

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate April 29, 2021  
Rough Draft

**FOLEY:** Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the seventieth day of the One Hundred Seventh Legislature, First Session. Our chaplain for today is Senator Clements. Please rise.

**CLEMENTS:** Thank you, Mr. President. Today, I have found a prayer given by Dr. Robert Palmer, the chaplain of the Unicameral, June 9, 1970, starting a special session. Let's pray. Oh, God, our father, who has called us all to serve one another, give us a common mind and spirit and will as we deal with the issues now before us. Legislative special sessions call for special talents, and may we give our best talents in these coming days. Give to each of the legislators of this state strength for the tasks of this session and guide them in their thinking and voting. When they are tempted to wonder whether their high goals are possible of attainment, remind them that you never sleep and that a different world cannot be built by indifferent men. Let us never give up hope of the possibility of creative change and genuine progress. When we feel the pressures of crisis, remind us that you have plenty of time. We must remember that you are never in a hurry and will not be rushed by the deadlines of impatient men or by the pressures of confusing issues. Give to each one of us the determination together to seek and find and follow your truth, as we strive to do your will. In Jesus's name, amen.

**FOLEY:** Thank you, Senator Clements. I recognize Senator Walz for the Pledge of Allegiance.

**WALZ:** Please join me for the pledge. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**FOLEY:** Thank you, Senator Walz. I call to order the seventieth day of One Hundred Seventh Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

**FOLEY:** Are there any corrections for the Journal?

**CLERK:** I have no corrections.

**FOLEY:** Thank you, sir. Any messages, reports or announcements?

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**CLERK:** I have a hearing notice from the Banking Committee regarding a gubernatorial appointment. Agency reports acknowledgment of their receipt, Mr. President. And finally, a-- the lobby report as required by state law. That's all that I have.

**FOLEY:** Thank you, Mr. Clerk. Senator Hughes, you are recognized for a special announcement.

**HUGHES:** Thank you, Mr. President. Good morning, colleagues. This is a sad day for the Legislature. A good friend and someone that means a lot to all of us is retiring. We are happy for him nonetheless. State Trooper Tom Grove is retiring from the State Patrol after 30 years of service. Trooper Grove has been in the Nebraska State Patrol since 1990. Much of his career was spent in the traffic services division in Omaha. He was a SWAT operator for 11 years, in addition to providing instruction in many different areas, including pursuit, emergency vehicle operations and citizen response in active shooter situations. More recently in his career, he has been assigned right here at the State Capitol, providing armed security for the Nebraska Supreme Court, the Nebraska Court of Appeals and the Nebraska Legislature. We have been extremely lucky to have him here at the Capitol. Trooper Grove has not only been someone who helped protect us while we are in the Capitol, he has become a close friend to many of the senators, their staff, and other personnel within the building. He is a gentle-- he has a gentle way of dealing with all kinds of situations. He doesn't come in heavy-handed unless the situation calls for it. We work in the people's building and he has never forgotten that he is very focused on the needs of this building and its personnel. When you talk to him, you know he isn't just listening, but he truly hears you. Trooper Grove, Tom, thank you for your service to Nebraska and, and especially especially for your service to the Nebraska Legislature. All of our lives have been enriched by working with you and by, and by making your acquaintance. Happy retirement to you.

**FOLEY:** Speaker Hilgers, you are recognized.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. I'd be remiss if I didn't take the opportunity to also personally thank Trooper Tom for all the work that he's done in my five years here in the Legislature. He will be greatly missed. I do think there's a going away-- or a retirement party that I distributed to everyone's mailboxes that I think is today. So hopefully everyone can attend that. Good morning, colleagues. I want to give a brief announcement for next week and the week following. As you know, today, and I've had

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a few questions about this. Before we get to next week, I'll tell you what's going to happen today. End of the week, as I announced last week, we're going to go past lunch. We are going to have a lunch break today. It will only be an hour. So these next couple of weeks, when we have longer weeks, if we go on the last day of the week beyond lunch, we will take a lunch break. But it won't be an hour and a half, so that we can get people out of here. Hopefully we can get out of here before 5:00 today. It just will be dependent on our progress. We do have the motion to rerefer at 3:30, no later than 3:30. And then whenever that's done, we'll be done for the day. That's this week. Next week, we will be finishing up the beginning of the week the package of bills that I described last week, are the taxes and spending bills. So next week in particular, we're going to get LB454, Senator Friesen's bill, will be on Tuesday, along with the shovel-ready bill from that senator-- from Senator McDonnell. That will come up on Tuesday. The new bill for-- some new bills for next week. One will be LR11-- I'm sorry, LR11CA, that is Senator Erdman's consumption tax amendment. We've had a lot of conversation over the last week and a half about exemptions and the different tactics that we could deploy to help ease tax burden or reduce taxes, et cetera, for, for Nebraskans and Nebraska businesses. I thought it was pretty appropriate after that conversation while I was still fresh to have a strategic conversation about how we can actually look at our tax, tax system from a holistic perspective. So that debate will be on Wednesday morning, next week. In addition to that bill-- Mr. President, could I get a gavel, please?

**FOLEY:** Members, please come to order.

**HILGERS:** Thank you, Mr. President. In addition to that, the other bills I'm going to have for next week are LB241, Senator Vargas's bill on the meat-- on meat packing. That will come up on Thursday. And LB496, which is Senator Hilkemann's bill regarding collection of DNA samples, the-- no specific date for that, but be prepared for that to come up sometime next week. Again, going into next week, as a reminder, we will start consent. It will be our final consent on Tuesday morning. We will start at 10:00 next Tuesday. So we're going to keep that late start, first day of the week. Next week, be prepared to have late nights. I think this we-- this week worked out pretty well. We were able two nights ago to get down a little bit before 7:00 and be done for the day, last night, obviously, we went later. I would like, it would be nice to be able to continue to alternate or be able to sprinkle in a little bit later, 6:00, 7:00, but be done for the night with days where we actually are taking a dinner break and going

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a little bit later. It's going to depend on our progress and how far we go. As a reminder, next week at the end of the week, as I mentioned, but I want to emphasize this, we, we very-- you should be prepared to go to four or five next Friday. That being said, heading into a two-day weekend, it would be nice to be able to not have to go all day that day. So my hope is that we'll be able to get done by lunch next week and be able to get, you know, going into the weekend we'll have a little bit more time. But that will just, as with everything, will depend on our progress throughout the week. So if you have any questions about specific bills that I haven't referenced or I haven't gotten on the agenda, let me know. I will continue to sprinkle in Select File and Final Reading throughout the week, and I appreciate everyone's flexibility and nimbleness. It certainly helps my, my staff and me as we work to try to get the most amount of work done with the precious minutes that we have here on the floor. With that, I hope everyone has a great day today and a well-deserved long weekend. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Senator Vargas, you are recognized for a special announcement.

**VARGAS:** Thank you very much. Good morning, colleagues. One year ago, my dad died. Actually, I can't believe it's been a year. I wasn't ready to hear the news when I got the call, even though he'd been in the hospital for nearly a month. Virgilio Vargas-- Virgilio Vargas was always a source of stoic strength for my mother, my brothers and I. His resilience informed the paths that our lives took and inspired us to reach even higher for the American dream. Now, many of you know this. My dad and my mother, they came from Lima, Peru. They came here with a dream and a hope. My dad eventually became a union machinist and he raised his children on the ethic of hard work. I know I wouldn't be here today if it weren't for my dad and my mom. The last year has been filled with highs and lows for everyone. Now, my dad passed away exactly a year ago, but my first son was born at the end of December, Luca, Luca Anthony. He's actually-- his middle name is named after my father. I've heard from many people in my district, and some from many of yours, about the difficulty over the past year. Many of these requests from constituents were to address problems in our communities. Those conversations informed the proposals that we bring here. Now, I believe we're in a unique position. We are 49 people whose combined efforts can change the lives of millions of people in ways both big and small, but all for the better. Now, we've all heard the argument before, and some of us make the argument here that just because the government can solve a problem doesn't necessarily mean

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the government should. FDR created the New Deal for the American people where his administration did step up and create programs that remade America. Now through that ingenuity, perseverance and grit, the New Deal created what we call the middle class, and America became a beacon of light for the rest of the world to see. Now that light shown brightly representing the fidelity of our government owes to its people. And I'll be honest, that is exactly what brought my parents, my father, to the United States. And it's what brought me here today, addressing you on the floor of the Nebraska Unicameral. Now, this last year has upended people's lives in ways that we still can't understand. But the thing that's been eating away at the heart of our democracy isn't COVID-19 or higher property taxes or funding for public schools, which we all debate. We few tasked with leading this state can and need to do more. We're not always reaching out to help each other. We need to do more. And we can't take each other for granted. We can't take our democracy for granted because it makes it harder and harder to form partnerships and compromise. Now, this comes from all sides of the aisle. It's not Democrat, not Republican. As a reminder to those listening on the floor or on NET, it was a Republican, Abraham Lincoln, who abolished slavery over the violent descent of southern Democrats. Also, it was a Southern Democrat who signed a Civil Rights Act. Great deeds come from, from all across the political spectrum. Now, when my dad died, I felt a renewed sense of purpose for my time here, even though it's been really hard. If there's someone who got sick working at a meatpacking plant or whose kids can't read or can't pay their rent because the cost of living is spiraling out of control, that bothers me. And I think it should bother you. And it bothers me even though it isn't happening to me, it bothers me because I believe--

**FOLEY:** One minute, Senator.

**VARGAS:** --it's our responsibility to act.

**FOLEY:** Senator Vargas, one minute, please.

**VARGAS:** Thank you. We were put here to lead and we were put here to find solutions to complicated problems. So as we head into the last 20 days, on the anniversary of my father's passing, I believe we need to come together. If we stay true to our national motto, E Pluribus Unum, there is nothing-- and there isn't enough to say that the only ground I'll share is the ground that I occupy. We have to be willing to hear each other and look past our suspicions of each other's motives. We are all Republicans and we are all Democrats, and that's what it means

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to say: Out of many, one. This is the will of the voters and none of us would be here without them. Now my dad came to America because he was and saw a bright, great shining city on this hill. I really believe and I want this state and this country to live up to that vision of love, compassion and, above all, hope. Hope for a better future for our children--

**FOLEY:** That's time, Senator.

**VARGAS:** --hope for the expanding horizons of our present.

**FOLEY:** Senator, that's time.

**VARGAS:** Thank you, Mr. President.

**FOLEY:** Thank you, Senator Vargas. Members, we will now proceed to the agenda. General File appropriation bill, LB388A. Mr. Clerk.

**CLERK:** Mr. President, LB388A is a bill introduced by Senator Friesen. It's a bill for an act to appropriate funds to LB388. I do have amendment, an amendment to the bill, Mr. President.

**FOLEY:** Senator Friesen, you're recognized to open on LB388A.

**FRIESEN:** Thank you, Mr. President. I'll just open on the amendment and we can go to a, a vote. This amendment is just, it's offered at the request of the Fiscal Office. It clarifies that the \$20 million appropriation can be used to pay for administering the Nebraska Broadband Bridge Program and adds an emergency clause. Does not change the appropriation. I appreciate your green vote. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Mr. Clerk. Senator Friesen, you've, you've opened on the amendment then as well, is that correct? Very good. OK, debate is now open on LB388A and the amendment. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. I'm just rising for a moment to say something happy and positive to Nebraskans and to remind our body why this unique Unicameral is valuable and precious. Last night, Speaker Hilgers worked like crazy with both, on both sides and all around through the body to make sure that we could move forward. Senator Groene and I were not very far apart, and it was partly communication, partly just trying to understand what, what each party was doing and what each party was wanting. And Senator Hilgers stepped up and

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brought together a number of people. And I just want to applaud and admire his strong leadership in that instance and hope that we continue that. And that effort that he has made, it was valuable, it was helpful, of course, on my bill, but it was actually helpful to Nebraska children. I just, I want us all to take a pause as we end this week and just remember how important it is that we are nonpartisan. Yes, we all know where we all stand on certain things. But remember, 90 percent of the time we agree. If you look at all those bills, we are agreeing. That is valuable. That is wonderful. It's not happening in the rest of the country. It's not happening in Congress. And literally, Speaker Hilgers did a wonderful job mediating, communicating, helping to get people to change language, add an amendment. And I really admire that ability that he has shown in his leadership. I also wanted to say one more thing about Senator Geist. Sometimes the women in this body sort of get dismissed for what they know or don't know, and I just want to say that we wouldn't have gotten that bill passed last night except for Senator Geist and her strength and her determination. I didn't agree with her amendment totally, but she was strong. And you all need to realize that she is a force as well. And I just wanted to thank them. Thank, thank our whole body. I had a lot of people on my quote unquote side helping as well, to whom I'm grateful, and they know it. But I also think it's really important to stand up and acknowledge the great work of people who are considered on opposite sides of the aisle. And so I just wanted to really praise Speaker Hilgers' leadership and ability to work things through and move on, and also Senator Geist for her determination and leadership as well. So thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator Friesen, would you care to close on AM1193? He waives closing and the question before the body is the adoption of the amendment, AM1193. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 43 ayes, 0 nays on adoption of Senator Friesen's amendment.

**FOLEY:** Any further debate on LB388A as amended? I see none, Senator Friesen, you are recognized to close. He waives closing, the question before the body is the advance of LB388A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 42 ayes, 0 nays on the advancement of the bill, Mr. President.

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**FOLEY:** LB388A advances. Proceeding to Select File appropriations bill.  
Mr. Clerk.

**CLERK:** Mr. President, Senator McKinney, LB247A. I have no amendments  
to the bill.

**FOLEY:** Senator McKinney for a motion.

**McKINNEY:** Mr. President, I move that LB247A be advanced to E&R for  
engrossing.

**FOLEY:** Members, you heard the motion to advance the bill. Those in  
favor say aye. Those opposed say nay. LB247A advances. We're now going  
to proceed to Final Reading. Members, if you could all please be at  
your desk for Final Reading. We'll now commence with Final Reading.  
First bill, LB58.

**CLERK:** [Read LB58 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been  
complied with the question is, shall LB58 be adopted or passed? All  
those in favor vote aye; those opposed vote nay. Have you all voted?  
Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar,  
Bostelman, Brieese, Cavanaugh, Cavanaugh, Clements, Day, Dorn, Flood,  
Geist, Gragert, Groene, Halloran, Ben Hansen, Hilgers, Hilkemann,  
Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McKinney, Moser,  
Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz,  
Wayne, Williams, Wishart. Voting nay: none. Not voting: Senator  
Brandt, DeBoer, Friesen, Hughes, Lowe, McDonnell, Morfeld, Brewer,  
Matt Hansen and Hunt. Senator McDonnell voting yes. Senator Morfeld  
voting yes. Senator Brandt voting yes. Senator DeBoer voting yes.  
Senator Hughes voting yes. Senator Friesen voting yes. 44 ayes, 0  
nays, 2 present and not voting, 3 excused and not voting.

**FOLEY:** LB58 passes. We'll proceed to LB63.

**CLERK:** [Read LB63 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been  
complied with, the question is, shall LB63 pass. Those in favor vote  
aye; those opposed vote nay. Have you all voted? Record, please.



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**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, John Cavanaugh, Clements, Day, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Williams and Wishart. Voting nay: none. Not voting: Senators Machaela Cavanaugh, DeBoer, Wayne, Brewer, Hunt. 44 ayes; 0 nays; 3 present and not voting; 2 excused and not voting.

**FOLEY:** LB63 passes. Proceeding now to LB181.

**CLERK:** [Read LB181 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB181 pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators McDonnell, Brewer and Hunt. 46 ayes, 0 nays, one present and not voting, 2 excused and not voting.

**FOLEY:** LB181 passes with the emergency clause attached. Proceeding now to LB343.

**CLERK:** [Read LB343 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB343 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop Lindstrom, Linehan, Lowe, McCollister, McKinney, Morfeld, Moser, Murman, Pansing Brooks, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Williams and Wishart. Voting nay: none. Not voting: Senator DeBoer,

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McDonnell, Wayne, Brewer and Hunt. 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB343 passes. Proceeding to LB372.

**CLERK:** [Read LB372 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB372 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senators Brewer and Hunt. 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**FOLEY:** LB372 passes. Proceeding to LB466.

**CLERK:** [Read LB466 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB466 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Arch, Brewer and Hunt. Senator Arch voting yes. 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

**FOLEY:** LB466 passes. Proceeding to LB616.

**CLERK:** [Read LB616 on Final Reading].

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**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB616 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senator Machaela Cavanaugh, Flood, Brewer and Hunt. 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB616 passes. Continuation of Final Reading, LB9.

**CLERK:** [Read LB9 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB9 pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, Wishart. Voting nay: none. Not voting: Senators Erdman, Brewer and Hunt. 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting.

**FOLEY:** LB9 passes with the emergency clause attached. Next bill is LB17. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading, vote aye; those opposed vote nay. Record, please.

**CLERK:** 32 ayes, 9 nays to dispense with the at-large reading.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB17].

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**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB17 pass with the emergency clause attached. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Clements, Day, DeBoer, Dorn, Flood, Friesen, Gragert, Halloran, Matt Hansen, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, Morfeld, Moser, Pahls, Pansing Brooks, Stinner, Vargas, Walz, Williams and Wishart. Voting no: Senators Albrecht, Machaela Cavanaugh, Erdman, Geist, Groene, Ben Hansen, Hilgers, Lowe, McKinney, Murman, Sanders, Slama, Wayne. Not voting: Senators John Cavanaugh, Brewer and Hunt. 33 ayes, 13 nays, 1 present and not voting, 2 excused and not voting.

**FOLEY:** LB17 passes with the emergency clause attached. Next bill is LB81, Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

**CLERK:** 31 ayes, 6 nays to dispense with the at-large reading.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB81].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB81 pass. Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, John Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Morfeld, Moser, Murman, Pahls, Sanders, Slama, Stinner, Vargas, Walz, Williams and Wishart. Voting nay: none. Not voting: Senators Briese, Machaela Cavanaugh, Erdman, Matt Hansen, McKinney, Pansing Brooks, Wayne, Brewer and Hunt. 40 ayes, 0 nays, 7 present and not voting, 2 excused and not voting.

**FOLEY:** LB81 passes. Proceeding to LB143.

**CLERK:** [Read LB143 on Final Reading].

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**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB143 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senators Erdman, Lowe, Brewer and Hunt. 40-- Senator Lowe voting yes. 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB143 passes. Proceeding to LB152.

**CLERK:** [Read LB152 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB152 pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Briese, John Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pansing Brooks, Slama, Vargas, Walz, Wayne, Williams, Wishart. Voting no: Senators Albrecht, Sanders and Stinner. Not voting: Senators Machaela Cavanaugh, Pahls, Brewer and Hunt. 42 ayes, 3 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB152 passes with the emergency laws attached. Next bill, LB154.

**CLERK:** [Read LB154 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB154 be passed. Those in favor vote aye; those opposed vote nay.

**CLERK:** Voting aye: Senator Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day,

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DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senators Erdman, Erdman, Brewer and Hunt. 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting.

**FOLEY:** LB154 passes. Next bill is LB320. Mr. Clerk, the first vote is to dispense with the at-large reading. Mr. Clerk.

**CLERK:** Mr. President, I have a motion on the desk. Senator DeBoer would move to return the bill to Select File for a specific amendment.

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

**DeBOER:** Thank you, Mr. President. Actually, I'm going to pull this motion as soon as I'm done. But I did receive a couple of questions prior to Select File. And the day that this was on Select, we were going rather quickly and I wasn't able to make the, the statement that the folks wanted me to make that had asked me some questions, just a little bit of clarification about the right of entry portion of this bill, which is in Section 4. They asked that I say that the, the landlord-- it says that the landlord must provide a reason to enter the premises, and they just wanted me to say that the reason may be whatever the statutory reason is. And that could be somewhat brief. For example, the landlord could write in the notice that he or she intends to enter tomorrow afternoon in order to inspect the unit. I also want to comment that I do not believe the landlord would have a problem if they were in the unit for one reason and noticed, for example, maintenance needing to be done and did that for a separate reason. So with that, I would urge your support for LB320 and I would like to withdraw my motion.

**FOLEY:** Motion withdrawn. Thank you, Senator. Members, the first vote here is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 33 ayes, 7 nays to dispense with the at-large reading, Mr. President.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [Read title of LB320].

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**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB320 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senator Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: Senators Clements, Erdman and Lowe. Not voting: Senators Halloran, Brewer and Hunt. Vote is 43 ayes, 3 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB320 passes. Next bill, LB320A.

**ASSISTANT CLERK:** [Read LB320 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB320A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Day, DeBoer, Dorn, Flood, Friesen, Geist, Gragert, Groene, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: Senator Clements, Erdman and Lowe. Not voting: Senators Halloran, Brewer and Hunt. Vote is 43 ayes, 3 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB320A passes. Next bill, LB338.

**ASSISTANT CLERK:** [Read LB338 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB338 pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bo-- Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Gragert, Groene, Halloran, Hansen, Hansen, Hilkemann, Hughes, Kolterman, Lathrop,

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Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senator Geist, Brewer and Hunt. Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB338 passes with the emergency clause attached. Next bill, LB423.

**ASSISTANT CLERK:** [Read LB423 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB423 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Flood Friesen, Geist, Gragert, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Murman, Pahls, Pansing Brooks, Sanders, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: Senators Erdman and Slama. Not voting: Senators Groene, Ben Hansen, Lowe, Moser, Brewer and Hunt. Vote is 41 ayes, 2 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

**FOLEY:** LB423 passes. Proceeding to LB423A.

**ASSISTANT CLERK:** [Read LB423A on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB423A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer Dorn, Flood, Friesen, Geist, Gragert, Halloran, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McKinney, Morfeld, Murman, Pahls, Pansing Brooks, Sanders, Slama, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: Senators Erdman and Groene. Not voting, Senators Ben Hansen, Lowe, Moser and Brewer. Vote is 43 ayes, 2 nays, 2 present and not voting, 1 excused and not voting, Mr. President.

**FOLEY:** LB423A passes. Next bill, LB451.



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**ASSISTANT CLERK:** [Read LB451 on Final Reading].

**FOLEY:** All provisions of law relative to procedures having been complied with, the question is, shall LB451 pass? Those in favor vote aye; those opposed vote nay. Have you ever voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Day, Dorn, Flood, Geist, Gragert, Groene, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: Senators Albrecht, Clements, Erdman and Lowe. Not voting: Senator DeBoer, Friesen, Moser, Murman and Brewer. Vote is 40 ayes, 4 nays, 4 present and not voting, 1 excused and not voting, Mr. President.

**FOLEY:** LB451 passes. Next bill, LB497.

**ASSISTANT CLERK:** [Read LB497 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB497 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senator Hughes and Brewer. Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

**FOLEY:** LB497 passes. Proceeding to LB500.

**ASSISTANT CLERK:** [Read LB500 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB500 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements,

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Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senator Hughes, Stinner and Brewer. Senator Hughes voting yes. Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

**FOLEY:** LB500 passes. Proceeding to LB501. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 34 ayes, 7 nays to dispense with the at-large reading, Mr. President.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [Read title of LB501].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB501 pass? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senator Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senators Groene and Brewer. Votes is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

**FOLEY:** LB501 passes. Proceeding to LB507.

**ASSISTANT CLERK:** [Read LB507 on Final Reading].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall be LB507 pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

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**ASSISTANT CLERK:** Voting aye: Senator Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Ben Hansen, Matt Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senator Brewer. Vote is 48 aye, 0 nays, 1 excused and not voting.

**FOLEY:** LB507 passes with the emergency clause attached. Final bill, LB583. Mr. Clarke, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 33 ayes, 7 nays to dispense with the at-large reading, Mr. President.

**FOLEY:** The at-large reading has been dispensed with. Mr. Clerk, please read the title.

**ASSISTANT CLERK:** [Read title of LB583].

**FOLEY:** All provisions of law relative to procedure having been complied with, the question is, shall LB583 pass. Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** Voting aye: Senator Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Groene, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Hunt, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Voting nay: none. Not voting: Senator Brewer. Vote is 48 ayes, 0 nays, 1 excused and not voting.

**FOLEY:** LB583 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB58, LB63, LB181, LB343, LB372, LB466, LB616, LB9, LB17, LB81, LB143, LB152, LB154, LB320, LB320A, LB338, LB423, LB423A, LB451, LB497, LB500, LB501, LB507 and LB583. Members, we will now proceed to General File, 2021, Speaker priority bills. Mr. Clerk. Thanks, Carol.

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**ASSISTANT CLERK:** Mr. President, LB336 offered by Senator Hughes, is a bill for an act relating to Game and Parks; to provide for regular and limited annual and temporary park entry permits as prescribed; to change and provide fees; provide for designation and disbursement of certain fees under the State Park Cash Revolving Fund; to harmonize provisions; and repeal the original sections. The bill was introduced on January 13 of this year, it was referred to the Natural Resources Committee. That committee placed the bill on General File with committee amendments.

**FOLEY:** Senator Hughes, you're recognized to open on LB336.

**HUGHES:** Thank you, Mr. President. Good morning, colleagues. LB336 was the bill that I brought in order to take advantage of the out-of-state tourist attraction that we have in western Nebraska. Lake McConaughy and Lake Ogallala in Keith County, Nebraska, are either the number one or number two tourist attraction that we have in this state. There are well over a million visitors show up at that, at those two lakes almost every summer. They have three big weekends: Labor Day, Fourth of July and Memorial Day, when that county of about 5,000 swells to 10 times that at the lake. The challenge that they have in that local community is the first responders of trying to handle that big of an influx, and there have been some tragic results at those lakes in the past because there has not been enough law enforcement, not only from the local first responders, but from Game and Parks in particular. So I brought this bill originally to create a fee specifically for Lake McConaughy and Lake Ogallala, because approximately 90 percent of the out-of-state park permits come from those two areas. We do have a committee amendment that does change the structure so that is not specific to Lake McConaughy and Lake Ogallala, but it does raise the nonresident park permit fee, it-- excuse me. It allows the Game and Parks Commission to set a higher limit on the nonresident fee in order to generate more funds to provide additional law enforcement, to provide additional facilities and to take better care of one of the greatest tourist attractions we have in the state of Nebraska. Most of the local people don't go to those state recreation areas on the big three weekends because it is so crowded. And quite frankly, in the past, at times it has been so dangerous. I was at a meeting with Senator Erdman a couple of years ago after there have been a death out there at the lake on one of the big three weekends. And the first responders were saying, you know, if we're ambulance, EMTs, we're not going to answer a call unless we have an armed officer with us. It was that bad. So we knew we had to do something. This probably does not solve that problem, but it is a step along the way of trying to get

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Game and Parks to do a better job of managing one of the greatest resources we have in the state. The comment was made as we're trying to get Game and Parks to do a better job out west was, what a waste of a lake. For over 50 years, we've had a tremendous opportunity there for economic development in western Nebraska, and Game and Parks has purposely focused in the east. And this is a way that we can hopefully try to get additional money from nonresidents who are taking advantage of that property to help pay for infrastructure and law enforcement. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. As the Clerk indicated, there are amendments from the Natural Resources Committee. Senator Bostelman, you are recognized.

**BOSTELMAN:** Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. AM380 was adopted by the committee in an 8-0 vote, and it is a white copy committee amendment that replaces the original bill. AM380 will allow an increase to the nonresident motor vehicle permit to two times the fee of the resident motor vehicle permits or \$60, whichever is greater. And the amendment also allows increase of the fee for the nonresident temporary park permit to two times the resident fee or \$12, whichever is greater. I want to thank the committee for their work on AM380, and urge a green vote on the amendment and LB336. I would yield the rest of my time to Senator Hughes, if he would like it.

**FOLEY:** Thank you, Senator Bostelman. Senator Hughes, 9:00. He waives--

**HUGHES:** Thank you. Thank you, Mr President. The one thing I do, I did want to say is I want to thank Speaker Hilgers for making this a Speaker priority bill. Thank you.

**FOLEY:** Thank you, Senator Hughes. Debate is now open on the bill. Senator Erdman.

**ERDMAN:** Thank you, Mr. Lieutenant Governor. Can I have a gavel, please?

**FOLEY:** Members, please come to order.

**ERDMAN:** I want, want to start with something that I used to do almost every month when we were here with Senator Chambers and remind the body that because of Senator Chambers you were able to make an application or fill out a form to get reimbursed for your expenses. So give credit where credit is due. Second, I want to talk about LB336. I

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appreciate Senator Hughes bringing this forward, I think it is significant. But I had read the original bill and I was very supportive of the original bill. I thought it made a lot of sense. And I was wondering if Senator Hughes would yield to a couple of questions.

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course.

**ERDMAN:** Senator Hughes, so the original bill stated that it would be \$80 and this amendment changes it back to \$60. Can you give us a brief description why that changed?

**HUGHES:** Well, once we introduced this bill and through the hearing process and discussions with Game and Parks, it became evident that having a two different nonresident park permits would be a logistical nightmare and a bookkeeping nightmare. So we did compromise and come back to make it statewide. But ultimately, if the Game and Parks has accepted federal money for some trails development in recreation areas and part of the strings attached to that federal money--

**ERDMAN:** OK.

**HUGHES:** --is if you do accept that, then you do limit yourself to agreeing to not charging more than twice the resident fee for nonresident park, park fees.

**ERDMAN:** OK.

**HUGHES:** Park permits.

**ERDMAN:** That's very, very, very clear on that. Thank you so much for doing that. So I noticed that Game and Parks was opposed to this bill when it was introduced. Do you remember what Assistant Director McCoy, his big concern was?

**HUGHES:** Well, it was the fact that we were creating two different out-of-state park permits, and that was part of the logistic and the bookkeeping--

**ERDMAN:** OK.

**HUGHES:** --that we discussed.

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**ERDMAN:** All right. Very good. So I would make an assumption, and you know what you do when you assume, but I would make an assumption that when you are able to collect a double the permit for out-of-state people, we're going to collect far more money, even being at \$60 because we're collecting it statewide as opposed to doing \$80 at McConaughy. Would that be a correct assumption?

**HUGHES:** Yes. Currently the nonresident park permit is \$45. The resident is \$60. If we pass this bill, then the Game and Parks Commission will be, have the ability to raise-- I'm sorry, the resident was \$30, nonresident is \$45. If we pass this bill, Game and Parks will have the ability to raise the nonresident to twice resident, so it will be \$60. So they will-- it will be a 15-dollar increase for nonresident.

**ERDMAN:** All right. Now, this next question is going to be difficult because I'm sure they don't have a clue, but I'm going to ask it anyway. Do they know how many out-of-state permits that are sold?

**HUGHES:** Yes, they do. That is tracked. And a very significant portion of the total park permits that are sold in the state of Nebraska are sold within 90 miles of Lake McConaughy and Lake Ogallala.

**ERDMAN:** OK, all right. So is there an estimate of how many dollars this fee increase will bring in?

**HUGHES:** That was discussed at one time, but--

**FOLEY:** One minute.

**HUGHES:** --I do not believe I have those numbers at my fingertips. I can get them for you, Senator.

**ERDMAN:** OK, I appreciate that. This would be-- this may be the first time that Game and Parks is ever able to track something that if they actually do know how many out-of-state permits, because when I ask Game and Parks how many camping spots they have at McConaughy, they don't know. When I ask them how many head of elk or wildlife we have, they don't know that either. So for them to understand and know how many out-of-state park permits are sold is amazing. How much time do I have left, sir?

**FOLEY:** Twenty seconds.

**ERDMAN:** I'll wait till-- I'll finish up next time.

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**FOLEY:** Senator Erdman, you're recognized for 5:00.

**ERDMAN:** Thank you, sir. So, Senator Hughes, if-- would you yield?

**FOLEY:** Senator Hughes, would you yield, please?

**HUGHES:** Of course,

**ERDMAN:** Senator Hughes, now when we, when we-- or they, the Game and Parks, collect extra revenue because of the increase, and I noticed in your original bill it said the extra increase would go to Lake McConaughy, what assurance do we have that Game and Parks will spend the extra revenue at McConaughy?

**HUGHES:** There have been negotiations between Game and Parks, Parks Division director and myself and the Lake McConaughy citizens support association, and they have had assurances from Game and Parks personnel that a significant portion of this increase will be used at Lake McConaughy to provide additional law enforcement on the big three weekends and also to help with building out the infrastructure, which will help people be more--

**ERDMAN:** OK.

**HUGHES:** --comfortable.

**ERDMAN:** So, so what you're saying is they've said, trust me, we'll do this?

**HUGHES:** For lack of a better way of handling it, yes.

**ERDMAN:** OK, so the-- excuse me, the relationship between the citizens group at Lake McConaughy and Ogallala and Game and Parks has, what shall I say? It's not been the best relationship. They kind of operate-- Game and Parks functions under the second golden rule: He who has the gold makes the rules. And I, for one, have a difficult time believing that if they tell me they're going to do certain things that they're going to do, they do them. And so that's why I was very encouraged by your bill when it designated 95 percent of that money go to McConaughy. We'll have to watch very closely to see if that does happen, because they have been, they've been not very, what shall I say, trustworthy in doing the things they say they're going to do. So you're feeling pretty confident that they're going to do what they said?



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**HUGHES:** I wouldn't say I'm confident with that. I intend to watch them very closely and monitor the amount of revenue that's coming in and look at the expenditures--

**ERDMAN:** OK.

**HUGHES:** --that are used to developed the number one or number two tourist attraction in our state.

**ERDMAN:** Correct. Well, Senator Hughes, let me just say, I do appreciate everything you've done to help the situation there. We will have to continue to be-- do our due diligence and make sure they do what they say they're going to do. I just hope that they're able to share with us enough information or the correct information that we can make a decision where they're carrying through with what they said they were going to do. Thank you.

**FOLEY:** Thank you, Senators. Is there any further discussion on the bill or the amendment? I see none. Senator Bostelman waives closing on the amendment. The question before the body is the adoption of AM380 committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 35 ayes, 0 nays on the adoption of committee amendments.

**FOLEY:** AM380 has been adopted. Any further discussion of the bill as amended? I see none. Senator Hughes, you are recognized to close on the advance of the bill. He waives closing. The question before the body is the advance of LB336 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to. Record, please.

**ASSISTANT CLERK:** 37 ayes, 0 nays on the advance of the bill.

**FOLEY:** LB336 advances. Next bill, please.

**ASSISTANT CLERK:** Mr. President, LB406 introduced by Senator McDonnell. It's a bill for an act relating to natural resources; to create the Lower Platte River Infrastructure Task Force; provide for a fund transfer; change provisions relating to use of Critical Infrastructure Facilities Cash Fund; to eliminate obsolete provisions; repeal the original sections. The bill was introduced on January 14, it was referred to the Natural Resources Committee. That committee placed the bill on General File with committee amendments.

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**FOLEY:** Thank you, Mr. Clerk. Senator McDonnell, you're recognized to open on LB406.

**McDONNELL:** Thank you, Mr. President. Good morning, colleagues. Mr. President, could we please start with amendment AM1092?

**FOLEY:** Proceed with the committee amendment.

**McDONNELL:** AM1092, the committee amendment.

**FOLEY:** I'm sorry, Senator.

**McDONNELL:** Can we please start with the committee amendment, AM1092?

**FOLEY:** Yes, we'll go-- we'll go directly to the committee amendment. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. President. Good morning again, colleagues. I'm opening on the committee amendment, AM1092, which will create the Statewide Tourism And Recreational Water Access and Resource Sustainability Committee to study strategies for securing Nebraska's future water supply and to strengthen Nebraska's flood control infrastructure while considering economic and recreational opportunities and exploring innovative solutions for the state. AM1092 also states legislative intent to appropriate \$2 million to the project. A hearing on the amendment, which was substituted for Senator-- Senator McDonnell's AM848, was held by the Natural Resources Committee on April 20, 2021. The committee adopted AM1092, with six members voting yes, one nay, and one member present not voting. I ask for your green vote on AM1092 and AM406 [SIC LB406}. I yield the rest of my time to Senator McDonnell.

**FOLEY:** Senator McDonnell, nine minutes.

**McDONNELL:** Thank you. Today I bring LB406 and committee amendment AM1092 for your consideration. First, I'd like to thank Speaker Hilgers for making this a bill, a Speaker priority bill. I would also like to thank Senator Bostelman and the Natural Resources Committee for all their hard work on this bill. LB406 and AM1092 creates the Statewide Tourism And Recreational Water Access and Resource Sustainability Special Committee of the Legislature and is a follow-up on LR138 from two years ago, a study potential-- study potential flood control infrastructure projects along the river basin of the Lower Platte River. Added to this effort is a renewed focus to protect public and private property, including the use of levee systems,

enhance economic development, and promote private investment and the creation of jobs along the Platte River and its tributaries from Columbus to Plattsmouth. Also added to the need to provide the public safety, public infrastructure, land use planning, recreation, and economic development opportunities around Lake McConaughy and the socioeconomic conditions, recreational and tourism opportunities, and public investment necessary to enhance economic development and to catalyze private invest and region in Knox County, including Lewis and Clark Lake, Niobrara State Park. LB406 has been expanded to include more of Nebraska's valuable water resources. Dating back to at least 1895, Nebraskans have had the discussion about potential infrastructure projects along the Lower Platte River and tributaries to provide flood control, reliable source of water, drinking water, power generation and economic development. In 1948, public hearing throughout the state identified the desire for projects to control flooding, control bank erosion, and residents from communities along the Platte and Elkhorn Rivers specifically asked for relief from flooding that caused by the waters flowing into the the Platte River. Studies resulting from those public hearings looked at a number of projects along the Platte River, including a series of reservoirs or one large reservoir for flood relief. In 1963, business leaders in eastern Nebraska asked for an updated study as a-- on a series of reservoirs or on one large reservoir along the Platte River. Operational studies at this time showed that the proposed flood storage would have reduced the flood damage along the Missouri River in 1960, 1962 and 1967 floods by one half mile. During-- during the hearings last year, we heard testimony that about 50 percent of the water that flooded southeast Nebraska, Iowa, Kansas, and Missouri in 2019 came from our lack of flood control along the Platte River. Flood storage capacity of 250,000 to 300,000 acre-feet would have reduced peak flows by 10 to 25 percent in the Lower Platte River. And that would have been enough to keep the levee systems around Offutt Air Force Base and all the levee systems south of the mouth of the Platte and Missouri Rivers in Iowa, Nebraska, Kansas, and Missouri within their design capacities and potentially would have prevented an estimated \$3 billion in damage. We spent much of last year meeting with the stakeholders and along the Platte River, including critical infrastructure along the Platte River and Metropolitan Utility District, and the city of Lincoln's water supply, NRDs, communities along the Lower Platte, community members in Ashland. We had conversations and we got to view the infrastructure up close also by-- by airboat. The special committee will continue to work with these stakeholders on solutions and evaluate. The goal of the study of the

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Platte River is to protect the lives, communities, and properties along the basin. Modern technology, including parallel storage, diversion channels, levees, reservoirs, wetlands, locks, steps, and other public infrastructure strategies could give us an opportunity to absorb the water needed to prevent future flood catastrophes and to provide for recreational, economic, and community water needs. Also in order to alleviate worries of property owners and the community members along the Platte River and to acknowledge past efforts, we include language that the study shall not, shall not include any dam on the main channel of the Platte River. In addition to looking at the opportunities along the Lower Platte River, the communities will look at what the Legislature can do to improve conditions and opportunities around Lake McConaughy and enhance economic development and tourism in the region of Knox County, including Lewis and Clark and Niobrara State Park. We are fortunate to live in a state with a constant supply of water. Greater control over the resources will give us a competitive advantage and will help us protect communities, lives, and properties from flooding. I thank you for your time and encourage you to look at the opportunities for our, our state to wield greater control over our natural resources. The studies are designed to happen rapidly and with purpose to get us the information we need to develop and promote potential interventions prior as soon as possible to inform the current four-state study being conducted by the Corps of Engineers and the Governor of Nebraska, Iowa, Missouri, and Kansas. The concept is, is we're going to have a committee and we're doing this to basically make sure we're concentrating on protecting and promoting, protect the people from the potential disasters from flooding, but also promoting the water resource we have in the state of Nebraska. That would be the purpose of the study. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McDonnell. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Hilgers has moved to amend the committee amendments with FA38.

**FOLEY:** Senator Hil-- Speaker Hilgers you are recognized to open on FA38.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. I rise to introduce FA38, which I'll do here in a minute, but I want to give you some preliminary comments as to why I support the underlying bill as amended by AM1092, and also maybe underline a couple of things about this process that I think is important, not just for this particular

bill, and one of the reasons I strongly support this particular bill, but also things that we will carry into next year, into 2022. And as we start to prepare towards our work next year and hopefully take some big swings as a Legislature, I think there's some things that I have taken from this particular bill that I think are worth underlining and putting in the record here today. So first, I want to thank Senator McDonnell for his leadership introducing this bill and the, and the years of work leading up to it, including a number of meetings with stakeholders and people in the areas that might be, I hope, positively impacted. I also want to thank, and I'll touch on this in a second, Senator Bostelman as Chair of the Natural Resources Committee, Senator Clements, as well as Senator Gragert and Senator Flood, who is in a minute, as I describe what the amendment does, played an instrumental role in not just making this bill better, better, but making it very exciting, in my view. So what the original bill did and what the amendment will do when it's, when it gets adopted, I think is really important. So the original amendment focused on water sustainability, flood control, economic development, recreational opportunities, tourist, tourism opportunities in eastern Nebraska near the Platte River. That was what the green copy of the version-- of the bill did. And that was, I think, very good insofar as it went. What the amendment does, though, is it said-- we sort of challenged ourselves and said, what can we do to make this bigger? How can we sort of expand our horizons and look beyond just eastern Nebraska? And there were two things that this amendment does after that process. One, it says, let's look to northeast Nebraska. Senator Gragert and Senator Flood near their areas, came to actually a number of senators, Senator Hughes and myself, Senator McDonnell at the be-- beginning of session and said, look, we've got this amazing land up near the South Dakota border and it's under-- it's not developed at all, but it's beautiful. It's gorgeous. What an asset for our community here in Nebraska. Could we do something with that asset and build something that doesn't exist today? At the same time, we know that Lake McConaughy is one of the, one of the, one of the most valuable assets the state has, but many, many-- in many ways, it's underutilized. And so in Senator Erdman's district, Senator Hughes's district, there's an opportunity out west to maybe take an asset that we have and take it to the next level. So what the amendment does, it says we're not going to just focus on eastern part of the state, we're going to focus on the east, we're going to focus on the west, and we're going to focus on the north. So in that way, it expands our horizons to something statewide. It also focuses and takes away some of the concerns, when we talked to Senator Bostelman, which I'll focus on in a second, that, that he had and

Senator Clements had about their areas and how previous conversations will look different from what we're doing here, might have put those areas under threat or maybe dampened economic investment that's currently ongoing, which, of course, we don't want. So that's the second thing that it does, this amendment. And so ultimately, colleagues, this is an opportunity to actually study something in an aggressive way that could form the basis for a big swing for the state of Nebraska. And I wholeheartedly support LB406 as amended. Now, I want to underline a couple of things that I think come out of this. And I haven't spoken on the mike much this year, on bills at least, and that's been intentional. And I've spoken a few times, and one of the most recent times was for Senator Bostar's bill. And one of the reasons I did that was to underline a couple of principles that I think are important in our work, or at least that I try to emphasize. And in that case, it was using data, being humble, using curiosity and sort of applying the scientific method to our work. Well, here, I think there's some additional principles that I think are important to put on the record today. One is thinking big. I think that's one of the most important things about this bill. You know, we talk about a lot of our bills, we talk about them in the form of tactics. What does this bill do to help this, this population or what can this do, this bill do to help sort of move the needle over here? But the matter of strategic cohesion, oftentimes, but just by the nature of our work, sometimes it's difficult to get that perspective. And so this bill does that. I mean, there was a world in which there was no Lake McConaughy, there was a world in which the Lied Lodge in southeast Nebraska, the jewel that we have down there and Senator Slama's district, was not developed. There was a world in which Mahoney State Park was not around. And previous generations of leaders, including state senators, helped create-- both visualize those visions and then put them into practice. And now untold millions of Nebraskans have enjoyed those, just those three assets. And so as we think about this bill, we can think in a similar way of what opportunities we could bring into reality through this study. So thinking big, never forgetting to thinking big, that's number one. Number two is really is, is trying to find, go beyond the zero-sum game mentality that I think oftentimes in sort of comes around in political warfare. And on this point, I really want to give a tremendous amount of credit to Senator Bostelman and Senator Clements. As I mentioned, this is an issue, part of this is an issue in the green copy, which is gone now, that has created a tremendous amount of controversy for certain communities in eastern Nebraska in the past. And Senator Bostelman and Senator Clements represent those areas. And now, I think a lot of

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times in life or in business or in politics or in a lot of other areas, people view things as zero sum. I win, you lose. You win, I lose. And the truth is, if we just look at things a little differently and are willing to listen to each other, we have opportunities to create win-win-wins and a, a mentality of abundance, a growth mindset. And that is exactly what happened here. We sat down with Senator Bostelman, we sat down with Senator Clements. And one of the things they said is, hey, look, we've got all this investment that's ongoing. We don't want to dampen it. Well, absolutely not. So how can we make this to be better? They also said, well, you know, we've got some flood control issues that we would really like to study a levee system, a levee system. So we added that to the amendment. They said, you know what, one of the things we'd like on the Platte River is maybe some more access points for recreation. Well, that makes a ton of sense. So let's put that in there as well. By collaborating together, not only do we address a lot of the concerns that they had, but we were able to identify new opportunities for us to maybe make this even better and make it a win for their districts. So I think that is a critical part of this as well. Win-win-win, an abundance mentality. And the last thing I think that I would like to highlight here, which is actually the basis of my floor amendment, is that we ought to have a little bit of fun. So if you look at the committee amendment, AM1092, and if you look at the committee that this would purport to create, it's actually it's identified on line 12, which is Section 2. This is on page two. And it's the Statewide Tourism and Recreational Water Access and Resource Sustainability Special Committee of the Legislature. Now, that is a convoluted mouthful that is actually boring and dry and frankly, fairly miserable. And it's something only a probably a government bureaucrat could love. But the key piece that's missing there that I think adds a little bit of fun to this is what's included in FA38. So if you take the "a", so the statewide tourism and, that first and you see there, but if you're to capitalize that, just the first one, then all of a sudden you'd have something a little bit more, you'd have something that makes a little bit more sense. And when I was drafting, working on this amendment, I was-- a couple of weeks ago, I was trying to find up something that could kind of give a little spice to this. Something that would be a little fun. I mean, no one gets any fun out of the Statewide Tourism Recreational Water Access Resource, blah, blah, blah. So I can't, I was trying to come up with something that played off water, played off tourism. And I, you know, I had the WARTHOG [PHONETIC] Committee, you know, the BORING [PHONETIC] Committee, all sorts of bad acronyms for committee names. But I, but this one, I thought would be a lot of fun,

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which is if we could just capitalize A, if we just capitalize in that "and" in FA38, then we would have the STAR WARS Committee. And so all I'm asking on your green vote for FA38 is just capitalize that A, doesn't give any more powers or take away any powers from the committee. And then it makes clear that this committee is the STAR WARS Committee of the Legislature. I think Senator McDonnell is going to be buying T-shirts, designing, designing hats, because if this passes and I, and I strongly encourage and I hope you to vote for it. I hope that it does. We're going to have some fun with this, but it's really a serious, it's really serious and it could be a game-changing opportunity for the state of Nebraska. And I think this is, brings out a lot of the best of this body--

**FOLEY:** One minute.

**HILGERS:** --in terms of how this process unfolded. Thank you, Mr. President. And I urge your green vote. I only have a little bit of time left and I'll yield that to Senator McDonnell. Thank you.

**FOLEY:** Senator McDonnell, 52 seconds.

**McDONNELL:** Thank you, Speaker Hilgers. Yes, it is serious, but we are selling T-shirts and hats in the, in the lounge. So I want to get back to the idea that this is a special committee. This is not having a committee to look at a plan-- or to have a study to support a plan. This is truly to start off with a study. Sometimes people have a plan, they say, oh, let's do the study and support our plan. That's not the process. This is a special committee that's going to look at the idea of a problem and how do we protect and, and promote our state and overcome that problem and turn it to our advantage. So again, this is truly a special committee that's going to look at ideas and try to come up with--

**FOLEY:** That's time, Senator.

**McDONNELL:** Thank you.

**FOLEY:** Thank you, Senator McDonnell. Senator Gragert.

**GRAGERT:** Thank you, Mr. President. Mr. President and members of the Legislature, I rise to offer my support for the committee amendments to LB406. I'd like to thank Senator McDonnell, Senator Hughes, Senator Flood for working with me on this amendment and also to thank Senator Bostelman for holding a hearing on it. Also, a special thanks to Speaker Hilgers for selecting LB406 as his Speaker priority bill. The



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committee amendments to LB406 created the mouthful: Statewide Tourism and Recreation, Water Access and Resource Sustainability Special Committee, now known as the STAR WARS Committee. The special committee will focus on three areas of the state. One of these areas is located in my district, the area north of State Highway 12, extending from South Dakota-- extending to the South Dakota border, including Lewis and Clark, and the, and the Niobrara State Park. The special committee will hold hearings to receive reports from federal, state and local agencies and to authorize to enter into contracts for consulting, engineering and development studies. The studies are focused on socioeconomic conditions, recreation and tourism opportunities, and public investment necessary to enhance economic development, and to catalyze private investment in the northern Knox County. The studies will also evaluate the outcomes of the economic benefits of proposed development and improvements to residents, the local region and state tourism. The area of the state that I represent was hit hard by the flood two years ago. Huge ice blocks gushing water from the Niobrara River led to the collapse of the Spencer Dam. In the aftermath of the dam failure, the Mormon Canal over the Niobrara River on Highway 12 at Niobrara washed away, as well as Highway 21-- 281 bridge near Spencer, to mention a couple of them. A 127-mile detour, was required to cross the river before the temporary one-lane bridge could be installed. The water line that fed much of Boyd County was damaged, leaving residents without water. For a period of time, northeast Nebraskans were focused on surviving and then rebuilding. Now is the time to focus on expanding and growing. Living the majority of my life in Knox County, I know firsthand that northeast Nebraska has a lot to offer, but there are potentials to offer a great deal more with creative thinking and planning. The fishing and hunting opportunities abound. The sunsets are better than any I've ever seen around the world during my military career. And Highway 12 that runs through northern Knox County is part of the Nebraska's Outlaw Trail Scenic Byway. This area is underdeveloped and underused, but could attract more visitors and tourism to the area through other parts-- from other parts of the state and from out state with the right investments, which would enhance the economy and our local-- the economy of our local communities, as well as a benefit, as well as benefit the state. Nebraska has tremendous water resources across the state, which helps make Nebraska an attractive place to live or to visit. As our society has moved to a more remote workforce, thereby allowing people to live anywhere, this becomes an important factor. Access to sustainable water resources and outdoor recreation opportunities are important considerations in making Nebraska competitive, a competitive choice

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for the future. At the public hearing, representatives from Knox County told of the devastation-- devastating effects--

**FOLEY:** One minute.

**GRAGERT:** --the flood had on-- thank you, Mr. President-- on the economy and explained the critical need of infrastructure, infrastructure, such as access to the Missouri River and more lodging opportunities. They were very supportive of a possible state interest in the area, emphasizing the beauty of God's country. Whether it is the Lake McConaughy area, the area along the Lower Platte River or northeast Nebraska, I am very supportive in investing in Nebraska in an effort to grow our great state. I urge your favorable vote for the committee amendment, amendments and a green vote on the advancement of LB406. Thank you.

**FOLEY:** Thank you, Senator Gragert. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I want to thank Senator McDonnell and Senator Hilgers. When this bill originally was in committee and I saw it, I was very opposed to it. It was way too broad. It had a potential of putting a dam on the Platte River, and that's something I'm definitely opposed to. I don't think it would work anyway. But my district goes from Ashland to Plattsmouth along the Platte River about 30 miles, and all along there, there are lake communities, including my own summer cabin, that had a potential of being underwater. And there's millions and millions of dollars of property, infrastructure that could be damaged and hurt more than the benefit of a dam on the Platte River. So it was good that Senator McDonnell was willing to work and, and restrict this down to flood control on tributaries of the Platte River. And levees, I think levees are important that we got that put in there. They're important to me because there's damage still from 2019 that's not been prepared-- repaired. And there's a lot of recreation opportunities along the river and they're just barely being developed. And I hope that we can find some ways to encourage that development. Also, we do have Salt Creek comes from here in Lincoln down to Ashland, and the more pavement we get in Lincoln and streamlining the tributaries up here, the increasingly we get water sent down Salt Creek to Ashland and into the Platte River. And I hope the, there is some investigation into how to slow that water down as it hits Ashland. The-- you'll see the A bill has a \$2 million appropriation. I'm not sure that that's necessary. We'll find out. I hope that we don't have to spend that much, and we'll see how that goes. But I do want to say that I will support this bill, but only

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because it has been corrected from the overly broad nature that it started with. It started with a real disturbance in the force, and I think now it's calmed down. So thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Senator Moser.

**MOSER:** Thank you, Mr. Lieutenant Governor. Maybe instead of talking about it being a STAR WARS study, we should have named it "Noah's Ark". It would be more appropriate, it's down to earth. It's where the problem is, is, is on earth. You might see in the committee sheet that I was the one that of the committee that voted against this. And I'm not going to die on this hill. But it's another study for \$2 million, and the Platte River is going to do what it does. It's a mile wide and an inch deep. And I think we have NRDs that study land use, water use, you know, let them study it if they want to. I think this is just another study to put on a shelf somewhere. Thank you.

**FOLEY:** Thank you, Senator Moser. Senator Hughes.

**HUGHES:** Thank you, Mr. President. Good morning again, colleagues. I want to take just a moment to thank Senator McDonnell for all of the very hard work that he has done on this, and Speaker Hilgers, because his vision of doing something across the state on a grand scale and providing leadership from both of those gentlemen to take a look at different areas that can be developed to greater potential than what they are now. Of course, I'm most familiar with like McConaughy. And as I stated before, during the discussion on LB336, what a waste of a lake. We've had over 50 years to develop the incredible resource that is Lake McConaughy, and it has been woefully neglected by Game and Parks. That's part of why I've signed on to this endeavor, to find-- have a larger look, have a grander plan, looking at possibly someone else managing that lake, because there is an incredible resource there that can be developed for the benefit of not only the residents of Keith County, but western Nebraska and the state of Nebraska. We are in proximity to several million people across the front range of Colorado who are looking for recreation opportunities, and it has been neglected by Game and Parks. There's no other way to put that. Yes, they have made significant investment in that. But if you look at what the potential is for that site, it's incredible. It's phenomenal. There will be arguments that, well, it's only for a three or four-month period. Well, so are ski resorts only for a three or four-month period. But look at the economic development that has gone on there. The same thing can happen in Lake McConaughy and Keith County. And I do applaud Senator McDonnell and Senator Hilgers for

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thinking big, thinking outside the box, not only for western Nebraska, but for northeastern Nebraska and tackling some of the problems for right here in southeast Nebraska that are coming not too many years away. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. And good morning again. I am a cosigner on this LB406. And part of the reason is, as Senator Hughes had alluded to about it being part of McConaughy, the study, I think Senator Hughes made a comment that I think we need to pay attention to. And, and he said, it's a waste of a lake. And he's exactly right. And so his other comment was, maybe we can find somebody to manage the lake that really knows how to do that and wants to do it in a way that will enhance the lake as well as the community that is near the lake. Because what we currently have in the management of Game and Parks, evidently by their actions, show that they're not interested in advancing the lake or improving it. They continue to do what they've always done and expect different results. So I appreciate that. And I was wondering if Senator McDonnell would yield to a question.

**FOLEY:** Senator McDonnell, would you yield, please?

**McDONNELL:** Yes.

**ERDMAN:** Senator McDonnell, so there's going to be a study and I may ask you this, do you know if any farm land will be taken out of production because of this project?

**McDONNELL:** The study truly-- the study truly is to, to learn. And therefore, I don't know what's going to come out of the study, so I cannot answer that.

**ERDMAN:** So once the study is completed, it will come to the Legislature for, what shall I say, approval?

**McDONNELL:** If we can get this in place and the study is completed, then everything, any of the ideas, and maybe there's 100 ideas and 2 of them are good, then it will come to the floor of the Legislature.

**ERDMAN:** OK, all right. So we have an NRD that is in that area, the Papio NRD. Would you-- do you know about that?

**McDONNELL:** Yes. During this two years, I've had discussions with a number of different people. And the old saying is you find out how

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much you don't know when you start asking questions. And yeah, I have been working with the NRD. Yes.

**ERDMAN:** OK, so in your opinion, do you think the NRD could do this study without us doing it like we're proposing to do?

**McDONNELL:** No, I think we have to be the tip of the spear. I think this special committee is that important for us to show that kind of, of leadership and bringing people together--

**ERDMAN:** OK.

**McDONNELL:** --and the different communities and making sure people have a seat at the table with--

**ERDMAN:** OK.

**McDONNELL:** --forming subcommittees.

**ERDMAN:** All right. So let me, let me share with you my opinion of the Papio NRD, all right? The Papio NRD has built dams for flood control that only have water flowing into it by a pump. Papio NRD is more interested in developing recreational areas so they can sell lots than they are doing what they were charged to do. So to have the Papio NRD involved in this study, perhaps for me, it will bring down the value of the study when it's complete, if they have anything to do with it. They have been out of control for years, and the Papio NRD give all of the rest of the NRDs a bad name. And it all started when Senator Kolowski was president of the NRD. And so we're going to continue to play into their hands so they can make more recreational areas so they can make more money selling lots. So I'll be very, very suspicious of any information in a report that's given to us if the population already has anything to do with it. And so this summer, we're going to do a review of all the NRDs to see exactly what their charge was and to see if they're following through on what it was they were charged to do. And I, I don't believe there will be a statute that says they should create recreational dams--

**FOLEY:** One minute.

**ERDMAN:** Thank you, sir-- for flood control that don't have any water flowing into it except what's pumped there. But if you can sell a \$650,000 lot, it makes a lot of sense to create a dam. So there are issues with the Papio NRD. So, Senator McDonnell, let me just give

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this heat of advi-- little bit of advice. Be careful. Be careful what you do or trust for the Papio NRD. Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Groene.

**GROENE:** Thank you, Mr. President. You might seen on the committee statement I was present not voting. I was fine with the thing until I seen the fiscal note of \$2 million. I thought the process should be you go out and you, and the committee gets together and they talk to-- take bids and then they should come back to the Legislature and ask for appropriations, not just give somebody a blank check for \$2 million. And there's a lot of holes in this thing that-- let me start over. I fully understand Senator McDonnell's and Hilgers' big thinking. I did it with the rail park. Senator Wayne did it with his, his bill. We have to. I fully understand that Lincoln area is growing and you've got a water problem, and you're going to look for it and you're going to outvote rural eventually and you might start drawing pipelines, bringing it from the west to our Ogallala Aquifer, or you might bring it from the Missouri River. I understand that. I fully understand that behind this whole thing is not recreation, it's drinking water for the city, a growing city in Lancaster County and the area. I fully understand that. I'm not against that. We grow as a community, we grow as a state. What I'm concerned about is this bill that has a special committee with special powers, doesn't have a sunset date on it, doesn't have a term in office. Just all of a sudden we give them \$2 million and I was-- I asked for is there a bid process in it? And I was told, no, it's, it's all hidden in this thing, that session to be-- they have closed session the special legislate [INAUDIBLE] at any point, more the subcommittee is the purpose of receiving public input. That doesn't say anything about a bid process, that tells me in secret they can make a deal with HDR or Olsson's. That's what that tells me. The thing with human nature is when we want something bad enough, we will bend rules. That's why we have things written in statutes to, to hold us all in check. This thing needs to be amended. Some clarity needs to be put on it about the term of office, about the amount of money. It should be after the fact. It should not say "shall" is the intent. All right, I do see the intent of the Legislature, \$2 million. That's better than shall \$2 million. I trust Senator McDonnell. I can still see him. So anyway, no, I can still-- that was a joke. But anyway, I, this is too broad. We need some checks and balances. The other thing in here, we've been fighting in western Nebraska for years to take the floodwaters off the South Platte for a holding dam so we could divert it to this, to the irrigation economic development in southwest Nebraska. Way back in the

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80s, Congressman Smith had a plan that didn't get by the Bureau of Reclamation done. That river floods, we could easily pull water off of there. It doesn't say anything about that. Is that excluded because you don't want a dam on the Platte? Can we pull floodwaters off and make storage to help us with our irrigation needs and our economic, agriculture economics in southwest Nebraska? That's a biggie. That's a biggie for a whole part of the state. In the next bill, you'll hear me talk about the N-CORPE project. I, I want you to come out to Ogallala if you want to go boating. But if you want to build a lake just so you can go boating, I'm not going to give you \$2 million. If it's because of your, because of your needs for water, drinking water, I'm fully understand that. Too vague--

**FOLEY:** One minute.

**GROENE:** --not enough restrictions in here to hold back. Some senators wanting something really bad, make some bad decisions. There needs to be some checks and balances in this bill. They're not there. So anyway, I am not going to filibuster this. I'm not going to stand in the way. But I'd sure like to see some clarity in some of these issues I'm talking about between now and Select. We have to have some clarity. How long does this committee exist? What is the term in office? Tell me about the-- I'll ask Senator McDonnell, is he willing to do that?

**FOLEY:** Senator McDonnell, would you yield, please?

**McDONNELL:** So some of the concerns Senator Groene has, it's in the bill. So this committee cannot go any later than December of 2022. Hopefully it's completed by December of 2021, this December. But there is checks and balances, the idea of the fiscal note and up to \$2 million, that has to be approved by the majority of the special committee with the approval--

**FOLEY:** That's time.

**McDONNELL:** --of the executive--

**FOLEY:** That's time, Senators.

**GROENE:** Thank you.

**McDONNELL:** Thank you.

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**FOLEY:** Thank you, Senator Groene and Senator MacDonnell. Senator Flood.

**FLOOD:** Thank you, Mr. President. Members, in 2013, I was the emcee for the Cattlemen's Ball. And so I left Norfolk at about 2:30 in the afternoon and I drove to Lynch, Nebraska. And I had not, to be honest, I hadn't been west of the Niobrara on that Highway 12 before in my life. It was June, it was warm, it was green, and it was amazing. As I worked my way from Niobrara through Lynch-- to Lynch along Highway 12 with the scenery and the river, which really operates as a lake, if you're around some of the areas there, Niobrara State Park, I was amazed. I was taken aback. And if you look at my personal Facebook page, the picture that I use behind my profile picture are the hills over Knox County. And what has amazed me is that we have this undeniable gem of a natural resource from Cedar County and Crofton with Lewis and Clark Lake, one of the largest lakes in Nebraska, to the Niobrara River Valley, with the Chief Standing Bear overlooking the entire valley. This is, this is sacred ground for many in the Ponca Tribe, the Santee Sioux Nation. And we've got a bridge at Niobrara now. The South Dakota state government is lapping us there. They're-- I give them a 10, I give us a 2. And I'm not-- to me, it's not the Game and Parks, it's not the Department of Transportation. It's, it's the fact that we as a Legislature have this unbelievable resource. And Senator Gragert and I talked about this independent of the rest of the Legislature in December. And when we came, we were going to bring a resolution. And Senator McDonnell was putting together a plan in east-central Nebraska. And Senator Hughes and others have been focused on Lake McConaughy. And Speaker Mike Hilgers said, let's-- we need to think big about the future of Nebraska. We need to do big things. We need to take advantage of these natural resources that already exist. And he was the one that convened us. And Senator Gragert and I could not be more pleased to be part of an effort with the Speaker of the Legislature. And I hope that the people watching today in Knox County, the people in Boyd County and Cedar County, I hope they feel the attention that only the Speaker of the Legislature and a special committee could convey on the importance and the opportunity that lie along this river. We've done great things at Ponca State Park in Dixon County. There's opportunity up and down the Missouri River Valley, I know. Nebraska City, Falls City. And I think about Nebraska City specifically. What would it mean to the people of this corner of the state and the region with two state bridges, one at Yankton and one at Niobrara, if we had the magic of a Nebraska City Lied Lodge overlooking the Missouri River Valley? It shouldn't be just



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for landowners, it should be for everyday Americans, Nebraskans that want to experience what sunrise looks like at the confluence of the Missouri in the Niobrara rivers. If you haven't seen it, you need to. It's breathtaking. We don't have to build anything big, we just have to take advantage of the natural, unbelievable resource that we have. As far as these studies, you need to know that it's not this special committee that does any contracting. The Executive Board of the Legislature, I hate to use this word, just like subpoenas, is going to be handling the contracting. It's not going to be up to the members of this committee, it's going to be up to the Executive Board of the Legislative Council, which will handle the contracting. And I hope that helps abate any fears. What I'm hope more than anything is that I get to learn a lot about Lake McConaughy in this process. We all do. We all get to learn more about the opportunities in east-central Nebraska along the Platte River. And each and every one of you need to see the billion dollar opportunity--

**FOLEY:** One minute.

**FLOOD:** --billion in terms of its true value, that we already own, that sits along the confluence of these two rivers. And then Lewis and Clark Lake, which is right off of Crofton. I'm going to send out a picture of what it looks like on the Yankton side of the pedestrian bridge and what it looks like on the Nebraska side. It's the difference between South Korea and North Korea. When you see it, the only thing that's missing is, is the South Korea people looking back at us. When you see what how we deal with it on our side. I'm not kidding you. I'm not making this up. When you see it, it will make my point. Senator Gragert knows what I'm talking about. We haven't been able to run a two-car funeral and tourism in northeast Nebraska for decades, and part of it is because we haven't made our case about what we've got. And this is our opportunity. And it's going to create jobs, it's going to create opportunities for some of the most flood-ravaged areas of the state of Nebraska.

**FOLEY:** That's time.

**FLOOD:** Thank you.

**FOLEY:** Thank you, Senator Flood. Senator Lowe.

**LOWE:** Thank you, Lieutenant Governor. How do you follow up a two-car funeral? Thank you, Senator Flood. That's a great image in my mind now. Senator McDonnell and I have been kidding each other about this

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project for, well, since he started, I guess. And I was not fully on board before. Why? Because this is my fifth year. And for the first four years, if we had a \$15,000 fiscal note, this bill would not have made it to the floor. We now have money. It's a strange thing. And we're shelling out cash right and left. This is going to be a permanent project and it needs a study. Would Senator McDonnell yield to a couple of questions?

**FOLEY:** Senator McDonnell, would you yield, please?

**McDONNELL:** Yes.

**LOWE:** Thank you, Senator McDonnell. You know, I was looking at this FA38 and it struck me that Senator Hughes put STAR WARS in there, and I couldn't figure out why. I thought maybe this was a joke floor amendment. But could you tell me what STAR WARS stand for?

**McDONNELL:** Yes. Statewide tourism and recreational water access and resource sustainability.

**LOWE:** All right. In my mind, Star Wars is a pretty new movie. It came out when I was in college. But, you know, I grew up on another filming episodes and TV show, and that was Star Trek. Senator McDonnell, couldn't you figure out something more like Star Trek for me?

**McDONNELL:** Senator Lowe, I'm definitely willing to work on that between General and Select.

**LOWE:** Thank you, Senator McDonnell. And what is your heritage?

**McDONNELL:** I am Irish on my father's side and German and Czechoslovakian and Italian on my mother's side.

**LOWE:** I thought you were Scotch, because normally you're pretty tight, so Senator--

**McDONNELL:** I resemble that remark, Senator.

**LOWE:** So, Senator McDonnell, "Beam me up, Scotty."

**FOLEY:** Thank you, Senator Lowe and Senator McDonnell. Senator Friesen.

**FRIESEN:** Thank you, Mr. President. I rise in support of LB406. I, years ago, I served on the LB962 task force that kind of rewrote our water policy in the state. And one of the things back then is we had a

drought, and we talked a lot about Lincoln's water supply and others along the Platte River. And we all said that we need to put more money and invest more money in our water resources. And it took years before the state did start to put money into the Water Sustainability Fund, which I still don't feel is quite enough. But until we have that next drought, everyone keeps saying, oh, we did a good job and everything's OK. But as soon as this next drought comes along, we're going to be talking about water again. I know years ago there have been lots of studies along the Platte. I think there is one called the Landmark Project. It built a series of dams along the Blue River between somewhere maybe south of maybe Kearney all the way into the Milford area. There was just a couple, about three dams in there that would take water off the Platte River. But those studies, they got as far as they could as getting permits. And then I think they ran into a problem with the Corps of Engineers. So I, I think a study is warranted. I don't know that we could ever build more reservoirs or especially dams, but that wouldn't mean that we couldn't take some excess flows off the Platte. And I do know we have lots of, of resources and, and that can be developed. And a lot of times there has to be a lot of push from the local area to do that effort. Also, it can't be just us telling them they have a nice spot. They also need to want to attract people to that area. So I think this study is is going to be good. I hope it doesn't cost \$2 million. But I I'm not going to use the flowery speech of Senator Flood in describing the areas, but I do think the water issue is really important. So I think that's something that needs to be looked at and for future years. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Senator McCollister.

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues. Senator Flood is absolutely correct. Nebraska is one of the most beautiful states in the country. It's understated. And if you drive along Highway 2 up in northeast Nebraska and go west along Highway 20, it's one of the most beautiful sights that I have ever seen in the world. Truly one of-- incredible. And Valentine, Nebraska, going down the Niobrara, it's just a great experience. And so few Nebraskans follow through with that. But managing our water is so important in this state. The last week we watched Ken Burns showed called the Dust Bowl. And it goes to show you how people badly managed the resource of water and soil management back in the 30s, and the Dust Bowl or something that just devastated the southern Great Plains. And of course, that is all changed with irrigation. Nebraska has managed its water resources so well in comparison with Oklahoma, Texas, and I

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think we have benefited from that. I've been asking a few of the rural senators about the water table. In fact, the water table in Nebraska has maintained, is relatively stable, whereas in the southern Great Plains, the Ogallala Aquifer is diminishing. So it's something we need to manage well. So I rise in strong support of LB406 and the concept that it underlies. When I was on the MUD board, we waited a good decade before we built a water treatment plant in western Omaha, and that water treatment plant could actually supply water to Lincoln. So I know Lincoln is actively considered, considering whether to develop its own well field or whether to simply buy water from MUD, which I think is probably the best alternative. So this particular study fits right into that, that kind of planning. And it's something we need to do, and I think is very worthwhile. And I commend Senator McDonnell for his foresight and leadership in pushing this concept forward. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McCollister. Senator Groene.

**GROENE:** Thank you. Back to the vagueness of the bill. I talked to Senator McDonnell, but the committee doesn't end. The special legislation committee shall endeavor to complete each study on or before December 31, 2021, but such studies shall be completed no later than December 31. That is not a sunset of the committee. That is just a sun-- a timetable on the, on-- also, I see no mention of the Department of Natural Resources or NRDs in this thing at all. They play no part. Eventually, if any actions are taken, it's going to be under their purvey [SIC]. About the surface waters is the Department of Natural Resources, groundwater is part-- is NRDs. There's no mention in here about, all right, so you did a study and they say it's a good idea on this location be here. How does it get turned over to those? They're not even in the original, original planning. And local government, Executive Branch, we're talking about diverting water, surface water. That's, we can't do that. Can't do that without talking to Missouri, we can't do without talking to Kansas, and we can't do it without talking to Department of Natural Resources. So anyway, it's, it's really vague, big idea. I like them, but we need to put some meat into this thing and some explanation of what we're doing. Anyway, I'm willing to talk to Senator Hilgers, and I'm just one senator, but I would think some of the rest of you would like to see some clarity here in what we're actually doing. And then what we're, after the study is, is achieved, then what? Does it sit on the shelf? How does it play with the Executive Branch? How does it play with the local NRDs? I have no idea. How, what about eminent domain? That's a question a lot of people are going to be asking when they, when they

see people out surveying areas and looking for sites that would work for a dam. I see the Blue River, I used to live in that area. It flooded too. That's one that just dumped into the Platte, would be close to the, to the-- I don't believe there's even a dam on there right now. And as far as tourism in northeast Nebraska, I grew up there. I remember Devil's Nest, that was a great scheme that if we just build it, they would come. Well, they never came, they never came. And I understand it's better now, but if we can't get the Game and Parks and the Bureau of Reclamation, what we heard at the hearing, to fix a fishing boat dock at Niobrara so people can go fishing since the floods, we can't even get that worked out. A simple thing. Those people from Niobrara testified, were just begging for some advice somehow to get their boat dock working again so somebody would come to town with a, with their little boat and go fishing and maybe eat at the local restaurant. So big idea, but we're starting from the place where we can't even get a boat dock repaired. So for the big idea, I just want some clarity. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Groene. Senator Ben Hansen.

**B. HANSEN:** Thank you, Mr. President. Well, I'm not going to get up here and love the bill to death because it sounds like that's what we're doing already. And I appreciate, Senator Groene's concerns, and some of the same concerns that I have with this bill. However, I am in favor of LB406 and the underlying amendments. And I think Senator Flood kind of summarized the need for increased tourism in the state of Nebraska. It's always been a little bit of a personal interest of mine, tourism in the state of Nebraska, and probably within the last four or five years, we've ranked 49th, sometimes 50th in the nation when it comes to the least desirable states to visit. And I think that's kind of a shame because of all the things that we have in state Nebraska to offer to, to the United States. And he's, Senator Flood is exactly right. South Dakota, Colorado, even Iowa to some extent, are surpassing us at a very fast rate about investment into tourism, because I think that is one of the least governmental ways of trying to get increased revenue in the state of Nebraska is get people here, to move here. And I think we've already made some positive steps with that with some of the legislation we passed this year, including Social Security tax, decreasing some of the Social Security tax. I think it's a good way to kind of keep people in the state of Nebraska, but also bring people here. I, I it's probably a prevailing thought, I think in our Legislature, once people actually get to our state and see what we have to offer, their minds change. We just need to get them here first. And so I really enjoyed the idea of having a big idea

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like South Dakota has done multiple times. And I think this is one way that we can do that. But I also just want to make sure as a caveat that we keep people's property rights in mind, their water rights in mind, and make sure we're doing this in a fiscally responsible manner, which I think Senator McDonnell is doing, along with working with Natural Resources and Senator Hilgers. They've really kept that in mind, and I appreciate that. And I think Senator Groene brought up some good points about the use of eminent domain and some concern with that. But I think we're making the right steps and I think we're doing this in a responsible manner. So I do appreciate what Senator McDonnell has done here. And I encourage us to kind of look-- be a little forward thinking when it comes to tourism. Sometimes, like I mentioned before, in the state Nebraska we, we don't like change sometimes. We like where we're at, sometimes we're a little slow to change. And so I think there's one way that we can kind of help kind of move forward and bring people to our great state, enjoy everything that we have to offer. So thank you, Mr. Speaker.

**FOLEY:** Thank you, Senator Hansen. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I just wanted to get up and agree with Senator Groene that this isn't perfect yet. And I just want to encourage Senator Groene to be involved. I think the details, we weren't working on so much as the details as the concept up to this point. I think it's a good concept. For example, a sunset date, I would definitely support that. The, the funding, we'll have to see about how much money really is needed. And so I just would encourage Senator Groene, though, to reach out to Senator Hilgers, Senator McDonnell. I have found them good to work with and flexible. They're not ironclad and stuck in their ways as far as what they have in writing this far. So I also am willing to work on this and appreciate having it go forward from here, and we'll work on getting it fine tuned on Select. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Senator Hilgers, you are recognized to close on FA38.

**HILGERS:** Thank you, Mr. President. Good morning again, colleagues. I'll be brief, Senator Erdman. Thanks for the conversation this morning. Senator Flood, I think said it, I think it said it very, very well. This is about vision. It's about thinking big. It's about doing something that's different. There's a lot of work that goes beyond-- goes towards this. You have to start with the idea, you have to be willing to think big. But then there's a lot of work that has to be

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done in order to execute. So the operational side is critical. So getting this to the next stage is just one step. It's a meaningful step. It's an important step, but it's one small step towards that process. I got to tell you, whenever this committee, if this passes, the committee that gets formed, I know is going to be energetic, excited, is going to dig in, frankly, very soon after we adjourn sine die to really make this happen, to give this body some opportunities next year to make something happen. Certainly, Senator Groene has identified a few different concerns. Happy to work and discuss with him between General and Select. This has been a work in progress. I think every iteration has made it better. I think it's in really good shape as it is, and I would encourage you to vote for it as it is. But certainly if we can make it better, we will do so. Now for the amendment itself, I appreciate the concerns that we didn't name it things like Star Trek or Noah's Ark, I think I heard Senator Moser say. I hope you can still find it within your heart to vote green on this particular floor amendment so that we can continue to move this bill forward. And if there's a better name for the committee, I'm happy to look at that on Select File. In all seriousness, I do think, though, I know this, this is, this particular amendment, it allows us to have a little bit of fun. But I do think that's important in what we do. We're here, we're here to make people's lives better. And I think to do that with the joyful spirit and to have a smile on her face and to understand that while we are doing very serious work, very important work, work that I think will be very meaningful for people, that we need to have-- to continue with that spirit, I think, is an important part of, of, of what we're trying to do. And so even though-- it is, it is a serious amendment, even though I know we're having a couple of smiles about it here this morning. So with that, I would urge your green vote on the floor amendment and AM1092 and the underlying bill. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Members, you heard the debate on FA38. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 40 ayes, 2 nays on the adoption of amendment to committee amendments, Mr. President.

**FOLEY:** FA38 has been adopted. Further discussion on the bill. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President. I'll be brief. Hopefully we can get all the votes done, get to lunch here. I initially turned on my microphone after hearing some of the comments and looking at the list here. First, let me say, full support of Senator McDonnell's efforts, full support of this commission. Some of the areas, and they've been mentioned by name, but some of the areas in this region, especially along Niobrara and Knox County, are sanitary improvement districts, including sanitary improvement districts that have been mired in litigation and Supreme Court cases for decades. I know it's not necessarily a subject matter that I think this commission is intending to wade into, but that's something that probably should be on their radar. And I wanted to kind of flag that for everyone's attention. Notably, some of the ones up in Knox County have been, as been referenced, underdeveloped and underutilized and never fulfilled their full potential and kind of serves as the glaring example of when we have these political subdivisions kind of get stuck and never built out, what happens? It's probably not an issue this commission is going to intend to solve, but it's an issue that's going to, at least based on the the list that was handed out, touch upon. I just kind of wanted to flag that for the committee and for the body and know that's an issue that has my attention, at least. So with that, continued full support of LB406. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hansen. I see no further discussion on the bill or the amendment. Senator Bostelman, you're recognized to close on the amendment.

**BOSTELMAN:** Thank you, Mr. President. As we "live long and prosper", I want to draw your attention to a couple of things that are really important in this bill. All puns aside, was the levee systems. We had flooding in 2019 and we had a task force, Senator Pansing Brooks and I cochaired last year. We tried to work on a flood mitigation statewide flood mitigation plan, and we were able to get about a quarter of a million dollars for that. But my concern is, serious concern is, and why I'm involved with this is we need to protect infrastructure. We need to protect bridges. We need to protect communities. We need to protect our roadways. And that's what part of this needs to take into account. Schuyler, Nebraska, this spring flooded again. And the road we just put in, we being the state of Nebraska, just put in, was undercut and flooded and was undercut. So that new construction, the apron that comes into it, already has to be replaced. And guess who's going to, has to replace it this time? The county does. Not the state, they won't do it. The county does. So there's places along our rivers. We put in new bridges and other infrastructure and we have homes and



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levees that need to be put in. And that's what I think we need to take part of this, to take a serious look at that and make sure that we are covering the entire state in those areas that are needed to, to make sure that, that we're able to cross the river where we need to cross. That we're protecting homes, we're protecting businesses. And that's a, that's a serious part about this, this bill that I think is very important. There are things we're working on, we'll continue to work on. And there are other things such as access to rivers, I know, which is important to a lot of people here. We have opportunities for kayaking, canoeing and other things, but we can't get to the river. We have no access points. So those are the type of things we need to look at. How do we develop those and how do we bring those forward in a number of areas across the state is, is very important. So with that, I would encourage you to vote green on AM1092 and LB406. And my final words will be "engage".

**HILGERS:** Thank you, Senator Bostelman. The question before the body is the adoption of AM1092. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please, record, please record, Mr. Clerk.

**ASSISTANT CLERK:** 43 ayes, 2 nays on the adoption of committee amendments.

**HILGERS:** AM1092 is adopted. Mr. Clerk.

**ASSISTANT CLERK:** Senator McDonnell, I had two amendments for you, AM1001 and AM848, with notes you wish to withdraw both of those?

**McDONNELL:** Yes, please withdraw both.

**HILGERS:** Returning to debate on LB406. Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Thank you, Mr. Speaker. I just wanted to ask a couple questions to Senator McDonnell, if I could.

**HILGERS:** Senator McDonnell, will you yield?

**McDONNELL:** Yes.

**PANSING BROOKS:** Thank you, Senator McDonnell. Well, I just listened to what Senator Bostelman said, and I want to be sure that we all heard what he said and clarify and make sure from you that your intention is that we do look at those bridges and roads that are, that continue to

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have flooding issues and make sure that, I mean, I'm all about the fun, too, and, and celebrating Nebraska. We just had an Easter agate hunt. My entire family flew in, we went to western Nebraska, went tanking down the Dismal River. None of my family who all grew up in, in Nebraska had ever seen any of that part of the state. And we actually went hunting for our state rock, the blue agate, and we went Easter agate hunting. I talked to the state geologist. We actually found them. So anyway, but I do, besides the fun, I want to make sure that we are taking care of, of and supplementing the work that Senator Bostelman and I did looking at the bridges, the roads and the infrastructure that is at risk when floods do occur, Senator.

**McDONNELL:** Senator Bostelman has been great to work with, and we've talked about a number of issues. And, yes, to answer your question, in Senator Bostelman's closing, I agree with.

**PANSING BROOKS:** OK, great. Thank you very much. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Pansing Brooks and Senator McDonnell. Seeing no one else in the queue, Senator McDonnell, you are recognized to close.

**McDONNELL:** Thank you, Mr. Speaker. This is truly about having a study to learn. Having a committee put together, a special committee that I believe transparency builds trust. That committee will be transparent and it will be overseen by the Executive Committee. The idea of trying to take this, this step and to, to learn and still keeping our eyes on protecting the citizens and promoting, promoting our state will be one of the goals of this special committee. But the really-- we're really trying to do a truly a study to learn. And early on, when I started having these discussions with Senator Hughes back in 2017, and he goes, I want to tell you an old saying. He goes, whiskey's for drinking and water is for fighting over. We're not trying to fight. What we're truly trying to do is have a, have a study to learn. Thank you, Mr. President.

**HILGERS:** Thank you, Senator McDonnell. The question before the body is the advancement of LB406 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** 42 ayes, 2 nays on the motion to advance the bill, Mr. President.

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**HILGERS:** LB406 is advanced. Next bill, Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, LB406A by Senator McDonnell. It's a bill for an act relating to appropriations; to carry out the provisions of LB406; and declare an emergency.

**HILGERS:** Senator McDonnell, you're recognized to open on LB406A.

**McDONNELL:** Thank you, Mr. President. As we started talking about earlier, the idea of A bill and having up to, up to potentially \$2 million to spend is based on the committee recommending to the Executive Board for potentially their, their approval. And the reason this is time-sensitive and, and working, I've told Senator Groene we'll work with him to clarify some things between General and Select, but the idea that we do want this done. This is time-sensitive, we want this done by December of this year. Now we put in the language no later, no later than December of 2022. But this is up to a dollar amount, the \$2 million with the approval of the committee and the Executive Board with any kind of contracting for studying and the, with the oversight and also again with the transparency. So I encourage you to please vote yes on the A bill. Thank you.

**HILGERS:** Thank you, Senator McDonnell. Debate is now open on LB406A. Seeing no one in the queue, Senator McDonnell, you're recognized to close. Senator McDonnell waives closing. The question before the body is the adoption-- the advancement of LB406A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** 36 ayes, 3 nays on the motion to advance the A bill.

**HILGERS:** LB406A is advanced. Mr. Clerk for items.

**ASSISTANT CLERK:** A few items, Mr. President. Amendment to be printed from Senator Wayne to LB528. Your Committee on Enrollment and Review reports LB260, LB271, LB271A and LB411 all placed on Final Reading. Bills that were read on Final this morning have been presented to the Governor at 10:36 a.m. (LB58, LB63, LB181, LB343, LB372, LB466, LB616, LB9, LB17, LB81, LB143, LB152, LB154, LB320, LB320A, LB423, LB423A, LB451, LB497, LB500, LB501, LB507, and LB583). New A bill, LB454A by Senator Friesen. It's a bill for an act relating to appropriations; to appropriate funds to carry out the provision of LB454. Name adds: Senator Day to LB392, Senator Sanders to LB406. And priority motion, Senator Stinner would move to recess until 1:00 p.m.

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**HILGERS:** Colleagues, as a reminder, as stated before, we are coming back at 1:00, not 1:30. At 1:00. You heard the motion. All those in favor say aye. Opposed say nay. We are in recess.

[RECESS]

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

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

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

**ASSISTANT CLERK:** I do, Mr. President. New Resolution, LR114, by the Education Committee. Recognizes May 14 as National Teacher Appreciation Day, and new A bill, LB496A by Senator Hilkemann. Appropriates funds to carry out the provision of LB496. That's all I have at this time.

**HILGERS:** Thank you, Mr. Clerk. We will now proceed to the first item on the afternoon's agenda.

**ASSISTANT CLERK:** Mr. President, LB103 introduced by Senator Dorn. It's a bill for an act relating to appropriations, to appropriate funds to carry to certain counties to pay federal judgments as prescribed and declare an emergency. The bill was introduced on January 7, referred to the Appropriations Committee, placed on General File with committee amendments.

**HILGERS:** Senator Dorn, you are recognized to open on LB103.

**DORN:** Thank you, Mr. Speaker. Good afternoon, colleagues. In introducing LB103, I stand before you today to remind you of the victims of the Beatrice 6 case. The first and most important victims and the ones I would ask that you all remember is the one who lost her life, Helen Wilson. She was raped and murdered in February, 1985, in Beatrice, Nebraska. Her true killer, Bruce Alan Smith, would never be brought to justice for his crime. He died in a prison in Oklahoma in 1992 before he could be brought to trial. A few years after Mrs. Wilson's death, six people would become the next set of victims in this saga. Six people with little or no ties except being in the wrong place at the wrong time became the person of-- being in the wrong place at the wrong time and then became the persons of interest in

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Mrs. Wilson's murder. Joseph White, Thomas Winslow, Ada Jo Ann Taylor, Debra Sheldon, James Dean and Kathleen Gonzalez were accused and convicted of the rape and murder of Mrs. Wilson. Through DNA testing, the six were exonerated in 2009. Collectively, the group had served more than 70 years in prison. After their release, the group sued Gage County. In 2018 a federal judgment was rendered against Gage County for violation of civil rights. The six were awarded \$28.1 million. This judgment is more than three times the property tax collection of Gage County, which has a population of a little over 22,000 people. With attorney fees of the six individuals, interest and the judgment, the price tag is closer to 30.8 million. After the Eighth Circuit Court handed down its judgment in 2019 confirming the trial-- the jury trial case, the Gage County commissioners raised the levy in the county to the maximum fifty cents allowed under the law, an increase of 11.76 cents of the levy. With this increase in place, it was expected to raise about 3.8 million a year. Along with the judgment and attorney fees, the county taxpayers would expect to pay for at least the next seven and a half years in property taxes. In 2019 I brought LB472 to the Legislature for a half cent countywide sales tax to help pay for the federal judgment. This additional tax which went into effect in January 1 of 2020, has brought in 1.987 million as of April 2021. These additional funds and future sales tax funds have reduced the payment period down to a total of about six years. Finally, in August of 2020, the county reached a settlement with the insurance carriers and received 5.96 million. This money has also been applied to the judgment. I wanted to lay out this payment process for you to see that Gage County has exhausted every financial resource available to the county and the taxpayers. The chart, and everybody should have one in front of them, I handed out-- that I handed out is a snapshot in time of the judgment amounts, the taxes collected, their insurance settlement and the payouts today and the remaining amount. Gage County maxed out the property tax levy as required by the judgment. They have added an additional one-half cent sales tax. They have settled with the insurance carriers. The county and its residents have done everything fiscally possible to pay this federal judgment. I-- now the county and its people are out of options. They are also at the end of the financial rope. Today with LB103, I'm asking for assistance from the state of Nebraska to help pay this federal judgment. If any political subdivision found themselves facing a federal judgment that is more than three times their annual property tax collection, it would bring the entity to a breaking point. I'm asking for financial help for the 22,000 people in Gage County who need relief. The vast majority of the residents of the county did not

have any part in the actions that occurred regarding the investigation, the prosecution or the sentencing. This horrible crime occurred over 35 years ago. Many of the taxpayers were either children or not even born. In the mid-biennium budget adjustments that Governor Ricketts presented last year on January 15, 2020, on page 24, there was a request for assistance with State Disaster Relief, county cost-share proposal that funded 9.2 million to 12 counties. This proposal was for the flooding that happened the year before. This proposal was passed by the Legislature in the mid-biennium budget adjust-- budget adjustments. The reason listed for this funding was that it would provide additional relief support for certain counties where the total cost share of the project would equal 20 percent or more of the county's total 2018 taxes levy. Gage County will not have one year, but more than five years of a federal judgment that will require an additional levy of over 30 percent. That's right, over 30 percent of its total property tax collected in 2018 and the next four or five years. As you supported relief to the people in those counties who suffered because of the floods and rightly so, I ask that you give the same fiscal relief to the people of Gage County. I would also like to take a moment to publicly apologize to the six people who suffered so much. I am sorry for the lost years of your lives through your wrongful conviction of Helen Wilson's murder on behalf of the citizens of Gage County as their elected Senator and myself, we regret causing so much pain and suffering for you and your families. And of course, I extend my deepest sympathy to the family of Helen Wilson. And I hope that bringing resolution to the legal aspects concerning her passing will also help bring peace and closure to the family. Colleagues, I ask your support for LB103. How much time do I have left?

**HILGERS:** Three minutes.

**DORN:** Three minutes, good. We wanted to-- I wanted to talk a little bit about the financial sheet that we handed out. Across the top it list how the judgment and the total amount came about, the judgment of 28.1 million, their attorney fees at 1.93 million. When Gage County was entered into this judgment, they also were responsible for their attorney fees. It lists interest paid up to January 1 of 2021. And then the estimated interest that's working with Dawn Hill, the Gage County Clerk, we came up with that number. As you can see, the total judgment actually amounted to 30.98 million. I think one of the more telling numbers, though, is in the next column, the-- these numbers give you what Gage County collected and used in each of those three years, '18, '19, '20 and 2021 in their budget process. Those are the amount of property taxes that they collected. The right side of that,

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the 3.8 million and so on, is the amount of property taxes collected above the others that is now going to pay off the judgment. If you will notice, the county's budget has gone up each year of the amount of property taxes they collected. If you divide that out, if you take the difference, that is at 2 percent, right at a 2 percent increase each year. These three years plus the eight years I was on the county board, Gage County averaged a 2 percent increase in property tax collection. The other day we visited about LB408. We were trying to put a 3 percent cap on. Gage County in the last ten years has been very, very fiscally responsible in the fact that they have operated on a 2 percent increase. The judgment amount has slowly gone down. You have to take out now the amount that is going towards the county's budget.

**HILGERS:** One minute.

**DORN:** That's decreased that a little bit. And then also the valuation in Gage County has gone down over the last several years. That's where that comes up with. The next line is the amount of sales tax collected. The next grouping of lines is the different payments that they have been making and the amount of the timing of those payments. Property taxes collected in May and September at those months, that's when it's paid. The very bottom, it says the principal paid 13.6 million. The interest of the 5.9-- 592,000, the total to date paid is \$14,208,314. The total remaining as of today is \$16,772,462. The very last line on there, Gage County did also pay a little over 2.3 million of their own lawyer fees that was paid out of the budget--

**HILGERS:** Time, Senator.

**DORN:** --the last ten years. Thank you very much.

**HILGERS:** Thank you, Senator Dorn. As the Clerk noted, there are amendments from the Appropriations Committee. Senator Stinner, you're recognized to open on AM588.

**STINNER:** Thank you, Mr. President, and members of the Legislature, AM588 is the committee amendment to LB103. The amendment would increase the appropriation from two million to five million and direct it to the State Treasurer's Office in a program 149 for the distribution of aid to counties which are subject to a federal judgment. The amendment adds one additional eligibility requirement for that aid. In addition to the requirement of \$25 million judgment and meeting the threshold of 20 percent of the county's annual budget,

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this amendment would require that the eligible county has set its property tax levy at the maximum for each year it receives aid. This requirement ensures that the county receiving aid is contributing all its resources at its disposal to pay down the federal judgment. I wanted to-- in full disclosure, I did vote this out of committee. I thought Senator Dorn needed to have an opportunity to present his case for the county to the entire Legislature, but I intend to do a Deb Fischer and be present, not voting.

**HILGERS:** Thank you for your opening, Senator Stinner. Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Mr. President, Senator Groene would offer AM1107 to the committee amendments.

**HILGERS:** Senator Groene, you're recognized to open on AM1107.

**GROENE:** Thank you, Speaker. After looking at Senator Dorn's legislation and I've talked to him, I've talked to Senator Stinner, I dropped this amendment because Gage County isn't the only place with a very big burden of action that we created. Gage County created it. They defended their own case, had local jurors of their peers on the jury, and they made a mistake. The local police and sheriff's department made a mistake. In west and southwest Nebraska, we over irrigated. We put too many wells in, the local NRDs did. We used too much water. Got us in trouble with the Platte River Compact. The state settled therein for 5 million and cheer leaded. We ended up with about 130 to \$50 million bill to create an augmentation project so we could keep irrigating. Poor us. \$10 an acre occupation tax on the farmers for using the water. It could really help our area, a wide area if we could get some appropriations to help pay off the debt on that augmentation project. Proportionately, I looked at the proportion of what Senator Dorn was asking and I said, well, the amount we owe would be proportionally be about 10 million a year for two years. We could use the help. To go back, it wasn't the farmers and us in southwest Nebraska that made a foolish compact that was weighed towards Kansas on the Republican River. It was the state of Nebraska. They made that compact, and if you look back on it, it was foolish. Kansas had better minds at that time and they really got the best of it. But anyway, the burden is on us. And I understand it's our local economy, but it is the state's economy too. So I told Senator Dorn, I'm not filibustering his bill, I'm making a point. And we've discussed and just like he has a passion for his district on a big issue, I don't begrudge him bringing this bill, but I have the same situation. And so does Senator



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Hughes and a couple other Senators are tied into this area of southwest Nebraska that is affected. Senator Erdman has a piece of it, his farmers do. We could use some help. We could use some help. It would help our economy, help Nebraska's economy. So I'm asking for a vote on this amendment to help the economy of southwest Nebraska. We have the burden of keeping agriculture vibrant in Nebraska because the state made a mistake when they settled with Kansas. Everybody was cheering how great a job they did because they only had five and a half million payment. We got stuck with 150 million. We're not done with it. I've got other bills I'm trying to correct the issue to help pay down the cost as a practical and make sense. So I don't know where this is going on Senator Dorn's bill. More power to him if sadly, in my-- in my own county, I also have a deal where I'm trying to bring jobs and build a tax base. Senator Dorn has a situation where he's just paying off something that people can survive on their property tax rates. But read the amendment, it's well-written. The water goes to the Water Sustainability Fund, and then it's prorated out to those NRDs that are involved in a local agreement to fix the irrigation problem, the water problem with the Republican River Basin and and it has to be used to pay down the principal. They can't take it and just pay down the regular and standard bond payments. And they have to, like Senator Dorn's county, has to have the full 50 cent or max levy or they get in trouble. The amendment says all the NRDs involved would have to have the full \$10 an acre occupation tax. Also try to pay down the bond debt sooner if the state was gracious enough and were willing, benevolent enough to help southwest Nebraska out in this issue. This helps more of the southern part than actually the majority of my-- my district but it does-- most of my district is exactly Twin Platte. It's not involved in Republican, but it's they're cooperating, too, because we've got problems with Twin Platte, we're even in worse shape there. As far as that compact with Colorado and Wyoming, that-- it's not so much that compact, it's there with the federal government that we have to put so much water back into the Platte River. So that's why I also think in the last bill, we need a dam built out there to keep flood waters so we can offset some of this instead of pumping precious groundwater into a creek. But I'd like your consideration and support for this. And if it-- if it causes grief, I will pull it. I've told Senator Dorn, but I think we need a discussion about across the state we've had these issues. Other-- I'm sure in your district you've had situations, lawsuits, screw up by the state, screw up by your local officials, which is a combination in Gage County and a combination in my district. Our NRDs got stupid. They put more well permits in after there was a moratorium declared and now

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we're paying the cost, but we've also had the extra economic development from those extra hundred thousand acres or more that got put into production. So we admit our sins. We're looking for atonement. We want some help. Thank you.

**HILGERS:** Thank you, Senator Groene. Debate is now open on AM1107. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. Speaker, and good afternoon. I understand what Senator Groene is describing. I agree that what happened in the most of his district there where he is, was something that those irrigators had nothing to do with, and yet they're paying for it. So I wonder if Senator Groene would yield to a question or two.

**HILGERS:** Senator Groene, would you yield?

**GROENE:** Yes.

**ERDMAN:** Senator Groene, in your opening, I believe you said it was a \$150 million settlement. Is that correct?

**GROENE:** It wasn't a settlement, it was a total cost. I'm just estimating, could be 10 million off--

**ERDMAN:** OK.

**GROENE:** --of the total cost of the N-CORPE project.

**ERDMAN:** So when-- do you know when that is scheduled to be paid off?

**GROENE:** I think it has another 15 years or so. I think we're down to about 80 million on the bonds. It depends. There's a couple of bonds. There's one for the pipeline and then there's the big one for purchase of the land of the 20,000 acres.

**ERDMAN:** So their \$10 occupation tax is paying that, is that correct?

**GROENE:** Yes.

**ERDMAN:** OK.

**GROENE:** It's not the local property taxpayer, thank God. The dryland farmer and the homeowner don't have to foot the bill, but-- but in the long run--

**ERDMAN:** Right.

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**GROENE:** --they do because it affects the local economy.

**ERDMAN:** I understand that. So do you know how much they collect in that occupation tax?

**GROENE:** I think it was about 1.4 million acres. I think it's a little over 14 million if everybody taxed at \$10.

**ERDMAN:** OK.

**GROENE:** If they don't, there's two of them that do at \$10 and a couple others that aren't at that amount. They're just taxing enough to make the bond payment.

**ERDMAN:** OK, well, thank you for answering that. I appreciate that. I-- I'm-- I'm not opposed to what Senator Groene is trying to do because as he had mentioned, there are people in my district that are paying this occupation tax. I understand that. I want to speak a little bit to AM588. That amendment in the Appropriations Committee was placed there because of-- of my opinion, of what we needed to do. And let me just share how I came to that conclusion. The day that we had the hearing, there was a young family, young lady, farm lady that came into the hearing and she had testified that she had-- her and her husband had a quarter of ground, which is 160 and an 80-acre parcel. And if my memory serves me right, they were paying about \$1,400 a year extra in property tax to pay off this indebtedness. I just made an assumption that this young lady wasn't even born in 1985. They were trying to make it in agriculture and it was difficult for them because they have the burden to pay this extra \$1,400 a year. So the assessed value in Gage County that is attributed to agriculture is about 71 percent. So if you calculate that, of that payments that are being made, 71 percent of those payments are coming from agriculture and folks like the lady I just described to you. My thought after hearing the conversation and the testimony was, this will drag on for another four or five years unless we step up and help them resolve this quicker. With the COVID money that came to the state and going forward, we will receive more, I believe, I thought it would be appropriate if we could cut that down to two years. And so it was not Senator Dorn's idea to increase the ask from 2 million to 5 million, that was my idea. When I was a county commissioner, I asked my county attorney one day--

**HILGERS:** One minute.

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**ERDMAN:** Thank you. --tell me, has anyone that's ever broken a county law sat in our county jail for violating a county law? The answer was no. Then I asked, why do we have a jail if we have no laws in the county that will put people in there? The simple answer is, we have to defend and we have to prosecute people who break state laws. That's what happened here. Murder is a state law, all right, not a county law. That trial that was held, was held in Jefferson County, it was not held in Gage County. And I will speak again if necessary on this, but those people in Gage County did everything they could to try to solve this issue. And we had things, unpredictable circumstances that happened with the law enforcement and some of those other things that fall directly back on the state.

**HILGERS:** Time, Senator.

**ERDMAN:** Thank you.

**HILGERS:** Thanks, Senator Erdman and Senator Groene. Senator Lowe, you're recognized.

**LOWE:** Thank you, Speaker Hilgers. In 2019, we didn't have any money. If you had a bill that had a \$15,000 fiscal note on it, it didn't get brought up on the floor. And that's all right, we didn't have any money. So Senator Dorn brought LB472 to try to help out Gage County. Would Senator Dorn answer a couple of questions for me.

**HILGERS:** Senator Dorn, would you yield?

**DORN:** Yes, yes, I will.

**LOWE:** Thank you, Senator Dorn. We had quite a conversation on LB472 in 2019, didn't we?

**DORN:** Yes, we did.

**LOWE:** Can you tell me what LB472 did?

**DORN:** LB472 created it so that Gage County could implement a half-cent countywide sales tax to use the proceeds to pay-- help pay off this federal judgment. Once the federal judgment is paid off, that sales tax ends.

**LOWE:** Thank you, Senator Dorn. So it created a new tax. I'm against new tax. I don't like new taxes. I don't like to raise taxes on anybody. So I was one of the handful of Senators that voted no on

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LB472. Now we have a little bit extra money in our coffers. Excuse me, it's not our money, it's still the taxpayers money. That's where it came from, came from mom and pops all over the state. Some struggled to pay the tax just like Gage County is struggling to pay this tax, but now we have extra funds. And I don't like to give out extra funds. I still believe it's the taxpayers money, but I'm willing to do this. I'm willing to give Gage County the \$10 million per year, or \$10 million total, because it's going back to the taxpayer. It's helping the taxpayer so that they can get rid of this tax that's on them at the present time. So it's going back to the people. And Senator Groene, I'm with you on AM1107. Let's get rid of this on the tax-- taxpayers of Lincoln County and out in that area. And with that, I'd like to yield the rest of my time to Senator Dorn, if he would take it,

**HILGERS:** Senator Dorn, 2:00.

**DORN:** Thank, thank you. Thank you very much, Senator Lowe. Yeah, we had quite a discussion when we brought LB472 here two years ago that, as you can see by the fiscal numbers that are in front of you in this sheet, that that is definitely helping. I call it the tax-- property taxpayers of Gage County. Gage County is made up of approximately 70 percent ag land. We've had numerous, numerous conversations on this floor about the situation, our property tax or property tax systems in. Part of the reasoning at that time, and hopefully Senator Lowe remembers this also, that that was for some property tax relief. I know he didn't vote for it, but we did have some very good discussions at that time and I appreciated his frankness very much. If we go another approximately year to year and a half, we will have about one year--

**HILGERS:** One minute.

**DORN:** --of property taxes paid off in this with the sales tax. As you can look and see, though, total remaining there is a 16.77 million that is left. Right now, Gage County, because of certain valuations, certain other things, they are paying about 3 million off a year in property taxes. They will be getting approximately 1.5 million a year in sales tax if it continues at the same rate it had. That's four and a half million. At that rate, it will take three and a half years yet for the county of additional property taxes, and that's at the 30 percent of their total collection now. It will take that amount of money to pay off the rest of this judgment. This is something that

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when I left the board down there, we had conversations about how do we pay this off as quick as we can.

**HILGERS:** Time, Senator.

**DORN:** Thank you.

**HILGERS:** Thanks, Senator Dorn and Senator Lowe. Senator Hughes, you're recognized.

**HUGHES:** Thank you, Mr. President. I appreciate Senator Lowe reminding us of the past actions of the Legislature. I did vote to approve the sales tax for Gage County reluctantly, but it is a bill that has to be paid. And, you know, they-- they did need help with that and it is a local bill. The state's responsibility in this, I think, is minimal to Senator Groene's amendment, AM1107. The state's responsibility in that Republican River Compact, I think is totally there. I don't think I'm going to support Senator Groene's AM1107. I don't think we've got the cash to do that. But clearly, the state of Nebraska dropped the ball in the negotiation in the Republican River Compact and not only when it was negotiated back in the 50s, but recently in the-- when the lawsuit with Kansas, we had a constitutional officer tell us, there's no way Kansas can win, keep drilling as many holes as you can. That's why we-- we poked too many holes and why we're paying the price now. But the local producers are the ones paying that bill. This is the first time that-- that in my memory that there's been a request from a Senator to have the state help pay with-- pay for that. That would be nice, but it's not something I think I'm going to support. It's a benefit to the local economy. If we hadn't had the augmentation projects in place, there would have been serious damage to the state's economy, devastating damage to the local economies, and we stepped up to take care of the problem. That's-- that's what we do. I would like to ask Senator Dorn a question if he would yield.

**HILGERS:** Senator Dorn, would you yield?

**DORN:** Yes.

**HUGHES:** Thank you, Senator Dorn. So looking at the original bill, I see you ask for 10 million-- or for 2 million, how did it get to 10 million?

**DORN:** The original LB103, I asked for 2 million each of the first two years. That was through conversations with the county board down in Gage County, other people. Senator Erdman in Appropriations Committee,

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brought this amendment that would increase it to 5 million and 5 million.

**HUGHES:** So it's five per year, not 10 per year, just five.

**DORN:** Yes. The original bill was 2 million each of the next two fiscal years, and the amendment is 5 million for each of the next two fiscal years.

**HUGHES:** OK.

**DORN:** A total of 10.

**HUGHES:** Thank you, Senator Dorn. Would Senator Erdman yield to a question?

**HILGERS:** Senator Erdman, would you yield?

**ERDMAN:** I'd be glad to.

**HUGHES:** Senator Erdman, why did you offer Senator Dorn more money, more than, you know, more than he needed, more than he asked for? What was your rationale behind that?

**ERDMAN:** OK, I appreciate that. First of all, it was compassion. But second of all, let me-- let me clarify that a little bit. When-- when I begin to look at who is paying the majority of these property taxes that are paying off the settlement, 71 percent of the valuation in Gage County is agricultural land. And when the young lady came in and testified that on her small operation of a quarter and a 80, they were contributing \$1,400 a year extra--

**HILGERS:** One minute.

**ERDMAN:** --just for the settlement, plus the sales tax that they paid in town. Some of these people, Senator Hughes, weren't even born when this settlement happened. This trial was had-- was held in Jefferson County. A Jefferson County jury made the award that they did. The state should have been responsible enough to do what they should have done earlier and settle before they got clear to the end, but the state thought they were going to win and the longer it drug on, the higher the settlement got. And so it was a botch on all people's parts and those deputies that did a poor job of investigation were trained by the state, so all of these culminated together and it's going to be a four year payoff and I thought with the COVID money that we

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currently have, the best use of that would be to alleviate some of the burden we have on some of these young agricultural people in Gage County and solve it in two years instead of four.

**HUGHES:** Thank you, Senator Erdman. So if I can bring some young, struggling farmers to the Appropriations Committee next year that are struggling to pay their bills, make ends meet--

**HILGERS:** Time, Senator.

**HUGHES:** --make the mortgage payments on their farm.

**HILGERS:** Thank you, Senator Hughes, Senator Erdman and Senator Dorn. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. This is one of those times when I'm going to have to agree with Senator Groene and so going back to when the Attorney General of our state negotiated with Kansas on the water settlement there, everyone said, no problem, keep developing, don't worry, I've got it handled. They didn't bring in the local experts. They negotiated a settlement and lo and behold, it's subjected us to the possibility of losing a lawsuit that could have cost us hundreds of millions of dollars. Kansas had recently sued Kansas-- or Colorado, and they had won a large settlement there. And next they were coming after Nebraska. So this settlement subjected us to that possibility. And by doing the water augmentation project that is now being paid for by property tax owners, they averted that large lawsuit possibility and that large settlement and it ended up in the lawsuit that they did file. They only received several-- a couple million dollars. But the idea was they had to augment that river flow now by pumping and that's what caused the cause-- you know, to build N-CORPE project where there-- had numerous wells, they dried up farm ground and are now pumping groundwater into the river system in order to augment that flow to Kansas. So this is one-- this is a specific example or something that the state did and now they're forced to pay for that with property taxes. In the Gage County incident, it's a totally different situation. They-- I don't know if they could have turned it over to the Attorney General's Office for prosecution in that case, but obviously those cases were bungled down there and it was a local issue and it did cost them dearly. So those two issues are totally unrelated, but how we do those, how we handle each of those is a direct opposite of what we're asking to do now. I-- I don't know if I'm willing to go this far as to vote for this amendment, but I just want to point out that the Republican Basin is helping the state save



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millions and millions of dollars and they're paying it through extra property taxes in order to augment that river flow and they'll be doing that for years to come. So I do think we need to look at these very carefully, because down the road there could be other issues that are similar. And I will say that the Republican Basin one is a direct relation to what the state did and is now the burden is falling on-- on those agricultural producers there. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Friesen. Senator Linehan, you're recognized.

**LINEHAN:** Thank you, Mr. Speaker. I rise in support of what Senator Dorn is trying to negotiate here in support of helping out Gage County. I grew up-- well, when I was growing up, we want to be Beatrice. If we went up to eat, we went to Beatrice, went to the movies. I grew up there. It-- this has been a tragedy that hit Gage County really hard. I think this is a situation where the state should step in. And I definitely think this is a situation where we need to remember we're the upper house and we're not supposed to look at things just from our district's point of view. I think that's really important on this issue because any of us could be in this boat. So with that, I would yield the rest of my time back to the Chair.

**HILGERS:** Thank you, Senator Linehan. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. Colleagues, I think this is an important bill. I think we should not lower the amount. I hear from many of my colleagues about unfunded mandates and things that happen from this body that we are having to pay at the local county level and there can't be a more true example than this where they've already went to their limits on their property taxes to cover this. So I'm hearing on the floor that there is a lot of concern about the price tag. So I'm just going to offer a suggestion. I'll get it drafted if-- if-- if people are willing to go that route. But as a body, we said in our Property Tax Credit Fund Tier One, that 275 is a good amount. This year we raise it to 313. The simple answer is, let's just move 5 million or 10 million, but 5 million out of the Property Tax Credit Fund to this bill and pay down this-- these people's property tax that they're already paying. So it's still property tax relief, but I think it's in a very smart, strategic way where the state failed to negotiate a proper settlement that-- and I'm not going to get into all the details because other people already have, but it's still property tax relief. If --if a \$5 million is being concerned, the Property Tax Credit Fund is still above 300 million. So you're still offering

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property tax relief to the rest of the-- of the state. But to me, this is a strategic way to offer property tax credit to many people in that community who had nothing to do with this, and so their local board can lower their property taxes. We can take care of this and shorten down the payment, if not all the payment, depend on how the body wants to do, and we can still provide property tax relief to the entire state. That's a simple-- simple solution that I see going forward, but I'd rather not keep kicking this can down the road. And in allowing people who many from reading the stats don't even own property who are paying a lot of this through either rent or farmland, who is being leased and those property owners are just paying. And they had nothing to do with this. Nothing. The state walked away scot-free and I think it's time for us to step up and do something. So I'll-- I'll walk around here if people like that idea, if so I'll bring an amendment down. But I don't think we should lower this amount. I don't think we should get away from this. I think we have a way to be strategic about providing property tax relief to this county and we have the money to do so in a Property Tax Credit Relief Fund. Thank you, Mr. President.

**HILGERS:** Thanks, Senator Wayne. Senator Lathrop, you're recognized.

**LATHROP:** Thank you, Mr. President. Colleagues, good afternoon. I am OK with Senator Dorn's bill and amendment. Frankly, whether at the end of the day, after we get a bunch of bills to Select File, we can keep it at the amended amount of five and five. I hope we can. I hope we have the resources to do that. I do want to talk about AM1107. Will Senator Groene yield to a question.

**HILGERS:** Senator Groene, would you yield?

**GROENE:** Yes.

**LATHROP:** Senator Groene, my first question, I guess, is, was AM1107 and the substance of your amendment, the subject of any kind of a committee hearing or a bill?

**GROENE:** No, but if I remember, the rules say that the amendment, it can be heard on the floor and if it is adopted, then the Speaker can send it back for a hearing. So we're--

**LATHROP:** OK.

**GROENE:** --under the guidelines here.

**LATHROP:** OK. So you'll have an opportunity to correct me if I say anything that is not true. But here's something you may not have realized but I was involved in some of the water issues previously and here's what I understood to be the case. The law is that we have to-- we can't use-- the Republican River starts out in Colorado, goes through Kansas, comes into Nebraska and then returns to Kansas. We can't take all the water out of it as it passes through Nebraska. That's just federal law. And when we were taking too much out, we got sued. And our then Attorney General, who was I think Don Stenberg, settled that case. Now, it could have gone to trial and it might have been better, it might have been worse. That's what everybody says after they settle their case. I could have done better, I might have done worse. I guess the settlement was OK. Usually a settlement, not everybody's happy and-- and-- and goes away with everything they hoped for. So we settled the case. That became sort of where we're at with our relationship with Kansas as it relates to the Republican River. And everybody in the Republican River Valley says it was a terrible deal and somehow this is all the fault of the state when in reality, we just want to keep using too much water out of the Republican River before it gets down to-- Friesen is shaking his head no --before it gets back to Kansas. And so we owe them money because we've used too much of the water. What's the solution? We're going to do an inner basin transfer. So then we go up into the Platte River Valley, buy up what they called the prudential property or the water rights, sunk a bunch of cells, put a pipe down, not to the head of the Republican River Valley-- or the Republican River as it comes into Nebraska, but down by the water meter just before it goes to Kansas. So we, with this augmentation project, create the appearance that we're not using more water out of the Republican than we actually are. And sometimes we come up short. Kansas wants the money they're due under the agreement, and-- and the solution was to buy these water rights, develop this conduit and put water into a creek down near the Kansas border. Senator Groene, if you think I'm wrong, you can tell me you think I'm wrong, but my concern is, that whole thing was done so that people in the Republican River Valley could continue to overuse the supply of available water, both groundwater and water out of the Republican River, which is recharging the groundwater, and--

**HILGERS:** One minute.

**LATHROP:** --I don't see this, frankly, as the responsibility of the state so much as the people who have created the augmentation project so that they can overuse the water in the Republican River Valley. And that, to me, is different than Senator Dorn's concern or a natural

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disaster that happens when there is a flooding and we take out some bridges. And I suspect Senator Erdman and Senator Groene are going to have something to say about this and probably Hughes. I was involved in that. I had the bill to create the Water Basin Integrated Management Program, which I think has been more or less successful in managing water there and up on the Niobrara, but I'll yield the balance of my time to Senator Groene so he has an opportunity to correct anything that I may have misspoken about.

**HILGERS:** Senator Groene, three seconds.

**GROENE:** Hi. [LAUGHTER]

**HILGERS:** Thank you, Senator Lathrop and Senator Groene. Senator Brandt, you're recognized.

**BRANDT:** Thank you, Mr. Speaker. I would like to thank Senator Dorn and the Appropriations Committee for bringing this bill. A lot of the points I agree with, especially what Senator Erdman was saying earlier, and like Senator Linehan, we live on the other side of Beatrice, and that's our big town. We would go there all the time for groceries and clothes and-- and stuff like that. So I know a lot of people in Gage County. I know a lot of people in Beatrice. There's just about three points I'd like to point out. One is the state settlement, like Senator Wayne was talking about. I think that probably could have been a lot more ironclad and maybe could have exempted Gage County. That did not happen. Second thing that Senator Erdman pointed out, this was a change of venue on the trial. It was a Jefferson County jury, not a Gage County jury, that convicted these people. And I guess the final point, nobody's talked about this. When this-- this crime happened in the mid '80s, we did not have DNA. How they blood tested people was with blood alleles. Two months after this crime happened, the detectives in the Beatrice Police Department, I think the Nebraska State Patrol, had a line on the guy that did it, took a blood sample down to Oklahoma City where this guy was at and interviewed him and got a sample and had it tested in a lab down there-- the state lab. And the sample came back under no uncertain terms, this is not your guy. The Beatrice Police Department is at a dead end, they throw the evidence in a box. It sits in the department for five or six years. And subsequently an investigation starts on these other people with the sheriff's department and we all know how that turned out. But what I find interesting is down the road, that lab in Oklahoma City was found to have doctored hundreds of samples and it threw out lots of cases and this, quite possibly, could have

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been one. If anybody's interested in learning more about this subject, there is a book called Imperfect Justice that was written about this and this would give you a good overview on the case. So to correct what I believe is a wrong to Gage County, I would urge you to vote green on AM588 and LB103, against AM1107 and I would yield the rest of my time to Senator Dorn.

**HILGERS:** Senator Dorn, 2:17.

**DORN:** Oh, thank you. Thank you very much, Senator Brandt. One thing I want to do some time, I think I'm up here in the queue a little bit later too, I wanted to talk about what we've had a lot of discussion in the last-- particularly last week on this floor. And that is as Senator, Speaker Hilgers has grouped a bunch of bills together, what we call the revenue bills. We've had discussion in the last week on the budget, a week ago on the budget, how we came to the floor with 210 million approximately. Then we started having the bills on the floor and we started working through all of these bills. And I've talked often about the green sheet here that we get handed out every day. It list where we're at as far as the amount of funding that we do have available on the floor that is there. Most of you know this afternoon that the Forecasting Board is meeting again. They will come out later with a forecast. That will also affect our revenue, that will affect what we end up doing with bills that we have on current different stages here on the floor, how we are looking at how the revenue is coming in, how we are looking at some of these revenue bills that are asking for different amounts of funding or lack of funding.

**HILGERS:** One minute.

**DORN:** Is that it? Oh. This is all part of the big picture too. I realize that fully, very, very much. I visited with numerous Senators here today in the past week about this bill, about the amendment. We are working on an amendment that we will be dropping here after a bit, hopefully. I fully understand as a member of the Appropriations Committee that this all has to fit into a budget, into a plan. Chairman Stinner has done a very, very good job of bringing 760-plus million to the floor in the rainy day fund. I think that's critical for our state that we have that amount of funding. Appreciate very much, Senator Wayne, bringing his bill and having that discussion, Senator Groene in having that discussion, but I also fully realize that this all has to fit together. We do have to start to, I call it--

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**HILGERS:** Time, Senator.

**DORN:** Time. Thank you.

**HILGERS:** Thank you, Senator Dorn and Senator Brandt. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. Speaker. Would Senator Dorn yield to a question?

**HILGERS:** Senator Dorn, would you yield?

**DORN:** Yes.

**M. CAVANAUGH:** Thank you, Senator Dorn. I know you and I spoke briefly before, I want to go on the record-- before Senator Wayne got up and talked about the Property Tax Credit Fund, and I was just-- I had asked if you would tell us whether or not that is something that we could actually do to pay for this is to-- to reallocate the funds to come out of the Property Tax Credit Fund.

**DORN:** Because that has passed in the budget, the way it's passed in the budget, that would now have to come back-- I don't know, there's other people smarter than I am --probably as an amendment. I don't know, probably Senator Wayne even knows because it's passed in the budget, it's currently sitting there in that form today. We did pass it. The Governor did sign it. I do not believe that that's something that we can do without having that come back out onto the floor, that perspective. That's my opinion, but I could be wrong.

**M. CAVANAUGH:** OK. If we are able to figure out that we can do it that way, would you be open to that?

**DORN:** Me personally?

**M. CAVANAUGH:** Yes.

**DORN:** I probably will vote against that amendment. I also realize very much how much property tax means to all of the people in the state of Nebraska.

**M. CAVANAUGH:** OK.

**DORN:** Sorry, but that's how I would vote.

**M. CAVANAUGH:** Appreciate it. Thank you, Senator Dorn.

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**DORN:** Yep.

**M. CAVANAUGH:** I very much appreciate Senator Dorn bringing this bill. I think it's important that we compensate the people that lives were impacted by this. I am not in favor of using General Funds at this point for anything other than the things that I have already talked about numerous times this week. But I will carefully listen on this bill and see if some sort of agreement can be reached. I honestly don't have an opinion about Senator Groene's amendment. I'm not familiar with it enough, so thank you. I yield the remainder of my time.

**HILGERS:** Thanks, Senator Cavanaugh and Senator Dorn. Senator Dorn, you're next in the queue.

**DORN:** Thank you, Mr. Speaker. Thank you for the conversation this afternoon. I appreciate that Senator Groene, like I said earlier, brought that bill and that we can have that discussion on that topic. Senator Wayne, visited with me a little bit about this Property Tax Credit Fund using some of those funds. Senator Wayne does a very good job of what I call thinking outside the box and proposing ideas and thoughts that many of us don't think about. That is a unique perspective. Like I said, I probably, me personally, I will vote opposed to that just because of the fact that there are been so many Senators that have worked so hard for that fund and I think that fund definitely needs to be protected. That fund needs to be what it was set out to be, and that is for the citizens of the state of Nebraska and give them some property tax relief. This bill that I brought, LB103, yes, it would be fantastic to have and I believe the citizens of Gage County need the property tax relief, but I do not believe necessarily at the expense of what some of these other property taxpayers have been, that stress and that strain they've been under. I think we can fund this out of the amount of money we brought to the floor. I do not know if we can do the 10 million. I will be dropping an amendment here pretty soon that will change that 10 million of the Appropriations Committee down to 4 million, which was my original bill. We will be dropping that amendment. And that is the one that I ask that you vote for. It's 2 million a year for each of the next two fiscal years. I think it's important that we show the-- not only the people at Gage County, but also the people of the state, that when things like this happen, we will step up and take some responsibility. We as a state set these guidelines. We set these rules, we set these statutes and then when something goes wrong with an entity, when something goes wrong that is beyond their control-- excuse me, we

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sometimes pass stuff on to them and we end up with what we call these unfunded mandates. This is a-- this is definitely a situation that we as a state set the guidelines for the sheriff department, for the attorneys, for how we arrest people and how we do a lot of things. We also need to make sure that we stand behind some of these things. Thank you, Mr. Speaker, and I yield my time.

**HILGERS:** Thank you, Senator Dorn. Senator Pahls, you're recognized.

**PAHLS:** Thank you, Mr. President. I'm listening to Senator Dorn and his idea of coming up with a-- his amendment does sound promising, but also want to-- I really don't want to muddy the waters. But probably a number of communities have issues such as the one we're talking about right now, the water issue. The City of Omaha has a approximately \$2 billion issue with the sewer system. I have a feeling there were some past politicians and probably even some state officials knew that there was a problem there of federal mandates as we have to clean that up, a federal unfunded mandate worth like, say, a couple of billion dollars that they are-- every homeowner or person who is renting has to pay an additional fee. Mine is about \$55 a month, has nothing to do but to pay for that sewer separation issue. And I think if you had listened to Senator Wayne a day or so ago, he had made a comment. I think his was even \$60-plus every month from now on to who knows when it's finished because we're still-- have a ways to go. But again, that was an unfunded federal mandate put upon us. Somebody had to know the issue was there before the federal government had to step in. I'm sure somebody from the state had to know about this. I'm not asking the state to pick up that tab, but I think if we start analyzing all of these situations, you might be surprised, the finger of the state may be in a lot of these issues that we're discussing. But getting back to the significance of what Senator Dorn is trying to get across here, I think there is merit into what he is trying to do. I'm not insinuating at all that somebody pick up Omaha's water sewage problem other than the people who live there. Thank you.

**HILGERS:** Thank you, Senator Pahls. Senator Briese, you're recognized.

**BRIESE:** Thank you, Mr. President. Good afternoon, colleagues. I wasn't going to say anything on this except the issue of the Property Tax Credit Fund was brought up. And I'm going to support Senator Dorn's LB103. I understand there may be an amendment to it that pairs it back, but, you know, the issue goes back to providing a slice of property tax relief or providing a measure of tax relief for a slice of our-- our taxpayers and I will support that. And should this be a



state responsibility, I'm willing to concede that it is and that we should step in and help out the extent we can. And I appreciate Senator Wayne's efforts to-- to look for a way to move this forward, a way to fund it, but I think Senator Wayne suggested it be an easy fix to access dollars in the Property Tax Credit Fund. That's not an easy fix for me. I spent six hours last week trying to slightly increase the Property Tax Credit Fund and then trying to establish a statutory floor where the Property Tax Credit Fund currently is and after six hours, I had to relent on those efforts. And again, although I appreciate Senator Wayne's efforts here, I'm not at all interested in going backwards on the Property Tax Credit Fund. So I will support LB103 and the amendments that get us to where we need to be and I do-- do believe in providing this relief to those taxpayers there, but not at the expense of our other property taxpayers. Thank you, Mr. President.

**HILGERS:** Thanks, Senator Briese. Senator Groene, you're recognized.

**GROENE:** Thank you. I would have said good afternoon, but I only had three seconds. All I had time for was "hi". But to Senator Lathrop's, the history. I know I'm kind of agree with the whole situation, it's just a-- don't trust computer models. I don't care what it is, because all this stuff we're doing is based on a computer model that's faulty. But Colorado does, they have a project where they retired a bunch of irrigation water and they do dump their water right in front of the meter as it enters Nebraska, but the Rock Creek Station by the upper Republican dump's in up river from where the next meter is by a couple hundred miles, probably. In ours, the N-CORPE One jumps in into a little stream called Medicine Creek, runs down 20, 30 miles, 40, 50, I don't know what it is and dumps into the Republican River and then flows into the lake. I can't-- I'll rethink about it later, what lake it is, but by Alma, Nebraska. But anyway-- but after the locals got involved and realized don't rely on the Attorney General, because if you ask the Attorney General what his job is, it's not to defend Lincoln County. His job is defend the state of Nebraska and he did a wonderful job keeping the fine down to \$5 million, but it didn't do a hell of a lot for us. So when we got involved, the people negotiated, said 100 percent of the water pumped into the river ends up counting, Kansas counts it, not just the stuff that doesn't evaporate or soak into the ground. But it's absolutely unbelievable, costly, typical when government gets involved. You always see the story about the little boy who digs a hole by the beach and takes a bucket in the ocean and pours it into the hole and goes back and takes a bucket and pours it in a hole. That's what our augmentation project is. We're

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taking walkaround water out of the ground that has seeped in from the river and we're pumping it back into the river. It makes sense to you, good. You know more than I do. But anyway, it is what it is and we got to live with it. It's very costly, more than that little boy does on the beach to put an augmentation project to dump water into a river, groundwater into a river. And we have evolved so far, mankind, as the first time in history, man has dug a well to dump it in a creek. But that's what computer models will do for you and lawyers getting involved in settlements. So, but our pivots are running, corn is being raised, community's main streets are alive at very high cost, but it's still happening in southwest Nebraska. So the state was involved in all of this. Fully understand the state was involved in all of this that caused us a lot of grief. Greed was involved by locals put more wells in, issued more permits than we should have, but we have a mess. And if there's state-- if you're looking for issues to help bail out communities in areas that have been economically stressed by past actions, I've got one right there in Lincoln County and we could use some money and I'll go down to maybe 20 million is a little high. We'll take 5 a year, 5 the first, 5 the second and we'll just-- maybe the other five that we give up somebody else has an issue that has been harmed by government action.

**HILGERS:** One minute.

**GROENE:** Senator Pahls, just to remind you, the state of Nebraska does help bail out Omaha in a Water Sustainability Fund. I think it's a million and a half or more every year goes directly to Omaha for their sewer problem, a million and a half a year, every year. So we do already help Omaha with their sewer problem. But we'll see where this goes and then I'll wait when I get a chance to close on my amendment. Thank you.

**HILGERS:** Thank you, Senator Groene. Senator Kolterman, you're recognized.

**KOLTERMAN:** Good afternoon, colleagues. Thank you very much, Mr. President. I rise in support of LB103 and AM588. I was in Appropriations when we heard this bill originally from Senator Dorn. I really appreciate the fact that we're going to do something as a state and I appreciate the fact that Senator Dorn is willing to work with us on this. I was in full support when Senator Erdman suggested that we increase it to five and five. Back then, we thought we had plenty of money, we might still have some money. Who knows, the Forecasting Board is meeting as we speak, but at the same time, it's just the

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right thing to do. The people that-- the Beatrice people that have suffered a lot from this and it wasn't-- it wasn't the fault of the people in Beatrice other than maybe some inappropriate ways of investigating. So other than that, I think it's the right thing to do. I don't know. I can't at this time support AM1107. I understand the plight of that. I somewhat agree with Senator Groene on that. But I'd like to see what we have in front of us, AM588 and LB103. And with that, if Senator Dorn would like some more time, I'd be glad to yield the rest of my time to Senator Dorn.

**HILGERS:** Senator Dorn, 3:37.

**DORN:** Thank you. Thank you much for the time. I think I was talking when I last was on the mike about how we as a state in the last couple of weeks particularly, have had a lot of conversation on property tax, property tax relief, some caps. We've also had some on some different types of revenue. We've talked about corporate income tax and individual income tax, Social Security tax. That is all part of a bigger picture here and we also need to make sure as we go forward that we are mindful of all of that. I've also had some-- and I really hadn't dwelled on this so much, but there is one reason, I think, why and we'll see this afternoon with the Forecasting Board why our economy is so strong. And that is because of the CARES funding and the stimulus funding that is coming into the state of Nebraska and all the other states. That has been a tremendous help to the people of the state of Nebraska, a lot of companies. It has helped a lot of companies stay strong during this time. But we also see and as we sit there in Appropriations, we see the discussion about the fact that there are companies, there are businesses still struggling and how can we allocate or how can we take those future funds and make sure that we are taking care of those people, that we make sure they get back on their feet and continue the strong economy that we have. I know there is discussion going on on Senator Groene's bill yet here and that there might be another amendment dropped. We will be dropping one here afterwhile yet bringing this back down to 2 million and 2 million a year, which was my original bill. I thank people for the discussion here today. I also realize that when we came to the floor with 210 million, Senator Erdman's amendment in Appropriations for 5 million and 5 million, I felt was very doable. As we've gone through this week on the floor, as we've had the discussion about the different topics, the different revenue, I realize I've had conversation with other Senators. I realize that-- that 10 million--

**HILGERS:** One minute.

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**DORN:** --5 million and 5 million is to steep of an ask. So we will be dropping an amendment here after a bit so that hopefully we can have a vote on this today and that we can proceed on with the rest of the agenda. With that, I'll yield the rest of my time.

**HILGERS:** Thank you, Senator Dorn and Senator Kolterman. Senator Hilkemann, you're recognized.

**HILKEMANN:** Thank you, Mr. Speaker. I rise to support the LB108, and when the young lady-- when being on the Appropriations Committee, when this bill was brought up, the young lady was talking about the impact that this has had on her county of Gage County. In 1970, fresh out of graduating from Wesleyan, I was a teacher at Table Rock, Nebraska, in the neighboring county of Pawnee to Gage County. And I thought about this as this young lady was talking that I used to coach football and basketball. I thought, you know, I wondered if this-- this is probably the daughter of somebody that I coached against at some point down the line and I thought, these people in Gage County are being penalized for a mistake that was made in the judicial system because the judicial system, unfortunately, doesn't always get it right. And this was one of those times. They have-- their-- they added a half-cent sales tax to try to help take care of this over the course of time, but they still have a large indebtedness and it's going to take a number of years for that to ever get paid back. And in those smaller communities, a half-cent on that sales tax makes a difference. And so I thought it was good that we should support this measure that Senator Dorn brought and I-- he says he's going for-- I would have supported it the 5 million as I did in the Appropriations. But if he wants to amend it down to the 2 million, it's time that we help. It was-- it was-- it was as I say, it was an error in the judicial system. Let's help this county at this point and therefore I will be moving this forward. Still haven't decided about AM1107. If Senator Groene would like a little more time, he can have it or if Senator Dorn, otherwise, I'll surrender it back to the Chair.

**HILGERS:** Thank you, Senator Hilkemann. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. Speaker. I didn't know I was up so soon. Was talking to Senator Flood about what I was going to talk about. Well, I guess I'm not 100 percent certain where I am on either of these at this moment, but I appreciate Senator Dorn bringing this bill. And I've talked on the mike a few times in the past about my feelings about the criminal justice system and obviously, I have a

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perspective that's informed by my experience. And I think that a lot of people, particularly in this body think that I've heard a number of times, don't do the crime if you can't do the time or almost everybody who's charged is-- is guilty. Actually was just talking to Senator Moser about an unrelated topic to this. And he said the phrase, when you're a hammer, everything looks like a nail. And I said, oh, that's funny. That's a-- that's a phrase I've often used about our criminal justice system that everybody assumes people in it are guilty and have-- have committed the crime. And that is why we, you know, a number of the bills I've brought and then there's a few other bills as well this year that are designed to make the system work a little bit better and to make sure everybody has a fair shake. And this is an interesting conversation because I've talked about in the past making sure that we bear the weight of our actions and the responsibility for that being that we created a structure that prosecutes, over-prosecutes, over-incarcerates people. And often we aren't forced to see the cost of that. And this situation is one where it is very explicitly put out as a cost that people can comprehend. It's \$28 million for the years of those people's lives who were wrongfully convicted. And now we're here to talk about our particular share of that cost. And I, you know, feel for Senator Dorn's community, for Gage County, for all that they have gone through and undertaken to bear that cost, but as Senator Erdman talked about, that cost is not borne by them alone and not created by them alone. It's created by the policy that we have set in place here and our expectations of that criminal justice system to go out, make arrests, get convictions. I think Senator Brandt talked about how the investigation worked in this case and I, admittedly, am not 100 percent familiar with what happened in this case, but I read an article about how some of this went down, where they ultimately they hit a-- that the dead end in their investigation and couldn't find anything else and so at some point, they picked up a threat of these people they thought were involved. And none of them remembered ever even being in this person's apartment. And through the cajoling and interrogation and conversations with police psychologist, they ultimately remembered and had dreams and repressed memories about having done this. And they got so convinced that they thought that they had done it even for years after that. One of these people maintained their innocence the entire time and was the one who pursued the case further, the appeals and then ultimately the civil case. And that one individual maintained that all the time. But because the system is so convinced that once they've latched on to someone, the system itself convinced these people that they themselves were guilty when they were later

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exonerated by evidence that was available at the time, that wasn't the type of testing wasn't available. And so I think this is important and I think it needs to be an important part of this conversation. And it's an important part of the whole broader conversation, because every time we have conversations about prisons, about jails, about policing, about sentences, about all of these things, it would be good to keep in mind--

**HILGERS:** One minute.

**J. CAVANAUGH:** --a very clear example for you-- for everyone of when we get it wrong, what happens and why it's so important that we get it right. Because these people, I think Senator Dorn said, had a combined-- spent a combined 70 years in prison. These people lost 70 years of their lives because someone decided they were guilty and then the system worked together to convince them they were guilty and get them to testify against themselves on these false memories. So I think that's important to take a look at and to think about as we visit this amount-- that this conversation, not just that it's tough on this community, but this is the cost, the true cost of our police system, of our prosecution system, and of this presumption that many people have of guilt. The system is innocent until proven guilty, not the other way around. And so we need to find ways in our laws--

**HILGERS:** Time, Senator.

**J. CAVANAUGH:** Thank you.

**HILGERS:** Thanks, Senator Cavanaugh. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. Speaker. So upon reflection on LB1107, I have decided that this is a great opportunity to talk about one of my favorite topics, developmental disabilities. Senator Groene's amendment showed me that, oh, we can put Appropriations amendments on to Senator Dorn's bill. And so I have drafted a floor amendment that I believe the Clerk's Office is working on, and I appreciate that very much, to appropriate \$17 million this fiscal year and \$34 million next year to the DD waitlist. So Nebraska is facing three intertwined crises that have a stranglehold on our Medicaid waiver system: provide support for children-- to children with disabilities being found ineligible for Nebraska's aged and disabled waiver; provide a pathway for individuals with disabilities to gain access to job coaching and eliminate the six to eight year waitlist for developmental

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disabilities. And I would say that that waitlist is probably longer. This report, this is the Arc report. I think it's grown even further in the last two years. So Nebraska's good news is we have a great deal of opportunity for growth in the intellectual and developmental disabilities arena because we don't have very many waivers. So we can go out and seek a lot of different waivers, federal waivers to help support those in our communities that need supports. We do have an autism waiver that we don't fund. So that's kind of fun to know. There's a lot of opportunities for us to be looking at how we're spending our resources. And I would like to say this is-- my remarks are in no way a commentary on what Senator Dorn is seeking to do here, because I very much understand the need to rectify that horrible situation that happened to the Beatrice 6. So some background. In 2017, vocational rehabilitation went into an order of selection, meaning that adults seeking support would be assessed on-- based on need and placed into one of three priority groups. This is very common across the country. What is not common, however, is to completely close all three groups, which is the case here in Nebraska. Most states are able to serve an individual with the highest level of need within two to three weeks of that person applying for services. As it stands today, this is in 2019, there are individuals with the highest level of need in Nebraska that have waited over a year to receive the funding to participate in employment-related activities. So in other states, it's a couple of weeks. In Nebraska, it's over a year and these individuals do pay income taxes. And so for them not to be participating in employment-related activities for over a year is problematic, not just for them and their self-sufficiency, but also for our economy. Oh, some background on the waitlist. Over a decade ago, LR156 report said Nebraska is at a crossroads with its obligation to Nebraska citizens with developmental disabilities. Several Nebraska Senators have recognized the urgent need to develop a strategic plan to address the current and future needs of citizens with DD and their families. It seems that we have-- that we still failed to take that sort of action seriously needed to help people with disabilities, the waiting list. Again--

**HILGERS:** One minute.

**M. CAVANAUGH:** Thank you. --this is in 2019 with 2,332 people. So that was two years ago and now we're up to 3,000 who still qualify for services under the Developmental Disabilities Waiver but are not receiving funding. They instead have been forced on to a waitlist-- waiting list that could require them to wait for years to access vital services. If an 80-year-old parent of a 50-year-old adult with a

disability decides they can't do it anymore, that 50-year-old goes into a nursing home. This is a tragedy for that individual who could have been a vibrant part of the community and it is a tragedy for the state because the care in a nursing home will cost significantly more. I'm thinking that I'm probably almost out of time, so I will just wait until my next turn. Thank you, Mr. Speaker.

**HILGERS:** Thanks, Senator Cavanaugh. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. So I'm going to talk just a little bit on LB1107, and then I'll start to address more of the issues with LB103. So on the water issues, going back to the days and the Republican Basin when they were negotiating the settlement and one thing I will talk about just so that it's on the record for-- for future generations to listen to, when they agreed to the settlement, I think the way they modeled the conjunctive view water use of the Republican Basin. If they would have used a different model, I think the outcomes would have been a lot different and then groundwater irrigators in the area would not have been impacted as greatly as they were now. But I do remember when I was on the Upper Big Blue NRD and we were very much in tune with what was going on and all the other NRD basins, and I will say that those NRDs have been told not to put a moratorium on. And that's one thing I will get very adamant about because they were told not to stop drilling because it made them look guilty. And so this settlement happened behind closed doors and when they were done and they looked at the settlement, that was absolute wrong thing to do. And then it tied all these groundwater, irrigated acres into that basin settlement and that's why the-- the river flow demands to me were so high. And I know Senator Lathrop was here doing the work that the Legislature was doing during that time, so I'm just giving a little bit of perspective from the NRD members that I talked to and visited with and what was being told to them. So it is-- it's a big issue, but in the end, the way they have designed a system now, even though I may not like the way they are doing it, I don't like N-CORPE, but it does save those guys from having to go to dryland and having a huge impact on the economy in that whole area. So it's working. I don't think they've pumped any water for a couple of years because it's been wet enough and the flows in the-- in the Republican have been high enough. So, again, until we get another drought and the next drought we'll be fighting water here again, I'm-- I'm pretty sure of it because it happens every time and as soon as it starts raining a lot, we forget about our problems and we don't address them when we have time, we'd rather react to a drought. Going back to Gage County



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and the problems they're having there, I am-- I'm willing to help to some extent to solve their problem. But if we don't look to the future and say that either the state-- the Attorney General's Office is going to be in charge of any capital murders or any, maybe we have to make the county attorneys, state employees or whatever, but when we have cases in rural Nebraska where they don't see anything like this for 40 years and suddenly they're asked to have a trial like this and the potential is there for this just to happen again. So we need to look ahead and see once how we can prevent something like this from happening, because there's a lot of counties out there that don't even have the resources that Gage County has to put towards a settlement. And so we don't-- in order to limit our exposure, we should be looking at how we might change, how we try the capital murder cases and maybe some others that wouldn't have to just necessarily be a murder trial. If someone is sentenced to 30 or 40 years in prison and the same thing happens, there's going to be reparations that have to be paid. So I think we need to look at this in a bigger picture for the future before we do something extremely different here and continue to bail out areas that maybe had nothing to do with what the state has done. They did it on their own. So I think we need to be cautious. Thank you, Mr. President.

**HILGERS:** Thanks, Senator Friesen. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. Speaker, and good afternoon again. Before I proceed with my comments, I would like to wish Senator McCollister, Happy Birthday, today. Happy Birthday, Senator McCollister. He's-- he's just a day or two older than I am. But anyway, let's get back to the bill here. I've listened to what Senator Groene and Hughes, Senator Friesen said. And I understand the issue that they're dealing with. I also understand that the issue they're dealing with was not their own cause. And Senator Groene described it quite well when he said we're pumping water out of the ground that seeps there from the river, pumping it back into the river and some of the area where we're trying to get water to in Kansas is 30 feet higher from where we're pumping it out of the ground. Now, you don't have to be much of an engineer to understand that water is not going to run uphill, but so be it. But getting back to the issue here, the reason, as I said earlier, the reason that I supported and asked to have the Appropriations Committee adopt LB588, 5 million instead of 2, was because they're going to be 4 years or longer to pay off the settlement at the current rate they're going. And as I said earlier, with the COVID money that we have and perhaps more we're going to get, I thought it was an opportunity for us to rectify what was a problem

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that the state created. Now, remember, the jury that decided the guilt of these people was in Jefferson County, it was not-- it was not in Gage County. And so the state was involved there and they had an opportunity to settle this before they did at a lesser amount, but because of the way things happen with the state, they wind up paying more. And I understand there's heartburn with giving Gage County 5 million and bailing them out and not everybody else, but the intent here was tried to alleviate in this situation and solve a problem that we could because we had the funding. And I said earlier that I wasn't opposed to one time spending of COVID money, but I was concerned about ongoing spending that raised the base. This does not do that. So Senator Dorn has decided that he wants to pull back the 2 million. I'm not sure and I don't know that he is sure that he would have had-- would not have received 25 votes for 5 million. I would like to have seen the amendment go to a vote, find out what the vote was. At that point in time, we could have taken the language out that described where the funding was going to go and how it was going to be distributed and amended into LB108. Well, that's water under the bridge because he has given his word he's going to drop back to 2 million. Two million is a significant amount of money, I'm not saying that it's not. What I was trying to do is ease the burden on those people in Gage County, especially the 71 percent of ag land that's making a contribution to the settlement. So be it. It is what it is now. So I have a decision, should I vote for LB103 now at 2 million or not? I am disappointed that we have decided to drop back to 2 million without finding out whether there was enough support for the 5 million, but 2 million is far greater than zero. And so as we move forward, I would cast my vote for LB103, even though I'm not-- I'm not-- I'm not totally in favor of dropping it from 5 to 2, but I will vote for LB103. Thank you.

**HILGERS:** Thank you, Senator Erdman. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. I think I've kind of reached a solution to where I'm at at this point. I know I've asked a couple of times and I've been weighing this in terms of both the state's responsibility, Gage County's responsibility and others. And I do think ultimately my intent is to support some version of LB103. I know there's perhaps going to be changes on the amount but a one-time investment from the state in order to help Gage County for an overall system like this is important. You know, I think it's really important today some of the tone and tenor of this. I saw one journalist commented that Senator Dorn might be the first elected

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official to ever publicly apologize to the Beatrice 6, and I think kind of that measure and that level of sincerity and focus on actually solving problems and actually making amends is important and something that I feel like I need to support at least, or at least on this round moving forward. That being said, I do have concerns about Senator Groene's amendment in AM1107, not necessarily even necessarily on policy, but on procedure, in the sense that Senator Dorn was required to use his personal priority to grab an Appropriations bill that was introduced day one. And here we are inventing a pretty substantive appropriation, kind of out of thin air without a bill, without a hearing and it gets attached on a bill-- granted, an Appropriations bill, but a bill on an unrelated topic from an unrelated source of funds. If we're going to have the standard that builds to-- that open up Appropriations are essentially mini-budget bills and we can hang whatever we want on them, that's, I guess, a decision this body, its leadership can make. But I would then be supportive of other amendments that maybe we didn't get attached to the budget to this bill. And I just kind of wanted to throw that out there. I don't think we've-- I know, well, I think Senator Lathrop raised this at one point. And there's been some discussions about the hearing. I know there's been some discussions under the balcony about germaneness. And I just want to make sure we hang our hat on that or take a moment of-- of pause. I don't know if hang your hat is the right expression, but take a moment of pause to think about that. That we are opening up potentially, you know, Senator Dorn's bill to attach any rider or any amendment as long as it's just spending money. I think it's the role of our budget process. And I appreciate Senator Stinner and others had people prioritized bills that were in Appropriations right on their own, but I don't necessarily think we should be too keen on attaching riders. And if we are, we should be pretty keen to let any Senator who has a proposal attach it and treat it like a budget bill. That being said, I do want to support Senator Dorn. I do think he and some of the current leadership of Gage County are truly trying to go in the right direction and that's something I want to help support. I do want to mention that there's been a lot of the real emphasis that the jury in this particular case was in Jefferson County, kind of get that the symbolism of that, but still, at the end of the day, just remind people this was a series of Gage County officials who made this decision. And we've under-talked about the role of the prosecutor and their choice to bring ultimately a very and correct case to trial. There were multiple provisions where we could have kind of gotten the train off the track, so to speak, and stopped what ultimately was an unjust and incorrect result before then. And it's not the fault of the

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jury for believing and buying the case of the prosecutor. With that, those are my remarks on LB103, which I hope to support. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Hansen. Senator Lathrop, you're recognized.

**LATHROP:** Thank you, Mr. President, and colleagues I want to be clear about one thing. I know I gave you a little, my history on water or my involvement on the-- some of the issues that are related to AM1107. I want to be clear. I oppose this amendment for two reasons. The first is that it didn't have a hearing. And my guess is if we had a hearing on this proposal that we would hear from the Attorney General's Office, we'd have maybe somebody from the Department of Natural Resources come in. We could talk about that Kansas-- Kansas-Nebraska agreement, the management of the Republican River Valley, the relationship between the Republican and the Platte Basins, this whole transfer of water, which is quite unusual. You heard me talk about the N-CORPE project. That was also mentioned by Senator Groene as well as Senator Friesen. There is a website that you can go to if you're interested. It's a fascinating, fascinating subject. It's called N-CORPE.org. That's NCORPE.org and there you can learn about the history, why we're doing this, what the purpose is, but really what's happening, colleagues, is we're transferring water from one basin to another one not to be used, but to meet our obligation. And we're basically taking it from the Platte River and taking it down to Kansas so that we don't get sued and have to pay a damage judgment for overuse of the Republican River. All of that's horribly fascinating to me, having studied it. When I was here previously, Senator Christensen represented the district now represented by Senator Hughes. And in my recollection is that he's the one that put in this occupation tax. And I can remember as a Senator with very few or very little experience thinking, wow, I thought these guys didn't like property taxes. Now they're imposing an occupation tax on themselves to deal with a water issue. I did not at that time understand, but they did. And we voted for it and we gave them that authority and they've used that authority and now it is something that is supposed to have been used to manage water, the precious resource that these ag producers rely on out in the Republican River Valley. And so that to me is, you don't use the water, we don't have a problem. If you want to use the water, you're going to have to employ the occupation tax, pay the tax and use that resource to manage your water, which is what's been done. And so I don't think this is-- even if we had a hearing on this, you'd see a line of people, I expect, come in and say it is not a state issue. If

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you're out of compliance, we, the state, may have to pay a judgment to Kansas, but this is about how-- how we manage water in the Republican Basin. And that obligation that Senator Groene would like to help have alleviated, really is the obligation of those who continue to use the water in that river basin and-- and who have elected to impose this tax on irrigated crops or irrigated land. So I do stand opposed to AM1107. I don't think this is a state's responsibility. And what's more, there was no hearing on a topic that would most certainly generate two sides of the-- of the topic. And so I would encourage your red vote on AM1107. Thank you.

**HILGERS:** Thanks, Senator Lathrop. Seeing no one else in the queue, Senator Groene, you're recognized to close on AM1107.

**GROENE:** Thank you, Mr. President. It's been a very interesting conversation and that's what I sought. I'm going to correct-- not correct, but expand on what Senator Lathrop said. Christensen's bill originally said they would put a property tax on all the property in those NRDs. Well, some dryland farmer who never pumped a drop said, why am I paying a property tax for an issue I did not cause and why is grandma in town on her house paying a tax for something she doesn't profit from? And so he wisely sued because it was a state issue. The Supreme Court said that the state of Nebraska, the Constitution says it-- says that the state of Nebraska cannot have a property tax to pay a bill for a state issue. Supreme Court said, we agree. You cannot put a property tax-- have a property tax to remedy a state issue. So the Supreme Court said the augmentation problems and the water problems in southwest Nebraska and Republican River Valley was a state problem. They came back to the Legislature and said, all right, we can do an occupation tax because that's not forbidden in the Constitution. So they put an occupation tax. and quite frankly it's very fair because the individuals who profit from the water pay the tax. That said, I want to really thank Senator Dorn and Senator Stinner and Senator Hughes because I told them what I was doing here and if I could use his vehicle to strike up a conversation, because there is a similarity here about local people who were stuck with a big bill for-- because most of them, the vast majority of them had nothing to do with creating the problem. So we had a good conversation and some of the freshman Senator got a tutorial on some of the past history of the issues that have come through this body and will continue to haunt you as you serve here. So with that, I wish to withdraw AM1107. Thank you, Mr. President.

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**HILGERS:** The amendment is withdrawn. Thank you, Senator Groene. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, the next amendment to the committee amendments, FA42 from Senator Machaela Cavanaugh.

**HILGERS:** Senator Machaela Cavanaugh, you're recognized to open on FA42.

**M. CAVANAUGH:** Thank you, Mr. Speaker. This is an amendment inspired by Senator Groene's amendment to appropriate funds for the Developmental Disabilities waitlist. I am just going to read a few more things about-- about the Developmental Disabilities waitlists before I pull this amendment. I understand that Senator Dorn has another amendment after this, and I don't want to hold up his-- his bill. So this is a-- from the Disability Rights Nebraska, October 2019 report on waiting for services. Um, let's see here. 2018, sorry. The waiting list is not one that moves quickly. While the best case, people with disabilities are able to get off the waiting list in a month or so, the typical person pulled off the waiting list in 2017 or 2018 was on the waiting list for six to seven years, with some having waited as long as eight years. Comparative state data tells us that Nebraska's Developmental Disabilities waiting list was longer than any of five comparison states besides Kansas 2017. The most recent year comparative data is available on a per capita basis, the size of Nebraska's waiting list is long, with more Nebraskans on the waiting list per capita than all comparison states and three times the people on its waiting list than the average comparison state. And that's when our waiting list was 2,300 and it's now 3,000. So clearly this is an issue that we should be working collaboratively towards addressing. And I have had conversations with Chairman of the Health and Human Services Committee, Senator Arch, and also Senator Ben Hansen and this is something that we are committed to working on together. And I know that the rest of my committee members on the Health and Human Services are also committed to working on this. So I believe we'll be working on an interim study this summer to help figure out how we can do better and addressing the Developmental Disabilities waitlist. So I can't guarantee that this is the last time this session that I'll be talking about it, because I think we all know how much I like to remind ourselves about it. But it's the last time today I'll be talking about it. I can make that promise. So Nebraska falls in the middle of the pack when it comes to promoting community inclusion of people with developmental disabilities ranking twenty-third. In 2008, the Nebraska Legislature appointed a work group to recommend a

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strategic plan for reducing the state waiting lists for Developmental Disability services. The work group's final report outline the state's challenges in projecting future utilization of Developmental Disability services and provided the Nebraska Legislature with a preferred option and a second best option for reducing the waiting lists. The preferred option appropriate funds in the upcoming fiscal year necessary to provide services for all eligible individuals with developmental disabilities who are past their need date. So that was 2008. That's what I sought to do in 2021. We'll see if we can do it in 2022. Once those individuals have been funded, provide funding for all eligible individuals as they reach their need date. Incrementally, provide-- the second option was incrementally provide services to individuals on the waiting list by offering funding for two years of service requests in each year from 2019 until 2014. And from that point forward, fund all eligible individuals on their need date. And the waive-- the family support waiver does seek to provide incremental services to families on the waitlist. I think it's in the Health and Human Services Priority Committee. The Nebraska Legislature opted for option two, making disability aid a top twelve line item increase each year from 2010 until 2016. While the Legislature spending match the work group recommendations in fiscal year 2010, the Legislature underspent compared to work group recommendations in 2011 to 2014. The Legislature caught up with recommendations in fiscal year 2015-2016, but the catch up period led to a \$33 million cumulative shortfall in spending from fiscal year 2010 to 2016. Since the work group recommended a cumulative 71 million, in new annual spending to provide services to about 4,200 requests, the average request was projected to cost \$17,000 in state funds. That's the shortfall in disability aid expenditures of 33 million would have led to about 2,000 individuals not being served, which explains about 85 percent of the current waiting lists. The remaining 350 people on the waiting list-- again, this is the 2019 numbers --were due to underestimates by the work group due to un-- unanticipated community need. So we had a plan and we started on the plan and decisions made in this body over the course of least five or six years led to the waiting list continuing to grow. And so I hope that our current body can come together to work on this important issue. Clearly, it's been done before and there's a path forward for us to do that. Mr. Speaker, how much time do I have left?

**HILGERS:** Four minutes. 12 seconds.

**M. CAVANAUGH:** I am going to pull my motion and let us move on. Thank you.

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**HILGERS:** FA42 is withdrawn. Mr. Clerk, for an amendment.

**ASSISTANT CLERK:** Mr. President, the next amendment offered by Senator Dorn, AM1216.

**HILGERS:** Senator Dorn, you are recognized to open on AM1216.

**DORN:** Thank you, colleagues. Thank you today for the discussion. This is a pretty simple amendment. What this does is it puts the Appropriation amendment from the 5 million in the first year and 5 million in the second year, down to 2 million the first year and 2 million the second year. So pretty simple amendment. Thank you.

**HILGERS:** Thank you, Senator Dorn. Debate is now open on AM1216. Senator Morfeld, you're recognized.

**MORFELD:** Thank you, colleagues. I have not risen to talk about this before. I remember there was a similar bill of this nature in the Judiciary Committee a long time ago, or at least legislation dealing with this issue. I personally am more comfortable with the 2 million, so I'll be supporting AM1216 and I appreciate Senator Dorn being willing to look at that. I guess I view this from a little bit of a different perspective than some of my colleagues. First, in the end, the people that are responsible for making sure that there are responsible county officers in their county, serving their county and protecting justice in their county are the people of that county. That is their job is to elect people who they can trust was, quite frankly, some of the broadest discretion and the most important discretion that we can possibly imagine, which is enforcing county laws and state law-- excuse me, state laws, county ordinances, and also making sure that the people of our state-- our state and their community are safe and that their constitutional rights are upheld. And so I think that this actually strikes the right balance. I do think that we should help a little bit. But I also think that, quite frankly, there is a responsibility to be borne by that county for electing those officials. And sometimes it's true, you don't know that somebody is doing their job wrong or they're rotten until you find out the hard way. But the bottom line is, the buck stops with those people that are responsible for electing those county officers to do those very important duties, to uphold the laws, to uphold the Constitution and to protect their residents. So I think that AM1216 strikes a better balance than the original Appropriations Committee amendment and bill and I will be supporting it. But I just want to note for the record, I do think that there is a responsibility that should be borne from the



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people of the county who elect these individuals, who then go on to do these types of really horrible things, quite frankly. And so with that, Mr. President, I'll give the rest of my time. Thank you, Senator Dorn.

**HILGERS:** Thanks, Senator Morfeld. Seeing no one else in the queue, Senator Dorn, you're recognized to close.

**DORN:** Thank you. Thank you, colleagues, for the discussion this afternoon. Thank you, Senator Groene, too, for bringing that amendment and allowing us the time to have that discussion. I appreciate a lot of the comments this afternoon, a lot of-- the help from a lot of Senators. I do very, very much want to thank Senator Erdman, too, though, for bringing the amendment in Appropriations. That amendment, I felt, had a very, very positive impact on this. I want to thank him. That would have been great. But in the end, I had to make up my mind and decide that what is something that for the state of Nebraska, for the Appropriation issues, we all have this year and everything, what is going to have the best chance of helping fund some of the situation that Gage County is in. With that, I would like a call of the house and a roll call vote in regular order.

**HILGERS:** There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 25 ayes, 2 nays to go under call, Mr. President.

**HILGERS:** The house is under call. All unexcused senators please record your presence and return to the Chamber. All unauthorized personnel please leave the floor. The house is under call. Senator Erdman, please check in. Senator Dorn, did you request a roll call vote, regular order? Senator Briese is on his way. Senator Dorn, are we able to proceed or you want to wait for Senator Briese? We can proceed. Roll call vote in regular order has been requested. The question is the adoption of AM1216. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Aguilar voting no. Senator Albrecht voting yes. Senator Arch voting yes. Senator Blood voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh not voting. Senator Clements not voting. Senator Day voting yes. Senator DeBoer voting yes. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting yes. Senator

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Friesen voting yes. Senator Geist not voting. Senator Gragert voting yes. Senator Groene voting yes. Senator Halloran voting yes. Senator Ben Hansen voting yes. Senator Matt Hansen voting yes. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes not voting. Senator Hunt voting yes. Senator Kolterman voting yes. Senator Lathrop voting yes. Senator Lindstrom voting yes. Senator Linehan voting yes. Senator Lowe voting no. Senator McCollister voting yes. Senator McDonnell voting yes. Senator McKinney voting yes. Senator Morfeld voting yes. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls. Senator Pansing Brooks. Senator Sanders not voting. Senator Slama voting yes. Senator Stinner. Senator Vargas. Senator Walz voting yes. Senator Wayne voting yes. Senator Williams voting yes. Senator Wishart voting yes. Senator Briese voting yes. The vote is 37 ayes, 2 nays, Mr. President, on the adoption of the amendment to the committee amendments.

**HILGERS:** AM1216 is adopted. I raise the call. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, I have nothing further filed to the committee amendments.

**HILGERS:** Returning to debate on the committee amendments. Seeing no one in the queue, Senator Wishart, you're recognized to close.

**WISHART:** Thank you, Mr. President. Colleagues, just a quick update with Senator Dorn's amendment. We changed the appropriation to 2 million each year for the next two years. And then this is an important amendment because it creates the distribution system for us to get the aid to counties, so I encourage you to vote green on AM588 and the underlying bill. Thank you.

**HILGERS:** Thank you, Senator Wishart. The question for the body is the adoption of AM588. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**ASSISTANT CLERK:** 36 ayes, 2 nays on the adoption of the committee amendment as amended.

**HILGERS:** Committee amendments are adopted. Returning to debate on LB103. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. Speaker. Good afternoon. I'm a little perplexed because we adopted the floor amendment to drop it back to 2 million and the default by LB103 was 2 million. The only difference is in LB588 was the distribution, which could have been amended into LB103.

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So we never had an opportunity to vote on the 5 million, but that was a significant vote that passed for 2 million. I think the people of Gage County left money on the table today. I would like to have seen us have voted on LB588 and then move on from there, depending on what happened. But it's all over, it's history. I understand that. But 2 million, as I said, is better than nothing. Thank you.

**HILGERS:** Thanks, Senator Erdman. Seeing no one else in the queue, Senator Dorn, you're recognized to close. Senator Dorn waives closing. The question for the body is the advancement of LB103 to E&R Initial. A roll call vote in reverse order has been requested. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Wishart voting yes. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz voting yes. Senator Vargas. Senator Stinner. Senator Slama voting yes. Senator Sanders not voting. Senator Pansing Brooks. Senator Pahls. Senator Murman voting yes. Senator Moser voting yes. Senator Morfeld voting yes. Senator McKinney voting yes. Senator McDonnell voting yes. Senator McCollister voting yes. Senator Lowe voting yes. Senator Linehan voting yes. Senator Lindstrom voting yes. Senator Lathrop voting yes. Senator Kolterman voting yes. Senator Hunt voting yes. Senator Hughes not voting. Senator Hilkemann voting yes. Senator Hilgers voting yes. Senator Matt Hansen voting yes. Senator Ben Hansen voting yes. Senator Halloran voting yes. Senator Groene voting yes. Senator Gragert voting yes. Senator Geist voting no. Senator Friesen voting yes. Senator Flood voting yes. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Clements not voting. Senator Machaela Cavanaugh not voting. Senator John Cavanaugh voting yes. Senator Briese voting yes. Senator Brewer. Senator Brandt voting yes. Senator Bostelman voting no. Senator Bostar not voting. Senator Blood voting yes. Senator Arch not voting. Senator Albrecht voting yes. Senator Aguilar voting no. Vote is 35 ayes, 3 nays, Mr. President.

**HILGERS:** LB103 is advanced. Colleagues, we're going to pass over LB132 and LB132A and go to what will be the last item of our agenda today, which is the motion to rerefer. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, next item. Senator Hunt would move to rerefer LR107 to the Government Committee pursuant to Rule 6, Section 2(a).

**HILGERS:** Senator Hunt, you're recognized to open on your motion.

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**HUNT:** Thank you, Mr. President. Good afternoon, members of the body. Pursuant to Rule 6, Section 2(a), I filed this motion to rerefer this legislative resolution, LR107, to the Government, Military and Veterans Affairs Committee. That's where this resolution was originally referenced. It's where it needs to be heard and it's the committee where it belongs. Rule 3, Section 4(e)(i) provides that the Reference Committee is to review each bill and resolution and refer them to the appropriate committee. The rule, which is found on page 16 of our book, says that the appropriate committee is that committee-- can I get a gavel? I want you guys to know what I'm talking about here. Thank you. And if you're going to chat, do it like-- not right next to me. The appropriate committee is that committee which has subject matter jurisdiction over the issue or which has traditionally handled the issue. Using both of these standards, this resolution belongs in the Government Committee. As far as subject matter jurisdiction, LR107 implicates several principles of federalism, the respective powers of state and federal government, and the interplay between these, and also directs the Governor and the Attorney General to take formal action on behalf of Nebraska. The resolution further relates to the interrelationship between our state and other states and our state and the federal government. The two underlying subjects in LR107 generally refer to subjects that the Government Committee regularly hears election laws and states rights. The related subjects referenced in this resolution include overlapping themes of free exercise of religion, federalism and sharing of powers with the federal government, states rights as provided in the Ninth and Tenth Amendments, First Amendment rights, health care and vaccines, the right to assemble and travel, the rejection of vaccine passports and the private use of land and water. Applying the other standard of the referencing rule, which is the committee that has traditionally handled the issue, that would also support sending LR107 to the Government Committee. The subjects of the resolution refer to issues that the committee has traditionally handled the issue-- excuse me. If we look at the subjects of election laws and guns, this year alone the Government Committee was referenced the following bills relating to voting rights and election integrity, including modification of our election laws, updates on voter files and redistricting. So some of the bills that the Government Committee got this year include LB8, which is Senator Blood's Dark Money Disclosure bill; LB11, Senator Blood's Voter Registration bill; LB76, Senator Slama's Winner Take All bill; LB158, Senator Wayne's Voting Rights Restoration bill for people convicted of felonies; LB285, Senator Brewer's Secretary of State bill to allow our state to enroll in ERIC, an interstate voter sharing

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system; LB362, Senator Halloran's Voter Suppression Bill changing dates for early voting; LB435, Senator Ben Hansen's Voter Suppression Bill, which puts a watermark on ballots; LR3CA, Senator Slama's voter ID and many, many other bills relating around voting rights. On another select-- another subject, Second Amendment rights, the Government Committee has had the following bills referenced to them: LB188, which is Senator Halloran's bill against a federal directive on gun rights; LB236, Senator Brewer's bill to allow counties to-- to provide for permit list, concealed carry, and I have a list of all the other bills that have been directed to Government Committee that relate to subjects mentioned in LR107. There are several others. The substantive nature of this resolution and the fact that some components of this resolution are nearly identical to bills introduced this year further supports the conclusion of Revisors and me that this bill should be heard by the Government Committee. I would also note that this resolution is similar to sell-- Senator Halloran's LR14, which wants to commit Nebraska to join in Article V. Constitutional Convention. Like that resolution, this resolution seeks to commit our state to a particular political movement or policy objective. LR14 was referred to the Government Committee and that's where LR107 belongs as well. If we look at other substantive legislative resolutions introduced this year, they were referred to their appropriate standing committees. For instance, consider Senator Sanders LR85, a resolution to condemn hatred and discriminatory violence against Asian-Americans. This was rightly referred to the Judiciary Committee which often hears bills relating to nondiscrimination and laws prohibiting discrimination. Nobody would think that that should have been referred to any other committee. Because LR107 is a substantive resolution that relates to subjects regularly heard by the Government Committee, it should be referred to that committee. There's no reason why it should be heard by the Executive Board. If members of the Executive Board want to share their reasoning of why they referred it to the Executive Board, I would be interested to hear that. I also wanted to make a few other points secondary to my motion to rerefer. Mr. Speaker, how much time do I have?

**HILGERS:** 4:26.

**HUNT:** Four minutes?

**HILGERS:** Four minutes, yes.

**HUNT:** Okay, thank you. I know that some of my colleagues who signed this resolution didn't read it because they've sheepishly admitted

that to me, or they didn't realize the scope of it when they signed on to it, or they read just the first part and they didn't finish reading it. That really doesn't excuse the potential consequences of introducing it and passing it. This resolution is more than just the recognition of a high school sports team. It's really substantive. It's a formal pledge of our state that's going to be in the formal and historical record of the state and of this country and it's more substantive than a lot of the bills that we enact. Your own personal opinions about this resolution, whether you co-sponsored it or not, whether you read it or not, whether you support it or not, doesn't have any bearing on how another governmental body will interpret its significance, whether that body is a state Legislature or a state or federal court or a Governor or an Attorney General. You might not think it's a big deal that this resolution is just, quote unquote, sending a message, but this isn't about owning the Libs in the social media or in the press. This resolution may have consequential legal significance. Those attorneys who signed on to this resolution, Speaker Hilgers, Senator Williams, Senator Briese, Senator and former Speaker Flood, they should know that. This resolution could be interpreted by courts as binding or at a minimum, as formal findings of the Legislature on these particular subjects. And one other point I want to make, and this is not a threat, it's a promise. If we are going to introduce these types of resolutions for purely political purposes, then I will respond in kind. I have several drafts of LRs that I have had fun with my staff drafting over the past few days on similar subjects, and they're ready to go and there are more to follow. There's nothing stopping me from introducing them except the limit on the number of resolutions a Senator can introduce. And, you know, there's nothing preventing us from having a whole stack of these resolutions go through the Executive Board and we can tie up the Executive Board with all kinds of hearings around these political issues. My objective with this motion is to refer LR107 to the Government Committee. That's where it belongs. That's good governance. That's not playing politics. And I urge the body to adopt this motion to refer LR107 to the Government Committee. I believe there are some people who are going to speak on this. I spoke to some people who are going to speak in support of it. I don't know who else is in the queue, but if-- colleagues, I would urge you to take the time during this debate to read the resolution. It's LR107. Go on your computer and take a look at it and tell me if this is something that you think the Nebraska Legislature should be formally signing on to and passing in the name of the people of Nebraska. We work on many contentious bills, of course. We advocate for and we were elected to fight for

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many contentious issues, but just the pure partisan politics of something like LR107 is honestly beneath the work that we--

**HILGERS:** One minute.

**HUNT:** --need to do here in this Legislature. So take a look at it. If you signed on to it, you know what, you can take your name off. That's fine to do. I hope you support this motion. Thank you, Mr. Speaker.

**HILGERS:** Thanks, Senator Hunt. Debate is now open on the motion. Senator Halloran, you're recognized.

**HALLORAN:** Thank you, Mr. Speaker. Good afternoon, colleagues. Last Friday, April 23, Senator Hunt openly declared on the floor that it was her caucus's, when we were forming the committees, that it was her caucus's focused to load the Government Committee to have a four-by-four split, a tie, with the intent of killing bills on specific subject matter rather than to have the committees study the bills objectively. She openly said it on the floor. We were going to kill bills that we disagreed with, philosophically. So that's predetermining before you even have a hearing that you're going to kill a bill. Let's talk about LR107. LR107 covers a lot of ground. Senator Hunt pointed that out. It raises issues that could land in front of many of our committees based on our referencing guide. It talks about the right to keep and bear arms, talks about the right to life. Where would those bills be typically referenced to, Judiciary. Talks about elections. Election bills usually do go to Government Committee. Talks about conservation policy. Those bills usually go to Natural Resources. It talks about public health policy. Bills relating to that usually go to Health and Human Services Committee. Colleagues, there's a good reason that LR107 is with the Executive Committee. If you open your rule book to rule-- Rule 3, Section 5 (c)(i), it says, the Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. LR107 is about big system, wide ideas or issues. It talks about the constitutional role of state governments and the federal government. It is not down in the weeds in one issue area. The issue presented in LR107 are of general import to the Legislature as is pointed out in the referencing guide. This resolution was correctly referred to the Exec Board. That decision was the right decision under our rules and based on our referencing guide, and I'm going to vote in opposition to this motion. I'm a co-sponsor

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of LR107, along with 30 other Senators, and we've-- and when we vote on LR107, I plan to support it. I would-- I would contest Senator Megan Hunt's proposed reason for doing this. I would suggest she wants to send it back to Government so that a four-by-four tie can kill it. Thank you, Mr. President.

**HILGERS:** Thanks, Senator Halloran. Senator Lathrop, you're recognized.

**LATHROP:** Well, colleagues, good afternoon. I know you're all anxious to get on with your 4-day weekend as I am, but I think this is important. I do support Senator Hunt's motion. You know, listening to Senator Halloran, I think we now understand why we're standing here today on a rereference. I come to this body having been a lawyer for 40 years this spring, and the one thing about the law and what I do for a living is we have rules. We don't change those rules because we want to determine the outcome in advance. We live by the rules and then the outcome follows. And what we're doing here now is trying to pick a committee where this particular resolution will receive favorable treatment. I think Senator Halloran said as much. We don't want it to go to a four-four Government Committee. That isn't how we ought to operate in this body. That isn't how we ought to operate. I was part of this decision. I have to tell you, I was very surprised, very surprised. The process is because I serve on the Exec Board, somebody files a bill or a resolution and then they go around with a sheet and you go, yeah, I'm okay with it going to Judiciary Committee, I'm okay with it. That's kind of how we vote on most of these things that happen after the ten days of bill introduction. But this one, it didn't happen. And five people apparently had a problem and wanted to see it go somewhere, as Senator Halloran said, somewhere other than the Government Committee where it would run into trouble because it's now perceived to be a four-four committee and it won't advance. But that's not the way we should be doing things. When you do these kinds of things, like the Exec Board is a place where we ought to be to use Justice-- Chief Justice Roberts line, calling balls and strikes. This-- this is a place where the grownups ought to be at the table and making decisions and making decisions that aren't-- don't start with the outcome you want, but that follow the rules and the rules guide the process and then we tell whoever the introducer is, guess what? It doesn't belong there, it belongs over in Government. On our website, we-- on our legislative website, we set out what are the responsibilities of the various committees. Here's the responsibility of the Exec Board. Constitutional amendments that govern the Legislature or legislative process, legislative candidate eligibility requirements, senators salaries, term limits, legislative ethics,



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legislative committees, commissions, task forces, legislative council and Exec Board. It's the place that runs the Legislature. And what we've done in this reference, in my judgment, is to look for a committee that will provide the introducer with the outcome thereafter. It's kind of a dangerous road to go down when you start to become outcome-- what's the outcome we want? What committee can we send a bill to to get the outcome we want? Because what we're doing is we are chipping away at the integrity of the process that should control here. And guess what? Today you may agree with it and you may love on this resolution--

**HILGERS:** One minute.

**LATHROP:** --and think it is very important and consequential and not have the same view of it that I do, but it might be your bill or your resolution that comes up next. Or maybe you feel like you're insulated by the Exec Board and you don't need to worry about it but it does affect the integrity of the institution. And we certainly heard a big lecture about the integrity of the institution when we were talking about the subpoena power. We diminish the integrity of the institution when we bend rules to come out with the outcome that we're after. And that's what, in my judgment, has been done here. I fully support Senator Hunt's motion. And with that, I would encourage your support as well. Thank you.

**HILGERS:** Thanks, Senator Lathrop. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. Speaker. Fellow Senators, friends all, I am in enthusiastic support of Senator Hunt's motion to refer this to the Government Committee because that is where this legislative resolution belongs. With that, I'm going to take some time, though, to thank Senator Groene for requesting that the Legislature condemn the January 6 attack on the Capitol and the attack on Capitol Police Officers. I agree with you after reading this, that President Trump, Mayor Giuliani-- Giuliani and Senator Cruz and others incited that mob. I'm referring to point one, by the way, for those of you that are reading along that we hereby reaffirm our solemn oath of office by expressing a firm resolution to maintain and defend the Constitution of the United States and the Constitution of Nebraska against every act of aggression, whether foreign or domestic, etcetera, etcetera. I'd ask that prior to being assigned to the Government Committee that you amend this resolution to condemn the January 6 attack that was an act of aggression against the United States and against the police, especially now that we have viewed the video that was released just

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today that clearly shows rioters spraying Officer Sicknick in the January 6 Capitol attacks. We need to make it clear in this document who supports the police and who supports those-- we need to make it clear in this document who supports the police and who supports those who attacked the police. And I would like to get everyone on record that they condemn these actions today. So we believe also, if I'm reading all this correctly, that the virus that was started or the pandemic originated in communist China. Those who love America wouldn't want to support-- would want to support safety guidelines and vaccinations. Those who support communist China would surely, surely oppose those measures. Patriots want to defeat the Chinese communists, just as the planes that have flown from Offutt Air Force Base. Today, it is our duty to protect America from the communist threat. Our previous President and many of his followers blamed the Chinese communists, but by refusing to wear masks, they actually helped those Chinese communists. And so I ask you today that if you believe in what you put on that paper, you need to stand against those people that assaulted our police, that assaulted our government, because that's the American way. We're protecting the Constitution. We're protecting the U.S. Constitution and the Nebraska Constitution by standing and saying something with this resolution that supposedly is about protecting Americans. We can start that by condemning what happened on January 6 and condemning violence on police and saying to those rioters that assaulted those police that we're not going to stand for this, that we know better as Americans. And in the interim, we need to make sure that this gets referred to the appropriate committee. And Senator Halloran, we don't have caucus's. We're the Nebraska Legislature. We're a one house system. I don't hear anybody whining when we vote something out, 5-3, which just recently happened. I got yelled at by a lot of people because I was that fifth vote. But did you hear me stand up on this mike and whine about it?

**HILGERS:** One minute.

**BLOOD:** There's no caucus in Nebraska, in the Nebraska Legislature. I am so sick of people who whine about their bills not getting out and then they promote it to people so they can abuse the Senators and say, oh, my bill didn't get out because it's-- it's-- it's deadlocked and it's not my group doing it, it's another group doing it. If you want to get your bill out, that's your job. If it's a four-four break-- a four-four tie, it's your job to change the ties, not to point finger and blame. I'm really sick of hearing this in this Legislature. No caucus's, nonpartisan, quit finger pointing. Thank you, Mr. Speaker.

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**HILGERS:** Thanks, Senator Blood. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, colleagues. I often go to CSG and NCSL conferences and I'm so proud to hail from Nebraska, the Nebraska Legislature. The ideal of George Norris, and the one house nonpartisan Legislature. We talk about the caucus system and other Legislatures around the system. I'm so glad we don't have that. We hear every bill, we have a good relationship among the 49 of us. It's a unique body, but I think we've disappointed people in the way we've operated on some occasions. I serve on both the Government and the Executive Board. I've served on the Executive Board now for five years. In my first two years on that body when you go into a meeting, the result was preordained. The folks, the five votes of that body had already figured out what the outcome of that meeting was to be. However, the following two years we had a person in the middle that could arbitrate and-- and work to moderate and both-- both sides on that committee would tend to get a fair shake from that person. And that's the way it should be. You shouldn't go into a meeting and know what the results are preordained. No doubt about it, committees have certain personalities based on the selections that occurred at the first of each two-year term, and it's just the personalities and the politics of those people pretty much determine the direction that committee goes. But we do have guidelines that we need to follow when it comes time to reference bills. And we should follow those guidelines rather than-- and falling into partisan policy-- partisan party-- party politics. That's too bad and we need to get away from the toxic political polarization that sure seems to exist in Washington, D.C. We don't need to go down that road. It's a fool's paradise or a fool's journey. So we should stay the course. We need to follow our best ideals in this body that George Norris showed how-- showed us how to proceed and maybe realign ourselves and focus on the guidelines that have been established. Thank you, Mr. President.

**HILGERS:** Thanks, Senator McCollister. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. Speaker. Well, I rise in support of Senator Hunt's motion here, and I appreciate Senator Hunt bringing this. Honestly, this was not on my radar before today, listening to her comments and Senator Halloran and Senator Lathrop and Senator Blood and Senator McCollister, I was thinking about a couple of things, but one of them that struck me is one of the things that Senator Chambers used to say when I was not here and watching on

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television, and he talked about a Man for All Seasons, which is a movie and a play and a book. And he talks about where I think it's Sir Thomas Moore is talking to potential son-in-law and he says, would you cut down all the laws in England to get to the devil? And he says, of course I would. And he says, what happens when the devil turns back around you after all the laws have been cut down, you have nowhere to hide? The point is, we use-- we create structures and systems to protect everyone, and if we skirt them, then we are subject to that same skirting and that causes a problem going forward. And so I was sitting here reading this-- parts of it, and I just thought it might be important to note that the resolution references several sections of the U.S. Constitution and does them in a truncated way. And so there's a section that says, Congress shall make no law prohibiting the free exercise of religion. That's the First Amendment of the Constitution. And it actually reads, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. That is an important part because it's not just restricting how people exercise, but whether or not there is a state religion, which I'm not going to go into, but I obviously don't like that. The other-- next is Congress shall-- I'm sorry, dot, dot, dot, eclipses, --the right of the people to keep and bear arms shall not be infringed. That's the Second Amendment to the Constitution, which many people here love and are fond of. Second Amendment reads, a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. Words have meaning, words matter, and we are subject to those words. Lastly, the time, place and manner of holding elections for senators or representatives shall be prescribed in each state by the Legislature thereof. Now, this is the one that I kind of started out looking at because the resolution here is saying, this is overreach by the federal government to intercede-- interject itself into our elections. This is Article 1, Section 4 of the U.S. Constitution. And it says, the time, place and manner of holding elections for senators and representatives shall be prescribed in each state by the Legislatures thereof, but the Congress may at any time by law, make or alter such regulations. So what I'm saying is, we have rules, we have a structure. We are all protected by them. The words are important. How we use them is important. If we do not hold true to the meaning of those words, even when it does not benefit us, then we are all subject to that what-- that is borne out by the fact that we are not staying true to those. Everyone here wants to hold-- uphold at least, I think, the Second Amendment or many of the people here do. And they like the interpretation that-- that we are given. Everyone

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here wants to uphold the First Amendment. We had a long conversation about a different section of the First Amendment, but when we start picking and choosing words out of them, the amendments start to lose their meaning. We start-- we start losing the protections that they afford us. Same thing happens here when we don't adhere to the rules and we start skirting them because we want a different outcome. What happens the next time when the devil turns around on you and you no longer have the protection of the rule that you have used previously?

**HILGERS:** One minute.

**J. CAVANAUGH:** So I'm going to vote with Senator Hunt here. Not because I want a particular outcome, though I do, but I'm going to vote with Senator Hunt here because she is right about subjecting ourselves to the rules even when that outcome is unfavorable to what we want. So I'd ask for your green vote on Senator Hunt's motion, MO49. And thank you, Mr. Speaker.

**HILGERS:** Thanks, Senator Cavanaugh. Senator Hunt, you're recognized.

**HUNT:** Thank you, and thank you, Senator John Cavanaugh, for those words. He said, I will vote with Senator Hunt because she is right, which is like my favorite combination of words to hear. Senator Halloran, in his first time speaking, acknowledged that the reference to the Executive Board was to specifically avoid sending this to the Government Committee. That's an admission. It's also an acknowledgment that this is a substantive enough thing, that this is a meaningful and substantive enough LR, that they wanted to send it to a committee where it would advance, where it would certainly advance. I also want to speak to the accusations, I guess, and the things that he said about my comments about the Committee on Committees process and how we made up the Government Committee. And I can kind of clarify my remarks that Halloran referenced about the makeup of the Government Committee, which Senator McCollister also spoke too well. It's insulting to the members of the Government Committee and to Senator McCollister to call the committee four-four. Its not four-four in terms of political representation. Senator McCollister is not a Democrat. If you're referring to it as four-four, what you're talking about specifically is voter suppression. There are four people on that committee who are vocal, ardent opponents of voter suppression and there are four people on that committee who are vocal, well-known, ardent supporters of things like voter ID. And when we're doing-- you know, we vote many, many things out of the Government Committee and often it's 5-3, sometimes it's unanimous, but it is not a deadlocked committee on

every issue. And it's good governance and it's good government practice to have committees that serve the people that are not skewed politically one way or another. That way, the people of Nebraska know that when bills come out of committees like that, that they're probably good bills because the majority of people from a very diverse range of political perspectives and backgrounds agreed that it was good enough to come out. And so it's not a four-four committee, it's split on some specific issues. And the specific issue it is split on is voter suppression and that is what LR107 speaks to and that is why it was specifically not referred to the Government Committee because they knew they do not have a majority on that committee to support voter suppression. In my judgment, this LR is divisible. It covers many, many subjects. It covers some subjects that often get referred to other committees. I mean, in Health and Human Services, they heard several bills this year around vaccination, which is covered in this LR. There's things about Second Amendment rights and guns, which usually goes to the Judiciary Committee. And so if this resolution gets voted to the floor, if it gets a hearing in the Executive Board, I will move to divide it. I will amend it to clarify the language with respect to the points that Senator John Cavanaugh made about the actual text of the Constitution, which is not accurately represented in this LR. And again, I'll introduce a whole bunch of LRs that we can have hearings on and you can decide if that represents the will of the Legislature or not. There's nothing preventing us from going down that road and you've opened the door. Conspicuously, no one on the Executive Board has given an affirmative explanation about why--

**HILGERS:** One minute.

**HUNT:** --they think this should have gone to the Executive Board. Senator Hilgers is sitting in the Chair. Speaker Hilgers, he could have someone else up there presiding, but by being in the Chair, he's not available to answer questions about why we reference things on the Exec Board. No one on the Executive Board has put on their light to speak in opposition. None of the co-sponsors who I specifically named have put on their light to speak in opposition or explain themselves or why they did that. This resolution belongs in the Government Committee. It was specifically referenced to Executive Committee as admitted by Senator Halloran to avoid the Government Committee because they didn't think it could come out. And that's why the Revisor is involved in the referencing process. The Revisor is a nonpartisan part of our government and they give their opinion about--

**HILGERS:** Time, Senator.

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**HUNT:** --where they should go to do it right correctly and not as a matter of popularity or the will of the majority.

**HILGERS:** Thank you, Senator Hunt. Seeing no one else in the queue, Senator Hunt, you are recognized to close.

**HUNT:** Thank you, Mr. Speaker. It's everybody's prerogative if they want to stay in here and I know many people who would probably vote no have checked out and they've gone home. I totally get it. That's fine. That's your prerogative. This is going to be a mess. It's going to be a pain in your butt. And you could avoid that by either voting to rereference it to Government or by not voting it out of Executive Board. The hearing in Executive Committee is going to be a pain in your butt. And I'm going to have a lot of fun because if I'm not being a little bit chaotic, then I die a little bit inside and so this is something that I'm going to use to entertain myself for the rest of the session. Thank you, Mr. Speaker.

**HILGERS:** Thanks, Senator Hunt. Question for the body is the adoption of the motion to rerefer to the Government-- there has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk.

**ASSISTANT CLERK:** 18 ayes, 5 nays to go under call, Mr. President.

**HILGERS:** The house is under call. All unexcused senators please return to the floor and check in. All unauthorized personnel please leave the floor. The house is under call. Senator Matt Hansen. Senator Morfeld, please return to the Chamber. The house is under call. Senator Hunt, did you want a machine vote or a roll call? Roll call, regular order has been requested. All unexcused senators are now present. A roll call vote in regular order has been requested and the question for the body is the motion-- the adoption of the motion to rerefer. Mr. Clerk, please call the roll.

**ASSISTANT CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Blood voting yes. Senator Bostar not voting. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer. Senator Briese. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Day voting yes. Senator DeBoer voting yes. Senator Dorn voting no. Senator Erdman. Senator Flood. Senator Friesen voting no. Senator Geist voting no. Senator Gragert voting no. Senator Groene voting no.

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Senator Halloran voting no. Senator Ben Hansen voting no. Senator Matt Hansen voting yes. Senator Hilgers voting no. Senator Hilkemann voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Kolterman voting yes. Senator Lathrop voting yes. Senator Lindstrom voting no. Senator Linehan voting no. Senator Lowe voting no. Senator McCollister voting yes. Senator McDonnell. Senator McKinney voting yes. Senator Morfeld voting yes. Senator Moser voting no. Senator Murman voting no. Senator Pahls. Senator Pansing Brooks. Senator Sanders voting no. Senator Slama voting no. Senator Stinner. Senator Vargas. Senator Walz voting yes. Senator Wayne. Senator Williams voting no. Senator Wishart voting yes. The vote is 14 ayes, 24 nays, Mr. President.

**HILGERS:** The motion is not adopted. I raise the call. Mr. Clerk, for items.

**ASSISTANT CLERK:** Mr. President, I do. Amendments to be printed: Senator Wayne to LB388 and to LB131A; Senator Linehan to LB132; Senator DeBoer to LB132. New resolution, LR115, by Senator Lowe. It calls for an interim study relating to the Liquor Control Act. Your Committee on Enrollment and Review reports LB452, LB452A and LB306, all to Select File. Have notice of Committee Hearing from the Executive Board. Name ads, Senator Lindstrom to LB649, and finally, a priority motion. Senator Kolterman would move to adjourn until Tuesday, May 4, 2021, at 10:00 a.m.

**HILGERS:** Colleagues, you've heard the motion. All those in favor say aye. Opposed say nay. We are adjourned.