRITE SUCH AN AMENDMENT AND IT WERE ADOPTED AND IT DID NOT DO WHAT IT WAS SUPPOSED TO DO, THEN THAT WOULD HAVE BEEN A WASTE OF TIME AND EFFORT. SO I'M JUST GOING TO CHAT UNTIL SENATOR SCHUMACHER GETS READY TO OFFER HIS AMENDMENT. AND HERE IS

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THE QUESTION I WILL ASK SENATOR MELLO, IF HE'S THERE AND WILL YIELD.
[LB468]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB468]

SENATOR MELLO: I WILL YIELD, YES. [LB468]

SENATOR CHAMBERS: SENATOR MELLO, IS THERE ANYTHING YOU NEED TO SAY
IN RESPONSE TO WHAT I HAVE SAID ON THE TIME YOU GAVE ME? [LB468]

SENATOR MELLO: I APPRECIATE THAT, SENATOR CHAMBERS, AND I WAS JUST
KIND OF GIVEN A BRIEF. I WAS ON THE PHONE ON ANOTHER MATTER AND CAME
IN...I DID NOT HEAR WHAT UNIQUE IDEA SENATOR SCHUMACHER HAS COME UP
WITH, AND I JUST GOT BRIEFED ON IT. I THINK THEY'RE WALKING DOWN A
VERY...A VERY... [LB468]

SENATOR CHAMBERS: DANGEROUS. [LB468]

SENATOR MELLO: ...UNCHARTERED PATH, SO TO SPEAK. I'LL USE THE WORD
"UNCHARTED" BECAUSE IT WAS NOT THE INTENT, I KNOW, OF THE BILL THAT
THE RETIREMENT COMMITTEE BROUGHT TO JUDICIARY TO ELIMINATE ALL
PREDIVERSION FEES, SO TO SPEAK, AND THE ISSUE WE RAISED CONSISTENTLY IS
THAT COUNTIES ACROSS THE STATE ARE CHARGING VARIOUS LEVELS OF
PREDIVERSION FEES. AND SOME ARE SAYING THEY'RE CHARGING A FEE AND
REMITTING IT ALREADY, SO TO SPEAK, TO THE STATE FOR THE JUDGES
RETIREMENT. NOW, SENATOR NORDQUIST, I KNOW JUST GRABBED ME AND
SAID--WE HAVE NO WAY, REALLY, RIGHT NOW TO VERIFY THAT, THAT THOSE
COUNTIES THAT SAY THEY ARE DOING IT, SOMETHING THAT WE'VE GOT TO
INVESTIGATE FURTHER. I THINK WITH WHAT SENATOR SCHUMACHER
HAS...WHAT MY UNDERSTANDING OF WHAT SENATOR SCHUMACHER IS
PROPOSING, I THINK SETS UP A...SET US UP DOWN, MAYBE, A PATHWAY THAT I
HAD NOT ORIGINALLY THOUGHT WE WERE GOING TO GO DOWN. I STILL THINK,
AT THE END OF THE DAY, PRETRIAL DIVERSION, PRIMARILY, WE'RE
ALMOST...THIS IS ENTIRELY FOCUSING ON INDIVIDUALS WHO ARE GETTING
SPEEDING TICKETS AND TAKING DROP (SIC) CLASSES INSTEAD OF GOING TO
COURT AND ARGUABLY HAVING TO GO THROUGH THE COURT PROCESS AND
LOSING POINTS ON THEIR DRIVER'S LICENSE, NONETHELESS, THAT REQUIRING A
\$6 COURT FEE TO BE ASSOCIATED WITH THAT PRETRIAL DIVERSION, WE TALKED
ABOUT THAT, SENATOR CHAMBERS, WHERE WE DIDN'T SEE THAT WAS GOING TO

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BE AN OVERLY BURDENSOME FEE IN RESPECTS TO THE BENEFITS THAT THE DRIVER OR THE PERSON WHO IS COMMITTING THE INFRACTION IS ACTUALLY GETTING BY NOT LOSING POINTS ON THEIR DRIVER'S LICENSE AND/OR NOT SEEING THEIR CAR INSURANCE RATES INCREASE DUE TO THIS INFRACTION NOT GOING ON THEIR INSURANCE. I CAN UNDERSTAND THAT SOMEONE COULD HAVE A DIFFERENCE OF OPINION ON THAT SINCE GENERALLY IF YOU'RE...I KNOW YOU PHILOSOPHICALLY ARE OPPOSED TO COURT FEES INCREASING NO MATTER WHAT THEY ARE. WE TOOK A TACK THOUGH IN REGARDS TO LB468 THAT THIS IS A NARROW...THIS IS A NARROW FEE INCREASE, OR COURT FEE INCREASE, THAT IS ATTACHED TO A PROGRAM THAT ALREADY CREATES AN INCENTIVE FOR PEOPLE TO TAKE THIS PROGRAM, OTHERWISE THEY COULD GO PAY THAT \$6 COURT FEE AND GO TO COURT, CHALLENGE THEIR SPEEDING TICKET; AND IF THEY LOSE,... [LB468]

SENATOR COASH: ONE MINUTE. [LB468]

SENATOR MELLO: ...THEY PAY THEIR COURT FEES ANYWAY, AND, AS WELL, THEY SEE THEIR CAR INSURANCE INCREASES, AS WELL AS SEEING POINTS TAKEN AWAY FROM THEIR DRIVER'S LICENSE. SO I GUESS I WANT TO HEAR A LITTLE BIT MORE OF WHY WE WOULD WANT TO TAKE, EVEN IF WE WANT TO HAVE A DEBATE JUST ON THAT NARROW PRETRIAL DIVERSION FEE THAT THE RETIREMENT COMMITTEE IS RECOMMENDING, I JUST DON'T KNOW IF WE REALLY WANT TO OPEN UP PANDORA'S BOX IN REGARDS TO RIGHT NOW ON THIS BILL DIGGING INTO ALL THE OTHER...WHAT COUNTIES CHARGE. I THINK THAT'S AN ISSUE BETTER LEFT FOR THE INTERIM, BRINGING A BILL BACK NEXT YEAR, TO MAKE AN ASSESSMENT OF WHAT SHOULD BE A STANDARDIZED FEE, IF ANY, COUNTIES ARE CHARGING FOR THOSE PRETRIAL DIVERSION PROGRAMS. [LB468]

SENATOR CHAMBERS: WELL, COULD YOU ELIMINATE JUST THIS \$6 THAT YOU'RE TALKING ABOUT? [LB468]

SENATOR MELLO: SENATOR CHAMBERS, SENATOR CHAMBERS, SENATOR CHAMBERS, I DON'T BELIEVE ONE SENATOR, PARTICULARLY NOT THE CHAIRMAN OF THE RETIREMENT COMMITTEE, HAS THAT KIND OF AUTHORITY TO SIMPLY WAVE A WAND AND MAKE A FEE GO AWAY. I THINK THAT'S A CONVERSATION THAT WE PROBABLY NEED TO HAVE ON THE FLOOR WITH RETIREMENT COMMITTEE MEMBERS AND INTERESTED PARTIES. I THINK THAT'S A DISCUSSION THAT I'LL LEAVE BEST UP TO THE CHAIRMAN OF THE COMMITTEE. [LB468]

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SENATOR COASH: TIME, SENATORS. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB468]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT, AND MEMBERS. I THINK, SENATOR CHAMBERS, MAYBE THAT IS THE DISCUSSION THAT THE LEGISLATURE NEEDS TO HAVE BEFORE IT IS AN AMENDMENT, WHICH WOULD STRIKE...OFFER AN AMENDMENT WHICH WOULD STRIKE THE NEW \$6 FEE ON PRETRIAL DIVERSION. WE SEE WHERE THAT GOES. I WOULD NOT SUPPORT IT BECAUSE I DO THINK WE ARE SEEING A SHORTFALL OF MONEY GOING INTO OUR JUDGES RETIREMENT PLAN BECAUSE MORE AND MORE PEOPLE ARE CHOOSING PRETRIAL DIVERSION. AND I DO THINK THERE, OBVIOUSLY, IS AN INTERSECTION WITH THE FUNDING OF OUR JUDICIAL SYSTEM. AND I DON'T THINK IT'S AN ONEROUS FEE WHEN YOU LOOK AT THE FEES THAT ARE BEING CHARGED TO JUST PARTICIPATE IN THE PROGRAM, WE'RE TALKING ABOUT \$200 TO PARTICIPATE IN A STOP PROGRAM IN A NUMBER OF COUNTIES, A \$6 FEE ON TOP OF THAT TO HELP SUPPORT OUR JUDICIAL SYSTEM I DON'T THINK IS TOO ONEROUS. IT'S ABOUT \$200,000 A YEAR INTO OUR JUDGES RETIREMENT PLAN SHOULD THAT AMENDMENT BE SUCCESSFUL DOWN THE ROAD. AND, YOU KNOW, SENATOR SCHUMACHER AND OTHERS ON FRIDAY EXPRESSED CONCERN ABOUT THE LONG-TERM VIABILITY OF THE PLAN WITHOUT THAT \$200,000 THAT WILL, AT SOME POINT, LIKELY FALL ON TO THE GENERAL FUND SHOULD THAT PLAN NOT MEET EXPECTATIONS. SO IT IS AN IMPORTANT FUNDING PIECE. I THINK IT MAKES LOGICAL SENSE. I THINK IT MAKES POLICY SENSE TO INCLUDE THE \$6 FEE. BUT I THINK WE CAN BRING THIS DEBATE INTO FOCUS ON THAT NEW FEE AND CERTAINLY MOVE FORWARD WITH THE OTHER COMPONENTS, STRUCTURAL COMPONENTS, THE BENEFIT REDUCTIONS, AND THE REDIRECTION OF FEES OUT OF THE GENERAL FUND TO THIS PLAN. AND JUST HAVE A DEBATE WHETHER OR NOT WE DO INCLUDE A NEW \$6 FEE ON PRETRIAL DIVERSION. I WOULD SAY LONG TERM, OVER THE INTERIM, THERE PROBABLY NEEDS TO BE AN IN-DEPTH INTERIM STUDY ABOUT HOW COUNTIES UTILIZE THOSE FEES, TALKING TO PEOPLE WHO WORK WITH THE COUNTIES. IT SOUNDS LIKE SOME, THE FEES THAT THEY COLLECT ON PRETRIAL DIVERSION, AS MUCH AS \$48 OF FEES PER PRETRIAL DIVERSION. SOME OF THAT JUST GOES TO THE COUNTY GENERAL FUND. SOME SUPPORTS SPECIFIC PROGRAMS. SOME, WE UNDERSTAND, ARE EVEN TURNING BACK THE \$6 FEE TO THE STATE FOR THE JUDGES RETIREMENT, EVEN THOUGH THERE IS NO CLARITY IN THAT. SO THERE DEFINITELY NEEDS TO BE AN ANALYSIS OF THAT BY THE JUDICIARY COMMITTEE. BUT I THINK THAT'S WHERE OUR DEBATE SHOULD FOCUS RIGHT NOW IS ON THAT COMPONENT AND WE SEE WHAT THE WILL OF THE BODY IS ON THAT. THANK YOU. [LB468]

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SENATOR COASH: SENATOR MELLO, YOU ARE RECOGNIZED. SENATOR MELLO WAIVES. SENATOR KRIST, YOU ARE RECOGNIZED. [LB468]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. GOOD AFTERNOON, NEBRASKA. AND WHAT I REALLY HAVE TO SAY I WAS HOPING SENATOR MELLO, SENATOR CHAMBERS, AND SENATOR NORDQUIST WOULD BE ABLE TO ABSORB. WE'VE BEEN ON LB468 FOR THREE AND A HALF HOURS TOTAL. THAT MEANS THREE AND A HALF HOURS THAT WE WON'T SPEND TALKING ABOUT THE DEATH PENALTY OR ABOUT POTENTIALLY ANOTHER PRIORITY BILL DOWN THE ROAD. I ONLY SAY THIS NOT TO CURB THE ENTHUSIASM AND THE CONVERSATION ABOUT LB468 BECAUSE I KNOW IT'S IMPORTANT TO SENATOR NORDQUIST. I KNOW IT'S IMPORTANT THAT WE GET THROUGH DOING WHAT WE NEED TO DO BECAUSE OF SOME UNFUNDED REQUIREMENTS THAT NEED TO BE FUNDED. BUT IT REALLY COMES DOWN TO A NEGOTIATION AT THIS POINT BETWEEN ESSENTIALLY FOUR OR FIVE PEOPLE IN THIS BODY. TAKE A BREAK. TAKE A BREATH. LET'S FIX IT BETWEEN GENERAL AND SELECT AND LET'S MOVE ON. I THINK THE SPEAKER WAS VERY SPECIFIC THIS MORNING AND THREE OR FOUR DAYS AGO AND A WEEK AND A HALF AGO, TIME IS CLICKING DOWN. AND I KNOW IT'S A SERIOUS MATTER. I'M NOT TRYING TO MAKE LIGHT OF IT AND I'M NOT TRYING TO TELL PEOPLE TO SHUT UP. I AM TRYING TO SAY THIS SITUATION CAN BE FIXED OFF THE MIKE BETWEEN SANE AND SENSIBLE SENATORS AND WE CAN MOVE ON WITH THIS. I GUESS THAT'S MY WAY OF CALLING THE QUESTION, A LITTLE DIALOGUE ON THE MIKE RATHER THAN CALLING THE QUESTION. I WOULD ASK YOU, PLEASE, BETWEEN GENERAL AND SELECT, LET'S FIX THIS THING BECAUSE I KNOW IT CAN BE FIXED BECAUSE EVERYONE WHO HAS GOTTEN UP AND TALKED ABOUT IT PASSIONATELY IS SUBJECT MATTER EXPERTS IN ONE AREA OR ANOTHER. IS THERE ANYONE ELSE IN THE QUEUE? [LB468]

SENATOR COASH: SENATOR CHAMBERS IS IN THE QUEUE. [LB468]

SENATOR KRIST: OKAY. THEN I WOULD ASK SENATOR CHAMBERS TO WITHDRAW HIS BRACKET MOTION. LET'S GET ON WITH A VOTE. LET'S GO FOR THIS THING AND LET'S TRY TO FINISH IT BETWEEN GENERAL AND SELECT AND MOVE ON BECAUSE THE DEATH PENALTY AND MANY OTHER THINGS THAT ARE REALLY IMPORTANT TO ALL OF US ARE FUTURE ITEMS OF INTEREST THAT WE NEED TO TALK ABOUT ON THIS FLOOR. THANK YOU, MR. PRESIDENT. [LB468]

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SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU ARE RECOGNIZED. THERE IS NO ONE ELSE IN THE QUEUE. WOULD YOU LIKE TO CLOSE ON YOUR BRACKET? [LB468]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, ABOLISHING THE DEATH PENALTY MEANS MORE TO ME THAN ANYTHING THAT I'VE UNDERTAKEN IN THIS LEGISLATURE. BUT THEY'VE KILLED IT BEFORE. THERE WERE TIMES IN THE PAST THAT I HAD 24 COSPONSORS AND IT DIDN'T COME UP FOR A VOTE AT ALL. THE LAST TIME IT CAME UP, THEY KILLED IT OFF WITH A FILIBUSTER AND MAYBE THEY'LL DO THAT AGAIN. BUT I'M NOT GOING TO HAVE THAT BROUGHT UP TO ME EVERY TIME THERE IS A SERIOUS ISSUE THAT I'M DISCUSSING, SO I GUESS WHEN IT COMES UP, YOU'LL HAVE TO VOTE TO KILL IT. SENATOR MELLO AND I WERE HAVING A DISCUSSION AND AS SOON AS I HEARD--I WAS HALF LISTENING--SOMEBODY MENTION THE DEATH PENALTY, THAT'S WHAT I HEAR AROUND HERE. I THINK IT'S GOING TO BE VERY DIFFICULT FOR NEBRASKA TO KILL ANYBODY. SO IF I DON'T GET IT THIS YEAR, I'LL BRING A BILL BACK NEXT YEAR AND THEY CAN DO THE SAME THING NEXT YEAR WHEN THEY'RE NOT GETTING THEIR WAY, SAY, WELL, YOU WANT THE DEATH PENALTY. WELL, SENATOR GARRETT WANTS MEDICAL MARIJUANA. SO IF YOU ALL ARE GOING TO PULL THAT WITH ME, LET ME KNOW THAT NOW. LET ME KNOW THAT NOW AND I ASSURE YOU THE REST OF THE SESSION WILL BE MINE, NOT JUST TODAY. AND I THINK THAT'S A LOW BLOW, BUT OBVIOUSLY SENATOR KRIST HAS HIS REASONS FOR SAYING WHAT HE SAID AND HE'S FREE TO SAY IT. BUT I WANT YOU ALL TO KNOW THAT THAT'S NOT GOING TO WORK WITH ME. YOU'RE NOT GOING TO TELL ME TO SHUT UP BY WHISPERING IT. YOU'RE NOT GOING TO MAKE ME SHUT UP BY HOLLERING IT. AND YOU'RE NOT GOING TO MAKE ME SHUT UP BY THREATENING TO KILL A BILL. SENATOR MELLO AND I HAD JUST ABOUT REACHED AN ARRANGEMENT AND THEN I HEARD SENATOR KRIST TALK ABOUT THE DEATH PENALTY. SO I'M NOT SURE THAT I WANT TO GO AGREE TO WHAT I HAD THOUGHT ABOUT AGREEING TO WITH SENATOR MELLO. AND WHAT THAT WAS, WAS TO LET THE BILL GO AND WE TALK ABOUT THAT NEW \$6 FEE AND WHAT THE COUNTIES ARE DOING. BUT I DON'T CONTROL WHAT OTHER SENATORS ARE GOING TO DO AND I DON'T WANT ANY SENATOR TO REFRAIN FROM WHAT HE OR SHE WAS GOING TO OFFER BECAUSE SOMEBODY THREATENED TO KILL THE DEATH PENALTY. SO IF SENATOR SCHUMACHER HAS OFFERED HIS AMENDMENT, I'M GOING TO DISCUSS IT AND I'M GOING TO SUPPORT IT. AND IF THAT MEANS YOU KILL THE DEATH PENALTY, THAT'S WHAT IT MEANS. YOU DON'T KILL ME. AND I CAN STAND THAT HAPPENING BETTER THAN OTHERS CAN STAND TO HAVE SOME THINGS HAPPEN TO THEIR BILLS IN HERE. IT HAS HAPPENED TO ME FOR GOING ON 42 YEARS NOW. SO IT'S NOT NEW

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TO ME AND THE THREAT IS NOT NEW. AND WHAT I'M SAYING NOW IS NOT NEW, BUT YOU ALL, SOME OF YOU DON'T BELIEVE THAT I MEAN IT. AND THAT'S NOT THE ONLY BILL THAT I HAVE. WE CAN KILL OFF LB605, TOO, AND EVERY OTHER BILL THAT'S UP THERE AND SEE HOW YOU LIKE THAT. I'M ONE PERSON. BUT ONE PERSON AND THE RULES CAN DO A LOT. SO A PERSON MIGHT DO WELL TO RECKON UP THE COSTS. THERE WAS SOME LANGUAGE IN A POEM BY KIPLING, BALLAD OF EAST AND WEST, AND THIS YOUNG GUY WAS ARGUING WITH A MAN CALLED A BORDER THIEF. HE WOULD BE CALLED THE HEAD OF A TRIBE IN AND AROUND PAKISTAN. [LB468 LB605]

SENATOR COASH: ONE MINUTE. [LB468]

SENATOR CHAMBERS: AND HE HAD STOLEN A HORSE AND THEY WERE NEGOTIATING. AND THIS YOUNG GUY SAID, WELL, SUCH AND SUCH AND SUCH, BUT IF YOU THINK THE PRICE IS RIGHT, THEN DO WHAT YOU THOUGHT OR SAID YOU WERE GOING TO DO. BUT IF YOU THINK IT'S HIGH, THEN GIVE ME MY FATHER'S MARE AND I'LL GO BACK. WELL, YOU CANNOT SET A PRICE SO HIGH THAT I CAN'T PAY IT IF ALL THE PRICE YOU GOT IS THAT YOU'RE GOING TO KILL A BILL OF MINE. YOU'LL JUST DO THE WORK THAT OTHERS WANT TO DO AND THEY DON'T HAVE TO DO IT. BUT I'M GOING TO BE ME AND I'M GOING TO DO WHAT I THINK IS THE RIGHT THING TO DO. SO IF YOU WEREN'T PUTTING THE DEATH PENALTY ON THE TABLE, I AM. IF THAT'S WHAT YOU WANT, YOU GOT IT. YOU GOT THE VOTES. SO SHOW WHAT YOU ARE AND SHOW HOW YOU HIDE AND SHOW HOW YOU DO IT. BUT COUNT WHO COME FOR THE BROKEN... [LB468]

SENATOR COASH: TIME, SENATOR. [LB468]

SENATOR CHAMBERS: ...BROKEN MEATS BEFORE THOU MAKEST A FEAST. THAT'S WHAT THIS YOUNG GUY SAID. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR COASH: SENATOR KRIST, YOU'RE RECOGNIZED. [LB468]

SENATOR KRIST: SENATOR CHAMBERS, YIELD? [LB468]

SENATOR COASH: SENATOR CHAMBERS, 5:00. [LB468]

SENATOR CHAMBERS: UNLIKE A COUPLE OF MY... [LB468]

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SENATOR KRIST: NO, NO. I SAID, WILL SENATOR CHAMBERS YIELD? [LB468]

SENATOR COASH: EXCUSE ME. SENATOR CHAMBERS, WILL YOU YIELD? [LB468]

SENATOR KRIST: OKAY. [LB468]

SENATOR CHAMBERS: UNLIKE A COUPLE OF MY COLLEAGUES, YES, I WILL YIELD. [LB468]

SENATOR KRIST: SENATOR CHAMBERS, I BELIEVE YOU'RE MISTAKEN. I BELIEVE THAT YOU AND SENATOR MELLO WERE ENGAGED IN A CONVERSATION AND YOU MISTOOK OR MISUNDERSTOOD MY COMMENTS. SO I'M GOING TO MAKE THEM AGAIN SO THAT YOU UNDERSTAND. I THINK THERE ARE MANY MORE IMPORTANT ISSUES THAT WE NEED TO GET ON TO TO SPEAK TO. I THINK THAT THERE ARE SOME LEARNED PEOPLE WHO ARE DISAGREEING RIGHT NOW OVER HOW WE CAN FIX THIS BILL. I THINK YOU, SENATOR SCHUMACHER, SENATOR NORDQUIST, AND SENATOR MELLO ARE VERY ENGAGED. I JUST DON'T KNOW THAT WORKING IT OUT ON THE MIKE IS ALWAYS THE BEST IDEA. AND WHEN I MENTIONED THE DEATH PENALTY, IT IS IMPORTANT TO ME, SENATOR CHAMBERS, BECAUSE I SUPPORT THE REPEAL OF DEATH PENALTY AND THERE ARE OTHER ISSUES OUT THERE, AS YOU SAY. SO I JUST WANT TO MAKE SURE YOU UNDERSTAND MY COMMENTS ARE THREE AND A HALF HOURS ON THIS AND NEGOTIATING ON THE MIKE MAY OR MAY NOT BE THE BEST WAY TO GO ABOUT THAT. THAT, SIR, IS MY OPINION. SO I JUST WANTED YOU TO UNDERSTAND AND I'LL YIELD THE REST OF MY TIME SO THAT YOU CAN SPEAK TO THAT IF YOU WISH. [LB468]

SENATOR CHAMBERS: THANK YOU, SENATOR KRIST. OH, HOW WONDERFUL IT IS WHEN BRETHREN CAN DWELL TOGETHER IN UNITY. COMMUNICATION IS THE BEST THING IN THE WORLD AND SENATOR KRIST HAS COMMUNICATED HIS MEANING TO ME, AND I THINK WHAT HE HAS SUGGESTED IS WISE, BUT I DON'T CONTROL WHAT ANYBODY ELSE WILL DO. AND, SENATOR KRIST, I DID MISUNDERSTAND WHAT YOU WERE SAYING, SO YOU HAVE CORRECTED ME AND I ACCEPT THE EXPLANATION THAT YOU GAVE. BUT BOTH OF THE ISSUES, THE ONE I WAS DISCUSSING WITH SENATOR MELLO AND THE DEATH PENALTY ISSUE, BOTH OF THEM ARE IMPORTANT TO ME. AND I CANNOT SAY REALLY WHICH ONE WOULD BE UPPERMOST. IF I HAD A SCALE AND I PUT THE DEATH PENALTY ON ONE SIDE AND I PUT THE INTEGRITY OF THE COURT SYSTEM ITSELF ON ANOTHER, WHICH SHOULD I HOPE WOULD CARRY THE DAY? IT WAS THE COURT

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SYSTEM, NOT THE LEGISLATURE, THAT BANNED THE ELECTRIC CHAIR. SO MAYBE THE COURT SYSTEM IS MY ULTIMATE HOPE. AND BY MAINTAINING THE INTEGRITY OF THE COURT SYSTEM, MAYBE I'M DOING MORE THAN SIMPLY GETTING THE DEATH PENALTY ABOLISHED BECAUSE IF THE COURT SYSTEM REMAINS INTACT, OTHER IMPORTANT ISSUES WILL BE RESOLVED PROPERLY. BUT THAT IS A BIGGER ISSUE. IT IS FURTHER DOWN THE LINE. AND I WILL STICK BY WHAT I AGREED TO DO WITH SENATOR MELLO. BUT I DON'T CONTROL WHAT ANYBODY ELSE WILL DO ON THIS BILL. SO THANK YOU, SENATOR KRIST. THANK YOU, MR. PRESIDENT. [LB468]

SENATOR COASH: SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CHAMBERS, YOU CAN USE THE TIME TO SPEAK OR YOU MAY CLOSE ON YOUR MOTION THE BRACKET. [LB468]

SENATOR CHAMBERS: SOMETIMES I QUOTE FROM BILLY JOEL: COME ON, COME ON, VIRGINIA, SHOW ME A SIGN, SEND ME A SIGNAL, I'LL THROW YOU A LINE. I'D LIKE TO ASK SENATOR MELLO A QUESTION IF HE IS AVAILABLE. [LB468]

SENATOR COASH: SENATOR MELLO, WILL YOU YIELD? [LB468]

SENATOR MELLO: OF COURSE. [LB468]

SENATOR CHAMBERS: SENATOR MELLO, DID WE AGREE--AND I KNOW I'M PRESENTING IT AS A LEADING QUESTION--THAT I WOULD LET THE BILL GO AT THIS POINT AND WE WOULD TALK ABOUT ALL THESE ISSUES BEFORE OR BETWEEN HERE AND WHEN THE BILL COMES UP AGAIN ON SELECT FILE AND NEITHER OF US HAS COMMITTED TO ANYTHING FIRMLY OTHER THAN TO DISCUSS ALL THESE ISSUES? IS THAT CORRECT? [LB468]

SENATOR MELLO: THAT IS ABSOLUTELY CORRECT, SENATOR CHAMBERS. [LB468]

SENATOR CHAMBERS: MR. PRESIDENT, I WILL WITHDRAW THAT BRACKET MOTION. [LB468]

SENATOR COASH: BRACKET MOTION IS WITHDRAWN. MR. CLERK. [LB468]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR SCHUMACHER WOULD OFFER FA60. (LEGISLATIVE JOURNAL PAGE 1379.) [LB468]

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SENATOR COASH: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON FA60. [LB468]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THIS IS AN EFFORT TO TRY TO BRING TO A HEAD THE ISSUES THAT ARE DISCUSSED AND SEE IF WE CAN TAKE CARE OF IT VERY EXPEDITIOUSLY HERE ON GENERAL FILE AND MOVE THIS BILL ALONG SO WE CAN GET TO THOSE IMPORTANT ISSUES. WHAT THIS PROPOSED FLOOR AMENDMENT DOES IS IT TAKES OUT THE FEES THAT ARE ADDED INTO THE BILL ON PRETRIAL DIVERSION PROGRAMS BY STRIKING LANGUAGE IN TWO DIFFERENT PARTS OF THE BILL, SOME OF IT ON PAGE 10 AND SOME OF IT ON PAGE 18 AND 19. AND IT ALSO SAYS THAT NO CONTRIBUTION TO THE NEBRASKA RETIREMENT FUND FOR JUDGES SHALL BE MADE FROM FEES ASSESSED ON A PRETRIAL ENROLLMENT PROGRAM ESTABLISHED UNDER 29-3605 WHICH IS PRETRIAL DIVERSION. APPARENTLY SOME OF THE COUNTIES HAVE BEEN SUBMITTING FEES FOR THE RETIREMENT, SOME HAVE NOT BEEN SUBMITTING FEES. IT DOES APPEAR THAT THEY ARE ENTITLED TO RECOUP THEIR COST IF THEY WANT TO HAVE A DRIVER'S EDUCATION PROGRAM OR SOMETHING LIKE THAT, THEIR COST OF PRINTING UP THE MATERIAL AND THE NECESSARY THINGS IN ORDER TO ADMINISTER SUCH A PROGRAM. AND SOME OF THEM HAVE BEEN SENDING MONEY IN TO THE JUDGES RETIREMENT FUND, SOME HAVE NOT. THIS SAYS THAT THEY WILL NOT GET A CONTRIBUTION TO THE JUDGES RETIREMENT FUND FROM ANY OF THOSE FEES THAT ARE SET UP FOR THOSE KIND OF MINOR OFFENSES. BUT AT ANY RATE, IT REMOVES THOSE FEES FROM THE BILL AND IT DOES NOT REQUIRE OR STOPS ANY COUNTY WHO HAS BEEN CONTRIBUTING TO THE RETIREMENT FUND OUT OF THOSE FEES FROM CONTINUING TO DO SO. SENATOR CHAMBERS, I BELIEVE, HAS INDICATED GENERAL SUPPORT FOR THAT DIRECTION. WE CAN TAKE A VOTE UP OR DOWN AND MOVE ON IF THAT'S THE WILL OF THE BODY. THANK YOU. [LB468]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO FA60. THE FLOOR IS NOW OPEN FOR DEBATE. (VISITORS INTRODUCED.) SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB468]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. WE HAVE TWO WAYS TO GO. WE CAN EITHER, AS SENATOR CHAMBERS AND SENATOR MELLO TALKED, NOT ADDRESS THIS ISSUE RIGHT NOW OR WE CAN TAKE A VOTE ON IT. THE CONCERN IS TWOFOLD. FIRST OF ALL, THERE IS NEW FUNDING AND THEN THERE IS POTENTIALLY, WE BELIEVE, SOME COUNTIES THAT ARE ASSESSING IN PART OF THEIR FEES THAT THEY'RE ASSESSING ARE REMITTING

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MONEY TO THE STATE. THAT WOULD BE A NEGATIVE IMPACT TO OUR JUDGES RETIREMENT PLAN WHICH WE ARE TRYING TO FIX AND SHORE UP FUNDING. THE SCHUMACHER AMENDMENT COULD, WITH THE LANGUAGE THAT SAYS NO CONTRIBUTION SHALL BE MADE FROM FEES ASSESSED FOR ENROLLMENT AND PRETRIAL DIVERSION PROGRAMS, IF THERE ARE COUNTIES MAKING THAT REMITTANCE TO THE STATE FOR THE JUDGES RETIREMENT PLAN, THOSE NOW HAVE TO STOP ACCORDING TO LAW. THAT COULD BE...HAVE NEGATIVE FUNDING CONSEQUENCES. IN ADDITION TO LOSING THAT MONEY, WE WILL NOT BE COLLECTING AN ADDITIONAL \$180,000 OR SO A YEAR WHICH MOST OF US THINK IS IMPORTANT FUNDING FOR THE JUDGES RETIREMENT PLAN. THE BIGGER ISSUE, YES, IS...AND I THINK THIS IS WHAT SENATOR CHAMBERS AND SENATOR MELLO WOULD LIKE TO TALK ABOUT, IT WAS AN ISSUE THAT CAME BEFORE THE RETIREMENT COMMITTEE, BUT NEEDS TO BE RESOLVED BEFORE THE JUDICIARY COMMITTEE, AND THAT IS...AND WE DID TALK ABOUT IT WHEN I BROUGHT THE OTHER BILL TO JUDICIARY COMMITTEE WITH THE PRETRIAL DIVERSION FEE. THEY NEED TO LOOK AT SOME UNIFORMITY IN POLICY WHEN IT COMES TO THAT. AND THAT I DON'T THINK SHOULD BE DONE ON THE FLOOR, AMENDED INTO A RETIREMENT COMMITTEE BILL. I THINK THAT'S SOMETHING THAT NEEDS TO HAVE A HEARING AND FURTHER STUDY BEFORE THE JUDICIARY COMMITTEE. SO MY PREFERENCE IS, YOU KNOW, EITHER WE VOTE DOWN THE SCHUMACHER AMENDMENT TODAY OR IT'S WITHDRAWN AND WE TALK ABOUT IT BETWEEN GENERAL AND SELECT, BUT ADOPTING FA60 WOULD NOT GET US AS FAR AS WE NEED TO GO WITH OUR JUDGES RETIREMENT PLAN. THANK YOU. [LB468]

SENATOR COASH: SENATOR DAVIS, YOU'RE RECOGNIZED. [LB468]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SCHUMACHER WOULD YIELD TO A FEW QUESTIONS. [LB468]

SENATOR COASH: SENATOR SCHUMACHER, WILL YOU YIELD? [LB468]

SENATOR SCHUMACHER: YES, I WILL. [LB468]

SENATOR DAVIS: SO, SENATOR SCHUMACHER, CAN YOU TELL ME WHAT YOUR OBJECTIVE IS IN TRYING TO TAKE THESE FEES OUT? [LB468]

SENATOR SCHUMACHER: BASICALLY THE OBJECTIVE IN REMOVING THE FEE IS THE PHILOSOPHICAL ISSUE THAT SENATOR CHAMBERS HAS RAISED THAT WE SHOULD NOT USE FEES TO FUND THE GENERAL OBLIGATIONS OF THE STATE

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THAT IT HAS BECAUSE OF THE COMMITMENTS IT'S MADE TO ITS RETIREMENT PROGRAM, AND THAT FEES ARE A POOR WAY TO FINANCE A JUDICIAL SYSTEM. BUT IN THE INTEREST OF TIME AND MOVING ON, I JUST HAD A CONVERSATION WITH SENATOR CHAMBERS AND SENATOR MELLO. I THINK WE HAVE A COMMITMENT TO WORK OUT THE LANGUAGE ON THIS BETWEEN NOW AND SELECT AND TO UNDERSTAND FULLY THE IMPLICATIONS, IF THERE ARE IMPLICATIONS FINANCIALLY. SO WHENEVER IT'S PROPER FOR ME TO DO SO HERE, I'D WITHDRAW FA60. [LB468]

SENATOR DAVIS: I'LL YIELD THE REST OF MY TIME TO SENATOR SCHUMACHER IF HE WOULD LIKE TO WITHDRAW THAT AMENDMENT. [LB468]

SENATOR COASH: SENATOR SCHUMACHER, YOU'VE BEEN YIELDED 3:00. [LB468]

SENATOR SCHUMACHER: I'D LIKE TO WITHDRAW FA60. I UNDERSTAND THAT WE MAY BE CLOSE TO AN AGREEMENT. [LB468]

SENATOR COASH: FA60 IS WITHDRAWN. SEEING NO OTHER LIGHTS ON, SENATOR NORDQUIST, YOU ARE RECOGNIZED TO CLOSE ON LB468. [LB468]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. APPRECIATE THE DISCUSSION THAT WE'VE HAD AND CERTAINLY STAND WILLING TO TALK FURTHER ABOUT PRETRIAL DIVERSION FEES AND WHAT WE CAN ACCOMPLISH ON THAT THIS SESSION. AGAIN, THE PURPOSE OF LB468 IS TO SHORE UP OUR JUDGES RETIREMENT PLAN BY REDUCING BENEFITS FOR NEW JUDGES HIRED AFTER JULY 1, 2015, AND DIRECTING SOME GENERAL FUND COURT FEES INTO THE PLAN, AS WELL AS CURRENTLY IT HAS THE \$6 PRETRIAL DIVERSION FEE AND THAT IS OBVIOUSLY SOMETHING WE WILL CONTINUE TO TALK ABOUT. THANK YOU. [LB468]

SENATOR COASH: THANK YOU, SENATOR NORDQUIST. MEMBERS, YOU'VE HEARD THE CLOSING TO LB468. QUESTION FOR THE BODY IS, SHALL LB468 ADVANCE? THOSE FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB468]

CLERK: 37 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT OF LB468. [LB468]

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SENATOR COASH: LB468 DOES ADVANCE. ITEMS, MR. CLERK. [LB468]

CLERK: THANK YOU, MR. PRESIDENT. FIRST OF ALL, AN ANNOUNCEMENT. THE APPROPRIATIONS COMMITTEE WILL MEET AT 3:00 IN ROOM 2022. APPROPRIATIONS, 3:00 IN ROOM 2022. AMENDMENTS TO BE PRINTED: SENATOR DAVIS TO LB360. NOTICE OF CONFIRMATION HEARING BY HEALTH AND HUMAN SERVICES. NEW RESOLUTIONS: LR226 BY SENATOR BRASCH, THAT WILL BE LAID OVER; LR227, LR228, LR229 BY SENATOR BURKE HARR, ALL INTERIM STUDY RESOLUTIONS. THOSE WILL BE REFERRED TO THE EXECUTIVE BOARD. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1379-1381.) [LB360 LR226 LR227 LR228 LR229]

SENATOR COASH: THANK YOU, MR. CLERK. NEXT ITEM.

CLERK: MR. PRESIDENT, LB259, IT'S A BILL BY SENATOR GLOOR. (READ TITLE.) INTRODUCED ON JANUARY 14, REFERRED TO THE REVENUE COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM824, LEGISLATIVE JOURNAL PAGE 808.) [LB259]

SENATOR COASH: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON LB259. [LB259]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, MEMBERS. THERE HAS BEEN DISCUSSION OFF AND ON ABOUT TAX RELIEF IN THE STATE, AND I'M PLEASED TO SAY THAT IN ADDITION TO THE PROPERTY TAX CREDIT PROGRAM THAT'S COME OUT OF APPROPRIATIONS, BUILDING ON THE PROPERTY TAX CREDIT DOLLARS THAT HAVE BEEN SET ASIDE YEAR AFTER YEAR WITHIN OUR BUDGET, THIS IS A SPECIFIC REVENUE COMMITTEE BILL AND I APPRECIATE THE COMMITTEE'S PRIORITIZATION OF THIS BILL, WORKING WITH ME ON IT TO PROVIDE TAX RELIEF, SHOULD THIS BODY SO DECIDE. THIS HAS A FOCUS SPECIFICALLY ON NOT JUST PROPERTY, BUT PERSONAL PROPERTY, AND AS A RESULT, HAS AN IMPACT ON BUSINESS WITHIN THIS STATE, BOTH AG, AS WELL AS A TRADITIONAL LARGER BUSINESSES. SINCE IT'S A REVENUE BILL, WE SHOULD START WITH NUMBERS, A QUICK REVIEW FOR YOU. TOTAL PROPERTY TAXES FOR 2014, BOTH REAL AND PERSONAL IN THIS STATE ARE \$3.5 BILLION. THAT'S BILLION, NOT MILLION DOLLARS. REAL PROPERTY TAXES, WHICH WOULD BE ANYTHING PERMANENT, ARE \$3.3 BILLION, WHICH LEAVES US WITH ABOUT \$217 (MILLION), ALMOST \$218 MILLION IN PERSONAL PROPERTY TAXES. OF THAT, AG PERSONAL PROPERTY TAXES ARE \$64.4 MILLION, COMMERCIAL

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PERSONAL PROPERTY TAXES ARE \$108.2 MILLION, AND RAILROADS, PUBLIC UTILITIES, WHAT WE CALL CENTRALLY ASSESSED, END UP BEING \$45 MILLION. LB259 IS A MODEST ATTEMPT--AND I ADMIT AND I APPRECIATE THE NUMBER OF SENATORS WHO HAVE COME UP TO ME FRIDAY WHEN WE THOUGHT WE MIGHT HEAR THIS BILL AND TODAY AND HAVE OFFERED SUGGESTIONS ON INCREASING THIS AMOUNT. BUT FOR PURPOSES OR REASONS WE'LL GET INTO A LITTLE LATER, IT IS A MODEST ATTEMPT, BUT I THINK AN APPROPRIATE ONE AS A START--AT PROPERTY TAX RELIEF BY EXCLUDING SOME OF THE VALUE OF TAXABLE PERSONAL PROPERTY. AND, AGAIN, THE FOCUS WHEN WE BROUGHT THIS BILL FORWARD WAS TO PROVIDE SOME DEGREE OF HELP IN SMALL BUSINESS. LB259, THE GREEN COPY, HAD ITS GENESIS IN THE TAX MODERNIZATION COMMITTEE REPORT OF A COUPLE OF YEARS AGO. RESEARCH SHOWED THAT WE WERE ONE OF THE FEW STATES IN THE REGION THAT STILL IMPOSE A TAX ON AGRICULTURAL PERSONAL PROPERTY. WHILE MOST NEIGHBORING STATES STILL IMPOSE SOME LEVEL OF TAX ON BUSINESS PERSONAL PROPERTY, MANY HAVE CHIPPED AWAY AT THIS TAX BY ALLOWING LOCAL GOVERNMENTS TO PROVIDE SOME DEGREE OF ABATEMENT OF SOME OR ALL OF THE TAX AS BUSINESS INCENTIVES. THE PURPOSE OF LB259 WHEN I INTRODUCED IT WAS TO PROVIDE MEANINGFUL TAX RELIEF TO SMALL BUSINESS OWNERS, INCLUDING SMALLER FARMERS, RANCHERS, START-UP COMPANIES, ENTREPRENEURS. THE EXEMPTION STILL EXISTS FOR LARGE BUSINESSES, BUT CLEARLY GIVEN THE DOLLARS AMOUNT IT'S LESS SUBSTANTIVE FOR THEM, LESS IMPRESSIVE FOR THEM. BUT WE'RE REQUIRED TO PROVIDE IT FOR ALL BUSINESSES DUE TO OUR CONSTITUTIONAL UNIFORMITY REQUIREMENTS. THERE HAS ALREADY BEEN DISCUSSION BY A NUMBER OF SENATORS AT VARIOUS TIMES ABOUT THE UNIFORMITY CLAUSE. IT'S HELPED KIND OF LAY THE GROUNDWORK FOR WHY THIS BILL HAS TO AFFECT ALL BUSINESSES REGARDLESS OF SIZE. THIS BECOMES PARTICULARLY COMPLICATED IN THE AREA OF CENTRALLY-ASSESSED TAXPAYERS--THOSE ARE RAILROADS, PIPELINES, TELECOM, AND OTHERS--DUE TO FEDERAL LAWS AND NUMEROUS COURT DECISIONS. LB259 AS DRAFTED GENERATED A FISCAL NOTE OF \$41.5 MILLION PER YEAR. THAT'S CLOSE TO ALL THE MONEY THAT WE HAD SET ASIDE FOR THE FLOOR. BY THE WAY, THOSE DOLLARS ARE WHAT WOULD BE NECESSARY THEN TO REIMBURSE SCHOOLS AND COUNTIES FOR THE LOST PROPERTY TAXES THAT WOULD BE AS A RESULT OF THIS BILL. LB259, AS DRAFTED, WOULD HAVE SAVED TAXPAYERS ON AVERAGE \$400 A YEAR IN TAXES BASED UPON THAT \$25,000 EXEMPTION THAT WAS BUILT INTO IT AT THE AVERAGE STATEWIDE RATE OF 1.6802 PERCENT. BECAUSE OF BUDGETARY CONCERNS, BECAUSE OF OUR BUDGETARY LIMITATIONS, BECAUSE OF THE DOLLARS THAT WERE AVAILABLE FOR US ON THE FLOOR, THE BILL GOT

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AMENDED IN THE COMMITTEE, AND I'LL DISCUSS THAT NEXT. THANK YOU, MR. PRESIDENT. THANK YOU, MEMBERS. [LB259]

SENATOR COASH: THANK YOU, SENATOR GLOOR. AS THE CLERK HAS STATED, THERE'S AN AMENDMENT FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB259]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. MR. PRESIDENT, I BELIEVE I'M GOING TO WAIVE OPENING ON THE COMMITTEE AMENDMENT AND JUMP RIGHT IN, ONCE YOU INTRODUCE ME, ON AM1252. I'LL COVER BOTH IN THE SAME OPENING. [LB259]

SENATOR COASH: (VISITORS INTRODUCED.) MR. CLERK, YOU HAVE AN AMENDMENT TO THE COMMITTEE AMENDMENT. [LB259]

CLERK: I DO, MR. PRESIDENT. SENATOR GLOOR WOULD MOVE TO AMEND THE REVENUE COMMITTEE AMENDMENTS WITH AM1252. (LEGISLATIVE JOURNAL PAGE 1267.) [LB259]

SENATOR COASH: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON AM1252. [LB259]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT AND MEMBERS. THIS IS COMPLICATED STUFF WE'RE GETTING INTO. BEAR WITH ME. THIS IS A NEW PROGRAM, BASICALLY. I'VE USED THE TERM IN VISITING WITH SOME OF YOU THAT YOU COULD USE THE TERM AS A PILOT. AND BECAUSE OF THAT, THERE ARE INTRICACIES IN CURRENT STATUTES AND FEDERAL REGULATIONS THAT HAVE TO BE WORKED THROUGH. SO I'M GOING TO COVER THE COMMITTEE AMENDMENT, THEN I'M GOING TO JUMP RIGHT INTO THE AMENDMENT THAT I'VE PUT ON TOP OF IT. AGAIN, THE COMMITTEE AMENDMENT IS AN OVERVIEW. AM1252 WILL, IN FACT, BASICALLY REPLACE THE COMMITTEE AMENDMENT. COMMITTEE AMENDMENT MADE TWO SIGNIFICANT CHANGES. FIRST, WE LOWERED THE EXEMPTION FROM \$25,000 TO \$15,000. SECOND, IT REMOVED THE OVERLY BURDENSOME APPLICATION PROCESS WE HAD BUILT INTO THE BILL FOR THE COUNTY AND PROPERTY TAX ADMINISTRATOR TO MAKE THE PROCESS SIMPLER AND EASY FOR TAXPAYERS, ALWAYS A GOOD THING. WE STRUCK TWO TO THREE PAGES, FRANKLY, WITH APPLICATIONS, ETCETERA. SO WE TRIED TO SIMPLIFY THINGS. ALSO, THE TREATMENT OF CENTRALLY-ASSESSED PROPERTY

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OWNERS--AGAIN, THAT GETS BACK TO TELECOM, RAILROADS, AND PIPELINES, AND THE LIKE--THE TREATMENT OF CENTRALLY ASSESSED WAS STILL NOT QUITE IN COMPLIANCE WITH FEDERAL LAW AND FAILED TO REIMBURSE THE COUNTIES FOR THE LOST TAXES OF CENTRALLY-ASSESSED PROPERTY OWNERS. COMMITTEE AMENDMENT ALSO CONTAINED A FILING EXCLUSION FOR OWNERS WHOSE PROPERTY WAS VALUED AT LESS THAN \$1,000. AND AS WE MOVE FORWARD WITH THIS AND AS THE BUDGET MOVED FORWARD, SENATOR MELLO AND I WORKED CLOSELY TOGETHER ON THIS BILL. I KNOW HE KEPT THE APPROPRIATIONS COMMITTEE IN TOUCH WITH WHAT WE WERE TALKING ABOUT COMING OUT OF THE REVENUE COMMITTEE, INCLUDING THIS BILL. WE REALIZED THAT EVEN \$25,000 EXEMPTION TO \$15,000, EVEN THE \$15,000 WAS PROBABLY GOING TO GOBBLE UP FAR MORE OF OUR DISCRETIONARY FUNDS ON THE FLOOR, HENCE WE MOVED TO AM1252. THE AMOUNT OF THE EXEMPTION WAS REDUCED FROM \$15,000 TO \$10,000. THE FISCAL COST OF THIS IS NOW ESTIMATED TO BE \$19.6 MILLION, ALMOST \$20 MILLION. THE AVERAGE SAVING IS REDUCED. NO ARGUMENTS OR NOT TRYING TO HIDE THE FACT THAT IT'S A MUCH SMALLER IMPACT. IT'S BEEN REDUCED FROM ABOUT \$407 UNDER THE GREEN COPY TO \$244. I'D SAY THAT'S PROBABLY EVEN HIGHER THAN THAT, UNDER THE COMMITTEE AMENDMENT. IT'S PROBABLY ESTIMATED TO BE AROUND \$162 FOR THAT \$10,000 EXCLUSION NOW. AGAIN, BASED UPON STATEWIDE AVERAGE RATE OF 1.6208 PERCENT. WE ARE CONFIDENT THE CENTRALLY-ASSESSED PROPERTIES ARE NOW AFFORDED THE BENEFITS OF EXCLUSION IN AN APPROPRIATE MANNER. THIS WAS DONE WITH ASSISTANCE FROM PROPERTY ASSESSMENT DIVISION, OTHER STAFF FROM THE DEPARTMENT OF REVENUE, NACO AND LARRY DIX, INPUT FROM REPRESENTATIVES OF THE RAILROADS, THE FILING EXEMPTIONS FOR PROPERTY VALUED AT LESS THAN \$1,000 WAS REMOVED. THE MAIN CONCERN WITH THAT PROVISION WAS THAT IT COULD CREATE A COMPLIANCE ISSUE WITH STATE AND FEDERAL LAW. SECONDARY CONCERN WAS THAT IT GIVES TAXPAYERS AN EXCUSE NOT TO COMPLY: \$1,500, \$1,000, CLOSE ENOUGH. I'LL CONSIDER IT A \$1,000 EXEMPTION. IT'S LIKE DRIVING 70 IN A 65-MILE-AN-HOUR ZONE. IF YOU SET A LIMIT, PEOPLE THINK, HMM, I CAN BE A LITTLE HIGHER THAN THAT AND GET AWAY WITH IT. AND OUR CONCERN WAS WE WERE PERHAPS CREATING LAWBREAKERS IN THE PROCESS OF TRYING TO MAKE THINGS SIMPLIFIED. SO THE AM1252 STRIKES THAT. FINALLY, COUNTIES WERE APPROPRIATELY REIMBURSED FOR THE REDUCTION IN TAXES. WE HAVE ADDED A PROVISION TO ALLOW COUNTIES TO RETAIN 1 PERCENT OF THE REIMBURSEMENT TO COVER ADMINISTRATIVE COSTS, AND I THINK THAT'S APPROPRIATE. TO SUMMARIZE AM1252, AN IMPROVEMENT OVER THE COMMITTEE AMENDMENT, IN THESE SPECIFIC WAYS. ANY BUSINESS MUST FILE PERSONAL PROPERTY TAX RETURNS WITHIN THEIR

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COUNTY LEVEL OR TAX DISTRICT, MAY EXCLUDE THE FIRST \$10,000 IN VALUE. YES, A BUSINESS THAT HAS AND FILES MORE THAN ONE TAX RETURN IN ONE COUNTY OR MULTIPLE COUNTIES OR TAX DISTRICTS ARE ALLOWED TO CLAIM AN EXCLUSION ON EACH RETURN THEY MUST FILE. I WANT TO MAKE THAT CLEAR. A NUMBER OF YOU HAVE COME UP AND ASKED THAT POINT OF CLARIFICATION AND THAT'S ACCURATE. RAILROADS, CAR LINES, PIPELINES, TELECOM COMPANIES, AND AIR CARRIERS ARE CENTRALLY ASSESSED AT THE STATE LEVEL RATHER THAN THE LOCAL LEVEL AND WE ARE CONFIDENT THAT WE HAVE APPROPRIATE CONSTITUTIONAL AND ADMINISTRATIVE PROCEDURES IN PLACE TO CALCULATE THEIR PART OF THE EXEMPTION. A FILING EXEMPTION FOR PROPERTY VALUED AT LESS THAN \$1,000 IS REMOVED, AND COUNTIES ARE REIMBURSED FOR BOTH THE TAXES LOST AT THE LOCAL LEVEL OF ASSESSMENT AS WELL AS FOR THE TAXES LOST ON CENTRALLY-ASSESSED PROPERTY. AND THEY ARE ALLOWED TO RETAIN 1 PERCENT OF THAT REIMBURSEMENT FOR THE COST OF ADDITIONAL WORK ON THEIR PART. MEMBERS, THIS HAS BEEN A LONG OPENING. AGAIN, IT'S BECAUSE THIS IS A COMPLICATED ISSUE WHEN IT COMES TO HOW IT ROLLS OUT AND HOW WE HANDLE IT INTERNALLY, HOW WE WORK WITH THE COUNTIES, AND SO ON AND SO FORTH, AND THE CENTRALLY-ASSESSED ORGANIZATIONS. BUT IN BRIEF SUMMARY, WE'RE TALKING ABOUT ALLOWING BUSINESSES THAT FILE PERSONAL PROPERTY TAX RETURNS, INCLUDING THOSE WHO FILE MULTIPLE PROPERTY TAX RETURNS, TO CLAIM A \$10,000 EXEMPTION. IT'S A START IN THE RIGHT DIRECTION. IT'S GOING TO COST US ABOUT \$20 MILLION A YEAR. WE'LL SEE HOW THIS WORKS. AND IF IT'S A SUCCESSFUL PROGRAM AND THOSE DOLLARS ARE HELPFUL TO BUSINESSES, WE CAN ALWAYS ADD TO THOSE DOLLARS AS WE MOVE FORWARD. THANK YOU, MR. PRESIDENT. THANK YOU, MEMBERS, FOR LISTENING TO THIS OPENING. [LB259]

SENATOR COASH: THANK YOU, SENATOR GLOOR. MEMBERS, YOU'VE HEARD LB259, THE COMMITTEE AMENDMENT, AND THE AMENDMENT TO THE COMMITTEE AMENDMENT. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB259]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, MEMBERS. FIRST, NEED TO ACKNOWLEDGE A CORRECTION THAT WAS MADE THIS MORNING. I COMMENTED ON LB423, LB423 COMING THROUGH THE NATURAL RESOURCES COMMITTEE. IT DID NOT COME THROUGH THE NATURAL RESOURCES COMMITTEE. IT CAME THROUGH THE REVENUE COMMITTEE. SO I STAND CORRECTED AND I WANTED THE RECORD TO SHOW THAT. HAVING SPENT ABOUT 78 DAYS IN THIS BODY, I'D LIKE TO MAKE A FEW COMMENTS ABOUT NEBRASKA TAX POLICY. IT'S PROBABLY PRESUMPTUOUS FOR A WET-BEHIND-

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THE-EARS FRESHMAN LEGISLATOR TO MAKE OBSERVATIONS, BUT ON THE OTHER HAND PERHAPS MY VIEW OF REALITY IS NOT YET JADED BY THE MANY LEGISLATIVE BATTLES MANY OF THE VETERANS HAVE FACED. I BELIEVE NEBRASKA HAS A WHACK-A-MOLE TAX POLICY. OUR EFFORTS THIS YEAR SEEM TO BE REACTIVE AND SHORTSIGHTED. REDUCING TAX IS A GOOD THING, BUT OUR EFFORTS IN THIS REGARD SHOULD BE PURPOSEFUL AND FIT INTO A LONG-TERM STRATEGY. INSTEAD OF BROADENING AND LOWERING NEBRASKA'S SALES TAX RATES, WE CONTINUE TO ADD MORE EXEMPTIONS EVERY YEAR. NEBRASKA TAXES SHOULD...NEBRASKA TAXES ONLY ONE-THIRD OF THE GOODS AND SERVICES THAT COULD BE TAXED. WE SHOULD CONTINUE TO EXEMPT THOSE GOODS AND SERVICES THAT'S WOULD IMPACT OUR LOW-INCOME CITIZENS, BUT BROADENING THE TAX AND REDUCING THE RATES WILL BENEFIT ALL NEBRASKANS' INCOME TAX. INSTEAD OF REDUCING OUR SKY-HIGH INCOME TAX RATES AND MOVING THE BRACKETS TO HIGHER LEVELS, WE HELPED A SMALL NUMBER OF VETERANS AND INDEXED INCOME TAX BRACKETS LAST YEAR. AS THINGS STAND, OUR CURRENT INCOME TAX POLICIES ENCOURAGE RETIRED AND HIGH-INCOME NEBRASKANS TO RELOCATE TO STATES WITH A MORE HOSPITABLE TAX CLIMATE. WE CERTAINLY CAN DO BETTER THAN A NEBRASKA TAX FOUNDATION RANKING OF 15th HIGHEST INCOME TAX AMONG ALL STATES. INSTEAD OF A PATCHWORK OF INCOME TAX REDUCTIONS, WE SHOULD REDUCE CORPORATE AND PERSONAL INCOME TAXES IN A SYSTEMATIC WAY...PROPERTY AND PERSONAL PROPERTY TAX. INSTEAD OF ADDRESSING SCHOOL FINANCE HEAD ON, WE PERIODICALLY ALLOCATE STATE MONEY FOR PROPERTY TAX AND PERSONAL PROPERTY TAX RELIEF AS THE RESOURCES DEVELOP. OVER THE LONG TERM, WE SHOULD DEVELOP A...PROVIDE STATE AID TO SCHOOLS AND CORRESPONDINGLY REDUCE THE PROPERTY TAX RELIEF FUND. IN THIS WAY, WE CAN MAKE COUNTIES, SCHOOLS, AND OTHER TAXING ENTITIES MORE ACCOUNTABLE. WE CAN DO BETTER THAN OUR 14th HIGHEST PROPERTY TAX RANKING AMONG THE TAX FOUNDATION. REFORMING OUR STATE AID TO NEBRASKA SCHOOLS SHOULD BE A HIGH PRIORITY FOR US NEXT YEAR. OUR WHACK-A-MOLE TAX RELIEF APPROACH IS BETTER THAN NO TAX RELIEF AT ALL, BUT I'D PREFER A LESS ERRATIC AND MORE COHERENT, GOAL-DRIVEN APPROACH. THANK YOU, MR. PRESIDENT. [LB259 LB423]

SENATOR COASH: THANK YOU, SENATOR McCOLLISTER. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB259]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I RISE IN SUPPORT OF AM1252 TO AM824, AND EVENTUALLY LB259. I THINK WE ALL REALIZE THAT THERE ISN'T A GREAT DEAL OF FLEXIBILITY IN THE SYSTEM

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FOR TAX RELIEF UNLESS THERE IS SOME ASSOCIATED CUT IN SPENDING ON THE OTHER SIDE OF THE EQUATION. BUT IT HAS GENERALLY BEEN THE THOUGHT OVER THE LAST COUPLE OF YEARS TO WHERE WE CAN TO DO SMALL INCREMENTAL THINGS HEADED IN THE RIGHT DIRECTION OF PROPERTY TAX RELIEF. AND ALTHOUGH THIS IS NOT AN EARTH-SHATTERING TAX BREAK, IT IS A BIT OF A TAX BREAK THAT EXTENDS TO OUR SMALLER BUSINESSES, EXTENDS TO...ACTUALLY EXTENDS TO ALL THE BUSINESSES, BUT IT PROPORTIONATELY HELPS SMALLER BUSINESSES MORE ON THEIR PERSONAL PROPERTY TAX THAT THEY USE IN A BUSINESS. THE PERSONAL PROPERTY USED IN A BUSINESS IS WHAT THEY MAKE THEIR LIVING ON, WHAT THEY EMPLOY ONE OR TWO PEOPLE WITH IF YOU'RE A SMALL BUSINESSPERSON, AND EVEN THOUGH IT'S NOT MUCH, IT IS AN EQUITABLE WAY TO PROCEED DOWN THE ROAD OF TAX RELIEF. SENATOR McCOLLISTER IS CORRECT. THIS IS A GAME OF WHACK-A-MOLE BECAUSE UNTIL WE CUT SPENDING, WHICH IS IMPROBABLE AT BEST, WE'RE GOING TO BE DECREASING A TAX IN ONE AREA TO WATCH IT POP UP IN ANOTHER AREA. MAYBE IT'S A GAME OF SUPER-WHACK-A-MOLE. BUT IT'S ONE THAT WE NECESSARILY HAVE TO PLAY IN A WORLD OF JUST REALLY HARD TO FIGHT THE BATTLE ON INCREASING IN SPENDING. WE'RE LUCKY IF WE'RE ABLE TO MODERATE THAT BATTLE, AND WHERE IT IS REALLY, REALLY IMPOSSIBLE WITHOUT CUTTING SPENDING TO DO ANYTHING MORE THAN SHIFT A BIT BACK-AND-FORTH. WE DO HAVE A TINY BIT OF GOOD REVENUE FORECAST FOR THE IMMEDIATE FUTURE, NOT NECESSARILY THE LONG-TERM FUTURE, AND THIS IS A SENSIBLE WAY OF TAKING A LITTLE BIT OF THAT MONEY AND PUTTING IT BACK TO THE TAXPAYERS. CERTAINLY IT'S NOT GOING TO BE SATISFYING TO THE FOLKS WHO WOULD LIKE TO SEE OUR INCOME TAXES MUCH LESS, OR OUR PROPERTY TAXES MUCH LESS, OR SOMEHOW FIGURE OUT HOW TO RAISE SALES TAX REVENUE WITHOUT HAMMERING THE FOLKS MAKING BETWEEN \$20,000 AND \$120,000 A YEAR. BUT IT IS A SMALL INCREMENT IN THE RIGHT DIRECTION. I SUPPORT THIS. AND FOR THOSE THAT ARE LOOKING FOR BIGGER PROPERTY TAX RELIEF, YOU HAVE TO REMEMBER THAT PROPERTY TAXES BEGIN AT HOME AND AT THE LOCAL SCHOOL BOARD AND THE LOCAL CITY COUNCIL AND COUNTY BOARD AND NRDs, BECAUSE IN THE END THAT'S WHERE THE SPENDING HAS GOT TO BE CUT TO HAVE A DIRECT RELATIONSHIP TO THE PROPERTY TAX. BUT THIS IS A STEP IN THE RIGHT DIRECTION, A FISCALLY RESPONSIBLE STEP, AND I'M SURE IT WILL BE APPRECIATED PARTICULARLY BY OUR SMALLER FARMERS AND BUSINESSPEOPLE. THANK YOU. [LB259]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB259]

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SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I APPRECIATE THE COMMENTS OF BOTH SENATOR McCOLLISTER AND SENATOR SCHUMACHER. SENATOR SCHUMACHER ALWAYS PROVIDES GOOD ADVICE IN THIS CHAMBER AND CERTAINLY IS HELPFUL TO THE COMMITTEE AND ME IN HIS ROLE AS VICE CHAIR OF THE REVENUE COMMITTEE. AND ONE OF THE THINGS THAT I'VE LEARNED TO APPRECIATE ABOUT SENATOR McCOLLISTER IS THAT HE'S QUICK TO COME UP AND VISIT WITH YOU ABOUT BILLS, SHARE HIS QUESTIONS. HE HAS AN INSATIABLE APPETITE FOR EDUCATION. IN ANOTHER LIFE HE MUST HAVE BEEN A UNIVERSITY PROFESSOR SOMEPLACE AND HE MAY YET BE A UNIVERSITY PROFESSOR IN THIS LIFE. WHO KNOWS. BUT I WOULD TAKE SOME DEGREE OF DISPUTE WITH THE WHACK-A-MOLE PHILOSOPHY HERE OR VISUAL PICTURE. WE HAD A TAX MODERNIZATION COMMITTEE REPORT THAT CAME BACK. AND ONE OF THE THINGS THE TAX MODERNIZATION COMMITTEE WAS ADAMANT ABOUT IS THE FACT THAT, IF I CAN USE IT FIGURATIVELY OR A DESCRIPTION FIGURATIVELY AS WAS DESCRIBED TO ME, TAX POLICY IS A THREE-LEGGED STOOL. AND THE THREE LEGS OF TAXES ARE INCOME TAX, YOU'VE GOT PROPERTY TAX, AND YOU'VE GOT SALES TAX. AND WE HAVE BECOME SO DEPENDENT UPON PROPERTY TAX, ESPECIALLY AS RELATES TO FUNDING FOR EDUCATION, THAT THAT LEG ON THE STOOL HAS GOTTEN LONGER AND LONGER AND ASKEW. WE'RE TRYING TO CUT DOWN ON THE LENGTH OF THAT LEG. MEMBERS, WE NEED TO TAKE SOME CREDIT. AND I UNDERSTAND CONTINUING TO TALK ABOUT TAX CUTS AND THE NEED FOR THE LEGISLATURE TO STAY ON TOP OF TAX CUTS IS AN IMPORTANT THING FOR US TO DO TO KEEP OUR FEET TO THE FIRE. BUT TAKE A LOOK AT WHAT WE'RE DOING THIS YEAR ALONE, ASSUMING THAT THE BUDGET GOES THROUGH AS PROPOSED, ASSUMING THAT THIS BILL ADVANCES. RIGHT NOW, WE PROVIDE \$140,000...EXCUSE ME, \$140 MILLION IN PROPERTY TAX RELIEF, PROPERTY TAX CREDIT. WE'RE TALKING THIS YEAR ABOUT ADDING \$84 MILLION TO THAT IN THE BUDGET. AND ON TOP OF WHICH AND IN THIS CASE, IT INCLUDES MY PERSONAL PROPERTY TAX, \$4 MILLION MORE THAT'S COMING BACK AS I UNDERSTAND FROM THE APPROPRIATIONS COMMITTEE. PUT THAT ON TOP OF THE \$140 MILLION AND WE'RE UP TO \$224 MILLION TOWARDS PROPERTY TAX RELIEF. IN ONE YEAR, AS I ROUGHLY CALCULATE IT, THAT'S OVER A 60 PERCENT INCREASE IN PROPERTY TAX CREDITS BACK TO NEBRASKANS--OVER 60 PERCENT IN ONE YEAR. AND IN THIS CHAMBER, AS WE TALK ABOUT KEEPING OUR FEET TO THE FIRE AND THE IMPORTANCE OF CONTROLLING SPENDING AND THE IMPORTANCE OF ADDITIONAL TAX RELIEF, THAT'S FINE, BUT WHEN YOU GET OUT AND TALK TO FOLKS, YOUR CONSTITUENTS, REMIND THEM TO LOOK AT THEIR TAX FORM, THEIR TAX STATEMENT, AND SEE HOW MUCH TAX RELIEF WE HAVE WORKED TO GIVE BACK TO THEM IN RECENT YEARS. IT IS SIGNIFICANT. WE FOCUS ON THE

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MARGINAL AMOUNTS. WE DON'T FOCUS ON THE EFFECTIVE AMOUNT. AND I'VE HAD CONVERSATIONS WITH A COUPLE OF SENATORS JUST TODAY ABOUT VISITING WITH CONSTITUENTS WHO SEEM TO HAVE NO CLUE ABOUT THE PROPERTY TAX CREDIT THEY ALREADY GET BACK FROM US. IT CAN BE SIGNIFICANT. CERTAINLY THE CUMULATIVE EFFECT OF ALL THIS IS SIGNIFICANT. AND SO WE HAVE TO KEEP MAKING CHANGES TO OUR EXPENSES AND HOW WE MANAGE GOVERNMENT ALONG WITH THE EXECUTIVE BRANCH, OBVIOUSLY, THE CEO OF STATE GOVERNMENT. WE WRITE THE CHECKS AND WE ARE WRITING CHECKS TO COUNTIES RIGHT NOW TO MAKE SURE THAT TAXPAYERS GET WHAT I'LL USE AS A REFUND, A CREDIT BACK. IT'S SIGNIFICANT. WE NEED TO CONTINUE MAKING THAT AMOUNT GROW. THIS IS A PART OF IT THAT HAS A FOCUS ON BUSINESS, AND I THINK AN IMPORTANT PART OF IT. IT'S A START. LET'S SEE WHAT HAPPENS WITH THIS BILL. THANK YOU, MR. PRESIDENT. [LB259]

SENATOR COASH: THANK YOU, SENATOR GLOOR. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB259]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. MEMBERS, I'M NOT GOING TO TAKE VERY LONG BUT I WANTED TO EXPLAIN MY NO VOTE IN COMMITTEE AND TELL YOU WHY I HAD SOME CONCERNS ABOUT THE BILL. ALTHOUGH I WELCOME SENATOR GLOOR'S EFFORTS TO TRY TO PUT PROPERTY TAX RELIEF OUT THERE FOR EVERYONE--I THINK I'M FULLY BEHIND THE IDEA--I THOUGHT THAT WE HAD BEEN CHARGED BY THE TAX MODERNIZATION COMMITTEE WAS TRYING TO FIND A RESOLUTION AND A SOLUTION TO THE PROPERTY TAX PROBLEM OF AGRICULTURAL LANDOWNERS IN THE STATE. SO I THINK WE ALL KNOW THAT VALUATIONS ARE ON THEIR WAY UP AGAIN THIS YEAR. LOUP COUNTY, ONE OF MY COUNTIES, HAD A 50 PERCENT INCREASE IN AG LAND VALUATION THIS LAST YEAR. SO IF YOU TAKE LOUP COUNTY, JUST NOT A WHOLE LOT OF ANYTHING THERE IN TERMS OF OTHER BUSINESS PROPERTY EXCEPT AG LAND, SO IT PAYS A WHOLE CHUNK OF THE TAXES. AND I'M 100 PERCENT BEHIND MY SMALL BUSINESSES IN LOUP COUNTY JUST LIKE I WOULD BE BEHIND ANY SMALL BUSINESS ANYWHERE, EXCEPT TO SAY THAT I MAY HAVE A FARMER OR RANCHER OUT THERE WHO HAS \$500,000 WORTH OF AG EQUIPMENT AND HE'S GOING TO GET A \$10,000 EXEMPTION AND I MAY HAVE A MERCHANT IN TOWN WHO HAS A COUPLE OF CASH REGISTERS AND A COMPUTER SYSTEM THAT'S WORTH \$10,000, AND HE GETS THE WRITE-OFF. SO THAT'S A CONCERN OF MINE. YOU KNOW, WE NEED TO ADDRESS THE AG PROBLEM. WE HAVEN'T DONE IT. WE'VE HAD A LITTLE DISCUSSION HERE ON THE FLOOR EARLIER BUT WE HAVEN'T WORKED AROUND IT. IT'S GOT TO BE FIXED AT

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SOME POINT. WE CAN'T KICK THAT CAN DOWN THE ROAD VERY MUCH LONGER. I HAVE TO AGREE WITH WHAT SENATOR McCOLLISTER SAID, WE NEED TO REALLY REEVALUATE THE ENTIRE TAX SYSTEM IN THE STATE BECAUSE WE'VE GOT A BROKEN SYSTEM, WE'VE GOT A BROKEN STATE AID FORMULA. NEED TO REDRESS THOSE THINGS. SO WITH THAT SAID, I'M GOING TO MOVE ON AND THANK YOU. [LB259]

SENATOR COASH: THANK YOU, SENATOR DAVIS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB259]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I, KIND OF LIKE SENATOR DAVIS, THOUGHT THAT WE WERE AIMING PRIMARILY TOWARD REAL ESTATE PROPERTY TAX RELIEF. BUT I'M GLAD TO SEE WHAT SENATOR GLOOR BROUGHT. ANY PROPERTY TAX RELIEF WILL BE A BENEFIT. I DO HAVE A COUPLE OF QUESTIONS I'D LIKE TO ASK SENATOR GLOOR IF HE WOULD YIELD HERE IN A MINUTE, BUT... [LB259]

SENATOR COASH: SENATOR GLOOR, WOULD YOU YIELD? [LB259]

SENATOR GLOOR: CERTAINLY. [LB259]

SENATOR BLOOMFIELD: THANK YOU, SENATOR GLOOR. AND I WAS ONE OF THE SENATORS THAT TALKED TO YOU THIS MORNING ABOUT MAYBE BUMPING THIS BACK UP TO \$15,000 AND YOU CONVINCED ME THAT THAT MAYBE WOULDN'T BE PRUDENT AT THIS TIME. SO I'M CONTENT WITH YOUR \$10,000. BUT WHAT I HAVE HEARD FROM OTHER SENATORS THAT I'M TALKING TO THAT IF YOU ARE A CORPORATION, AND I'M GOING TO THROW OUT BOMGAARS AS AN EXAMPLE, IF YOU HAVE A STORE IN SEVERAL COUNTIES, THAT EACH ONE OF YOUR COUNTIES YOU WOULD GET THAT \$10,000 DEDUCTION, AM I CORRECT IN THAT? [LB259]

SENATOR GLOOR: THAT IS CORRECT. [LB259]

SENATOR BLOOMFIELD: SO THIS CORPORATION COULD END UP WITH \$70,000 OR \$80,000, DEPENDING ON HOW MANY STORES THEY HAD IN HOW MANY DIFFERENT COUNTIES? [LB259]

SENATOR GLOOR: YES. YEAH. IT'S...THAT IS CORRECT. I'VE REFERENCED IT SEVERAL TIMES IN MY OPENING STATEMENT, BUT I'M GLAD YOU ASKED ME,

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SENATOR BLOOMFIELD, SO THAT I CAN MAKE IT CLEAR. THAT'S PART OF THE UNIFORMITY IN OUR CONSTITUTION. WE CAN'T TREAT THOSE ENTITIES ANY DIFFERENTLY. AND SO AS MUCH AS WE WOULD LIKE ALL OF...PERHAPS SOME OF US WOULD LIKE ALL OF THIS MONEY TO GO TO SMALL BUSINESSES, SMALL AG OPERATORS, IN REALITY WE CAN'T DO THAT. HAVING SAID THAT, YOU ASK YOURSELF \$10,000 FOR A LARGE CORPORATION FOR EACH ONE OF THOSE TAX RETURNS SOUNDS LIKE A LOT OF MONEY TO US BUT IN THE GRAND SCHEME OF THEIR OPERATIONS IT MAY NOT BE OVERLY SIGNIFICANT. BUT THAT SAME \$10,000 EXCLUSION FOR A BAKERY, A SMALL BUSINESS OWNER WHO MAYBE SELLS OFFICE EQUIPMENT IN A SMALL TOWN, OR A SMALL AG OPERATOR CAN BE PRETTY SIGNIFICANT. SO FROM A RELATIVE STANDPOINT, I THINK THIS IS GOING TO MAKE A DIFFERENCE FOR THOSE SMALL AG OPERATORS, SMALL BUSINESS OPERATORS. BUT BY THE SAME TOKEN, WE HAVE TO ALSO THEN EXTEND THAT TO THOSE INDIVIDUALS WHO RUN MUCH LARGER BUSINESSES. [LB259]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR GLOOR. I THOUGHT I WAS CORRECT IN THAT ASSUMPTION. I WANTED IT ON THE RECORD, AND THANK YOU FOR THAT. COLLEAGUES, NOT ONLY DOES THIS GIVE A SMALL PROPERTY TAX RELIEF, WHICH AS I SAID BEFORE IS BETTER THAN NO PROPERTY TAX RELIEF, I THINK IF WE GIVE THAT FEW BUCKS BACK TO THESE SMALL COMPANIES, MAYBE THEY WILL GO BUY SOMETHING MORE THAT THEY WON'T HAVE TO PAY PROPERTY TAX ON. YOU KNOW, YOU CAN BUY A \$10,000 PIECE OF EQUIPMENT IF YOU HAPPEN TO BE DEPRECIATED OUT AND YOU DON'T HAVE TO WORRY ABOUT THE PROPERTY TAX ON IT THE FIRST FEW YEARS NOW. SO, YOU KNOW, I LIKE THIS BILL. I WISH IT WERE MORE. I WILL SUPPORT THE AMENDMENTS AND I WILL VOTE FOR THE BILL. AND IF SENATOR GLOOR HAS ANYTHING HE'D LIKE TO ADD, HE CAN HAVE WHATEVER TIME I HAVE LEFT. [LB259]

SENATOR COASH: SENATOR GLOOR, 1:20. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB259]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB259 AND THE AMENDMENTS. THIS PROPERTY TAX RELIEF ALTHOUGH IT MAY BE SMALL IT DOES TARGET MAYBE THE SMALLER BUSINESSMAN OR FARMER TO MORE OF AN EXTENT THAN THE LARGER ONE. PERCENTAGEWISE, I MEAN, THEY'RE GOING TO REALIZE MORE OF A BENEFIT. THAT'S FINE. THE SMALL BUSINESSMAN OR THE SMALL FARMER NEEDS A BREAK, SOMETIMES MORE SO THAN THE LARGER ONE. THEY CAN AFFORD IT A LITTLE BETTER. THIS PROPERTY TAX ISSUE WHEN I TALK ABOUT PROPERTY TAX RELIEF, I WANT TO

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MAKE IT CLEAR AND I WILL KEEP REPEATING IT THAT IT'S NOT WHAT THE COUNTIES ARE CHARGING, IT'S HOW WE FUND EDUCATION. SO WE GO BACK TO THAT, IT'S HOW WE ARE GOING TO FUND EDUCATION DOWN THE ROAD THAT WILL PROVIDE THE TAX RELIEF IN THE END. HOWEVER, PERSONAL PROPERTY TAX HAS ALWAYS BEEN KIND OF A BONE OF CONTENTION WITH ME A LITTLE BIT, BECAUSE YOU GET BUSINESSES OR FARMERS THAT WANT TO UPGRADE EQUIPMENT AND BE MORE EFFICIENT, WHETHER IT'S IN WATER USE OR WHATEVER, SO YOU INVEST \$100,000 IN A CENTER PIVOT AND THEN ON TOP OF THAT, YOU GET TO PAY PROPERTY TAX FOR ANOTHER SEVEN YEARS BECAUSE YOU'RE MORE EFFICIENT WITH YOUR WATER USE NOW. SAME FOR BUSINESS IF THEY WANT TO UPGRADE EQUIPMENT, MAKE IT MORE EFFICIENT, MAYBE BE ABLE TO HIRE SOME MORE PEOPLE. THEY BUY EQUIPMENT AND ON TOP OF THAT, THEY HAVE TO PAY PERSONAL PROPERTY TAX AGAIN FOR ANOTHER SEVEN YEARS. TO ME, IF WE COULD ABOLISH THE PERSONAL PROPERTY TAX, THAT WOULD BE MY FIRST CHOICE. THAT WOULD ALLOW BUSINESSES TO INVEST THAT MONEY TO BUY EQUIPMENT AND EXPAND THEIR OPERATIONS, HIRE MORE PEOPLE. IT'D PROBABLY HELP GROW THE ECONOMY. AND THE MORE EQUIPMENT WE PURCHASE, IT MAKES THE ECONOMY GO ROUND. SO IF WE COULD TAKE ANY PORTION AWAY THAT STOPS THAT FROM HAPPENING, THAT TO ME WOULD BE PROPERTY TAX RELIEF AND ECONOMIC DEVELOPMENT AT THE SAME TIME. SO PERSONAL PROPERTY TAX HAS ALWAYS BEEN EVEN MORE CONTENTIOUS TO ME THAN THE PROPERTY TAX ITSELF, BECAUSE IT PUNISHES THOSE WHO ARE WILLING TO PURCHASE EQUIPMENT AND UPGRADE THEIR FACILITIES OR BE MORE EFFICIENT. SO THANK YOU FOR BRINGING THIS BILL. I WISH, TOO, IT COULD BE LARGER, BUT IT'S A GOOD PILOT PROGRAM TO MAYBE SEE HOW THINGS WORK AND SOMETHING THAT WE CAN WORK ON DOWN THE ROAD. THANK YOU, MR. PRESIDENT. [LB259]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB259]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I GOT TO COMMEND SENATOR McCOLLISTER. THAT'S THE OLD JOHN McCOLLISTER I KNEW FROM THE PLATTE INSTITUTE DAYS. BUT I FIGURED IT OUT, THAT CHART I'D PASSED OUT EARLIER WHEN WE WERE TALKING ABOUT EDUCATION. WE PAID, IN 2014, \$3,565,000,000 IN PROPERTY TAXES STATEWIDE; COUNTIES TOOK \$577 MILLION; CITIES AND VILLAGES, \$352 (MILLION); TOWNSHIPS, \$16.4 (MILLION). ANYWAY, IT GOES DOWN. NOBODY IS CLOSE TO EDUCATION. IT'S \$2,140,000,000. THAT'S WHERE PROPERTY TAX FOR EVERYBODY IS GOING TO HAVE TO BE FIGURED OUT. IT'S 60-SOME PERCENT OF OUR PROPERTY TAXES. I LIKE THIS BILL, BUT I GOT A REAL

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PREDICAMENT BECAUSE I PROMISED EVERYBODY IN MY DISTRICT PROPERTY TAX RELIEF FOR EVERYBODY OR FOR NOBODY. SO STAY TUNED TO HOW I VOTE. BUT ANYWAY, I...THE \$200 MILLION PLUS THIS \$16...I THINK IT'S \$16,600,000 AT 40 PERCENT OF THE ORIGINAL FISCAL NOTE. SO YOU ADD THAT IN, WE'RE TALKING 6 PERCENT PROPERTY TAX OFF OF THE \$3 BILLION. FOLKS, IT GOES UP MORE THAN 6 PERCENT A YEAR WITH VALUATIONS. IT'S BEEN GOING UP MORE THAN 6 PERCENT CONSTANTLY. AND I LIKE THE COMMENT SENATOR GLOOR MADE, MOST OF MY CONSTITUENTS LOOK AT THEIR PROPERTY TAX, IT'S WHAT THEY PAY. IT'S LIKE THEIR PAYCHECK. IT'S WHAT THEIR TAKE-HOME PAY IS. IT'S NEVER ENOUGH. BUT I'LL TELL YOU WHAT. EVEN WITH THE REBATE ON THEIR PROPERTY TAXES, IT'S MORE THAN ENOUGH WHAT THEY'RE PAYING. IT'S THE BOTTOM DOLLAR. IT'S WHAT THEY WRITE THEIR CHECK TO THE COURTHOUSE FOR. THIS IS PICKING WINNERS AND LOSERS AGAIN. AND DON'T GET ME WRONG, I LOVE SMALL BUSINESS. BEEN PART OF THAT ALL MY LIFE. AND \$160-SOME TO A SMALL, DOWNTOWN, SMALL-TOWN BUSINESS IS STILL \$169 TO THEIR BOTTOM LINE ON \$10,000. BUT THIS, I DON'T KNOW. WE JUST NEED OVERALL PROPERTY TAX RELIEF AND WE'RE GOING TO HAVE TO LOOK AT IT, WE'RE GOING TO HAVE TO LOOK AT EDUCATION FUNDING. I GOT A QUESTION FOR SENATOR GLOOR IF HE'D ANSWER IT. [LB259]

SENATOR COASH: SENATOR GLOOR, WILL YOU YIELD? [LB259]

SENATOR GLOOR: CERTAINLY. YES. [LB259]

SENATOR GROENE: SENATOR GLOOR, WE ARE REIMBURSING THE SCHOOLS ALSO, RIGHT, FOR THE LOST REVENUE? [LB259]

SENATOR GLOOR: CORRECT. [LB259]

SENATOR GROENE: SO THIS WILL NOT AFFECT TEEOSA, RIGHT? [LB259]

SENATOR GLOOR: CORRECT. [LB259]

SENATOR GROENE: UNLIKE THE OTHER PROPERTY...THE OTHER PROPERTY TAX RELIEF, IT REIMBURSES THEM ALSO, DOESN'T IT, THE REBATE? [LB259]

SENATOR GLOOR: CORRECT. [LB259]

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SENATOR GROENE: YES. THANK YOU. SO THAT ANSWERED ONE OF MY QUESTIONS. BUT IT AMAZES ME THAT ON \$10,000 FOR A SMALL BUSINESS IN A STATE OF ONLY 1.8 MILLION PEOPLE THIS THING COULD ADD UP TO \$16.6 MILLION. THAT JUST TELLS YOU HOW MUCH PROPERTY TAX WE'RE PAYING IN THIS STATE. IT'S PEANUTS. I DON'T KNOW HOW ELSE TO SAY IT. IT'S NOT DOING WHAT WE NEED TO DO, FOR SOMEHOW WE GOT TO CONTROL SPENDING. SENATOR SCHUMACHER IS ABSOLUTELY RIGHT. THIS MONEY IS BEING SPENT SOMEWHERE. EVEN THOUGH WE'RE GIVING IT BACK TO THE TAXPAYERS, THEY PAY INCOME TAX, IT'S...I DON'T KNOW HOW ELSE TO SAY IT, BUT IT'S SHIFTING TAXES. WE'RE PAYING INCOME AND SALES TAXES. IT'S NOT FAIR TO THE PERSON WHO LIVES IN AN APARTMENT WHO HAS...WORKS OUT OF HIS PICKUP AS A HANDYMAN OR A SMALL BUSINESS. HE DOESN'T HAVE THE...AND HE DOESN'T GET ANY PROPERTY TAX RELIEF ON HIS HOME OR ON HIS BUSINESS. WE NEED TO FOCUS ON IF WE'RE COLLECTING TOO MUCH INCOME TAXES, LET'S CUT IT. IF WE'RE NOT DOING THE STATE'S DUTY TO FUND EDUCATION, LET'S FUND IT. INSTEAD OF THESE SHIFTS, IT'S NOT GOOD BUSINESS PRACTICE. IT ISN'T GOOD GOVERNMENT PRACTICE. WE'RE NOT GIVING ANYBODY ANY TAX RELIEF. FOLKS, THEY'RE PAYING THOSE TAXES. FOR THE STATE TO SAY WE'RE GIVING THEM PROPERTY TAX RELIEF, WE'RE NOT. [LB259]

SENATOR COASH: ONE MINUTE. [LB259]

SENATOR GROENE: WE'RE NOT GIVING THEM ANY TAX RELIEF. THEY'RE PAYING INCOME AND SALES TAXES AND WE'RE GIVING IT...WE'RE SAYING WE'RE GIVING IT BACK TO THE COUNTIES AND THE SCHOOLS TO SPEND FOR PROPERTY TAX PURPOSES. I DON'T KNOW WHERE THE TAX RELIEF ACTUALLY COMES IN HERE. YES, AT THE END OF THE DAY WHEN YOU ADD YOUR PROPERTY AND INCOME AND SALES TAXES YOU PAID, I DON'T KNOW, A LITTLE BIT LESS. BUT REMEMBER, ALL THE BLUSTER, IT'S ONLY 6 PERCENT OF THE TOTAL, ALL OF THESE REBATES OF THE \$3,565,000,000 IN PROPERTY TAXES AND WE'RE TALKING \$216 MILLION, \$200 (MILLION) FROM ONE AND \$16 MILLION FROM THIS. I DON'T KNOW IF THAT'S A START OR NOT. THANK YOU. [LB259]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR KRIST, YOU'RE RECOGNIZED. [LB259]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. I STAND IN TOTAL SUPPORT OF AM1252 TO AM824, AND THEN THE UNDERLYING BILL LB259. SENATOR GROENE HAS A

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DECISION TO MAKE, RED OR GREEN. AND I GUESS IF YOU DID MAKE A COMMITMENT, THAT IT WAS ONE FOR ALL OR NONE FOR ANYBODY, THEN I WOULD ASSUME THAT YOU HAVE A VERY DIFFICULT DECISION TO MAKE. I HOPE WHAT I'M GOING TO SAY MIGHT HELP OUT THAT DECISION. UNTIL WE'RE READY TO TAKE THE, I THINK IT'S GOVERNOR TIEMANN'S APPROACH TO WIPING THE WHITEBOARD CLEAN AND START OUT WITH TAXATION IN TERMS OF WHO GETS TO TAX WHAT, IT MAY HAVE BEEN BEFORE THAT, I DON'T KNOW, BUT WHENEVER WE DECIDED THAT TAXATION CAME TO A POINT THAT IT IS, WE AT THE STATE EMPOWER THE TAXATION PROCESS. WE DO THAT. WE DO THAT. SO IF THE COUNTIES ARE OUT OF CONTROL, MAYBE AN EQUALIZATION BOARD IS IN ORDER. WE HAD ONE OF THOSE WAY BACK WHEN. BUT IT IS, I THINK, SMALL STEPS, BABY STEPS. IN THE SIX YEARS THAT I'VE BEEN HERE, I'VE SEEN SOME OF THOSE BABY STEPS GOING FORWARD. IT IS NOT WHAT I WOULD LIKE TO DO FOR MY CONSTITUENTS. IT IS A LOT CLOSER TO THE POINT THAT I THINK WE NEED TO GET TO. YOU HAVE SERVICES, YOU HAVE TAXATION, AND YOU HAVE EXPENDITURES. AND I DON'T DISAGREE WITH SENATOR SCHUMACHER OR SENATOR GROENE, BUT WE DID AT ONE POINT IN MY SERVICE HERE TO THIS LEGISLATURE, IN MY PUBLIC SERVICE, WE CUT THIS STATE TO THE BONE, A BILLION DOLLARS OUT OF THE BUDGET IN ONE SPECIAL SESSION. THAT'S WHAT IT MIGHT TAKE, ALONG WITH A WHITEBOARD APPROACH TO TAXATION, TO GET TO A POINT WHERE WE'RE COMFORTABLE WITH ACTUALLY ACHIEVING SOMETHING, WHERE WE ACTUALLY TEAR OUR SHIRTS OPEN AND THERE'S A BIG S ON OUR SHIRT THAT SAYS WE DID SUPERMAN WORK. BUT I STAND IN SUPPORT OF THESE TWO AMENDMENTS AND THE UNDERLYING BILL BECAUSE I THINK IT GOES A LONG WAY GETTING TO WHERE WE NEED TO GO AND I HOPE SENATOR GROENE AND OTHERS CAN SUPPORT THIS EFFORT AND WE CONTINUE TO WORKED FOR IT IN THE NEXT COUPLE YEARS, BOTH AS AG, RESIDENTIAL, URBAN, AND RURAL, TO GET TO WHERE WE NEED TO GET TO OVERALL. THANK YOU, MR. PRESIDENT. [LB259]

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB259]

SENATOR SCHNOOR: THANK YOU, SIR. I'M GOING TO SUPPORT THE AMENDMENTS AND THE BILL. I WOULD HAVE PREFERRED THE BILL JUST AS IT IS, BUT I WILL SUPPORT THIS. IT IS A SMALL AMOUNT THAT DOES GO TOWARDS PROPERTY TAX, BE IT PERSONAL PROPERTY TAX, BUT IT IS SOMETHING. WE DIDN'T GET THE WAY WE ARE BY MAKING...BY ONE BIG CHANGE. IS IT EQUAL TO THE CHANGE OR THE INCREASE THIS YEAR? PROBABLY NOT, BUT IT'S SOMETHING. YOU'VE ALL HEARD US TALK ABOUT PROPERTY TAX AND HOW

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MUCH IT'S COSTING US. AT LEAST SOMETHING IS BEING DONE. LIKE I SAY, I WISH IT WAS AS IT WAS BY ITSELF, BUT I WILL SUPPORT THE AMENDMENT AND THE BILL. THANK YOU. [LB259]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON AM1252. [LB259]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. AGAIN, I'LL COVER WHAT THE AMENDMENT DOES, WHICH IMPROVES ON THE COMMITTEE AMENDMENT. ANY BUSINESS THAT MUST FILE PERSONAL PROPERTY TAX RETURNS GETS TO EXCLUDE THE FIRST \$10,000 OF VALUE. SO AS WE'VE TALKED ABOUT QUITE A BIT HERE WE'RE PULLING THE DOLLAR AMOUNT DOWN TO \$10,000. RAILROADS, CAR LINES, PIPELINES, TELECOM ARE CENTRAL...THAT ARE CENTRALLY ASSESSED AT THE STATE LEVEL, WE'VE PUT IN SOME OF THE APPROPRIATE CONSTITUTIONAL ADMINISTRATIVE PROCEDURES TO MAKE SURE THAT WE CALCULATE CORRECTLY THEIR PART OF THE EXEMPTION, AND THERE WILL BE ANOTHER AMENDMENT THAT WILL SPEAK VERY BRIEFLY TO A SMALL PART OF THAT. THE FILING EXEMPTION FOR PROPERTY VALUED AT LESS THAN \$1,000 WAS REMOVED FROM WHAT WE'D HAD IN THE COMMITTEE AMENDMENT. THE COUNTIES ARE REIMBURSED FOR BOTH THE TAXES LOST AT THE LOCAL LEVEL AS WELL AS TAXES LOST ON CENTRALLY ASSESSED AND THEY RETAIN 1 PERCENT OF THE REIMBURSEMENT OF THE COST OF ADDITIONAL WORK ON THEIR PART. I'D ASK FOR YOUR GREEN LIGHT ON AM1252. THANK YOU. [LB259]

SENATOR COASH: THANK YOU, SENATOR GLOOR. MEMBERS, YOU'VE HEARD THE CLOSING TO AM1252. THE QUESTION BEFORE THE BODY IS, SHALL AM1252 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB259]

CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF SENATOR GLOOR'S AMENDMENT. [LB259]

SENATOR COASH: AM1252 IS ADOPTED. MR. CLERK. [LB259]

CLERK: MR. PRESIDENT, SENATOR GLOOR WOULD MOVE TO AMENDMENT WITH FLOOR AMENDMENT FA58. (LEGISLATIVE JOURNAL PAGE 1382.) [LB259]

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SENATOR COASH: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON FA58.
[LB259]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I SUPPOSE WITH AS MANY COOKS THAT GOT INVOLVED IN THIS STEW IT WAS INEVITABLE THAT WE'D END UP WITH A LITTLE HAIR IN THE SOUP. SO A LOT OF PEOPLE HAVE BEEN INVOLVED IN MAKING SURE THAT WE'VE GOT THE APPROPRIATE TERMINOLOGY. ONE THING SLIPPED BY IN THE TERMINOLOGY, AND THAT'S WHAT THE AMENDMENT IS ABOUT. ON PAGE 11 OF THE AMENDMENT, AM1252, PAGE 11, LINE 24, ON PAGE 12, LINES 20 AND 30, WE USED THE TERM "REDUCE." THAT TERM SHOULD BE "MULTIPLY." SO WHAT THIS AMENDMENT DOES IS CHANGE THE WORD "REDUCE" TO "MULTIPLY." WITHOUT IT, OUR CALCULATIONS ON THE FISCAL NOTE HAVE NOT BEEN DONE CORRECTLY. AND SO WE HAVE A TERMINOLOGY PROBLEM HERE THAT NEEDS TO BE CLEANED UP. THAT'S WHAT WE'RE TRYING TO ACCOMPLISH IN THE FLOOR AMENDMENT, FA58. THANK YOU.
[LB259]

SENATOR COASH: THANK YOU, SENATOR GLOOR. MEMBERS, YOU'VE HEARD THE OPENING TO FA58. THE FLOOR IS NOW OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GLOOR, CAN CLOSE. HE WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL FA58 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB259]

CLERK: 27 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR GLOOR'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB259]

SENATOR COASH: FA58 IS ADOPTED. RETURN TO DISCUSSION LB259 AND THE COMMITTEE AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT.
[LB259]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. WE'VE CLEANED UP THE COMMITTEE AMENDMENT APPROPRIATELY WITH THE AMENDMENTS. I APPRECIATE THE SUPPORT SO FAR OF THE BODY. I'M GOING TO ASK THAT YOU VOTE GREEN ON THE COMMITTEE AMENDMENT, AM824. THANK YOU. [LB259]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE CLOSING TO AM824. THE QUESTION FOR THE BODY IS, SHALL AM824 BE ADOPTED? ALL THOSE IN FAVOR

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VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB259]

CLERK: 27 AYES, 1 NAY ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB259]

SENATOR COASH: COMMITTEE AMENDMENT IS ADOPTED. RETURN TO DISCUSSION ON LB259. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB259]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I'D LIKE TO THANK SENATOR GLOOR FOR BRINGING THIS PROPERTY TAX RELIEF, PERSONAL PROPERTY TAX RELIEF BILL AND SHEPHERDING IT THROUGH THE PROCESSES. I DID SOME QUICK CALCULATIONS, AND THE MILL LEVY ON WHAT I PAY ON MY PERSONAL PROPERTY TAX IS 1.040701. SO IN EFFECT THIS PROPERTY TAX RELIEF GIVES ME \$104.07. I GIVE 1 PERCENT TO THE COUNTY; NET TO ME IS \$103.03. IT IS PROPERTY TAX RELIEF, BUT IT'S PRETTY DOGGONE SLIM. WE MAY BE ABLE TO PAT OURSELVES ON THE BACK AND SAY, YEP, WE GAVE EVERYBODY PROPERTY TAX RELIEF. AND IT DOES ADD UP TO A LOT OF MONEY. BUT THIS BODY HAD BETTER REMEMBER THAT THIS IS A PITTANCE. THIS IS NOT MUCH MONEY IN THE POCKETS OF THE INDUSTRY THAT DRIVES THIS STATE, BE IT SMALL BUSINESS, AGRICULTURE, WHATEVER IT IS. YOU KNOW, WE HAVE NOT FIXED THE PROBLEM. THIS IS A STEP IN THE RIGHT DIRECTION, A BABY STEP IN THE RIGHT DIRECTION. SERIOUS PROPERTY TAX RELIEF STILL NEEDS TO BE TACKLED BY THIS BODY AND I APPLAUD THE MEMBERS WHO ARE STANDING UP AND BEGINNING TO ECHO THAT CHORUS. WE'VE GOT SOME SERIOUS WORK AHEAD OF US. THIS IS A NICE START, BUT IN REALITY IT DOESN'T AMOUNT TO ALL THAT MUCH. THANK YOU. [LB259]

SENATOR COASH: THANK YOU, SENATOR HUGHES. SENATOR GROENE, YOU'RE RECOGNIZED. [LB259]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WASN'T GOING TO SPEAK AGAIN, BUT I HAVE TO ECHO WHAT SENATOR HUGHES SAID, THAT HOPEFULLY THIS BODY DOESN'T GO BACK TO THEIR CONSTITUENTS AND SAY, WELL, WE GAVE YOU PROPERTY TAX RELIEF. GAVE YOU \$200 MILLION ON...DIRECTLY OFF, AND NOW WE'RE GIVING SMALL BUSINESS A BIG PROPERTY TAX RELIEF HERE OF \$10,000 OFF THE VALUATION. AND IT'S LIKE I SAID ABOUT THE TEAPOT. WHY WE'RE GETTING ALL THESE SPECIAL INTERESTS LOOKING FOR TAX BREAKS IS BECAUSE THE PROPERTY TAX BURDEN IS JUST TOO HIGH IN THIS STATE. AND

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THIS LETS THE STEAM OFF, WE MIGHT HAVE DROPPED A DEGREE ON THE STOVE OFF THE TEA KETTLE, I WOULDN'T CALL IT A DEGREE, BUT THIS ISN'T THE ANSWER. WE HAVE GOT TO SAY NO TO SPENDING. WE'RE GOING TO BE LOOKING AT THE BUDGET HERE. SIXTEEN POINT SIX MILLION, WE'RE GOING TO DEBATE THIS FOR AN HOUR. I CALL...HE...SENATOR GLOOR SAYS IT'S \$20 MILLION, AND I HAVEN'T SEEN THE NEWEST FISCAL NUMBERS. I JUST TOOK 40 PERCENT OF THE ORIGINAL FISCAL OFF. BUT WE'RE GOING TO TALK ABOUT \$25 MILLION JUST GIVING IT TO THE UNIVERSITY FOR PIE IN THE SKY. WE'RE GOING TO GIVE \$8 MILLION TO A PRIVATE UNIVERSITY. AND I DON'T CARE WHERE IT COMES FROM. DON'T TELL ME IT COMES FROM CASH RESERVES OR FROM THE GENERAL FUND OR FROM THIS FUND OR THAT FUND. IT COMES FROM THE TAXPAYERS' POCKETS. ALL TAX DOLLARS COME FROM THE CITIZENS' POCKETS. DOESN'T COME FROM THE GOVERNMENT, DOESN'T COME FROM A FUND. NO MATTER WHERE IT COME...NO MATTER WHERE YOU WROTE THE CHECK FROM, THE DEPOSIT ALL CAME FROM THE TAXPAYERS' POCKET, ALL OF IT. WE DID NOTHING HERE. WE DO NOTHING HERE. THE TAXPAYERS DO IT. THE CITIZENS OF THE STATE DO IT, THE CITIZENS THAT WORK OVERTIME IN THEIR SMALL BUSINESSES. THAT'S WHAT TEARS ME ON THIS TAX BILL, I'D LOVE TO GIVE EVERYONE OF THOSE SMALL BUSINESSPEOPLE A TAX BREAK. BUT THEN THEY GO HOME, AND THE TAXES...THEY DON'T QUALIFY FOR THE HOMESTEAD EXEMPTION, THEY DON'T QUALIFY FOR OTHER EXEMPTIONS. THEY PAY FULL RATE BECAUSE THEY WORK ALL THEIR LIVES. WE'VE GOT TO CONTROL SPENDING. THERE IS A DIRECT RELATIONSHIP IF YOU'VE EVER RAN A BUSINESS, MAYBE YOU'VE WORKED IN GOVERNMENT ALL YOUR LIFE AND YOU JUST SAY THE TAXPAYERS WILL BRING MORE, AND WE GOT THESE AUTOMATIC INCREASES, AND OUR BUDGETS AREN'T WORKING OUT, SO WE JUST GO TO THE TAXPAYER FOR MORE. WE COME UP...COME WITH ANOTHER PROGRAM WHERE WE PAY FOR IT, BUT IN THE REAL WORLD, WHAT'S LEFT OF IT, IN THE BUSINESS WORLD, IT'S SPENDING. YOU CONTROL SPENDING IS HOW YOU MAKE MONEY, IT'S HOW YOU CUT YOUR COSTS. AND WE DON'T DO IT. WE'RE GOING TO BE TALKING ABOUT THE BUDGET AND WE'RE GOING TO BE SAYING HOW WE NEED TO START THIS PROGRAM IN HHS AND THIS ONE OVER HERE, AND WE NEED TO DO THIS, AND WE NEED TO...BY GOLLY, IT MAKES US FEEL GOOD. IF WE DON'T CUT SPENDING AND WE DON'T QUIT SENDING MANDATES BACK TO LOCAL GOVERNMENT, WE CAN CUSS LOCAL GOVERNMENT AS MUCH AS WE WANT BUT THEY'RE PAYING FOR THE MANDATES WE GIVE THEM. WE'VE GOT TO QUIT DOING IT. WE'VE GOTTEN ALONG IN THE WORLD FOR...IN AMERICA FOR 200 YEARS IN NEBRASKA, 200-AND-SOME NATIONWIDE WITHOUT SOME OF THESE PROGRAMS THAT SOMEBODY DREAMT UP AND ALL OF A SUDDEN, IN THE NEXT THREE WEEKS WE'RE GOING TO SAY THIS STATE CAN'T LIVE WITHOUT THEM. WE GOT TO

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APPROPRIATE MONEY FOR THESE PROGRAMS THAT DIDN'T EXIST BEFORE. IF YOU CUT THE SPENDING, IT'S AMAZING HOW EVERYTHING ELSE WORKS OUT. BUT REMEMBER THAT WHEN WE DISCUSS THIS, IT'S SPENDING. SENATOR SCHUMACHER STARTED THAT CONVERSATION OFF AND HE'S ABSOLUTELY RIGHT. IT'S SPENDING. SO THANK YOU FOR YOUR TIME. [LB259]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB259]

SENATOR HARR: THANK YOU, MR. PRESIDENT. I JUST WANTED TO SAY THANK YOU FOR SENATOR GLOOR FOR FINDING A BILL LIKE THIS, AN AREA THAT CAN HELP BOTH URBAN AND RURAL AREAS. I'M A LAWYER BY TRADE. IT'S WHAT I DO AT NIGHT. I DON'T GET ANY TAX CUT OUT OF THIS. AND YOU DON'T HEAR ME GRIPING AND YOU DON'T HEAR ME MOANING, BECAUSE I UNDERSTAND WHAT WE'RE DOING HERE, FOLKS. WE'RE TRYING TO FIND A BALANCE. WE'RE TRYING TO FIND A WAY TO MAKE SURE THAT WE ARE FINDING A TAX POLICY THAT'S FAIR AND EQUITABLE ACROSS THE STATE, AND THAT MEANS SOMETIMES YOU WIN AND SOMETIMES YOU JUST DON'T WIN. DOESN'T MEAN YOU LOSE. BUT I THINK WE HAVE TO BE CAREFUL ABOUT IF WE GO TOO FAR AND ONLY THINK OF OURSELVES AND THINK ABOUT HOW THIS AFFECTS ME AND MY INDUSTRY, WE COULD HAVE PROBLEMS, BECAUSE THEN WE'VE LOST SIGHT OF THE BIG THING, WHICH IS WHAT IS BEST FOR THE STATE OF NEBRASKA. AND SOMETIMES THAT MEANS SPENDING MORE. IT'S ABOUT WHAT IS THE BEST GOVERNMENT, NOT WHAT'S THE CHEAPEST, NOT WHAT'S THE LEAST EXPENSIVE BUT HOW DO WE ACHIEVE THE GOALS THAT WE WANT AS A STATE. SOMETIMES THAT MEANS SPENDING LESS, SOMETIMES THAT MEANS SPENDING MORE, BUT AT THE END OF THE DAY IT'S ABOUT WHAT THE GOALS ARE AND HOW DO WE ATTAIN THAT. SO I STAND IN STRONG SUPPORT OF LB259, EVEN THOUGH I DON'T GET ANY MONEY OUT OF IT. BUT THANK YOU VERY MUCH. [LB259]

SENATOR COASH: THANK YOU, SENATOR HARR. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB259]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR HUGHES WOULD YIELD TO A QUESTION. [LB259]

SENATOR COASH: SENATOR HUGHES, WILL YOU YIELD? [LB259]

SENATOR HUGHES: CERTAINLY. [LB259]

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SENATOR BLOOMFIELD: SENATOR HUGHES, I APPRECIATE WHAT YOU SAID ABOUT WHAT A SMALL AMOUNT THIS WAS, AND THAT WE ALL LOOK FORWARD TO THE DAY WHEN IT COULD BE MORE. WOULD YOU BE WILLING TO SAY THAT THIS DOESN'T AMOUNT TO A HILL OF DRY BEANS? (LAUGHTER) [LB259]

SENATOR HUGHES: YOU KNOW, THAT THOUGHT DID CROSS MY MIND, BUT THERE ARE LINES THAT I PREFER NOT TO CROSS WHEN I'M AT THE MIKE. [LB259]

SENATOR BLOOMFIELD: I'LL CHEERFULLY PUSH YOU ACROSS. THANK YOU. [LB259]

SENATOR HUGHES: THANK YOU. [LB259]

SENATOR BLOOMFIELD: THANK YOU, SENATORS. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF LB259. [LB259]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. A COUPLE OF QUICK COMMENTS. I'LL TRY TO END WITH A BIT OF LEVITY THAT HAS A POINT BEHIND IT. REMEMBER THAT THE TAX MODERNIZATION COMMITTEE'S REPORT, ONE OF THE THINGS THAT IT POINTED OUT IS THAT WE WERE ONE OF THE FEW STATES IN OUR REGION, ANYWAY, THAT DIDN'T PROVIDE...OR THAT DID, IN FACT, TAX PERSONAL PROPERTY RELATED TO AG AND THAT MANY OF THOSE SAME STATES PROVIDED SOME DEGREE OF RELIEF OR ABATEMENT FOR BUSINESSES WHEN IT COMES TO PERSONAL PROPERTY. WE DIDN'T. SO THIS IS A MODEST PROPOSAL, WITH APOLOGIES TO JONATHAN SWIFT AND IRISH CHILDREN, THIS IS A MODEST PROPOSAL TO TRY AND CALL IT A PILOT PROJECT, SEE ONCE THE NUMBERS COME IN FROM THIS, ASSUMING IT CONTINUES TO MOVE MERRILY ALONG TOWARDS APPROVAL AND BECOME STATUTE, WHETHER IT'S DOING WHAT WE EXPECTED IT TO DO. I HAVE OFTEN AS WE'VE TALKED ABOUT TAX RELIEF SAID IT'S TAKEN US A LONG TIME TO GET TO THE POINT WHERE THINGS ARE OUT OF WHACK, AND THAT THE STOOL HAS DIFFERENT LEGS THAT ARE A LITTLE LONGER THAN OTHERS. IT'S GOING TO TAKE BUNTS AND SINGLES. I DON'T KNOW THAT OUR BUDGET IS GOING TO ALLOW FOR US TO HAVE HOME RUNS, BUT I THINK THIS IS ONE STEP IN THE RIGHT DIRECTION. AGAIN, ASSUMING THAT PROPERTY TAX CREDIT IN THE BUDGET CONTINUES TO BE APPROVED, THIS AMOUNT CONTINUES TO BE APPROVED, WE'RE TALKING ABOUT \$224 MILLION TOTAL OF WHICH \$84 MILLION CAME OUT OF THIS YEAR'S BUDGET. THAT'S A BIG JUMP, FOLKS. AND IT IS A SINGLE AND IT'S MOVING US IN THE RIGHT DIRECTION.

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THE CONCERNS THAT HAVE BEEN BROUGHT UP HERE TODAY ARE APPROPRIATE, AND THEY CERTAINLY EXPRESS WHAT MOST OF US FEEL, AND THAT IS WE'VE GOT TO KEEP OUR EYES ON THE PRIZE, WE'VE GOT TO CONTINUE TO MOVE TOWARDS EVEN MORE TAX RELIEF, EVEN MORE CONTROL OF SPENDING. THAT IS IMPORTANT. NO ARGUMENT THERE. REMEMBER THAT THERE IS A LEGISLATIVE RESOLUTION, LR201, BROUGHT FORWARD BY SENATOR SULLIVAN THAT INVOLVES BOTH MY REVENUE COMMITTEE AND THE EDUCATION COMMITTEE THAT'S TAKING A LOOK AT THE ISSUE OF, ASSUMING THIS BODY APPROVES IT, IT'LL BE UP, HOPEFULLY, FOR THE EXEC COMMITTEE TO MAKE DECISIONS ON THIS WEEK, AND THIS BODY SOON AFTER, THAT WOULD TAKE A LOOK AT THE BROADER ISSUE OF PROPERTY TAX FUNDING EDUCATION AND OUR DEPENDENCE, OUR OVERDEPENDENCE ON THAT AND WHETHER THERE IS, IN FACT, SOME SOLUTION. WHEN WE TALK ABOUT PROPERTY TAX AND WE KNOW OUR CHALLENGE WITH PROPERTY TAX IS, IT'S HOW WE PAY FOR K-12 EDUCATION. IS THERE A BETTER WAY? IS THERE A BETTER DISTRIBUTION OF FUNDS THAT CAN HELP US GET A HANDLE ON THAT, BECAUSE THAT'S SORT OF THE ROOT OF THE PROBLEM WE'RE DEALING WITH HERE. SO THERE IS THAT TO HOPEFULLY COME BEFORE YOU BEFORE TOO LONG. AND I THINK THAT'S GOING TO BE AN IMPORTANT RESOLUTION, AND IT'S NOT TO PUT TOGETHER A DOG AND PONY SHOW TO GO AROUND THE STATE AGAIN, LIKE THE TAX MODERNIZATION COMMITTEE DID AND LIKE THE EDUCATION COMMITTEE DID LAST YEAR. IT IS TO TAKE THE RESULTS OF THOSE STUDIES, TAKE A LOOK AT BOTH OF THOSE, THE INFORMATION WE COMPILED, AND HOPEFULLY COME BACK TO THIS BODY NEXT YEAR WITH SOME RECOMMENDATIONS IN THE FORMS OF BILLS THAT MIGHT BE MORE THAN JUST A BUNT OR A SINGLE. WE WON'T YET KNOW. THIS BODY WORKS HARD. IT MAKES GOOD DECISIONS. I HAVE NO DOUBT THAT YOU'LL ADVANCE LB259. I CERTAINLY HOPE YOU DO. BUT I RAN ACROSS AN ARTICLE I WANT TO WRAP UP WITH. LAST YEAR WHEN WE TALKED ABOUT THE BUDGET, WE SPENT AS WAS REFERENCED SEVERAL TIMES, A LOT OF TIME TALKING ABOUT THE GOVERNOR'S NEW PLANE. AND TO SHOW YOU AT THE HIGHER LEVEL THAT THIS STATE OPERATES THAN OTHER STATES, I RAN ACROSS A PAGE IN SPORTS ILLUSTRATED, THEY HAVE A LISTING THAT SAYS SIGNS THE APOCALYPSE IS UPON US OR SIGNS OF THE APOCALYPSE. [LB259 LR201]

SENATOR COASH: ONE MINUTE. [LB259]

SENATOR GLOOR: IT'S ALWAYS SOMETHING THAT SHAKES YOU UP WHEN YOU LOOK AT IT. APPARENTLY THE SOUTH CAROLINA LEGISLATURE APPROVED THE PURCHASE OF A JET BY THE CLEMSON ATHLETIC DEPARTMENT FOR RECRUITING PURPOSES. WELL, AT LEAST WE WERE ARGUING ABOUT THE GOVERNOR USING

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A PLANE FOR STATE PURPOSES AS OPPOSED TO THE UNIVERSITY USING A PLANE FOR RECRUITING PURPOSES. THIS IS A PRETTY HIGH-LEVEL OPERATING LEGISLATURE THAT DEALS WITH SOME PRETTY SIGNIFICANT ISSUES, AND I THINK IS VERY MINDFUL ABOUT WHERE ITS DOLLARS GO. AND I EXPECT IT WILL CONTINUE ALONG THOSE LINES. APPRECIATE THE QUESTIONS AND I APPRECIATE THE SUPPORT. THANK YOU, MR. PRESIDENT. [LB259]

SENATOR COASH: THANK YOU, SENATOR GLOOR. MEMBERS, YOU'VE HEARD THE CLOSING TO LB259. THE QUESTION FOR THE BODY IS, SHALL LB259 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB259]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB259. [LB259]

SENATOR COASH: LB259 DOES ADVANCED. NEXT ITEM, MR. CLERK. [LB259]

CLERK: LB480, IT WAS A BILL INTRODUCED BY SENATOR HARR. (READ TITLE.) INTRODUCED JANUARY 20, REFERRED TO THE BUSINESS LABOR COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1274, LEGISLATIVE JOURNAL PAGE 1225.) [LB480]

SENATOR COASH: SENATOR HARR, YOU'RE RECOGNIZED TO OPEN ON LB480. [LB480]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THIS BILL CAME OUT OF BUSINESS AND LABOR, AND WHILE THERE'S SOMETIMES CONTROVERSY AS TO WHAT BILLS DO GET REFERRED TO BUSINESS AND LABOR, THIS ONE IS A BILL INVOLVING WORKERS' COMP. MANY TIMES THESE BILLS ARE INTRODUCED, WORK COMP BILLS ARE INTRODUCED YEAR AFTER YEAR AFTER YEAR. LB480 PROVIDED A VEHICLE FOR THE INTERESTED PARTIES TO REACH A COMPROMISE ON SOME OF THOSE BILLS WHICH I WILL DESCRIBE IN THE COMMITTEE AMENDMENT, AM1274. THANK YOU. [LB480]

SENATOR COASH: AS THE CLERK HAS STATED, THERE IS AN AMENDMENT FROM THE BUSINESS LABOR COMMITTEE. SENATOR HARR, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB480]

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SENATOR HARR: THANK YOU, MR. PRESIDENT. SO WHAT THIS COMMITTEE AMENDMENT DOES IS WORK COMP IS OFTEN REFERRED TO AS THE GREAT COMPROMISE BETWEEN EMPLOYER AND EMPLOYEES. WHAT IT IS, IS YOU HAVE A SITUATION WHERE THE BURDEN OF PROOF IS LOWER ON THE EMPLOYEE BUT THE PAY OUT BY THE EMPLOYER IS LOWER THAN IF IT WERE IN TORT COURT. SO WHAT THIS COMMITTEE AMENDMENT REPLACES THE BILL AND REFLECTS A COMPROMISE REACHED BY THE PARTIES ON FOUR WORKERS' COMPENSATION BILLS. BEGINNING WITH SECTION 1, THE AMENDMENT REFLECTS THE ISSUES FOUND ORIGINALLY IN LB158. LB158 WOULD DENY BENEFITS UNDER WORKERS' COMPENSATION ACT IF AN EMPLOYEE MADE A FALSE REPRESENTATION WHEN ENTERING INTO EMPLOYMENT. SPECIFICALLY THE AMENDMENT PROVIDES THAT IF AN EMPLOYEE FALSELY REPRESENTS WHAT JOB FUNCTIONS HE OR SHE CAN PERFORM AND THE EMPLOYER RELIES UPON THAT REPRESENTATION AND THEN AN INJURY OCCURS, HE OR SHE IS NOT ENTITLED TO COMPENSATION. THIS REINSTATES THE DEFENSE OF EMPLOYEE MISREPRESENTATION THAT WAS ESTABLISHED UNDER THE HILT TRUCK LINE SUPREME COURT DECISION. WE ARE SIMPLY REINSTATING THAT DEFENSE. SECTION 2 ADDRESSES THE CONCERNS FOUND IN LB363. SECTION 2 OF THE AMENDMENT CLARIFIES THAT THE MEDICAL PROVIDER SHALL NOT COLLECT FROM THE EMPLOYEE FOR MEDICAL OR OTHER SERVICES AS OUTLINED IN SUBSECTION (1)(a), INCLUDING ANY FINANCING CHARGE OR LATE PENALTY. THE INTENT OF THIS SECTION IS TO ENSURE THAT THOSE INJURED WORKERS WHO ARE RECEIVING LIMITED COMPENSATION ARE NOT BEING HELD RESPONSIBLE FOR LATE MEDICAL PAYMENTS OR FINANCING CHARGES WHEN THE EMPLOYER IS LIABLE FOR THOSE COSTS PURSUANT TO SUBSECTION (1)(a). SECTION 3 IS A COMPROMISE TO CHANGE THE INTEREST RATE APPLICABLE TO AN AWARD OF WORKERS' COMPENSATION BENEFITS IN CASES IN WHICH AN EMPLOYEE...IN WHICH ATTORNEY FEES IS ALLOWED. CURRENTLY, THE INTEREST RATE IS 14 PERCENT. LB133 WOULD HAVE CHANGED THE RATE TO 2 PERCENTAGE POINTS ABOVE THE BOND INVESTMENT YIELD OF A, I BELIEVE, ONE YEAR U.S. TREASURY BILL. THE COMMITTEE AMENDED THE CHANGE THAT INTEREST FROM 14 PERCENT TO 6 PERCENT POINTS ABOVE THE BOND INVESTMENT YIELD OF THE U.S. TREASURY BILL, WHICH IS CURRENTLY ABOUT 2 PERCENT. AND, FINALLY, SECTION 4 CONTAINS WHAT WAS ORIGINALLY LB600. UNDER THE ACT, SELF-INSURED EMPLOYERS MUST MEET CERTAIN FINANCIAL SECURITY REQUIREMENTS TO ENSURE SUFFICIENT FUNDS ARE AVAILABLE TO PAY WORK COMP CLAIMS IF THE EMPLOYER BECOMES INSOLVENT. THIS SECURITY REQUIREMENT CAN BE IN THE FORM OF EITHER A SURETY BOND OR AN IRREVOCABLE WORKERS COMPENSATION TRUST AGREEMENT. A PROVISION IN THE TRUST AGREEMENT STATES THAT SELF-INSURED EMPLOYERS CHOOSING TO ESTABLISH A TRUST ARE LIMITED TO

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INVESTMENTS WHICH ARE OBLIGATIONS OF THE UNITED STATES OR ITS AGENCIES OR WHICH ARE FEDERALLY INSURED. THE AMENDMENT WOULD EXPAND THE AUTHORITY TO INVEST TRUST ASSETS HELD IN THE IRREVOCABLE WORKERS' COMPENSATION TRUST TO ALLOW FOR INVESTMENTS IN THE SAME MANNER AS CORPORATE TRUSTEES HOLDING RETIREMENT OR PENSION FUNDS FOR GOVERNMENT EMPLOYEES. THE AMENDMENT PROVIDES THAT IF THE ASSETS FALL BELOW THE ACCEPTABLE AMOUNT REQUIRED BY THE COMPENSATION COURT, THE TRUSTOR MUST DEPOSIT ADDITIONAL ASSETS TO CONTINUE TO SATISFY THE MINIMUM SECURITY AMOUNTS REQUIRED. THE AMENDMENT ALSO PROVIDES THAT TRUSTEES CANNOT INVEST IN THEIR OWN CORPORATION. LB480 AND AM1274 WERE SUPPORTED BY THE COMMITTEE UNANIMOUSLY. I WOULD ASK FOR YOUR SUPPORT ON THE BILL AND THE COMMITTEE AMENDMENT. THANK YOU. [LB480 LB158 LB363 LB133 LB600]

SENATOR COASH: THANK YOU, SENATOR HARR. MEMBERS, YOU'VE HEARD THE OPENING TO LB480 AND THE COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN FOR DISCUSSION. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HARR, YOU MAY CLOSE ON THE COMMITTEE AMENDMENT. SENATOR HARR WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL AM1274 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB480]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB480]

SENATOR COASH: COMMITTEE AMENDMENT IS ADOPTED. RETURN TO DISCUSSION ON LB480. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE ON LB480. [LB480]

SENATOR HARR: THANK YOU, MR. PRESIDENT. I JUST WANT TO GIVE A QUICK THANK YOU TO ALL THE INTEREST GROUPS THAT SAT DOWN AND WORKED TOGETHER. THE LAST REAL CHANGE WE HAD OF THIS SORT, COMPROMISE BILL, WAS IN 1995 AS FAR AS WE COULD TELL, AND IT WAS TIME TO DO SOME UPDATES. EVEN IF THE BILL WAS PERFECT IN 1995, IT ISN'T PERFECT TODAY. AND SO I WANT TO THANK ALL THE PARTIES FOR COMING TOGETHER AND WORKING TOGETHER TO FIND A BILL THAT AGAIN IS A COMPROMISE, THAT GIVES A LITTLE BIT TO EVERYBODY, AND HELPS UPDATE SO THAT EMPLOYERS AND EMPLOYEES HAVE A BETTER WORK COMP SYSTEM. AND WITH THAT, I WOULD ASK FOR YOUR SUPPORT ON LB480. [LB480]

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SENATOR COASH: THANK YOU, SENATOR HARR. MEMBERS, YOU'VE HEARD THE CLOSING TO LB480. THE QUESTION FOR THE BODY IS, SHALL LB480 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB480]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB480. [LB480]

SENATOR COASH: LB480 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB480]

CLERK: MR. PRESIDENT, LB525 WAS A BILL ORIGINALLY INTRODUCED BY SENATOR SULLIVAN. (READ TITLE.) INTRODUCED ON JANUARY 21, REFERRED TO THE EDUCATION COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1306, LEGISLATIVE JOURNAL PAGE 1251.) [LB525]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR SULLIVAN, YOU ARE RECOGNIZED TO OPEN ON LB525. [LB525]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. NEARLY EVERY YEAR THE EDUCATION COMMITTEE BRINGS BEFORE THIS BODY WHAT WE CALL OUR ANNUAL TECHNICAL BILL AND THIS YEAR IS NO EXCEPTION. THAT'S WHAT YOU HAVE BEFORE YOU IN LB525. WE ARRIVE AT THAT IN A COUPLE OF DIFFERENT WAYS. ONE IS THAT WE WORK WITH THE DEPARTMENT OF EDUCATION AND THEY BRING SOME SUGGESTIONS FOR NEEDED LEGISLATION THAT MAKES IT EASIER AND BETTER WAYS FOR THEM TO WORK WITH SCHOOL DISTRICTS TO PROMOTE EDUCATIONAL PRIORITIES AND JUST GET THEIR JOB DONE. SO THAT'S WHAT YOU WILL HEAR IN SOME OF THE DETAILS OF LB525. ALSO, IN THE COURSE OF BILLS THAT COME BEFORE THE EDUCATION COMMITTEE DURING THE COMMITTEE PROCESS, WE OFTEN HEAR OF BILLS THAT FIT THAT LEVEL AS WELL. AND SO YOU WILL HEAR, NOT SO MUCH IN LB525 AS ORIGINALLY INTRODUCED, BUT ALSO WHEN I INTRODUCE THE COMMITTEE AMENDMENT, YOU WILL HEAR A VARIETY OF DIFFERENT BILLS THAT HAVE BEEN PUT INTO THIS PIECE OF LEGISLATION. I WILL TELL YOU THAT, THOUGH OVERALL THERE IS NO FISCAL IMPACT AS A RESULT OF ALL THE TECHNICAL DETAILS OF LB525 AS WELL AS ALL OF THE BILLS THAT WE HAVE ADDED TO IT. SO, IN MY INTRODUCTION RIGHT NOW, I WILL TRY TO...AND IT'S GOING TO TAKE ME A WHILE BECAUSE THEY ARE TECHNICAL, BUT I WILL TRY TO JUST GO THROUGH THIS VERITABLE LAUNDRY

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LIST OF THINGS THAT ARE INCLUDED IN LB525. FIRST OF ALL, IT ALLOWS EARLY CHILDHOOD PROFESSIONALS TO REPORT EDUCATIONAL DEGREES AND PROFESSIONAL CREDENTIALS, RELEVANT TRAINING, AND WORK HISTORY TO THE NEBRASKA EARLY CHILDHOOD PROFESSIONAL RECORD SYSTEM. SECONDLY, IT ALIGNS THE REQUIREMENT OF ADMITTING HOMELESS STUDENTS INTO A SCHOOL DISTRICT WITH FEDERAL LAW. SOMETIMES THIS IS SORT OF A HARD THING TO REALIZE THAT WE DO HAVE HOMELESS STUDENTS IN THE STATE. THEY NEED TO BE EDUCATED. AND WITH FEDERAL LAW HAVING MADE SOME CHANGES, WE HAVE TO ALIGN OUR REQUIREMENTS WITH THAT FEDERAL LAW. AND BASICALLY, IT SAYS THAT DISTRICTS WOULD BE REQUIRED TO ADMIT A HOMELESS STUDENT WHEN THE DISTRICT IS WHERE THE STUDENT IS CURRENTLY LOCATED OR WHERE THE STUDENT HAS ATTENDED WHEN PERMANENTLY HOUSED OR WHEN THAT STUDENT WAS LAST ENROLLED. ANOTHER COMPONENT, SIMPLY A DATE CHANGE. IT MOVES THE DEADLINE FOR FORMATION OF REORGANIZED SCHOOL DISTRICTS FROM APRIL 1 TO JUNE 1 AND ELIMINATES ANNUAL SCHOOL MEETINGS AS AN ALTERNATIVE TO ELECTIONS FOR CHOOSING ITS SUCCESSOR SCHOOL BOARD MEMBERS AFTER THAT REORGANIZATION. IT INCREASES THE LENGTH OF TIME BETWEEN REQUIRED REVIEWS OF ACADEMIC CONTENT STANDARDS FROM FIVE YEARS TO SEVEN YEARS, AND THIS WAS ONE THING THE DEPARTMENT REALLY WANTED. AS YOU WELL KNOW, THE STATE BOARD OF EDUCATION HAS BEEN IN THE PROCESS OF REVIEWING OUR STANDARDS AND THEY THINK THAT MOVE TO SEVEN YEARS WILL GIVE THEM A CHANCE TO MAKE SURE THAT THOSE STANDARDS ARE TOTALLY IMPLEMENTED AND HAVE A CHANCE TO SEE HOW THEY'RE OPERATING. IT ALSO ELIMINATES THE REQUIREMENT FOR EDUCATIONAL SERVICE UNITS AND LEARNING COMMUNITIES TO DEVELOP A COMPOSITE SET OF STANDARDS SHARED BY THE MEMBER SCHOOL DISTRICTS. ANOTHER DATE CHANGE--AND THIS HAS TO DO WITH LAST YEAR'S LB438 THAT HAD THE DESIGNATION OF PRIORITY SCHOOLS--IT MOVES THE DEADLINE FOR APPROVAL OF PROGRESS PLANS FOR THOSE INITIAL PRIORITY SCHOOLS FROM AUGUST 1 OF 2016 TO AUGUST 15. IT MOVES THE DEADLINE FOR THE STATE BOARD TO ANNUALLY ADJUST THE BOUNDARIES OF EDUCATIONAL SERVICE UNITS TO ALIGN WITH THE BOUNDARIES OF MEMBER SCHOOL DISTRICTS. IT ALSO ALLOWS FOR THE USE OF VIDEO CONFERENCING FOR THE MEETING OF THE STATE COUNCIL ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN. AND ALSO, IT ALLOWS THE DEPARTMENT...COMMISSIONERS TO APPOINT MORE THAN ONE DEPUTY COMMISSIONER OF EDUCATION. COUPLE OF OTHER ADDITIONAL THINGS: THERE ARE TWO PROVISIONS FROM THE ORIGINAL BILL THAT RELATE TO OTHER MEASURES THAT WERE INTRODUCED BY SENATOR BAKER THAT ARE EITHER NOT INCLUDED IN THE COMMITTEE AMENDMENT OR THAT SENATOR

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BAKER WOULD LIKE TO REMOVE WITH AN AMENDMENT THAT WILL BE CONSIDERED LATER. AND I WILL ELABORATE ON THOSE LATER. SO THOSE ARE THE COMPONENTS OF LB525 AND I URGE YOUR ADOPTION OF THAT. [LB525]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. AS THE CLERK HAS STATED, THERE IS AN AMENDMENT FROM THE EDUCATION COMMITTEE. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB525]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND AS INDICATED, I INTRODUCED IN MY OPENING WHAT THE ORIGINAL COMPONENTS WERE OF LB525. AND, AS I INDICATED, THAT SO OFTEN WE THEN MELD INTO THIS TECHNICAL BILL SOME OF THE BILLS THAT WE HEAR IN THE EDUCATION COMMITTEE. AND THAT HAS BEEN THE CASE. AND SO I'LL TRY TO GO THROUGH THOSE FOR YOU AND INDICATE WHAT THOSE ORIGINAL BILLS ARE AND THE COMPONENTS THAT NOW ARE REPRESENTED IN THE COMMITTEE AMENDMENT. THE FIRST ONE IS LB524. AND THIS HAS TO DO...AND IT CONNECTS TO FEDERAL LEGISLATION THAT'S COMING DOWN THE PIKE THAT CONCERNS WHAT'S CALLED THE COMMUNITY ELIGIBILITY PROVISION OR CEP THAT ALLOWS QUALIFYING SCHOOLS TO PROVIDE FREE BREAKFASTS AND LUNCHES TO ALL STUDENTS WITHOUT COLLECTING APPLICATIONS FROM FAMILIES. WHERE SCHOOL DATA IS BASED ON QUALIFYING STUDENTS, THE IDENTIFIED STUDENT PERCENTAGE CALCULATED PURSUANT TO THE FEDERAL PROVISION WOULD BE USED. WHERE THE POVERTY STATUS OF THE SCHOOL IS TO BE DETERMINED, CEP SCHOOLS WOULD BE CONSIDERED HIGH-POVERTY SCHOOLS. AND IN ADDITION, THE ALTERNATIVE CALCULATION FOR MEASURING POVERTY BASED ON INCOME TAX RETURNS FOR TEEOSA WOULD BE REFINED. AND, FURTHERMORE, PARENTS AND GUARDIANS OF STUDENTS IN CEP SCHOOLS WOULD STILL BE ALLOWED TO VOLUNTARILY CONTINUE PROVIDING INFORMATION TO QUALIFY FOR OTHER PROVISIONS THAT ARE CONTINGENT ON FREE OR REDUCED-PRICED MEAL QUALIFICATIONS. SO THOSE ARE THE DETAILS OF LB524. ANOTHER BILL, LB526 THAT IS INCLUDED NOW IN THIS COMMITTEE AMENDMENT WOULD CLARIFY THAT REFERENCES IN THE EDUCATION STATUTES TO TEACHERS HOLDING A CERTIFICATE, BEING CERTIFICATED, OR BEING CERTIFIED INCLUDES INDIVIDUALS HOLDING A PERMIT TO TEACH, ADMINISTER, OR PROVIDE SPECIAL SERVICES ISSUED BY THE COMMISSIONER OF EDUCATION PURSUANT TO THE APPROPRIATE SECTIONS. AND THEN THIRDLY, ANOTHER BILL THAT WE'RE INCLUDING, LB239--AND THIS WAS SENATOR KEN HAAR'S BILL--WOULD CREATE A GRANT FUND TO ASSIST SCHOOLS IN IMPLEMENTING AN EVALUATION MODEL FOR EFFECTIVE EDUCATORS. THE FUNDING FOR THOSE GRANTS WOULD COME

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FROM THE LEASE PAYMENTS ON SOLAR AND WIND AGREEMENTS ON SCHOOL LANDS. ANOTHER BILL THAT WE'RE INCLUDING IS SENATOR DAVIS' BILL, LB572, WHICH WOULD REQUIRE THE STATE SCHOOL SECURITY DIRECTOR--A NEW POSITION THAT WE CREATED LAST YEAR--WOULD REQUIRE THAT DIRECTOR TO RECOMMEND CURRICULAR AND EXTRACURRICULAR INFORMATION DESIGNED TO PREVENT CYBERBULLYING. AND LASTLY, IT INCLUDES ANOTHER BILL THAT I INTRODUCED, LB410, WHICH WOULD EXPAND INCOME ELIGIBILITY FOR THE ACCESS COLLEGE EARLY SCHOLARSHIP PROGRAMS--THAT'S THE ACE SCHOLARSHIP--FOR STUDENTS PARTICIPATING IN A CAREER ACADEMY OR CAREER PATH OF STUDY. THOSE ARE THE COMPONENTS THAT WE'RE ADDING TO LB525 WITH THE COMMITTEE AMENDMENT AND I URGE YOUR ADOPTION OF IT. THANK YOU, MR. PRESIDENT. [LB525 LB524 LB526 LB239 LB572 LB410]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. MR. CLERK. [LB525]

CLERK: MR. PRESIDENT, THE FIRST AMENDMENT I HAVE TO THE COMMITTEE AMENDMENTS IS SENATOR BAKER. SENATOR BAKER, AM1476. (LEGISLATIVE JOURNAL PAGE 1349.) [LB525]

SENATOR COASH: SENATOR BAKER, YOU'RE RECOGNIZED TO OPEN ON AM1476. [LB525]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. AM1476 WOULD STRIKE SECTION 2, ON LINES 15 THROUGH 19 ON PAGE 2. THIS AMENDMENT REMOVES REFERENCES TO THE EMERGENCY MANAGEMENT ACT, WHICH SCHOOL DISTRICTS AND ESUs COULD RECEIVE A DISASTER PROCLAMATION. THIS ISSUE WAS ADDRESSED IN LB283 LAST WEEK THAT HAS ADVANCED TO SELECT FILE. THANK YOU. [LB525 LB283]

SENATOR COASH: THANK YOU, SENATOR BAKER. MEMBERS, YOU'VE HEARD THE OPENING TO AM1476. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB525]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND I JUST WANTED TO SAY THAT I'M CERTAINLY OKAY WITH WHAT SENATOR BAKER IS WANTING TO DO AND I SUPPORT HIS AMENDMENT AND HOPE IT GETS PASSED. AND I'VE BEEN IN CONVERSATION WITH SENATOR BAKER AS WELL. WE'RE CONTINUING TO HELP HIM WITH LB283, AND I HOPE THAT THAT WILL HAVE SUCCESSFUL COMPLETION AS WELL. AND I APPRECIATE HIS WORK ON THESE EFFORTS. THANK YOU, MR. PRESIDENT. [LB525 LB283]

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SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR BAKER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR BAKER WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL AM1476 BE ADOPTED? THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB525]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR BAKER'S AMENDMENT. [LB525]

SENATOR COASH: AM1476 IS ADOPTED. NEXT ITEM, MR. CLERK. [LB525]

CLERK: SENATOR COOK WOULD MOVE TO AMEND WITH AM1347. (LEGISLATIVE JOURNAL PAGES 1383-1385.) [LB525]

SENATOR COASH: SENATOR COOK, YOU'RE RECOGNIZED TO OPEN ON AM1347. [LB525]

SENATOR COOK: THANK YOU, MR. PRESIDENT. THE PURPOSE OF THIS AMENDMENT IS TO ELIMINATE A PENALTY PROVISION THAT OUR LOCAL SCHOOL DISTRICTS FACE WHEN SEEKING TO OBTAIN A POVERTY ALLOWANCE. AM1347 HELPS TO ADDRESS THE IMPACT OF GENERATIONAL POVERTY WHILE PRESERVING STRUCTURAL ACCOUNTABILITY WITHIN OUR SCHOOL FINANCING SYSTEM. OUR POVERTY ALLOWANCE IS AN IMPORTANT COMPONENT OF TARGETING SCHOOL FINANCE AND IS BASED ON A SCHOOL DISTRICT'S LEVELS OF POVERTY AND A POVERTY PLAN SUBMITTED TO THE NEBRASKA DEPARTMENT OF EDUCATION. CURRENT LAW INCLUDES SEVERAL PENALTY PROVISIONS THAT INHIBIT SCHOOL DISTRICTS FROM CARRYING OUT MORE COMPREHENSIVE POVERTY PLANS. CURRENT LAW ALSO THREATENS SCHOOL DISTRICTS WITH POVERTY ALLOWANCE DISQUALIFICATION AND PENALTIES IF THEIR NEEDS, EXPENDITURES, OR PLANS CHANGE. THESE DISTRICTS HAVE TO PROJECT THEIR NEEDS AND PROGRAMS A FULL TWO YEARS IN ADVANCE. SUBSEQUENTLY, THE NEBRASKA DEPARTMENT OF EDUCATION DOES AN ESTIMATE OF NEED BASED ON INCOME TAX INFORMATION AND A SCHOOL DISTRICT'S FREE AND REDUCED LUNCH NUMBERS. TESTIMONY DURING THE PUBLIC HEARING FOR LB509, WHICH IS REPRESENTED HERE IN AM1347, ILLUSTRATED THE DIFFICULTIES THAT DISTRICTS, BOTH LARGE AND SMALL, FACE WHEN THEY'RE TRYING TO NAVIGATE THE EXISTING LAW WHILE AIMING TO ASSIST THEIR STUDENTS. A SCHOOL DISTRICT'S CIRCUMSTANCES, ESPECIALLY IN SMALLER DISTRICTS, CAN EASILY MAKE A PREVIOUSLY

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DECLARED PROGRAM OR SPENDING ESTIMATE IN THEIR POVERTY PLAN OBSOLETE. EXISTING PENALTY PROVISIONS UNREASONABLY STIFLE INNOVATION AND ADAPTABILITY OF SCHOOL DISTRICTS THAT ARE STILL SPENDING ON POVERTY PROGRAMS BUT MAY NOT EXECUTE THE PLAN EXACTLY AS SUBMITTED. THE AMENDMENT REQUIRES LOCAL BUY-IN THROUGH A SPENDING MATCH. THIS AMENDMENT WILL KEEP THE EXISTING SPENDING MATCH SO THAT SCHOOL DISTRICTS ARE REQUIRED TO SPEND 117 PERCENT OF THEIR POVERTY ALLOWANCE. THIS MEANS THAT FOR A DISTRICT TO RECEIVE \$100,000 IN THE ALLOWANCE FUNDS, THE DISTRICT WOULD NEED TO SPEND \$117,000 IN GENERAL FUNDS PRIOR TO THEIR POVERTY ALLOWANCE ALLOTMENT. AM1347 DOES, HOWEVER, AMEND AN EXISTING PENALTY THAT SCHOOL DISTRICTS FACE IF THEY FAIL TO MEET THEIR ANTICIPATED POVERTY-RELATED SPENDING. THIS AMENDMENT ALSO ELIMINATES A ONE-YEAR DISQUALIFICATION THAT SCHOOL DISTRICTS FACE IF THEY FAIL TO MEET THE PROPOSED SPENDING. REQUIRED ELEMENTS PENALTY: THE CURRENT LAW STATES THAT IF A SCHOOL DISTRICT FAILS TO MEET THE REQUIRED ELEMENTS OF THEIR POVERTY PLAN, THEY FACE A 50 PERCENT PENALTY IN THAT YEAR'S ALLOWANCE AND A ONE-YEAR DISQUALIFICATION. THE AMENDMENT REDUCES THE PENALTY FOR FAILURE TO MEET THE REQUIRED ELEMENTS OF THE POVERTY PLAN TO 5 PERCENT AND REMOVES THE ONE-YEAR DISQUALIFICATION. AGAIN, THIS PROPOSAL MAKES TARGETED REFORMS TO OUR POVERTY ALLOWANCE FUNDING MECHANISM. I WANT TO THANK THE BODY FOR ITS THOUGHTFUL CONSIDERATION OF AM1347 AND THANK THE COMMITTEE FOR ADVANCING IT UNANIMOUSLY FROM COMMITTEE. WITH THE ADOPTION OF THIS AMENDMENT, WE'LL BE MOVING FORWARD ON OUR SHARED MISSION TO ADDRESS CHILDREN IN POVERTY. THANK YOU, MR. PRESIDENT. [LB525 LB509]

SENATOR COASH: THANK YOU, SENATOR COOK. MEMBERS, YOU'VE HEARD THE OPENING TO AM1347. THE FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB525]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND JUST WANTED TO GIVE A SHOUT-OUT TO THIS WORK THAT SENATOR COOK IS DOING. SHE ORIGINALLY INTRODUCED IT AS LB509 IN THE COMMITTEE. AND I THINK IT HIGHLIGHTS SOME OF THE CONCERNS THAT WE ALL HAVE. WE KNOW THAT POVERTY IS INCREASED IN THIS STATE. SCHOOL DISTRICTS HAVE UNIQUE CHALLENGES WITH DEALING WITH POVERTY, AND EDUCATING CHILDREN UNDER THAT UMBRELLA. THE CHANGES THAT SHE'S PROPOSING IN LB509 MAKE IT A LITTLE MORE FLEXIBLE FOR SCHOOL DISTRICTS IN MEETING THOSE CHALLENGES, DEVELOPING THOSE PLANS. THAT'S NOT TO SAY THAT THIS REMOVES US FROM A

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DISCUSSION ON HOW WE DEAL WITH POVERTY. SO I AM IN FULL SUPPORT OF THE CHANGES THAT SHE'S RECOMMENDING, WITH GETTING RID OF SOME OF THE PENALTIES BUT STILL HOLDING SCHOOL DISTRICTS ACCOUNTABLE FOR MEETING THE REQUIREMENTS OF THEIR POVERTY PLAN. BUT I ALSO KNOW THAT I'M COMMITTED TO CONTINUING TO WORK WITH THE DEPARTMENT OF EDUCATION AND SEEING WHAT THOSE POVERTY PLANS IDENTIFY AS BEST PRACTICES, AND GOING FORWARD, KNOWING FULL WELL THAT WE MIGHT COME BACK TO YOU WITH RECOMMENDATIONS ON HOW WE MIGHT EITHER CHANGE THE POVERTY ALLOWANCE OR CERTAINLY IDENTIFY SOME NEW STRATEGIES THAT MIGHT, IN FACT, REQUIRE SOME ADDITIONAL FUNDING TO HOW WE DEAL WITH POVERTY IN OUR SCHOOLS AND EDUCATING CHILDREN IN POVERTY. THANK YOU. [LB525 LB509]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB525]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM1347 AND JUST WANT TO CONGRATULATE SENATOR COOK FOR HER WORK ON THIS BILL AND IT'S IMPORTANT THAT EVERYBODY SUPPORT THIS. AS YOU KNOW, ONE OF THE CONCERNS THAT WE HAVE AS A STATE IS POVERTY, AND SOME OF THE PENALTIES THAT ARE BEING IMPOSED REGARDING THE TWO YEARS' ADVANCE KNOWLEDGE OF WHAT'S GOING TO HAPPEN FOR A DISTRICT TO BE ABLE TO DECIDE SPECIFICALLY HOW POVERTY IS GOING TO AFFECT THEIR DISTRICT. AND IF THEY DON'T GUESS PROPERLY THEY ARE DISQUALIFIED IF THE NEEDS OR EXPENSES OF THE PLANS CHANGE, I THINK IS A SHORTSIGHTED WAY TO GO FORWARD ON THIS. YES, WE NEED TO HAVE THE BEST ESTIMATES THAT WE CAN, BUT WE ALSO NEED TO NOT PENALIZE A DISTRICT FOR NOT MEETING THOSE GUIDELINES EXACTLY. WE'VE GOT TO ESTIMATE ON THE BEST-NEEDS PRACTICES AND LOOK AT THE FEDERAL POVERTY LEVELS AND THE FREE AND REDUCED LUNCH SPENDING. AND IT'S JUST CRITICAL TO OUR FUTURE. SO I WANT TO AGAIN THANK SENATOR COOK FOR HER VISION IN AMENDING THIS TO LB525. AND I HOPE YOU'LL SUPPORT BOTH THE AMENDMENTS AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. AND I WILL GIVE THE REST OF MY TIME TO SENATOR COOK IF SHE'D LIKE. [LB525]

SENATOR COASH: SENATOR COOK, 3:00. [LB525]

SENATOR COOK: NO, THANK YOU. [LB525]

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SENATOR COASH: SENATOR COOK WAIVES. SENATOR GROENE, YOU'RE RECOGNIZED. [LB525]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR COOK. SHE'S REALLY ARTICULATED IN OUR COMMITTEES--I'M ON THE EDUCATION COMMITTEE--WHY THIS SHOULD BE DONE. AND AS A FISCAL CONSERVATIVE I UNDERSTAND HER AND I UNDERSTAND HER POSITION. I HAVE A QUESTION FOR SENATOR COOK IF SHE WOULD TAKE IT. [LB525]

SENATOR COASH: SENATOR COOK, WILL YOU YIELD? [LB525]

SENATOR COOK: YES, I WILL. [LB525]

SENATOR GROENE: SENATOR, WOULD THIS ADD ANY FISCAL NOTE TO LB525? [LB525]

SENATOR COOK: NO, IT WOULD NOT, BECAUSE THE POVERTY ALLOWANCE IS AVAILABLE ONLY TO DISTRICTS THAT ARE ALREADY ELIGIBLE FOR TEEOSA FUNDING. IT WOULD MERELY BE A PART OF WHAT WOULD BE AVAILABLE TO THEM PER THEIR APPLICATION. [LB525]

SENATOR GROENE: THANK YOU, SENATOR. THIS REALLY IS, THE WAY I UNDERSTAND IT, A COMMITTEE BILL THAT IS MEANT TO CLEAN UP EXISTING LANGUAGE AND EXISTING LAW. AND I BELIEVE SENATOR COOK'S AMENDMENT ACTUALLY FITS UNDER LB525 AS TO THE MEANING OF A COMMITTEE CLEANUP BILL THAT USUALLY DOESN'T HAVE A FISCAL NOTE. SO I APPRECIATE...AND WE'D ALREADY PASSED THIS THROUGH COMMITTEE. AND I BELIEVE THIS IS A WAY TO MAKE SURE IT GETS DONE AS THE CALENDAR GETS SHORT. SO THANK YOU. [LB525]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB525]

SENATOR SCHNOOR: THANK YOU. THANK YOU, SENATOR COOK, FOR BRINGING THIS FORWARD. I AM IN SUPPORT OF THIS AMENDMENT. YOU KNOW, POVERTY, WE ALWAYS THINK OF POVERTY, I GUESS, IN THE INNER CITY, BUT IT'S EVIDENT OUT THERE IN THE RURAL AREAS AS WELL. SO I AM IN STRONG SUPPORT OF THIS AND I THANK HER FOR BRINGING THAT FORWARD. THANK YOU. [LB525]

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SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR COOK, YOU'RE RECOGNIZED TO CLOSE ON AM1347. [LB525]

SENATOR COOK: THANK YOU, MR. PRESIDENT. I WOULD MERELY ASK FOR A GREEN VOTE TO ADD AM1347 TO AM1306. THANK YOU, MR. PRESIDENT. [LB525]

SENATOR COASH: THANK YOU, SENATOR COOK. MEMBERS, YOU'VE HEARD THE CLOSING TO AM1347. THE QUESTION FOR THE BODY IS, SHALL AM1347 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB525]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR COOK'S AMENDMENT TO THE COMMITTEE AMENDMENT. [LB525]

SENATOR COASH: AM1347 IS ADOPTED. NEXT ITEM, MR. CLERK. [LB525]

CLERK: MR. PRESIDENT, SENATOR KOLOWSKI WOULD MOVE TO AMEND WITH AM1493. (LEGISLATIVE JOURNAL PAGES 1385-1387.) [LB525]

SENATOR COASH: SENATOR KOLOWSKI, YOU'RE RECOGNIZED TO OPEN ON AM1493. [LB525]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, SENATORS. TODAY I HAVE INTRODUCED AM1493 TO LB525, WHICH THIS WAS MY MODIFIED PRIORITY BILL, LB343, WE WORKED WITH TWO WEEKS AGO TODAY. TO SUMMARIZE, LB343 CREATES A SECOND TIER OF K-12 SCHOOL FUNDING OUTSIDE OF TEEOSA. THE SECOND TIER SERVES AS A VEHICLE FOR INVESTING IN QUALITY CAREER AND COLLEGE READINESS INITIATIVES THAT INCREASE THE RIGOR, RELEVANCE, AND RELATIONSHIPS IN NEBRASKA EDUCATION. LB343 CREATES A SECOND TIER OF FUNDING FOR PUBLIC SCHOOLS THAT IMPLEMENT AND OFFER QUALITY CAREER AND COLLEGE READINESS PROGRAMS INCLUDING BUT NOT LIMITED TO ACADEMIC PROGRAMS OF EXCELLENCE, SUCH AS ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE, DUAL ENROLLMENT, AND CAREER ACADEMIES. WE HAVE MADE CHANGES SINCE WE LAST DISCUSSED THIS LEGISLATION. WE REMOVED SENATOR BAKER'S DISTANCE EDUCATION BILL WHICH WAS IN THAT BILL, SINCE THAT WAS AMENDED INTO SENATOR SULLIVAN'S LOTTERY FUND LEGISLATION BY SENATOR DAVIS. NUMBER

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TWO, WE REDUCED THE FISCAL NOTE TO \$2 MILLION FOR 2016-17. SO THIS LEGISLATION IS ONLY FUNDED FOR ONE YEAR. I'M CONFIDENT THAT THIS INNOVATIVE WAY OF FUNDING RIGOR FOR OUR SCHOOLS WILL PROVE ITSELF WORTHY OF FUTURE FUNDING. I WANT TO EMPHASIZE A FEW CRITICAL POINTS ABOUT THIS LEGISLATION. FIRST AND FOREMOST, THIS BILL ALLOWS SCHOOL DISTRICTS TO CONTINUE TO HAVE PROGRAMS OF RIGOR AND RELEVANCE IN THEIR SCHOOLS. IN THE DAYS OF A GREAT DEAL OF CHALLENGES WITH THE NUMBER OF POVERTY STUDENTS IN THE EARLY YEARS, EARLY GRADE LEVELS, AND THE ENGLISH LANGUAGE LEARNERS, THIS IS CRITICAL FOR THE UPPER-LEVEL DIVISIONS OF 11th AND 12th GRADE WORKING WITH THOSE STUDENTS IN HIGH SCHOOL. IT IS IMPORTANT TO NOTE THAT THE CAREER AND COLLEGE READINESS PROGRAMS WE HAVE INCLUDED IN LB343 ARE ALL PROGRAMS THAT HAVE OUTSIDE SOURCE CREDENTIALING COMPONENTS SUCH AS: A NATIONAL ADVANCED PLACEMENT TEST OR EARNING A LICENSE AS A CERTIFIED PUBLIC ASSISTANT OR GETTING A PASSING GRADE FOR A POSTSECONDARY INSTITUTE OR A CREDENTIAL BY A MAJOR AGRICULTURAL CONGLOMERATE. NUMBER THREE, LB343 EMPHASIZES LOCAL CONTROL WITH ACCOUNTABILITY. A SCHOOL DISTRICT'S LEADERSHIP DECIDES THEIR DISTRICT'S LEVEL OF INVOLVEMENT. TO PARTICIPATE OR NOT PARTICIPATE IS THEIR CHOICE. LB343 IS OUTSIDE OF TEEOSA, SO IT HELPS BOTH EQUALIZED AND NONEQUALIZED SCHOOL DISTRICTS ALIKE--EXTREMELY IMPORTANT, THAT I THINK WAS OVERLOOKED IN OUR FIRST ROUND OF VOTING ON THIS TWO WEEKS AGO. CIRCUMSTANCES MITIGATED AN IDEAL VOTE ON THIS LEGISLATION THE LAST TIME THE BILL CAME UP FOR DEBATE. I'M NOT GOING TO TAKE EIGHT HOURS OF YOUR TIME OR ANYTHING TO SPEND ON THIS BILL, BUT I WOULD ASK YOU TO TAKE A LOOK AT THIS BILL AGAIN BECAUSE WE HAVE MADE SIGNIFICANT CHANGES, ESPECIALLY ON THE FISCAL NOTE TO ADDRESS CONCERNS LAST TIME AROUND. WE HAVE REASONS WHY THIS BILL IS BACK UP FOR DEBATE. IT'S LEGAL TO DO SO BY OUR OWN RULES, WE HAD SEVERAL PEOPLE WHO SUPPORTED THIS BILL THAT WERE NOT ABLE TO BE HERE ON THE APRIL 20 DATE. WE'VE MADE CHANGES TO THE LEGISLATION WITH THE \$2 MILLION DOLLAR BASIC FUNDING THAT WAS AVAILABLE AND HAS BEEN AVAILABLE TO US. A REMINDER THAT WE HAVE SUPPORT FROM ALL THE DISTRICTS THROUGH THEIR ASSOCIATIONS, ALL 245 DISTRICTS IN THE STATE OF NEBRASKA, NSEA, NCSA, NSBA, THE COMMUNITY COLLEGES, AND THE STATE COLLEGES AND PRIVATE COLLEGES ARE ALSO SUPPORTIVE ACROSS THE BOARD AS WELL AS THE EDUCATIONAL SERVICE UNITS. WE'RE VERY EXCITED ABOUT WHAT MIGHT TAKE PLACE WITH THE ADDITION OF THIS POSSIBILITY, LB343 AMENDED AS IT IS INTO AM1493, AND THE IMPACT UPON OUR SCHOOLS IN NEBRASKA BECAUSE IT'S ABOUT RIGOR, ABOUT PASSAGE, ABOUT SKILLS AND ABILITIES OF THE STUDENTS INVOLVED, NOT

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SIMPLY A SIMPLE PASSING GRADE OF WHATEVER LEVEL. THEY HAVE TO BE SKILLED AND THEY HAVE TO SHOW THOSE SKILLS AND ABILITIES. THANK YOU VERY MUCH, MR. PRESIDENT. [LB525 LB343]

SENATOR COASH: THANK YOU, SENATOR KOLOWSKI. MEMBERS, YOU'VE HEARD THE OPENING TO AM1493. THE FLOOR IS NOW OPEN FOR DISCUSSION. SENATORS HADLEY, SCHEER, SULLIVAN, AND OTHERS ARE IN THE QUEUE. SENATOR HADLEY, YOU ARE RECOGNIZED. [LB525]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I'VE BEEN ASKED BY MANY PEOPLE ON THE FLOOR WHAT THE RULES AND POLICIES ARE ON A BILL THAT HAS NOT ADVANCED FROM GENERAL TO SELECT THAT WAS A PRIORITY BILL AND IS BROUGHT BACK AS AN AMENDMENT TO ANOTHER BILL. AND I WANT TO CLARIFY THE POLICIES THAT I HAVE. IF A BILL DOES NOT ADVANCE FROM GENERAL TO SELECT, I WILL NOT RESCHEDULE THE BILL AGAIN. I WANT TO MAKE THAT CLEAR. I WILL NOT RESCHEDULE THE BILL AGAIN; WE HAVE TOO MANY BILLS TO HEAR. BUT IT'S PERFECTLY IN THE RIGHT OF A SENATOR TO AMEND THAT BILL THAT DID NOT GET THE REQUIRED NUMBER OF VOTES INTO ANOTHER BILL. THAT YOU CAN DO. BUT I WANT TO REMIND EVERYBODY RIGHT NOW, WE HAVE 8 BILLS IN COMMITTEE, 31 IN GENERAL FILE, 19 ON E&R, AND 26 ON SELECT, AND 26 ON FINAL THAT HAVE BEEN PRIORITIZED AND HAVE NOT BEEN HEARD YET. AND IT WOULD NOT SURPRISE ME THAT AT THE END OF THE YEAR WE DO NOT GET TO ALL OF THE PRIORITY BILLS. THANK YOU, MR. PRESIDENT. [LB525]

SENATOR COASH: THANK YOU, SPEAKER HADLEY. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB525]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I RISE UNIQUELY. I DID VOTE FOR THIS ON GENERAL FILE. AND I'VE TALKED TO SENATOR KOLOWSKI AND I WILL NOT BE SUPPORTING IT TODAY, PRIMARILY FROM THE VANTAGE POINT OF WHAT SPEAKER HADLEY HAD TALKED ABOUT. WE HAVE A LOT OF BILLS OUT THERE THAT STILL HAVE TO BE HEARD ON GENERAL FILE. THIS ONE WAS HEARD. I UNDERSTAND THERE WERE CIRCUMSTANCES THAT PERHAPS COULD HAVE MADE THAT VOTE GO DIFFERENT ONE WAY OR THE OTHER. BUT IF WE'RE NOW GOING TO ALLOW EVERYONE THAT WAS UNSUCCESSFUL WITH A PRIORITY BILL THE FIRST TIME AROUND TO SIMPLY HANG IT ON ANOTHER BILL THAT COMES AROUND, WE'RE NEVER GOING TO GET...EVEN HAVE A CHANCE OF GETTING THROUGH WHAT WE'VE GOT LEFT TO DO WITHOUT HAVING TO DO

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THINGS TWICE. I THINK IT'S A GOOD BILL. I VOTED FOR IT, BUT I WILL NOT VOTE FOR IT TODAY. WE HAVE AN AGENDA, WE HAVE BILLS THAT HAVE BEEN PRIORITIZED FROM OTHER SENATORS, ALL DESERVE THEIR CHANCE TO MOVE FORWARD. IF WE DO THIS WITH SENATOR KOLOWSKI'S BILL, WE BETTER STAND READY TO DO THIS WITH EVERY OTHER BILL THAT HAS FAILED TO MOVE FROM GENERAL FILE TO SELECT OR SELECT ON TO FINAL. THIS IS PRETTY DANGEROUS WITH 15 DAYS LEFT. IF THIS HAD HAPPENED 20, 30 DAYS INTO SESSION, MAYBE. BUT WE HAVE VERY LITTLE TIME LEFT WITH A WHOLE LOT OF BILLS TO WORK WITH. THIS BILL...AGAIN, I'M NOT CASTING THAT THIS IS A BAD BILL. I VOTED FOR IT, BUT I WILL NOT VOTE FOR IT TODAY. I THINK WE HAVE AN OBLIGATION TO THE REST OF THE SENATORS ON THE FLOOR TO MOVE THE REST OF THOSE BILLS AS MUCH AS WE CAN. WE'RE NOT GOING TO GET DONE WITH PROBABLY ALL OF THEM. EVERYONE DESERVES THAT CHANCE. I THINK THIS IS IMPEDING THE TIME AND THE OPPORTUNITY FOR THE REST OF THOSE BILLS TO BE HEARD ON THE FLOOR FOR A FIRST TIME. I THINK WE SHOULD TAKE THINGS MOVING FORWARD THAT HAVE NOT HAD THEIR OPPORTUNITY. AND, UNFORTUNATELY, SENATOR KOLOWSKI'S BILL DID NOT MAKE IT PAST GENERAL FILE. A LOT OF CIRCUMSTANCES THAT TOOK PLACE THAT PROBABLY HINDERED THAT, BUT IT DIDN'T. WE ALL THINK WE HAVE A GREAT BILL, WE ALL THINK IT SHOULD HAVE MOVED FORWARD AND SOMETIMES IT JUST DOESN'T FOR ONE REASON OR ANOTHER. BUT WHERE WE'RE AT TODAY IN THE SESSION WITH AS MANY BILLS AS WE HAVE LEFT TO LOOK AT, I BELIEVE AN OBLIGATION TO THE BODY NOT TO ACCEPT THIS BECAUSE WE ARE SETTING OURSELVES UP TO HAVE A FLOOD OF OTHER BILLS GET STARTING HUNG ON THE REST OF THESE BILLS AS THEY COME FORWARD THAT WERE UNSUCCESSFUL. AND IF I WERE ONE OF THOSE LEGISLATORS, ONE OF THE SENATORS THAT HAD AN UNSUCCESSFUL BILL, BELIEVE YOU...ME, I'D BE PUTTING MINE IN ON AMENDMENT AND TRYING TO HANG IT ON SOMEBODY ELSE'S TOO. I FEEL BADLY FOR SENATOR KOLOWSKI, I THINK IT WAS A GOOD BILL. BUT IT HAD ITS DAY AND I THINK WE NEED TO MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB525]

SENATOR BOLZ PRESIDING

SENATOR BOLZ: THANK YOU, SENATOR SCHEER. SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB525]

SENATOR SULLIVAN: THANK YOU, MADAM PRESIDENT. AS WAS INDICATED, SENATOR KOLOWSKI IS WELL WITHIN HIS RIGHTS TO DO WHAT HE'S DOING. AND IF YOU RECALL WHEN WE HAD THE DISCUSSION ON LB343, I STOOD IN OPPOSITION TO IT AS I REMAIN TODAY ALSO. DID I KNOW AHEAD OF TIME THAT

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HE WAS GOING TO DO THIS? CERTAINLY. COULD I STOP IT AS CHAIR?
ABSOLUTELY NOT. THE CHAIR MAY APPEAR TO BE POWERFUL IN SOME
INSTANCES, BUT WE SENATORS CAN DO WHAT WE WANT TO DO. SO I REMAIN
OPPOSED FOR TWO SIMPLE REASONS: ONE IS, WHAT HE'S TRYING TO DO, WHILE
GREAT IN PHILOSOPHY AND INTENT, THESE KINDS OF THINGS ARE ALREADY
BEING DONE BY SCHOOL DISTRICTS ALL ACROSS THE STATE, RURAL AND
URBAN. AND SECONDLY, I WANTED IT INCLUDED IN TEEOSA, NOT OUTSIDE THE
FUNDING FORMULA. AND THE VERY SAME PEOPLE THAT HAVE ADVOCATED TO
HAVE THIS SEPARATE FROM THE FORMULA ADVOCATE VERY VOCIFEROUSLY IN
OTHER SITUATIONS TO KEEP THINGS IN IT. SO I'M A LITTLE BEFUDDLED BY THAT.
SO, AGAIN, I REMAIN CONTINUALLY OPPOSED. BUT ALSO, NOW AT AN
ADDITIONAL LEVEL, FOR SOME OF THE COMMENTS THAT HAVE ALREADY BEEN
SAID. THIS BILL HAD ITS DAY IN COURT. IT DIDN'T GET ITS VOTES THAT IT
NEEDED ON GENERAL FILE. I'VE BEEN TOLD EVEN BY THE INTRODUCER, NOT SO
MUCH EVEN THAT THERE ARE CERTAIN PEOPLE THAT WOULD HAVE VOTED FOR
IT WEREN'T THERE THAT DAY, BUT THERE HAVE BEEN VOTES TRADED. WELL,
FOLKS, MAYBE SOME OF YOU TRADE VOTES. I DON'T. I DON'T BELIEVE IN IT. I
DON'T LIKE IT. AND I HOPE I NEVER DO IT. I ALWAYS HAVE THE CAVEAT, NEVER
SAY NEVER. BUT THAT DISTURBS ME, TOO, BECAUSE I THINK IF A BILL IS
STRONG ENOUGH, IF THE IDEAS ARE STRONG ENOUGH, THEY SHOULD HAVE TO
STAND ON THEIR OWN MERIT AND NOT HAVE TO HAVE VOTES TRADED TO
SUCCEED. AND THEN, LASTLY, LET'S BE CLEAR ABOUT WHAT THIS BILL IS
REALLY DOING. IS IT SPEAKING TO WHAT IS IMPORTANT FOR CHILDREN AND
STUDENTS ALL ACROSS OUR STATE? YES, I BELIEVE IT DOES. BUT IT IS ALSO
ABOUT MONEY AND IT IS ALSO ABOUT A SCHOOL DISTRICT CONTINUING TO BE
INCENSED BY THE FACT THAT WE GOT RID OF TWO ALLOWANCES IN TEEOSA,
THE INSTRUCTIONAL TIME ALLOWANCE AND THE TEACHER EDUCATION
ALLOWANCE, TWO ALLOWANCES THAT THEY FELT THEY LIKED AND THEY
DEPENDDED ON, EVEN THOUGH WHEN THOSE ALLOWANCES GO AWAY THEY
CONTINUE TO GET BENEFITS THROUGH BASIC FUNDING. BUT TO GO PUBLICLY
AND TO READ IN A NEWS RELEASE THAT A SCHOOL DISTRICT IS BASICALLY
DISGUSTED THAT TWO ALLOWANCES WENT AWAY AND AS A RESULT OF THAT
THEY ARE SEEING A DROP IN THEIR STATE AID WHEN, IN FACT, THEY RECEIVED
A \$3.5 MILLION INCREASE, IN MY MIND, IS A BIT DISINGENUOUS. SO IT'S
HEIGHTENED MY CONCERN FOR LB343 AND THIS AMENDMENT THAT IS BEING
ATTEMPTED TO BE PUT ON LB525. AND I TRULY ALSO BELIEVE THAT THIS SETS
AN UNWANTED PRECEDENT FOR THOSE SIX PRIORITY BILLS THAT HAD THEIR
DAY AND SOME NEGATIVE ACTION OR NO ACTION WAS TAKEN ON THEM THAT
WE COULD POTENTIALLY REVISIT THEM BECAUSE WE'D BE SETTING PRECEDENT

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THROUGH THIS MEASURE AND WHAT THAT DOES FOR THE REST OF THE SESSION. THANK YOU, MADAM PRESIDENT. [LB525 LB343]

SENATOR BOLZ: THANK YOU, SENATOR SULLIVAN. SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB525]

SENATOR SCHNOOR: THANK YOU, MA'AM. THERE'S A FEW THINGS I WAS GOING TO SAY, BUT SENATOR SULLIVAN SAID A LOT OF THEM. I'LL PROBABLY END UP REPEATING THEM A LITTLE BIT. LET'S GO BACK TO THIS ORIGINAL BILL, LB343, THE ARGUMENTS THAT WE MADE HERE AGAINST IT, AS I AM AGAINST THIS AMENDMENT. THIS IS OUTSIDE OF TEEOSA, WHICH WAS SAID. I DON'T KNOW IF IT WAS SAID OR NOT--BUT THIS IS A GUESS ON THE PERCENTAGES--BUT I'LL BET AT LEAST 75 PERCENT OF THE SCHOOLS ARE DOING THIS ALREADY THROUGH PROPER MANAGEMENT AND JUST GENUINE GOOD WORK. SO TO SAY THAT EVERYBODY IS IN FAVOR OF THIS, OH, IT COULD BE. BUT WE'RE TALKING ABOUT GIVING SCHOOL DISTRICTS MONEY FOR SOMETHING THAT THEY ARE ALREADY DOING, SO OF COURSE THEY WOULD BE IN FAVOR OF IT. BUT I'D ALSO LIKE TO REMIND EVERYBODY WHAT THE CONSTITUTION SAYS, THAT WE ARE TO PROVIDE FOR A PUBLIC EDUCATION--AND AGES, I THINK IT SAYS, 5 THROUGH 21--THROUGH OUR PUBLIC SCHOOL SYSTEM. THESE ARE COLLEGE COURSES. SO ARE WE PROVIDING A HIGH SCHOOL EDUCATION? ARE WE PROVIDING A COLLEGE EDUCATION? AND HOW ARE WE FUNDING IT? SO THIS BILL FAILED TO ADVANCE EARLIER. IT'S COMING BACK IN A ROUNDABOUT WAY WHICH HAS ALREADY BEEN TALKED ABOUT, WHICH I AGREE WITH SENATOR SULLIVAN AND I DISAGREE WITH THIS, OF HOW IT'S BEING DONE. BUT I WOULD JUST LOOK AT IT AS THIS BILL HAS FAILED TO ADVANCE ALREADY. IT'S PROGRAMS THAT ARE ALREADY BEING DONE. AND IT'S, I BELIEVE, OUTSIDE OF OUR CONSTITUTIONAL BOUNDARIES. SO WE SHOULD NOT BE EVEN CONTEMPLATING FUNDING THIS. SO I WOULD ASK YOU TO VOTE NO ON THIS AMENDMENT AND VOTE YES ON THE BILL, BUT NO ON THIS AMENDMENT. THANK YOU. [LB525 LB343]

SENATOR BOLZ: THANK YOU, SENATOR SCHNOOR. SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB525]

SENATOR McCOLLISTER: THANK YOU, MADAM PRESIDENT. AGAIN, GOOD AFTERNOON COLLEAGUES. BEING COGNIZANT OF SENATOR HADLEY'S WORDS TO US JUST RECENTLY, I'LL BE VERY BRIEF. I RAN FOR OFFICE AND I HAD TWO CENTRAL THEMES: ONE WAS REDUCING TAXES FOR ALL TAXPAYERS. AND SECONDLY, ENHANCING PUBLIC EDUCATION, K-12, AND COULD DO THAT IN TWO

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WAYS. OFFER MORE PRE-K FOR DISADVANTAGED CHILDREN AND MORE VOCATIONAL TRAINING AND UPPER-LEVEL EDUCATION TRAINING FOR OUR HIGH SCHOOL GRADUATES. AND I THINK THIS BILL, THIS AMENDMENT, AM1493, WOULD ADVANCE THAT CAUSE. SO IF WE INTEND TO CHANGE FUTURES AND IMPROVE NEBRASKA ECONOMICALLY, WE SHOULD VOTE GREEN ON AM1493. I YIELD THE BALANCE OF MY TIME TO SPEAKER HADLEY. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR McCOLLISTER. SENATOR HADLEY, YOU ARE RECOGNIZED. [LB525]

SPEAKER HADLEY: THANK YOU, MADAM PRESIDENT. I DO WANT TO MAKE ANOTHER COMMENT. PART OF OUR JOB IS TO BE HERE. AND WE'VE HAD A NUMBER OF INSTANCES, EVEN ONE LAST WEEK I BELIEVE, WHERE SOMEBODY WAS GONE ON A CRUCIAL VOTE DEALING WITH CLOTURE. AND WE KIND OF STALLED AROUND TO GET THAT PERSON BACK. SO I WANT TO SAY THAT SENATOR KOLOWSKI, I THINK, HAD EVERY REASON TO BELIEVE THAT PEOPLE WOULD BE HERE FOR THE VOTING. AND WHEN YOU SEE BILLS GO DOWN...AT ONE TIME WE HAD A VOTE ON A BILL AND I LOOKED AT THE BOARD AND WE HAD 11 PEOPLE CHECKED OUT. PART OF OUR JOB IS TO BE HERE. PART OF OUR JOB IS TO VOTE. AND IF YOU DON'T WANT TO, MAYBE YOU SHOULDN'T HAVE RUN FOR THE OFFICE. SO I JUST WANTED TO SAY I DO UNDERSTAND HIS FEELINGS ON PEOPLE NOT BEING HERE. BUT WE ALL HAVE THOSE FEELINGS. AND I CANNOT COMPEL ATTENDANCE, I WOULD NOT COMPEL ATTENDANCE BECAUSE THAT LEADS TO NOTHING BUT HARD FEELINGS. BUT A FEW YEARS AGO WE STOOD AT EASE FOR A HALF AN HOUR ONE NIGHT WAITING FOR ONE SENATOR TO COME BACK ON A VOTE THAT WAS CRUCIAL. SO WHEN YOU HAVE...JUST REMEMBER, YOU COULD HAVE A BILL THAT LOSES BY ONE OR TWO VOTES WHEN THE PEOPLE YOU EXPECTED TO BE HERE VOTING ARE NOT HERE. THANK YOU, MADAM PRESIDENT. [LB525]

SENATOR BOLZ: THANK YOU, SPEAKER HADLEY. SENATOR KRIST, YOU ARE RECOGNIZED. [LB525]

SENATOR KRIST: THANK YOU, MADAM PRESIDENT. GOOD AFTERNOON, COLLEAGUES. AND GOOD AFTERNOON, AGAIN, NEBRASKA, ALMOST EVENING. I ONLY RISE TO TALK ABOUT THE PROCESS, NOT NECESSARILY SUPPORT OF ANY BILL, OF ANY AMENDMENT. IN OUR COMMITTEE PROCESS, IF A BILL COMES OUT OF COMMITTEE--NO MATTER WHETHER IT'S BY ONE VOTE OR UNANIMOUSLY-- THAT VOTE HAS HAD A COMMITTEE PROCESS. AND IT COMES OUT TO THE FLOOR

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AND IT'S VOTED UP OR DOWN, EITHER WITH CLOTURE, IT MIGHT BE VETOED, THAT'S THE PROCESS. IF A BILL COMES OUT--AND SPEAKER HADLEY IS ABSOLUTELY CORRECT--AND WHAT HAS HAPPENED HERE HAPPENS, IT IS WITHIN YOUR RIGHT TO DO WHAT SENATOR KOLOWSKI IS DOING AND THE PROCESS WILL ALLOW FOR IT. SO YOU HAVE TO WEIGH IN ON THE SUBSTANCE MATTER OF THE BILL. NOW, I'VE BEEN TOLD IN MY LIFE THAT ETHICS IS SITUATIONAL. SO I WOULD ASK YOU TO APPLY ETHICS ACROSS THE BOARD. IF YOU SEE A BILL HERE IN THE LAST FEW DAYS--AND WE'RE GETTING TIGHT--IF YOU SEE A BILL HERE IN THE LAST TWO DAYS THAT IS IN THE FORM OF AN AMENDMENT THAT NEVER MADE IT OUT OF COMMITTEE, NEVER MADE IT OUT OF COMMITTEE--LET ME SAY IT AGAIN--NEVER MADE IT OUT OF COMMITTEE, THEN TO ME THAT'S A PULL MOTION AND YOU NEED TO GET IT ON THE FLOOR AND THERE IS THIS YEAR AND NEXT YEAR THAT IT SHOULD HAPPEN. SO SENATOR COOK'S BILL IS NOW AN AMENDMENT THAT ATTACHED TO THE EDUCATION AMENDMENT. SENATOR KOLOWSKI'S BILL GETS STRIKE TWO, AND MAYBE HE'LL BE ABLE TO GET IT THROUGH WITHOUT GETTING STRIKE THREE. I'M OKAY WITH THAT. BUT IF YOU'VE GOT SOMETHING THAT HASN'T BEEN VOTED OUT OF COMMITTEE AND YOU INTEND TO DO THIS AND ADD IT TO AS AN AMENDMENT ON GENERAL OR ON SELECT IN THE LAST FEW WANING DAYS OF THIS SESSION, I WOULD ASK MY COLLEAGUES TO TAKE A LONG LOOK AT THE CREDIBILITY OF THAT BILL AND NOT BE SITUATIONALLY AFFECTED IN YOUR ETHICAL PERSUASION OR YOUR ETHICAL APPROACH TO WHETHER OR NOT THAT BILL, AS AN AMENDMENT, HAS MERIT. I HOPE THAT MESSAGE, FROM MY PERSPECTIVE, FOR PROCESS IS CLEAR BECAUSE THERE ARE SOME SUBTLE DIFFERENCES WITHIN OUR RULES. AND I THINK WE NEED TO WATCH WHAT BILL BECOMES AN AMENDMENT AND THEN BECOMES LAW, WHICH MAY OR MAY NOT RESPECT THE COMMITTEE PROCESS THAT WE LIVE BY. THANK YOU, COLLEAGUES. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR KRIST. SENATOR GROENE, YOU ARE RECOGNIZED. [LB525]

SENATOR GROENE: THANK YOU, MADAM PRESIDENT. I'M NOT GOING TO CRITICIZE SENATOR KRIST--I MEAN, NOT SENATOR KRIST, EXCUSE ME--SENATOR KOLOWSKI. I UNDERSTAND HIS PASSION, I'VE BEEN IN THE COMMITTEE HEARINGS, THE EXEC. WELL, THIS IS HIS LIFE MISSION AS A LEGISLATOR. WHAT I'M GOING TO ADDRESS IS WHAT WE ADDRESSED BEFORE. THIS PROGRAM IS NOT UNIQUE. I DISAGREE WITH SENATOR SCHNOOR. EVERY SCHOOL DISTRICT HAS THESE PROGRAMS ALREADY, AP CLASSES, DUAL CREDIT CLASSES, DISTANCE LEARNING CLASSES, WELDING, MECHANICAL DRAWING. THEY HAVE IT AND

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THEY ARE FUNDED THROUGH TEEOSA AND PROPERTY TAXES THROUGH THE GENERAL BUDGET OF THAT SCHOOL. SENATOR SCHNOOR IS CORRECT. THIS IS SOMETHING EXTRA IN AFFLUENT SOCIETY WE DO IN OUR SCHOOLS. IT IS NOT THE BASIC MISSION OF OUR PUBLIC SCHOOLS OF K-12 EDUCATION. WHAT WE ARE TALKING ABOUT HERE NOW IS STARTING TO FUND A SECOND TIER OF MONEY OUTSIDE OF TEEOSA BECAUSE ONE MAJOR SCHOOL DISTRICT IS UPSET. AND I'VE TALKED TO ALL THE LOBBYISTS IN EDUCATION. WHEN WE TOLD SENATOR KOLOWSKI WE WANTED TO PUT IT IN TEEOSA AND WE WOULD BRING IT OUT OF COMMITTEE, ALL OF THE LOBBYISTS IN EDUCATION SCURRIED LIKE RATS. THEY DIDN'T WANT IT. WHEN WE BROUGHT IT BACK...WHEN HE BROUGHT IT BACK AND SAID IT'S GOING TO BE FUNDING OUTSIDE OF THE TEEOSA, THEY ALL JUMPED ON BOARD AGAIN BECAUSE IT WAS FREE MONEY, FREE MONEY. WE JUST TALKED ABOUT SPENDING EARLIER. YOU CANNOT WAIL AND WHINE AND CRY AND SAY, TAXES ARE TOO HIGH AND THEN TURN AROUND A HALF HOUR LATER AND SUPPORT THIS. YOU CAN'T DO IT, FOLKS. I'LL REMIND YOU, IN THE LAST TEN YEARS WE'VE UPPED SPENDING TO EDUCATION BY 64 PERCENT THROUGH PROPERTY TAXES. THROUGH TEEOSA WE DID 48 PERCENT INCREASE. AND THERE'S BEEN A 6.5 PERCENT STUDENT ENROLLMENT INCREASE. BECAUSE ONE SCHOOL BOARD, ONE SET OF ADMINISTRATORS CANNOT CONTROL THEIR BUDGET, CANNOT CONTROL THEIR ADMINISTRATIVE COSTS, CANNOT SAY NO TO THEIR UNIONS, SALARIES ARE 85 PERCENT OF THEIR BUDGET, THAT IS NOT OUR FAULT. THAT IS THE SCHOOL DISTRICT IN NORTH PLATTE'S FAULT. BECAUSE THEY CANNOT CONTROL THEIR BUDGET AND FUND THE EXISTING PROGRAMS THEY HAVE, WE'RE SUPPOSED TO GIVE MORE MONEY? WE ARE TALKING, HERE, ABOUT A CLEANUP BILL FROM A COMMITTEE. SOMEBODY SAID IT MIGHT NOT BE GERMANE. WELL, I'M NOT GOING TO GO THERE. BUT WE HAD A CLEANUP BILL. WE'RE FIXING PROBLEMS WITH EXISTING LAW THAT WE DIDN'T SEE AS BILLS WERE PASSED, LANGUAGE...YOU KNOW WHAT A CLEANUP BILL IS. THIS HAS NO FISCAL NOTE. THIS PROBABLY SHOULD HAVE BEEN ON CONSENT CALENDAR. BUT, NO, IT HAD A LOT OF ISSUES IN IT SO SENATOR SULLIVAN APPARENTLY DIDN'T ASK FOR THAT. IT HAD A ZERO FISCAL NOTE. NOW WE'RE TALKING ADDING \$2 MILLION DOLLARS TO A CLEANUP COMMITTEE BILL. THE WORLD WON'T COME TO AN END IF WE DON'T PASS THIS, GREAT PROGRAMS WILL NOT DISAPPEAR. I WILL GUARANTEE YOU MILLARD WILL DO JUST FINE. THEY WILL KEEP THE PROGRAMS, THEY'LL LAY SOME PEOPLE OFF. THERE'S A JOB...WE'VE GOT LOW UNEMPLOYMENT, THERE'S A JOB DOWN THE ROAD FOR SOME FOLKS. BUT THAT'S LIFE, THAT'S THE FREE ENTERPRISE SYSTEM, THAT'S HOW WE REFINE WITH FIRE TO MAKE SURE WE'RE EFFICIENT. AND WE OUGHT TO TRY IT A LITTLE MORE IN GOVERNMENT. GIVE THEM A LITTLE LESS MONEY AND YOU'LL FIND THAT EVERY STUDENT HAS A TEACHER IN FRONT OF THEM,

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EVERYBODY'S IN A CLIMATE-CONTROLLED ROOM, EVERYBODY HAS A TEXTBOOK, AND EDUCATION WILL GO FORWARD. [LB525]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR GROENE: BUT WE CANNOT CREATE ANOTHER FUNDING SOURCE OUTSIDE OF EDUCATION. THIS ISN'T A DEBATE ABOUT AP CLASSES, THIS IS ABOUT CREATING A WHOLE NEW ROUTE OF FUNDING EDUCATION, A PART OF IT, THROUGH...OUTSIDE OF TEEOSA. THIS IS MAJOR. THIS ISN'T AN AMENDMENT TO A CLEANUP BILL. IT DOES NOT NEED TO BE EVEN BE DEBATED, IT NEEDS TO GO AWAY. DISTANCE LEARNING, WHICH AFFECTED SOME OF THE RURAL SENATORS, THAT'S BEEN FIXED. THAT WAS DONE THROUGH THE PROCESS, AN AMENDMENT TO A RELATED LOTTERY BILL. THAT'S THE CORRECT WAY OF DOING IT. NOW, AGAIN, I DO NOT FAULT SENATOR KOLOWSKI. BUT IF MY PRIORITY BILL WAS NOT ALREADY ENACTED I WOULD BE UPSET THAT WE HAVE 20-SOME DAYS TO GO, DEBATE HAS BEEN GIVEN TO A SENATOR'S PRIORITY BILL, AND NOW WE'RE TAKING PRIORITY BILL DEBATE AWAY FROM SOMEBODY ELSE'S. COLLEGIAL? MY DEFINITION IS I WOULD NEVER DO THAT. THANK YOU. [LB525]

SENATOR BOLZ: TIME, SENATOR GROENE. [LB525]

SENATOR GROENE: THANK YOU. [LB525]

SENATOR BOLZ: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB525]

SENATOR BLOOMFIELD: THANK YOU, MADAM PRESIDENT. ANYBODY REMEMBER LB31? IF WE WOULD HAPPEN TO PASS THIS TODAY, WE MIGHT SPEND A LITTLE MORE TIME TALKING ABOUT MOTORCYCLE HELMETS. I COULD FIND SOMEPLACE TO AMEND THAT ON, I'M SURE. BUT I WON'T. COLLEAGUES, I'LL COME BACK NEXT YEAR WITH A BETTER BILL AND I'LL TRY TO PERSUADE YOU THEN. THAT'S WHAT WE SHOULD BE DOING HERE INSTEAD OF TRYING TO TIE A DEFEATED IDEA ONTO SOMETHING WE REALLY NEED TO DO. I WILL NOT BE VOTING FOR AM1493. THE VERY IDEA THAT WE ATTEMPT TO TIE THIS ON AT THIS DATE AFTER THE BILL WAS DEFEATED, WHILE IT MAY BE WITHIN THE RULES THAT DOESN'T MAKE IT RIGHT. I'D YIELD THE REMAINDER OF MY TIME TO SENATOR SULLIVAN IF SHE HAS ANY FURTHER WORDS OF WISDOM. [LB525 LB31]

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SENATOR BOLZ: THANK YOU, SENATOR BLOOMFIELD. SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB525]

SENATOR SULLIVAN: THANK YOU, MADAM PRESIDENT. HOW MUCH TIME IS THERE? IT'S BEEN ASKED OF ME WHAT WOULD HAPPEN, AS WE HAVE SAID REPEATEDLY, THAT LB525 AS INTRODUCED AND WITH THE COMMITTEE AMENDMENT, AND EVEN WITH THE NEXT TWO BILLS THAT YOU APPROVE, REPRESENT NO FISCAL IMPACT, BUT THIS AMENDMENT DOES. AND WOULD THAT, EVEN IN ITS PRESENT FORM, PRESENT THE POSSIBILITY OF A GUBERNATORIAL VETO. WELL, AS WE KNOW, THE GOVERNOR CAN VETO ANYTHING THAT HE WANTS TO. BUT PERHAPS WITH THE FISCAL NOTE, THAT HEIGHTENS THE CHANCE. AND WHAT WOULD HAPPEN IF LB525 WERE TO BE VETOED? WELL, WE DON'T BRING THIS BILL TO YOU IF IT'S INSIGNIFICANT. TECHNICAL BILLS ARE IMPORTANT. AND IF THIS BILL WOULDN'T GET PASSED, THERE ARE THINGS THAT WOULD HAVE TO BE HELD OVER TO NEXT YEAR THAT WE WOULD BRING YOU AN EVEN BIGGER TECHNICAL BILL. BUT THERE ARE ALSO SOME FEDERAL PIECES OF LEGISLATION THAT ARE MAKING IT NECESSARY, WHETHER IT'S THE COMMUNITY ELIGIBILITY FOR FREE AND REDUCED LUNCH OR THE DETAILS THAT HAVE TO DO WITH HOMELESS STUDENTS THAT ARE A RESULT OF FEDERAL LEGISLATION THAT REALLY DO NEED TO BE PASSED. AND OF COURSE ALL OF THESE FEATURES ARE WHAT WE PROPOSE AND PURPORT WOULD MAKE EDUCATION WORK BETTER IN NEBRASKA AND HELP THE DEPARTMENT OF EDUCATION FUNCTION BETTER. SO, YES, WE NEED THESE DETAILS, WITHOUT AM1493. AND SO I DON'T WANT TO PUT ALL OF THOSE DETAILS AT RISK WITH THE ATTACHMENT OF AM1493. AND SO, TO THAT END, I STILL STAND IN OPPOSITION TO IT. THANK YOU. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR SULLIVAN. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB525]

SENATOR PANSING BROOKS: THANK YOU, MADAM PRESIDENT. I RISE IN SUPPORT OF AM1493. I WOULD KINDLY DISPUTE SOME OF THE COMMENTS THAT HAVE BEEN MADE, THAT THESE PROGRAMS ARE ALREADY AVAILABLE AND HAPPENING ACROSS THE STATE. I DO AGREE THAT SOME OF THESE PROGRAMS ARE OCCURRING IN THE BIGGER CITIES AND A COUPLE OF THE LARGER TOWNS, BUT THESE PROGRAMS ARE NOT AVAILABLE ACROSS THE STATE. THE CAREER ACADEMY THAT HAS JUST BEEN ADDED TO THE LINCOLN PUBLIC SCHOOLS HAS BEEN SIGNIFICANT AND IT'S BEEN A PUBLIC-PRIVATE PARTNERSHIP. AND, YES, IT IS GOING FORWARD, BUT THE VALUE TO IT IS SIGNIFICANT AS FAR AS ECONOMIC DEVELOPMENT IN OUR STATE. ALL SORTS OF BUSINESSES HAVE COME FORWARD

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BECAUSE THEY WANT TO HAVE THIS TIE TO OUR SCHOOLS AND GETTING YOUNG PEOPLE TRAINED FOR THEIR BUSINESSES. WE NEED TO CONTINUE THOSE PROGRAMS AND RESEARCH CONTINUES TO SHOW THAT STUDENTS THAT TAKE THESE PROGRAMS, IT HELPS THEM AS THEY PREPARE FOR COLLEGE AND PREPARE FOR WORKING. NOT ALL STUDENTS ARE PREPARED FOR A FOUR-YEAR EDUCATION. MANY OF THEM NEED TO GO ON AND HAVE SOME SORT OF A PROFESSION THAT THEY CAN USE TO MAKE MONEY. SO AS THE FEDERAL GOVERNMENT CONTINUES TO CUT SPECIAL EDUCATION REIMBURSEMENTS, THEN THE FIRST PROGRAMS THAT ARE GOING TO GO ARE SOME OF THE PROGRAMS THAT HELP IN THESE TRANSITIONAL EDUCATION PLANS. IT'S IMPORTANT, THE CAREER ACADEMIES, THE DISTANCE LEARNING. AS OUR STATE BECOMES MORE AND MORE SEPARATED IN RURAL AND URBAN AREAS, IT'S IMPORTANT TO ALLOW ALL THE KIDS TO HAVE ACCESS TO DIFFERENT KINDS OF EDUCATION. EVERY SCHOOL IN THE LINCOLN PUBLIC SCHOOLS DISTRICT CANNOT HAVE ALL OF THE OPTIONS AVAILABLE. AND SO THIS IS A WONDERFUL WAY WHERE THE STUDENTS CAN TAKE A CLASS THAT THEY'RE REQUIRED TO TAKE ANYWAY, AND LPS AND THE SCHOOL SYSTEMS HAVE TO PAY FOR THAT CLASS ANYWAY. WHY NOT ALLOW THE STUDENTS TO ALSO GET COLLEGE CREDIT AT THE SAME TIME? TO ME IT SEEMS LIKE SUCH AN OBVIOUS THING TO DO TO PROVIDE FOR OUR STUDENTS AN ABILITY TO BE ABLE TO BOTH GET HIGH SCHOOL CREDIT AND COLLEGE OR ENGINEERING-TYPE CREDIT OR WHICHEVER PROGRAM IT IS. AND THE COLLEGE READINESS PROGRAMS AND ADVANCED PLACEMENT PROGRAMS, THESE ARE ALL WONDERFUL OPTIONS FOR THE MYRIAD OF STUDENTS THAT WE HAVE. AND WHILE SOME PLACES ARE ABLE TO HANDLE THIS, OTHERS ARE NOT. AND I THINK THAT IT'S DISINGENUOUS TO SAY THAT SOME STUDENTS ARE WORTHY OF THESE PROGRAMS BUT WE'RE SORT OF DOING IT IN THE OTHER PLACES SO THAT'S GOOD ENOUGH FOR OUR STUDENTS. I DON'T AGREE. I THINK THAT ALL STUDENTS SHOULD HAVE AN ABILITY TO HAVE A CONNECTION TO A CAREER ACADEMY OR HAVE A CONNECTION TO DIFFERENT LEARNING THROUGH DISTANCE LEARNING, TO BE ABLE TO TAKE CHINESE THROUGH A PROGRAM WHERE THERE'S A SCHOOL IN LINCOLN THAT DOES TEACH CHINESE. BUT HOW IS IT THAT SOMEBODY IN A SMALLER TOWN IN NEBRASKA IS SUPPOSED TO TAKE THAT? BUT THROUGH DISTANCE LEARNING, THAT IS SOMETHING THAT'S AVAILABLE. AND SO I WOULD RESPECTFULLY ASK THAT YOU SUPPORT AM1493 AND THE AMENDMENTS TO LB525. AND I NOW GIVE THE REST OF MY TIME TO SENATOR BAKER. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR PANSING BROOKS. SENATOR BAKER, YOU HAVE BEEN YIELDED 1:11. [LB525]

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SENATOR BAKER: THANK YOU, MADAM CHAIRMAN. THIS NOON I DUCKED OUT FOR A FEW MINUTES AND A FEW OF YOU DID, TOO, TO A MEETING PUT ON BY THE COUNCIL OF STATE GOVERNMENTS. AND THE TITLE OF THE PROGRAM FOR THE DAY WAS "AMERICA'S KNOWLEDGE ECONOMY." I FEEL THAT WE'RE AT A POINT WHERE THIS IS CRITICAL. AND FOR AN INCENTIVE FOR SCHOOLS TO STEP IT UP A NOTCH I THINK IS VERY IMPORTANT, SO I AM IN FAVOR OF AM1493. A DOZEN YEARS AGO OR SO I GOT THE BALL ROLLING ON CAREER ACADEMIES IN MY AREA AND EVENTUALLY IT LED TO THE FORMATION OF THE SOUTHEAST NEBRASKA CAREER ACADEMY PROGRAM. IT STARTED WITH 11 DISTRICTS. TODAY IT'S IN 15 COUNTY AREAS WITH 41 DISTRICTS RANGING IN SIZE FROM UNDER 300 STUDENTS LIKE McCOOL JUNCTION, DILLER-ODELL, TO DISTRICTS WITH OVER 2,000 STUDENTS SUCH AS NORRIS AND BEATRICE. I STRONGLY DISAGREE WITH THE IDEA THAT EVERYBODY IS DOING THIS ALREADY. THERE'S A HUGE DISPARITY. [LB525]

SENATOR BOLZ: TIME, SENATOR. [LB525]

SENATOR BAKER: THANK YOU. [LB525]

SENATOR BOLZ: SPEAKER HADLEY, YOU ARE RECOGNIZED. SENATOR HARR, YOU ARE RECOGNIZED. [LB525]

SENATOR HARR: THANK YOU, MADAM PRESIDENT. AND I'VE BEEN LISTENING TO A LOT OF DEBATE AND I KNOW THERE'S SOME PROCEDURAL ISSUES, CONCERNS WITH THIS BILL AND I JUST WANTED TO STAND UP...I FULLY SUPPORT LB343. IT DOES A LOT OF GOOD THINGS FOR THE STATE AND IT CREATES A WORK FORCE. WE KEEP HEARING, WE NEED MORE BODIES, WE NEED MORE TRAINING. WE HAVE BASICALLY FULL EMPLOYMENT IN THIS STATE. WE HAVE 2.5 PERCENT UNEMPLOYMENT. WHAT WE'RE MISSING IS A TRAINED WORK FORCE AND THIS BILL HELPS PROVIDE THAT. I KNOW LB343 WAS UP AND IT FAILED. AND I WILL TAKE RESPONSIBILITY IN THAT I WAS SUPPOSED TO BE HERE THAT DAY. I HAD TO BE BACK IN OMAHA FOR MY JOB. AND WE ARE CITIZEN LEGISLATORS AND WE'RE PAID AS CITIZENS, NOT LEGISLATORS, AND SO WE HAVE TO HAVE OTHER JOBS. AND HAD I BEEN HERE, I WOULD HAVE BEEN THE 25TH VOTE. AND TO THAT I OWE AN APOLOGY. I KNOW THIS IS OUTSIDE THE NORM. IS IT SETTING A DANGEROUS PRECEDENT? I DON'T KNOW IF I'D USE THE WORD "DANGEROUS," BUT IF THIS BECAME REGULAR PROCESS, YEAH, WE WOULD HAVE A PROBLEM HERE. BUT WE HAVE A GOOD BILL WITH A GOOD PURPOSE THAT I DON'T THINK ANYONE DENIES THE NEED. WOULD I LIKE TO SEE IT IN TEEOSA? YES, BUT IT'S

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NOT THERE RIGHT NOW. AND SO WE HAVE TO FIND A WAY TO PROVIDE THIS FUNDING FOR THIS TYPE OF EDUCATION SO THAT OUR KIDS WHO WILL BE THE FUTURE TAXPAYERS HAVE THE PROPER JOB SKILLS TO GO FORTH AND PROVIDE FOR OUR EMPLOYERS THE JOBS AND THE TRAINING AND HAVE THE JOBS AND THE TRAINING. SO I STAND IN SUPPORT OF THE AMENDMENT. I UNDERSTAND IT'S A LITTLE BIT OUT OF THE ORDINARY BUT THERE'S ALWAYS A REASON FOR EXCEPTIONS. SO, THANK YOU. [LB525 LB343]

SENATOR BOLZ: THANK YOU, SENATOR HARR. SENATOR BAKER, YOU ARE RECOGNIZED. [LB525]

SENATOR BAKER: QUESTION. [LB525]

SENATOR BOLZ: SENATOR BAKER CALLS THE QUESTION. DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. THE QUESTION BEFORE THE BODY IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB525]

CLERK: 27 AYES, 9 NAYS, MADAM PRESIDENT, TO CEASE DEBATE. [LB525]

SENATOR BOLZ: DEBATE HAS CEASED. SENATOR KOLOWSKI, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB525]

SENATOR KOLOWSKI: THANK YOU, MADAM PRESIDENT. THANK YOU FOR THE COMMENTS THAT EVERYONE HAS MADE. I WANT TO TOUCH ON JUST THE ONES SENATOR GROENE MADE. I THINK IT'S IMPORTANT BECAUSE SOME OTHERS HAVE MADE IT AS WELL, THAT WE'RE ALREADY DOING THIS. AND I WAS TOLD BY SENATOR GROENE AND A FEW OTHER SENATORS THAT THEIR DISTRICTS OR SOME DISTRICTS THEY TALKED TO SAID, WE BASICALLY DON'T NEED THAT MONEY AND WE'RE DOING IT ALL OURSELVES WITH OUR CURRENT BUDGETS AND EVERYTHING WAS JUST FINE. WELL, THAT'S LOCAL DECISIONMAKING AND THEY CAN DO THAT. BUT THESE SAME DISTRICTS ARE SOME OF THE ONES THAT ARE LOOKING AT NOT BEING EQUALIZED AND LIVING WITH A LOW LEVY AND THEN COMPLAINING ABOUT THEIR PROPERTY TAXES. IT'S AN INTERESTING COMBINATION. I HOPE YOU ALL HEARD THAT, THAT YOU CAN'T HAVE IT BOTH WAYS WHEN YOU GET INTO PROPERTY TAX ISSUES WITH LEVIES AND WITH THE MONEY THAT YOU'RE USING ON YOUR YEARLY BUDGET FOR DIFFERENT SITUATIONS. I CAN SPEAK TO A NUMBER OF OTHER COMMENTS THAT WERE MADE AND WHERE THEY ARE AND WHAT WE'RE DOING, BUT THE VAST

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MAJORITY OF THE DISTRICTS IN THIS STATE NEED ASSISTANCE FOR JUST WHAT I WAS TALKING ABOUT. THE POVERTY STUDENTS AND THE ENGLISH LANGUAGE LEARNERS AT ONE END OF THE EXPENSE OF THOSE PROGRAMS VERSUS THE HIGH SCHOOL, 11th AND 12th GRADE, FLOWING INTO COLLEGE COMBINATIONS AND CONNECTIONS THAT HELPS OUR STUDENTS TO GET PREPARED WITH MORE READINESS, MORE RIGOR THAN THEY'VE EVER HAD BEFORE. IT'S A PARADIGM SHIFT. WE'RE IN A TIME OF MASSIVE CHANGE AND THIS KIND OF LEGISLATION WILL HELP US GET TO WHERE WE NEED TO BE. IT'S OUTSIDE OF TEEOSA BECAUSE ALL DISTRICTS SHOULD BE ELIGIBLE. IF WE WANTED TO CUT OFF ONE-THIRD OR TWO-THIRDS OF THE DISTRICTS OF THE STATE, WE SIMPLY PUT IT IN TEEOSA. AND THEN IT DOESN'T GO TO THOSE SCHOOLS, IT SIMPLY GOES TO THOSE THAT GET THE EQUALIZATION AID. THAT'S NOT WHAT WE'RE ABOUT, THAT'S NOT WHAT WE'RE WANTING TO DO WITH THIS PARTICULAR BILL. SO I HOPE YOU'LL GIVE CONSIDERATION TO MAKING THIS HAPPEN AND GO IN THE RIGHT DIRECTION WITH A GREEN VOTE AND MAKING MOVES TOWARD WHAT THE FUTURE OF NEBRASKA WILL LOOK LIKE AS WE CONTINUE TO REFINE THE EDUCATIONAL SYSTEM. AND IT NEEDS TO BE LOOKED AT AND IT NEEDS TO BE REFINED TO TAKE US TO WHERE WE NEED TO BE AND FOR OUR STUDENTS IN THEIR FUTURES. AND WITH THAT, MADAM PRESIDENT, I'D LIKE TO HAVE A CALL OF THE HOUSE, PLEASE. [LB525]

SENATOR BOLZ: THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, NAY. RECORD, MR. CLERK. [LB525]

CLERK: 43 AYES, 0 NAYS, MADAM PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB525]

SENATOR BOLZ: 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. ALL MEMBERS ARE PRESENT AND ACCOUNTED FOR. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF AM1493. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. [LB525]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1387-1388.) THE VOTE IS 25 AYES, 18 NAYS, MADAM PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB525]

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SENATOR BOLZ: THE AMENDMENT DOES ADVANCE. RAISE THE CALL. WE RETURN TO DEBATE ON AM1306. SENATOR KOLOWSKI, YOU ARE RECOGNIZED. [LB525]

SENATOR KOLOWSKI: MADAM, PLEASE...OH, I'M SORRY. [LB525]

SENATOR BOLZ: SENATOR KOLOWSKI, WE ARE DEBATING AM1306. YOU ARE RECOGNIZED. SENATOR KOLOWSKI WAIVES. SENATOR DAVIS, YOU ARE RECOGNIZED. SENATOR DAVIS WAIVES. SENATOR SULLIVAN, YOU ARE RECOGNIZED TO CLOSE ON YOUR COMMITTEE AMENDMENT. [LB525]

SENATOR SULLIVAN: THANK YOU, MADAM PRESIDENT. WE DEAL WITH THE CARDS THAT WE'RE GIVEN AND WHILE I WAS NOT PLEASED WITH THE LAST VOTE, I DO WANT LB525 AND THE COMMITTEE AMENDMENT TO MOVE FORWARD. IT'S IMPORTANT TO ME AND I HOPE TO HAVE YOUR GREEN VOTE ON AM1306. THANK YOU. [LB525]

SENATOR BOLZ: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF AM1306. ALL IN FAVOR VOTE AYE; THOSE OPPOSED, NAY. HAVE ALL VOTED WHO CARE TO? RECORD, MR. CLERK. [LB525]

CLERK: 32 AYES, 0 NAYS, MADAM PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB525]

SENATOR BOLZ: THE AMENDMENTS ARE ADOPTED. IS THERE ANY DISCUSSION ON THE ADVANCEMENT OF THE BILL? SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB525]

SENATOR CHAMBERS: THANK YOU. MADAM PRESIDENT, MEMBERS OF THE LEGISLATURE, MY COMMENTS DON'T GO TO THIS BILL. I RECEIVED SOME DISTURBING INFORMATION WHERE CERTAIN SUPERINTENDENTS ARE LEVELING THREATS. IT HAS BEEN MENTIONED THAT WE HAVE A FEW NUMBER OF DAYS; THAT NEEDS TO BE KEPT IN MIND. AND WHEN THEY ORDER SOMEBODY TO GET IN LINE AND GET ON BOARD OR ELSE...THEY DIDN'T MAKE THE THREAT TO ME. THE BILL NUMBER IS LB528. I JUST WANT THEM TO KNOW THAT I'M AWARE OF WHAT THEY HAVE DONE AND THAT DOES GET ON THE FIGHTING SIDE OF ME. I HAVE SAID TIME AFTER TIME AFTER TIME THAT THE WORK OF THE LEGISLATURE SHOULD BE DONE BY US, THOSE OF US IN THIS CHAMBER.

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LOBBYISTS--AND I CONSIDER SUPERINTENDENTS TO BE LOBBYISTS WHEN THEY FUNCTION IN THIS MANNER--ARE FREE TO DO WHATEVER THEY WANT TO DO, AS LONG AS THEY'RE NOT VIOLATING A PROVISION OF STATUTE, BUT SOMETIMES IT IS NOT WISE. AND IN TRYING TO DO WHAT THEY'RE DOING, THEY MIGHT CAUSE A SHIP TO SINK. THAT'S ALL THAT I WANT TO SAY AT THIS TIME. AND I HAVE NO OPPOSITION TO THIS BILL THAT IS BEFORE US. THANK YOU, MADAM PRESIDENT. [LB525 LB528]

SENATOR BOLZ: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB525]

SENATOR KINTNER: WELL, THANK YOU, MADAM PRESIDENT. ONE THING THAT WE HAVEN'T TALKED ABOUT, WHAT I CONSIDER ONE OF THE BIGGEST EDUCATIONAL ISSUES THAT WE FACE AS A STATE IS THE LEARNING COMMUNITY. IF YOU NOTICE, IT'S NOT BEEN ADDRESSED ANYWHERE IN THIS BILL. IT AFFECTS ONE-THIRD OF THE STUDENTS OF THIS STATE. IN MY 30-SOME YEARS IN POLITICS, IT'S THE MOST UNPOPULAR PIECE OF LEGISLATION I HAVE EVER-- WELL, OBAMACARE IS UP THERE--BUT IN TERMS OF A STATE LEVEL IT'S PROBABLY THE MOST UNPOPULAR PIECE OF LEGISLATION I HAVE EVER SEEN IN MY LIFE. AND I WOULD THINK IF YOU'RE WATCHING THIS AT HOME YOU'RE PROBABLY WONDERING, WELL, WHAT THE HECK ARE YOU GUYS DOING DOWN THERE? WHY AREN'T YOU DOING SOMETHING ABOUT THIS? AND I WANT TO ASSURE THE CITIZENS OF THIS STATE THAT IT'S BEING WORKED ON. I ASSURE THE CITIZENS OF THE STATE YOU HAVE NOT BEEN ABANDONED, AT LEAST THE CITIZENS THAT ARE UNDERNEATH LEARNING COMMUNITY. I HAVE NOT ABANDONED YOU, CITIZENS OF SARPY, I HAVE NOT GIVEN UP ON THIS. THIS IS BEING WORKED ON. I THINK WE'RE CLOSE TO COMING UP WITH AN AGREEMENT IN THE EDUCATION COMMITTEE. THE FIVE SARPY SENATORS HAVE PRETTY MUCH COME TOGETHER IN AGREEMENT THAT WE WANT TO DO SOMETHING THIS SESSION AND IT'S FAR, FAR, FAR PAST TIME THAT WE DO SOMETHING ABOUT THIS. SO JUST BECAUSE IT'S NOT HANDLED RIGHT NOW IN THIS BILL, I DON'T WANT ANYONE TO THINK THAT THIS IS NOT VERY, VERY IMPORTANT TO ME AND TO THE PEOPLE IN THE GREATER OMAHA AREA. AND I HOPE THAT IN THE NEXT DAY OR TWO WE'LL BE ABLE TO ANNOUNCE THAT WE'RE GOING TO MOVE FORWARD AND MAKE SOME--TO PUT IT MILDLY--SUBSTANTIAL CHANGES IN THE LEARNING COMMUNITY. SO I JUST WANTED TO MAKE SURE THAT PEOPLE IN THE GREATER OMAHA AREA HAVEN'T LOST FAITH THAT WE ARE HANDLING THIS. WE'RE WORKING ON IT AND I HOPE THAT WE CAN ANNOUNCE SOMETHING SOON. THANK YOU, MADAM PRESIDENT. [LB525]

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SENATOR BOLZ: THANK YOU, SENATOR KINTNER. SENATOR GROENE, YOU ARE RECOGNIZED. [LB525]

SENATOR GROENE: THANK YOU, MADAM PRESIDENT. TO CLEAR SOMETHING UP, THIS IS GOING ON IN ALL THE SCHOOL SYSTEMS. IT'S OUTSIDE OF THE BASIC MISSION OF SCHOOLS, A LOT OF IT. CAREER ACADEMY IS WHAT WE USED TO CALL WELDING AND SHOP AND THE TRADES; IT'S A LOT OF IT. WE ARE DOING IT IN NORTH PLATTE. WE'VE HAD A WELDING PROGRAM FOR YEARS IN SOME OF THE SCHOOLS. THROUGH THE EDUCATION COMMITTEE AND THE LOTTERY FUNDING, WE STARTED A GAP PROGRAM. IT WAS SENATOR BOLZ'S BILL WE INCORPORATED INTO IT, WHICH WILL WORK WITH THE COMMUNITY COLLEGES TO OFFER CERTIFICATES TO KIDS AND WORK WITH THE PUBLIC SCHOOLS TO DO THAT. SO THERE'S LEGISLATION OUT THERE TO DO IT. IT'S ALREADY BEEN DONE. THE COMMENT HAS BEEN MADE ABOUT UNEQUALIZED AND EQUALIZED SCHOOL DISTRICTS. WE'VE DISCUSSED THAT ON THIS FLOOR, THE PROPERTY TAX ISSUE AND PLUS THE TEEOSA FORMULA. THERE IS A RESOLUTION THAT WAS HEARD BY THE EXECUTIVE COMMITTEE, COMING OUT OF THE EDUCATION COMMITTEE, LR201, A SCHOOL FINANCE STUDY. I BELIEVE THAT WILL HAPPEN. IT WILL COME TO THE FLOOR AND THEN THIS SUMMER THE REVENUES AND THE EDUCATION COMMITTEES AND A FEW OTHERS WILL LOOK AT THIS EQUALIZATION PROBLEM. THROWING NEW PROGRAMS AT ISSUES BECAUSE WE DON'T WANT TO ADDRESS THE LARGER ISSUES...I MANAGE BUSINESSES. I WOULDN'T BE HERE TODAY IF I OPERATED THAT WAY. BUT WE WORK THAT WAY IN GOVERNMENT AND I DON'T UNDERSTAND IT. WE HAVE AN OPPORTUNITY THIS SUMMER TO LOOK AT IT AND MAYBE IT'S A LONG-DRAWN-OUT PROCESS WHICH I'M NOT USED TO IN THE FREE ENTERPRISE SYSTEM. BUT IT WAS SAID IN EXECUTIVE COMMITTEE HEARING ON LR201: THE REVENUE COMMITTEE LOOKED AT THE TAX MODERNIZATION OF TAXES, THE EDUCATION COMMITTEE WENT AROUND THE STATE, NOW WE'RE GOING TO COMBINE THE TWO THIS YEAR, THE THIRD YEAR AND WE'RE GOING TO COME UP WITH AN ANSWER. NOW WILL THIS CONTINUAL FEUD BETWEEN URBAN AND RURAL PROBABLY CONTINUE? PROBABLY, UNLESS EVERYBODY RAISES THEIR HEAD ABOVE IT ALL. AND I DON'T EVER WANT TO HEAR FROM ANY SENATOR AGAIN, MY SUPERINTENDENT TOLD ME I HAVE TO DO THIS. THEY ARE OUR EMPLOYEES. THEY ARE OUR PUBLIC EMPLOYEES THAT WE TELL THEM WHAT TO DO. THEY DO NOT TELL US WHAT TO DO. I'M TIRED OF HEARING ABOUT WHEN THEY SAY THE LOBBY. AND I SAY, WHO'S THE LOBBY? WELL, IT'S THE SCHOOL BOARDS, IT'S THE SUPERINTENDENTS, IT'S THE THIS AND THAT AND THE TEACHERS' UNION. I'M SAYING, THEY'RE OUR EMPLOYEES. I DON'T KNOW IF ANY OF THEM VOTED FOR ME OR NOT. BUT WHEN THEY CALL ME UP, I TREAT THEM LIKE IT'S THE AVERAGE

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CITIZEN BECAUSE THAT'S ALL THEY ARE: ONE CITIZEN, ONE VOTE. SO I DO NOT UNDERSTAND THAT WE GO BACK AND TALK TO OUR PUBLIC EMPLOYEES ON HOW WE SPEND MONEY. WE TALK TO THE TAXPAYERS, THAT'S WHO WE'RE SUPPOSED TO BE TALKING TO. SO I'M GOING TO VOTE NO ON THE ADVANCEMENT OF LB525 BECAUSE IT'S GOT A FISCAL NOTE NOW, SO I'M GOING TO VOTE NO. IT HAS A MAJOR CHANGE IN FUNDING FOR OUR EDUCATION PROGRAMS AND WE STUCK IT ON A BILL, A CLEANUP BILL, A COMMITTEE CLEANUP BILL. I DON'T KNOW IF THAT'S MAKING SAUSAGE OR SLIME, BUT I THINK WE'RE WAY PAST SAUSAGE IN THIS BODY. SO ANYWAY, I WOULD ADVISE THOSE WHO CALL THEMSELVES FISCAL CONSERVATIVES, WE CAN COME BACK WITH A FIX UP OF LB525 NEXT YEAR, IT'S ONLY 12 MONTHS AWAY. THANK YOU. VOTE NO ON LB525. [LB525 LR201]

SENATOR BOLZ: THANK YOU, SENATOR GROENE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB525]

SENATOR CHAMBERS: THANK YOU, MADAM PRESIDENT. MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR KINTNER A QUESTION OR TWO. [LB525]

SENATOR BOLZ: SENATOR KINTNER, WILL YOU YIELD? [LB525]

SENATOR KINTNER: YES, CERTAINLY. YES. [LB525]

SENATOR CHAMBERS: SENATOR KINTNER, WHEN YOU SPOKE YOU MENTIONED THAT THERE WILL BE SUBSTANTIAL CHANGES IN THE LEARNING COMMUNITY. IS THAT CORRECT? [LB525]

SENATOR KINTNER: I WOULD LIKE THERE TO BE SUBSTANTIAL. WE'RE STILL WORKING ON IT. NOTHING HAS BEEN WORKED OUT YET. [LB525]

SENATOR CHAMBERS: AND WHEN YOU SAY WE, WHO ALL IS INCLUDED IN THAT WE? [LB525]

SENATOR KINTNER: WELL, I KNOW THE SUPERINTENDENTS HAVE BEEN WORKING. I KNOW THE EDUCATION COMMITTEE HAS BEEN WORKING. THE FIVE SARPY SENATORS HAVE BEEN WORKING ON IT. [LB525]

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SENATOR CHAMBERS: HAVE YOU BEEN AT GATHERINGS OF THE SUPERINTENDENTS? [LB525]

SENATOR KINTNER: THEY'VE MET ON THE ROAD, I'VE NOT BEEN AT THEIR MEETINGS. THEY'VE BEEN MEETING AND TALKING ABOUT IT THEMSELVES. [LB525]

SENATOR CHAMBERS: WERE YOU AT A MEETING THEY HAD THIS AFTERNOON AROUND 1:30? [LB525]

SENATOR KINTNER: NO, I WAS NOT. [LB525]

SENATOR CHAMBERS: HOW LONG HAVE YOU LIVED IN NEBRASKA? [LB525]

SENATOR KINTNER: SIX YEARS. [LB525]

SENATOR CHAMBERS: ARE YOU AWARE OF A BOUNDARY DISPUTE THAT WAS GOING ON AMONG VARIOUS SCHOOL DISTRICTS PRIOR TO THE ADOPTION OF THE LEGISLATION THAT CREATED THE LEARNING COMMUNITY? [LB525]

SENATOR KINTNER: YES. [LB525]

SENATOR CHAMBERS: AND WERE YOU AWARE OR ARE YOU NOW IF YOU WEREN'T THEN, OF THAT SLOGAN "ONE CITY, ONE SCHOOL DISTRICT" WHICH MEANT THAT IN ANY METROPOLITAN CITY THERE SHOULD BE ONE SCHOOL DISTRICT? ARE YOU AWARE OF THE EXISTENCE OF THAT LEGISLATION? IT WAS ON THE BOOKS AT THE TIME THAT THE LEARNING COMMUNITY WAS CREATED. [LB525]

SENATOR KINTNER: I AM VAGUELY AWARE OF THAT, YES. [LB525]

SENATOR CHAMBERS: AND ARE YOU AWARE THAT THAT WAS DONE AWAY WITH AS A PART OF THE AGREEMENT TO ADOPT THE LEARNING COMMUNITY? [LB525]

SENATOR KINTNER: YES. IT WAS PART...TO HOLD THE BOUNDARIES...AND YES. [LB525]

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SENATOR CHAMBERS: ARE YOU AWARE THAT SETTling OF THESE BOUNDARY DISPUTES WAS A PART OF THE AGREEMENT THAT LED TO THE ADOPTION OF THE LEARNING COMMUNITY? [LB525]

SENATOR KINTNER: IT WAS PROBABLY THE KEY. VERY IMPORTANT, YES. [LB525]

SENATOR CHAMBERS: SO IF YOU WANT TO DO AWAY WITH THE LEARNING COMMUNITY, SHOULD WE GO BACK TO THE WAY THINGS WERE BEFORE IT WAS ADOPTED, WHICH APPARENTLY YOU THINK WAS SO WONDERFUL? [LB525]

SENATOR KINTNER: WELL, SENATOR CHAMBERS, THERE'S NOT A PROPOSAL RIGHT NOW ACTIVELY BEING TALKED ABOUT TO TOTALLY GET RID OF THE LEARNING COMMUNITY. IT'S JUST A PROPOSAL TO CHANGE IT AND GET RID OF THE COMMON LEVY AND THE TRANSPORTATION COST. [LB525]

SENATOR CHAMBERS: CAN YOU TELL ME ONE OF THE KEY FEATURES OF THE LEARNING COMMUNITY AT THE TIME THAT IT WAS BEING ADOPTED? WHAT WAS ONE OF THE MAIN POINTS MADE? [LB525]

SENATOR KINTNER: WELL, I REMEMBER SPEAKER ADAMS SPEAKING ABOUT THAT ALL THE SCHOOL DISTRICTS WILL BE WORKING TOGETHER, WAS ONE OF THE MAIN POINTS. [LB525]

SENATOR CHAMBERS: OH, SO THE COMMON LEVY, YOU'RE NOT AWARE THAT THAT WAS A KEY FACTOR IN THE ADOPTION OF THAT LEGISLATION? [LB525]

SENATOR KINTNER: I THINK IT WAS. [LB525]

SENATOR CHAMBERS: AND NOW YOU WANT TO DO AWAY WITH THAT PART. ARE YOU WILLING TO GO BACK TO THE BORDER DISPUTE? IN OTHER WORDS, ALL IT TAKES IS AN AMENDMENT THAT REQUIRES THE AGREEMENT BETWEEN DISTRICTS BEFORE CERTAIN THINGS CAN BE DONE. ARE YOU WILLING TO GET RID OF THAT LEGISLATION WHICH IS NOW ON THE BOOKS AND GO BACK TO WHERE...? [LB525]

SENATOR KINTNER: WELL, I DON'T THINK ANYONE IS TALKING ABOUT THAT. YOU KNOW, IT'S NOT ONE OR THE OTHER. YOU DON'T HAVE TO DO THIS OVER THIS. IT'S NOT ONE AGAINST THE OTHER. [LB525]

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SENATOR CHAMBERS: I'M JUST ASKING YOU AND YOU CAN SAY YES OR NO.
[LB525]

SENATOR KINTNER: NO. [LB525]

SENATOR CHAMBERS: YOU'RE NOT IN FAVOR OF GOING BACK TO THAT? [LB525]

SENATOR KINTNER: NO. [LB525]

SENATOR CHAMBERS: ARE YOU IN FAVOR OF GOING BACK TO ONE CITY, ONE DISTRICT? [LB525]

SENATOR KINTNER: NO. [LB525]

SENATOR CHAMBERS: SO THOSE KEY POINTS YOU WANT TO RENEGE ON NOW, CORRECT? [LB525]

SENATOR KINTNER: NO. I WANT TO CHANGE IT SO IT WORKS FOR EVERYBODY.
[LB525]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, THERE ARE THINGS THAT PEOPLE GOT IN EXCHANGE FOR THE CREATION OF THE LEARNING COMMUNITY. AS I ALWAYS POINT OUT, I'M ONE PERSON, ONE VOTE, LIKE ONE CITY, ONE SCHOOL DISTRICT. SENATOR KINTNER IS SAYING A LOT OF THINGS ON THE FLOOR THAT I HAVEN'T HEARD OTHER SENATORS SAY, BUT WE'LL FIND OUT IF AND WHEN LB528 COMES OUT HERE WHAT'S GOING TO BE DONE. AND... [LB525 LB528]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR CHAMBERS: ...FOR SENATOR GROENE'S INFORMATION, A LOT OF THIS WAS DICTATED BY THE SUPERINTENDENTS. IT DOESN'T MATTER TO ME WHETHER IT WAS THE SUPERINTENDENTS OR JUST THE SENATORS. BUT THINGS EITHER ARE GOING TO REMAIN INTACT IN THE DEAL THAT WAS MADE OR IF YOU'RE GOING TO RENEGE ON THE DEAL, THEN ALL THE BENEFITS THAT THOSE WHO SUPPORTED IT, THESE SUPERINTENDENTS, THEY'RE NOT GOING TO KEEP WHAT THEY GOT AND THEY GOT QUITE A BIT AND THEY WERE VERY PLEASED

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AT THE TIME IT WAS ADOPTED. AND THEY PROBABLY FELT THAT WITH TERM LIMITS HERE, NOBODY WHO WAS A PART OF THAT WOULD BE HERE WHEN THEY GOT READY TO CARRY OUT THEIR NEFARIOUS PURPOSES. BUT I'M BACK AND I'M PREPARED TO DO WHATEVER IS NECESSARY TO SEE THAT JUSTICE PREVAILS, WHATEVER THAT MAY MEAN. I'M GOING TO PUT ON MY LIGHT ONE MORE TIME. [LB525]

SENATOR BOLZ: TIME, SENATOR. SENATOR SMITH, YOU ARE RECOGNIZED. [LB525]

SENATOR SMITH: THANK YOU, MADAM PRESIDENT. AND I JUST WANTED TO GET UP AND SPEAK JUST BRIEFLY ABOUT THE LEARNING COMMUNITY AS WELL. I APPRECIATE SENATOR KINTNER'S CONSISTENCY IN HIS OPPOSITION TO THE LEARNING COMMUNITY AND WHEN I ARRIVED AT THE LEGISLATURE FOUR YEARS AGO, FIVE YEARS AGO, I TOO SET OUT ON A PATH TO ELIMINATE THE LEARNING COMMUNITY. AND ALONG THE WAY I BEGAN TO RECOGNIZE THAT THERE WERE CERTAIN COMPONENTS OF THE LEARNING COMMUNITY THAT ACTUALLY WERE WORKING QUITE WELL, BUT THAT DID NOT TAKE AWAY FROM MY OPPOSITION TO THOSE COMPONENTS THAT I BELIEVED TO BE UNFAIR TO THE 11 MEMBER SCHOOL DISTRICTS. AND THE PRIMARY ISSUE THAT I OPPOSED WITH THE LEARNING COMMUNITY WAS THE COMMON LEVY. I, TOO, HAD A BILL IN COMMITTEE THIS YEAR. SENATOR CRAWFORD'S BILL WAS ALMOST IDENTICAL TO MINE, WHICH WOULD SEEK TO ADDRESS THE COMMON LEVY. BUT THE WAY THE CARDS ARE DEALT, WE DIDN'T GET A CHANCE TO DEAL WITH THOSE BILLS ON THE FLOOR. BUT NONETHELESS, I DO APPRECIATE SENATOR SULLIVAN AND HER EFFORTS TO TRY TO ADDRESS THE CONCERNS WITH THE COMMON LEVY. AND WHETHER HER BILL THAT WILL COME OUT IS PERFECT OR NOT, I DO APPRECIATE HER FOCUS ON ATTEMPTING TO WORK SOMETHING OUT WITH THE COMMON LEVY. BUT IF YOU REMEMBER A FEW YEARS AGO--AND, SENATOR CHAMBERS, YOU PROBABLY REMEMBER THIS--THE LAST LEARNING COMMUNITY BILL THAT I THINK WE HAD ON THE FLOOR WAS LB585, WHICH ADDRESSED THE EARLY CHILDHOOD COMPONENT OF THE LEARNING COMMUNITY AND PUT FOCUS ON EARLY CHILDHOOD. AND I BELIEVE IF WE POINT TO SOMETHING IN THE LEARNING COMMUNITY THAT WORKS WELL, I BELIEVE IT'S THE EARLY CHILDHOOD COMPONENT. BUT WITH THAT SAID, THERE IS MUCH WORK YET TO BE DONE WITH THE LEARNING COMMUNITY. MY FOCUS IS THE COMMON LEVY. I BELIEVE THAT THAT IS THE PORTION THAT IS LEAST FAIR AND THAT REMAINS THE BIGGEST OBSTACLE IN THE LEARNING COMMUNITY WORKING. THERE ARE MANY, MANY COMPONENTS AND I THINK SENATOR CHAMBERS EXPLAINED WELL THAT ONE OF THE LARGEST CONCERNS

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WE HAVE IS THE BOUNDARY ISSUE AND THE PROTECTING OF THE SCHOOL BOUNDARIES. AND THAT'S ONE OF THE REASONS I BELIEVE THAT THE SHELL OF THE LEARNING COMMUNITY WORKS WELL IN PROTECTING THOSE BOUNDARIES OF THE SCHOOL DISTRICTS. AND THERE ARE SOME SCHOOL DISTRICTS THAT ARE SUFFERING MORE THAN OTHERS WITH THE COMMON LEVY, PARTICULARLY THE TWO RURAL MEMBERS OF THE 11 SCHOOL DISTRICTS, SOUTH SARPY AND DC WEST. IT PUTS THEM IN A POSITION TO WHERE THEY CANNOT RESOLVE THEIR BOUNDARY DISPUTES VERY WELL BECAUSE THEY ARE AT RISK OF LOSING WHAT MONEY THAT THEY HAVE ALREADY. AND THEY'RE LOSING A SIGNIFICANT AMOUNT BECAUSE OF THE COMMON LEVY. SO AGAIN, I JUST WANTED TO STAND. I'M NOT LOOKING TO DO ANYTHING HERE IN PARTICULAR OTHER THAN TO SAY I APPRECIATE SENATOR KINTNER'S CONSISTENCY IN SEEKING TO ADDRESS WHAT HIS CONSTITUENTS FEEL IS A PROBLEM WITH THE LEARNING COMMUNITY. I'M SEEKING TO DO THE SAME THING. SENATOR CRAWFORD IS SEEKING TO DO THE SAME THING. SENATOR MURANTE I BELIEVE HAS A BILL. BUT I THINK SOME CREDIT NEEDS TO BE GIVEN TO SENATOR SULLIVAN BECAUSE I DO BELIEVE THAT SHE'S HEARD AND SHE'S SEEKING TO ADDRESS IT. IT MAY NOT BE THE EXACT WAY THAT ALL OF US WANT TO SEE IT ADDRESSED, BUT I DO WANT TO GIVE HER CREDIT FOR DOING THAT. HOW MUCH TIME DO HAVE, MADAM PRESIDENT? [LB525]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR SMITH: SENATOR CHAMBERS, YOU'RE WELCOME TO THE REMAINDER OF MY TIME. [LB525]

SENATOR BOLZ: SENATOR CHAMBERS, YOU HAVE BEEN YIELDED 1:00. [LB525]

SENATOR CHAMBERS: THANK YOU, MADAM PRESIDENT. THANK YOU, SENATOR SMITH. RATHER THAN AN OLIVE BRANCH, I'M GETTING THE PIT OF AN OLIVE. BUT YOU HAVE TO ACCEPT WHAT YOU CAN GET. I UNDERSTAND WHAT EACH ONE OF THESE SENATORS IS SAYING ABOUT HIS OR HER CONSTITUENCY. BUT I KNOW WHAT THE BARGAIN WAS, I KNOW WHAT THE DEAL WAS. I KNOW WHAT THE BARGAIN AND SALE WAS. AND NOW THEY WANT TO KEEP THE BENEFIT OF THE BARGAIN AND DO AWAY WITH THE REST OF IT. NOW, IF THAT'S THE WAY THE LEGISLATURE IS GOING TO OPERATE, I CAN'T STOP YOU AS ONE PERSON, BUT I CAN MAKE IT DIFFICULT FOR YOU. AND I PROMISE YOU THAT I SHALL DO THAT. WHEN YOU TALK ABOUT SENATOR KINTNER'S CONSISTENCY, WELL, HE'S CONSISTENTLY TRYING TO DESTROY SOMETHING AND I'M CONSISTENTLY

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TRYING TO MAINTAIN IT. SO GIVE ME CREDIT FOR MY CONSISTENCY, TOO. BUT I WAS HERE. I DID SOME OF THE HARD WORK. [LB525]

SENATOR BOLZ: TIME, SENATOR. [LB525]

SENATOR CHAMBERS: THANK YOU, MADAM PRESIDENT. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR CHAMBERS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB525]

SENATOR SCHNOOR: THANK YOU, MA'AM. WELL, BACK TO LB525, WE HAD A GOOD BILL. I WAS IN SUPPORT OF THAT. IT HAD NO FISCAL NOTE. AND NOW I THINK THERE IS PROBABLY \$7 MILLION TACKED ON TO IT WITH THE HAPPENINGS OF THE LAST AMENDMENT, OR MAYBE TWO AMENDMENTS AGO. SO OBVIOUSLY, THERE IS A NEW STANDARD OF WHAT WE CAN DO TO GET BILLS PASSED. I WOULDN'T SAY IT'S A GOOD STANDARD, BUT NONETHELESS, A NEW STANDARD HAS BEEN SET. TALKING ABOUT THE...I THINK IT WAS LB528 THAT SENATOR CHAMBERS HAD BROUGHT UP, SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION, PLEASE? [LB528 LB525]

SENATOR BOLZ: SENATOR CHAMBERS, WILL YOU YIELD? [LB525]

SENATOR CHAMBERS: YES, MA'AM. [LB525]

SENATOR SCHNOOR: YOU TALKED ABOUT THE...OH, I THINK THE SUPERINTENDENT OR MAYBE YOU SAID THE LOBBY, HOW THEY'RE THREATENING PEOPLE. DID I...DO I KIND OF HAVE THAT CORRECT? [LB525]

SENATOR CHAMBERS: YES, YOU DO. [LB525]

SENATOR SCHNOOR: OKAY. SENATOR CHAMBERS, DO YOU VOTE FOR THE CITIZENS OR DO YOU VOTE FOR THE LOBBY? [LB525]

SENATOR CHAMBERS: I VOTE MY CONSCIENCE, MY INTELLIGENCE, AND MY JUDGMENT. AND NOBODY IN THE LOBBY CAN DICTATE ANYTHING TO ME, EVEN IF THEY COME FROM MY DISTRICT. [LB525]

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SENATOR SCHNOOR: WELL, I SUSPECT THAT I KNEW THAT ANSWER ALREADY, BUT I JUST WANTED TO REVERIFY THAT. BUT, OBVIOUSLY, THERE IS A LOT OF PEOPLE THAT DO VOTE HOW THE LOBBY WANTS THEM TO VOTE, DON'T THEY? [LB525]

SENATOR CHAMBERS: UNDOUBTEDLY. [LB525]

SENATOR SCHNOOR: YEAH. AND THERE IS A LOT OF PEOPLE THAT WILL TRADE VOTES, AREN'T THERE? [LB525]

SENATOR CHAMBERS: I WILL DO THAT IF THE CIRCUMSTANCES ARE RIGHT. [LB525]

SENATOR SCHNOOR: WELL, SEE THEN, BUT WHERE DO YOU DRAW THE LINE, SENATOR CHAMBERS? [LB525]

SENATOR CHAMBERS: IF IT'S A MATTER OF PRINCIPLE WITH ME, I WILL NOT GIVE A CENTIMETER. IF IT'S AN ISSUE LIKE THE ONE WE'RE DEALING WITH THIS MORNING ON THE COURT FEES, WELL, THAT'S NOT EXACTLY VOTE TRADING, BUT I'LL COMPROMISE ON THAT BILL. [LB525]

SENATOR SCHNOOR: OKAY. I GUESS WHAT I'M GETTING AT IS I'VE LEARNED A LOT OF THINGS HERE, SOME OF THEM ARE EXTREMELY DISCOURAGING FOR ME OF...WHAT WE JUST...IT WAS JUST BROUGHT UP ABOUT VOTE TRADING SO SENATORS CAN GET WHAT THEY WANT. AND I GUESS I FIND IT JUST SAD WHAT PEOPLE WILL DO. SO WE'RE...GETTING BACK TO LB525, I GUESS I'M GOING TO HAVE TO APOLOGIZE TO SENATOR COOK NOW AND SENATOR SULLIVAN BECAUSE I CAN'T VOTE ON LB525 BECAUSE IT WAS A GOOD BILL. I AGREED WITH EVERYTHING UNTIL THIS LAST AMENDMENT GOT ATTACHED TO IT AND MADE IT PRETTY EXPENSIVE. SO TO SENATORS COOK AND SULLIVAN, I APOLOGIZE FOR WHAT HAD HAPPENED. I TRIED MY BEST TO STOP IT, I VOTED AGAINST IT. BUT NOW WE, BASICALLY, HAVE A GOOD BILL THAT HAS GONE BAD. SO I'M GOING TO VOTE AGAINST IT. AND I GUESS EVERYBODY ELSE HAS TO DECIDE HOW THEY'RE GOING TO VOTE AND ACT ACCORDINGLY, THANK YOU. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR SCHNOOR. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB525]

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SENATOR MURANTE: THANK YOU, MADAM PRESIDENT, MEMBERS OF THE LEGISLATURE. I RISE TO CONTINUE TO ECHO WHAT MY SARPY COUNTY COLLEAGUES HAVE HAD TO SAY ABOUT THE LEARNING COMMUNITY. AND I COME FROM A SLIGHTLY DIFFERENT BACKGROUND BECAUSE I WAS IN THE ROOM, ALTHOUGH NOT A MEMBER OF THE LEGISLATURE, WHEN THE LEARNING COMMUNITY, AS IT EXISTS NOW, WAS ADOPTED. AND I ATTENDED THE PUBLIC HEARINGS AS A LEGISLATIVE AIDE AT THAT TIME TO SENATOR JOHN NELSON. SO I AT LEAST GOT TO OBSERVE FROM A RELATIVELY CLOSE PROXIMITY HOW THE LEARNING COMMUNITY, AS IT CURRENTLY IS CONSTRUCTED, AND ALL THE VARIOUS PERMUTATIONS AND IDEAS THAT WERE FLOATED ALONG THE WAY, AND I ALSO RECALL GETTING SENATOR NELSON COMING DOWN AND PUTTING AN INCH THICK STACK OF PAPERS ON MY DESK AND SAYING IN THE MIDDLE OF A LATE NIGHT SESSION--THIS IS THE COMPROMISE AMENDMENT ON THE LEARNING COMMUNITY, FIGURE THIS OUT IN THE NEXT 45 MINUTES BECAUSE WE'RE VOTING ON IT. AND THAT WAS A DIFFICULT THING FOR A LEGISLATIVE AIDE TO DO AT THAT TIME. AND I AGREE TO AN EXTENT WITH WHAT SENATOR CHAMBERS HAD TO SAY REGARDING A DEAL BEING MADE. IT'S TRUE. A DEAL WAS MADE THAT TRIED TO BALANCE THE INTERESTS OF THE SUBURBAN SCHOOL DISTRICTS WITH THE NEEDS OF IMPOVERISHED SCHOOLS IN EAST OMAHA. BUT MY RECOLLECTION AND HAVING REREAD THE TRANSCRIPTS FROM START TO FINISH WAS CONFIRMED WAS THAT SENATOR RAIKES, WHO PIONEERED THIS IDEA, WHO UNDERSTOOD THAT THIS WAS A UNIQUE, ONE-OF-A-KIND CONCEPT THAT HAD NOT PREVIOUSLY BEEN UNDERTAKEN IN THIS COUNTRY, ANYWHERE IN THIS COUNTRY, IT WAS TRULY INNOVATIVE. IT WAS NOT A DEAL THAT WAS SET IN STONE. ON THE CONTRARY, HE ACKNOWLEDGED NUMEROUS TIMES ON THE RECORD THAT BECAUSE IT WAS INNOVATIVE AND BECAUSE IT HAD NEVER BEEN TRIED BEFORE, WE WOULD HAVE TO COME BACK, AS A LEGISLATURE, AND FIX THE PROBLEMS WHICH WERE CREATED WHICH WE DID NOT ANTICIPATE, AND PERHAPS TO AMPLIFY THE PORTIONS OF THE LEARNING COMMUNITY WHICH ARE WORKING. AND I THINK WE'VE IDENTIFIED THAT RIGHT NOW. THAT EVEN IF YOU...IF YOU WENT BACK TO 2007 AND ASKED THAT LEGISLATURE AND GAVE THEM THE NUMBERS OF HOW THE COMMON LEVY DOLLARS HAD BEEN DISTRIBUTED AND YOU SAID--IS THIS HOW YOU INTENDED TO WORK? THEY WOULD SAY NO. THAT WAS NOT THEIR...THEIR INTENT WAS NOT TO TAKE MONEY OUT OF SUBURBAN SCHOOL DISTRICTS AND GIVE IT TO WESTSIDE AND MILLARD PUBLIC SCHOOLS, THAT WAS NOT THE POINT. BUT THAT IS THE REALITY. SO I THINK IT'S PERFECTLY REASONABLE, AND IT IS WITHIN THE INTENT OF THE MEMBERS WHO FORGED THAT AGREEMENT TO REEVALUATE WHERE THE LEGISLATURE STANDS TODAY, WHERE THE LEARNING COMMUNITY STANDS TODAY, AND MAKE ADJUSTMENTS, BECAUSE THERE ARE

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SOME OF US WHO BELIEVE THAT THE LEARNING COMMUNITY DOESN'T NEED TO EXIST TO ACCOMPLISH THE GOALS OF THOSE WHO INITIALLY UNDERTOOK THE CREATION OF THE LEARNING COMMUNITY. HOWEVER, WE UNDERSTAND THAT THAT PROPOSAL IS NOT GOING TO COME OUT OF THE EDUCATION COMMITTEE, AND THAT'S FINE, SO THAT WE COULD WORK TO COMPROMISE AND FIND SOME SORT OF MIDDLE GROUND THERE. AND I THINK THE EDUCATION COMMITTEE HAS DONE A GOOD JOB OF HAVING THOSE DISCUSSIONS, AND I WOULD URGE THEM NOT TO GIVE UP, EVEN THOUGH WE ARE LATE IN THE SESSION, THAT THERE HAVE BEEN GOOD DISCUSSIONS THAT HAVE GONE FURTHER THAN HAVE EVER GONE BEFORE IN THIS LEGISLATURE BECAUSE I HAVE SAID BEFORE ON THE RECORD AND IN PRIVATE CONVERSATION TO EVERY MEMBER OF THE EDUCATION COMMITTEE, THE INITIAL GOALS, WHAT INITIALLY WAS STATED THAT THE PURPOSE WAS TO KEEP SUBURBAN SCHOOL DISTRICTS INTACT, BUT TO PROVIDE EAST OMAHA THE FUNDING IT NEEDED TO EDUCATE ITS STUDENTS... [LB525]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR MURANTE: ...THOSE INTERESTS ARE NOT IN CONFLICT WITH THOSE OF US WHO DESIRE AN END TO THE COMMON LEVY. WHAT WE'RE TALKING ABOUT IS FUNDING SOURCES. AT THE END OF THE DAY, THAT'S IT. AND THAT IS SOMETHING WHICH CAN BE COMPROMISED, I GENUINELY BELIEVE, BECAUSE I BELIEVE THOSE OF US WHO ARE ON THE SARPY COUNTY SIDE OF THE LINE ARE COMMITTED TO MAKING SURE THAT THOSE DOLLARS EXIST. THEY MAY NOT COME FROM THE SOURCE WHERE THEY'RE CURRENTLY DERIVED, BUT THAT THOSE DOLLARS ARE NECESSARY TO PROVIDE ADEQUATE EDUCATION TO STUDENTS EAST OF 72nd STREET. AND THAT'S TRUE WHETHER OR NOT WE REPRESENT THOSE CONSTITUENCIES. SO FOR ME, IT'S NOT A MATTER OF GOING BACK TO DISTRICT 49 AND SAYING I DID MY BEST. IT'S ABOUT MAKING SURE THAT WE PROVIDE THOSE ADEQUATE FUNDING SUPPLIES REGARDLESS OF THE SOURCE. [LB525]

SENATOR BOLZ: TIME, SENATOR MURANTE. [LB525]

SENATOR MURANTE: THANK YOU, MADAM PRESIDENT. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR. SENATOR CHAMBERS, YOU ARE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB525]

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SENATOR CHAMBERS: THANK YOU, MADAM PRESIDENT. IT'S SO NICE TO BE IN A DISCUSSION WHERE I DON'T HAVE TO GET UPSET BECAUSE WHAT'S GOING TO HAPPEN IS GOING TO HAPPEN. WE'RE GOING TO CONFRONT WHATEVER COMES OUT HERE WHEN IT COMES OUT HERE AND WE'LL DEAL WITH IT IN THE WAY WE RESPECTIVELY FEEL IT OUGHT TO BE DEALT WITH. BUT I WANT TO TOUCH ON KIND OF A SIDE, OFF THE SUBJECT, ISSUE. PEOPLE CHANGE THEIR POSITION DEPENDING ON WHAT THE ISSUE IS, EVEN WHEN THE SAME PRINCIPLES ARE INVOLVED. I WAS LISTENING TO A DISCUSSION THIS MORNING ON WIND ENERGY AND THE INCENTIVES THAT ARE GIVEN AND SOME PEOPLE WERE SAYING THE GOVERNMENT SHOULDN'T GIVE THIS INCENTIVE AND SHOULDN'T GIVE THAT INCENTIVE, YET THAT'S ALL THEY'VE BEEN DOING WITH ETHANOL EVER SINCE I'VE BEEN HERE. WITHOUT FEDERAL GOVERNMENT SUBSIDIES AND STATE SUBSIDIES, ETHANOL WOULD BE DEAD IN THE WATER. AND I KNOW THAT. I HAD TO FIGHT TO KEEP THEM FROM TAKING THE NOTATION OFF THE PUMP THAT SAYS ETHANOL. THEY DIDN'T WANT PEOPLE TO KNOW THAT BECAUSE THEY SAID PEOPLE WON'T BUY IT. THEN I FOUGHT AGAINST THEM MANDATING THAT A CERTAIN AMOUNT OF ETHANOL BE IN ALL THE GAS. I SAID, I THOUGHT THIS WAS A FREE MARKET ECONOMY. I THOUGHT YOU DIDN'T WANT GOVERNMENT INTERFERENCE AND REGULATION. LET THE MARKET DETERMINE IT. ETHANOL IS DIFFERENT, BECAUSE NEBRASKA GROWS CORN AND CORN IS USED IN ETHANOL. SO I HEAR ALL THIS TALK. THEY FORGET I'VE BEEN HERE AND I WATCHED THESE THINGS DEVELOP AND I WATCH ETHANOL FROM ITS INFANCY. THEY USED TO CALL IT GASOHOL. ASK SENATOR SCHMIT IF YOU WANT TO FIND OUT WHAT KIND OF OPPOSITION I PUT UP AGAINST SUBSIDIZING ETHANOL AND THE KINDS OF PROGRAMS THEY WERE PUTTING INTO STATUTE THAT I STOPPED BECAUSE THEY WERE DESIGNED TO DECEIVE THE PUBLIC ABOUT WHAT THEY WERE PUTTING IN THEIR GAS TANK. PEOPLE WOULD NOT BUY IT. SO WHEN YOU TALK ABOUT YOU DON'T LIKE GOVERNMENT SUBSIDIES OR INCENTIVES, THEN YOU LOOK AT WHAT YOU'RE DOING FOR WOODMEN OF THE WORLD, LOOK FOR WHAT YOU'VE DONE FOR ALL THESE BIG BUSINESSES, CALL THEM TAX CREDITS. LOOK WHAT YOU DO WITH TIF WHERE GOVERNOR RICKETTS' FATHER HAD HAD SOME LAND DECLARED--WHAT DO THEY CALL IT?--BLIGHTED. AND WHEN THEY WERE PUTTING THAT KIND OF LANGUAGE IN THE STATUTE, IF GO AND READ THE TRANSCRIPT YOU SEE I FOUGHT AGAINST IT BECAUSE I SAID THEY WILL USE THIS KIND OF DEFINITION TO ATTACH IT TO LAND WHICH DOES NOT MEET THE ORDINARY DEFINITION OF BLIGHTED. AND THAT'S WHAT THEY DID. BUT WHEN RICH PEOPLE DO IT, YOU DON'T WHIMPER. WHEN ETHANOL DOES IT, YOU DON'T WHIMPER. WHEN SOMETHING NEW AND DIFFERENT COMES ALONG, THEN ALL OF THIS STUFF IS THROWN UP. THAT'S WHY I DON'T COME UP HERE AND DEBATE THIS STUFF; I'VE BEEN THROUGH SO MUCH, I GET TIRED OF LETTING THE WORD

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"HYPOCRISY" COME OUT OF MY MOUTH BECAUSE IT DOES NO GOOD. BUT PERIODICALLY, I WILL CALL, FOR THE SAKE OF THE RECORD, ATTENTION TO WHAT HAS HAPPENED, WHAT THE LEGISLATURE HAS AGREED TO, WHAT IT CONTINUES TO SUSTAIN, WHICH GOES DIRECTLY CONTRARY TO WHAT THEY'RE OPPOSING NOW FOR SOME OTHER ENTITY. AND AS FOR THE LEARNING COMMUNITY, THESE PEOPLE WHO ARE NOT VOTING, LIKE SENATOR MURANTE, HE CAN SAY WHATEVER HE WANTS TO. I VOTED. AND I WENT TO MEETINGS. AND FORMER SENATOR BRASHEAR, WHO WAS THE SPEAKER, HAD A LOT TO DO WITH BRINGING TOGETHER NOT ONLY THE LEARNING COMMUNITY, BUT WE EVEN PUT TOGETHER THE WAY THE VOTING WOULD OCCUR TO MAKE SURE THAT MINORITY REPRESENTATION WAS THERE. THERE WAS A LOT OF WORK. HE MAY NOT REMEMBER THE WORK OR HE DOESN'T KNOW IT OR HE'S DELIBERATELY WITHHOLDING IT SO HE CAN DROP IT ON YOU WHEN WE HAVE THE DISCUSSION. BUT I'LL BRING ARTICLES TO DEMONSTRATE THE ROLE I PLAYED... [LB525]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR CHAMBERS: ...HOW HARD THAT I WORKED. AND ALL OF THE HEAVIES WERE HAVING A PRESS CONFERENCE, AND I SAID--I DON'T WANT TO GO AND UPSTAGE ANYBODY. THEY SAID, WELL, YOU HAD A LOT TO DO WITH IT, PLEASE COME. SO I CAME. AND THERE IS A PHOTOGRAPH OF IT. GUESS TO WHOM THE REPORTERS WANTED TO DIRECT QUESTIONS? I WON'T TELL YOU TO WHOM, BUT THAT TO WHOM LOOKED AROUND THE ROOM AND ASKED THE VARIOUS MEMBERS WHO WERE THERE, WOULD YOU OBJECT TO ME ANSWERING QUESTIONS, BECAUSE THE ONLY REASON I CAME WAS BECAUSE YOU INVITED ME? AND I SAID, I WANT MY PRESENCE TO SHOW THAT I'M NOT OPPOSED TO WHAT YOU'RE TRYING TO DO, BUT I DON'T WANT TO UPSTAGE ANYBODY. THEY SAID, WHATEVER QUESTIONS THEY ASK, ANSWER, AND WE'RE NOT OFFENDED. I WAS THERE. AND MY MEMORY MAY BE SLIPPING ON SOME THINGS, LIKE THE WORDS OF A SONG, BUT I REMEMBER THINGS LIKE THAT. AND WE'RE GOING TO HAVE A CHANCE TO HASH ALL OF THIS OUT. THERE IS NOT GOING TO BE ANY THANKING AND PRAISING PEOPLE BECAUSE WE'RE ALL PAID TO DO WHAT WE DO. [LB525]

SENATOR BOLZ: TIME, SENATOR. [LB525]

SENATOR CHAMBERS: THANK YOU, MADAM. [LB525]

SENATOR BOLZ: THANK YOU. [LB525]

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SENATOR CHAMBERS: IT'S BEEN NICE DOING BUSINESS WITH YOU. [LB525]

SENATOR BOLZ: WELL, THANK YOU, SENATOR CHAMBERS. SENATOR GROENE, YOU ARE RECOGNIZED. [LB525]

SENATOR GROENE: THANK YOU, MADAM PRESIDENT. WE TRIED TO GET AHOLD OF MILLARD SCHOOL DISTRICT, ASKED FOR PUBLIC RECORDS. THEY SEEMED TO CAN'T FIND THEM. THEY ASKED WHY WE NEEDED TO KNOW THEIR ADMINISTRATIVE SALARIES. I GUESS THAT'S CALLED PUBLIC RECORDS, SO WE'RE HAVING A HARD TIME...I GUESS THEY DON'T KNOW WHAT THEY PAY THEM. BUT I'VE BEEN DOING THIS A LONG TIME, BEING A TAXPAYER AND ALWAYS FRUSTRATES ME WHEN PEOPLE AREN'T PUBLIC SERVANTS AND THEY TRY TO DELAY. BUT ANYWAY, THE LAST THREE BUDGETS THAT I COULD FIND FROM MILLARD PUBLIC SCHOOLS WAS 2012-13 WAS \$23,784,000; '14 IT JUMPED TO \$25,758,000. THE GENERAL FUND, THIS INCLUDES GENERAL FUND, BOND FUNDS, SPECIAL BUILDINGS FUND, QUALIFIED CAPITAL PURPOSE UNDERTAKING FUND. THEN THIS LAST YEAR, '14-'15 WAS \$28,059,000...PRETTY GOOD INCREASES. MOST BUSINESSES WOULD BE HAPPY WITH THAT. BUT WHAT I HEAR ON THE NEWS AND STUFF, THEY JUST GOT STRIPPED OF ALL THEIR FUNDING. GOT TO SAY NO, FOLKS, SOONER OR LATER. YOU KNOW, I HEAR THE COMMON LEVY, THE FOLKS IN SARPY COUNTY, AND I SYMPATHIZE WITH THEM; US RURAL SENATORS HAVE BEEN SCREAMING ABOUT STATE AID TO EDUCATION AND THE FACT THAT WE PAY INCOME TAXES AND SALES TAX AND WE DON'T GET ANYTHING BACK. BUT I GET TOLD BY SOME OF THE SAME FOLKS THAT WANT MONEY FOR THESE SPECIAL PROGRAMS THAT, OH, YOU GOT SO MUCH LAND THAT YOUR MILL LEVIES ARE LESS AND YOU DON'T NEED TO GET ANY OF YOUR INCOME AND SALES TAX BACK. WELL, I'M SORRY, GUYS IN SARPY COUNTY, JOIN THE CLUB. IT SEEMS TO BE TWO SCHOOL DISTRICTS KIND OF RUN THIS PLACE...COUPLE THREE OF THEM. BUT...BECAUSE THEY'RE APPARENTLY VERY STRONG INDIVIDUALS, SOME OF THEIR SUPERINTENDENTS. AND WE JUST JUMP WHEN THEY SPEAK; SOME OF US DO. I GET ALONG GOOD WITH MY SUPERINTENDENT OF SCHOOLS. HE DOESN'T ASK ME TO JUMP AND HE KNOWS I WON'T JUMP VERY HIGH, SO WE GET ALONG JUST FINE. BUT WE GOT TO SAY NO. WE GOT TO ADDRESS THIS THING, THIS PUBLIC EDUCATION FUNDING. BUT THIS ISN'T THE ANSWER TO KEEP DIVIDING AND CONQUERING AND PROTECTING OUR TURF LIKE A MEAN DOG. IF WE DON'T GET TOGETHER AND SOLVE THIS THING AS A GROUP, AS ELECTED REPRESENTATIVES WHO TAKE THE TOUGH STANDS AND SAY NO TO OUR PUBLIC EMPLOYEES, AND THERE'S GOOD ONES OUT THERE, I DON'T LIKE TO THROW ALL OF THEM INTO THE SAME BOAT. THERE'S A DIFFERENCE BETWEEN...I'M ALWAYS TELLING MY FOLKS WHO VISIT WITH ME THAT WORK

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FOR THE GOVERNMENT AND THEY'RE GOOD HONORABLE PEOPLE AND THEY EARN THEIR PAY. IF I CALL YOU A PUBLIC SERVANT, YOU DON'T WANT ME CALLING YOU A PUBLIC EMPLOYEE--THERE'S A BIG DIFFERENCE. THIS IS NUTS. WE GOT A COMMON LEVY PROBLEM. WE'VE GOT A, IN THE OMAHA AREA, WE GOT NO FUNDING FOR 170 ROUNDED OFF OUT OF 240 SCHOOL DISTRICTS OF STATE AID. WE GOT PEOPLE CLAIMING THAT OLD PROGRAMS AND AP CLASSES AND STUFF IS A BRAND-NEW PROGRAM, WHICH I THINK WE HAD THOSE BACK WHEN I WAS IN HIGH SCHOOL, AND THAT WAS A LITTLE TOWN. BUT ANYWAY, WE GOT TO DO SOMETHING DIFFERENTLY. WE'VE GOT AN INDIVIDUAL HERE I'M GOING TO YIELD SOME TIME TO BECAUSE WE HAVEN'T HEARD ABOUT CHARTER SCHOOLS YET. WE MIGHT AS WELL. BUT...BECAUSE THAT IS A NEW IDEA. I DON'T KNOW HOW YOU'RE GOING TO FIX THIS THING, FOLKS, BECAUSE IT'S ONE THING TO HERD CHICKENS, IT'S ANOTHER THING TO HERD POLITICIANS... [LB525]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR GROENE: ...49 OF THEM TO COME TOGETHER AND FIX SOMETHING. BUT WHEN 49 OF THEM ARE BEING TOLD HOW HIGH TO JUMP BY PUBLIC EMPLOYEES BACK IN THEIR DISTRICTS, WE GOT A REAL PROBLEM. AND THE TAXPAYERS ARE GOING TO FIND OUT THAT WE DON'T ANSWER TO THEM, WE ANSWER TO OUR PUBLIC EMPLOYEES AND THEIR LOBBIES. THAT IS THE BIGGEST SURPRISE I HAVE COME TO FIND OUT DOWN HERE. I THOUGHT IT WAS SPECIAL INTERESTS AND THE FREE MARKET SYSTEM THAT I WAS GOING TO BE FIGHTING LOBBYISTS. IT ISN'T, IT'S OUR GOVERNMENT EMPLOYEES, THEY RUN THIS PLACE. THEY'RE THE STRONGEST LOBBYISTS DOWN HERE. WE COULD FIX THIS WHOLE THING IF WE ALL SAT DOWN IN A ROOM AND SAID LET'S ACT LIKE ALL CHILDREN...ALL CHILDREN ARE THE SAME ACROSS THE STATE, INSTEAD OF ALL PUBLIC EMPLOYEES ARE DIFFERENT ACROSS THE STATE AND THEY WANT MORE MONEY. NOW, YOU CAN PROBABLY FIGURE OUT I DIDN'T GET ENDORSED BY A COUPLE PUBLIC EMPLOYEE UNIONS BACK IN MY DISTRICT, BUT I DID... [LB525]

SENATOR BOLZ: TIME, SENATOR. [LB525]

SENATOR GROENE: THANK YOU. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR GROENE. SENATOR LARSON, YOU'RE RECOGNIZED. [LB525]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT...MRS. PRESIDENT, I AM SORRY...MS. WOULD SENATOR SULLIVAN YIELD TO A QUESTION? [LB525]

SENATOR BOLZ: SENATOR SULLIVAN, WILL YOU YIELD? [LB525]

SENATOR SULLIVAN: YES. [LB525]

SENATOR LARSON: SENATOR SULLIVAN, TODAY IS A VERY IMPORTANT DAY. DO YOU KNOW WHY THAT IS? [LB525]

SENATOR SULLIVAN: I GUESS IT'S A MATTER OF OPINION BUT, NO, I DON'T. [LB525]

SENATOR LARSON: TODAY IS THE BEGINNING OF NATIONAL CHARTER SCHOOL WEEK. AND I JUST COULD NOT PASS UP THE OPPORTUNITY TO STAND UP AND TALK ABOUT, AS SENATOR GROENE SAID, AN ACTUAL INNOVATIVE IDEA THAT WE HAVE THE OPPORTUNITY TO DO HERE IN NEBRASKA AND HAVE YET TO DO IT, ESPECIALLY WHEN IT COMES TO EDUCATION. I'M LOOKING DOWN AT A MEMO FROM THE NATIONAL CONFERENCE OF STATE LEGISLATURES THAT WENT OUT TO STATE LEGISLATURES ACROSS THE COUNTRY TALKING ABOUT THE EVERY CHILD ACHIEVES ACT OF 2015 THAT JUST WENT IN THE UNITED STATES SENATE, THE ECAA. AND WHAT REALLY MADE ME THINK OF THIS, ESPECIALLY AS WE TALK ABOUT FUNDING, AND FUNDING OUR SCHOOLS, AND WHAT SENATOR KOLOWSKI'S AMENDMENT JUST DID, AND WE HEAR CONSTANTLY ABOUT THIS SHORTAGE OF FUNDING THAT WE HAVE IN OUR STATE. WELL, IN THE ECAA, IN TITLE V, LET ME GIVE YOU AN OVERVIEW OF WHAT THEY'RE DOING. THIS TITLE CONTAINS THE PROVISIONS RELATING TO CHARTER SCHOOLS. IT WOULD COMBINE TWO EXISTING PROGRAMS INTO A SINGLE CHARTER SCHOOL PROGRAM, WHICH WOULD INCLUDE THREE GRANT COMPETITIONS: ONE, HIGH-QUALITY CHARTER SCHOOL GRANTS FOR STATE...TO STATES FOR STARTUP, REPLICATION, AND EXPANSION OF HIGH-QUALITY CHARTER SCHOOLS. TWO, FACILITIES FINANCING ASSISTANCE GRANTS TO PUBLIC OR PRIVATE NONPROFIT ENTITIES FOR INNOVATIVE METHODS OF FINANCING THE ACQUISITION, CONSTRUCTION, OR RENOVATION OF CHARTER FACILITIES. AND THREE, REPLICATION OF EXPANSION GRANTS TO CHARTER MANAGEMENT ORGANIZATIONS TO REPLICATE AND EXPAND HIGH-QUALITY CHARTER SCHOOLS. SO YOU WANT TO TALK ABOUT LEAVING MONEY ON THE TABLE, HERE AND THERE, THIS IS MONEY THAT WE'RE LEAVING ON THE TABLE. AND WHEN WE'RE TALKING ABOUT SCHOOL FUNDING OR WAYS TO IMPROVE EDUCATION,

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WE HAVE THAT OPPORTUNITY, ESPECIALLY WHEN WE LOOK AT ACROSS THE NATION, 27 STATES HAVE ENACTED POLICIES THAT TRY TO PROVIDE CHARTER SCHOOLS WITH BETTER ACCESS TO DISTRICT FACILITIES. SO THE STATES ARE DOING IT, TOO. AND I THINK 43 STATES HAVE CHARTER SCHOOLS. COLLEAGUES, MAYBE YOU GUYS ARE RIGHT. ALL THESE OTHER GUYS ARE...AND, OBVIOUSLY, FROM WHAT THE SENATE JUST DID, WE KNOW BETTER THAN ALL OF THEM. WE KNOW THAT THEY CAN'T BE EFFECTIVE. WE KNOW THAT THEY CAN'T WORK BECAUSE IF THEY DID WE'D OBVIOUSLY DO IT. THEY'RE A FAD. LET'S IGNORE THE ACTUALLY MILLIONS OF KIDS ON CHARTER SCHOOL WAIT LISTS ACROSS THIS COUNTRY BECAUSE PARENTS ARE LOOKING FOR AN ALTERNATIVE IN EDUCATION, LET'S IGNORE THAT. LET'S IGNORE THE SIGNIFICANT TEST SCORE DIFFERENTIAL AND THE STUDIES FROM CREDO, WHICH STANFORD UNIVERSITY'S THINK TANK, THAT SHOWS KIDS AT CHARTER SCHOOLS ARE RECEIVING OVER AN EQUIVALENCY OF 29... [LB525]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR LARSON: ...ADDED MATH DAYS A YEAR, AND I THINK IT WAS CLOSE TO 40-SOME READING DAYS. I MIGHT HAVE THOSE TWO BACKWARDS; I'LL GO AND LOOK. LET'S IGNORE THOSE FACTS THAT THESE SCHOOLS ARE SUCCEEDING BECAUSE WE KNOW BETTER. AND LET'S FORGET ABOUT THE FUNDING. WE DON'T NEED THE FUNDING TO HELP EDUCATION. WE DON'T WANT THOSE FEDERAL DOLLARS BECAUSE WE DON'T NEED CHARTERS. THEY'RE NOT FOR US. COLLEAGUES, THIS IS AN ISSUE. AND THIS IS AN ISSUE THAT I'VE BEEN QUIET ON FOR THE LAST COUPLE OF WEEKS BUT THAT'S ABOUT TO STOP. I WILL CONTINUE TO STAND UP, AND I'VE WARNED THAT I WOULD STAND UP ON THIS ISSUE AND TALK ABOUT IT. I SAT DOWN TODAY AND STAYED QUIET FOR QUITE A WHILE. BUT DECIDED IN THE END THAT WHEN WE'RE TALKING ABOUT EDUCATION... [LB525]

SENATOR BOLZ: TIME, SENATOR. [LB525]

SENATOR LARSON: THANK YOU. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR LARSON. I'D LIKE TO RECOGNIZE SPEAKER HADLEY FOR AN ANNOUNCEMENT. [LB525]

SPEAKER HADLEY: MADAM PRESIDENT, I JUST WANT TO GIVE YOU KIND OF AN OVERVIEW OF WHAT WE'RE GOING TO DO THE REST OF THE WEEK SO YOU'LL

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KIND OF KNOW WHAT IS HAPPENING. TOMORROW, TUESDAY, WE'LL START WITH A CONFIRMATION FROM THE GOVERNMENT COMMITTEE. WE WILL THEN GO TO THE CONSENT SELECT, WHICH I HOPE GOES VERY QUICK. THOSE ARE, BASICALLY, A VOICE TO MOVE THEM FORWARD. WE WILL GO BACK TO WHERE WE LEFT OFF ON SELECT TODAY AND GENERAL FILE TODAY. SO THAT WILL BE WHAT TOMORROW LOOKS LIKE. ON WEDNESDAY, WE WILL ONLY DO HALF OF THE CONSENTS TOMORROW JUST BECAUSE OF THE PAPERWORK. ON WEDNESDAY, WE WILL DO THE OTHER HALF OF THE CONSENT SELECT FILE. WE WILL DO THE BUDGET, SELECT ON ALL THE BUDGET PACKAGE ON WEDNESDAY, AND THEN OTHER BILLS, IF WE HAVE TIME. ON THURSDAY, WE WILL DO SOME FINAL READING AND SOME OTHER BILLS AS THE TIME DICTATES. SO I JUST WANTED YOU TO KNOW, BASICALLY, WHAT WE WERE LOOKING AT FOR THIS WEEK. THANK YOU, MADAM PRESIDENT.

SENATOR BOLZ: THANK YOU, SPEAKER HADLEY. SENATOR SCHEER, YOU ARE RECOGNIZED. [LB525]

SENATOR SCHEER: THANK YOU, MADAM PRESIDENT. I DON'T RISE SO MUCH IN RELATIONSHIP TO LB525 OTHER THAN PART OF THE DISCUSSION WE'VE HAD IN RELATIONSHIP TO VARIOUS ASPECTS OF LEGISLATION. I DON'T KNOW THAT ANY PART OF ANY BILL IS IMMUNE FROM CHANGE. I THINK IF WE LOOK AT IT OVER THE LAST, IF YOU WANT TO BE A HISTORIAN, PROBABLY FOR FOREVER. EVERY BILL HAS DEALS MADE. HAVING SAID THAT, IF ONE OR MORE OF US DON'T LIKE A PARTICULAR CHANGE THAT'S COMING FORWARD, WE CERTAINLY HAVE THE OPPORTUNITY TO DO WHATEVER WE WANT WITHIN THE RULES THAT WE PLACED IN FRONT OF US TO TRY TO STOP THAT. BUT WE SHOULDN'T BE DOING IT BY FORM OF INTIMIDATION OR THREAT, THAT SHOULD BE PART OF THE PROCESS. I SUSPECT 25, 30 YEARS AGO WHEN THEY STARTED STATE AID, WHICH WAS EQUALIZATION OF PROPERTY TAX RELIEF, THEY DIDN'T ENVISION 15 TO 20 CHANGES THAT HAVE HAPPENED OVER THE LAST 25 YEARS, ADDITIONS OR SUBTRACTIONS. I DON'T SUSPECT THAT THEY ENVISIONED THAT AGRICULTURAL VALUES MAY GO UP 300 PERCENT IN FIVE YEARS AND RESIDENTIAL VALUES GO UP 5 TO 10 PERCENT. I SUSPECT WHEN THEY PUT SENTENCING GUIDELINES IN 5 YEARS AGO, 50 YEARS AGO THAT THEY DIDN'T...WHATEVER DEAL WAS MADE AT THAT POINT IN TIME, THAT THEY DIDN'T SUSPECT AT SOME POINT IN TIME THEY WOULD BE CHANGED. THIS ISN'T SPECIFIC TO THE LEARNING COMMUNITY. BUT IT'S NOT IMMUNE FROM CHANGE. I THINK THE RECORD CLEARLY STATES THAT. I'M CERTAIN THAT SENATOR CHAMBERS' MEMORY IS ABSOLUTELY CORRECT. BUT THERE ALSO IS THE AVENUE THAT NOTHING IS FOREVER. I DON'T KNOW HOW MANY HUNDREDS OF TIMES I'VE HEARD IN THE SHORT TIME THAT I'VE

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BEEN HERE THAT WE CAN'T OBLIGATE FUTURE LEGISLATORS ON WHATEVER WE DO. THAT WOULD HOLD TRUE ON EVERY BILL THAT HAS BEEN PASSED. IF WE FIND FAULT IN IT, IF WE FIND SOMETHING THAT WE WOULD LIKE TO MODIFY, IF WE FIND SOMETHING THAT WE WANT TO CHANGE, ADD, OR DELETE, IT IS UP TO THIS BODY. IF PART OF THIS BODY DOESN'T WANT THAT TO HAPPEN, WE HAVE RULES TO GOVERN THAT. BUT LET'S NOT PUT OURSELVES IN A POSITION WHERE WE'RE USING AN INTIMIDATION OR A THREATFUL MANNER OF TRYING TO RESIST THOSE TYPE OF CHANGES. DO WHAT WE MIGHT. WE ALL DO THAT. WE ALL HAVE THE SAME OPPORTUNITIES. BUT LET'S NOT SIMPLY SAY BECAUSE A DEAL WAS STRUCK AT SOME POINT IN TIME IN 2008 OR IN 1988 OR IN 1948 OR 1908 THAT A PARTICULAR PART OF A BILL IS IMMUNE FROM CHANGE. THAT'S WHAT WE'RE SENT HERE FOR IS TO REVIEW AND TO CHANGE AND IMPLEMENT WHAT WE THINK IS BEST AT THIS TIME, AT THIS PLACE IN THE HISTORY OF THE STATE OF NEBRASKA. SO LET'S NOT BE AFRAID TO DO THINGS. AND WE'RE NOT. BUT LET'S NOT TRY TO MAKE THINGS IN AN ADVERSARIAL POSITION WHEN THOSE THINGS ARE NOT SOMETHING THAT WE OR MYSELF OR YOU MAY NOT FIND IN YOUR BEST INTEREST OR SOMETHING THAT YOU LIKE. WE ALL WILL USE THE RULES TO OUR BENEFIT. BUT WHEN IT'S ALL OVER WITH, WHATEVER DEALS WERE REACHED A YEAR AGO, A WEEK AGO, THIS AFTERNOON, OR TEN YEARS AGO, THEY'RE ALL OFF THE TABLE. IT'S NOW UP TO US TO MAKE THE FUTURE OF THIS LEGISLATE ACTIVE BODY. [LB525]

SENATOR BOLZ: ONE MINUTE. [LB525]

SENATOR SCHEER: THANK YOU, MADAM PRESIDENT. [LB525]

SENATOR BOLZ: THANK YOU, SENATOR SCHEER. SENATOR BAKER, YOU'RE RECOGNIZED [LB525]

SENATOR BAKER: QUESTION. [LB525]

SENATOR BOLZ: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED, NAY. HAVE ALL VOTED WHO WISH TO? RECORD, MR. CLERK. [LB525]

CLERK: 25 AYES, 2 NAYS TO CEASE DEBATE. [LB525]

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SENATOR BOLZ: DEBATE DOES CEASE. SENATOR SULLIVAN, YOU ARE RECOGNIZED TO CLOSE. [LB525]

SENATOR SULLIVAN: THANK YOU, MADAM PRESIDENT. I SIMPLY ASK FOR THE ADVANCEMENT AND YOUR GREEN VOTE ON LB525. THANK YOU. [LB525]

SENATOR BOLZ: THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB525. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB525]

CLERK: 27 AYES, 15 NAYS ON THE ADVANCEMENT OF LB525. [LB525]

SENATOR BOLZ: THE BILL DOES ADVANCE. ITEMS FOR THE RECORD, MR. CLERK. [LB525]

CLERK: MADAM PRESIDENT, BEFORE WE PROCEED, APPOINTMENT LETTER FROM THE GOVERNOR (SIC--SECRETARY OF STATE), WILL BE REFERRED TO EXECUTIVE BOARD FOR REFERRAL TO STANDING COMMITTEE FOR CONFIRMATION HEARING. AMENDMENT: SENATOR MELLO TO LB629; SENATOR SEILER TO LB605. YOUR COMMITTEE ON REVENUE, CHAIRED BY SENATOR GLOOR, REPORTS LB285 TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. THAT'S ALL THAT I HAVE. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1388-1391.) [LB629 LB605 LB285]

SENATOR BOLZ: THANK YOU, MR. CLERK. MR. CLERK, FOR THE TITLE. [LB175]

CLERK: MADAM PRESIDENT, LB175 BY SENATOR SCHILZ. (READ TITLE.) INTRODUCED ON JANUARY 12; REFERRED TO THE AGRICULTURE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING. (AM492, LEGISLATIVE JOURNAL PAGE 747.) [LB175]

SENATOR BOLZ: THANK YOU, MR. CLERK. SENATOR SCHILZ, YOU ARE RECOGNIZED TO OPEN ON LB175. [LB175]

SENATOR SCHILZ: THANK YOU, MADAM PRESIDENT AND MEMBERS OF THE BODY. GOOD AFTERNOON AND THANK YOU FOR THE OPPORTUNITY TO INTRODUCE AND DISCUSS LB175 WITH YOU TODAY. LB175 IS AIMED TO HELPING AND ENCOURAGING LIVESTOCK DEVELOPMENT WITHIN THE STATE AND

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SPECIFICALLY THOSE COUNTIES WHERE THEY'VE DECIDED ON A LOCAL LEVEL TO ENCOURAGE THE GROWTH OF SMART LIVESTOCK DEVELOPMENT. THE INSPIRATION FOR LB175 WAS THE NEBRASKA ECONOMIC DEVELOPMENT CERTIFIED COMMUNITY PROGRAM, WHICH IS RUN BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT. WHEN I WAS PRESIDENT OF OUR COUNTY ECONOMIC DEVELOPMENT GROUP, WE ENTERED IN AND WORKED ON THIS PROGRAM, ECONOMIC DEVELOPMENT CERTIFIED COMMUNITY. WHAT IT DOES WAS--IF A COMMUNITY DECIDES THAT THEY WANT TO HAVE DEVELOPMENT AND A COMMUNITY DECIDES THAT THEY WANT TO MOVE FORWARD ON THIS, THERE ARE CERTAIN THINGS THAT THEY HAD TO DO. THEY HAD TO HAVE A STRATEGIC PLAN. THEY HAD TO HAVE PLACES WHERE LAND WAS EITHER OPTIONED OR OWNED. THEY HAD TO HAVE OTHER THINGS IN PLACE. AND THEN THE STATE WOULD COME OUT, DEPARTMENT OF ECONOMIC DEVELOPMENT WOULD COME OUT, THEY WOULD EVALUATE THEM AND IF THEY DID EVERYTHING THAT THEY NEEDED TO DO UNDER THIS THING, THEN THEY GOT OTHER TOOLS THAT THEY COULD USE, BECAUSE, FOR ECONOMIC DEVELOPMENT, AND LET'S BE HONEST, JUST LIKE LIVESTOCK DEVELOPMENT, IT'S ONE AND THE SAME, ECONOMIC DEVELOPMENT, WHEN THE STATE IS PUTTING MONEY TOWARDS IT, THEY WANT TO MAKE SURE THAT THEY'RE GOING WHERE THEY CAN GET THE BEST BANG FOR THE BUCK. AND THOSE COMMUNITIES THAT ARE MORE READY TO TAKE THAT ON IS WHERE THE STATE SHOULD FOCUS ITS INTEREST. I BELIEVE IT'S THE SAME THING WITH LIVESTOCK DEVELOPMENT AND ECONOMIC DEVELOPMENT THERE. SO WHAT I DID IS I LOOKED AT THAT AND WE SAID LET'S TALK ABOUT THAT SOME AND LET'S SEE IF WE CAN'T DO THAT IN THE LIVESTOCK SECTOR AS WELL. AND SO LB175 WILL CREATE A SIMILAR FRAMEWORK TO BRING THIS KIND OF DEVELOPMENT STRATEGY TO LIVESTOCK-FRIENDLY COUNTIES. AND HERE'S WHAT THE BILL DOES: LB175 WOULD ESTABLISH THE LIVESTOCK GROWTH ACT, WHICH WHEN FUNDED, PROVIDES GRANTS AND INCENTIVES FOR LIVESTOCK FRIENDLY COUNTIES. IT CREATES A NEW CASH FUND DESIGNATED AS A LIVESTOCK GROWTH ACT CASH FUND WHICH CAN CONSIST OF APPROPRIATIONS AND FUNDS THAT MAY BE TRANSFERRED TO THAT FUND. IT AUTHORIZES THE DIRECTOR OF AGRICULTURE TO ADMINISTER A GRANT PROGRAM UTILIZING THOSE FUNDS. APPLICATION FOR GRANT ASSISTANCE WOULD BE AVAILABLE TO COUNTIES THAT ARE DESIGNATED AS LIVESTOCK FRIENDLY COUNTIES. GRANTS COULD BE MADE FOR PLANNING ACTIVITIES ASSOCIATED WITH COUNTY LIVESTOCK RECRUITMENT AND DEVELOPMENT EFFORTS, FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY RELATED TO A LIVESTOCK DEVELOPMENT PROJECT AS WELL. GRANT AMOUNTS QUALIFYING UNDER THE PLANNING SECTION ARE LIMITED TO \$15,000, AND GRANTS AWARDED UNDER THE INFRASTRUCTURE SECTION ARE LIMITED TO THE LESSER

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OF ONE-HALF OF THE UNOBLIGATED BALANCE IN THE FUND OR \$200,000, WHICHEVER IS LESS. LB175 THEN WILL ALSO AMEND SECTIONS OF THE NEBRASKA ADVANTAGE RURAL DEVELOPMENT ACT BY EXTENDING TAX CREDITS OFFERED UNDER THE ACT; SETS OUT DISTINCT QUALIFYING CRITERIA AND TAX CREDIT BENEFITS FOR LIVESTOCK DEVELOPMENT. CURRENTLY, THE TAX COMMISSIONER IS DIRECTED TO NO LONGER APPROVE APPLICATIONS WHEN EXPECTED CREDITS FROM APPROVED PROJECTS IN BOTH SECTIONS TOTAL \$1 MILLION IN A GIVEN YEAR. LB175 WOULD ALLOW FOR THE APPROVAL OF ADDITIONAL APPLICATIONS IN SUBSEQUENT YEARS. FOR CALENDAR YEARS 2016 AND BEYOND, WE WILL BEGIN TO ACCOUNT FOR EACH TYPE OF TAX INCENTIVE SEPARATELY. FOR LEVEL 1 AND 2 PROJECTS, THE LEVEL WILL BE RAISED TO \$1 MILLION FOR THE CAP. FOR MODERNIZATION TAX CREDITS, LIVESTOCK MODERNIZATION TAX CREDITS, THAT CAP WILL MOVE TO \$1.5 MILLION. LB175 ALSO AMENDS THE LAW TO REVISE THE TAX CREDIT AMOUNT QUALIFYING THRESHOLDS FOR LIVESTOCK PROJECTS APPLYING FOR CREDITS UNDER SUBSECTION (2). CURRENT LAW PROVIDES THAT SUCH CREDIT SHALL BE CALCULATED AT 10 PERCENT OF THE QUALIFYING INVESTMENT AND CAPPED AT \$30,000 TOTAL CREDIT. LB175 WOULD APPLY THIS LIMITATION FOR APPLICATIONS FILED PRIOR TO JANUARY 1, 2016. THEREAFTER, THE AMOUNT OF CREDIT WOULD BE CALCULATED AT 10 PERCENT OF THE QUALIFYING INVESTMENT AND CAPPED AT...I THINK IT SAID...WAS IT...\$150,000, I THINK THAT'S CORRECT. AND WITH THAT, FOLKS, I JUST WANT TO SAY THAT AS WE MOVE FORWARD WITH LIVESTOCK DEVELOPMENT AND ECONOMIC DEVELOPMENT, IT MAKES SENSE TO PUT THESE KINDS OF PROGRAMS IN PLACE. THERE IS QUITE A FEW COUNTIES OUT THERE THAT HAVE BEEN DESIGNATED LIVESTOCK FRIENDLY, AND NOW WE NEED TO GIVE THEM THE OPPORTUNITY TO MOVE FORWARD AND TO DO SMART DEVELOPMENT WHERE THEY CAN SIT DOWN AND THEY CAN DECIDE WHAT KIND OF LIVESTOCK DO WE WANT IN OUR COUNTY? WHAT IS THE SCALE OF LIVESTOCK FACILITIES THAT WE WANT IN THE COUNTY? AND HOW SHOULD WE ROLL THIS OUT AND WHAT DO WE NEED TO DO MOVING FORWARD? SO INSTEAD OF WHAT WE HAVE SEEN IN THE PAST, WHERE WE'VE SEEN PEOPLE FIGHTING OVER AND HAVING REACTIONS OVER WHERE SOME PRODUCER OR SOME CORPORATION OR BUSINESS OR INDIVIDUAL WANTS TO PLACE LIVESTOCK FACILITY, WHAT THIS BILL WOULD DO IS IT GIVES THE CONTROL TO THE COUNTIES TO COME UP WITH WHAT KIND OF DEVELOPMENT THEY WANT TO SEE. AND THAT'S WHAT'S IMPORTANT, BECAUSE JUST LIKE IN THE ECONOMIC DEVELOPMENT CERTIFIED COMMUNITY DESIGNATION, EACH COUNTY SHOULD BE ABLE TO CAPITALIZE ON ITS STRENGTHS. AND NOBODY KNOWS THAT BETTER THAN THE FOLKS THAT RESIDE IN THAT COUNTY. AND SO, AS YOU CAN SEE HERE, LB175 IS THE THOUGHTFUL APPROACH TO MOVING FORWARD WITH

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LIVESTOCK DEVELOPMENT IN THE STATE. AND IT IS SENSIBLE AND RIGHT THAT WE USE THE LIVESTOCK FRIENDLY DESIGNATION TO DESIGNATE THOSE COUNTIES THAT WE SHOULD START WITH FIRST. NOW, WE'RE NOT SAYING THAT ANYBODY IS LIVESTOCK UNFRIENDLY, BUT WHAT WE HAVE TO KNOW, IF WE'RE GOING TO MOVE DOLLARS OUT THERE AND ENCOURAGE THIS, BECAUSE I THINK WE'VE ALL TALKED ABOUT PROPERTY TAXES, WE'VE ALL TALKED ABOUT ALL THE OTHER THINGS THAT ARE GOING ON, GOOD JOBS IN RURAL AREAS, BECAUSE WE'VE TALKED ABOUT ALL THIS, THIS IS THE PROPER WAY TO MOVE FORWARD. THIS IS THE SMART WAY TO MOVE FORWARD. THIS IS THE WAY TO MOVE FORWARD WITH PLANNING, NOT REACTION. AND SO I KNOW THERE IS AT LEAST ONE AMENDMENT COMING UP THAT LOOKS TO STRIKE THE LIVESTOCK FRIENDLY DESIGNATION OUT OF THE BILL, AND THAT WOULD, OSTENSIBLY, OPEN IT UP TO THE REST OF THE STATE. BUT WE NEED TO WALK BEFORE WE RUN. WE NEED TO UNDERSTAND THAT WE DON'T HAVE A LOT OF MONEY TO THROW AT THIS AT THIS TIME. AND SO LET'S TAKE THOSE SMALLER STEPS TO ENSURE THAT WHERE WE GO AND WHERE WE DO HELP THAT WE GET THE BEST BANG FOR THE BUCK. AND WITH THAT, I WOULD ASK FOR YOUR SUPPORT ON LB175. AND I KNOW THERE IS COMMITTEE AMENDMENTS COMING UP AND I APPRECIATE THE AGRICULTURE COMMITTEE AND SENATOR JOHNSON FOR GIVING US ALL THE HELP. I KNOW THIS CAME OUT OF COMMITTEE. I BELIEVE IT WAS UNANIMOUS. I THINK A COUPLE PEOPLE ABSTAINED. BUT SENATOR JOHNSON CAN TELL US EXACTLY HOW THAT WAS. BUT THANK YOU VERY MUCH, MEMBERS OF THE BODY, AND I WOULD APPRECIATE YOUR SUPPORT. [LB175]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS, COMMITTEE AMENDMENTS FROM THE AGRICULTURAL COMMITTEE. SENATOR SCHILZ AS...NO, I'M SORRY, SENATOR JOHNSON, AS CHAIR, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB175]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. THE COMMITTEE AMENDMENT, AM492, MAKES TWO CHANGES. FIRST IN SECTION 4 OF THE BILL, IT CREATES A LIVESTOCK GROWTH CASH FUND. THE AMENDMENT STRIKES REFERENCE TO TRANSFERS FROM THE COMMERCIAL FEED ADMINISTRATION CASH FUND. IT'S MY UNDERSTANDING THIS WAS INADVERTENTLY LEFT IN THE BILL FROM PREVIOUS VERSIONS OF THAT BILL THAT HAD CONTEMPLATING UTILIZING SOME OF THE CASH RESERVE FROM THE FEED INSPECTION PROGRAM AS A REVENUE SOURCE. WITH THIS CHANGE, IT DOES ELIMINATE THE MAIN OPPOSITION TO THE BILL, TAKING IT FROM THE FEED INSPECTION PROGRAM,

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AND ALSO REDUCES...OR CHANGES THE CASH FUND FISCAL NOTE. SECONDLY, THE AMENDMENT INSERTS A NEW SECTION WHICH BECOMES SECTION 6 OF THE BILL, IF THIS IS ADOPTED. THE NEW SECTION WOULD MAKE REVISIONS WHICH SET FORTH DEFINITIONS UTILIZED BY THE RURAL DEVELOPMENT ACT, INCLUDING THE LIVESTOCK MODERNIZATION PROVISIONS AMENDED IN LB175. THE AMENDMENTS INSERT CLARIFICATION OF THE DEFINITION OF, QUOTE, LIVESTOCK AND LIVESTOCK PRODUCTION, TO ALLOW QUALIFICATION OF INVESTMENTS FOR EGG AND DAIRY PRODUCTION. CURRENTLY, THE LIVESTOCK MODERNIZATION PROVISIONS SPECIFY THAT THE TAX INCENTIVES APPLY TO LIVESTOCK PRODUCTION DEFINED AS THE ACTIVE USE, MANAGEMENT, AND OPERATION OF REAL AND PERSONAL PROPERTY FOR THE COMMERCIAL PRODUCTION OF LIVESTOCK. THE DEPARTMENT OF REVENUE HAS INTERPRETED THAT THE COMMERCIAL PRODUCTION OF LIVESTOCK IS CONFINED OPERATIONS WHERE THE PRODUCT IS THE ACTUAL ANIMAL AND THUS EXCLUDES OPERATIONS FOR THE PRODUCTION OF PRODUCTS FROM THOSE ANIMALS SUCH AS DAIRY PRODUCTS AND EGG PRODUCTS. SINCE LB175 OPENS THE LIVESTOCK MODERNIZATION PROVISION, IT PROVIDES AN OPPORTUNITY TO CLARIFY LEGISLATIVE INTENT ON WHAT TYPES OF LIVESTOCK MODERNIZATION INVESTMENTS ARE ELIGIBLE FOR BENEFITS IN THE PROGRAM. THE COMMITTEE AMENDMENT DOES NOT EXPAND ON TAX EXPENDITURES UNDER THE LIVESTOCK MODERNIZATION PORTION OF THE RURAL ADVANTAGE ACT AND WOULD NOT AFFECT...HAVE NO EFFECT ON THE FISCAL NOTE OF THIS BILL. I'D ALSO COMMENT THAT ONLY DAIRY AND POULTRY PRODUCTS, THOSE PROJECTS WOULD BE ADDED TO THE MIX OF THE PRODUCTS ELIGIBLE FOR THE LIVESTOCK MODERNIZATION TAX BENEFITS WITHIN THE CAP THAT HAS BEEN SET OUT. THE INTRODUCTION OF LB175 PROVIDES AN OPPORTUNITY TO HELP IMPLEMENT ONE OF THE RECOMMENDATIONS FROM THE DEPARTMENT OF AGRICULTURE DAIRY GROWTH STUDY COMPLETED AT THE DIRECTION OF LB941 ENACTED LAST YEAR. THAT REPORT NOTED A NEED FOR STRATEGIES TO RETAIN EXISTING DAIRIES BY SUPPORTING OPPORTUNITIES FOR DAIRIES TO EXPAND AND MODERNIZE TO ACCOMMODATE BRINGING THEIR YOUNG PRODUCERS BACK INTO THE FARM OPERATION AND TO ENHANCE GENERATIONAL TRANSFER OF DAIRY OPERATIONS. THE REPORT ALSO HIGHLIGHTED THE NEED FOR INTEGRATING TECHNOLOGY SUCH AS ROBOTIC MILKING SYSTEMS THAT WOULD HELP DAIRIES AVOID PROHIBITIVE LABOR COST. THE DEPARTMENT STUDY POINTS OUT THAT THIS TECHNOLOGY HAS ACTUALLY GROWN MOST VALUABLE TO ENCOURAGE SMALL- AND MEDIUM-SIZED DAIRIES. NEBRASKA DAIRIES HAVE TRAILED MORE INTENSE DAIRY STATES IN THE ADOPTION OF THIS TECHNOLOGY BECAUSE THE SIZE OF OUR DAIRY SECTOR DOES NOT SUPPORT INVESTMENTS OF VENDORS AND SERVICE DEPARTMENTS. NEBRASKA DAIRIES HAVE BEEN

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RELUCTANT TO UTILIZE THE TECHNOLOGY IF SERVICE IS NOT MADE READILY AVAILABLE. WE ARE AWARE, THOUGH, THAT VENDORS ARE INTERESTED IN EXPANDING IN THE NEBRASKA AREA WITH THE DEVELOPMENT OF DAIRY HERDS. THE AGRICULTURE COMMITTEE ADVANCED AM492 ON A VOTE OF 6-0 WITH TWO NOT VOTING. I WOULD ASK FOR YOUR SUPPORT OF THE ADOPTION OF THE COMMITTEE AMENDMENT, AM492. THANK YOU, MR. SPEAKER. [LB175]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON THE COMMITTEE AMENDMENT AM492. SENATOR GLOOR, YOU'RE RECOGNIZED [LB175]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD EVENING, MEMBERS. I VISITED WITH SENATOR SCHILZ ABOUT SOME OF MY QUESTIONS LAST WEEK AND HE WAS VERY HELPFUL. IT WAS LAST WEEK BECAUSE SOMETIME LAST WEDNESDAY OR THURSDAY, I THINK, WE THOUGHT WE MIGHT BE GETTING TO THIS BILL. I'M IN GENERAL SUPPORT OF LB175. I'M STILL TRYING TO GET MY MIND AROUND AM492. BUT WHAT I WANT TO POINT OUT FOR THE BODY IS--I UNDERSTAND THAT THOSE THINGS RELATED TO AGRICULTURE--INSPECTION FEES, GRANTS THAT COME OUT OF THE LIVESTOCK GROWTH ACT, ARE APPROPRIATE THINGS FOR THE AG COMMITTEE TO BE INVOLVED IN. BUT MEMBERS, THERE IS ANOTHER PART OF THIS THAT HAS TO DO WITH THE NEBRASKA ADVANTAGE ACT AND TAX CREDITS. AND TRADITIONALLY, THOSE THINGS GO TO THE REVENUE COMMITTEE. THESE ARE TAX CREDITS, THIS IS THE NEBRASKA ADVANTAGE ACT BEING ACTED ON BY THE AG COMMITTEE. NOW, IT'S NOT FOR TENS OF MILLIONS OF DOLLARS; IT'S FOR A COUPLE OF MILLION DOLLARS HERE OR THERE, AS I READ THE BILL. THIS IS A REFERENCE COMMITTEE ISSUE AND I CAN SEE WHERE THE REFERENCE COMMITTEE WAS HOPEFULLY CONSIDERING CUTTING THE BABY IN HALF AND ULTIMATELY DECIDED, YOU KNOW, IT'S AG RELATED, WE'LL SEND IT THERE. BUT AS RELATES TO THOSE DISCUSSIONS WE HAVE ABOUT WHAT'S BEING DONE TO PROVIDE TAX RELIEF IN THE AG COMMUNITY, HERE IS A BILL, IT DIDN'T COME OUT OF REVENUE, BUT IT HAS TO DO WITH TAX RELIEF FOR THE AG COMMUNITY THAT INVOLVES TAX CREDITS, AN IMPORTANT COMPONENT OF TAX RELIEF, THAT'S OUT THERE. IT'S UNDER ANOTHER COMMITTEE'S VEIL, BUT IT CERTAINLY TAX RELIEF. ANYTHING UNDER THE NEBRASKA ADVANTAGE WITH TAX CREDITS IS TAX RELIEF AND IT'S OUT THERE SPECIFICALLY FOR THE AG COMMUNITY. IT NEEDS TO BE PART OF THOSE TOTALS AS WE TALK ABOUT WHAT'S BEING DONE TO HELP THE PLIGHT OF THE AG INDUSTRY IN THE STATE. JUST WANTED TO MAKE THAT CLEAR AND POINT OUT AN ISSUE FOR THE GREATER BODY AND FOR THE RECORD. THANK YOU, MR. PRESIDENT. [LB175]

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SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB175]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD EVENING, COLLEAGUES. I VOTED FOR AM492. SENATOR SCHILZ NEARLY FELL OUT OF HIS CHAIR AT THE TIME I DID IT, BUT HE RECOVERED HIS COMPOSURE. IT'S NOT THAT I'M WILD ABOUT IT. BUT I THINK IT DOES VERY LITTLE, IF ANY, HARM. I WILL PROBABLY SUPPORT IT HERE AGAIN, BUT THERE ARE STILL SOME QUESTIONS SUCH AS SENATOR GLOOR JUST BROUGHT UP. DID IT GO TO THE RIGHT COMMITTEE? I'M NOT SURE THAT IT DID, BUT WE DEALT WITH IT. THAT'S WHERE IT WAS ASSIGNED AND WE DID WHAT COMMITTEES DO WHEN THEY'RE ASSIGNED A BILL. AS WE WORKED TOWARD EXPANDING LIVESTOCK FACILITIES, I WOULD JUST ASK THAT WE BE A LITTLE CAUTIOUS. I WILL HAVE MORE TO SAY THIS IF AND WHEN LB176 GETS HERE, THAT WE LOOK AROUND AND SEE WHAT'S HAPPENING TO THE POULTRY INDUSTRY. BIG ISN'T ALWAYS BETTER. COLLEAGUES, THEY'RE KILLING MILLIONS AND MILLIONS OF CHICKENS BECAUSE THEY'RE CONFINED SO CLOSELY THAT ONCE A DISEASE BEGINS, IT BECOMES RAMPANT. SO WHILE I WILL PROBABLY SUPPORT THIS BILL AS IT GOES FORWARD, I ASK YOU TO REMEMBER THAT BIGGER ISN'T ALWAYS THE ANSWER TO ALL OF OUR PROBLEMS IN AGRICULTURE. THANK YOU, MR. PRESIDENT. [LB176 LB175]

SPEAKER HADLEY: SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB175]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. COUPLE THREE COMMENTS NOW THAT WE HAVE THE AMENDMENT INTRODUCED. WHAT WE'RE DOING HERE WITH AM492 AND LB175 IS BUILDING THE STRUCTURE, KIND OF BUILDING THE VEHICLE IN ORDER TO MOVE FORWARD. THE FUNDING, AS THE AMENDMENT STATED, WE ARE NOT TAKING ANY FUNDS OUT OF ANY OTHER ACCOUNT RIGHT NOW. WE STILL HAVE TO WORK ON HOW WE'RE GOING TO FUND THE EXPANSION AND HOW WE'RE GOING TO FUND THE INCENTIVES. SO WHAT WE'RE ASKING TODAY IS HELP US BUILD A STRUCTURE, THE VEHICLE THAT WE CAN MOVE AHEAD AS WE MAYBE STUDY IT THIS SUMMER, DO SOME WORK ON IT, AND MAYBE COME BACK NEXT YEAR IN JOINT CONNECTION WITH THE REVENUE COMMITTEE AS TO HOW WE MOVE FORWARD. I WOULD MAKE TWO OTHER COMMENTS IN GENERAL. FIRST OF ALL, THE LIVESTOCK PRODUCTION SIDE OF IT, EXPANDING THAT PART WITH THE AMENDMENT, WE HAVE INTEREST IN THE DAIRY HERDS COMING IN. WE HAVE INTEREST...LIMITED INTEREST RIGHT NOW WITH THE DAIRY PROCESSING, PROCESSING OF THAT MILK. IF WE CAN GET THE DAIRIES IN, THE PROCESSORS WILL COME. BUT YOU CAN'T BUILD IT THE OTHER WAY. THE DAIRIES HAVE TO BE HERE AND COMING IN FIRST AND THEN THE

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PROCESSING PLANTS WILL COME IN. WHEN WE TALK ABOUT A SIZE OF A DAIRY, WHEN I WAS ON THE FARM, WE HAD ABOUT 40, 50 COWS THAT WE MILKED TWICE A DAY. TO ME, THAT WAS A BIG DAIRY. TODAY A RELATIVELY SMALL DAIRY WOULD BE PROBABLY 200 COWS. AND THE ROBOTIC MILKING IS NEW TECHNOLOGY AND IT IS, FOR SOME PEOPLE, IT'S VERY ECONOMICAL TO PUT IN ROBOTIC MILKING IN ORDER TO HELP ON THAT LABOR BILL. SO I THINK THAT'S SOMETHING ELSE THAT WILL ENHANCE IT. THE DESCRIPTION IN AM492 ALLOWS FOR THOSE TYPES OF...THAT TYPE OF TECHNOLOGY AND PRODUCTS, EQUIPMENT TO COME IN AND BE PART OF THIS. THE THIRD THING I WANT TO TALK ABOUT IS THE VALUE OF LIVESTOCK FRIENDLY COUNTIES. A VILLAGE, CITY, METROPOLITAN AREA CAN BECOME A CERTIFIED ECONOMIC DEVELOPMENT COMMUNITY. IT'S A LOT OF WORK THAT GOES INTO THAT TO BE CERTIFIED. AND WITH THAT, YOU GET ATTENTION FROM DEVELOPERS, YOU GET ATTENTION FROM POWER COMPANIES BECAUSE THEY'RE WILLING TO WORK BECAUSE THEY KNOW THAT YOU ARE INTERESTED IN ECONOMIC DEVELOPMENT. LIVESTOCK FRIENDLY COUNTIES ARE THE SAME THING. HAVING THAT DISTINCTION, IN ORDER TO GET THAT DISTINCTION, YOU DON'T HAVE TO CHANGE YOUR ZONING. THE STATE LOOKS AT IT TO MAKE SURE THAT YOU ARE ON THE PROACTIVE SIDE OF LIVESTOCK GROWTH AND LIVESTOCK PRODUCTION. THEY FIND OUT WHAT SIZE OF LIVESTOCK FACILITIES WOULD FIT IN YOUR COUNTY. IF IT DOESN'T FIT FOR LARGE DAIRIES OR LARGE FEEDLOTS, WHATEVER, THEY WON'T TRY AND GET THOSE TO COME TO YOUR COUNTY. BUT THEY MAKE IT FIT. IT'S VERY IMPORTANT THAT A LIVESTOCK DESIGNATION BE SET OUT THERE IN ORDER FOR PEOPLE...FOR THIS PROGRAM TO QUALIFY. THAT'S THE INCENTIVE FOR BEING PART OF A LIVESTOCK FRIENDLY COUNTY. RIGHT NOW, I BELIEVE IT'S 28 COUNTIES IN NEBRASKA HAVE BEEN DESIGNATED AS LIVESTOCK FRIENDLY. TO ME, IT'S AN IMPORTANT OF THIS PROJECT. [LB175]

SPEAKER HADLEY: ONE MINUTE. [LB175]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. SO WE NEED TO RETAIN LIVESTOCK FRIENDLY COUNTY. WE NEED TO BE ABLE TO EXPAND A LITTLE BIT MORE SO WE CAN HAVE PRODUCTION EQUIPMENT. I'M NOT SURE WHAT WE WOULD DO WITH ADDITIONAL EGG PRODUCTION IN NEBRASKA. RIGHT NOW EGGS ARE PRETTY MUCH THE BROILERS OR EGGS AND THEY'RE SHIPPED OUT. SO WITH THAT, I WOULD AGAIN SUPPORT AM492 AND LB175. THANK YOU, MR. SPEAKER. [LB175]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED. [LB175]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR JOHNSON WOULD YIELD TO A FEW QUESTIONS. [LB175]

SPEAKER HADLEY: SENATOR JOHNSON, WILL YOU YIELD? [LB175]

SENATOR JOHNSON: YES, I WILL. [LB175]

SENATOR DAVIS: SENATOR JOHNSON, I JUST WONDER HOW MUCH YOU CAN TELL US ABOUT HOW THE LIVESTOCK FRIENDLY COUNTY PROCESS WORKS. THERE ARE SEVERAL PAGES OF REGULATIONS AND I HAVEN'T HAD TIME TO GO THROUGH THOSE. [LB175]

SENATOR JOHNSON: OKAY. I SAT IN ON PART OF IT. IT'S INITIATED BY PRODUCERS. I IMAGINE IT COULD BE DISCUSSED AT THE COUNTY LEVEL FIRST AND SEE IF THERE IS INTEREST. BUT THE COUNTIES THAT I'M AWARE OF, THEY HAVE BROUGHT A RESOLUTION OR ASKED FOR A RESOLUTION FROM THE COUNTY BOARD OF SUPERVISORS OR COMMISSIONERS TO LOOK AT ADOPTING A RESOLUTION TO APPLY. THAT'S WHAT HAPPENED IN THE COUNTY THAT I'M INVOLVED WITH. THAT APPLICATION THEN WENT TO THE DEPARTMENT OF AGRICULTURE. THEY REVIEWED ZONING. THEY REVIEWED SOME OF THE ACTIVITIES THAT'S GONE ON AND DETERMINED WHETHER YOU ARE LIVESTOCK FRIENDLY. [LB175]

SENATOR DAVIS: AND SENATOR JOHNSON, SO WHEN THEY REVIEW THE ZONING, DOES THAT MEAN THEIR DECISION TO DESIGNATE YOU AS LIVESTOCK FRIENDLY WOULD DEPEND ON HOW YOUR ZONING WAS STRUCTURED? [LB175]

SENATOR JOHNSON: IT'S DEFINITELY A FACTOR, BECAUSE IF YOU PRETTY WELL WIDE OPEN WITH YOUR AREA, OPEN AREA, IT'S MORE LIKELY THAT THEY WOULD SEE MORE POSITIVE THINGS AS FAR AS SIZE OF AN OPERATION. SAUNDERS COUNTY IS RIGHT NEXT TO DOUGLAS COUNTY AND RIGHT NEXT TO LANCASTER COUNTY, BUT WE ARE LIVESTOCK FRIENDLY, PROBABLY FOR SMALLER OPERATIONS. [LB175]

SENATOR DAVIS: AND SO, I THINK YOU SAID THERE WERE 28. I'M LOOKING AT THE MAP I HANDED OUT, I THINK THERE ARE 29 ACTUALLY. BUT YOU'RE...THERE MIGHT BE ONE NEW AND IT'S JUST IN. WHY HAVEN'T MORE COUNTIES BECOME LIVESTOCK FRIENDLY COUNTIES? [LB175]

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SENATOR JOHNSON: WELL, IT'S BEEN AROUND FOR A WHILE. IT HASN'T REALLY BEEN PROMOTED. BUT AS WE'VE TRIED TO EMPHASIZE THE NEED FOR LIVESTOCK PRODUCTION, INCREASING THAT OR GROWING THAT, I THINK THAT'S PICKED UP SOME OF THE MOMENTUM. AND I WOULD HAVE TO ALSO SAY IT MAYBE HASN'T BEEN AS VALUABLE TO HAVE THAT. BUT IF WE MOVE AHEAD WITH LB175 WITH AMENDMENT, AM492, IT WILL PUT MORE VALUE ON TO HAVING LIVESTOCK DESIGNATION AND I THINK WE'LL SEE POSSIBLY MORE COUNTIES APPLY. [LB175]

SENATOR DAVIS: THEN I'VE GOT ONE OTHER QUESTION. YOU TALKED ABOUT THE ROBOTIC MILKING EQUIPMENT. AND SO ARE YOU TELLING ME THAT IN THIS BILL THEN, THERE ARE SUBSIDIES AVAILABLE FOR A DAIRY TO PUT A ROBOTIC MILKING SYSTEM INTO PLACE? [LB175]

SENATOR JOHNSON: THERE WOULD BE...IT WOULD NOT ONLY INCLUDE THE ANIMAL FINANCING AND FOR THE FEEDING THE ANIMAL AND THINGS LIKE THAT, IT WOULD ALSO EXPAND IT SO THE PRODUCTS THAT THOSE ANIMALS PRODUCE, THE EQUIPMENT THAT'S NEEDED TO, IN THIS CASE, MILK THE COW, THE COOLER OR SOMETHING LIKE THAT WOULD BE ELIGIBLE, THE WAY I UNDERSTAND IT. [LB175]

SENATOR DAVIS: SO THAT'S GOING TO BE A LABOR REDUCTION THEN, IS THAT CORRECT? [LB175]

SENATOR JOHNSON: WELL, IT WOULD HELP IN SOME LABOR REDUCTION. THERE IS MORE TO THE DAIRY INDUSTRY THAN JUST THE MILKING PROCESS. [LB175]

SENATOR DAVIS: RIGHT. SO I GUESS MY QUESTION IS: WHY ARE WE WANTING TO INCENTIVIZE SOMETHING THAT'S GOING TO REDUCE JOBS, ESSENTIALLY, ON THE FARM AND RANCH? IF WE'RE TRYING TO BUILD OUR POPULATION HERE, WHY ARE WE GOING TO INCENTIVIZE ONE BUSINESS IN ONE COUNTY TO HELP THEIR COST AND DRIVE DOWN THEIR LABOR POOL WHEN WE MAY HAVE ANOTHER DAIRY IN ANOTHER COUNTY THAT ISN'T GOING THAT DIRECTION? [LB175]

SENATOR JOHNSON: WELL, I THINK THAT'S A CHOICE OF BUILDING, MAYBE, A NEW DAIRY. IN SOME CASES, THERE MIGHT BE ONLY ONE, MAYBE ONE SIBLING COMING BACK AND...TO ADD IT INTO EVERYTHING ELSE, IT MIGHT BE TOO MUCH OF A LOAD. BUT WITH ROBOTIC MILKING, IF SOMEBODY STILL PROBABLY

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NEEDS TO BE AROUND THERE, BUT OTHER TASKS COULD BE DONE AT THE SAME TIME. SO IT DOES REDUCE, BUT IT DOES NOT ELIMINATE LABOR. [LB175]

SENATOR DAVIS: BUT, SENATOR JOHNSON, IF WE'RE GOING TO INCENTIVIZE MECHANIZATION ON FARM AND RANCH... [LB175]

SPEAKER HADLEY: ONE MINUTE. [LB175]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. IF WE'RE GOING TO INCENTIVIZE MECHANIZATION, AREN'T WE, ESSENTIALLY, GOING TO DRIVE THE OTHER FOLKS OUT OF BUSINESS WHO ARE DOING IT IN A MORE, QUOTE UNQUOTE, OLD-FASHIONED MANNER OVER TIME? [LB175]

SENATOR JOHNSON: I DON'T KNOW THAT IT WOULD DRIVE THEM OUT OF BUSINESS. THEY'RE OPERATING NOW PROBABLY WITH A LARGE ENOUGH DAIRY THAT THEY'RE ABLE TO ABSORB THE LABOR COSTS THAT THEY HAVE WITH THE LARGER DAIRY. MAYBE EVENTUALLY THEY WOULD MAYBE GROW AND ALLOW GROWTH TO BE HANDLED BY HAVING PART OF THEIR HERD WITH THE ROBOTIC MILKERS. [LB175]

SENATOR DAVIS: SO WHAT WE'RE DOING HERE IS WE'RE GOING TO INCENTIVIZE NEW DAIRIES IN THE STATE, BUT NOT HELP OLD, EXISTING DAIRIES? [LB175]

SPEAKER HADLEY: TIME, SENATOR. [LB175]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. [LB175]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB175]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SENATOR SCHILZ, WILL YOU YIELD, PLEASE? [LB175]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD? [LB175]

SENATOR SCHILZ: I'D BE HAPPY TO, YES. [LB175]

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SENATOR SCHNOOR: I APOLOGIZE. I WAS NOT PREPARED. ON THE BILL, IT SAYS ON PAGE 2, STARTING WITH LINE 24: THE DIRECTOR OF AGRICULTURE SHALL ESTABLISH A PROCESS, INCLUDING CRITERION STANDARDS TO RECOGNIZE AND ASSIST EFFORTS OF COUNTIES TO MAINTAIN OR EXPAND THEIR LIVESTOCK SECTOR. NOW, NORMALLY, SENATOR SCHILZ, I WOULD BE A LITTLE LEERY OF THIS. WE'VE SEEN THIS BEFORE, LEGISLATION WITH RULES YET TO BE ESTABLISHED. BUT I WOULD ASK IF YOU COULD PLEASE CLARIFY THAT. [LB175]

SENATOR SCHILZ: WELL, I THINK WHAT IT'S TALKING ABOUT, I MEAN, OBVIOUSLY, THE RULES FOR LIVESTOCK FRIENDLY DESIGNATION ARE ALREADY IN PLACE. THOSE ARE IN FORCE RIGHT NOW. I THINK WHAT THEY'RE TALKING ABOUT IS ON THE GRANT APPLICATIONS, TIMING OF GRANT APPLICATIONS, WHEN THOSE WOULD BE HANDED OUT, WHAT THE APPLICATION WILL LOOK LIKE. I THINK THOSE ARE THE TYPES OF THINGS THEY'RE TALKING ABOUT RULES AND REGS. [LB175]

SENATOR SCHNOOR: OKAY. DID I HEAR YOU SAY WHEN YOU FIRST WERE GIVING THE OPENING THAT ONE OF THESE OTHER AMENDMENTS TAKES THE LIVESTOCK FRIENDLY EQUATION OUT OF IT AND OPENS IT UP TO EVERYBODY? [LB175]

SENATOR SCHILZ: I BELIEVE THAT THAT WILL BE SENATOR DAVIS' AMENDMENT THAT WILL BE COMING UP SOON. [LB175]

SENATOR SCHNOOR: OKAY. THAT'S WHAT...I THOUGHT I HEARD YOU SAY THAT. AND I GUESS WHEN THAT COMES UP, WE'LL DECIDE THAT. BUT, YOU KNOW, RIGHT NOW, HERE IS WHAT YOU GET WHEN YOU'RE A LIVESTOCK FRIENDLY COUNTY-- YOU GET A NICE SIGN ON THE SIDE OF THE ROAD, THAT'S IT, THERE IS NO BENEFITS. SO THIS IS A BILL THAT HELPS THOSE COUNTIES THAT HAVE TAKEN THE TIME TO DO THAT. LET'S REMEMBER, AGRICULTURE IS OUR NUMBER ONE INDUSTRY IN THE STATE. I CAN'T SPEAK...I THINK HOGS ARE MAYBE NUMBER THREE IN THE NATION; CATTLE ON FEED IS NUMBER ONE IN THE NATION; SO WE HAVE THESE DESIGNATIONS THAT GO TO THESE COUNTIES, BUT IN ESSENCE, THERE IS NO BENEFITS FOR IT. SO I'M IN FAVOR OF THIS. AND I'LL BE INTERESTED IN FURTHER INFORMATION THAT GETS PUT OUT BY THE OTHER AMENDMENTS. BUT I'D LIKE TO SEE EVERYBODY SUPPORT THIS. SO THANK YOU, SIR. [LB175]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB175]

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SENATOR JOHNSON: I'LL BE BRIEF. THERE IS VALUE IN TWO THINGS--ONE, IT TAKES OFF THE FISCAL NOTE BY NOT TAKING THE MONEY OUT OF THAT OTHER FUND. WE STILL HAVE TO WORK ON THAT. IT PROVIDES AN EXPANSION OF THE CREDITS FOR THE...TO BUY THE EQUIPMENT IN ORDER TO EXPAND LIVESTOCK OPERATIONS. AND IT ALSO SETS UP THE DESIGNATION PART OF THE BILL, I GUESS, THAT ISN'T THE AMENDMENT, TO UTILIZE LIVESTOCK FRIENDLY COUNTIES. THANK YOU, MR. SPEAKER. [LB175]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB175 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB175]

CLERK: 32 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB175]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK. [LB175]

CLERK: MR. PRESIDENT, SENATOR KEN HAAR WOULD MOVE TO AMEND, AM1409. (LEGISLATIVE JOURNAL PAGE 1348.) [LB175]

SPEAKER HADLEY: SENATOR HAAR, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB175]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, MY AMENDMENT WOULD ADD THE CONCEPT OF...SINCE WE'RE TALKING ABOUT ECONOMIC DEVELOPMENT HERE, WOULD ADD THE CONCEPT OF USING THIS KIND OF INCENTIVE MONEY FOR ENERGY DEVELOPMENT. AND I'LL TELL YOU RIGHT UP FRONT, I'M GOING TO TALK A COUPLE TIMES ON THIS, BUT I'M GOING TO WITHDRAW THE AMENDMENT EVENTUALLY. NOW, FOR THE PURPOSE OF THIS AMENDMENT, IT WOULD ADD RENEWABLE ENERGY AS SOMETHING THAT COUNTIES COULD IDENTIFY AS THEIR STRENGTH AND THEN HAVE SOME MONEY TO DEVELOP THAT STRENGTH. FROM THE AMENDMENT IT SAYS: FOR PURPOSES OF THE LIVESTOCK AND RENEWABLE ENERGY GROWTH ACT, WHICH IT WOULD RENAME IT, RENEWABLE ENERGY INCLUDES, BUT IS NOT LIMITED TO WIND, HYDROPOWER, SOLAR, BIOMASS, GEOTHERMAL, FUEL CELLS, LANDFILL GAS, METHANE GAS, AND PHOTOVOLTAIC TECHNOLOGY. AND WHAT I WANTED TO TALK ABOUT WAS DURING OUR DISCUSSION EARLIER TODAY AND SEVERAL OTHER TIMES WHEN WE TALKED ABOUT WIND DEVELOPMENT, AND IT COULD BE SOLAR AS WELL, AND ECONOMIC DEVELOPMENT, WE'VE TALKED ABOUT THE BRATTLE REPORT. NOW THE BRATTLE STUDY WAS LB1115 LAST YEAR AND IT

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WAS INTRODUCED BY SENATOR AL DAVIS AND OTHER PEOPLE WHO SIGNED ON, AND THIS ISN'T EVERYONE, BUT OTHER SIGNATORS WERE MYSELF, SENATOR SCHILZ, SENATOR BRASCH, SENATOR SEILER, SENATOR SMITH, SENATOR SULLIVAN. IT WAS A \$200,000 STUDY TO ASK THE QUESTION--HOW COULD WE DEVELOP OUR WIND POTENTIAL IN NEBRASKA? AND A NUMBER OF TIMES IN THE LAST FEW DAYS I'VE HEARD PEOPLE SAY THAT THE BRATTLE REPORT SAID--WIND JUST WON'T WORK WELL IN NEBRASKA. AND I REALLY HAVE PROBLEMS WITH THAT STATEMENT. I'VE READ THE REPORT THREE TIMES. AND ALTHOUGH THERE ARE CHALLENGES, IT ALSO PRESENTS OPPORTUNITIES. SO I'D LIKE TO ASK A FEW SENATORS SOME QUESTIONS. I WONDER IF SENATOR DAVIS WOULD ANSWER A QUESTION FOR ME. [LB175]

SPEAKER HADLEY: SENATOR DAVIS, WILL YOU YIELD? [LB175]

SENATOR DAVIS: CERTAINLY. [LB175]

SENATOR HAAR: SENATOR DAVIS, YOU INTRODUCED THE BILL THAT CREATED THE BRATTLE REPORT, AND SO I'D LIKE TO ASK YOU--DID YOU CONCLUDE FROM THE BRATTLE REPORT THAT WIND JUST WON'T WORK WELL IN NEBRASKA? [LB175]

SENATOR DAVIS: NO. I THOUGHT THE BRATTLE REPORT SAID THERE WAS A LOT OF POTENTIAL FOR A LOT OF WIND DEVELOPMENT HERE WITH SOME POLICY CHANGES THAT COULD BE MADE HERE. [LB175]

SENATOR HAAR: GOOD. THANK YOU VERY MUCH. I'D LIKE TO ASK SENATOR SCHILZ A QUESTION IF I COULD. [LB175]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD? [LB175]

SENATOR SCHILZ: YES, I WOULD. [LB175]

SENATOR HAAR: SENATOR SCHILZ, YOU WERE ONE OF THE COSPONSORS OF THE LB1115 THAT CREATED THE BRATTLE REPORT. FROM HEARING THAT REPORT AND READING THAT REPORT, WOULD YOU CONCLUDE THAT WIND JUST WON'T WORK WELL IN NEBRASKA? [LB175]

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SENATOR SCHILZ: WELL, THE WIND KNOWS HOW TO WORK IN NEBRASKA. I KNOW THAT. AS WE LOOK AT THESE THINGS FROM WHAT I UNDERSTOOD IN THE BRATTLE STUDY IS THAT THERE ARE CHALLENGES OUT THERE, BUT TODAY, JUST TODAY WITH OUR CURRENT INFRASTRUCTURE, WITH OUR CURRENT TRANSMISSION, AND THINGS LIKE THAT, WE COULD ACTUALLY HANDLE ABOUT ANOTHER 2,000 MEGAWATTS, AS IT IS, THAT COULD BE FOR ANY GENERATION. SO WE'VE GOT EXCESS CAPACITY ON OUR TRANSMISSION OUT THERE THAT WE COULD UTILIZE WITHOUT HAVING TO DO ANY UPGRADES IN THAT INFRASTRUCTURE. [LB175]

SENATOR HAAR: GOOD. THANK YOU VERY MUCH. WELL, I WOULD JUST LIKE TO ECHO WHAT I'VE HEARD SENATOR DAVIS AND SENATOR SCHILZ SAY THAT THE BRATTLE REPORT SAID CERTAINLY THAT THERE ARE CHALLENGES, BUT IT ALSO SPEAKS TO OPPORTUNITIES. SO I WANT TO GO OVER THE BRATTLE REPORT JUST QUICKLY BECAUSE, AS WE HEAR ABOUT THIS AGAIN AND AGAIN, AND HAVING HEARD THAT WIND JUST WON'T WORK WELL IN NEBRASKA AS PER THE BRATTLE REPORT, I WANT TO SAY WHAT I THINK MY IMPRESSION OF THAT REPORT WAS. HERE IS SOME OF THE TAKEAWAYS. FIRST OF ALL, THE TITLE WAS, "NEBRASKA RENEWABLE ENERGY EXPORTS: CHALLENGES AND OPPORTUNITIES". HERE ARE SOME OF THE TAKEAWAYS OF THE BRATTLE REPORT. AS SENATOR SCHILZ WAS SAYING, 2,000 MEGAWATTS OF RENEWABLE ENERGY EXPORT, AND THAT COULD BE SOLAR, WIND, WHATEVER, IS FEASIBLE WITH THE CURRENT AND IN-THE-WORKS TRANSMISSION. IF WE GO TO MUCH HIGHER, THEN WE'RE TALKING ABOUT SOME MAJOR INVESTMENT, BUT WE COULD ADD AN ADDITIONAL 2,000 MEGAWATTS WITH PRETTY MUCH OUR CURRENT TRANSMISSION AND THE TRANSMISSION THAT'S PLANNED BY THE SOUTHWEST POWER POOL. THEN IT ALSO SAID THE BROADER REGIONAL MARKET FOR ADDITIONAL RENEWABLE GENERATION IS FINITE AND COMPETITIVE. THERE IS A LIMIT TO HOW MUCH RENEWABLE GENERATION IS REQUIRED RIGHT NOW, AND IT'S VERY COMPETITIVE. THAT'S THE CHALLENGE. BUT HERE'S THE OPPORTUNITY, AND THIS AGAIN COMES FROM THE REPORT, THAT A NEW WAVE, AND I'M QUOTING NOW FROM THE REPORT, A NEW WAVE OF RENEWABLE GENERATION, END QUOTE, WILL LIKELY OCCUR WITH HIGHER WHOLESALE ELECTRICAL PRICES. AS I SAID EARLIER, THE PRICE OF COAL, THE PRICE OF TRANSPORTATION IS GOING UP AND UP. THE PRICE OF COAL HAS DOUBLED IN THE LAST DECADE, AND SO HAVE ELECTRICAL PRICES. THOSE ARE GOING TO CONTINUE TO GO UP AND UP. MORE STRINGENT FEDERAL ENVIRONMENTAL POLICIES: NOW, THERE MAY BE DISAGREEMENT ON HOW WE SHOULD MEET THOSE POLICIES, BUT I REALLY HAVEN'T TALKED TO ANYBODY WHO THINKS THAT THERE WON'T BE SOME KIND OF CARBON TAX EVENTUALLY ON BURNING FOSSIL FUELS, ESPECIALLY COAL.

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THE RENEWAL OF FEDERAL TAX CREDITS, IF THAT HAPPENS, WE'LL SEE MORE DEVELOPMENT, ALTHOUGH THE SIGNS ARE NOT VERY GOOD OF THAT RIGHT NOW IN CONGRESS. RIGHT NOW, THERE ARE A LOT OF COAL PLANT RETIREMENTS GOING ON. THAT WILL ALSO REQUIRE NEW AND ADDITIONAL MARKETS FOR OUR RENEWABLE ENERGY. RIGHT NOW IN THE UNITED STATES, THERE ARE NO NEW COAL PLANTS BEING PROPOSED. AND LIKE I SAID, MANY, MANY OF THE COAL-FIRED PLANTS NOW IN THIS COUNTRY, ALTHOUGH THEY'VE BEEN UPGRADED, ARE 40 YEARS OLD AND OLDER. ANOTHER REASON THAT THERE WILL BE...THERE MAY BE A NEW WAVE OF RENEWABLE GENERATION IS THAT BETTER INTERCONNECTION BETWEEN REGIONAL AND NATIONAL GRIDS. WE'RE SEEING NOT ONLY ELECTRICITY COME TO NEBRASKA FROM OKLAHOMA, BUT FROM KENTUCKY, FOR EXAMPLE. AND SO AS TIME GOES ON AND ELECTRICAL PRICES GO UP, WE'RE GOING TO SEE MORE AND MORE INTERCONNECTION ALL OVER THIS NATION. AND FINALLY, LB423, IF NEBRASKA PASSES A NEBRASKA PRODUCTION TAX CREDIT, WE'RE GOING TO SEE MORE DEMAND FOR RENEWABLE GENERATION. SO I REALLY DO CHALLENGE, AND I WILL CHALLENGE THE NEXT TIME I HEAR IT AGAIN, THAT THE BRATTLE REPORT JUST IS A NEGATIVE REPORT SAYING THAT WIND JUST WON'T WORK WELL IN NEBRASKA. WHAT THE BRATTLE REPORT DOES, AND IT WAS A STUDY BASED TO LOOK AT THE CHALLENGES FOR RENEWABLE ENERGY EXPORTS, BUT ALSO THE OPPORTUNITIES FOR THIS STATE, WHEN WE TALK ABOUT RENEWABLE ENERGY EXPORTS. WE HEAR ABOUT PROPERTY TAX RELIEF, DEVELOPING OUR RENEWABLE ENERGY EXPORTS WOULD PROVIDE PROPERTY TAX RELIEF PRIMARILY TO RURAL NEBRASKA. [LB423 LB175]

SPEAKER HADLEY: ONE MINUTE. [LB175]

SENATOR HAAR: THANK YOU VERY MUCH. AND THAT BEING SAID, I WOULD LIKE TO WITHDRAW MY AMENDMENT. THANK YOU VERY MUCH. [LB175]

SPEAKER HADLEY: MR. CLERK. [LB175]

CLERK: MR. PRESIDENT, THE NEXT AMENDMENT TO THE BILL IS SENATOR DAVIS, AM1452. (LEGISLATIVE JOURNAL PAGE 1392.) [LB175]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB175]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. MY AMENDMENT DOES A COUPLE OF THINGS AND I WON'T TAKE A LOT OF TIME WITH IT, BUT I PASSED OUT A MAP A LITTLE BIT EARLIER WITH THE LIVESTOCK FRIENDLY COUNTIES DESIGNATED ON THAT AND THERE ARE 29 OF THOSE, AS I MADE REFERENCE TO WHEN I TALKED TO SENATOR JOHNSON ON THE MICROPHONE. SO, MY FEELING ON THE BILL IS IF THIS IS GOOD PUBLIC POLICY FOR NEBRASKA, WE DON'T NEED TO RESTRICT IT TO THOSE 29 COUNTIES, WE OUGHT TO MAKE IT AVAILABLE ACROSS THE STATE BECAUSE, YOU KNOW, IF YOU LOOK AT THE MAP, YOU'LL SEE THAT SOME OF THE COUNTIES THAT I CONSIDER TO BE POWERHOUSE, AGRICULTURAL COUNTIES, LIKE MY OWN RESIDENTIAL COUNTY OF CHERRY COUNTY, ARE NOT INCLUDED; CUSTER COUNTY, WHICH IS A HUGH, HUGE LIVESTOCK COUNTY, AND BUFFALO, HALL, AND THERE ARE A LOT OF THEM IN THERE THAT I THINK WOULD BENEFIT BY THIS BILL, IF THIS IS GOOD PUBLIC POLICY. THE OTHER ELEMENT OF THE BILL THAT I INTRODUCED, JUST ADDS A LITTLE...ANOTHER QUALIFIER, ANOTHER GROUP THAT WOULD BE ELIGIBLE FOR IT AND THAT'S ORGANIC VALUE-ADDED AGRICULTURE, WHICH I THINK IS ON THE RISE AND GROWING, ESPECIALLY IN LIVESTOCK. SO I THINK THAT OUGHT TO BE INCLUDED. I DON'T THINK WE NEED TO JUST CONCENTRATE THIS ON, ESSENTIALLY, LARGE CAPITAL-INTENSIVE INDUSTRIES. IF WE'VE GOT AN ORGANIC RANCHER OUT THERE THAT'S DOING SOMETHING WITH GRASS-FED BEEF AND HE'S GOING TO TRY AND FILL AND NICHE AND HE NEEDS SOME ASSISTANCE THROUGH THAT, I THINK THAT'S SOMETHING THAT WE OUGHT TO SUPPORT. SO THAT'S THE OBJECTIVE OF MY TWO CHANGES TO THE BILL. I'D BE GLAD TO ANSWER ANY QUESTIONS, BUT I'M NOT GOING TO TAKE TIME FROM ANYONE, IF WE NEED TO MOVE ON WE NEED TO MOVE ON. SO, WITH THAT I WOULD YIELD THE REST OF MY TIME BACK TO THE CHAIR. [LB175]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE: SENATORS KEN HAAR, SCHUMACHER, SCHILZ, JOHNSON, AND SULLIVAN. SENATOR KEN HAAR YOU'RE RECOGNIZED. SENATOR KEN HAAR WAIVES. SENATOR SCHUMACHER. [LB175]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. AS SENATOR GLOOR POINTED OUT, THERE ARE CERTAINLY SOME REVENUE COMMITTEE ISSUES THAT ARE FOOTING THIS BILL. THERE ARE THREE GENERAL TYPES OF TAX CREDITS AND THEY'RE DEALT WITH, AND THEY'RE DEALT WITH DIFFERENTLY. THERE IS THOSE THAT...LIKE UNDER THE ADVANTAGE ACT, AND THAT MEANS YOU GET A CREDIT THAT'S CALCULATED SOMEWAY OR ANOTHER ACCORDING TO SOME FORMULA IF YOU MEET CERTAIN STANDARDS, AND THAT CREDIT YOU CAN TAKE AGAINST YOUR TAXES. SO IF YOU OWED \$1,000 IN TAXES AND YOU HAD \$1,000 IN CREDIT, YOU WOULDN'T HAVE TO SEND ANY MONEY IN.

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AND THAT LEADS TO THE ISSUES WITH THE ADVANTAGE ACT, FOR EXAMPLE, BECAUSE EVEN THOUGH THEY'VE BEEN ISSUED A LOT...A COMPANY MAY HAVE BEEN ISSUED A LOT OF CREDITS, IF IT GOES UNDER OR IF IT DOESN'T HAVE ENOUGH INCOME TO PAY INCOME TAXES OR ITS EXPENSES ARE HIGH, OR WHATEVER, IT MAY BE SITTING THERE WITH A BOAT LOAD OF CREDITS AND NOT BE ABLE TO USE THEM AT ALL. AND SO WE DON'T KNOW UNTIL THE CONTRACT IS UP WHETHER OR NOT THOSE CREDITS ARE GOING TO BE A LIABILITY OR NOT. WE CAN ONLY GUESS. THEN THERE IS THE TRANSFERABLE TYPE OF CREDITS THAT WE TALKED ABOUT ON THESE WIND ENERGY PROJECTS WHERE THE COMPANY GETTING THE CREDIT OR QUALIFYING FOR THEM MAY OR MAY NOT HAVE ANY TAX BILL. IF IT DOESN'T HAVE A TAX BILL, WHAT GOOD ARE THE CREDITS? WELL, THE CREDITS, YOU GOT TO GET RID OF THEM. IF THEY'RE ALLOWED TO BE TRANSFERABLE, YOU SELL THEM TO SOMEBODY WHO CAN CLAIM THEM AGAINST THEIR INCOME TAX LIABILITY. AND WHEN YOU DO THAT, YOU SELL THEM AT A DISCOUNT. WE HEARD THE NUMBER 15 PERCENT TOSSED AROUND. SO YOU MAY GET \$1,000 WORTH OF CREDIT, A MIDDLEMAN 15...\$150, AND YOU ONLY GET TO USE...YOU ONLY GET \$850 FROM THEM WHEN YOU SELL IT. THERE IS A THIRD KIND, AND THAT'S WHAT, APPARENTLY, IS COVERED WITH THIS ONE. AND JUST TO KEEP IN MIND HOW THE MAGIC WORKS. WITH A REFUNDABLE CREDIT, EVEN THOUGH YOU DON'T OWE ANY TAXES TO ANYBODY, YOU FILE A TAX RETURN AND YOU SAY--I'M ENTITLED TO THIS AMOUNT FIGURED BY WHATEVER FORMULA THERE IS OF TAX CREDIT. PLEASE CONSIDER THIS AS THOUGH I HAD SENT IN THAT MONEY AND REFUND IT TO ME. SO THIS IS REALLY SPENDING REAL MONEY. YOU ARE ASKING FOR A REFUND OF MONEY YOU NEVER PAID, BUT YOU EARNED UNDER THE PROGRAM. SO THIS IS VERY, VERY SIMILAR TO GETTING A CHECK FROM THE STATE. IT'S RIGHT ALONG THE SAME LINES OF AN EARNED INCOME CREDIT OR CHILD CARE CREDIT. YOU DIDN'T HAVE TO OWE A TAX BILL, YOU JUST HAD TO SUBMIT A FORM AND YOU GOT A REFUND OF MONEY THAT YOU NEVER PAID IN. SO THAT'S WHY THESE KIND OF THINGS ARE IMPORTANT TO WATCH. THIS IS REAL SPENDING OF REAL MONEY, \$1.5 MILLION EXTRA MONEY IS AVAILABLE PER YEAR, AT LEAST UNDER THIS PROGRAM. SO THIS IS A SUBSTANTIAL PROGRAM. I HAVE NOT YET COME TO A CONCLUSION WHETHER IT'S A GOOD DEAL OR BAD DEAL TO VOTE FOR LB175, BUT I THOUGHT IT WOULD BE A USEFUL EXPLANATION, ONE THAT PROBABLY IS GOING TO HAVE TO BE REAPED A NUMBER OF TIMES FOR PEOPLE TO GET A FEEL FOR IT. BUT A REFUNDABLE CREDIT IS A CHECK FROM THE STATE REGARDLESS OF WHETHER OR NOT YOU OWE ANY MONEY. THANK YOU. [LB175]

SPEAKER HADLEY: SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB175]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I DON'T WANT TO TAKE UP A WHOLE LOT OF TIME. I KNOW WHAT SENATOR DAVIS IS TALKING ABOUT THAT IT WOULD BE NICE TO BE ABLE TO DO THIS ACROSS THE STATE. BUT LIKE I SAID BEFORE, I THINK WE NEED TO WALK BEFORE WE RUN, AND I THINK THAT IT IS AVAILABLE TO EVERYBODY IN THE STATE OF NEBRASKA. THERE IS JUST A COUPLE STEPS THAT YOU HAVE TO GO THROUGH TO GET LIVESTOCK FRIENDLY DESIGNATION AND THEN IT WOULD OPEN UP THIS PROGRAM FOR IT. BUT RIGHT NOW, THIS BILL GOES AWAY, IT DOESN'T MATTER WHETHER YOU'RE LIVESTOCK FRIENDLY OR NOT. THOSE KIND OF THINGS, THE PLANNING WHICH I THINK IS REALLY IMPORTANT, AND THE INFRASTRUCTURE PAYMENTS TO KEEP THE COUNTIES SOMEWHAT WHOLE SO THAT THEY DON'T HAVE TO SPEND A WHOLE LOT OF MONEY THEMSELVES AND SAVE THAT FOR THE TAXPAYERS, THAT WON'T BE THERE AND WE'LL JUST BE SITTING RIGHT WHERE WE ARE NOW. SO I THINK THIS IS A GOOD STEP FORWARD. I HAVE TO RESPECTFULLY OPPOSE AM1452. I WOULD SAY...I WOULD SAY THOUGH, AS YOU LOOK AT THIS AND WE TALK ABOUT...SENATOR SCHUMACHER TALKS ABOUT REAL MONEY BEING SPENT, WELL, LET'S REMEMBER THIS, TOO, AND I THINK SENATOR SCHUMACHER WOULD AGREE, AND IF NOT, BUT ONE THING ABOUT IT IS WHEN A LIVESTOCK FACILITY IS PLACED AND YOU'VE GOT GOOD MANAGERS, GOOD OPERATORS THAT KNOW WHAT THEY'RE DOING, THOSE BUSINESSES TURN MONEY. THEY REALLY DO. SO WHEN WE TALKED ABOUT...WE HEARD SENATOR GROENE THE OTHER DAY TALKING ABOUT...IT'S OKAY TO INVEST IN THINGS THAT MAKE SENSE AND ACTUALLY WORK. WELL, LIVESTOCK DEVELOPMENT FOR A PLACE LIKE NEBRASKA REALLY DOES WORK, PUTS MONEY INTO THE COFFERS OF THE COUNTY, PUTS MONEY INTO THE COFFERS OF THE STATE. AND THAT KIND OF GROWTH WILL PAY US OVER TIME. THANK YOU, MR. PRESIDENT. [LB175]

SPEAKER HADLEY: SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB175]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I, TOO, WILL BE RELATIVELY SHORT. I JUST WANT TO GO BACK AND TALK ABOUT THE LIVESTOCK FRIENDLY COUNTIES. AGAIN, WOULD BE IN OPPOSITION TO DAVIS' AMENDMENT, AM1452. I THINK IT PUTS VALUE ON HAVING A LIVESTOCK FRIENDLY DESIGNATION. I THINK WE'LL SEE MORE PEOPLE, MORE COUNTIES LOOK AT IT. IT IS DEFINITELY A PART OF THAT TOOL TO BE MORE PROACTIVE, AS FAR AS LIVESTOCK PRODUCTION, AND GETTING ECONOMIC DEVELOPMENT GOING IF LB175 PASSES. SO I DO SUPPORT LB175, BUT I AM IN OPPOSITION TO AM1452. THANK YOU, MR. SPEAKER. [LB175]

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SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB175]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF THIS AMENDMENT, AM1452. LET'S FACE IT, LB175 IS REALLY FOCUSING MORE ON THE LARGER OPERATIONS. SENATOR DAVIS OFFERS AN ALTERNATIVE. LET'S LOOK AT SOME NICHE MARKETS. AND I'VE HAD SOME CONCERNS RIGHT FROM THE START AS TO WHY THIS WAS REFERENCED TO THE AGRICULTURE COMMITTEE. TOMORROW ON CONSENT CALENDAR, YOU'LL HEAR ON THE BILL THAT I INTRODUCED ON THE MICROENTERPRISE TAX CREDIT THAT DID GO THROUGH REVENUE THAT RAISES THE NET WORTH LIMIT FOR FARMERS AND AGRICULTURAL OPERATORS TO QUALIFY FOR THAT CREDIT. I THINK THE LARGER ISSUE HERE IS LET'S HAVE SOME DIVERSITY. AND IF WE'RE LIMITING IT TO JUST THOSE COUNTIES THAT HAVE THE LIVESTOCK FRIENDLY DESIGNATION, WHAT ABOUT THE 58 OTHER COUNTIES THAT ALSO ARE CONCERNED ABOUT RURAL DEVELOPMENT AND ARE ALSO CONCERNED ABOUT LIVESTOCK DEVELOPMENT. SO I THINK SENATOR DAVIS OFFERS A NICE ALTERNATIVE AND I STAND IN SUPPORT OF IT. AND I ALSO WANT TO SAY THAT I REALLY LIKE SENATOR JOHNSON'S IDEA ABOUT WHATEVER WE DO WITH THIS BILL THAT I THINK THAT IT DOES BEAR NOTE THAT TO BRING THE REVENUE AND AGRICULTURE TOGETHER TO LOOK AT THIS ISSUE, BOTH FROM A TAX POLICY STANDPOINT, BUT ALSO THROUGH AGRICULTURE AND RURAL DEVELOPMENT. THANK YOU. [LB175]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED. [LB175]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND GOOD EVENING, COLLEAGUES. GOOD EVENING, NEBRASKA. I WILL BE BRIEF BUT I'D LIKE TO ASK SENATOR JOHNSON A QUESTION IF I COULD, PLEASE. [LB175]

SPEAKER HADLEY: SENATOR JOHNSON, WILL YOU YIELD TO A QUESTION?
[LB175]

SENATOR JOHNSON: YES, I WILL. [LB175]

SENATOR KRIST: SENATOR JOHNSON, I APPRECIATE YOU YIELDING TO A QUESTION. AS THE CHAIR OF AGRICULTURE, DO YOU BELIEVE THAT THIS BILL WAS REFERENCED CORRECTLY? [LB175]

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SENATOR JOHNSON: I DIDN'T CATCH ALL OF IT, WHAT WAS THE LAST PART?
[LB175]

SENATOR KRIST: AS THE CHAIR OF THE AG COMMITTEE, DO YOU BELIEVE THAT
THIS BILL WAS REFERENCED CORRECTLY TO YOUR COMMITTEE? [LB175]

SENATOR JOHNSON: I GUESS I HAD NEVER THOUGHT OF ANYTHING DIFFERENT. I
GUESS I COULD PROBABLY FIND REASONS FOR PART OF THE BILL TO BE
REFERENCED...BECAUSE OF THE REVENUE SIDE OF IT. SO I SUPPOSE IT COULD
HAVE GONE EITHER WAY. [LB175]

SENATOR KRIST: AND WE HAD SEVERAL...AS THE CHAIR OF THE EXEC BOARD
AND REFERENCING IS OUR GAME AS WELL, WE HAD SEVERAL MIDDLE OF THE
ROAD OR GRAY AREAS THAT WE REFERENCED BILLS TO DIFFERENT
COMMITTEES. AND I FOR ONE HAD MADE A CLAIM, OR AT LEAST MADE NOISE
THAT THIS MAY BE BETTER SUITED IN AG, AND I THINK SENATOR GLOOR HAS
REFERENCED ANOTHER BILL COMING UP WITH TOURISM THAT WE'LL HEAR
THAT WE MADE SPECIFIC CONCERNS OR NOISE ABOUT POTENTIALLY NOT GOING
TO THAT COMMITTEE. I FOR ONE HAVE LISTENED TO SENATOR SCHUMACHER
AND HIS ANALOGY OF THESE KINDS OF TAX CREDITS OR INCENTIVE PROGRAMS
AND I JUST FIRMLY BELIEVE THAT POTENTIALLY, AND I'LL TAKE THE BLAME FOR
THIS, IT PROBABLY SHOULD HAVE GONE TO REVENUE. BUT AT THE POINT IT IS
RIGHT NOW, MY CONCERN IS THAT, YOU KNOW, NOT AGAIN, NOT KNOWING
ANYTHING ABOUT DRY BEANS OR AGRICULTURE, SO YOU'RE GOING TO HAVE TO
TALK ME THROUGH THIS. HOW IS THIS ANY DIFFERENT FROM INCENTIVIZING
THE LARGER, MORE ROBUST AUTOMOBILE MANUFACTURING OR MAINTENANCE
FACILITIES AND DISINCENTIVIZING THE MOM AND POP OPERATIONS, SO I'M
PUTTING IT IN MY OWN TERMS. [LB175]

SENATOR JOHNSON: THE QUESTION, YEAH...I THINK IT WORKS BOTH WAYS,
WHETHER IT'S A...THERE IS NOT TOO MANY, WHAT I WOULD REALLY CALL
SMALL FARMS ANYMORE. THEY'RE MORE OF A HOBBY, AND I...THEY WOULD
PROBABLY INVEST A LITTLE BIT OF MONEY. BUT HERE I DON'T THINK SIZE
MAKES A LOT OF DIFFERENCE, WHETHER IT'S A HUGE OPERATION OR WHETHER
IT'S CLOSER TO A MOM AND POP. [LB175]

SENATOR KRIST: SO TELL ME AGAIN WHY SENATOR DAVIS' AMENDMENT IS NOT
APPROPRIATE TO THE BILL OR YOU DON'T FEEL IT'S APPROPRIATE TO THE BILL.
[LB175]

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SENATOR JOHNSON: THE LIVESTOCK FRIENDLY DESIGNATION THAT HE WANTS TO STRIKE IS MY ONLY ISSUE WITH HIS AMENDMENT. I DON'T HAVE AN ISSUE WITH THE ORGANIC FARMING OR VALUE-ADDED TYPE OF FARMING BECAUSE INCLUDED IN THAT, AND I'M A SUPPORTER OF THE WINERIES AND THE GRAPE GROWERS, WHICH IS NOT MENTIONED IN HERE. BUT ANY WAY WE CAN ADD VALUE IS A PLUS. [LB175]

SENATOR KRIST: OKAY, THANK YOU, SENATOR JOHNSON. I'LL JUST LISTEN TO DEBATE NOW THROUGH ITS NEXT PHASE AND DECIDE. BUT I'M INHERENTLY LOOKING AT WHERE THIS WENT FOR REFERENCING AND HOW IT CAME OUT. I DO HAVE AN OPTION, AS A MEMBER OF THE BODY, TO SECOND GUESS MYSELF EVEN WHEN IT COMES TO REFERENCING PROCESS. THANK YOU, SENATOR JOHNSON, FOR YOUR TIME. THANK YOU, COLLEAGUES. [LB175]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED. AND YOU ARE ALSO LAST IN THE QUEUE IF YOU WANT TO USE THIS AS YOUR CLOSING. [LB175]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SCHILZ WOULD YIELD TO A FEW QUESTIONS. [LB175]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD TO A FEW QUESTIONS? [LB175]

SENATOR SCHILZ: YES. [LB175]

SENATOR DAVIS: SO, SENATOR SCHILZ, I THINK IN YOUR REPLY TO SENATOR KRIST, MAYBE, YOU TALKED A LITTLE BIT ABOUT COUNTIES THAT AREN'T LIVESTOCK FRIENDLY COUNTIES AND WHAT WOULD HAPPEN TO A BUSINESS THAT WANTED TO USE THESE CREDITS AND USE THIS DEVELOPMENT TOOL, BUT WOULD NOT BE ABLE TO DO SO, SO THEY WOULD HAVE TO FORCE THEIR COUNTY INTO IT. [LB175]

SENATOR SCHILZ: NO. IN FACT, I THINK YOU'RE MISTAKEN. THE ONLY TIME THAT THE LIVESTOCK FRIENDLY DESIGNATION COUNTS HERE IS WHEN THEY GET THE GRANT FOR THE PLANNING GRANT OR THE INFRASTRUCTURE MONEY. THE ADVANTAGE STUFF CAN HAPPEN ANYWHERE IN THE STATE. [LB175]

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SENATOR DAVIS: OKAY. SO WHY ARE WE RESTRICTING THIS TO LIVESTOCK FRIENDLY COUNTIES THEN? [LB175]

SENATOR SCHILZ: BECAUSE THOSE GRANT DOLLARS SHOULD NOT BE DILUTED AS WE MOVE FORWARD, OTHERWISE IT WON'T BE WORTH...WE WON'T BE ABLE TO FIND ENOUGH TO BE ABLE TO DO IT. SO IT'S A WALK-BEFORE-YOU-RUN PROGRAM. [LB175]

SENATOR DAVIS: YOU'RE TELLING ME THAT THE GRANT DOLLARS APPLY TO THE PLANNING AND THINGS IN LIVESTOCK FRIENDLY COUNTIES, BUT THE CREDITS APPLY TO ANYBODY WHO ESTABLISHES ANYWHERE? [LB175]

SENATOR SCHILZ: THAT'S RIGHT. [LB175]

SENATOR DAVIS: IS THAT CORRECT? [LB175]

SENATOR SCHILZ: THAT'S CORRECT. [LB175]

SENATOR DAVIS: ALL RIGHT. THANK YOU, SENATOR SCHILZ. SO I'M JUST GOING TO MAKE THE SAME PITCH I MADE EARLIER. I THINK IF THIS IS GOOD FOR THE 29 COUNTIES THAT ARE IN LIVESTOCK FRIENDLY STATUS NOW, IT SHOULD BE GOOD FOR THE WHOLE STATE. I CAN'T SEE ANY REASON WHY WE SHOULDN'T DO THAT. AND LET'S HAVE IT BE ON A COMPETITIVE BASIS WHERE EACH OF THE COUNTIES CAN BE EVALUATED SEPARATELY. LOOKING AT MY DISTRICT, I'VE GOT...THE VAST MAJORITY OF MY COUNTIES ARE NOT LIVESTOCK FRIENDLY. THE PLAN THAT'S BEEN IN PLACE FOR 12 YEARS ALREADY, OBVIOUSLY THERE IS NOT A LOT OF INTEREST IN DOING SOMETHING WITH IT OR IT WOULD ALREADY BE IN PLACE IN THE REST OF THE STATE. I WILL MAKE ANOTHER COMMENT ABOUT TRYING TO INCENTIVIZE THE ORGANIC VALUE-ADDED AGRICULTURE, WHICH I THINK IS AN IMPORTANT PART OF LIVESTOCK DEVELOPMENT AND, REALLY, AG DEVELOPMENT IN OUR STATE. I KNOW A LOT OF PEOPLE THAT ARE DOING THAT AND DOING QUITE WELL WITH IT. IT'S A WAY THAT WE CAN KEEP PEOPLE ON OUR FARMS AND RANCHES AND WE DON'T HAVE TO GO DOWN THE INDUSTRIAL AG PATH, WHICH IN SOME RESPECTS I THINK THIS BILL IS INCENTIVIZING AND PUSHING. SO I WILL CLOSE WITH THAT, ASK YOU FOR SUPPORT OF MY AMENDMENT TO THE BILL. THANK YOU. [LB175]

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SPEAKER HADLEY: THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM1452. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB175]

CLERK: 7 AYES, 14 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB175]

SPEAKER HADLEY: AM1452 FAILS. MR. CLERK. [LB175]

CLERK: MR. PRESIDENT, SENATOR DAVIS WOULD MOVE TO AMEND WITH FA61. (LEGISLATIVE JOURNAL PAGE 1392.) [LB175]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED TO OPEN ON FA61. [LB175]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. SO WHAT THIS AMENDMENT DOES IS BASICALLY THE SAME AS THE LAST ONE, EXCEPT THAT WE TAKE THE DESIGNATED OUT SO THAT WE WILL LEAVE THE GRANTS IN PLACE FOR THE DESIGNATED COUNTIES. IT STILL OPENS IT UP FOR SMALL PRODUCERS, ORGANIC VALUE-ADDED AGRICULTURE. I THINK THAT'S A VERY IMPORTANT TREND IN THIS COUNTRY. AND ONE THAT WE SHOULD LOOK FOR AND SUPPORT. SO I WOULD URGE YOUR SUPPORT OF THE AMENDMENT. THANK YOU. [LB175]

SPEAKER HADLEY: SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB175]

SENATOR JOHNSON: I WILL JUST COMMENT, I WILL SUPPORT FA61. THANK YOU, MR. SPEAKER. [LB175]

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB175]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. I THINK EVERYBODY SHOULD UNDERSTAND THAT EVERYTHING THAT SENATOR DAVIS IS TALKING ABOUT, WHEN IT COMES UNDER THE PLANNING, IS ALREADY IN PLACE. WE ARE NOT DESIGNATING WHETHER YOU WANT TO BE ORGANIC OR WHETHER YOU WANT TO BE THIS OR YOU WANT TO BE THAT. WE'RE LEAVING IT UP TO THE COUNTIES AND LOCAL CONTROL. I THINK IT'S IMPORTANT TO UNDERSTAND THAT WE AREN'T EXCLUDING ANYONE IN THIS, BECAUSE I KNOW WHEN I WAS BACK OPERATING OUR FEED YARD AND MANAGING OUR FEED YARD, I HAD A VARIOUS NUMBER OF PROGRAMS THAT WENT ON. I FED CATTLE CONVENTIONALLY FOR

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FOLKS. I ALSO DID CATTLE ON A NATURAL PROGRAM. WE DID A WAGYU PROGRAM WHERE YOU GET KOBE BEEF FROM, ALL OF THIS STUFF WERE SMALL PROGRAMS THAT WE IMPLEMENTED AND UTILIZED IN OUR FEED YARD. EVERYTHING THAT IS IN THE BILL THAT TALKS ABOUT PLANNING TAKES INTO CONSIDERATION EVERYTHING THAT SENATOR DAVIS WANTS. SO AS I LOOK AT IT, I WON'T VOTE FOR IT, BUT I DON'T THINK IT'S ABSOLUTELY NECESSARY TO HAVE IT IN THERE EITHER. THANK YOU, MR. PRESIDENT. [LB175]

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB175]

SENATOR JOHNSON: THE REASON I SUPPORT IT, IT EMPHASIZES THE FACT THAT IT IS AVAILABLE, JUST HIGHLIGHTS IT. SO THAT'S THE REASON I SUPPORT IT. THANK YOU. [LB175]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB175]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WON'T TAKE ANY MORE TIME THAN I NEED TO. I AGREE WITH WHAT SENATOR JOHNSON SAID. AND I APPRECIATE SENATOR SCHILZ POINTING THAT OUT. BUT TO ME IT DOES MAKE SENSE THAT WE HAVE THE LANGUAGE IN THERE BECAUSE WE KNOW THAT LANGUAGE IN A BILL IS AN IMPORTANT INTERPRETATION OF...I MEAN, WHEN PEOPLE USE THAT TO INTERPRET HOW SOMETHING SHOULD BE DONE AND HOW IT SHOULD BE EVALUATED. SO, WITH THAT I WOULD URGE YOUR SUPPORT OF THIS AMENDMENT AND ASK FOR A CALL OF THE HOUSE PLEASE. [LB175]

SPEAKER HADLEY: THERE'S BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB175]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB175]

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. SENATORS CRAIGHEAD, HANSEN, SULLIVAN, BOLZ, HILKEMANN, CHAMBERS, AND KINTNER, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE

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CHAMBER. THERE'S BEEN A REQUEST TO PROCEED. HOW WOULD YOU LIKE TO PROCEED, SENATOR DAVIS? [LB175]

SENATOR DAVIS: MACHINE VOTE. [LB175]

SPEAKER HADLEY: MACHINE VOTE. ALL THOSE IN FAVOR OF THE AMENDMENT VOTE AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB175]

CLERK: 21 AYES, 10 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB175]

SPEAKER HADLEY: THE AMENDMENT IS NOT ADOPTED. RETURN TO THE BILL. SEEING NO ONE IN THE QUEUE, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB175]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I DO WANT TO SAY TO SENATOR DAVIS' AMENDMENT THAT EVERYTHING THAT HE PUT IN THERE MAKES SENSE TO LOOK AT, BUT I DO BELIEVE THAT IT'S ALREADY CONTAINED IN THE BILL. I THINK THAT ANY OPPORTUNITY THAT A COUNTY HAS OUT THERE, WHEN IT COMES TO LIVESTOCK DEVELOPMENT, THEY SHOULD TAKE A LOOK AT, BECAUSE IT'S A GOOD DEAL. IT PUTS A LOT OF MONEY IN THE COFFERS, IT PUTS A LOT OF PEOPLE TO WORK, AND IT IS WHAT NEBRASKA IS. I WOULD MENTION THOUGH THAT WHEN HE TALKS ABOUT...WHEN HE TALKS ABOUT VALUE-ADDED AGRICULTURE, THIS BILL WAS SPECIFICALLY SET UP TO HELP LIVESTOCK INTERESTS, LIVESTOCK DEVELOPMENT, VALUE-ADDED AGRICULTURE STEPS INTO A MUCH BROADER AREA, AND I THINK THAT ANYBODY THAT'S DOING PLANNING FOR COUNTIES AND THINGS LIKE THAT SHOULD TAKE THAT INTO CONSIDERATION. I JUST DON'T THINK THAT IT FITS HERE. I DO KNOW THAT WITHIN THE NEXT 50 YEARS, THE WORLD IS GOING TO HAVE TO COME UP WITH 70 PERCENT MORE FOOD PRODUCTION THAN WE DO RIGHT NOW TODAY TO FEED THE 9.1 BILLION PEOPLE THAT ARE GOING TO BE THERE. AND I THINK THAT IT'S IMPORTANT THAT WE UNDERSTAND, AS NEBRASKANS, BECAUSE OF OUR SITUATION IN AGRICULTURE, BECAUSE OF OUR SITUATION WITH LIVESTOCK, WE SHOULD BE AND WILL BE LOOKED TO TO SOLVE QUITE A FEW OF THESE PROBLEMS. SO AS TECHNOLOGY MOVES FORWARD, AS ENVIRONMENTAL TECHNOLOGY MOVES FORWARD, WE CAN TAKE ADVANTAGE OF THESE. AND THIS BILL, THIS BILL WILL HELP US DO THAT. SO I WOULD APPRECIATE YOUR GREEN VOTE ON THIS. I TALKED TO SENATOR GLOOR, AND WE HAVE MADE A DEAL TO SIT DOWN AND LOOK AT THOSE INCENTIVES

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FROM THE ADVANTAGE THING TO MAKE SURE THAT IT'S ALL RIGHT. AND WITH THAT I LOOK FORWARD TO YOUR GREEN VOTE ON LB175. THANK YOU, MR. PRESIDENT. [LB175]

SPEAKER HADLEY: THE QUESTION IS ADVANCEMENT OF LB175 TO E&R INITIAL. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB175]

CLERK: 37 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB175]

SPEAKER HADLEY: THE BILL IS ADVANCED TO E&R INITIAL. MR. CLERK, I RAISE THE CALL. [LB175]

CLERK: MR. PRESIDENT, AN AMENDMENT TO BE PRINTED, SENATOR BURKE HARR TO LB175. (LEGISLATIVE JOURNAL PAGES 1393-1399.) [LB175]

SENATOR WILLIAMS WOULD MOVE TO ADJOURN THE BODY UNTIL TUESDAY, MAY 5, AT 9:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN THE BODY. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION IS CARRIED. WE ARE ADJOURNED.