

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 05, 2020

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

KOLTERMAN: Dear Lord, we thank you for this beautiful day. Small blanket of snow sends optimism that spring is not far behind. Give us wisdom and a spirit of cooperation as we move along this short session. Remind us that we're here to serve the people of this great state. They are first and foremost in our minds. Help us look past some of the rhetoric of the political partnership and work towards what pleases you and in the best interests of all citizens. Keep us, your humble servants, safe as we travel back and forth from our respective legislative districts and continue to bless this state and our nation. We boldly ask this in your name. Amen.

FOLEY: Thanks, Senator Kolterman. I call to order the nineteenth day of One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: Two Items, Mr. President. Gubernatorial appointments to the Board of Emergency Medical Services and to the State Board of Health. That's all I have this morning.

FOLEY: Thank you, Mr. Clerk. We'll now proceed to the agenda, legislative confirmation reports. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first report this morning from the Education Committee is for Glen Wilson to the Board of Educational Lands and Funds.

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FOLEY: Thank you, Mr. Clerk. Members, please come to order. Senator Groene, you're recognized to open on your first of two confirmation reports.

GROENE: Thank you, Mr. President. And members of the Legislature. Good morning. This appointment is to the Board of Educational Lands and Funds. The board was established in the Nebraska Constitution in 1875 and is responsible for general management of all lands that is part for educational purposes. Under the direction of the Legislature, this is a five-member board and members serve a term and five years. Glen Wilson, Jr. is reappointed as an at-large representative to the board. He was originally appointed in 2011 for a partial term and this is his second reappointment. He is a graduate of the University of Maryland. He served as president of Ginnie May during the Reagan administration, was president of four different corporations, including Knutson Mortgage for 10 years and served for eight years as the commerce commissioner of Minnesota. Mr. Wilson resides in Grand Island where he served from 2014 to 2019 on the Grand Island Community Redevelopment Authority. The Education Committee advanced his nomination unanimously. Thank you for your time and ask for the confirmation of Mr. Wilson. Thank you, Mr. President.

FOLEY: Thank you, Senator Groene. Is there any discussion on the confirmation report from the Education Committee? Senator Chambers.

CHAMBERS: Thank you. Mr. President, and members of the Legislature, I cannot allow something that is brought to us by Senator Groene to go by without a comment. I'd like to ask him a question or two if he would respond.

FOLEY: Senator Groene, would you yield, please?

GROENE: Yes. Yes.

CHAMBERS: Senator Groene, I know that you do read the Bible. We've discussed things from time to time, not in great depth but from time to time, is that correct?

GROENE: Yes. It's hard to have an in-depth conversation with you.

CHAMBERS: OK. Now, there is a verse in the Bible, and you'll have to take my word for it if you haven't read it, that says woe unto you when all men speak well of you. Have you read or heard that verse?

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GROENE: Yes. And that's why I appreciate you, you don't speak well of me.

CHAMBERS: Now, this person that you just submitted to us was unanimously adopted-- uh, advanced by the committee?

GROENE: Yes.

CHAMBERS: So that means all people who were speaking spoke well of this person, is that correct?

GROENE: He spoke for himself. Nobody came forward.

CHAMBERS: But their reaction to him could be equated to speaking well of him, otherwise, they wouldn't have voted that way. Would you agree with that?

GROENE: Yes.

CHAMBERS: Oh, thanks, that's all I'll ask you. I just wanted to establish a groundwork. Now, I told you all on occasion that I'm God's surrogate in this Legislature. Then I have on occasion to say, Jesus's spokesperson. Now I am not one who says I believe the "Bibble" word for word, and that everything in it is from God's hand because it's contradictory. It is erroneous when it comes to science. Off the beam when it tries to be psychological, but that does not mean it has no value. I read, well, I used to-- these pulp novels, paperback, because you have a chance when you read such literature to get an idea of the direction a society is moving in because those kind of books usually sell better than others. So it's not the information in the book that is informative to me, but what it indicates about the society is what I gather from it. And I may be correct, I may not be in my assessment, but the part about the "Bibble" that says woe unto you when all men speak well of you kind of intrigues me. And to make the "Bibble" right, somebody has to represent the woe that is to be directed toward this individual. I am a man. If all men speak well of this person, woe unto that person. Now, there's another way to look at that. That individual could be aware of that verse, but is so intent on doing the good that he feels can be done by serving in this capacity that he's prepared to meet and confront any woe that befalls him as a result of all others having spoken well. I think that such a person is entitled to some respect, some consideration, and if we are going to be the kind of fair judges that we think ought to be in courts, our point of view, when the facts merit an alteration in cases, we should make that

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alteration. So out of regard for the fact that this person came forth, risking woe, I'm not going to be the provider of the woe this morning. And if that undermines what the "Bibble" said--

FOLEY: One minute.

CHAMBERS: --we'll just have to see what the outcome will be. But I will also assure my colleagues on the floor of the Legislature, you don't have to worry about God doing anything because if there is a God, he, she, it or they, don't care about the outcome of football games. Don't care about people getting these positions on these legislative committees, but in being God's surrogate, I feel something streaming telling me to tell you all, stop asking God to get involved in this petty stuff that you all shouldn't even be involved in. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Senator Groene, you're recognized to close on your confirmation report. He waives closing. The question for the body is the adoption of confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, please.

ASSISTANT CLERK: 35 ayes, 0 nays on adoption of the report, Mr. President.

FOLEY: The confirmation report from the Education Committee has been adopted. Senator Groene, you're recognized to open on your second confirmation report.

GROENE: Thank you, Mr. President. We have two appointments. These appointments are to the Nebraska Educational Telecommunications Commission. The commission was established in 1963 by the Education-- Education Television Act. The purpose of the commission are to promote and establish NET facilities, provide NET programs, and operate educational and public radio and TV networks. This is an 11-member commission and the appointed members serve a term of four years. The first is Dr. Jack Carter, is appointed for the first time as the private college representative. The commission for a partial term through January 2022. He currently serves as the 12th president of Doane College-- University. Dr. Carter earned his undergraduate and graduate degrees from Northern Illinois University and received his doctorate of marine sciences from the College of William and Mary in 1984. Before coming to Nebraska, Dr. Carter was a biology professor at Bucknell University and then at the University of New England, where

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he rose to be academic dean and then academic vice president. The second appointment is Dorothy Anderson, she is appointed for the first time as a member of the general public representing the First Congressional District. She is currently a member of the Judiciary Nominating Commission for the Supreme Court Justice in the First Judicial District, and had previously served on a Nebraska commission of the statute, status of women. Ms. Anderson graduated from the University of Nebraska-Lincoln with a Bachelor of Science in Education and a Master's of Library Science. The Education Committee advanced these nominations unanimously. Thank you for your time, and I ask for the confirmation of Dr. Carter and Ms. Anderson. Thank you, Mr. President.

FOLEY: Thanks, Senator Groene. Is there any discussion of the confirmation report from the Education Committee? Seeing none, Senator Groene, you're recognized to close. He waives closing. The question for the body is the adoption of the second confirmation report from the Education Committee. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, please.

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the report.

FOLEY: The confirmation report is adopted. Next report. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the Natural Resources Committee would report on an appointment to the Nebraska Ethanol Board.

FOLEY: Senator Hughes, you're recognized to open on the confirmation report from the Natural Resources Committee.

HUGHES: Thank you, Mr. President. Good morning, colleagues. I present for your approval the reappointment of Jan tenBensel to the Nebraska Ethanol Board. Jan became-- Jan came before the Natural Resources Committee for his confirmation hearing on January 29. Mr. tenBensel lives and farms in Cambridge. He has been a lifelong proponent of the ethanol industry and is very passionate about the Ethanol Board and the role he provides on the board. Mr. tenBensel is also striving to learn more about the industry in addition to-- in addition to finding ways to enhance the board's efforts and programing. The Nebraska Ethanol Board is a state agency created in 1971 by the Legislature, the first and only state agency in the United States devoted solely to the development of the ethanol industry. The board focuses on key-- four key issues, ethanol production and industry support, market development, research and technology, and also public policy

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development. The Nebraska Ethanol Board is comprised of seven members, all appointed by the Governor. Each member represents a specific area or related industry-- interest to Nebraska's ethanol industry. Mr. tenBensel is current chairman of the Ethanol Board and represents the wheat production position on the board. Mr. tenBensel is a very dedicated spokesperson for the Ethanol Board and therefore the committee advanced his appointment by a 7-0-1 vote. I ask for your confirmation of Jan tenBensel to the Nebraska Ethanol Board. Thank you, Mr. President.

FOLEY: Thanks, Senator Hughes. Is there any discussion to confirmation report. Senator Chambers.

CHAMBERS: Thank you. Mr. President, and members of the Legislature. I don't have any feeling toward this gentleman. This is the first I've heard his name, so I definitely will vote for the approval. But as we get closer and closer to the end of this session, I have to take opportunities to discuss the issues that I deem to be important. Ethanol is a product, a commodity that I never have supported. Ethanol is not like gasoline. Ethanol cannot be sent from one place to another by means of a pipeline. I would like to ask Senator Hughes a question or two if he would respond.

FOLEY: Senator Hughes, would you yield, please?

HUGHES: Of course.

CHAMBERS: Senator Hughes, do you have some understanding, I don't mean from the standpoint of technical and scientific, of what ethanol is and how it behaves?

HUGHES: I served, I think, eight years on the Ethanol Board, so I do have somewhat of a working knowledge.

CHAMBERS: I stated that ethanol is not sent via pipelines. Is that true?

HUGHES: It can be sent via pipeline. The challenge we have is it cleans the pipeline as it goes through. So that does create somewhat of an issue of cleaning the ethanol when it gets to the other end, so generally not sent by pipeline.

CHAMBERS: So it is different from the oil that goes through these oil pipelines.

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HUGHES: Ethanol is an alcohol where other things that go through the pipelines are petroleum products.

CHAMBERS: So ethanol is trucked or sent by rail cars from one place to another if the quantity is great enough.

HUGHES: Yes.

CHAMBERS: Is there currently a continuation of the insistence by investors and purveyors of ethanol that what I refer to as Big Oil for convenience and I don't have to name individual companies, that Big Oil mix a certain number of millions of gallons of ethanol into their petroleum or their gasoline products, is that true or not?

HUGHES: There is a opportunity for the oil companies to have a tax advantage if they choose to blend ethanol with their products.

CHAMBERS: But the industry is trying to get the federal government to mandate this blending. Is that true or not?

HUGHES: Yes.

CHAMBERS: And right now, this lady whose last name is Ernst from Iowa, and I don't want her to be con-- I don't want to be confused with her because she's a letter short. She and Governor Ricketts recently were upset about the fellow who heads an agency of the federal government for not doing enough to enforce this desired mandate. Is that person's name, Purdue?

HUGHES: I'm not sure which federal agency they were unhappy with.

CHAMBERS: But you're aware that there is an agency that they are focusing on because they feel that that mandate that they desire is not being enforced. Are you aware of that?

HUGHES: Yes.

CHAMBERS: This mandate would constitute a government regulation of a private business enterprise. Is that correct?

HUGHES: That's one way to look at it, yes.

CHAMBERS: I don't know any other way. If-- if the government requires it, then it is a mandate and the oil industry is--

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FOLEY: One minute.

CHAMBERS: --privately operated, so it is a government mandate being imposed on a private business enterprise. That's my position. But I'm not going to hold you to that. I will ask you another question or two. If the government should do what Madam Ernst and Governor Ricketts and others of their ilk who support the investors in and purveyors of ethanol, they would be encouraging big government to put a mandate on private industry. Isn't that true?

HUGHES: Yes.

CHAMBERS: Thank you. Next time I'm recognized. I will have a few comments, but I wanted to establish some ground work with the assistance of Senator Hughes, who, whether we agree or not, will also-- always answer questions forthrightly. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Senator Friesen.

FRIESEN: Thank you, Mr. President. As always, when you hear something on the floor that's not quite what it appears to be, you have to stand up and correct the record. So first of all, there are pipelines that do carry ethanol. There is one in Florida. Kinder Morgan owns a 16-inch 110 mile long ethanol pipeline. And they have another 10-inch pipeline, so there is pipelines out there built strictly to transport-- it was jet fuel, denatured ethanol, diesel fuel. So there are pipelines out there. It's just that maybe some of the older ones, yes, can't transport it because of other issues. Another thing is some of the ethanol use, especially in cities that have problems with smog, ethanol in there is an air quality issue. It has cleaned up there in Denver. It has cleaned up the air in a lot of the larger cities, and so it's an air quality issue versus a mandate. By putting ethanol in there, they have taken out some of the harmful chemicals that were required to put in there to get the octane rating up to where it was a transportation fuel. And so right now, if you look at ethanol and the gasoline markets, I think ethanol probably still is the cheapest octane booster on the market. And on top of that, then it-- it is the highest air quality additive that you can put in gasoline to help clean up our air quality in our other cities. So with that, thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Before proceeding, Senator Kolterman would like to recognize some guests today. We have three students-- three students and two teachers from Seward County 4-H

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group from Seward, Nebraska. Those guests are with us in the north balcony. If they could please rise, we'd like to welcome you to the Nebraska Legislature. Continuing discussion. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I always welcome discussion on the floor because this is what a legislative body is to be about. So I would like to ask Senator Friesen a question or two, if he's willing to respond.

FOLEY: Senator Friesen, will you yield, please?

FRIESEN: Yes, I would.

CHAMBERS: Senator Friesen, I'm going to pose some of my propositions in the form of leading questions. Are you telling me that the producers of ethanol, the purveyors of eltha-- ethanol, such as, well, I won't mention them right now, are interested in air quality? Is that what you're saying?

FRIESEN: Yes.

CHAMBERS: Is that just an argument that they're using to obtain support for what they're doing? Or is that the main thrust of why ethanol is even in existence?

FRIESEN: I think that the thrust of it has changed over the years. First, it was just an additive for gasoline, but now showing what the results have been in cities like Denver, that's-- early adopters of ethanol and how it cleaned up their smog when they had that certain weather conditions, it has turned into more of air quality additive than it was previously when we first started the program.

CHAMBERS: Now, if we forget some of the relatively minor ingredients, grasses and so forth, what is the main source, the main crop that is involved in the production of ethanol?

FRIESEN: I would say it's-- corn would be number one. There's grain sorghum or milo, whatever you want to call it. Wheat has been used, low-quality wheat.

CHAMBERS: And currently farmers who produce corn are particularly upset because without the government mandate to blend ethanol with gasoline, they are not going to be able to sell as much corn for the price they choose. Would you agree with that or disagree?

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FRIESEN: Well, I'll disagree with part of it, because what was established years ago was a-- it was a-- a plan, I guess, spread out over a number of years that ramped up the use of ethanol. And now what the government is doing is granting waivers and changing the plan that was adopted and agreed to years ago.

CHAMBERS: But the push that's being exerted now on the federal government to adopt this regulation and impose a mandate on private business, the main push is coming from the producers of corn, in my opinion. Do you disagree with that?

FRIESEN: I think the cattle industry is also helping now that we've partnered with them and using the distillers grain, so it's not just corn. I mean, the demand for the by-product of ethanol has ramped up over the years to where the cattle feeding industry really likes it too.

CHAMBERS: Now, I know the alphabet pretty good, but when I'm talking about a company or an operation, I may get the letters jumbled. Is there an operation known by the letters ADM?

FRIESEN: ADM?

CHAMBERS: Do they deal in ethanol or with ethanol?

FRIESEN: Yes.

CHAMBERS: And they get substantial government subsidies right now because of their involvement with ethanol. Isn't that true?

FRIESEN: I can't answer that for sure. Most of the subsidies have gone away and they've been replaced basically by the mandate that they be blended. Now you can get into the-- if you want to get technical, there's some RINs credits that are traded. Also, if-- if an oil company cannot blend ethanol into their fuel for some reason, they can purchase these RINs credits and offset that mandate.

CHAMBERS: OK. I'm going to come back to the subsidy. Is there an outfit similarly situated to ADM when it comes to this called Cargill?

FRIESEN: Yes.

CHAMBERS: That's a large operation, isn't it?

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FOLEY: One minute.

FRIESEN: Yes.

CHAMBERS: And they get considerable government subsidies for their ethanol production and operation. Isn't that correct?

FRIESEN: I-- like I said, I don't know if there's subsidies anymore directly involved. Cargill does a lot of wet-milling of corn, which then makes sweeteners and lots of food products out of that. So, again, I'm not aware of any direct subsidies that go to them in the production of ethanol.

CHAMBERS: Thank you. And this will be my last time, so I'm going to put on my light.

FOLEY: Thanks, Senator Chambers. Before proceeding, Senator Geist would like to recognize Dr. Dale Michels of Walton, Nebraska, serving us today as family physician of the day. Dr. Michels is with us under the north balcony. Doctor, please rise so we can welcome you to the Nebraska Legislature. And Senator Erdman has some guests with us, we have Tim Lindahl, Ryan Reiber and Brian Heithoff, all are rural electric managers from across the state with us under the balcony. If those gentlemen could please rise, we'd like to welcome you to the Nebraska Legislature. Continuing discussion. Senator Groene.

GROENE: Thank you, Mr. President. I happen to know Mr. tenBensel. He's a good man, funny man, great manager of a farm, well-versed in ethanol. I believe he's involved in a plant. I don't think you could find a more qualified individual to be on this board. I would say, if you know anybody who's got shares or owns an ethanol plant right now, it isn't all gravy. Senator Chambers was correct. It is a free enterprise venture. And ethanol is not doing that well right now because of the commodity prices. You would think, corn is down, therefore they're making more of a profit on their-- on their ethanol. It's not the case. The by-products also have to sell and there's not much of a market for them right now because a farmer can buy corn for his cattle instead of buying the humus that comes out of the plant. But anyway, it is governed by free market factors. And, but back to the main point we're here, Mr. tenBensel isn't about as qualified as you can get, and then when you also have somebody willing to give of their time for an unpaid position, that's a double bonus. So thank you. I'd encourage a green vote on Mr. tenBensel's appointment.

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FOLEY: Thanks, Senator Groene. Members, the pages are gonna be distributing some cookies on the floor of the Legislature at this time in celebration of the birthday of Senator Matt Williams. Happy birthday, Senator Williams. Senator Chambers.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, before I proceed, I want to ask Senator Williams a question if he would be willing to respond.

FOLEY: Senator Williams, would you yield, please?

WILLIAMS: I certainly would.

CHAMBERS: Senator Williams, do you think any of your ancestry would be involved with Europe? You think any of your ancestors may have come from Europe?

WILLIAMS: Absolutely.

CHAMBERS: Is there--

WILLIAMS: Roger Williams is my 11th great-grandfather.

CHAMBERS: Well, I'll be. He and I went to grade school together and I used to take his lunch money. He was in the third grade, I was in eighth grade.

WILLIAMS: Well, you're living in the wrong state, Senator.

CHAMBERS: I outgrew that. Do you think there might be any Greek blood in your ancestral line?

WILLIAMS: It does not appear so.

CHAMBERS: There's probably is. I mean, it wouldn't be a surprise to find it there, would it?

WILLIAMS: No, it wouldn't be a surprise.

CHAMBERS: And you are having these cookies sent around today?

WILLIAMS: Yes. And there's a special one for you.

CHAMBERS: Have you heard the expression, and it's justified, beware of Greeks bearing gifts?

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WILLIAMS: Yes, I have.

CHAMBERS: Every move you make, every breath you take.

WILLIAMS: Every breath you take.

CHAMBERS: Every cake you bake, every yard you rake, I'm watching you.

WILLIAMS: And every cookie you don't eat.

CHAMBERS: Thank you, Senator Williams. Members of the Legislature, here's what I'm getting at this morning. I get so tired of the senators on this floor. Senators and Congress and "Repelicans" in general giving the impression that they think in clichés and speak in slogans. They're agin-- against big government, except when big government is going to work to their benefit. And in these corn-growing agricultural states, that's where you find some of the loudest talks against so-called big government. But they're also the strongest supporters of governmental involvement and regulation in imposing restrictions, requirements, limitations on private business. These are the ones who talk about the free market. It used to be called free enterprise. That simply means-- and they had another term for it, laissez-faire. And from that came the notion all the traffic will bear. It meant that those who are in the market, those who are involved in industry or enterprises, should not be regulated by the government except minimally, but they should let the rules that inhere in private enterprise govern. Yet they don't want that to be the case when they want the government to force a private industry to sell the crops that they raise. And there is a U.S. senator who's been taking some handouts from that 16 billion dollar bailout that your President gave to the farm community where they're against big government, they're against government regulation, they're against handouts, except when it goes into the perpetually upturned hand of the farmers. And I'm going to keep bringing it up. There is enough in this country in the way of resources and wealth to go around. Not everybody's going to be wealthy, but nobody has to be hungry. Nobody has to be homeless. Nobody has to be without clothing. Nobody has to be without shelter. So, let these big shots try to get what they can, Cargill, ADM. They could not function without federal government regulation of the production and purveying of ethanol without federal subsidies.

FOLEY: One minute.

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CHAMBERS: Money paid by taxes that go to these entities, state subsidies support ethanol in Nebraska. I spoke on it this morning on a matter that was relevant, but I'm going to be talking about that throughout the session and I will support these recommendations that Senator Hughes is presenting because none of what I have said has any bearing on them whatsoever. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Before proceeding, Senator Slama would like to recognize 35 high school students and two teachers from Syracuse High School, Syracuse, Nebraska. Those guests are with us under the north balcony. Students, please rise so we can welcome you to the Nebraska Legislature. Seeing no other members wishing to speak, Senator Hughes, you're recognized to close. He waives closing. The question before the body is the adoption of the confirmation report from the Natural Resources Committee. Those in favor of vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 32 ayes, 0 nays are the adoption of the report.

FOLEY: The confirmation report is adopted. Senator Hughes, you're recognized to open on your second confirmation report.

HUGHES: Thank you, Mr. President. Members of the Legislature, I present for your approval the appointment of Norris Marshall to the Environmental Quality Council. Mr. Marshall called-- called into his confirmation hearing with the Natural Resources Committee on January 30. Mr. Marshall lives in Kearney and is a self-employed business owner. Mr. Marshall started Marshall Engines in 1982. It is a manufacturer of auto-type engines for niche markets. Marshall Engines employs around 200 people in Kearney. Mr. Marshall previously served-- served two terms as a Game and Parks commissioner completing that-- those terms in 2018. After several joint meetings with Nebraska Department of Environmental Quality, he thought serving on the Environmental Quality Council would be a next good step. Mr. Marshall's interest in both industrial, manufacturing, and conversation-- conservation is what attracted him to this council. He is anxious to serve as a conservation representative on the council and wants to make sure the council continues its attitude regarding education and compliance to the state and its constituency. The Environmental Quality Council was created by the Legislature in 1971 as a public body that adopts rules and regulations for the Department of Environmental Quality to administer. The council-- it consists of 17 members who are appointed by the Governor to serve staggered

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four-year terms. The committee advanced Mr Marshall's appointment by an 8-0 vote. I ask for your confirmation of Norris Marshall to the Environmental Quality Council. Thank you, Mr. President.

FOLEY: Thanks, Senator Hughes. Debate is now open on the confirmation report. Senator Lowe.

LOWE: Thank you, Lieutenant Governor. Mr. Marshall is a good friend of mine and his engines are top quality. He dynos each and every one of them before they leave his factory, making sure that they run the best possibly that they could, and their emissions are as low as possible. I believe he is a good man. He has served the public before as a commissioner for the Game and Parks, and he's willing to give back his time and his knowledge to our state of Nebraska. I stand behind this nomination. Thank you, Mr. President.

FOLEY: Thanks, Senator Lowe. Continuing discussion. Senator Chambers.

CHAMBERS: Thank you. Mr. President, I won't speak as long on this as I did the other. And again, it has nothing to do with the person who is being presented to us by Senator Hughes, but when you talk about environmental quality, you think about air and water, clean water, fresh air. You have a person as President, who in order to appeal to the big shots, who wants to do away with regulations under the Clean Water Act, clean air, he's against all of those things. And there are people in agriculture who make their money from the land, without a doubt. And I'll let the little farmers, maybe the medium-sized farmers, out of what I'm about to say. For the big shots, all it is, is a business. You want the biggest bang for your buck that you can get. You want to use antibiotics with your cattle feed, when you feed chickens, even though these antibiotics when consumed by human beings, will make the little critters that are supposed to be fought by these antibiotics, stronger, because the purpose that nature has for all living things is that they survive. I believe that the person whose name probably shouldn't be mentioned here, but he talked about evolution, and I'll give you a hint, Charles Darwin, was on to something when he indicated that through natural selection, living things change, alter, in order to survive in an environment that may become harmful. They will develop defenses, not every individual of the species or the group, but as a whole. And in studying how these operate, they found out that if there is a virus or a bacterium that has developed an immunity to some of these antibiotics, it will transmit to its neighbors who do not have that immunity the very substance that provides the immunity. Those that have developed it

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will share it with those who haven't developed it. And thereby the entire complex of these creatures will survive, which is what nature wants. So when human beings intervene, when they disrupt what nature has set up, and they call it the law of nature, different terms, then the human being becomes the dead cat on the line that has to be met and prevented from wiping out these other living creatures. So, since human beings are the ones through their activities who make these viruses and some bacteria immune, so that diseases or sicknesses, illnesses you used to could take a shot for, the shot won't work. Nature has equipped those critters to survive. Every living thing is one of nature's children. Nature wants all of her children to survive. Do you think that because a parent has a child who according to the way beauty, handsomeness would be judged, would in the eyes of most people be considered ugly, would not love that child because of what other people think? That mother would take care of that child just like all the others. And she might even provide a little more attention--

FOLEY: One minute.

CHAMBERS: --to make up for that child, what that child is not going to receive that the others automatically receive. So by relaxing these rules on clean water and air, Trump is allowing the introduction into the environment in which human beings live, elements that will damage severely, not only the human beings wrought-- walking around now, but the human beings who might be born as children from those human beings. I have to say a word or two more, so I'm going to put on my light.

FOLEY: Thanks, Senator Chambers. Speaker Scheer.

SCHEER: Thank you, Mr. President. As long as we're just doing a little talking this morning, first I'd like to say happy birthday to my good friend, Senator Williams. That's an applause line. I think it was 39, 49, 59, 69, something, I don't know, somewhere up there. And secondly, as you note, we are a little shorthanded this morning. The roads were somewhat treacherous coming over from Omaha, and one of our own was in an accident this morning. She was not injured, but obviously is shaken a bit, so keep the-- keep her in your thoughts. And as you head home, if they're not much better, please take your time driving back as well. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senator Moser.

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MOSER: Good morning, colleagues. Thank you, Mr. President. Senator Chambers' discussion of the environment triggered a thought that I wanted to bring up. He was talking this morning about the use of ethanol in gasoline and it being mandated by the federal government. One of the common additives to gasoline before ethanol was promoted as widely as it is now was MTBE. It's a methyl tert-butyl ether. It's an additive added to raise the octane of gas and to make it more volatile. Well, to change the volatility of it, I shouldn't--- to be absolutely certain of that, but anyway, the leakage of gasoline into water aquifers across the country caused contamination of those aquifers from this MTBE. And ethanol is a much-preferred additive to raise the octane of gasoline. So and-- in our district, we have a couple of --at least two ethanol producers. And these ethanol producers across the whole state use about 40 percent of the corn grown in Nebraska. And then some of those by-products are sold back to cattle feeders, hog feeders, after the ethanol producers have taken out, made alcohol from the grain or they've taken sweeteners or sugars from the grain. And so it's kind of a symbiotic relationship that helps the agricultural community. The price of corn is always 10 or 15 cents a bushel higher in my area because of the ethanol producers in my area, because they use a lot of corn and they need to have it on a predictable basis, so they'll pay a little bit more than just the regular market prices. So there's a benefit to my district and I think to the whole state in the use of ethanol. Thank you.

FOLEY: Thanks, Senator Moser. Senator Chambers.

CHAMBERS: Thank you, Mr. President. Members of the Legislature I can appreciate what Senator Moser said. What I'm getting at is that a lot of these things that are done, a lot of policies adopted by government, a lot of regulations put in place are driven by financial considerations. Those who speak the loudest about free market or free enterprise are the ones whose hands are stuck out the most for government subsidies. They want the tax money that comes from people who are not wealthy to go into the coffers and the pockets of those billionaires. Now, I heard something that seemed incredible to me. That means the literal sense of that word, unbelievable. I don't remember the number of billionaires, but it was small. It was maybe in the teens, maybe not even in the teens, but the top, whatever that number is, control more wealth than over 400 billion or 4 billion poor people, 40 billion. Anyway, an unbelievably astronomically high number which proves the truth of the maxim that it's possible to have too much money, but you can never have enough money. The greed takes over

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and getting the money becomes an end in itself. The "Bibble" does not say the love of money is the root of all evil. Senator Moser said, yes, it does. I'd like to ask Senator Moser a question or two.

FOLEY: Senator Moser, would you yield, please?

MOSER: Yes, this is dangerous, but I'll answer him if I can.

CHAMBERS: Senator Moser, I did not disagree with you. The Bible does say the love of money is the root of all evil. But is this the way you hear it stated by most people, money is the root of all evil?

MOSER: Some may paraphrase it incorrectly.

CHAMBERS: OK. Round, round, get around, he doesn't get around. Thank you, Senator Moser. Most people say money is the root of all evil. But the "Bibble" says the love of money, because another place it says money answereth all things. Money properly used is like any other tool, it can be good, it can be bad based on the use that it's put to. So on these things that I'm talking about, Senator Moser wouldn't be interested or concerned about ethanol if people in his district were not affected economically or financially by it's production, and that's corn. And I know there are other substances, but corn is the main one. So they want government subsidies that benefits their district and the people in their district. All others are outside the pale. And by the way, when I'm dealing with letters for companies, I do jumble the letters, as I admitted earlier. But the ADM I can remember the names of the words easier than I can the letters because I might jumble the letters. But it's Archer-Daniels-Midland. So I know the three words, but if I drop out all those other letters and just think of the first letter of each one, I might jumble them up. By Trump giving in to these big shots--

FOLEY: One minute.

CHAMBERS: --and these industries that do pollute, there are farmers who want to be able to befoul wetlands. There are companies that want to drill in wetlands. There are companies that want to drain wetlands and develop condominiums and so forth. But then the creatures who live there may not all go away. So you've got a swimming pool and you go out there and there's an alligator. Were you encroached on that alligators territory? Alligators don't like to be around human beings. They don't come into the cities, but when human beings go into the environment, the domain, the territory of these animals, the animals

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are treated like the trespassers and are literally slaughtered. They have photographs.

FOLEY: That's time, Senator.

CHAMBERS: Did you say that's it?

FOLEY: That's time.

CHAMBERS: I'll put my light--

FOLEY: Senator Chambers. Senator Chambers, you're recognized.

CHAMBERS: Thank you. And I may make-- I may make copies of some of these photographs that show what these white men did to whether you want to call them bison or buffalo, they are standing on mountains of the skulls of these animals that they killed for the sheer love of killing. That's what they were doing to mountain lions, cougars, panthers. The cougar, the panther has more names than any other animal on the face of the earth. There are no mountains in Nebraska, but the cougar is referred to as a mountain lion, a catamount, all kinds of names. If human beings would learn how to live and let live, there would not be wars. But there have got to be wars because there are old men who don't have to fight them, they make the wars, but young men fight them. You let us flip the coin and let old men go to war and let the young people stay out of the wars and flourish, the wars would end. These people who go into the military, they're not fighting so that this Legislature can stand up and salute the flag. They're not fighting for schools or anything else. If they're in combat, they are there fighting to survive-- to survive. People like me went in the military to get it out of the way so I wouldn't get drafted when I was in school. That's why I joined. You think I had in my mind that I want these white people to be able to abuse black people, let them be privileged and that's why I'm taking all this nonsense that you have to take when you're in the military. I didn't go overseas, Senator Lowe. I didn't shoot at anybody. Nobody shot at me. But I got through easily because I just did everything that I was required to do, because wherever I go, I know the rules and I play by them. Here's the point I'm trying to get to. There was a young man who said accursed be he that invented war. His name was Christopher Marlowe. He was a writer. He wrote one of the first stories about the idea of a person selling his or her soul to the devil in exchange for some years of having every wish granted. And he may have been stabbed in the eye in a tavern. But at any rate, his statement is the one that ought to be

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emblazoned across ever-- every government building, every school, every church, every place where people gather, accursed be he that invented war. That's why women comprise the majority of the population. Men get killed in wars that they don't understand. Then you have a man in the White House who had a gathering of all of the military men, the top dogs, the chief of staffs, all the top dogs at the Pentagon. He referred to them as losers and babies. And so when you all see that fool, that demented moron, that warmonger, that racist, that sexual assaulter standing up, talking, and there are military people in the audience and they are stonefaced. It's because he has insulted them. And he's the one who did not spend a day in the military because he got a doctor to say he had some burrs in his feet and he couldn't-- didn't have to go to the war, didn't have to go into the military.

FOLEY: One minute.

CHAMBERS: But, you know what Trump's attitude was about that? I don't want to go into the military, a fellow can get hurt. So he stayed out. Then he had the nerve to say at one of those police shootings that had he been there, he would have run in to stop the shooter without having a weapon, and these foolish Americans love him and they believe him and trust him. All five of your representatives in Congress, the three in Congress and the two is-- in the Senate, they are sycophantic, running dog, bootlicking sell outs. They are weak. They are known for nothing except their slavish following behind Trump. Every time he drops something, whatever it is, they lick it up. And I'll have more to say, but not on this particular point. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Mr. Clerk, you're recognized for an announcement.

ASSISTANT CLERK: Mr. President, the Health and Human Services Committee will hold an Executive Session in Room 2022 now.

FOLEY: Thank you, Mr. Clerk. I see no other members wishing to speak on this report, Senator Hughes you're recognized to close. He waives closing. The question for the body is the adoption of the confirmation report of Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of the report.

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FOLEY: Thank you. The confirmation report is adopted. And final confirmation report, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the Revenue Committee would report favorably on the appointment to the Tax Equalization Review Commission.

FOLEY: Senator Linehan, you're recognized to open on the confirmation report.

LINEHAN: Thank you, Mr. President. I rise this morning for the reappointment as a commissioner from the 3rd Congressional District of James Kuhn. His term is from January 2020 to January 2026. Mr. Kuhn is the current Vice Chair of the Tax Equalization Review Commission, TERC. Mr. Kuhn is a licensed appraiser and has served as the head appraiser in the Adams County Assessor's Office. He has been with Adams County Assessor's Office for 14 years and has represented Adams County at TERC hearings. Mr. Kuhn has been diligent in taking appraisal classes and continuing his ed-- and continuing education courses through more education and the International Association of Assessing Officers since 2000. The Revenue Committee unanimously brings Mr. Kuhn's reappointment to the Legislature. Thank you.

FOLEY: Thanks, Senator Linehan. Debate is now open on the confirmation report. Senator Chambers.

CHAMBERS: Thank you. Mr. President, and members of the Legislature, I cannot have spoken when the gentleman on the floor brought these confirmation reports and then when a member from the distaff side-- I've heard that used --presents something, it wouldn't be appropriate for me not to have a word or two to say. So I would like to ask Senator Linehan, Chairperson of that committee which I dislike so much-- the committee, I won't even mention its name, if she would respond to a question or two.

Senator Linehan, would you yield, please?

LINEHAN: Certainly.

CHAMBERS: Senator Linehan, would you say from-- 'cause I listen to the credentials, that this person could be considered an expert in the realm of the activities that will be involved with the agency or organization he's being appointed to?

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LINEHAN: Yes.

CHAMBERS: Thank you. And that's all I will ask you on that. Have you heard of a person whose initials were JFK?

LINEHAN: Yes.

CHAMBERS: And do you know what those three letters or initials stood for?

LINEHAN: I believe I do, yes.

CHAMBERS: Would you tell me, please?

LINEHAN: John Fitzgerald Kennedy, .

CHAMBERS: Thank you. Now, have you ever heard of a federal agency known by the three letters CIA?

LINEHAN: Yes.

CHAMBERS: Do you know what those three letters stand for? What's one of the--

LINEHAN: Agency, Intelligence, I'm going backwards. I don't-- Central. Thank you.

CHAMBERS: This lady is loved. There were so many assists, I wish we did that on everything that comes before us. But you're right, Central Intelligence Agency. Have you ever heard of a current-- country called Cuba?

LINEHAN: Yes, sir.

CHAMBERS: Have you ever heard of location in Cuba known as the Bay of Pigs?

LINEHAN: Yes.

CHAMBERS: Thank you. That's all for real, that I'll ask you. Now that I've been given the building blocks, let me try to construct something, Senator Moser. By the way, if you rearrange his letters, it comes out Morse. He's been through this. You've heard of Morse code, haven't you? That's where by symbols you can get messages through to people who understand those symbols and those who don't understand the symbols will have no idea what's going on. I understand, Senator

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Morse, whether he's in the role of Senator Moser or Senator Morse. When Castro took over Cuba, I was very pleased. There were many corrupt Americans who were destroying that country for the benefit of themselves and certain companies. So when Castro had his revolution, they kicked out corrupt people. He was loved by the Cuban people. When his guerillas would go to places in the mountains and the hinterlands, they would receive food and sustenance from farmers. They never compelled anybody to give them anything. But after the revolution was successful, they found out that Castro had kept very meticulous records, and every farmer who had given anything to them during the fighting was compensated for that with interest. He is one of the most-- it has to be was because he's gone on to wherever people go when they die.

FOLEY: One minute.

CHAMBERS: One of the most principled men I've ever read about. He was genuinely interested in his country and the people. He would give speeches that lasted three hours because the people wanted to hear him talk. There was one occasion when he was making a point about where Cuba now was compared to where it had been and when he raised his hands, a white dove came and settled on his shoulder. The dove was not trained. Nobody planned it. It was documented by the media. This man had a mystic and mythic quality about him in the minds of the people. And when the white President of the United States wanted to dislodge Castro, he listened to the experts and the Central Intelligence Agency.

FOLEY: Time, Senator. Thanks, Senator Chambers. Before proceeding, Senator Bostelman would like to recognize some guests today. We have with us Kurt Mantonya, Louise Niemann, and Melissa Bartels. They're all with the Butler County Extension Office and they're under the south balcony at this time. If they could please rise, we'd like to welcome them all to the Nebraska Legislature. Senator Chambers, you're recognized.

CHAMBERS: Thank you, Mr. President. These geniuses in the CIA put together a plan to invade Cuba. And when they executed it, disaster was the outcome. And Kennedy famously said words to the effect, I never should have trusted the experts. I'm going to give a vote to the expert that Senator Linehan is presenting to us, but the fact that we were dealing with an expert led me to think about some things I want to get into the record. Americans think that by saying something, they can make it so. They wanted to say that Castro was crazy, that he

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didn't understand anything, but he was more intelligent than most of the people wearing shoe leather or not wearing shoes at all. He was a man of justice. He was from a wealthy family. And when land, huge land holdings were seized and broken up that applied to the land held by his family also. Castro did not wear suits. He didn't wear a Brooks Brothers suit. He didn't wear a suit made by Hart, Schaffner and Marx. He didn't wear any of that kind of attire. He dressed the way that he dressed when he carried out a successful revolution. He wore what are called military fatigues all the time. He came to visit America and the President did not like Castro. Castro was very much aware of the social activities in this country, the racism against black people, so he stayed at a hotel in Harlem called the St. Theresa. And while these white people were condemning Castro, he made an observation. He said the President of the United States would fear to ride through Harlem in a bulletproof car, but I can walk anywhere in Cuba wearing a T-shirt, and that was true. When it comes to Kim Jong Un, people in this country want to say that he's crazy, that he doesn't understand anything. They don't realize he was educated in Europe. He is highly intelligent, far more intelligent than the bumbling idiot that you all have in the White House and were he not in the White House, he couldn't get to first base in any kind of game. And when it came to women, he couldn't get to first base so he grabbed them in their privates and boasted about it. And now the religious people think he's the greatest thing in the world. He talked last night about how he and God have a thing going. He and God-- biggest hypocrite. That was blasphemous for him to say that. The curse words he used that designate African countries and Haiti, it starts with an s, ends with a t.

FOLEY: One minute.

CHAMBERS: That's the word he used. Good Christian man. And they accept it from him. There's an expression that the captain goes down with the ship. This ship is the "Repelican" Party. When Trump gets through, we're going to reverse that. The ship is going down with the captain. Trump is not gonna be here that long, four more years at most. And all these politicians, these lick spittle, running dog, bootlickers, like the five you have in Congress from Nebraska are going to have to go on in their political realm, if they can. And history is not going to be kind to them. There is a law professor named Dershowitz, who-- Alan Dershowitz, who used to enjoy a sterling reputation. He was a professor at Harvard. Then that love of and allure of money made him

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throw all of his principles out the way-- out the window, and he defended Trump in these impeachment proceedings.

FOLEY: That's time, Senator. Senator Chambers, you're recognized. It's your third opportunity.

CHAMBERS: Thank you. I know something about impeachment, because I read the Constitution, the federal and the state constitution, and I read court cases. The courts construe, interpret and apply the laws that Congress will enact and provisions in the Constitution and the courts see the Constitution as a living document. There is no way that the people who wrote that document could have foreseen intergalactic travel or the possibility of it, even automobiles. But at any rate, these professors misled these ignorant white people in this country, the ignorant white people in the Senate. They don't know what impeachment is about. Courts have made it clear, the terms high crimes and misdemeanor are not words used in the sense they are in the criminal law. That is not their meaning when it comes to impeachment. Impeachment is not a process for the purpose of punishing. It has no punishment aspect to it. And this is why at the state and federal level if a person is impeached and convicted, the most that can be done is to kick that person out of office, prohibit him or her from seeking office in the future. It's to purge the office, not to punish the office holder. And that's why it is not a punishment and no crime, and the criminal law sentence has to be committed. These are terms that meant something different that were understood differently by the men who wrote them. Dershowitz knows that, but he sold it all out for a mess of pottage. And if I remember when we get to another item on this agenda, I'll tell you about this mess of pottage. So the lure of money got him in his old age and all of the good things he did as a quality legal mind will be erased. He sold out at the end. He knows better. These dumbbells in Congress, sen-- the Senate and the House who carry the title "Repelicans" acted like grade school kids at that fiasco presided over by Trump last night. Before Trump could get anything out of his mouth they jumped up, grown men like little kids in kindergarten screaming and hollering, four more years, four more years. Suppose somebody would have said from the audience and it would be true, you lie. Those blue-eyed devils would have killed him. But when President Obama was giving his State of the Union message, a blue-eyed devil who was in Congress hollered out, you lie. That's what we as black people see and it's what people in other parts of the world see in terms of how racist this country is, how uncouth these people are. And that's why I handed around to you all that statement

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by Clemenceau, who said, America is the only nation in the world who miraculously passed from barbarism to degeneracy without passing through the usual interval of civilization. You cannot find a period in the history of this country where you could say they were civilized or contributed anything to civilization.

FOLEY: One minute.

CHAMBERS: There is a word renaissance which carries a meaning which is understood by people who have a modicum of education. There would never be a word like that applied to any period in the United States. Oh, you got the time of the mob, the Mafia, La Cosa Nostra, Jesse James, Frank James, the Dalton Brothers, the O.K. Corral shootout at Tombstone, I. Clanton, Doc Holliday. And those are your heroes. Your heroes are mobsters, gangsters and killers. They are the romanticized people about whom movies are made. That's America. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Senator Linehan, you're recognized to close on the confirmation report.

LINEHAN: Thank you, Mr. President. I'd ask for your green vote on the reappointment of Commissioner James Kuhn. Thank you.

FOLEY: Thanks, Senator Linehan. The question for the body is the adoption of the confirmation report from Revenue Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. Oh, sorry, Senator Hilkemann wants to vote.

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the report, Mr. President.

FOLEY: The confirmation report is adopted. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. The Education Committee has selected LB920 as a committee priority bill. Notice of committee hearings from the Health and Human Services Committee and from the Natural Resources Committee. That's all I have at this time.

FOLEY: Thank you, Mr. Clerk. We'll now proceed to the next item on the agenda. General File 2020, committee priority bill. Mr. Clerk.

ASSISTANT CLERK: Mr. President. LR279CA offered by Senator Scheer is a proposed constitutional amendment to increase the maximum number of

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members of the Legislature to 55 members. The bill was referred to the Executive Board, which referred the bill to General File. It was under consideration yesterday. At this time I have a priority motion from Senator Chambers.

FOLEY: Before getting to that motion, Speaker Scheer, if you'd like to take a couple of minutes, just refresh us on the bill.

SCHEER: Thank you, Mr. President. Colleagues. Just a reminder of what we were talking about yesterday, it's a bill that would simply expand the ability of the Legislature that has to be passed by the voters of the state of Nebraska at the general election in November would give them permission-- to give the Legislature permission at some point in time if they chose to increase the number of senators on the floor of the Nebraska Unicameral, somewhere between their current limit, which is 50, which a lot of people in the news media have misrepresented to be 49, we actually are authorized right now to 50, to a maximum of 55. There are-- there is not an A bill attached to it because there is no cost. So we can discuss the things again, as we did yesterday, but most of which would be hypothetical. This has nothing to do with necessarily the redistricting package that some are trying to hold it hostage to. It has nothing to do with how we're going to count the people in the state during the next census, it simply has to do with expanding the permissible number of senators on the floor of the Legislature from 50 to 55. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Mr. Clerk.

ASSISTANT CLERK: Senators Chambers would move to recommit LR279CA to committee.

FOLEY: Senator Chambers, you're recognized to open on your motion.

CHAMBERS: Thank you, Mr. President, members of the Legislature. There was this-- a group of young white guys, they sang a song. Henry the Eighth. Second verse, same as the first. This is a continuation from yesterday. I don't like this bill. And there's more than one way to crack a nut. I will not say to kill a cat because that's cruelty to animals and I think those slogans help encourage that kind of cruelty or killing two birds with one stone. Well, let's talk about killing two "Repelicans" with one boulder. Do you know that what they were doing on the floor last night in the Senate was electioneering? They were doing things that violated the rules of the U.S. Senate, but they were white racist "Repelicans" and it was allowed. All that screaming,

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hollering, whistling, jumping up and just showing those displays. Those violated the Senate rules. They call it the most something or other deliberative body on the face of the earth. It is the most uncouth, racist, hypocritical group of white men and women, to some extent, that you can find in that small a space anywhere on this earth. You don't even allow that on the floor of the Legislature here. And this is a backward place. This is the backwater, and you don't allow that. How do you white people feel when you saw that happening in your Senate? You are so locked into the "Repelican" Party that you cannot see the reality. But I can see it and when I call attention to it, you get upset with me, but you don't get upset about what I'm discussing. Suppose I got some senators here and one of our colleagues that we like is running and we in chorus shouted, four more years, four more years, four more years. Here's what you'd hear. Order! Order! We can't have that. But that was the Senate of the United States of America. The white U.S. Senate, of the white U.S. count-- of the white United States of America with a flag that supposedly stands for freedom, justice for all. Liberty and justice, which is untrue. Now, I'm going to show you about the-- I don't mean this about Senator Scheer. I think he's sincere. But all have to go when the wagon comes and that wagon referred to the paddy wagon. They call it paddy because Irish people were called paddies and they were always drunk. This is the stereotype. So they put the drunks in the pad-- in the wagon, so it's a paddy wagon. And when the wagon came, everybody went. So everybody's got to go when the wagon comes. This bill reveals the hypocrisy of people who will stand on this floor and say, I'm not for big government. I'm for less government. Well, what are you doing when you expand the size of the Legislature other than increasing the size of government and those who fat mouth about being against big government are supporting this proposition. So I have to stop it. Other bills, such as one that Senator Pansing Brooks had, which carried, in my opinion, great merit. The clock was run out on it, so I have to run the clock out on this one. I don't have anything against the Speaker, but I have something against those who are always harping about big government, then they support increasing the size of the Legislature. I'm going to show you how dumb you all are. You know that jokes are made about the Legislature. Put your animals away. Hide your wife and your children. Protect your money purse because the Legislature is in session. Now, do you all think that the people in Nebraska are going to vote to increase the size of the Legislature, put six more of what's already here in the Constitution? Are you all that naive? And if I don't believe that the public would vote for this, why will I fight it so hard? Because I have a duty and an

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obligation to fight against those things that I think are not meritorious and defend those and fight for those that I think are. This has no merit whatsoever. The only way that the rural people who don't seem to be too bright based on this proposition-- see, let me tell you all something. Even if you got this piece into the Constitution and the Legislature stupidly added six senators, you still have to represent population. You can't say we got fifty thousand acres of farmland out there so we're entitled to-- they say, no, no. When we talk about representation, we're not talking about the trees. We're not talking about the bridges that you have. We're not talking about the culverts. We're not talking about the silos. We're talking about human beings. Your cows do not count in determining the representation. Well, I don't know why not, I got 50 head of cattle that I raised with my own hands. Well, you don't get any representation based on the number of cattle you have or cows, pigs, chickens, goats, horses or any other critter. It's going to be based on population. And you all who talk about you don't want more government, you want less, why don't you talk about reducing the number of senators in the Legislature? But you don't think that far. So I'm not going to say that you're necessarily a hypocrite, I'm going to say you're just not bright. You don't understand the words that you use. You don't realize that the government comprises the Legislature. The Legislature comprises part of the government. When you increase the size of the Legislature, you increase the size of the government. How can you be against bigger government but you're for this proposal? So I've got to stop you. I have to stop you from hurting yourselves. And I'm going to do it by your rules. And if you haven't caught on, I'm going to explain it to you. I offer a priority motion and that jumps me to the head of the line. Then I don't take a vote on it. I can withdraw any motion that I make. I can withdraw amendments if I offer them. So without taking a vote on it, I don't have to offer a reconsideration motion because that's voted down. And the reconsideration motion obviously would be voted down. But if I offer it and jumped to the head of the line and then I pull it, there's no vote. I will then allow one person to speak. Then I'll offer it again and I get 10 minutes and then I withdraw it. Allow one more person to speak. Then I have an alternate priority motion. And that's how, Senator Brandt, I can control this Legislature for the rest of the session unless you all go into emergency rules, meetings and change the rules to try to stop me. And like water, I will find a way around and it will cripple you before it'll cripple me. You cannot stop me because your intentions are not right. You're not trying to do what is best for the people. You're focusing on one man you don't like, and

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your anger puts a roadblock in the path of your brain reaching a logical conclusion. You say, ha, ha, we got him. Well, all you did was took away one little speed bump, but you opened another door for me. I challenge you to stop me. This is my last session in the Legislature. You've got 40 days. This-- this is the 19th day, you got 41 days. If you count today, you got 42 legislative days to try to figure out how to stop me--

FOLEY: One minute.

CHAMBERS: -- and I'll bet you can't do it. I'll bet you can't do it. And if you do it, I'll give a \$1,000 to your favorite charity so long as it's not the "Repelican" Party. You know, you can't stop me. I could show you article after article, year after year after year, where you've tried to stop me and you couldn't, and the editorial writers who have some sense, say, we don't know how he'll do it, but our money's on Ernie. And I've never failed them. The wrong shall fail, that's you all. The right prevail. That's from a Christmas song, Through Peace on Earth, Good Will to Men. They don't even include women on that. Women aren't even in the Declaration of Independence. You know why they couldn't put you women in the Declaration of Independence? Because you're not gonna be independent, you're gonna be pregnant, barefoot, and in the kitchen. So they didn't say--

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Senator Briese.

BRIESE: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to the motion to recommit, and I want to thank Speaker Scheer for his leadership on this issue. And this is an example of leadership looking forward, recognizing how our state has changed, how it will continue to change, and trying to lay out a path to allow a future Legislature to adjust to that change. And we have to remember only talking about a means to allow that Legislature to make those adjustments in numbers if it sees fit. We've heard a lot of good arguments yesterday on both sides of the issue. You know, folks concerned about the logistics, folks concerned about rules, folks concerned about funding. We also heard how such a change increasing the numbers could-- could increase the quality of representation in this body. But we're not here to discuss or to worry about those issues or to adjudicate those issues today. We're only talking about

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voting to allow Nebraskans the opportunity to decide if we should have that option, in which case we'll have to address those issues that were raised yesterday. I respect Speaker Scheer's leadership on this issue. I thank him for his leadership on this issue. And I will support, ultimately support LR279. And with that, if Speaker Scheer would like additional time, I would yield my time to him.

FOLEY: Thanks, Senator Briese. Speaker Scheer, 3:20.

SCHEER: Thank you, Mr. President. Thank you, Senator Briese. Colleagues, I would just simply ask you to-- we're obviously going to go to three hours on this. For those that you're wondering, it's going to be about five to 12-- or five to 11 if you're wanting to make plans. Again, simplistic approach, it's permissive. We aren't doing anything that costs a dime. We're just putting something on the ballot to let the general public decide if they would concur with my thoughts. It is a-- an idea that I think has merit to discuss. There are certainly factors that would need to be discussed if and when the Legislature chose to expand those numbers, but this doesn't do that. So as we move forward next week, I will be going around and trying to find those 33 members that are willing to allow me to move forward. If not, then I suspect that we've heard the last of it. But it's unfortunate because those on the floor that are looking at avenues to be creative in how we go about moving this state forward and trying to provide adequate representation, I think have been shortsighted and perhaps blinded by their own mission in relationship to something other than this bill. So, again, I thank Senator Briese for the time and will simply ask you to think about it over the weekend. And I will be in contact after the weekend to discuss the possibility of bringing it back. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Mr. Clerk.

ASSISTANT CLERK: Senator Chambers would move to bracket the bill until April 22nd.

FOLEY: Senator Chambers, you're recognized to open on your bracket motion.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, some of you who have paid attention, watched what I usually do when I offer one of these motions. I speak and then I withdraw it. But I didn't do that on that last one, did I? So that one's gone. But I've got another one. I told you, I have two of them. So this is the other one. This is

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not Frank James, this is Jesse James. Frank James is gone, but Jesse can do the work of himself and Frank. So when I get to the end, I will withdraw this one so that Jesse will not go the way of Frank. Then I'll offer it again and again and again. And you all think that I won't do it. You believe that I would begin to consider what the other senators are thinking, what the Governor is thinking, what the media are thinking. They don't care about the people I care about, why should I care what they think? If I saw a genuine concern for the people that I'm concerned about, then I would not be so difficult to get along at a time like this. I won't do this on every bill. I'll pick the bills that mean something to you and then I'll do it. And while we're approaching those bills, you all ought to get your heads together and try to figure how 47 white people can put one black man in his place in a white people's Legislature where the white people make the rules. You make the rules. But if you know anything, if you've heard anything, those who came before you have tried it for decades and they couldn't do it. When Senator Foley was a senator, he's now the Lieutenant Governor, he probably joined in some of those attempts to shackle me and they couldn't do it. All of-- do you know why they first put the bill, changed the rules to put in cloture so that they could stop me. What I did before they had cloture, I'd write out any number of amendments because I can write them faster than a cat can scratch an itch and I could dominate the whole session. So they said, then here's what we're gonna do. We will not restrict the offering of amendments, we'll say that if a bill is being held captive by Chambers, then after eight hours, no matter what was discussed during those eight hours, a vote can be taken on that bill, otherwise he can keep his on one bill for the whole session. So they put the cloture in place where after eight hours, that was the maximum, but you know what I did? I turned that into not the ceiling, but the floor. Every bill that I didn't like would now have to be discussed for at least eight hours before they could vote on the bill. So they gave me a tool when they thought they were using a weapon against me. They forged a sword, but they didn't understand a sword. There is a hilt and a haft, then there's a blade. But they didn't know the hilt from the blade. So they made the sword. But they put the handle in my hand, and the blade became my weapon to use against them. Sure, they could shut me off after eight hours, but they couldn't shut me off before eight hours had elapsed. Prior to that, they were able to shut me off in fewer than eight hours, but where I was not dumb when a bill came up that I didn't like, I'd write a whole string of amendments and put them up on the desk right away. I'm like a grown man dealing with kindergartners in the sandbox, and the kindergartners know so little

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they don't know how dumb they are. They can't even see when they're being aced. And I've done it for decades and I ought to have some facility in it. I ought to know how to control 47 white people. Ali Baba dealt with 40 thieves. Well, there's kind of an affinity between legislators and thieves. So if Ali Baba could handle 40 thieves, I should be able to handle 47 white people. And if you don't like what I say, stop me. You make the rules. It's your Legislature. You don't like what I say, then stop me. You won't be able to do it. And if you make the kind of effort that offends me enough, I will take over the rest of this session. And I promise you, at 82 years old, I will not run out of energy. I will be just as relentless as I've always been. And if all of you leave this Chamber, I will not care. You know why? When we no longer have a quorum, then the Legislature is no longer in session. If everybody's gone, I'll adjourn the Legislature. And then when you hear that I'm trying to work this scheme, here you come flying back here like a flock of white doves. Come flying in here, uh, uh, we're not gonna let you go. We're not gonna let you go. You can't adjourn the Legislature. I say, um, but now you're going to sit down and listen to me, aren't you, because if you don't listen, I'll shut the whole thing down. You all are-- it's so easy. The reason that my mind has retrograded in this Legislature is because I spend so much time here and it's so easy to fight you off that I don't have to learn anything new. I've forgotten more than you all will ever know. You know why? Because you don't respect the Legislature or care enough about it to protect it as an institution. You're offended at what I say. My words do not take away the functions that a Legislature under the Constitution has. But you let the Governor take it away from you. The Governor intimidates you. He has you putting stupid stuff in the budget bill, like taking away money from Planned Parenthood. And you have some simple-minded people voting against the interests of women because the Governor wants it or the Catholic Church, which is the male-dominated sex-trafficking abomination. And I've been saying that for decades, as Senator Foley knows and I've mentioned how when I brought up what these priests were doing to these children, he said that what I said was vile. No, what I described was vile and it applied to the Catholic Church. There's an archdiocese out in the-- on the East Coast that's about to declare bankruptcy because they've got to pay so many judgments to the children and the families of children that these Holy Joes run around here in these black suits and backward collars and saying Hail Mary, full of grace, bless thou--bless through thy womb Jesus, Holy Mary, mother of God, pray for sinners, now in the hour of our death. Amen. It doesn't mean anything. You may as well be saying abracadabra, open sesame. It didn't stop you from raping those

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little boys. The priests who did it. And they also raped little girls and women. And here's where the church was real slick so that they didn't when they knew about one of these devils, the devil would go to another priest and confess. And once he confessed, then nothing could be said about that. And that's how they protected each other in this church that was supposed to be God's organization on Earth. All it is, is an organization of men abusing, taking advantage of women. And those of you who know anything about the Catholic Church knows that there was an order of nuns and their role was specifically to satisfy the sexual needs and desires of priests. Benedict, the XVI, who's Joseph Ratzinger--

FOLEY: One minute.

CHAMBERS: -- in Berlin when he was a cardinal. I call him Joseph Ratzinger, the rat. He was elevated to Pope, became Benedict the XVI, worse than a Benedict Arnold. And he put together an order of priests who were going to minister to the needs of Americans. And those guys were sexually assaulted on a regular basis. That's a matter of history. It's been acknowledged by the church, but you all don't read that, but I do. A man ain't nothing but a man, and a hero ain't nothing but a sandwich. I don't care what a badge-- what badge or title a man wears. A man knows a man. And I know men. Like Jesus, he had no need that anybody testify to him of man, for he knew what was in man. I know what's in all of you. And there's not enough in all of you to stop me. I withdraw that motion.

FOLEY: Thanks, Senator Chambers. The bracket motion is withdrawn. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. I-- I want to walk through some of the ways that I see this bill a little bit differently than some others on the floor. And I want to say to preface those comments that I do this in a-- in a thoughtful and respectful way. I don't do this to-- to-- to be obstructionist. I just simply see this a little bit differently than the bill's introducer sees it. And I want to take this opportunity on the mike to talk about that. It is-- it is-- I could see the perspective that this bill doesn't necessarily relate to the redistricting process that must occur after the census. A future Legislature could wait two years or four years or six years or eight years to take advantage of the flexibility offered under this bill. But as I see it, there is a direct connection to redistricting, because if we have a redistricting process after the census and then four years later the body picks up this opportunity to add two

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senators or three senators or four senators, redistricting will necessarily happen then. It will occur if the body takes advantage of the tools being suggested under LR279CA. So I do see it just a little bit differently than others on the floor that it is in my mind connected to a redistricting process, whether or not it's connected to the redistricting process that must occur related to the census. So I want to talk about some of the bills that are in front of the Executive Committee on this subject, because I think some of these ideas are the kinds of things that I'd like to see in any redistricting process, whether that's a census redistricting process or a redistricting process that would happen if we were to add senators. So first is, Senator McCollister has a bill to adopt the redistricting act, which would create a fully independent redistricting commission, which I think is a good idea in terms of trying to set fair districts and, and fair representation. Senator DeBoer has a bill that would require the use of redistricting maps drawn using state issued computer software. I think having people using the same tools and tools that have been vetted and are being used elsewhere is a good idea. Senator Vargas has a bill that would prohibit consideration of certain factors in redistricting. The-- specifically in drawing boundaries for legislative district no consideration shall be given to the political affiliation of registered voters, demographic information other than population figures, or the results of previous elections, except as required by federal law and the Constitution of the United States. I think those are some nice concepts that are in line with our tradition of being a nonpartisan, Unicameral Legislature. Senator Howard has another option for a redistricting committee. And I think these are ideas with merits that deserve our thoughtful consideration. And so I just wanted to offer my perspective that's a little bit different than what has been articulated on the floor this morning and bring the body's attention to a few opportunities in front of the Executive Board, in front of this body to improve and refine our redistricting process. Thank you, Mr. President.

FOLEY: Thanks, Senator Bolz. Speaker Scheer, you are recognized.

SCHEER: Thank you, Mr. President. This bill has exhausted its first time allotment, so we'll move on to the next item on the agenda. Thank you.

FOLEY: Thank you, Mr. Speaker. Proceeding now on the agenda, General File 2020, a senator priority bill. Mr. Clerk, .

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ASSISTANT CLERK: Mr. President, next bill, LB242 offered by Senator Lindstrom. It's a bill for an act relating to public utilities, to adopt the Infrastructure Improvement and Replacement Assistance Act, and to declare an emergency. The bill was introduced on January 14 of last year. It was referred to the Revenue Committee, which placed the bill on General File with committee amendments attached.

FOLEY: Thank you, Mr. Clerk. Senator Lindstrom, you're recognized to open on LB242.

LINDSTROM: Thank you, Mr. President. Good morning, colleagues. Today, I'm bringing LB242 for your consideration. Nebraskans recognize that a statewide importance of maintaining our infrastructure. As a matter of public policy, the state of Nebraska has invested and continues to make significant investments in our roads and bridges. LB242 addresses another important facet of our state's infrastructure that is often ignored because we visually don't see it, our sewer and water infrastructure. LB242 seeks to return a phased-in portion of the state's 5.5 percent sales tax collected on water and sewer services to assist all Nebraskan communities statewide in updating much-needed water and sewer delivery systems. The bill would have the state of Nebraska turn back in the first year 36 percent of the 5.5 percent of state sales tax collected on potable and sewer services from July 1, 2020 through June 30 of 2021, turn back 56 percent of the 5.5 percent of state sales tax from July 1, 2021 through June 30, 2023 and turn back 73 percent of 5.5 percent of the state's sales tax dollars after July 1 of 2023. This legislation provides much needed financial assistance for water quality projects, including nitrate mitigation or addressing other water quality concerns for drinking water. Nebraska has a vested interest in our sewer and water resources from Grand Island, Hastings, Plattsmouth, Waverly, Blair, and other communities across the state. Being able to provide water and sewer is critical to our economic development, sanitation and living standards for all Nebraskans, and unfortunately, these projects are very expensive. Nebraska is at a critical junction where we need to begin partnering rather than profiting from much-needed sales tax infrastructure upgrades. Many of you might ask why the state should become a partner in this endeavor. There are many compelling answers. First, Nebraska current tax policy for water and sewer system hinders economic development by discouraging businesses from locating or expanding in our state. Nebraska has had recent opportunities to lure future large-scale economic development projects along the I-80 corridor, and our ability to provide water and sewer services along that corridor

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will make us more competitive. In eastern Nebraska, we have experienced significant economic development along High-- Highway 50 corridor. These projects have required significant capital expenditures to provide water and sewer infrastructure. We need more of these projects to-- to expand our tax base. You should know that some of the states that do not tax potable water-- there are states that do not tax potable water, 41 out of 50 states do not tax red-- residential potable water services according to our own Legislative Research Office. Nebraska is regressive in how it taxes water services by employing a double tax, not on sewer, but on potable water. Nebraskans are going to find it more and more difficult to afford domestic water and sewer services as their water begil-- water bills begin to reflect the need to update infrastructure and meet federal standards and replace end-of-life water and sewer mains. My community of Omaha continues to struggle with the unfunded federal mandate of combined sewer services, or CSO. State senators from around the state are going to be hearing more and more about this as the communities struggle to find-- to finance significant increases, increases in water fees. And all of us have heard from our constituents about the devastation of last year's flooding and Nebraska has certainly made progress on our roads and bridges. Nebraskans would welcome our assistance to assure them their drinking water, streams and rivers are safe. Right here in Lincoln, flooding caused significant challenges for Lincoln Water Systems. In Peru, home of the Peru State Bobcats, Plattsmouth at the confluence of the Platte and Missouri Rivers, Spencer, West Point, Kearney and numerous other communities in Nebraska. Our constituents are concerned about how they can shower, cook or accomplish the simple task of filling a baby bottle. It is unfortunate, but the very nature of water and wastewater treatment facilities requires their location to be near our rivers and streams. Finally, as mentioned earlier, the state is beginning to realize an annual increase in financial windfall as our Nebraskans' water and sewer rates significantly increase. None of these additional revenues are currently being used to offset the underlying cost of water services, but instead they are being placed in the state's General Fund. This bill provides direct income relief to the vast majority of our citizens on domestic water systems. Our nation's water infrastructure is reaching or is past its intended service life. This is a national issue and Nebraska is not immune from these challenges. LB242 makes the state become part of the solution to modernizing our wastewater and potable water delivery system. This bill had no

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opposition testimony in the hearing and I would encourage your green vote on LB242. Thank you, Mr. President.

SCHEER: Thank you, Senator Lindstrom. As the Clerk had notated, there is a committee amendment from the Revenue Committee. Senator Linehan as Chairman of the Revenue Committee, you're welcome to open on the AM434.

LINEHAN: Thank you, Mr. President. Committee Amendment, AM434 to LB242 changes the date of the beginning of distribution period from July 1, 2019 to July 1, 2020. The committee amendment also changes the percentage amount of distributions from 2 percent, 3 percent and 4 percent respectively to 36.6 percent, 54.54 percent and 72.72 percent. This change corrects a drafting error in the green copy of the bill. Thank you.

SCHEER: Thank you, Senator Linehan. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Lindstrom would move to amend the committee amendments with AM2279.

SCHEER: Senator Lindstrom, you're welcome to open on AM2279.

LINDSTROM: Thank you, Mr. President. AM2279 provides for the quarterly transfer for General Funds to the Infrastructure Improvement and Replacement Assistance Cash Fund, where the Tax Commissioner shall certify to the State Treasurer the amount of state sales tax revenue collected by any political subdivision, sewer utility or water utility on sewer and potable water fees and the applicable percentage which the state shall pay. Thank you, Mr. President.

SCHEER: Thank, Senator Lindstrom. Returning your floor discussion. Senator Clements, you're welcome.

CLEMENTS: Thank you, Mr. President. I was looking at the fiscal note, and I'd like to ask Senator Lindstrom a question.

SCHEER: Senator Lindstrom, would you please yield?

LINDSTROM: Yes, I will.

CLEMENTS: Well, Senator Lindstrom, on the fiscal note, page 1 it shows 2 percent, 3 percent, 4 percent. And like the first year line, it said

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it would be \$463,000 in General Fund expenditure. Is that being corrected by the amendment?

LINDSTROM: Yes, it's being corrected. So when the bill was drafted, our intent was with the math if you take 2 percent into the 5.5 percent, it would kick out a percentage. So based on the fiscal note, the Fiscal Office was basing that off a 2 percent of the overall, then 3 percent, 4 percent. But the intent is and the correction is that 2 percent represents 36 percent of the 5.5 percent. And then when it increases 3 percent to 5.5, that's 56 percent. And then in the final year after 2023, the 4 percent divided by 5.5 percent represents rounding up 30-- 73 percent of the total amount. So I will pass out the new fiscal note based on the numbers that I have. I'll pass out to everybody.

CLEMENTS: That was what I was wondering if there is an updated fiscal note that we could look at because it's several pages of it with different scenarios, and I would appreciate receiving that because I see that in the first year instead of 463,000 by my calculations changes to \$8.4 million. Then the last line, 73 percent of the \$31 million would be 22.7 million. It's a large difference. One more-- another question, Senator Lindstrom, do-- would the local city, if the city has 1.5 percent sales tax local, do they charge that on their water bill as well?

LINDSTROM: They will. The-- this only deals with what the state collects, what the total of 5.5 percent. You are correct in the numbers that you stated. It's coming around right now, but in the first year, the fiscal note is \$8 million and then it continues to go up from there. Based on the number, the percentage increase, the final number is around north of \$23 million. So I think you stated 22. It's right around there and we actually aired on the conservative side so it might actually be a little bit less. That will be reflected if the bill moves to Select File.

CLEMENTS: So if they charge 7 percent sales tax, 4 percent of the sales-- it's 4 percent goes as a turn back and 1.5 percent goes-- stays with the city or comes back to the city. So it's 5.5 percent of 7.5-- of 7 percent would be retained by the city eventually.

LINDSTROM: That's correct.

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CLEMENTS: And then the state would end up with 1.5 percent because 4 percent is being turned back, so.

LINDSTROM: Correct.

CLEMENTS: I just wanted to clarify those numbers. And I see that an update is coming around and my figures aren't exactly the same as yours, but I think I used four decimal places, 72.73 is the percentage rather than 73.0, but.

LINDSTROM: Yeah, we rounded up a little bit.

CLEMENTS: All right. Thank you. And I just wanted to clarify that this is quite a bit larger amount of money than what the original fiscal note was, if you had looked at it. That's all the questions I had. I'm still reading through some of the testimony on this bill and--

SCHEER: One minute.

CLEMENTS: --I see that city of Omaha especially was the primary-- looks like the primary source of this. And statewide, I'm not sure how statewide it's really going to benefit people, but if somebody else has more information, I'd be like-- I'd like to listen to it. Thank you, Mr. President.

SCHEER: Thank you, Senator Erdman and Senator Lindstrom. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker. Good morning. Thank you for the opportunity this morning to speak on LB242. I listened to what Senator Clements had to say this morning. I appreciate his analysis. Senator Clements has a degree in statistics, so I think he knows what he's talking about and I appreciate that. As I seen the-- the handout that just came around, it is a significant number compared to what it was when the bill first came and that fiscal note was presented. I may ask Senator Lindstrom some questions, if he'd answer.

SCHEER: Senator Lindstrom, would you please yield?

LINDSTROM: Yes, I will.

ERDMAN: Thank you, Senator. So currently these SIDs or whatever, they're collecting sales tax now at the 5.5 percent level?

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LINDSTROM: The state is collecting sales tax on the drinking water and sewer water.

ERDMAN: Yeah, that's what I meant, I misstated that. I appreciate that. So then with this adjustment that has been sent around as the fiscal note, are you concerned about the significance of those numbers?

LINDSTROM: Any time we talk about seven-figure digits, I'm always concerned. But based on what I see as the need in light of the flooding and other issues with rates being increased, I think it's a prudent and a good policy.

ERDMAN: OK. So you were-- you were-- maybe you were here a couple days ago when we had a discussion about LB267, which was a bill submitted by Senator Bolz to allow county commissioners or supervisors with a majority of board of-- vote of the board to raise property tax through bonding. So the same applies to this bill. I think this bill was introduced before the flooding happened. Is that correct?

LINDSTROM: It was introduced last year. Yes.

ERDMAN: In January?

LINDSTROM: I can't remember the date, but it would have been right around there, yeah.

ERDMAN: It had to be in the first 10 days or you couldn't have introduced it.

LINDSTROM: Sure, yeah, low number LB242.

ERDMAN: All right. So-- so this was brought up before the flooding happened and I'm not sure that it's-- I don't-- I don't know it's appropriate to bring into the fact that now we have flooding so now we have these issues that we didn't know we had before. And I think those issues were there long before the flooding happened. This is a significant reduction in revenue for the state. Would you agree?

LINDSTROM: Significant, I don't know when we're talking about \$520 million and \$150 million plus another \$100 million on other things, \$20 million--

ERDMAN: OK.

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LINDSTROM: -- doesn't sound like it.

ERDMAN: All right. Let me rephrase that, would you say this is a reduction in revenue for the state?

LINDSTROM: Yes, it is.

ERDMAN: OK. So that, in my opinion, seems to be the issue here, we continue to give things back and we continue to try to incentivize things and somebody pays for that. And so if we have a loss revenue of one-- of one industry or one collection of taxes, then we have to make it up somewhere else. And so I'm-- I'm a little concerned about the fiscal note on this bill. When I first seen it and the fiscal note didn't seem to be burdensome and it wasn't a whole lot of money, but now that we're into the seven figures, it's a whole different story. So thank you for answering those questions, Senator. Appreciate it.

SCHEER: Thank you, Senator Erdman and Senator Lindstrom. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr. President. Colleagues, I'm really concerned about this bill, not necessarily the bill, but what-- what the bill entails. I just pulled up my Omaha bill to make sure I understood what was going on. And we have a sales tax on water. I didn't know that. I guess I never paid attention. So if you think about that, we tax-- we don't tax bottled water, but we tax tap water. Now, who disproportionately is affected by that? I can't really support this bill because I think we need to get rid of sales tax on all water or all water needs to be a tax. We can't let fancy soda water not be taxed, but tap water be taxed. If Senator Lindstrom will yield to a question.

SCHEER: Senator Lindstrom, would you please yield?

LINDSTROM: Yes, I will.

WAYNE: So I'm looking at my tax bill and one of the bills I paid about \$13 in sales tax, but once for MUD and then once for the city sewer. So are we going to give turn backs to each separate political subdivision in this?

LINDSTROM: You're getting-- it's a turn back for both potable drinking water and the sewer, yes.

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WAYNE: So in all--

LINDSTROM: But in the case of Omaha, it's MUD.

WAYNE: Are we requiring that political subdivision to lower their fees or tax rate?

LINDSTROM: We're not requiring that, but because of the turn back, they will not have to increase the fees based on the mandate from the feds with the CSO in the case of Omaha, thereby not in a case where you talk about regressive nature of taxing water. This would hopefully offset some of the increase in the fee.

WAYNE: So we're not requiring them to lower that, but all my conservative colleagues want to require school districts to lower their valuation on any property tax relief and cap them, but that doesn't apply here. I think that's inconsistent to my colleagues on the conservative side of the aisle. But the other problem, I guess I'm trying to figure out, Senator Lindstrom, is part of this bill, I didn't see it in there, but is part of this bill requiring the city of Omaha or any municipality who has their own local sales tax to provide a turn back tax to those political subdivisions?

LINDSTROM: Nothing with the local sales tax. This only deals with the 5.5 percent that we collect as a state on both the potable drinking water and then the sewer water. So it's not dealing with any particular municipality or local option sales tax. And again, this just isn't in Omaha, this is every utility across the state.

WAYNE: So we're requiring the state to turn back tax to help offset the local cost of providing water, but the city's own sales tax, they won't do the same to help MUD pay a-- pay back the water. That's what you're saying?

LINDSTROM: I just looked at what we do at the state level, yes.

WAYNE: Colleagues, I have a problem with this bill. One, we're not requiring the city to chip in to MUD. A different separate political subdivision, which is Omaha, maybe not every other village or a first-class city has the same issues that we have. But we do have a separate political subdivision that provides water and they're asking for the state to kick in, but not the city to kick in when they're collecting an additional sales tax that we authorize and they're not willing to do the same, turn back tax that-- that we are as a state is

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putting in. Furthermore, there's no requirement to lower their fees. So again, their fees can stay the same. We give a turn back tax of \$1 or \$2 million or maybe more. Looking at the implications over the next four to five years, it could be significant in Omaha, but that doesn't stop them for increasing the fees at the local level. I have a huge problem with that.

SCHEER: One minute.

WAYNE: Is the problem going to be a three-hour problem? Maybe not today, but we have to correct this. We have to be consistent. And if-- we need to require the city of Omaha or local political subdivisions to do the same. If they're asking us to do the same, they can pitch in too. And that's my argument for that. But more importantly, I have a bigger issue with why we're selling-- why we have a sales tax on tap water when I can go buy bottled water and not pay a sales tax. That's one reason alone I can't support this bill, and I would definitely entertain an amendment that I will try to write today to eliminate sales tax on all water. If we're gonna have it, let's be consistent. Either we're going to eliminate sales tax on all water or we got to include bottled water, which I heard from this body through conversations, we don't want to tax bottled water. Well, we're taxing tap water. That is going to disproportionately affect those who are in the lower income level because that is where they get most of their water from instead of spending a \$1.99 at the local store on bottled water.

SCHEER: Time, Senator.

WAYNE: Thank you, Mr. President.

SCHEER: Thank you, Senator Wayne and Senator Lindstrom. Senator Brandt, you're recognized.

BRANDT: Thank you, Mr. Speaker. I'd like to thank Senator Lindstrom for bringing this bill. If I heard his opening correctly, part of his justification on this is on flooding. Would Senator Lindstrom answer a question?

SCHEER: Senator Lindstrom, would you please yield?

LINDSTROM: Yes.

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BRANDT: Senator Lindstrom, is part of the justification for bringing this bill based on the flooding we had last year?

LINDSTROM: The bill was brought not solely based on the flooding, but in light of what has transpired over the last year. It is why I have focused on and made it my personal priority, because it has affected communities across the state from Plattsmouth to West Point to-- I have the list of all the locations, all this-- all where senators represent and the number is-- the list is long with the communities that could use this money for infrastructure.

BRANDT: Another question for Senator Lindstrom. Do you believe bridges are affected by flooding?

LINDSTROM: Absolutely.

BRANDT: So two days ago, and we will finish the debate on LB267 either today or the following day, the bill is getting filibustered because they don't want to give county boards the right to fix flooding damage to bridges. And yet here we have a bill that is going to cost the General Fund \$23 million. And I agree with Senator Wayne, if we're going to give that kind of money back to these communities, they need to write into law an equal reduction in their taxes. If we're going to say that on the bridge bill we need a vote of the people, I think we need to also have some assurance here if we're going to give money back on another bill, that we're going to reduce property taxes by a like amount. And with that, if Senator Wayne would like the rest of my time, I would yield to Senator Wayne.

SCHEER: Senator Wayne, 2:50.

WAYNE: Thank you, and thank you, Senator Brandt. And Senator Lindstrom, I did not talk to you ahead of time so I'm going to apologize to the mike because I was working on the law office of Justin Wayne underneath the balcony where I do my work. And I heard public utilities at first and it kind of always perk my ears with energy, and then I started reading the bill and I pulled up my tax bill or my MUD bill and it kind of went from there. So I do apologize for not giving you a heads up. So in Omaha, we had a huge sewer separation project and it was mainly east of 56th Street, so that's talking east Omaha. And part of what happened in Omaha is the federal government came in and said we have combined sewers, particularly in the older parts of the the dis-- or of the city. And when it rained too much basically the dirty sewer and the clean rainwater, if you

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want to call it that, would mix and overflow our system and we would have raw sewage go into the Missouri River. Federal government said, no, you need to start separating out your-- your sewer system to handle the water. What's interesting about this conversation is, lot of this runoff, rainwater runoff also occurs from people who pay absolutely no property taxes but have huge parking lots. This is the interesting dynamic that we get into. We have a lot of huge churches that have huge parking lots that push water very quickly into the sewer system. Well, we don't tax them. We have this unfunded mandate, and for years, Senator Mello came down and asked the Legislature to help the city of Omaha with this \$5 billion mandate.

SCHEER: One minute.

WAYNE: It never happened. So I get the issue that we're trying to solve. There is still an aging infrastructure. And I'm actually doing some construction work on Dodge, where we run into some sewer problems because we still have old brick sewers that is causing problems, so I get the need to update it. What I don't understand is why we're taxing water, and what I don't understand is why we're not requiring MUD and the city of Omaha to lower their levies by this amount that we're going to give them. I think it's critical that we be consistent, but I also think it's critical that we don't create a windfall for political subdivisions to continue to raise fees and taxes. But the bigger issue, I'm really struggling with is, why do we tax water? Why do we tax drinking water? I think we should eliminate that tax completely and maybe this bill goes away and we have to get to the drawing board of how we fix this infrastructure problem without raising fees and taxes on the local level.

SCHEER: Time, Senator.

WAYNE: Thank you, Mr. President.

SCHEER: Thank you, Senator Brandt, Lindstrom and Wayne. Senator Friesen, you're recognized. Senator Friesen, you're recognized. Senator Friesen, you have 4:20 left.

FRIESEN: Thank you, Mr. President. I think that will be fine. Sorry, I was outside. So this-- this bill here and the thought that I had in Revenue at least is that, you know, you can make an argument that maybe we shouldn't even be applying a sales tax to sewer and water services in the state. So what this does is it does send out money to every city municipality out there. They all levy the tax. Some put

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their own city tax on it yet too. But this does send money back out and it does help with infrastructure throughout the state. One of the things that I want to see in this bill before I would support it on Final Reading is the inclusion that this money, when its giving back to the municipalities, it must be spent on that infrastructure. It cannot be just put in their General Fund to be spent on other things. And so what we have seen in some areas there, is municipalities are making regular transfers out of their proprietary funds, their sewer and water funds, and using that money in the General Fund. And then down the road, some of them have a sewer plant go bad and then they have to do bonding to fix the sewer plant or put in a new one when they've been spending the money that they were charging for sewer and water rates, they have spent that on other things. So that's one of the requirements I'll be looking forward to that comes as an amendment down the road. But I am willing to support this in that it does help Omaha with our sewer and water sewer separation project. I know they have a large challenge ahead of them. And I think this does help them, but it also helps every city and municipality out there. And it would either give them the opportunity to lower their sewer and water rates or do as they please but I do want that money put back into those proprietary funds and not to be spent on other projects. Thank you, Mr. President.

SCHEER: Thank you, Senator Friesen. Senator Slama would like to welcome twelve 11th graders from Sterling Public Schools, as well as three staff members. They are seated in the south balcony. Would you please stand and be recognized by the Nebraska Legislature? Thanks for stopping by. Senator Williams would like to welcome the following guests, a group of approximately 140 from the Nebraska Association of County Extension Boards representing all 93 counties. They're in both the north and south balconies. Would you please stand and be recognized by the Nebraska Legislature? And again, thank you for visiting. Returning to floor discussion, Senator LaGrone, you're recognized.

La GRONE: Thank you, Mr. President. And Senator Wayne actually stole a few of the questions I had, so I was wondering if he might yield to a question or two.

SCHEER: Senator Wayne, would you please yield?

WAYNE: Yes.

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La GRONE: Thank you, Senator Wayne. I really want to-- so there's two issues, I think here that you made that were also my concerns. Number one was basically the perpetuation of what I think is a system that incentivizes raising taxes and fees and I think that's a bad thing. And then also--

WAYNE: I disagree with you on that, though. Not completely, just partly.

La GRONE: OK, that's fine. But then also the point of taxing some water and not others. Can we start on the water point cause I think that's shorter. Can you just explain how impor-- basically a lot of folks can go buy bottled water. When we're dealing with tap water that leads to a situation where some folks that's the only water they can have. Can you delve a little into that for us?

WAYNE: Yes, so the simple answer is water is life, right? So people need water to survive. People need water to function. And this bill, I think if we vote for it, even though it's not directly related, it's in there. We are saying that we're OK with taxing tap water. By voting for this, we're saying we are OK with taxing tap water and when you look at how much bottled water is, even if you go to Costco or Sam's, you're looking at 79 cents to 99 cents on a low end to \$2 on the high end. Well, that disproportionately affects poor or lower-income folks who use tap water every day. Tap water to feed their families, tap waters to put formula together for their babies, tap water to just drink and stay healthy. And so we are disproportionately, I think, taxing lower-income individuals for a basic need. And I thought it was Nebraska's policy when it comes to food and basic needs that we don't tax. So I think it's improper for us to tax tap water and then use that tax to give a windfall for political subdivisions.

La GRONE: I completely agree on that point, now to the political subdivision points, so thank you for perfectly transitioning into that. Essentially the way I see this, it does give a windfall of political subdivisions and it doesn't require them to have any skin in the game. And I really appreciated the points you're making in terms of institutional knowledge and what's been done in the past in this body on that subject. And I was wondering if you could go a little more into what Senator Mello did when he was here and explain that whole situation.

WAYNE: So, yes, we were trying to figure out how to pay for this sewer separation at the city level. And this became a huge issue because at

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one point we tax manufacturers and the industry. When I say tax, we had a sewer fee that was astronomical based on the percentage of water runoff that they had. And again, I want to remind people, we don't tax big church parking lots. So we had to put it on businesses and individuals. At that point it was a huge fight. People, a particular institutions along I-80 who have significant operations were threatening to leave Omaha because it tripled their operating expenses. We negotiated, when I say we, the parties negotiated down a tax, but still the people, the end users, homeowners, people who buy water, who have MUD, still end up paying a higher sewer fee. And so now that the project is almost done, I think there's a little bit left, maybe 50 million left on the project, you would think that would start going down and those fees just start going down. But our system is so old, I don't see that happening. But I do think from a historical perspective, it was a federal mandate. The state refused to step in, made the county take care-- or the city take care of it, they did so and now we're creating a way--

SCHEER: One minute.

WAYNE: --for the state to put-- the way for the state to put money back into the coffers of the city and in this case, MUD, but we're not requiring any offset. And what's more interesting is we're not requiring a local political subdivision as the city who also collects a tax to put in on this.

La GRONE: I completely agree. And I've got a few more questions on this, but it would take longer than the time we have left, so I'll turn on my light again and we can have that in a moment. Thank you, Mr. President.

SCHEER: Thank you, Senator La Grone and Williams [SIC]. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President, and good morning, colleagues. I'm still listening to debate on LB242. I think the updated fiscal note definitely raises some concerns with me, but I was wondering if Senator Lindstrom may yield to a couple questions.

SCHEER: Senator Lindstrom, would you please yield?

LINDSTROM: Yes, I will.

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SLAMA: So, Senator Lindstrom, I was happy to hear you reference some of those communities that were pretty heavily impacted by flooding during the 2019 event. I was wondering, just as I'm reading through the bill, how would this bill impact those communities?

LINDSTROM: They, whatever the state collects on the potable water and the sewer water, it would proportionally send it back to those local utilities. So in the case of Peru, and I did throw out the Bobcats, first day of Bobcats, it would go back to your local, local utility to use for infrastructure.

SLAMA: So just divided by the amount of population or the amount of tax paid or--

LINDSTROM: Right.

SLAMA: OK, thank you, Senator Lindstrom. That does clear up a couple of questions I had just about the proportionality of this bill and where the money would be going and why. This bill is an interesting one for me. And I think it's worthwhile here to go into a little bit more detail about what Peru faced during the flooding and why we are in the position we are in with our sewage and our water treatment facility. I don't know if I'll have enough time to cover all of this today, but it's certainly something that I would like to continue the conversation on throughout the session as I know there will be several bills coming to the floor that reference things that we can do to potentially improve our communities after the flooding. So in March 2019, like many communities along the Missouri River, Peru was bracing for impact. We had seen what had happened up river up in communities like Spencer, in Norfolk, in Fremont. And we knew all of that water was eventually coming our way via the Missouri River. Peru is a community that's approximately two miles off of the Missouri River. It's protected by a levee that was put in place at 9-- in 1952. It's a six-mile long levee that had not failed in those years that it had been put in place. It was brought to the brink in the 2011 flooding, but held and protected the town. So within a few hours of the Missouri River rising in March of 2019, we watched as our levee failed. The town's levee failed and the town's water treatment facility, the sewage treatment facilities quickly became inundated with water. Not the kind you can drink, so for the next nine months, Peru was surrounded by water and you couldn't drink any of it. Initially, we had a no-water rule. You could not drink any water out of the tap. You could not use any water out of the tap because we weren't sure if our town's water supplies had been completely compromised by this

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floodwater. We then discovered that just the water treatment facility had been compromised and we were left with whatever water was left in our water tower. Peru is a small town, but it is a college town. We have a population of just under 900 people with over a thousand students coming to campus for class every day. So depending solely upon the water that was left in the water tower was a shock for our community. What was an even bigger shock is that for the next several months we were dependent upon water being trucked in from neighboring communities. Our sewage lagoons had also been compromised, so there was worry that our sewage could eventually back up into town. But up until mid-August, we were dependent entirely upon bottled water for drinkable water. The carwash in town shut down. We were under severe water restrictions and it's a tough thing to do for a town, especially--

SCHEER: One minute.

SLAMA: --in the long term. Now, Peru is facing a challenge now that we have a water treatment facility set up that can cover our needs temporarily for approximately three years. But we're looking for a place to get new water. We could either drill a well or pipe water in from our neighboring towns. And both of those projects look like will cost between 10 and 20 million dollars. Both of those would be FEMA projects, so as we're looking at bills that could potentially help in fund-- funding these projects, we need to keep in mind that communities that were impacted by the flood likely will have access to FEMA funding for these projects, meaning that the federal government will cover 75 percent of the costs associated with the project, the state will cover 12.5 percent and local entities will be expected to cover 12.5 percent. So I can see LB242 possibly helping out with the 12.5 percent to local entities--

SCHEER: Time, Senator.

SLAMA: Thank you, Mr. President.

SCHEER: Thank you, Senator Slama and Senator Lindstrom. Senator Lindstrom, you're recognized.

LINDSTROM: Thank you, Mr. President. I appreciate the discussion this morning. And I'd just like to address a few of the things that have come up and I was trying to jot notes as they did come up. Senator Wayne had a couple of comments that I understand where he's coming from. It actually is worse than what you think. We, we charge a tax on

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the input on drinking water, which is an interesting deal. We again, 41 of the 50 states have a different version of how they collect sales tax on both potable and sewer, but we don't charge the sales tax on inputs on sewer. We do on the inputs on your potable water. So it's a double taxation on that. I don't disagree with you, it's a little odd. I could stand up here with a bottled water and say we we don't tax this, but we tax drinking water. Regardless of whether or not we do this bill, the issue still lies with the sewer separation. We're going to have increasing fees to pay for that. So what I want to make it clear, this is not any type of increase. We're not dealing with any type of local sales tax, we're just directing funds directly into places that need it. The League gave me a few numbers here. I asked if we're up against a few of the levy, levy limits. I know Hastings is one. We have 599 towns, cities in this state, 300-plus towns are in need of some of this money and directed for infrastructure. And again, I could-- I could list it down with people that were affected. I mean, West Point, Minden, Gretna, Fall City. You-- you know, you're in your-- you're in your towns and you hear it. You've seen the destruction. So what this bill is trying to do is just get the dollars directed to those-- to those areas. With regards to the windfall statement, if the-- if the local community is getting a windfall, we, in fact, at the state level are getting a windfall in the sales tax collected because of the mandate from the federal government, particularly in Omaha, you're seeing the rates go up to pay for those. And so if the-- if the argument comes up, the regressive nature in which the sales tax is being collected, at least this is a little bit of an offset for what's already mandated from the feds with the CSO. So, I-- I believe it's good policy. Again, and Senator Erdman brought up the flooding that this wasn't necessarily in lockstep or timing with that, but in light of all the other things, all the issues that lie out there, I believe this is a good policy. Money that's well spent, directed towards a need for the vast majority of the citizens in the state of Nebraska, no matter where you live. So I appreciate the time and I yield my time back to the President. Thank you.

SCHEER: Thank you, Senator Lindstrom. Senator Albrecht, you're recognized.

ALBRECHT: Thank you, Speaker Scheer. Colleagues, I rise today because I do feel that Senator Lindstrom was wise beyond his years when he saw the need to help small communities, the city of Omaha and anyone else who came to testify. But my concern is that-- that we make certain, as Senator Friesen said, that the money is only to be used for new

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infrastructure or with the city of West Point, who is a neighboring to my district, they have no drinking water. You know that to me, I right away had to scratch my head and say, where are the NRDs, where-- we all need to wrap our arms around these communities that cannot have drinking water. Lynch, I believe, was another county that had trouble during the flooding, but instantly and again Senator Slama's area also had it, but a lot of these communities, when you look-- when you sit on a city council or a county board, you try to plan for the needs of your communities as they arise. It's kind of like owning a home. You didn't expect your water heater to go out on you, but guess what, it did. And if you don't have an alternative plan, you're in trouble. So, I want to continue this discussion. I think it's important that we-- even if it shouldn't pass right away, I want to see, like, you know, the Department of Environmental Quality if they can have as the Transportation Committee does, you know, a list of the most important roads and bridges that need to be attacked in a six-year period, what are the most important cities or counties, whether it be the bridges that are out or the water that they can't drink or the sewer system that they need to replace. I would like there to be some continuity with how this money is spent to make certain that the-- that the public doesn't automatically have to pay the price for-- for everything that-- that happens in their communities. So if we could be forward-thinking and Senator Lindstrom, if you could just yield quickly to a question before we run out of time.

SCHEER: Senator Lindstrom, would you please yield?

LINDSTROM: Yes, I will.

ALBRECHT: And is it in the AM434, does that become the bill or is LB2279?

LINDSTROM: LB2279 deals with the A bill that we had to create a cash fund to pay--

ALBRECHT: So can you tell me where in the bill it actually shows that the money is only to be spent on the infrastructure for the water?

LINDSTROM: Well, we directed specifically for that. How the budgeting process is in municipalities is not necessarily in this bill. Now, with regards to MUD and in my district, it is specifically used for the sewer and potable water. The provisions that you're talking about are not specifically stated in this particular amendment or bill.

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ALBRECHT: So I'd like to see between, if it should pass on the floor, between here and Select an amendment be brought forward to make certain that that does happen. And I mean, you know, just looking at this, the actual bill was, I believe, heard on February 22 of last year, again before the floods. The floods just kind of enhanced the problems in a lot of the towns. I have South Sioux City is needing and in dire straits of trying to-- to finance. Their infrastructure has-- the sewer system has a great need right now and I can see where these dollars would be helpful, but I don't-- I can't imagine not directing the funds just for that particular item. So with that, I'll yield my time back to the Speaker. Thanks.

SCHEER: Thank you, Senator Albrecht and Senator Lindstrom. Senator Erdman, you're recognized.

ERDMAN: Thank you, Mr. Speaker. Good morning again. I was wondering if Senator Wayne would yield to a question.

HUGHES: Senator Wayne, will you yield?

WAYNE: Yes.

ERDMAN: Thank you, Senator Wayne. Senator Wayne, in your comments earlier on the mike you said that you thought it was a little peculiar that we would tax tap water, but we don't tax bottled water. Is that what you said?

WAYNE: Correct.

ERDMAN: I seen an ad the other day for Smart Water and it was like \$3 a bottle. And somebody sent me a message on the bottom of that and said, it's working, giving \$3 for a bottle of water. So I appreciate your comments. I think that those are some of the issues that we need to consider. What are we doing? We're taxing one form of water, but not another. I think that's-- that is a significant statement. And Senator Brandt had earlier made a comment or asked a question to Senator Lindstrom about, is this because of the flooding? That is not the case. This bill was introduced before that. So I was wondering if Senator Lindstrom would share with me if he would, how many of these communities would actually be affected by what happened in the flooding if he knows?

HUGHES: Senator Lindstrom, will you yield?

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LINDSTROM: I'll yield. The total number that were affected by the flooding?

ERDMAN: Yeah. You said there were 580.

LINDSTROM: There was actually 300-plus towns that could use this, the towns that are affected by the flooding. I just have a quick list of, I mean, I could get you the list. I mean, we all know the kind of corridor--

ERDMAN: OK.

LINDSTROM: --that hit from Spencer Dam all the way down.

ERDMAN: All right. In your comments, you had mentioned Minden and and some of those other communities and I don't know for sure, but I would think those would be outside of the area that was affected by the flooding. Would you-- would you agree?

LINDSTROM: I would agree with that, yes.

ERDMAN: OK. All right. So we-- as we do here and last year I had a bill that I had introduced that would have-- that did relieve property tax because of damage to their property by a natural disaster, a flood, hail, fire, whatever, wind, whatever caused their damage. And if your property was damaged up to 20 percent of its value, you could get an adjustment through your county assessor and your taxes would then be adjusted because the valuation went down. Now, I'm not going to stand here and tell you and sell-- Senator Brandt. I'm not going to say that I was smart enough to know when I introduced that bill we're gonna have a flood, but when the flood happened, all of a sudden that bill becomes pretty significant. And so the Revenue Committee was gracious enough to allow me to attach that bill to their committee bill and we passed that bill and it made a difference in people's lives. Millions and millions of property tax were saved because their property was destroyed or damaged. And so we do have issues come up and this may be one of those where the flooding makes this bill more important and I understand that, but I don't know and I haven't heard yet, and maybe Senator Lindstrom will get me that information, how many of these communities were actually affected by the flood? And so I think that would be good information to have so that we're making a decision based on the need that is ongoing and was in play before we had the flood. But once the flood came, then that changed the whole story for some of those communities. And I heard what Senator Slama

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said about her-- her community being restricted on water use. I understand that. It's a-- it's a troublesome thing. In 17, July 17, we had a tornado go through our property and-- and destroyed the electric lines and we were without water, electricity or any function there for about seven, eight days. And it is-- it is a difficult time to not have water. So I understand that. So Senator Lindstrom if you could get me those cities that are--

SCHEER: One minute.

ERDMAN: --affected by the flood, that would be very helpful. Thank you.

SCHEER: Thank you, Senator Erdman, Wayne and Lindstrom. Mr. Clerk.

ASSISTANT CLERK: Mr. President, a series of items. I have designation of priority bills by the Transportation and Telecommunications Committee, that being LB992 and LB944 as priority bills. A Reference Committee report regarding various gubernatorial appointments. A Communication from History Nebraska regarding a gift approval for a cash gift for the Chimney Rock Visitor Center. Communication from the Clerk to the Exec Board regarding reference to that committee, as well as a report from the Appropriations Committee or from the Reference Committee referring the communication to the Appropriations Committee. New resolutions, LR309, LR310 and LR311, all by Senator Briese. Those will be laid over. Your Committee on Education reports LB965 to General File with committee amendments attached. In addition, the-- Senator Hansen asking unanimous consent to allow the Business and Labor Committee to hold their hearing in the Warner Chamber rather than Room 1003 on Monday, February 10th.

SCHEER: Colleagues, you've heard the motion. Hearing no objection, so ordered.

ASSISTANT CLERK: And finally, a series of name adds: Senator Hunt to LB794, Senator Bolz to LB817, Senator Hunt to LB866, Senator Kolowski to LB962, Senator Linehan to LB995, Senator Kolterman to LB1001, Senator Blood to LB1001. And finally, a priority motion. Senator Dorn would move to adjourn until Thursday, February 6 at 9:00 a.m.

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed say nay. We are adjourned.