

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 11, 2022

**FLOOD:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fortieth day of the One Hundred Seventh Legislature, Second Session. Our chaplain for today is Father Ryan Lewis with Saint Elizabeth Ann Seton Catholic Church in Omaha, from Senator DeBoer's district.

**FATHER LEWIS:** Thank you, Senator Flood. Let us acknowledge that we are in the holy presence of God. This august legislative body assembled this morning on this beautiful, cool Nebraska day, we convene for the important work of governance of this, our great state. Please bless our state, which we love; assist in its growth and prosperity in its resolve to reach out to the poor, the marginalized, the suffering. May the efforts of this Legislature lead not only to right order, but also to strengthen our state and its citizens in their desire for compassion, humility, and gratitude for blessings received and in our desire to be a state that is welcoming, girded with strong morals, and dedicated to the dignity and worth of every human life because every life is made in your image and likeness. In considering the dignity of human life, let us turn our attention to the strife in the Ukraine. Let us pray for peace. Let us gird our resolve to create conditions that foster peace, including the courage to stand up to unjust aggressors. In everything, may we remember the dictum of Pope St. Paul VI: If you want peace, work for justice. Bless these, our citizen legislators. May they legislate and give counsel, aided always by your wisdom, understanding, justice, mercy, love. May they serve well those whom they represent and the state as a whole. Bless their families who sacrifice in order that they may serve. Help them this day and throughout their public service to work always for the common good, your common good. May everything we do begin with your inspiration, continue through your divine assistance, and reach completion to your honor and glory. Amen.

**FLOOD:** Thank you, Father Lewis. I now recognize Senator Albrecht for the Pledge of Allegiance.

**ALBRECHT:** Please join me in 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.

**FLOOD:** Thank you. I call to order the fortieth day of the One Hundred Seventh Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

**CLERK:** I have no corrections.

**FLOOD:** Thank you. Are there any messages, reports, or announcements?

**CLERK:** Mr. President, a series of agency reports received available to the members on the legislative website and the lobby report, as required by state law, to be inserted in the Journal. I also have-- Mr. President, your Committee on Executive Board reports the following bills to General File: LB686, LB777, and legislative bill, excuse me, LR18CA, all signed by Senator Hughes. That's all that I have, Mr. President.

**FLOOD:** Thank you, Mr. Clerk. We will now proceed to a announcement from our Speaker. Mr. Speaker.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. I hope you're all getting ready for a wonderful weekend. I wanted to give you an update going into next week, but really the last four weeks. Because as I've previewed before the session, the end of session is just around the corner. And we really, if you think about it, we sort of have two, two-week chunks left to go. The next two weeks are going to be primarily focused, not exclusively, but primarily focused to budget issues, which is primarily the budget as well as some tax and spending bills. Senator Stinner and the Appropriations Committee have done a tremendous job handling the incredibly high workload. We know we've got the budget coming out, and Senator Stinner is going to have an announcement after me here, and he'll explain a little bit more detail. Right now, I anticipate that we will start the budget, the mainline budget bill on Tuesday morning. On Tuesday morning, if you recall, that's our first late night. So that will be Tuesday morning. They are still working through the other bills, including ARPA. I know they're working around the clock to try to get that in a position to be ready. We-- so we'll have to be a little bit flexible next week. I will tell you that we have until day 50 to get those across Final Reading, which is after the next two weeks, that would be Tuesday. My goal, however, is not eat into that second two-week chunk because we really need to get this done so we have enough time for the remaining priority bills. So my goal is to have everything done by two weeks from today. So we'd have two weeks essentially to work through all those budget bills. That is my goal. I've communicated with Senator

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Stinner. We think we can achieve that. I know they're working hard to do so. So but over the next two weeks, that will be the priority. But we also don't know precisely when everything is going to be ready, when it will hit the floor. And so we'll have to be nimble. In general, I will be putting up on the calendar things that deal with tax or spending issues because we'll be dealing with the budget, but not-- not exclusively. So next week as we head into next week on Wednesday, what I anticipate, I can't commit to this, but I do anticipate that on Wednesday we will take up Senator Wayne's priority bill, LB1024, which is the North Omaha Recovery Act. In addition, I've made a commitment to Senator Hansen to ensure that his rental assistance bill that we heard on General File this week will be-- will go through the stages of debate so long as the body passes it along in time to be effective by the March 30 date. So I anticipate that Select File on that bill, LB1073, will be next Wednesday as well. On Monday of next week before we start the budget, and by the way, the reason we're starting the budget on Tuesday is because we have a short weekend. The budget books are coming out. We want to give the body enough time to digest and think through the-- the proposal that the Appropriations Committee will give us. So on Monday, we have a few things set up. In the morning on Monday, we actually are going to pick up Senator Briese's Daylight Savings Time bill. You may recall last year and again at the beginning of this session that I committed to bringing that up. The reason I'm bringing it up Monday is because we are springing forward next week, over the weekend, and so it's a rare opportunity for the body to sort of debate in real time the implications of daylight savings. We won't spend a lot of time on that next-- next Monday morning, but we will spend a little bit of time working through that issue and having a good conversation. In addition to that, I will have the final General-- General File consent calendar agenda that will be on Monday. That is attached to your agenda. If you have a-- a question whether one of your bills made it to this blue sheet, you can take a look, ask me any questions. That will be on Monday as well. In addition, we will add to the agenda two bills, LB661, which is Senator McDonnell's bill prohibiting assault on a public transportation driver, as well as LB729, Senator Lindstrom's bill on the Quick Action Closing Fund. So that's-- that's what we're looking at next week. To the extent that we have additional pockets of time, I anticipate that we will, I will focus-- and we have nontax or spending bills to put up on the agenda, I'll try to focus on ones that I think will take a little bit less time. So the second two weeks after we get done with the budget, we will be taking up bills that I think will take up a longer-- will take up more time on debate that don't directly relate to taxing or spending, although there may be

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some A bills on Final Reading, of course, that will come after the budget that we will debate in those final two weeks. As for today, as a reminder, I've had a couple of people ask me, as of today, this is the last day of the workweek, this is what we're going to do until the end of session, we-- we are not going to break for lunch and we're going to go to about 3:00 today, plus or minus, depending on the progress on the agenda. We might end a little bit earlier, a little bit later, but we're not-- we're going to work through lunch and stop at approximately 3:00. We have this morning Senator Brewer's bill. It's what we're starting the day on. We have about an hour, 52 until cloture, hour 52 till cloture. So we'll be there around 11:00. After that, I just want to point out that we have added another Christmas tree to the agenda. I've tried to do those at the end of the week. We've added LB750. So all the committee priority bills on the agenda today are all Christmas tree bills. So that's a little bit of a big picture overview what we have today and going into next week. If you have any questions about your priority bill, please just come find me. I-- I remain hopeful that we will be able to actually get every 2022 priority bill heard over the next four weeks. There's a lot of work yet to be done, but I remain hopeful and optimistic that we'll be able to do that. But if you have a specific question about your priority bill, just come find me and we'll do our best to accommodate you. In the meantime, I hope everyone has a great weekend. Thank you, Mr. President.

**FLOOD:** Thank you, Mr. Speaker. Per your order, Senator Stinner, you are recognized.

**STINNER:** Thank you very much, Mr. President. You will receive at your station booklets as to the mid-biennium adjustments. It's only a 50-page book or 54 pages of detail relative to what the committee has-- has done as-- as their budget proposal. Monday will be the usual briefing at 9:00. We'll try to get a email out to everybody as to where we'll be located. It'll probably be 1524, I think, or 1525. So we'll have that briefing. Not a lot of moving parts relative to the budget. The mainline budget actually has all of what was in the preliminary from the Governor's proposal. We've added just provider rates in that trying to keep it as clean as we possibly could. There are some adjustments that we do make to the Cash Reserve, so that's really the two spots. There will be three bills that will be put out. The mainline budget adjustments will be read in today, along with funds transfer and Cash Reserve. So I'm hoping that you spend some time reading this and have questions for Monday or questions to any of the individual folks that serve on Appropriations. So thank you very much and looking forward to Tuesday.

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**FLOOD:** Thank you, Senator Stinner. We now proceed to the first item on the agenda, LB773. Senator Brewer, you're recognized to update the body.

**BREWER:** Thank you, Mr. President. Good morning, colleagues. Just as, again, a quick reminder, this bill was stuck in committee. As a consequence, we did a pull motion. The pull motion got us to where we were yesterday for the filibuster, and the filibuster continues. The issue at hand is LB773, constitutional carry, constitutional carry versus open carry, open carry meaning that you can have the weapon exposed. Concealed carry means you put on your coat and now it's covered. That is as simple as the bill is. It prohibits persons such as felons, perpetrators of domestic violence, people with mental illness, prohibits persons that are not allowed to possess a firearm under both state and federal law, changes nothing there. LB773 does not change the list of locations where you can carry a concealed weapon lawfully in Nebraska, such as churches, schools and courts. Anywhere where it's unlawful, that changes nothing. Everything stays the same. LB773 does not prevent businesses or property owners from setting their own rules with carrying concealed weapons. This law does not affect the current concealed carry permitted program in Nebraska, As a matter of fact, it takes the rules for permitted carry-- permitted concealed carry and continues the rules the same. So if you are in contact with law enforcement or an emergency responder, you must notify them. All background checks in order to purchase a handgun stays the same. So again, this bill simply allows you to conceal carry in Nebraska without the permitting process. Thank you, Mr. President.

**FLOOD:** Thank you, Senator Brewer. The body was last considering AM2297. Senator Morfeld, you're recognized to update the body on your amendment.

**MORFELD:** Thank you, Mr. President and colleagues. My amendment was fairly simple. It would create a white-copy amendment and basically make it so that we remove the-- the fee requirement on the-- on the permit. That being said, it's clear that this is not seen as a friendly amendment. I thought that this was going to be a good compromise, a good middle-ground amendment, and maybe perhaps we can readdress that if this gets to Select File. So with that, I'd like to pull my amendment. Thank you, Mr. President.

**FLOOD:** The amendment is withdrawn. Mr. Clerk.

**CLERK:** Mr. President, Senator Machaela Cavanaugh, I have AM1907. I understand you want to withdraw that, Senator.

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**M. CAVANAUGH:** Yes.

**CLERK:** Is that right? Thank you. Mr. President, we're back to Senator Brewer's AM1757.

**FLOOD:** Returning to discussion on AM1757. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. I stand up this morning in support of-- of Senator Brewer's AM1757 and also LB773, and I do appreciate Senator Morfeld and his withdrawing his amendment. Yesterday, he had said that I wasn't a mind reader. He is correct. I'm not a mind reader, but I do have ESPN. OK. But I am in support of these bills, and Senator Brewer, as we have said many times in the last seven-plus hours or whatever it's been, that many, many of Nebraskans would like to see this happen. We'd like to be able to exercise our Second Amendment right. And I think that's the accomplishment what-- that's what we've accomplished with LB773. I appreciate that Senator Brewer has stuck with it all these years and been persistent in getting this-- this to this point of discussion. And I also appreciate the fact that Senator Brewer yesterday, in his opening statement, had stated that he had asked people to stand down and not fill the balcony or the Rotunda, which they very well could have, and so I appreciate that. That doesn't mean that there's not support for it, but it does mean that it's very important, even though they're not there, because as I spoke about yesterday, I never received-- I have not received one email from anybody that I can prove they're from my district that's been opposed to this constitutional carry. I have received several from District 9, District 7, and those districts in the east being opposed. But in-- in my district, it's-- it appears to be 100 percent support. And so that's-- that's where I will-- I will be. And yesterday, before we closed, Senator Slama said she would like to have a moment or two, and so I would yield the rest of my time to Senator Slama if she would use it.

**FLOOD:** Senator Slama, you're yielded 2:52.

**SLAMA:** Thank you, Mr. President. We were cut off yesterday, but yesterday Alabama did become the 22nd state in the United States to pass constitutional carry into law. Governor Kay Ivey, who's one of my political heroes, signed constitutional carry into law in Alabama. So there are now 22 states with constitutional carry and the last time I checked, the sky has not fallen in those 22 states. Thank you, Mr. President.

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**FLOOD:** Thank you, Senator Slama. Mr. Clerk.

**CLERK:** Mr. President, Senator Cavanaugh would reoffer-- now offer AM1907.

**FLOOD:** Thank you, Mr. Clerk. Senator Cavanaugh, you are recognized to open on your amendment.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. My amendment is actually a technical amendment to what we passed last year. It's just some language to strengthen the-- the-- sorry, I wasn't expecting to talk this soon-- to-- to strengthen just storing safely a weapon. I had withdrawn it because I-- I wanted to allow us to get to Senator Brewer's other amendment before we would get to cloture today, but then I realized that he withdrew his, so I'm putting my amendment back up. It's a technical amendment. It says, for the purposes of this section, firearms has the same meaning as in Section 28-1201. Beginning January 1, 2023, any person possessing a firearm shall ensure that such firearm is stored safely when not in use. And so if you recall, last year we passed the-- that bill that allowed people who don't have concealed carry permits to store their firearms when they are traveling. And so this was just some extra technical language that I was asked, if I had the opportunity to get attached to this bill, to take. And so as we don't have Senator Brewer's other amendment pending any longer, I thought it was worth putting back up for discussion. And I-- you know, I hope you vote for it. I'm not-- it's not like a crucial thing, but it would be a nice cleanup amendment if we were to pass it. Thank you.

**FLOOD:** Thank you, Senator Cavanaugh. You've heard the opening on AM1907. We return to discussion. Senator Morfeld, you're recognized.

**MORFELD:** Thank you, Mr. President, colleagues. As we've discussed for the last six or so hours, I remain in opposition to LB773 and I do think that there are some things that we can work on right now, if we want to, in terms of amendments that would make it so that it's acceptable to everyone while achieving, quite frankly, the goal, the primary goal, which is the concern that I heard, which was that there was an access problem, an access problem in terms of the cost of people being able to obtain firearms or a firearm permit in order to conceal carry. Now there are ways that we can eliminate those permitting re-- those-- those fee requirements under the permitting and achieve some of our different goals. That being said, given that the Lincoln Police Union, that the Lincoln Police Department, given that the police officer-- Police Chiefs Association of Nebraska and

others are still opposed, and some are neutral but not in support, I still have legitimate concerns in terms of what kind of impact this is going to have in terms of public safety in our state. And a lot of people talk about gun violence and what the solution to that is, and I don't know exactly what the solution to it is, but I can tell you that the solution to it isn't-- is not eliminating training requirements and background check requirements. That is not going to lead to less gun violence, whether it be against other people or against people who are harming themselves. And while this bill is named constitutional carry, it really should be named the "trainingless" and "permitless" concealed carry law, because that's exactly what this is doing. It is eliminating all of the training requirements to conceal carry a firearm. And while we can point out that there's a weird disconnect between being able to open carry and conceal carry, I think legitimate people can go and say, hey, listen, if you want to openly carry a firearm in public, you should also have training. That being said, I do think that there's also a legitimate distinction. There's a legitimate distinction between somebody who is openly carrying and giving public notice to everyone that they are carrying a firearm, as opposed to someone who is conceal carrying where people do not have notice that they have a firearm. Those people should be held at a higher standard in terms of training, in terms of background checks. And quite frankly, I don't think anybody can argue against more training being a good thing for folks that are carrying firearms in our community. And I think legitimate arguments could be made that they should be required to do that if they're open carrying as well. So, colleagues, to me, this bill is not necessary. I have not heard from gun owners saying they do not have the ability to be able to conceal carry firearms. I've not heard from gun owners that this is an unnecessary or an overwhelming burden. I have heard that it's-- some people feel as though it's unnecessary. And I can tell you what is going to happen is you're going to have more people conceal carrying firearms without the proper and requisite training to do so. They are not going to know that there's essentially 20 new crimes that they can be convicted of in certain circumstances for things as basic as the law that we're going to keep in place, which is that you have to inform a law enforcement officer, if they're-- come up to you, that you're conceal carrying. We're going to keep those types of--

**FLOOD:** One minute.

**MORFELD:** --laws in place, but we're going to eliminate any of the training requirements. And while I want to hope that everybody who conceal carries a firearm and everybody who goes out in their community knows all of the laws that they are supposed to abide by, I

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also know that there's going to be a lot of people that, quite frankly, aren't aware of a lot of the laws that are currently existing for concealed carry owners, and not only that, all of the additional laws that we're going to be passing that have criminal implications for those folks if they are conceal carrying, in addition to the ones we currently have. So we are taking away the training requirement. We are taking away all of the training that is going to avail gun owners, lawful gun owners, of their responsibilities under the law, and then we're also going to pass 20 new criminal laws on top of that.

**FLOOD:** Time, Senator.

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

**FLOOD:** Thank you, Senator Morfeld. Senator Kolterman would like to recognize Dr. Pat Hotovy of York, who is serving as the family physician of the day today on behalf of the Nebraska Academy of Family Physicians. Please rise so that we may welcome you. Returning to discussion on AM1907. Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Thank you, Mr. President. I'm just rising again to state some-- some facts about this bill. I-- I have, of course, incredible admiration for Senator Brewer and his staff. They've worked tirelessly on this. I want to support every single thing that Senator Brewer does because he's just one of the-- one of the greats in this body and I'm-- I'm so grateful for him. And he's going through a lot of health issues right now, and this guy is a hero and we need to give him-- wrap him in love and give him our healing prayers. He's truly one of the greats, and that makes it even more difficult to go against him on a bill that-- like this. It's not going against him, Senator Brewer. It's not about you. It's about the issue and the fact that the police have reached out to me. You know, one of the things that I'm really concerned about is the fact that every single time a police officer stops somebody, they are going to be trained that they are armed and dangerous, every single time. And the thing that's just to me so hard is, if the police are nervous and scared about this bill, I'm really nervous and scared. The police are trained, they know what they're doing, but yet they've come forward and they're not in favor of this bill. Why is it? Well, part of it is a lack of training required, part of it's lack of permitting and being able to track down criminals due to the guns that they have either dropped at the scene or carry, and to me, I can't even wrap my head around why this is so necessary. If we are putting our-- at our-- our society at greater risk right now, what does that need? The police are concerned about this and the very people standing up and claiming to always back the

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police are the people saying, oh, well, we don't need to listen to the police in this instance. We have to listen to the police every other time that it deals with some bill that we all have, but in this instance the police don't know what they're talking about. And that's not true. You know, there is a different case of military people, police, and just the average citizen. And again, last-- yesterday I talked about the fact that you don't necessarily-- I mean, if you were going to get help from somebody and I were carrying or Senator Brewer were carrying, who would you run to and get behind? Well, it wouldn't be me. I'd be jumping on the ground, trying to crawl behind Senator Brewer. So again, I'm grateful for the police. I'm grateful for the fact that they came forward on this and talked about their concerns. I'm also grateful for Senator Brewer's perspective and the perspective of his-- his staff. They know a lot. But as somebody who may not be as well equipped or educated on gun laws, I still have to be convinced that if the pe-- that the police are concerned, why I shouldn't be concerned, why every single stop is not going to be seen as stopping somebody who's armed and dangerous.

**WILLIAMS:** One minute.

**PANSING BROOKS:** The police are going to have to retrain and understand that every single citizen could be carrying a gun without training and that they're supposed to just act normally when they approach a car. I think we're going to have way more people getting handcuffed for-- for a speeding ticket, for-- I-- I'm-- I am concerned about it. And Senator Brewer is looking askance at that and-- but I want to say that that's-- that's from what I understand about what the police have said. So I'm happy to have Senator-- I would-- I don't have time. I would ask Senator Brewer to-- to contradict that, and he can on the mike. But anyway, again, there's nothing harder on this day than not supporting our friend and brilliant hero Senator Brewer in this bill, so thank you.

**WILLIAMS:** Time, Senator.

**PANSING BROOKS:** Thank you, Mr.--

**WILLIAMS:** Thank you, Senator Pansing Brooks. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President. Colleagues, again, this is my amendment. It's a technical amendment. I-- voting for this or not voting for it doesn't change my opinion of the underlying bill. I will vote for my amendment, but I'm still not supporting this bill. I want

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to talk about something that happened yesterday. I started out my comments on this floor talking about how I was going to approach the debate because of my safety concerns. And Senator Brewer basically belittled me as a colleague and a legislator because of that. I don't view that as decent or collegial or kind or compassionate. I am struggling with trauma, really severe trauma, because of actions that Senator Brewer has taken over the years to incite outrage about guns. And then he got on the microphone after I talked about my concern over the balconies being open with people here advocating for "unrestrictions" on guns and I'm opposing that, after I had a bill in Judiciary about domestic violence and guns and I had people with loaded weapons sitting behind me, a room full of them, clearly with the intent to intimidate me. So let me "momsplain" this situation for you. I am a mother of three children. I, every day, have to make sure that I get home to them. That is the most important thing to me. And to be mocked for my commitment to my children, as though I'm not fit to be in this Legislature, is beyond disheartening, and for this body to tolerate that kind of behavior is disheartening. And it's not the first time Senator Brewer has insulted me as a mother in this Legislature. It is clear that he doesn't think that mothers are fit to serve in the Legislature, and he has said that publicly. Yesterday, I said I still, to this day, very much struggle with the-- that day of hearings where I had people with loaded weapons sitting behind me as I was introducing a bill they were opposed to. Senator Brewer, a few minutes, later rejected Cavanaugh's uneasiness. Everyone has checked that we went in the balcony by the State Patrol. There are no guns there. First of all, I don't know how he knows that. Nobody told us that. Her comments simply take away the voice of the second house. If you can't sit in this body and deal with the fact that who's in that balcony, then you shouldn't be in this body, said Brewer. We are here to represent our districts in the state of Nebraska, and if you can't handle the fact that some people may not agree with you, then you-- then I would really do a gut check right now on whether you're in the right place or not. Here's my gut check. People could be up there with guns, but they can't have a-- a sign. They can't have a sign up there, but they can have guns up there.

**WILLIAMS:** One minute.

**M. CAVANAUGH:** I try to be respectful of different people's views when I don't agree with you. I don't try to be disrespectful to Senator Brewer about his bill, about his views, but he was disrespectful to me yesterday and this isn't the first time. I have a responsibility to my family, and I have a responsibility to my colleagues to make sure that our environment is safe. And I do care about the second house and I do

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listen to the voters and the constituents and the people up in the Chamber-- or up in the balcony. But that doesn't mean they can be threatening to me and that that's OK. It's not. Thank you.

**WILLIAMS:** Thank you, Senator Machaela Cavanaugh. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank-- thank you, Mr. President. Well, I-- I guess I'm in support of AM1907. My understanding is that it's a requirement, a storage requirement for guns when they're not in use, and we've had a lot of conversation about things that can go awry with guns when stored and used improperly. And I think safe storage is one of the simple, commonsense things that people can do to prevent unfortunate accidents happening with firearms. So I rise in support of AM1907 and opposed to AM1757 and, as always, opposed to AM2106, which has, I guess, disappeared off of the docket for today. But I looked up. It looks like it's been moved to Select File, and I don't know if that's an intention to get people not to talk about AM2106, because I have yet to talk to anyone who likes it, and that is concerning to me for a number of reasons. Why are we taking up a amendment that no-- or why are we considering an amendment that nobody likes, and why are we pushing it to Select File? We're-- I mean, I can tell you, by my impression, nobody's talked to me about it. I haven't-- I haven't-- not privy to whatever the strategic conversation is. But we are getting to cloture in about an hour and a half on this bill and, because so many people are-- dislike AM2106, it probably would prevent this bill from achieving cloture, and so it's gamesmanship to allow the bill to go to Select where then AM2106 would be added and at that point, the-- maybe more moves, compromises, cajoling could take place to get people to vote for something that they don't think is good law or good policy because it's at Select. We have this kind of economic-- economy argument about making the place work efficiently, giving people an opportunity to compromise: It happens all the time, let's just move it to Select so people can work on it. And I'm sure we'll hear that about this bill with moving AM2106 to Select. But the reason AM2106 is-- is a proposed amendment is because, as Senator Pansing Brooks just correctly pointed out, as the bill stands on the board right now, law enforcement, I think across the board, is opposed to this bill, and AM2106 is a compromise of sorts that gets law enforcement on board. However, the-- or-- or I guess it gets some of them to become neutral on this bill, which means they don't actively oppose the bill, but they're not in favor of it. My opposition to AM2106 is, as I stated yesterday and I continue to state, if your theory is this is a right that people-- that we should protect and extend to individuals in Nebraska, then it is a right for everyone and

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we should not treat people differently based off of geography, based off of zip code, and AM2106 is designed to curtail that right based off of geography, zip code, based off of if you live within a city of the municipal class. And I'm here telling you, I-- this is my belief and I-- and I think I'm right about it, but if something is a right, it's a right for everybody and not just for people who live in your neighborhood, live in your county, live in your city of the first class. So that is why I've been-- continue to be opposed to this bill, continue to be opposed to AM2106. And I will talk about my opposition to AM2106, even though it's not on the board, because I'm not going to be fooled that that is not--

**WILLIAMS:** One minute.

**J. CAVANAUGH:** --what this-- what this bill is ultimately designed to become. Just because it's been moved to Select, does not mean that it is not under consideration. And if you vote for cloture on this bill and move this bill forward, we will consider AM2106 whenever we come back to this bill, and that will be the conversation we're having about-- it will continue to be about whether or not you really think this is a right that you are seeking to protect or it is a right you are seeking to have a convenience of for some people and not others, because you don't care about the other people, you only care about the people in your co-- your county or your city, and you want to make sure that they get the opportunity to have a more convenient access to a conceal carry. The regulations we've already established are reasonable, they're constitutional, they are within the power of the state, and they do save lives, they protect people. And so it's a policy question, not a fundamental right question, at this point, and--

**WILLIAMS:** Time, Senator. Thank you, Senator Cavanaugh. Mr. Clerk, for items.

**CLERK:** Thank you, Mr. President. Your Committee on Appropriations, chaired by Senator Stinner, reports LB1012, LB1011, and LB1013 to General File, some having committee amendments. New A bill, Senator Kolterman's LB697A, it's a bill for an act to appropriate funds to implement LB697. Senator Bostelman, an amendment to be printed to LB1045, Senator Linehan to LB1218. Senator Linehan would also offer LR330, Mr. President. That resolution will be referred to the Executive Board as it calls for an interim study. That's all that I have. Thank you.

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**WILLIAMS:** Thank you, Mr. Clerk. Returning to debate. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you-- excuse me. Thank you, Mr. President, and good morning, colleagues. I rise again to debate LB773, kind of addressing all of the pieces that we've come together, one of the things that I just really want to reframe for this debate, and this is coming from con-- conversations off the microphone, is-- and I don't want to make this a rural versus urban thing, but I do think you are hearing the very disparate perspectives on the very different perspectives on gun ownership, gun carrying, open and concealed, all of those things, including hearing very specifically from more rural areas and a lot of senators from more urban areas. And it's not necessarily an urban-rural divide. It-- it's maybe partially just where we're from or who elects us or how we get here through that process. But I do want to bring that up because, you know, a number of people have talked about their own personal gun ownership and their own personal concealed carry permits. I know a lot of people on this floor have permits, own guns at their homes and carry frequently. I just want to say that I absolutely 100 percent, like, I understand that's a right you have. I respect that right. I respect the fact that people want to feel prepared for self-defense. But when you tell that story, as me, as somebody who doesn't carry, who doesn't want to carry, it doesn't necessarily make me personally feel more safe knowing that there's more guns, probably sometimes in proximity to me, there's more guns, you know, maybe around this building than I had fully appreciated. That's something that just that sheer notion of you kind of telling your own personal story about how you want to provide for your own personal self-defense makes me a little bit more concerned for my own safety, just in the sheer presence of more guns around this building, more guns around people that I frequently see than I maybe had experienced or expected or considered. And that's where I'm coming into this debate. As I've said before, you know, a flat-out repeal of any sort of permitting or training or whatnot is not something that I'm planning on support. I'm certainly happy to work on fees, cost, burdens, things of that nature, because I do recognize that people want to concealed carry and have good reasons for that. But as we've heard from law enforcement, as we know from others, the sheer fact that somebody has a gun, doesn't necessarily automatically make them, you know, a deputized law enforcement officer or equivalent. We are having this really interesting dichotomy of sometimes when we talk about gun owners, we're talking about the criminals with a gun versus the law-abiding citizens with a gun who in some instances are doing literally the same thing, and I don't know how I as a third party who

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doesn't carry a gun am supposed to distinguish between those two groups. And for me, knowing that the people who are choosing to carry and at least are choosing to carry responsibly, which I know doesn't [INAUDIBLE] and I'm not illogical. I-- I don't-- I-- I know having the permit requirement, some people are just always going to, you know, ignore that and conceal illegally. But knowing the people who are responsible have both gone through a background check and some training makes me feel comfortable that when I see somebody that I recognize is carrying a gun, that they've probably had some sort of base responsibility and some base care for others and not just themselves. That is why I think having the system, having some system at least, is there. So there's been some discussions on whether or not this is a filibuster, whether or not this is, you know, debate negotiated. For me, it's kind of both, like if this fails on cloture in about an hour, I will not be disappointed--

**WILLIAMS:** One minute.

**M. HANSEN:** --because we've not made any progress in this debate. If there's an amendment to make the permits free and training gets some sort of model that's less burdensome and everybody's happy with it, that could be something that I could do as long as there's still the background check and permit. You want to describe that as not negotiating? I would disagree with that, but that's-- that can be your opinion, but, like, that's where I'm coming from. I'm planning to vote no on cloture because we have not advanced the bill in any kind of way, shape or form from the original bill that has been opposed coming out of Judiciary Committee. And that's where I'm coming from, kind of just in the whole perspective of, like, why do people care about permits, like several people yesterday said they didn't even understand [SIC] why permits were meaningful to people, and I'm just trying to tell you, at that base level, that's why. That's the perspective that I'm starting with, and that's a perspective a lot of my constituents have brought to me and I am representing on this floor. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hansen. Senator Brewer, you're recognized.

**BREWER:** Thank you, Mr. President. I will do my best to address some of the things that were brought up here this morning, but at some point we need to be honest. There was and is an orchestrated effort to kill this bill by those who are anti-Second Amendment. They huddled over there before this bill was announced, they came up with a plan, and they're executing it right now, and all the smoke and mirrors and all

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the attempts to do this and that is simply to kill the bill. So don't fool yourself with anything that's going on here. They're henpecking this and henpecking that because they're going to try and find a chink in someone's armor and say, you know what, Second Amendment's a great thing, but we really don't need it. We went to the extreme this morning of saying, you know what, we need to rethink open carry. Now that really shows someone's colors. Now we're saying every police officer is scared or will be scared because of this bill. I got news for you. Every police officer, every time they make contact, assumed someone's armed. You don't believe me, talk to a State Trooper, go talk to the sheriff up in the balcony. They'll tell you. But I also tell you that, if they needed help, it would be nice to have the ability for someone to help them. I'm not saying deputize anyone. I'm not saying make them anything special. I'm just saying, on occasion, law enforcement will be overextended or unavailable, and good people will do good things. You guys want to talk about the criminals. You want to talk about changing the rules. You're picking on AM2106, even though we haven't talked about it, because of the fact that they see it as a cutout. Well, call it a cutout if you want. It's a cutout because there was a problem and they needed help, and I'm not going to have a law that hurts law enforcement. Why didn't we get to 11-- or AM2106? Because they jammed up the queue so bad we couldn't get to it. That's why it's on Select, all part of the orchestrated plan, and anybody knows this place knows exactly what's going on. It's all a tactic to jam this bill up and kill it. There are times that you regret your decisions to take the time out of your life to come in and be a part of this insanity that we call the Legislature, because people will lie to the world, whether it be in committee or in this body, to get what they want done and it goes on the record. Well, guess what? It must not mean anything because nobody seems to care that you can say things that aren't true. This bill doesn't take away people being required to go through a background check to get a permit in order to buy a gun. All it says is, if you are carrying a gun in open carry, as you're authorized to do, unless certain people in this body decide to change that rule, then when you put on your coat, you're not a criminal. That's as simple as it gets. Now we're going to continue to do this dance and we're going to do this filibuster.

**WILLIAMS:** One minute.

**BREWER:** But everybody in here needs to understand that there is the state of Nebraska watching this. And you don't think there's very many gun owners out there, you wait and see. If you're running for reelection or you're running for another office and it's clear that you are going to go ahead and attack the Second Amendment, which is

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what you're doing by jamming everything up with this filibuster, then good luck. There'll be a lot of new faces next year, and I'll look forward to bringing this back. And it'll be a law on what you did is you sacrificed your chance to get elected just so you could kill the Second Amendment. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Brewer. Senator DeBoer, you're recognized.

**DeBOER:** Good morning, Mr. President. Good morning, Nebraskans. Well, I'm one of those that they're looking for the chink in the armor of, because I'm sort of between a rock and a hard place here. AM2106, I don't like it. I don't like it because if I have a-- under that bill, if I have a concealed handgun, and it is completely legal for me to do so, and I even have a con-- CCW, which I don't have to do but I do, and I go in and I write a bad check, under that bill, now I've committed a crime for having a handgun on me when I did it, same for owning an ounce or less than an ounce of marijuana. Now, all of a sudden, it goes from an infraction with a \$300 citation, like you get a traffic ticket, to a pretty serious misdemeanor. So I've got problems with the amendment. Without the amendment, I know that our law enforcement has problems with it, so it's a rock and a hard place. This-- neither one of them are good answers. So I wasn't in the huddle, not that I haven't been in huddles before, but I wasn't in this one. I really have been thinking about this one and I have been torn, and my question was the thing that Brewer brought up: Is this about a coat? And after I spoke yesterday, someone wrote me from the state of Nebraska and said that I was illogical, which, fair, because I wanted training, not for the people who were going to do bad things because they'll do bad things regardless of whether or not they have a piece of paper that says they can carry a weapon concealed, but about the folks who are going to get into accidents if they don't know what they're doing. And you say, well, everybody makes their own decision about whether or not they know what they're doing, but you don't know what you don't know. And at 22, I thought I knew a lot of things I didn't actually know. So I'd like for folks to have eight hours of training. I would. And somebody said, well, they can carry open without the training now. It's true. But there are a whole lot of CCW permit holders in this state. Somebody knows the number. I don't know that number, but it's a lot and those folks have had the training. So it clearly works. There are a lot of folks who are getting the training. I appreciate that. I appreciate that they're getting the training. I appreciate that we know that they have had at least some measure of gun safety training. So I'm going to vote no on cloture, because basically I don't see that there's a way here. Now you want to

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get rid of fees on this? I think there should be no fees on this. I'll help you get rid of fees on this. You want to find another way? If I'm back next year, I'll help you look for another way. But I can't go either of the paths that are before me right now. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator DeBoer. Senator Halloran, you're recognized.

**HALLORAN:** Thank you, Mr. President. Good morning, colleagues. Stand in full support of Senator Brewer's LB773 as amended by AM1757 when we get to it. You know, there's a lot of hand-wringing that's going on about the need for more training. I get that. I understand that. Training's never a bad thing. The training that we're talking about is training when you apply for a concealed carry permit. And typically, those people that apply for a concealed carry permit are law-abiding citizens. I'm not sure there's a long line of people with criminal intent, criminal background, a long line waiting for a concealed carry course to sign up so they can get a concealed course-- concealed carry course so they can legally concealed carry. They're carrying anyway and, by the way, they're carrying without any training. I'm going to use a little satire here, but most of the people that misuse guns are criminals, and we're wringing our hands about-- about law-abiding citizens taking training to be able to carry a gun while these people that commit crimes have no respect for law. There's no training for them, except on the streets. They get their training and they commit crimes and we don't worry about that. We just worry about the law-abiding citizen jumping through a few hoops. I'm not going to take the full five minutes on this because I don't think it's too smart to filibuster a bill you support. A few other comments: Senator Brewer commented about the police law enforcement needing-- or not needing, rather, training in anticipation after this passes, if it passes, that everybody's going to be carrying a gun and that they need to be worried that everybody's carrying a gun. They are aware of that now. It's called situational awareness. You take a concealed carry course. I've got a concealed carry course. This is my card. It's got a permit number on it. Wow, that's great. So I've-- I've got one more number identifies me as something, identification number also. But when you take this course, you're taught about concealed-- you-- you are taught about situational awareness. There's this assumption that police, when they go through the police academy, aren't taught to be aware that when they approach a car, when they approach a house, when they approach individuals on the street, that they should assume that that person has a gun. Ask any of the law officers here that question. They don't need retraining. Could be the police chief in-- in Lincoln needs

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some retraining. She brings her views from San Francisco and-- and well on. Now-- now the-- I see some heads shaking, but now the police department is-- is having to deal with her views on this issue. And trust me, law enforcement is trained to deal with this. They already assume it. So again, I-- the hand-wringing needs to go away. I support the Second Amendment and I'm not going to put the word "but" at the end of it. Thank you, Mr. Chair.

**WILLIAMS:** Thank you, Senator Halloran. Members, I have some special guests seated in the north balcony: Sally Guthmiller, Cella Guthmiller, and her friend Emma Charvat. The two young ladies did not get to take their fourth-grade trip a few years ago because of COVID, but they are here today as my special guests. Sally is my niece. Cella is my great-niece. Please stand and be recognized by your Nebraska Legislature. Mr. Clerk, for a motion.

**CLERK:** Mr. President, a priority motion. Senator Morfeld would move to bracket LB773 until April 20, 2022.

**WILLIAMS:** Senator Morfeld, you're recognized to open on your bracket motion.

**MORFELD:** Thank you, Mr. President, colleagues. I just wanted to rise after some of Senator Brewer's comments here earlier. First off, you can support the Second Amendment and not support Senator Brewer's bill. This whole "I determine what the Second Amendment is and if you oppose what I believe the Second Amendment is, you're opposed to the Second Amendment" is a bunch of nonsense and we all know it. We all know it. I've read the Second Amendment. I know what the Second Amendment says, and I also know what the Supreme Court precedent around the Second Amendment says, which determines what the Second Amendment is. And Senator Brewer can ignore the fact that we have a Supreme Court that determines and defines what our constitution is and isn't, but I choose not to ignore the Supreme Court of the United States. So Senator Brewer can get up and talk about, if you don't support my bill, you don't support the Second Amendment and somehow these laws violate the Second Amendment or violate the principles behind them, but that doesn't make it true. And I'll be honest with you, colleagues. I've worked on a lot of gun bills in my last eight years here in the Legislature, some of which I have supported. A lot of those gun bills I've supported and, yeah, there wasn't a lot of fanfare because we came around together as people who support the Second Amendment and passed reasonable bills, in some cases dealing with concealed carry, and passed them into law. But for me and for many of my colleagues, many of which who support the Second Amendment,

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I would say all of which, but are strong supporters of the Second Amendment and don't just support the Second Amendment in words but also in actions, have concerns with this bill. It's like the folks that told me when I introduced my free-contraception-for-all legislation that you're not pro-life if you support contraception. What? That means my entire pro-life family, many of which that are on contraception, are suddenly not pro-life. That doesn't make any sense. It wouldn't make sense to 90 percent of the people that are pro-life. But because one or two people say that, suddenly it's the truth? Colleagues, we can have reasonable disagreements on reasonable regulations, one way or another, and not be anti the constitution or anti-Second Amendment. And I tell you what, I've heard from a lot of gun owners that have opposed me on other bills, like the red flag law, that have contacted me, the same people, saying this is a bridge too far. So, colleagues, nobody gets to get up here and say you're either for the Second Amendment or against the Second Amendment with any credibility and make that the truth somehow. You can be in support of the Second Amendment and also be in support of reasonable rules and regulations that have been found constitutional by the Supreme Court of the United States, and people can have reasonable disagreements on what the contours and the outlines of what those reasonable regulations look like. And getting up on the floor and saying, well, you better be worried about your reelection because there's a reckoning coming. Come on. There's plenty of people in this body who have opposed bills concerning the Second Amendment and gun rights, successfully killed those bills, and been reelected in very conservative areas. People are smart. Nebraskans are smart. It's not a black-and-white issue. It's not either/or. It's not binary. When I go and talk to people, and I've talked to a lot of people about this constitutional carry bill because it's been in the-- it's been in the spotlight for the last few years, a lot of folks go, yeah, I'm in support of constitutional carry, that seems to make sense, can you remind me what it does? And I go, well, what it does is it removes all of the training and the background and the permitting requirements for anybody who conceals, carries. And they kind of laugh and they go, wait a minute, I didn't know it did that. And so, colleagues, we have to get back to what does this bill do. This bill makes it so that we eliminate all of the training requirements and all of the permitting and background check requirements for folks that are concealing firearms in our community. And then, in addition, based on the amendment that was agreed to by Senator Brewer, it creates 20 additional crimes. That's what this bill does. And I think people can support the Second Amendment and not support this legislation because, let's be clear, anybody who wants a firearm in Nebraska, as long as

they're not a prohibited person, can get a firearm in Nebraska. Defeating this legislation doesn't change that. What it does is it maintains the status quo in requiring training, a background check, and a permitting process for folks who want to conceal a firearm in our community, and that's pretty common sense. If you go out and talk to folks on the street, most people go, yeah, that makes sense. Now would some say, well, it'd be real nice not to have that requirement? Sure. But does that make our communities safer? No. Does making sure that people who conceal a firearm have the requisite training in order to do so make our community safer if they have to use that firearm? Absolutely. So, colleagues, you can support the Second Amendment and you can reasonably disagree with Senator Brewer on this. It's not an either/or proposition. I proudly support the Second Amendment. I have several firearms. I enjoy using those firearms and going out to the firing range and-- and owning them. I will continue to. I support the Second Amendment. It would be very strange and odd if I did not as a gun owner myself and as a CCW holder. But I disagree that we should eliminate all of the training requirements, all of the background check requirements, and then add 20 new additional criminal penalties for gun owners. I oppose that, and I think it's reasonable opposition, it's grounded in the fact that I want to make sure that our communities are safe, I want to make sure that gun owners have the requisite training that they need to be safe if they ever, God forbid, have to use that firearm, and I also don't think that we should create 20 new criminal penalties. This is not unreasonable opposition. And quite frankly, I had an amendment on the board that I thought was going to get a little bit more support, but it clear-- it is clear that it was not, so it's clear that we need to go to a vote today, see if this advances or not, and see where the-- the chips may fall, and I refiled my amendment on Select. So I remain open to making this process more accessible and making it so more Nebraskans can avail themselves of a concealed carry permit without the burden of the fees and the fees of the training.

**WILLIAMS:** One minute.

**MORFELD:** I remain open to that compromise and I remain open to supporting the bill if we can sit down and discuss that. I talked to Senator Brewer about that yesterday. He said-- I can't remember the exact words. It wasn't yes, probably somewhere along the lines of "we'll talk later." But I remain open to that compromise and I remain open to supporting the bill if we can come to some common ground. Thank you, Mr. President.

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**WILLIAMS:** Thank you, Senator, Morfeld. Debate is now open on the motion to bracket. Senator Flood, you're recognized.

**FLOOD:** Thank you, Mr. President, members. I oppose Senator Morfeld's motion. I support the bill and I support what Senator Brewer is doing. And before I make comments about some of the reasonable restrictions that already exist on the ability to just own a weapon, I want to talk about something that I think is even more important. The jury system in our government is probably one of the greatest creations of all time, and it lives in the judicial branch. And, no, we are not in the judicial branch, we're in the legislative branch, but something that I want to point out is that, when you're in this room, you feel like each of us is the jury and we make it about us. We make it about our security. We make it about what's happening to us. Everything revolves around us, us, us, us, us. The reality is, the jury are the people and the people of Nebraska aren't mincing words. They are not worried about the syntax. They're not debating the Second Amendment. Let's change this debate from the Second Amendment to gun rights. And what Senator Brewer is saying is that, when he walks into a room full of his constituents in Thedford, they don't ask us how are we dealing with the Second Amendment; they ask us, what are you doing for our gun rights? And so the question we're going to answer today is, where are you on gun rights? That's the issue. You can say what you want about the Second Amendment, you can bring all of the case law into here, but the jury lives across the state of Nebraska and they want to know where you stand on gun rights. Do you want a restriction before you get your-- do the-- do you-- do you have to take a class before you get your ability to carry concealed? You may not agree with what the jury thinks across this state. You may say people want the education and the training and they want the permitting process. I think what Senator Brewer is saying, if you listen to the people out there, they don't. They want gun rights. You walk into a room full of cattlemen in-- in Cuming County and in West Point, they don't want to know, where are you at on the Second Amendment, what do you think of these reasonable restrictions from the state and federal government, and where are they on the balancing test. They want to know whether they can carry a concealed weapon and whether they have to take the class. And so let's talk about what this is. If you're for cloture on this bill, you're for gun rights. If you are against this bill on cloture, you are against gun rights. I think when we change the narrative to talk about talking the same language that Senator Brewer and Senator Flood's and Senator Walz's constituents talk in, this is the issue. And since we started debate on this bill, the subject of mental health has come up several times. I want to make clear this bill does not

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change who is allowed to have a gun in Nebraska. Federal law prohibits a number of people from possessing guns or ammunition, and that includes convicted felons, people under indictment for a felony, domestic abusers, fugitives, and people with dangerous mental health issues. Federal law says that if you-- you cannot have a gun, if you've either been (1) found by a judge to be mentally incompetent or committed to a mental institution. In our state, the commitment process is handled at the county level. If a person is committed, that information travels up the food chain to DHHS. That agency then interfaces with the FBI NICS database. That system is used by law enforcement for purchase permit background checks.

**WILLIAMS:** One minute.

**FLOOD:** That is also the system for background checks at gun stores. Now Nebraska does allow people to ask the county health board to restore their rights, but it has-- because they have due process. Members, this is a choice today. LB773 is a choice. And when you walk back into Hastings or you walk back into Papillion and people say, where are you on gun rights, that's when the burden is on you to say, well, I am for concealed carry, but I think you have to get a permit and I know there's 22 other states that don't allow it. That's the answer if you're opposed. If I walk into that room or Senator Brewer walks into that room, we say we're for constitutional carry, and then we can start talking about the Second Amendment. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Flood. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President. And good morning again, colleagues. I rise still in support of LB773. I'm not going to take my full turn on the mike today because I'm-- I'm not helping with this filibuster. But, wow, Senator Machaela Cavanaugh's turn on the mike deserves a response. I-- some people, when I said that I was going to respond, told me to just let her stomp her feet and whine like a toddler, and eventually she'll just wear herself out and take a nap. But we're talking about Senator Brewer and I am nothing if not a loyal friend. Respect is something that's earned in this body, and when Senator Machaela Cavanaugh gets up and makes false claims about someone who is a hero to this country-- he has two Purple Hearts, and you know what they're for? He got shot seven times in Afghanistan, got his first Purple Heart, spent months recovering, went back, and then got blown up in Afghanistan to get his second one. That man has sacrificed more for this country than anything Senator Machaela Cavanaugh could even begin to wrap her head around. Senator Cavanaugh's claims that Brewer

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said moms shouldn't be in the Legislature is false and it-- can I get a gavel, please, Mr. Speaker? Senator Cavanaugh's claims that Brewer said moms shouldn't be in the Legislature is false, and it follows this ridiculous pattern of harmful partisan lies pushed by Senator Cavanaugh on members of this body, trying to target cancel culture towards Republican leadership. Whether she's spreading lies about Senator Brewer or rambling incoherently about impeaching Senator Hughes and Speaker Hilgers for not getting her way on the floor, it's funny for me to see Senator Machaela Cavanaugh pretend to be so insulted by Senator Brewer's words during debate on gun rights when, during a debate on gun rights in 2020, she targeted a staff member, not one of her own, under that balcony when their boss was on the other side of the Chamber. She went up to this staff member, threw a stack of papers at her, screamed and swore at her for a list of grievances she had, not against that staffer but against the senator who employed the staffer, who was on the other side of the Chamber. You want to talk about intimidation? Tell that to the staffer who was getting screamed at and attacked by a member of this body, who felt she could not respond and needed to sit there silently and take it because of the power difference between senator and staff. Senator Machaela Cavanaugh's actions, whether she gets up and defames an American hero or attacks a staff member, are an embarrassment to this institution, to her district, and to this state. This body operates on respect, which is earned. Senator Machaela Cavanaugh has done everything possible to undermine her credibility and respect, and that deserves to be on the legislative record. And with that, I yield my time to Senator Brewer.

**WILLIAMS:** Thank you, Senator Slama. Senator Brewer, you're yielded 2:10.

**BREWER:** All right. Well, first, just so everyone's updated on the numbers, we talked about yesterday 21 states having constitutional carry. As of this morning, the governor of Alabama signed to make it 22 states. Again, the states that surround us, Wyoming, South Dakota, Iowa, Missouri, Kansas, all have constitutional carry. So if there's something about constitutional carry that all of a sudden changes the world for law enforcement, for the cities, for any of these, wouldn't we now know that? Wouldn't there be all of this terrible outcry of all the evils that are going on and all the things that make constitutional carry a bad thing? I like the way Senator Flood addressed the issue of gun rights, not the Second Amendment. And after I thought about it, I thought, you know, he-- he's perfectly positioned the issue here.

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**WILLIAMS:** One minute.

**BREWER:** That's exactly what it should be. If you truly support gun rights and indirectly the Second Amendment, then that's your vote. You can vote for the closure [SIC] and not the bill. I understand some of you have issues with the amendment. Well, guess what? We haven't heard that amendment and the reason we haven't heard the amendment is because the queue has been jammed up, not anything I've done. It's what the ones who are against this bill, no matter what's amended to it. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Brewer and Senator Slama. Mr. Clerk, for a motion.

**CLERK:** Mr. President, I have a priority motion. Senator Matt Hansen would move to adjourn the body until Monday, March 14, at 10:00 a.m.

**WILLIAMS:** Thank you, Mr. Clerk. Speaker Hilgers, you're allowed to address the motion.

**HILGERS:** Thank you, Mr. President. Good morning, colleagues. I'm just going to address the motion to adjourn and the merits. We-- I'm opposed to the motion to adjourn. I understand what Senator Matt Hansen-- why he filed it. I understand that. I've always taken the position that this body ought to focus on the merits. I've said that completely throughout my time as Speaker. I've always done that as a senator. We have 20-- 19 working days from here. If there is interpersonal conflict, we're going to handle it outside of the walls of this Chamber and we're going to talk about it. But we are not going to-- we have a lot of work to do and we need to continue. So I'm-- I'm going to ask everyone to vote no on the motion to adjourn so we continue with the work, and we can work outside of the Chamber on any other issues that might exist. Thank you, Mr. President.

**WILLIAMS:** Thank you, Speaker Hilgers. Members, we have a motion to adjourn. All those in favor vote aye;--

**WAYNE:** Record vote.

**WILLIAMS:** --those opp-- there's been a request for a machine vote. Members, we're voting on a motion to adjourn. All those in favor vote aye; opposed vote nay. Have all voted? Record, Mr. Clerk.

**CLERK:** 4 ayes, 35 nays, Mr. President, on the motion to adjourn.

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**WILLIAMS:** The motion is not adopted. Returning to debate, Senator Pansing Brooks, you're recognized.

**PANSING BROOKS:** Wow, just wow. Remember, the whole thing this is about is not making it personal. And we know that there are people in here that have a hard time understanding and communicating with one another. We must stop it now. I don't understand why the people up front can allow this to go on and have an attack and have a point of order. Why wasn't that stopped? I don't understand that. If somebody were attacking Senator Hilgers like that, people would expect it to stop. That doesn't mean that I don't appreciate Senator Slama at times and what she's doing. I don't appreciate what just happened. Obviously, we need to have some "momsplaining" in here, instead of the mansplaining that continues to go on in here. And as a mom, I would have sent everybody to their rooms until everybody can get back together and be kinder to one another. This is ridiculous. Who-- where are the adults in this room? Where are the adults up in front? That should have been stopped, and I don't appreciate it. I don't think it was kind. I don't think it's the way we go forward. I think it's embarrassment to our state. And I think it's very interesting that I happen to be the next one up. We must be kinder. We're doing the people's business. If I have a different position because of the people in Lincoln and the letters I'm getting, that's my position. That doesn't mean I don't like Senator Brewer, and I've-- I've talked today about that we need to wrap him in-- in love and give him our prayers. He's struggling. But we don't have to attack another person in order to support this precious hero in our body. Now I'm moving forward. I hope-- I hope people can figure out how to bring back one of the members of our body, who's valuable. And you may not like some of the fiery things that she says. She's a valuable member of the body. She's been elected by nearly 40,000 Nebraskans, and you must deal with her. She is ours. Whether you like it or not, she is ours. Everyone in here is our colleague and our friend. I'm so disappointed. I'm not disappointed in Senator Brewer. I'm not disappointed in what-- I'm disappointed in what happened up there. It seems like something could have been done. People would have stopped it if it were the Speaker. So anyway, what I had been planning to say was the issues are training and permitting process and the background check and the 22 additional penalties. We already know we have prisons overcrowding. We know that, and now we're just going to add more penalties. To say we don't support the Second Amendment, you-- you frame whatever you want in your way. I'll say you don't support the police. I can just as easily say, if you vote for cloture, you don't support Nebraska law enforcement, because they came forward and said absolutely not. So,

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OK, you want to frame it that I don't support the Second Amendment?  
I've always told you Senator-- that Antonin Scalia--

**WILLIAMS:** One minute.

**PANSING BROOKS:** --justice, said: Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the century-- 19th century cases, commenters and courts routinely explain the right was not a keep-- a right to keep and carry-- carry any weapon whatsoever in any manner whatsoever and what-- for whatever purpose. So you want to blame me and say that I don't support the Second Amendment? You don't speak for me. I do support the Second Amendment, as clarified and defined by the Neb-- by the U.S. Supreme Court. And I can just as easily say you do not support the police, and I do, so too bad for you when you run for election or reelection. So I'm sorry. We need to take a breath. We need to be kinder. We need to embrace one another. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Pansing Brooks. Senator Lathrop, you're recognized.

**LATHROP:** Thank you, Mr. President and colleagues. I got in the queue, I don't know, 9:15, something like that. I did not expect-- I had a point that I was going to make when I had an opportunity to speak, and then we've just seen this play out in front of us. I had an opportunity to visit with the pages over the lunch hour the other day. I was invited to do that by the Clerk's Office, talk about things that are coming up, talk about bills, talk-- they had questions about, was it different when you were here before, what's changed, what-- is this-- is this like it was when you were here before, because the conversation with the pages was about how has it changed since you were here eight years ago. And I talked about-- I talked about-- I came in in 2007. And it was the-- I-- I was the first wave of new senators when term limits took effect, and when I got here we had lost some people who had been here for 20 years, but still here were people who-- who were-- I call them the old-timers. They weren't necessarily old, but they had been here a long time before I got here. And a bunch of us came in. There might have been 25 of us. Senator Aguilar was here when I showed up and so was Senator Pahls and Senator Flood. And you know what, when I got here, the folks that had been here for a time not only mentored me on the rules, how do you pass a motion, when do you file a motion, what's a priority, how do you-- how do you have an opportunity to speak, how do you jump the line with a motion, those kind of things that we all pick up in our first two years, but they also mentored us on the culture. They mentored us on the culture. They

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told us what the unwritten rules of this institution are. And as strongly as Senator Brewer feels about this bill, I feel about this institution. What we've let this thing devolve into-- devolve into on our watch-- on our watch, that is not acceptable. That is not acceptable to personalize things. I've been lied to more in the last four years than I have in the entire practice of law. Forty-two years in the practice of law, the lying, it's become a tool. People tell you things that aren't true. You gotta get stuff in writing from people. This culture changed. It changed with term limits. It reflects the national culture. But this is a precious thing, a precious thing that we are to steward. It isn't our seat. It isn't our Legislature.

**WILLIAMS:** One minute.

**LATHROP:** We are stewards. For the time that you are here, your first responsibility is to this place, to its culture, and it's gone to hell. The young people ask me, why aren't you running? I said everything's decided before I get to the floor. This is choreographed. Somebody's got a vote card. Everybody knows what's going to happen on every bill and then people stand up and say things that are personal attacks: You're not this if you're not for this. Really? You think I don't care about this country, about the constitution, about this state or this institution, you're wrong and I'd go toe-to-toe with any one of you that think that that's not the case. You are a steward of this institution for the time you are here. It is your first priority, not the bills you care about, not even your constituents.

**WILLIAMS:** Time, Senator.

**LATHROP:** Thank you.

**WILLIAMS:** Thank you, Senator Lathrop. Senator Briese, you're recognized.

**BRIESE:** Thank you, Mr. President, and good morning, colleagues. I'm not going to take much time here. Like Senator Halloran said, I don't want to filibuster a bill I support. But I do stand in strong support of LB773, and I really want to thank Senator Brewer for his unrelenting support of Second Amendment rights. And your efforts, Senator, are very much appreciated by us and all Nebraskans. And the opponents can throw up dust, they can try to muddy the water talking about quoting dicta from the Heller case or talking about if you believe it's a fundamental right, we ought to be setting aside some earlier convictions for concealed carry, things of that sort. And to me, some of those arguments and conversations are just trying to

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divert attention from the real issue. And the real issue, the way I see it, is, do we want to eliminate an impediment to the exercise of our Second Amendment rights? That's-- to me, that's the sole issue right here. And everybody has to decide that, and part of that decision for each and every one of us hinges on the importance that you place on the Second Amendment. And your vote on this will be seen through that lens: How much importance does my senator place on the Second Amendment. And to say "I support the Second Amendment, but I oppose LB773" is not going to cut it with a whole lot of Nebraskans. Nebraskans overwhelm-- overwhelmingly support the Second Amendment, and your vote needs to reflect that, so I would urge your support of LB773, AM1757, and I would yield the rest of my time to Colonel Brewer if he would like it. Thank you.

**WILLIAMS:** Senator Brewer, you're yielded 3:15.

**BREWER:** Thank you, Mr. President. Senator Lathrop, thank you for those words. You, as I said earlier, have been a true professional. From the day you came in here, you have, as I said before, showed me respect. I've done my best to show you respect. That's-- that's where we need to be. I'm grateful for the chance I've had to work with you. I do hate to see you leave because I think we're lesser for it. We all have lessons to learn, myself included. I spent too much of my life in a world where it was win or lose, so sometimes I get a little too driven. But I just want to just kind of step things down a little bit here and let us get focused back on the bill at hand, the fact that when this is done, we've got more work to do. I feel blessed that over the years I've got to know some folks and because of the friendship, there were bills that I didn't like, but I voted for them because I believed in the person who orchestrated the bill. And I'll give a great example: Anna Wishart. I think Anna Wishart's one of the finest people I've ever known, not just because she climbed a mountain with me, because she's got a heart of gold. I had bills. Senator Wayne had one on felons voting, didn't necessarily like the bill, but he got me a lot smarter on it and when it was all done, I said, you know what, there's a point you pay your dues and you should be entitled to a life again, but it took a while to get there. So what I'm saying is this body, this process is sometimes about believing in someone--

**WILLIAMS:** One minute.

**BREWER:** --and trusting them and their judgment and working to an end that I guess you can live with. But I want to make sure that folks understand that there may be folks on the other side of aisle, but we have an obligation here to remember that when this is all done, the

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most valuable thing we may bring out of this is the friendships. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Brewer and Senator Briese. Members, Senator McCollister would like to introduce five students from the Oakdale School, along with their teacher, Kris Karnes. They are fourth graders from Oakdale. They are seated in the north balcony. If you'd please stand and be recognized by your Nebraska Legislature. Returning to debate. Senator Morfeld, you're recognized.

**MORFELD:** Thank you, Mr. President. I-- I want to echo what Senator Lathrop and what Senator Brewer just said, and-- and Senator Patty Pansing Brooks as well. I will tell you that, as I look back on my life, I think serving in this body, quite frankly, will be one of the most rewarding experiences that I've had as an individual. I-- I think, anyway, that I have a lot of life ahead of me, but I think that this has been one of the most unique and honorable experiences that I possibly could have had, and one of the things that people ask me, what's something that would surprise you about the Leg-- what would-- is something that would surprise me-- as that person from outside the Legislature, what would surprise me about the Legislature? And the thing that I often tell them is how close we are to many of our colleagues that we hold very strong disagreements with, and I can honestly say that. I have a lot of disagreements with Senator Brewer, but I hold him in high regard for his service to our country, service to our community, and the service to his district, and the same with Senator Cavanaugh and many others. But I also respect that we have very differing views and opinions on important policy issues, and that's the way it should be in a deliberative body. So I'm just as guilty of losing my cool on something that I'm passionate about, and I think pretty much everybody in this body, with the exception of a few people that I know, are also guilty of that as well, and it's because we care about the issues, we care about our constituents, and we came down here because we're passionate about making our community and our state better. Getting back to the topic a little bit, I just want to frame this. The first amendment that is up on Select File is the amendment that would create 20 new crimes. So if this bill advances, that will be the first amendment up and there will be a vote on that amendment. And based on what I can see from the vote count, and I think I'm pretty well versed on the vote count on this issue, that amendment will be adopted if this advances to Select File. That's where we're at, and my understanding is that there was a strong agreement made between the individuals who created that amendment and the sponsor of this bill that that amendment will be adopted. So if this bill advances today, that amendment is the first amendment on

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Select File, there is no way to filibuster that amendment, there's no way to avoid that amendment. There will be 20 new crimes that are committed-- that are created. In addition, Senator Briese brought up that we're citing dicta from Scalia's argument. It is not dicta that we are citing. It is the holding of the case, and I'm happy to show Senator Briese that. I just want to correct that for the record. I am not citing dicta. I am citing the case and I'm reading from the case, and he's an attorney and he should know that too. Second, when we're talking about respecting the Second Amendment, colleagues, I respect the Second Amendment, and part of respecting the Second Amendment is making it so that we have reasonable rules and regulations around the Second Amendment so that it can imbue respect from other Nebraskans, because if we have amendments and rights with no reasonable rules or regulations around them, it will not imbue respect for those rights. It will diminish those rights by those who are not responsible with them. So I do this out of respect for the Second Amendment--

**WILLIAMS:** One minute.

**MORFELD:** --and as somebody who is a proud gun owner myself. This is not me disrespecting the Second Amendment. This is ensuring that we have rules, laws and regulations that allow people to respect those amendments, to respect those rights, and to exercise them in a responsible way, and the Supreme Court precedents, even from more conservative jurists, affirm that. Colleagues, this is a bill that is in search of a solution that is actually going to create a lot more problems. It is going to allow people in our community to go out into our community without the training and knowledge necessary to follow the law and keep people safe. I urge you-- I urge you to please vote no on cloture on this--

**WILLIAMS:** Time, Senator.

**MORFELD:** --and vote no on the bill. Thank you.

**WILLIAMS:** Thank you, Senator Morfeld. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Mr. President. I recall a bill that Senator Geist had where I got on the mike and said if there was an amendment, I would vote for the bill, and because it was filibustered the amendment never moved up to where I could support the bill. There is an amendment that is on Select File that I do not support. I hope from General to Select, Senator Brewer decides to withdraw that amendment. But as the board reads today, and in fact I had more African Americans

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reach out to me in the last 24 hours supporting this underlying bill in our community, primarily because they went back and figured out what was said at the-- at the hearing, where OPD pretty much said the reason they can bump up African American students or kids is because of the gun hand [SIC] registration and the city ordinances, but because of the way the bill reads right now on the board, the amendment that I don't like is not there. And on Select round, we'll deal with it on Select round. But the underlying bill, I've said from day one, I've been OK with. I just don't like the proposed amendment. Well, I'm not voting on that proposed amendment today. I may have-- vote on it on Select File. I may not. We'll have to deal with that at Select File. And for all those who might be upset with me in this body about doing that, just remember the DNA bill. Many of you voted for that. It is what it is. I yield the rest of my time to Senator Blood.

**WILLIAMS:** Blood? Senator Blood, you're yielded 3:20.

**BLOOD:** Thank you, Senator Wayne. Thank you, Mr. President. Fellow senators, friends all, what a stressful morning, stressful morning for the presenter, stressful morning for others, and definitely not enough time to express my disappointment. But I will want-- I really want to remind this body and I want to remind our leaders in this body, especially those who sit on the Executive Committee, who sit in a position of power that is their job to lead by example, I like to remind people when people go off the rails here on the floor that there's something called a debate clause, and it provides immunity from civil suits or criminal prosecutions. And really, it's considered absolute, so you can be a total jerk on this mike if it's part-- if it's part of the debate. So if you look at cri-- at-- at the cases, the legal cases, there's something called U.S. v. Brewster. Activities on the mike must be about the legislative process. Standing to purposely humiliate a peer over and over is not part of that process. I listened very closely to what Senator Lathrop has to say, and Senator Lathrop is actually one of the many reasons that I-- I serve in office. I've known since I was in fourth grade I wanted to be a state senator, and I may have been the only person that was in grade school that was watching this on public television then because I thought was so interesting. But I-- I don't understand this us-versus-them narrative. It's already going on at the federal level. It's coming on at the state level. When did it become necessary to purposely humiliate a person in the body over and over and over and over again? I understand during one debate when we might not come to terms, Senator Briese. I have a very long memory. But you don't beat a dead-- dead horse. You don't keep getting up on the mike. You don't

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keep poking it. You show respect. You walk away. You let it go. Just imagine if we walked away every day with a grudge about how we--

**WILLIAMS:** One minute.

**BLOOD:** --didn't agree with somebody. You think it's hard to work here now? Imagine if we carried a grudge every single day when we didn't like what somebody else had to say or what they did. I don't like this body we're in right now. I'm disappointed in many of my peers, and I just want to remind people that you most definitely can speak your mind when you're on this mike and tell people how you feel. But if you do it over and over and over again, it's not about the debate. It's about a personal grudge. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Blood and Senator Wayne. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. So as you might have all caught, both people in the body, people watching, I was the person who filed the adjournment motion. This is the second time I've done something similar to that. I did it once when Speaker Scheer was the Speaker, when Jim Scheer, Senator Scheer, was the Speaker. And the reason I did that there was for the same reason I did it I think two years ago, was there was a point of order being called for on the floor and being ignored and the only way to kind of force a pause is to file some sort of immediate priority motion, such as adjourning or recessing. Upon reflection, maybe a half-an-hour of recess might have been the more appropriate thing to choose, but I chose adjourning because I had to think fast and I wanted to get it. That does two things. One is it immediately stops the queue from speaking and, two, it gives the Speaker an opportunity to respond. He-- they can decline, but they're the only person allowed to speak to those two motions. And I offered that as a pause because I do think we were getting to a point where I was really worried about our institution, and not necessarily even because of the floor speeches, but because there was a point of order being called for and not being recognized. And that is something that I felt at a minimum should have been-- either the point of order ruled out of order and maybe the Speaker giving her time to reset, or the point of order should be addressed. When a senator is calling for that, that has precedence in our rules, it has precedence in Mason's, like we-- we should have-- that should have been something that we addressed. Part of the reason I was willing to adjourn is I was worried that the direction we were going this morning was going to continue to harm this institution. We had multiple speeches, starting yesterday, leading into today, where people are basically laying out

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campaign attack ads, and that is below the policy debate that I often support or try to support, and that's a concern that I had already. And then to have a point of order not be recognized by the Chair, not be recognized by the Speaker, and have that in issue was concerning to me and I thought the body deserved, at minimum, a pause. I gave Speaker Hilgers a heads up. He acknowledged that, granted like a minute heads up, but I gave him a heads up and he had the opportunity to confer with the Clerk and to address it. We're going to have an opportunity here to get to a vote, I think, relatively soon. This will be one of my last times speaking on the motion. But, colleagues, when we have issues like that where there is somebody trying to have a point of order, I do think it is the obligation of the presiding officer, the Speaker, if they're different people, to at least acknowledge it. Even if you're going to rule the point of order out of order, it would be in fairness to the Speaker then to let them have their time interrupted or maybe give them a little bit of time to extend since they were interrupted. We kind of have to go one way or the other on that, and to have issues like this kind of come up and to have issues about kind of the actual process in our body and what we are and are not going to allow, as has been addressed, is something we're going to have to continue to talk about, it is something that I know other senators have worked on, I've worked on, I've talked about. If we want it to just be confined to floor speeches, maybe floor speeches that are even, you know, in the middle of debate and off topic, I understand that. I've spoken to Speaker Hilgers in the past and when I was critical of another senator and he said, you know what, bringing it up in debate is maybe how I want that to be handled. But, colleagues, we as a body have an opportunity to make sure we are protecting the institution and collectively deciding what we want to do. So anyway, that was my thought process on why I filed the adjournment. Know it happened fast. I know I didn't get to talk about it. I know I didn't get to debate it, but that is why I offered that, primarily for the fact that a point of order--

**WILLIAMS:** One minute.

**M. HANSEN:** --was called and not acknowledged. Thank you, Mr. President. To just address the final point and get on topic of LB773, there's been people that have been talking about this, about, like, well, when you go to your district, how are you going to tell them this vote? When I go to my district, I will tell them that I think concealed carry will have a permit. I can feel that my district is going to agree with me. I understand your districts might feel different, but when you start talking about my district, like, that's how they're going to say. They're going to say, you know, we-- they're

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going to say, why did you vote against cloture on LB773? And I said, because I think you should still have to apply to get a permit to concealed carry. And I believe they'll understand. That's where I've been coming from this whole time. I'm not trying to hide anything. I've acknowledged that I'm willing to vote no on cloture and this-- thus it's a filibuster. That's where we're coming from. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Hansen. Members, Senator Sanders would like to recognize 45 students and four teachers from Avery Elementary in Bellevue. They are fourth graders. They are seated in the north balcony. Would you please stand and be recognized by your Nebraska Legislature. Returning to debate. Senator Brewer, you're recognized.

**BREWER:** Thank you, Mr. President. We're going to run out of time, and on a filibuster you don't get to close, so we're going to wrap a few things up and call this a close because I won't get another chance to speak on any of this. This has turned into a much different debate than I anticipated. I understand that there are those out there who absolutely, however you want to look at it, whether we call it the Second Amendment or gun rights, have taken it upon themselves to derail this bill. But what is this bill? Well, right now we've got AM1757. How many in this room know what AM1757 is? It's not the devil that everyone's been going to the mike and talking about. Let's-- let's read it. This is the white-copy amendment. Number one, it clarifies that we are not authorizing anyone to carry a concealed weapon unless they are at least the age of 21. Number two, it harmonizes the prohibited person definition with other states-- our state and the federal law. That's it. So remember that when you're getting ready to vote on that. We need it. Now back to the base bill, and remember, we didn't get to the amendment because it was purposely filibustered. So what does LB773 do? Again, prohibits persons that are such as felons, perpetrators of domestic violence, and people with mental illness, prohibits persons that are not allowed to be in possession of a firearm by federal law or Nebraska law, doesn't change anything. LB773 does not change the list of locations where you can carry a concealed weapon unlawfully in Nebraska, such as churches, schools, courts. LB773 doesn't prevent businesses or property owners from setting their own rules regarding the carrying of weapons. LB773 does not, does not allow Nebraskans concealed carry-- it does-- that are felons. It does not change anything with our current concealed carry program. LB773 does not change existing law even though you've been told over and over again it will. LB773 does not change the requirements for citizens to immediately notify law enforcement or emergency responders upon contact. All right, so we've gone over what

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LB773 is. We've gone over what AM1757 is. In a few minutes, we're going to vote on this bill. I don't know how it's going to come out. It has been a lot of pain, a lot of work, and I'm not sure that in the end people are going to step back and say it was worth it. We just shifted a lot of bills off the end of the table because we've eaten all this time, but that wasn't my decision. That was those that decided to filibuster it. So as Senator Hilgers said, don't be crying when we run out of time and your bill doesn't get heard. It could have been. In those eight hours, we could have passed a lot of legislation, but instead the decision was made that it was more worthwhile to filibuster this bill and eat that time up. So we'll see how LB773 comes out, but I will guarantee you, it won't just be this body that is going to have some scars out of this. But when the time comes for all the people that have got to see the last eight hours--

**WILLIAMS:** One minute.

**BREWER:** --of confusion and chaos and lies, we'll see how that works out for those who took it upon themselves to take on this filibuster. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Brewer. Senator Geist, you're recognized.

**GEIST:** Thank you, Mr. President. I was hoping to yield my time so that Senator Brewer could close. So in-- since I think enough has probably been said about this bill-- hey, Mr. President, how much time do we have left? I know I have five minutes, but how much time do we have left before--

**WILLIAMS:** 11:07 on the clock.

**GEIST:** Oh. So instead of me just bloviating up here, I will yield my time to Senator Flood.

**WILLIAMS:** Senator Flood, you're yielded 4:20.

**FLOOD:** Thank you, Senator Geist, members. And I appreciate the conversation this morning, and I have known Senator Lathrop since he started here in 2007 and he will be missed. He has been a true friend to the [RECORDER MALFUNCTION]. One of the things that impressed me the most about this debate-- and it has been a debate. There are people with opposing views. But after we've gone through what we went through this morning, when Senator Brewer stood up and complimented several members of this Legislature, I thought that was a true show of statesmanship and it went a long way with a lot of people. And what it reminded me is that, at the end of the day, our goal is to convince

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our colleagues to vote for the ideas that we think are the best for Nebraska. And when Senator Brewer stood up after a difficult morning, after angst and angriness, he reminded myself, and I think all of us, what we're doing here, and that is we're talking about a bill that removes the permitting requirements for the concealed carry law in Nebraska. I want to thank him for bringing this. There are a lot of constituents of mine that have been asking about this since I first was elected in the November general election in 2004. If you vote for this bill, you will find, I think, as we saw with concealed carry permitting process that went in 2006, that nothing bad is going to happen. The law-abiding citizens will have less hassle to get their ability to carry concealed. They can already open carry. You are not voting, in my opinion, on something that's going to make Nebraska less safe. You are voting to remove the permitting requirement for a concealed carry permit. And Senator Brewer has made a case, I think, that is worthy of your green vote. And if you are questioning this, then give him a green vote on cloture and let's watch what happens on the second round of debate. There's going to be an amendment that comes up first from Senator Brewer that addresses the concerns primarily of the Omaha Police Department union. That means there's an opportunity coming up next on Select File to refine and fine-tune. I found this morning that, doesn't matter how long you've been here, you can always learn, and I learned something very special when Senator Brewer stood up and took the volume down about five notches and complimented those that he's been in opposition with. And I also want to thank Senator Lathrop. I want to thank everybody for their contributions.

**WILLIAMS:** One minute.

**FLOOD:** And I'm very hopeful that this bill advances on General File, fully expecting to have the debate on the amendment that Senator Brewer's bringing forward on Select File. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Flood and Senator Geist. Senator Flood, you are next in the queue.

**FLOOD:** Mr. President, I'd yield my time to Senator Brewer.

**WILLIAMS:** Senator Brewer, you're yielded 4:53.

**BREWER:** Thank you, Mr. President. I don't know that I deserve any special compliments. I was confronted by one of the other senators this morning, Senator DeBoer come over and in just a open act of asking a question, I may have snapped at her. I am sorry for that.

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It-- it's not right that we take things as personal as we do, and maybe that's what I was trying to share earlier, that this bill has been a work of six years now. Maybe I'm wearing down and I just want to get it over with. I'm not sure. But I know that a lot of you have gone through a lot of pains to get to this point. You've seen so many emails, had calls and texts that-- and it does at some point wear you down a little. But I know that the ones who are passionate to want to see this be available for them, they're not going to change their passion. If you look at those who fought the hardest to see this bill not make it to this point and lead the filibuster, they were primarily from Lincoln. All right. I get it. The Lincoln Police Chief doesn't like it, Lincoln Mayor doesn't like it. But we live in a place that's much different outside of Lincoln. We live where we have limited law enforcement. We live in a place where good people know each other, and we don't need to see good people run up on charges because they simply want to be able to carry a gun concealed to protect themselves and protect their family. Have we-- have we forgot about the chaos that happened during the riots, when buildings almost next to the Capitol and the Capitol itself was damaged and we had to stand down our police department to protect the Capitol? Did we forget about that the entire sheriff's department was guarding City Hall and you call 911 and you can't get someone? Take that scenario and move it out in the country and there is not a riot. There's just not cops available. Do not deny the people of Nebraska the opportunity to do the most basic thing and protecting themselves and their family. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Briese [SIC]. Mr. Clerk, you have a motion on the desk?

**CLERK:** I do, Mr. President. Senator Brewer would move to invoke cloture pursuant to Rule 7, Section 10.

**WILLIAMS:** It is the ruling of the Chair that there has been a full and fair debate afforded to LB773. Senator Brewer, for what reason do you rise?

**BREWER:** Call of the house, roll call vote, regular order.

**WILLIAMS:** 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; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 33 ayes, 1 nay to place the house under call, Mr. President.

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**WILLIAMS:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Members are all here. Members, the first vote is on the motion to invoke cloture. There has been a request for a roll call vote in regular order. Mr. Clerk.

**CLERK:** Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Blood not voting. Senator Bostar voting no. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator Briese voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Day not voting. Senator DeBoer voting no. Senator Dorn voting yes. Senator Erdman voting yes. Senator Flood voting yes. Senator Friesen voting yes. Senator Geist voting yes. Senator Gragert voting yes. Senator Halloran voting yes. Senator Ben Hansen voting yes. Senator Matt Hansen voting no. Senator Hilgers voting yes. Senator Hilkemann voting yes. Senator Hughes voting yes. Senator Hunt. Senator Jacobson voting yes. Senator Kolterman voting yes. Senator Lathrop voting no. Senator Lindstrom voting yes. Senator Linehan voting yes. Senator Lowe voting yes. Senator McCollister voting no. Senator McDonnell voting yes. Senator McKinney not voting. Senator Morfeld voting no. Senator Moser voting yes. Senator Murman voting yes. Senator Pahls voting yes. Senator Pansing Brooks voting no. Senator Sanders voting yes. Senator Slama voting yes. Senator Stinner voting yes. Senator Vargas voting no. Senator Walz not voting. Senator Wayne voting yes. Senator Williams voting yes. Senator Wishart not voting. Senator Blood voting-- Senator Blood voting yes. Just a second, please, just a second. Senator Blood voting yes. Senator Day-- Senator Day voting yes. Senator McCollister voting-- changing from no to yes. 35 ayes, 9 nays, Mr. President, on the motion to-- I'm sorry? Oh, my-- my mistake, Senator. Better now, right? OK, thanks. 36 ayes, 9 nays, Mr. President, on the motion to invoke cloture.

**WILLIAMS:** The motion to invoke cloture is adopted. Members, the next vote is on the motion to bracket the bill introduced by Senator Morfeld. All those in favor vote aye; those opposed-- there's been a request for a roll call vote. Is that in regular order? Roll call vote in regular order. Mr. Clerk, call the roll.

**CLERK:** Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Blood voting no. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer-- Senator Brewer voting no. Senator Briese voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes.

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Senator Clements voting no. Senator Day voting no. Senator DeBoer voting no. Senator Dorn voting no. Senator Erdman voting no. Senator Flood voting no. Senator Friesen voting no. Senator Geist voting no. Senator Gragert voting no. 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. Senator Jacobson voting no. Senator Kolterman voting no. Senator Lathrop voting yes. Senator Lindstrom voting no. Senator Linehan voting no. Senator Lowe voting no. Senator McCollister voting no. Senator McDonnell voting no. Senator McKinney voting no. Senator Morfeld voting yes. Senator Moser voting no. Senator Murman voting no. Senator Pahls voting no. Senator Pansing Brooks voting no. Senator Sanders voting no. Senator Slama voting no. Senator Stinner voting no. Senator Vargas voting no. Senator Walz not voting. Senator Wayne voting no. Senator Williams voting no. Senator Wishart voting no. 5 ayes, 42 nays on the motion to bracket the bill.

**WILLIAMS:** The motion is not adopted. Members, the next vote is on the adoption of AM1907. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

**CLERK:** 6 [SIC--9] ayes, 33 nays on the adoption of Senator Cavanaugh's AM1907.

**WILLIAMS:** The amendment is not adopted. Members, the next vote is on the adoption of AM1757. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk.

**CLERK:** 39 ayes, 2 nays, Mr. President.

**WILLIAMS:** The amendment is adopted. Members, we will now be voting on the advancement of LB773 to E&R Initial. All those in favor vote aye; those opposed vote nay.

**FLOOD:** Roll call vote.

**BLOOD:** Reverse order.

**WILLIAMS:** There's been a request for a roll call vote in reverse order. Reverse order was called for first. Roll call vote in reverse order, Mr. Clerk.

**CLERK:** Senator Wishart not voting. Senator Williams voting yes. Senator Wayne voting yes. Senator Walz not voting. Senator Vargas voting no. Senator Stinner voting yes. Senator Slama voting yes. Senator Sanders voting yes. Senator Pansing Brooks voting no. Senator

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Pahls voting yes. Senator Murman voting yes. Senator Moser voting yes. Senator Morfeld-- Senator Morfeld voting no. Senator McKinney not voting. Senator McDonnell voting yes. Senator McCollister not voting. Senator Lowe voting yes. Senator Linehan voting yes. Senator Lindstrom voting yes. Senator Lathrop voting no. Senator Kolterman voting yes. Senator Jacobson voting yes. Senator Hunt. Senator Hughes voting yes. Senator Hilkemann voting yes. Senator Hilgers voting yes. Senator Matt Hansen voting no. Senator Ben Hansen voting yes. Senator Halloran voting yes. Senator Gragert voting yes. Senator Geist voting yes. Senator Friesen voting yes. Senator Flood voting yes. Senator Erdman voting yes. Senator Dorn voting yes. Senator DeBoer voting no. Senator Day voting yes. Senator Clements voting yes. Senator Machaela Cavanaugh voting no. Senator John Cavanaugh voting no. Senator Briese voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting yes. Senator Bostar voting no. Senator Blood voting yes. Senator Arch voting yes. Senator Albrecht voting yes. Senator Aguilar voting yes. 35 ayes, 9 nays, Mr. President, on the advancement of LB773.

**WILLIAMS:** LB773 advances. Mr. Clerk, for items. Raise the call. Mr. Clerk, for items.

**CLERK:** I'm fine right now, Mr. President. Thank you.

**WILLIAMS:** OK. Mr. Clerk, we'll move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB767. Members, please return to your seat for Final Reading. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 37 ayes, 5 nays, Mr. President, to dispense with the at-large reading.

**WILLIAMS:** The at-large reading is dispensed with. Mr. Clerk, please read the title.

**CLERK:** [Read title of LB767.]

**WILLIAMS:** All provisions of law relative to procedure have been complied with. Members, the question is, shall LB767 pass? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran,

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Hansen, Hansen, Hilgers, Hilkemann, Hughes, Jacobson, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Senator Pahls voting yes. Senator Hunt not voting. 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

**WILLIAMS:** LB767 passes. We'll now proceed to LB760. Mr. Clerk, for a motion.

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

**WILLIAMS:** Senator Wayne, you're recognized to open on your motion.

**WAYNE:** Thank you, Mr. President. Colleagues, I wasn't planning on talking today, but I don't know, in church, they say the Holy Ghost brings you to speak sometimes, but-- looking at the budget, I'm beyond disappointed so I'm going to mention it today and we're going to figure out the fallout from here and we'll just get ready to go on Monday. When I look at the Cash Reserve Fund transfers on page 3, out of \$513 million, north and south Omaha will get to share with Lincoln \$20 million out of \$513 million. Some of the areas that are the hardest hit, some of the poorest areas, some of the most neediest areas, some of the most neglected areas in Nebraska is left behind again. To make insult to injury, you look just a couple of lines up, you see rural workforce housing gets \$30 million and urban only gets 20. I've played nice all session. I've worked, I've tried, but this isn't a moral document. I term this document "beautiful lies." We say we care about people, we say we're going to invest in people. LB703, innovation agriculture facility, we say we're an ag state, but we don't even have a veterinarian school. So there will be an amendment to make that into a veterinarian school or we just got to eliminate it altogether. We're investing more money into trails and parks than we are in the people in north and south Omaha, but we're just supposed to take that. The World-Herald came out with an article that said there are four census tracts that puts 20 percent of African American males incarceration; \$175 million is set aside for a prison. But hopefully, just hopefully, we can get a carve-- a little bit of that \$20 million into those census tracts while we duke it out with Lincoln over affordable housing. We're putting \$50 million into rural projects that I actually supported and helped Senator Groene write. But now we're going to throw a different-- \$50 million in. What study was done on that? What feasibility study was done? What business plan was done on that \$50 million? Because when Senator McKinney and I come up with a

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plan, we got to go another year and create another committee that we can fund to create a plan just to make everybody feel comfortable. Why out of the \$513 million, how many plans were presented with feasibility studies done with actual data presented that we're going to spend? North Omaha has over 40 plans that I can show you every day. If you look at the plan we put out, it actually has footnotes on every page. Data actually comes from the state of Nebraska, but that's not good enough for this body. We got to have another STAR WARS Committee just to study north Omaha so we can come back and ask for some money later down the road. What feasibility study was done for the rural \$50 million? None because I helped write the damn bill. But we have no problem doing that. Irrigation fund, let's just throw money at that. What feasibility study has been done? What data supports that? If somebody wants to put your light and tell me, great, but it's for rural and it's irrigation, hey, we're all going to support it. STRATCOM military, military base development, sounds great. How many jobs are going to be done? I read in the paper. But you know why I know we're putting more trails and parks over people? It's because the other portion of that bill is going to a golf course and trails to help beautify the area. And you add the \$8.3 million for trails across Nebraska, we put more money in this budget into trails than we did in north and south Omaha. And you wonder why our community feels that we're left behind. That's very true. Well, we can go line by line. We're going to have plenty of time. I'm looking at the cash transfers. Extra cash of \$500 million, we're putting \$15 million in a cancer research project. More money to the university, great, great medical center, great; not benefiting north Omaha, south Omaha. If this is a moral document, Senator Lathrop, I have no in the hell-- idea what the hell I'm doing down here. And I know there's going to be deals cut; usually I'm a part of them. But this-- by the end of Monday, there will be probably 140 amendments filed, not just on budget, on every bill. It's not a threat. It's not anything, but it's the only tool I got to fight for my community because clearly working behind the scenes and trying to talk to people and work with people didn't work. I told Senator McKinney the worst thing that could happen in your first two years is we have money. Because our first four years, we didn't have money, so we all just kind of survived, especially the first year when we had to cut \$1 billion. If you had a fiscal note of over \$100,000, it couldn't even come out of committee, so you never really knew where everybody's priorities were. There were always the social issues. There was always a gun bill, LB68, but anything about actually where we're going to put money and where we're going to invest in this state, we didn't have it the first four years, so actually everybody got along. This is our first year where we've

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really got significant dollars. And if this is the budget that Nebraska is putting out, then every chamber survey is 100 percent correct. Nebraska is not for black people because every chamber survey for the last ten years has said black and brown people feel like they are not a part of this community and they are looking to leave. And they do and that's exactly what this budget says. And if you want to argue the merits, then challenge me on the record and let's go through it because I just spent all morning looking at every bill that you're including in this budget and it's fundamentally wrong. I noticed nobody hit their lights. Well, I think Hansen did. Where our most population is-- we're fighting Senator Hansen over \$20 million for affordable housing and rural gets 30. You couldn't even divide it up. Give us all-- each 25. It always has to be a little extra. I don't think people realize how hard it is to be down here and the things that you have to do that's different. I remember our colleagues getting up talking about risk-- DeBoer about when people may look or think a certain way because you're a female. We carry that burden every day of how to bring up bills, when to bring up bills, how to talk to people about bills. We spent hours talking about redlining. None of that matters. So now we came back with a business case and that's still not good enough.

**WILLIAMS:** One minute.

**WAYNE:** I'll take north Omaha project's economic impact to every one of these projects on here. The dollars we could bring in, the feasibility study is done; almost \$1 billion in the first year, but we don't invest. We put profits over people and now we're putting trails over people. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Wayne. Senator Matt Hansen, you're recognized.

**M. HANSEN:** Thank you, Mr. President. I did want to get up and stand and to agree with Senator Wayne about priorities. Seeing that notion, especially the, the state's investment into housing, we are seeing the need all across the state and I had a bill that was using the federal ARPA dollars, so I understand it's not in this and may have an opportunity that would have given an equal amount to both the Rural Workforce Housing Fund and the Middle Income Housing Fund, which one of those funds is for cities over 100,000, one is for cities less, so it's the whole state and I gave them the equal amount. And at the hearing-- I give them an equal amount and I gave the equal amount of \$50 million. And at the hearing, we had heard from advocates from everywhere that was we can have such a housing need, just on housing

alone, we could spend all of that money in a heartbeat and still have needs to go. Looking forward, certainly, I do think any investment in housing particularly, as well as anything else for Lincoln and Omaha, is a huge priority of mine. And I do think when we talk about the rural/urban split in this body, you can look at a list like this and see where some of these projects are. I know some are Sarpy County and some are some other areas that are urban as well, but just looking at Lincoln and Omaha, that is stark. And Senator Wayne, I was mulling this over. I saw your tweet right before your light came on and I was already looking at that. The other thing I wanted to address and since I'm on the mike-- I was planning to address it later, I was going to file a motion, but one of the last things that was said in LB773 was simply incorrect and I kind of wanted to state it clearly for the record. It was said that on the night the Capitol was damaged in 2020, that the police were ordered to stand down, that law enforcement was ordered to stand down. That is not true. I have met with city officials. I've met with people who were protesting. There is nobody who was here in Lincoln that night who thinks law enforcement wasn't there. I have no idea if that's a reference to a very specific tactical thing of a location or which corner of the block they were standing on. Maybe that could be provided for the record, but there were certainly law enforcement protecting the Capitol. There were certainly law enforcement in Nebraska, in Lincoln on those nights. And so to say that there was some sort of order for them to leave or not be there is simply untrue. So combined, that's all I have. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Matt Hansen. Senator McKinney, you're recognized.

**McKINNEY:** Thank you, Mr. President. And looking at the Cash Reserve Fund, one thing that sticks out to me that you all probably won't be surprised that I am opposed to or even just the idea, I see-- although it says in the budget that the money can't be expended, I still think that if we have a \$175 million, \$175 million just should be spent on the people of Nebraska, not on building a prison ever. I don't think it ever should be considered. Also looking at \$15 million for a YRTC project in Kearney, all together, that's \$190 million going to basically incarcerating adults and youth in, in our state. And, and that's an issue, especially when all the time we, we have to get questions of you sure that's too much money? What are you all going to do with that? Are you sure? Are you sure? What do you think? Couldn't you guys just take this? No, not when the state is showing us that they're willing to invest close to \$200 million into incarceration. Why can't we invest \$450 million into people and in-- and improving

communities? That's what we should be doing. That's what this budget should be saying and it really doesn't say that. And I know it says we're setting the money aside for the prison. I still think somebody is going to have a wild idea to try to pull it out this year and I wouldn't be surprised, which is why I'm hopeful that once we go through the budget process, there is a real commitment to right the wrongs of the past, innovate our state, and start prioritizing people over locking people up. We had a whole debate for the past couple of days about an amendment for basically the Omaha Police Officers Association and that was the hiccup. If, if they didn't have that amendment, I think we wouldn't have went eight hours. We wouldn't have wasted eight hours. But no, the Omaha police wants an amendment to continue to do business as usual and disproportionately target people in my community. But the state, as of now-- I haven't seen it yet. I'm hopeful. I'm still being optimistic-- doesn't really have a commitment to my community like I, like I think we should. If we're here to represent all Nebraskans, we need to make sure all Nebraskans are treated properly. We need to make sure that all Nebraskans have an equitable opportunity at the good life. That's what we have to do and we shouldn't have to keep standing up, explaining, explaining, explaining when people are throwing bills out and getting millions and don't have to explain a dime, just, oh, I introduced a bill. You don't have to have a brief for, for the money. You don't have to go another year and do a committee to do a bunch of studies. No, nobody has to do that, but the senators from north and south Omaha and that's the problem and we really need to think about that. Thank you.

**WILLIAMS:** Thank you, Senator McKinney. Senator Kolterman, you're recognized.

**KOLTERMAN:** Thank you, Mr. President. Good morning, colleagues. I rise to talk a little bit about the process that we're, we're up against here. I completely understand the concerns, taking a look at the budget that we have in front of us, but the reality is we have another budget that's yet to come with \$1 billion worth of potential outcome. We listened to 125 hours of testimony. We listened to 95 bills on just ARPA themselves. And I have talked to Senator Wayne and he knows that I'm very supportive of what they're trying to do in north Omaha and I believe our committee is as well, but we just got done with hearings last week. And we as a committee are trying to figure out how do we prioritize the 95 bills that we listened to and give 100-- or give \$1 billion away until the bulk of the people-- 75 percent of the people aren't going to get the other \$3 billion that they asked for. It's a challenge. We're putting all this into a 60-day session. We've got two budgets to deal with. We've got the prison reform to deal with. We've

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got, we've got the, the idea that Senator Lathrop's got, his bill, LB920. We've got income tax. There, there's just tons of things coming our way. And, and I'm here to tell you, I'm, I'm the youngest one on the Appropriations Committee and I'm defending what we're trying to do here simply because of the process. The Appropriations Committee is going to meet from 3 to 5 tonight. It's the first time we can all get together and really talk about ARPA. We're going to meet tomorrow. And if we have to meet on Sunday, we're going to meet on Sunday and we've got-- we've been meeting at noon every day, from 12 to 1:30, to try and figure out our budget as well as ARPA funds. And we've had eight committee hearings a day. So I completely understand where Senator Wayne's coming from, Senator McKinney, but we're only looking at, in my opinion, half the equation. Give us an opportunity to finish this up. I think people will be pleasantly surprised. I would also say there's going to be a lot of disappointments. My communities as well are going to be disappointed. Everybody's not going to get everything they asked for because when you have \$1 billion to give away and you got \$4 billion worth of asks, people are going to be turned down. It's plain and simple. It's dollars and cents. I, for one, do want to see what Senator Wayne and Senator McKinney have put together come to fruition. And I think that opportunity will exist, but give us an opportunity to finish the job. I think we'll have a bill ready for you next week, but it's going to take all weekend to get it done. We've got a committed committee. So with that, I'd yield the rest of my time to the Chair. Thank you very much.

**WILLIAMS:** Thank you, Senator Kolterman. Seeing no one in the queue, Senator Wayne, you're recognized to close on your floor amendment, FA110.

**WAYNE:** Normally I would keep us here super late-- thank you, Mr. President-- go into-- over lunch or a little bit late. It's Friday. People want to get out of here. I understand that. Here's the problem, everyone. I hope just people listen. We have to be intentional about everything we do. Who goes and gets the, the, the Governor to walk him in, who, who the Chamber picks to sit on as legislative, we have to be intent-- for an event. We have to be intentional about everything we do. And here is the critical difference, Senator Kolterman and Senator Stinner. It's not an attack. It is what it is. We have to be more intentional. The difference is ARPA is supposed to be one-time spends. Our budget is an investment we're committing to. So it's not good enough to just say we're going to do a one-time spend in north Omaha. Whether that's what we are saying, that's what it looks like in our budget. ARPA is a one-time spend. And yes, we put together a whole package around ARPA, not our regular budget. But if the Appropriations

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Committee isn't having a more diverse conversation about what we're putting out-- what I kept hearing about ARPA from Speaker Hilgers and Stinner is ARPA has to be kind of divided across the state. We want it to be a little bit everywhere to make sure everybody's getting some. Well why didn't that same conversation happen with cash transfers? Those are one-time transfers. How come everybody across the state ain't getting a little bit of the same? Because that's not what happened here. We were very intentional, primarily, I think, to help western Nebraska in ARPA conversations, but we're not just as intentional when it comes to cash transfers. I have a problem with that, a fundamental problem with that. But I'm not going to sit here all day and just do what I used to do. Nope, I'm actually going to go back to my office and we're going to put a plan together with a lot of amendments and we're going to have conversations and critical votes, critical votes that are going to tell me where people stand in north Omaha. So when you're campaigning, don't ask me for endorsements, don't ask me for help if you're not going to stand by north Omaha in this situation. Because we've been too cute for too long saying we're going to help. And that's why I term this document "beautiful lies" because we're not really being serious anymore. ARPA funds, the government came out and said there's an incentive to do work in census tracts. But I bet you those census tracts, when all is said and done, are going to get less than 30 percent of that ARPA funds because we're going to do some water projects, we're going to other projects. We're going to do a lot of other things, although the government is telling us this is where we actually want you to spend the money, count my word, less than 30, 35 percent are going to actually hit the census tracts and there's going to be some census tracts like Senator Albrecht's district that won't even get touched by the ARPA funds and tell me how we're OK with that. So yeah, if that means we lose \$400 million because I'm arguing about budget right now and people get upset, that's the price it's going to be. We got \$2 billion roughly, 1.5 that we're seeing in cash, plus another \$1,040,000,000 in ARPA and our hardest-hit areas will be left out or significantly reduced. So you can't say this is a moral document, you can't ask for my support if we can't get behind things that will really change the communities that have been intentionally neglected by this body over the years.

**WILLIAMS:** One minute.

**WAYNE:** I'm not going to give you a history lesson today, but we all know it's been intentionally neglected, oftentimes intentionally destroyed by this very body, and we've never stepped up to actually do something to make it right. Thank you, Mr. President.

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**WILLIAMS:** Thank you, Senator Wayne. Senator Wayne has withdrawn his motion. Mr. Clerk.

**CLERK:** [Read LB767A on Final Reading.]

**WILLIAMS:** All provisions of law relative to procedure have been complied with. The question is, shall LB767A pass? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye:-- excuse me-- Senator Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Jacobson, 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: Senator Hunt. 48 ayes, 0 nays, 1 excused and not voting, Mr. President.

**WILLIAMS:** Thank you, Mr. Clerk. LB767A passes. Next item on the agenda. Final Reading, LB1099e.

**CLERK:** [Read LB1099 on Final Reading.]

**WILLIAMS:** All provisions of law relative to procedure have been complied with. The question is, shall LB1099e pass with the emergency clause attached? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

**CLERK:** Voting aye: Senators Aguilar, Albrecht, Arch, Blood, Bostar, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Cavanaugh, Clements, Day, DeBoer, Dorn, Erdman, Flood, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Jacobson, Kolterman, Lathrop, Lindstrom, Linehan, Lowe, McCollister, McDonnell, McKinney, Morfeld, Moser, Murman, Pahls, Pansing Brooks, Sanders, Slama, Stinner, Vargas, Walz, Wayne, Williams and Wishart. Senator Wishart-- I have you as not voting, but, but you're pres-- you want to be present and not voting? Gotcha, thank you. 48 [SIC--47] ayes, 0 nays, 1 [SIC--2] present and not voting, Mr. President.

**WILLIAMS:** LB1099e passes with the emergency clause attached. Mr. Clerk, for items.

**CLERK:** Thank you, Mr. President. Enrollment and Review reports LB519 to Select File; LB598, Select File; LB1023, Select File; (LB1015); LB1073 to Select File, all having Enrollment and Review Amendments

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attached. Items to be printed: motion, Senator Cavanaugh to LB105-- I'm sorry to LB29, LB855, LB905, and LB1082, LB1137. Senator McKinney to LB927. Senator Cavanaugh to LB742 and to LB983. That's all that I had, Mr. President.

**WILLIAMS:** Thank you, Mr. Clerk. Returning to General File, LB809.

**CLERK:** Yes, Mr. President, thank you. LB809, a bill originally introduced by Senator Moser. It's a bill for an act relating to water; it amends section 71-5322; it changes provisions relating to the use of the Land Acquisition and Source Water Loan Fund; it changes certain powers and duties of the Department of Environment and Energy; and it harmonizes provisions. Bill was introduced on January 6 of this year. At that time, referred to Natural Resources, advanced to General File. There are committee amendments pending.

**WILLIAMS:** Thank you, Mr. Clerk. Senator Moser, you're recognized to open on LB809.

**MOSER:** Thank you, Mr. President, and good morning, colleagues. Today I'm opening on LB809, which is a Natural Resources Committee priority bill, and then Chairman Bostelman will be opening on the Natural Resources Committee amendment, AM2004. I introduced LB809 on behalf of the Department of Environment and Energy. The NDEE administers both the drinking water and clean water state revolving loan programs, which provide assistance to communities across the state to address their drinking water and wastewater infrastructure needs. LB809 updates the state revolving fund statutes to be constit-- consistent with federal laws that allow Nebraska the flexibility to administer drinking water facilities and wastewater treatment facilities construction loan funds. Further, with recent passage of the Infrastructure Investment and Jobs Act, there are additional changes necessary to ensure that new financial assistance is dispersed to communities across the state over the next five years. Specifically, LB809 proposes the following changes: it allows the Drinking Water State Revolving Fund Act to buy or refinance debt obligations of a municipality or a public water supply system; it increases the allowable amount, amount of a grant and loan forgiveness assistance to up to 75 percent of eligible project costs for entities serving 10,000 persons or less, the level typically allowed by other federal infrastructure grant programs; it adds additional authority for grant and loan forgiveness assistance by-- for community public water systems to carry out lead and service line replacement projects. All grant and forgiveness assistance will be provided concurrent with state revolving fund-- revolving fund loans. LB809 was voted out of

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committee with no opposition. It was made a Natural Resources Committee priority bill and I ask you to vote green on LB809 and AM2004 and pass them on to General File. Thank you.

**WILLIAMS:** Thank you, Senator Moser. As the Clerk stated, there are amendments from the Natural Resources Committee. Senator Bostelman, you're recognized to open on your committee amendment.

**BOSTELMAN:** Thank you, Mr. President, and thank you, Senator Moser, for introducing LB809. Colleagues, AM2004 is a white-copy amendment that presents the nat-- that presents the Natural Resources Committee first priority bill, LB809, and includes the original LB809, along with three other related bills; LB924, LB978, and LB803 as amended. Section 1 of the amendment contains LB803, introduced by Senator Hughes. It is the final bill included in the committee amendment to LB809. LB803 amends Sections 37-455 to expand the definition of immediate family member of a landowner or leaseholder to include grandchildren and step-grandchildren and their spouses as immediate family members of a qualified landowner as eligible for special hunting permits. The bill also increases the number of total permits and youth permits that can be issued. The committee adopted AM1912, which increases the total number of permits from six to eight, with two permits for adults over 19 and six permits for youth under the age of 19. Section 2 and 3 contain LB809, which amends the drinking water loan funds, as you heard from Senator Moser. Sections 4 through 10 contain LB978, introduced by Senator Hughes. LB978 amends Sections 81-1501 to 81-1532 to authorize Nebraska to administer the federal dredge and fill, or the 404 permit program currently administered by the federal government. In 2019, the Legislature passed LB302, granting NDEE the authority to exercise powers and duties that may be delegated by the federal government to administer the permit program consistent with Section 404 of the Clean Water Act as amended, 33 U.S.C. 1344. LB978 is the next step in assuming those duties and powers. It amends the Nebraska EPA to include duties and responsibilities for oversight and management of the 404 permitting program for discharge of dread or fill material into the waters of Nebraska and of the United States. This assumption of the program that will make, this assumption of the program that will make the permitting process in Nebraska more efficient and expedient. LB924 is the final bill included in the committee amendment and is found in Section 11. LB924 was introduced by Senator Brewer, by Senator Brewer and LB924 amends the Waste Reduction and Recycling Incentive Act to include cities of the first class as proport-- potential grant recipients from the Waste Reduction and Recycling Incentive Fund. The related grants are for reimbursement of costs for recovery of recyclables or reusable materials from dis--

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deconstruction of abandoned buildings. Currently, grants for deconstruction related for-- to such recovery are available to cities of the second class, villages and counties of 5,000 or fewer population. LB924 makes cities of the first class also eligible to apply and receive the grants. The committee voted to adopt AM2004 unanimously on a 7-0 vote and I would encourage your green vote on the committee amendment, AM2004, and the underlying bill, LB809. Thank you, Mr. President.

**WILLIAMS:** Thank you, Senator Bostelman. Debate is now open on AM2004. Senator Wayne, you're recognized.

**WAYNE:** Thank you. Thank you, Mr. President. So I just started thinking some more about what Senator Kolterman said and I think, I think people need to understand the difference between ARPA and a budget. ARPA is the federal government investing in Nebraska. It is the federal government investing in north and south Omaha. We are just the flow-through. The cash transfers is the state investing in certain areas. You know, what's interesting is, believe it or not, my community pays taxes too. Believe it or not, my community goes shopping too. There's a sales tax there. Believe it or not, we pay some of the highest occupation taxes in, in the, in the damn world, it seems like, and that stays in Omaha. But, but believe it or not, we actually own property too. And in my district in particular, there is some million-dollar, \$2 million homes. There's actually some really wealthy-- matter of fact, one person who just passed away recently was in the top, like, 100 richest people in the world, Walter Scott, in my district, north Omaha, and there's still multiple, multiple millionaires in my district. And believe it or not, there are millionaires in Senator McKinney's district. There are taxpayers in Senator McKinney's district. They actually go out and buy things and, and get sales tax. So that extra cash reserve we're getting because the economy's doing so well, they're part of it. And our cash reserves said, no, you don't get the benefit from none of it. But what's interesting is we went from \$300 million to over \$1 billion in property tax relief, but you know who doesn't own a whole bunch of property? People in my district and Senator McKinney's district. They're not getting the same benefit. And you may say, well, they're getting benefit because their landlord isn't paying higher taxes; therefore, their rent is not going to go up. False. Rent has gone up every year. And by saying-- by paying the-- giving the landlord a tax break, somehow that's going to trickle down to the tenant, well, we could try that theory too in rural Nebraska. We can buy down sales tax and see if the food and the production goes up and there's more supply at the end. Pretty sure you don't like that idea. You want to give

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them directly property tax relief. So let's not be-- get a misnomer and put some rosies on this beautiful lie that we got out here where Nebraska is investing by ARPA. No, it is the federal government who is investing by ARPA. Nebraska has yet to invest. So Senator Erdman brought up something a couple of years ago that just dawned on me and I'm going to challenge Speaker Hilgers and Senator Stinner, every bill included in the ARPA on this budget, I want a committee statement and I want a vote. Our rules say every committee has to vote. See, I've been silent for six years on this when Senator Erdman brought this up, but there is not one committee statement and there is not one recorded vote. I think we're not following our own rules. So we need to see the-- every vote that was recorded to put these budgets together. And if not and if people don't stand up and demand the same thing, then we're doing a discount to our, our process because you don't get to hide from a committee vote where you're at. Think about Judiciary, how many controversial votes that-- we don't get to hide from there. You can hide by presently not voting. Appropriations doesn't get a pass anymore.

**WILLIAMS:** One minute.

**WAYNE:** I want to see a committee statement, I want to know exactly what the bill does, and I want a vote because I want to know how my colleagues really feel about it, because that's what we do in every other committee. So I, I think just on principle-- hey, Speaker Flood. Hey, good to see you up there-- I think on principle, we should just not pass the budget until we get to see that. So everybody who's shaking their heads saying, yeah, I believe the Appropriations should have votes, let's see if we're going to put our money where our mouth is. Thank you, Speaker Flood.

**FLOOD:** Thank you, Senator Wayne. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you, Mr. President. Good afternoon, colleagues. I have questions about this bill and so I just wanted to take some time to ask some of those questions. And I'm trying-- I'm sorry, I'm looking at the committee statement to try and make sure that I'm asking the appropriate person. I think my first question is for Senator Hughes if he wouldn't mind yielding?

**FLOOD:** Senator Hughes, will you yield to a question from Senator Cavanaugh?

**HUGHES:** Of course.

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**M. CAVANAUGH:** Thank you, Senator Hughes. So I'm-- I read this bill last night, so I'm sorry. I hope this is for you. It's the part about the license or the permits, changing it from four to eight?

**HUGHES:** That's LB803.

**M. CAVANAUGH:** OK. So I guess my question is-- I just recall-- have we made this change? I feel like I've, I've voted on something similar and so I was hoping that first, you could help me recall that. And then if you wouldn't mind explaining the reasoning because I haven't gotten a hunting permit, to be honest, so.

**HUGHES:** I'd, I'd be happy to. So I believe two years ago, we passed LB126, which gave the landowner an opportunity to hunt three days early ahead of the deer rifle season if they owned sufficient amount of property. We gave them two permits for adults and two for people 19 or under that were their children. This last year, in 2021, was the first year that that was implemented. And the very positive feedback that I received from the people who took advantage of that, the, the only-- there were a couple of issues; one was Game and Parks permitting, which I think Game and Parks has rectified, and the other part was they really wanted to be able to hunt with their grandchildren. So what LB803 does this year is it increases the number of underage permits, 19 and under, to six, I believe, and as-- it's amended to increase it to six. Game and Parks came in in favor of this bill, so that's basically what LB803 does.

**M. CAVANAUGH:** Thank you. I appreciate that. Unfortunately, growing up, that wouldn't cover my family, so-- but I appreciate that. That explains two of my questions in one, so thank you, Senator Hughes. And my other question was-- I'm sorry, how much time do I have?

**FLOOD:** 3:04, Senator.

**M. CAVANAUGH:** Oh, great. I think that should be plenty. I'm sorry this is such a big bill. Oh, OK, it's the dredging or fill material. Is that Senator Moser or Senator Brewer's or Senator Hughes? I'm sorry, I forgot we have another option. Senator Hughes, would you mind yielding again?

**FLOOD:** Senator Hughes, will you yield to a question from Senator Cavanaugh?

**HUGHES:** Of course.

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**M. CAVANAUGH:** OK, so I guess I just didn't understand what this was about. Is this a, an ongoing problem, the dredging and, and filling materials, or--

**HUGHES:** This--

**M. CAVANAUGH:** I ask this, full disclosure, because I don't know enough about this and, and when I hear things like this because of Mead, Nebraska, I just want to make sure I'm well-informed.

**HUGHES:** So this, this is a bill that the-- basically, the highway contractors would really like to see happen. There's a 404 permitting process that if you are dredging or filling any type of wetland or any other fragile environment, the federal government does have jurisdiction. It does take a considerable amount of time for the EPA to permit all of those changes when you're building a roadway. So what LB7-- LB978 does is it allows the state to take over that permitting process so it can be done in a more timely fashion. The rules are still the same. You know, we still have to adhere to the federal guidelines, but it just allows the Department of Energy and Environment in the state of Nebraska to do that permitting process and it is subject to review from the environmental-- the federal agency, so it's just speeding up the process.

**M. CAVANAUGH:** OK, I--- thank you, I understand--

**FLOOD:** One minute.

**M. CAVANAUGH:** --thank you-- but does this create a new department or a new program within the agency then?

**HUGHES:** It, it would create additional duties within Department of Environment and Energy. This is a self-funded program. The-- there is a fairly sizable fiscal note on this bill, but it does come from increased fees from the highway contractors and they have said they are more than willing to pay increased fees to expedite the process.

**M. CAVANAUGH:** And will the fees be closer aligned to covering the actual costs as opposed to our driver's license that just charge ten extra dollars?

**HUGHES:** I, I have not gotten that far into the weeds. I trust that they will not be spending extra money if they don't have to.

**M. CAVANAUGH:** OK, thank you so much, Senator Hughes. I'm sure I only have seconds left, so thank you, Mr. President.

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**FLOOD:** Thank you, Senator Machaela Cavanaugh. Senator John Cavanaugh, you are recognized.

**J. CAVANAUGH:** Thank you, Mr. President, and it is-- it was surprising to see you up there this morning. So-- well, I rise in support of LB809 and AM2004. I sit on the Natural Resources Committee and I sat through these hearings and there are some interesting things on, on this bill, but I, I-- they cover a wide range of territory, but I would say they are all, I think, generally good step in the right direction in the state of Nebraska. I pushed my light on this-- I didn't want to engage on the budget conversation, though I probably will next week once I get a chance to read the Appropriations budget report. I pushed it because I didn't get an opportunity to talk again on LB773 we had earlier. I had my light on and I pulled it off for reasons and came back and I just wanted to make sure that I had an opportunity to, I guess, to talk. A lot of people talk about what-- I think the word is comity, not like comedy, c-o-m-e-d-y, but-- in terms of funny, but in terms of, like, fellow feeling, good feelings, getting along, those sorts of things. And it's a, it's a phrase that goes to bodies like this and it is a, a thing that has to do with interactions of individuals and how we proceed. The Legislature is a body of individuals, 49 individuals elected from 49 districts who have different interests that they represent from their districts, different personalities that they bring to the body, and that is an important thing to recognize and keep in mind. And we all respond differently to different stimuluses and different things because of those different experiences and different things that are important to us and to our communities. What's important, I think, is to differentiate individuals from ideas and from pursuits. And so we had a conversation about guns ranging over the last two days and obviously, people have strong feelings about those for all of those reasons and people have articulated them. And I think that there were a lot of constructive conversations about that. And some people tread into the territory of supporting ideas because they like the introducer so much. They have so much respect for them. And I think it's always important to recognize that we can disagree about fundamental ideas. We can have fundamental disagreements and not tread into the territory of personal attacks or bringing up people in an individual basis. I-- actually, Senator Flood is sitting up there and I brought him up in reference to how I, I was contemplating an issue we were discussing, but it had to do with the substance of the issue and what he and I were discussing as to that substance of the issue. We have had other conversations about personal acrimony at times that have come up in this body that are, one, detrimental to that comity,

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fellow feeling, and have been not constructive. And so I think it's important to keep in mind and to frame a conversation here. And this-- I'm saying this to everybody and to no one, maybe to myself, but it's important, I think, that we separate our feelings about each other from the issues both negative and positive. I try to view issues on a issue-by-issue basis. I was speaking to Senator Erdman earlier today and he thought-- he said, well, I seemed like a person who could have my mind changed on something, which I take to be a compliment from Senator Erdman, that he thinks that I could-- that I will change my mind on something and I try to be-- have an open mind about things.

**FLOOD:** One minute.

**J. CAVANAUGH:** Thank you, Mr. President. And I try to look at them from a different perspective and I have had many combat-- conflicts on the floor here where I have opposed people's bills and been part of filibusters of those bills, long debate, extended debate, and gone and talked to those individuals off the mike in the intermediary time. I'm looking at Senator Halloran here right now, where I, I had many questions about his convention of states. And I think Senator Halloran and I still maintain a working relationship and a good one, despite the fact that I was on the opposite side of an issue that I know he cares deeply about and I respect his position on that. So I think it's important that it-- we continue to focus on the issues presented to us-- and I pushed my light again because I'm going to run out of time here-- but I think as Senator Wayne was addressing the budget, that we have very important conversations about our priorities coming up and that we should focus--

**FLOOD:** Time, Senator.

**J. CAVANAUGH:** Thank you, Mr. President.

**FLOOD:** Thank you, Senator John Cavanaugh. Senator Clements, you are recognized.

**CLEMENTS:** Thank you, Mr. President. Would Senator Moser yield to a question?

**FLOOD:** Senator Moser, will you yield to a question from Senator Clements?

**MOSER:** Yes.

**CLEMENTS:** I was looking at LB809 and I see that there's language about replacing lead service lines. In Appropriations Committee, we have an

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ARPA request for, I think, \$45 million for replacing lead service lines and I see that there is a change to increase from a 50 percent to 75 percent funding and mainly wanting to know if, if there is an A bill. Is there an appropriation attached with this lead service line provision?

**MOSER:** I, I don't believe there's a specific A bill for this. There probably is money in the budget every year to put into this fund because the trust fund has grant dollars that we got from the federal government, plus repayments of loans that the department has given, plus interest on those loans if they charged interest and I believe that balance is around \$300 million. So the change in percentage from 50 percent to 75 percent does not increase the state's investment into the fund. It just makes it easier for communities to use the money to do projects. It's crazy to say that-- well, I shouldn't say crazy-- it's, it's surprising-- that's a better term-- that 50 percent grant wouldn't be enough and that you need to increase it to 75, but some of the smaller communities have water problems, both drinking water and wastewater treatment problems, and even at 50 percent grant, they can't amortize it over the customers they have without making the water and sewer rates go astronomically high.

**CLEMENTS:** All right, and--

**MOSER:** So I think that's the reason for, for the grant program.

**CLEMENTS:** What fund are you referring to? Do you know the name of it?

**MOSER:** I could get you the exact name, but it's, it's an infrastructure fund, a trust fund--

**CLEMENTS:** All right.

**MOSER:** --that we put money in and I think it has \$300 million in it. I think, you know, the federal government has an annual grant that goes into it and the state has put some money in it, some money in it.

**CLEMENTS:** What, what state department handles those requests?

**MOSER:** NDEE, Nebraska Department of Energy, and, and they, they administer those grants. They would like to have this changed so that they can better match the federal requirements for the program and just to help some smaller communities fix their lead service lines and, and to improve their wastewater.

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**CLEMENTS:** Thank you. That answered my question. Thank you, Mr. President.

**FLOOD:** Thank you, Senator Clements. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. So I said I would push my light again. One, I, I failed to spell comity, the one I was referring to, which is c-o-m-i-t-y. I'm not the world's greatest speller, by the way. So I-- like I said, I didn't get my chance to talk on, on LB773 and it's going to Select. I'll have my opportunity to talk about it and I know that the AM2106 amendment is up. When we get to Select, I think it's the First Amendment up and we'll talk about that and not to revisit that issue when-- at this point. We can revisit it then. But I, I wanted to go back to-- well, one, nobody here needs me, I guess, to lecture them about behavior and nobody needs me here to stand up for them either. Everyone here is accomplished, is an elected senator. I'm sorry, except for Senator Jacobson, but I'm sure he'll get there. But everybody here has been elected and sent here by the, the constituents the, the-- in their district and are a senator in their own right entitled to the respect, dignity afforded to someone who has achieved that position. And the, the office itself is afforded respect and that's an important thing that we should all keep in mind. And I know it's hard sometimes. I mean, we get caught up in the moment and I, and I understand that and I, and I, of course, make allowances for it. But I, I think that it is important for everyone to take that step back and think about for a second, take a breath, take a-- walk around, somebody suggested we should put stationary bikes on the side here so we can ride them, which is-- I thought was a great suggestion. It wouldn't be good for me. I couldn't wear my suit after that, but that we consider the, the things that people bring to these conversations. We heard people talk about their personal stories in some of these and that, and that the burdens that we carry, which factor into how people see things. But again, when you talk about it-- when we talk about ideas on the floor here, when we talk about LB809, it has merit on its own and the amendments in it has merit-- have merit on their own, regardless of the fact that Senator Moser, whose name is up there, and that Senator Hughes's name is attached to some of those amendments and I think Senator Brewer's name is attached to one of those amendments. Senator Brewer's amendment, I think, is the one that's my favorite, which has to do with recycling older materials out of buildings when they're being torn down, which I think is a great program. And so-- but we need to divorce the conversation from the individuals and though we are a body of individuals and we have, we do interact with each other, the ideas are-- our charge, our

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responsibility to the state of Nebraska is one of passing laws that are the best laws possible. And you know, I have tried, and, and it is a, a needle to thread in some of these cases, to propose amendments that I think make laws better, even if I disagree with the law itself, which is what I was doing on, on LB773. I proposed an amendment that I sincerely believed would make the law a better law if we are to adopt LB773. Obviously, a number of people here didn't agree with me on the, on the merits of that idea, I think, or they disagreed in, in principle on implementing it at this time or for whatever reason. But I don't think anybody voted against that bill because they don't like me and I certainly hope no one voted for it just because they do like me. I think that maybe they-- some people gave credibility to my statements--

**FLOOD:** One minute.

**J. CAVANAUGH:** --in terms of making their decision-- speaking of comity, I'll push my line again because somebody asked me to, not the people you think asked me to, but some people who are interested in eating lunch-- but that people, that people give credibility to a statement that is made because of the person who says it. That I think is a fine thing to do, but I-- to make your decision based off of whether you like that person or not is, is probably not a good way to go about legislating. I'm looking at the queue. I think I'm not immediately next. So like I said, I pushed my light again. I'll talk one more time on, on this subject of AM2004 and my just friendly advice in a minute. Thank you, Mr. President.

**FLOOD:** Thank you, Senator Cavanaugh. Senator McCollister, you're recognized.

**McCOLLISTER:** Thank you, Mr. President. Would Senator Moser yield to a few questions?

**FLOOD:** Senator Moser, will you yield to a question from Senator McCollister?

**MOSER:** Yes.

**McCOLLISTER:** Thank you, Senator. The scope of this particular bill, LB809, you indicated on the mike that it includes both water distribution treatment facilities, also lead pipes. Can you expand on that explanation a little bit more?

**MOSER:** Well, it's just another allowable use of the funds from the grant program. The-- a community can update their drinking water

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system, they can update their water treatment facilities, or they can have a lead service line replacement program. Those would all qualify for grants under this program.

**McCOLLISTER:** And the amount of resources that we'll-- we can devote for those particular purposes?

**MOSER:** I believe that that water fund has around \$300 million in it.

**McCOLLISTER:** And who will be the agency of the state government that will administer those grants?

**MOSER:** The Nebraska Department of Energy and Environment.

**McCOLLISTER:** What criteria will they use to award the grants? Has that been established?

**MOSER:** I'm sure they have criteria that they use to score these applications. I, I'm not able to tell you exactly what those criteria are. The, the situation was-- is that a lot of the smaller communities had problems and even at a 50 percent grant, couldn't make a project pencil out, so to speak, because of the, the enormity of the cost. Some of these projects are so expensive and some of the communities have so few water and sewer customers that when you divide the expenses by the number of customers, it would take forever to amortize the, the repayment of the bonds if they borrowed money to do it. So if they can get a grant, then that reduces the costs that they have to get back from their ratepayers. And then the other portion of it, they still have to pay back to the fund.

**McCOLLISTER:** Yeah. Will there be an effort to distribute, distribute the money on some kind of fair geographic basis? The reason I'm following up on the-- with these questions is because in Omaha, east of 72nd Street, we have a lot of lead pipes and I, I think this could-- this program could very well alleviate some of those lead pipe problems we have in east Omaha. But I do know there are many rural communities have nitrate issues and everything else, so the distribution of that money is, is important to me and I hope it's done in some kind of equitable basis.

**MOSER:** OK and I, I don't disagree with you at all, Senator. The purpose of it was to make it more affordable for smaller communities. I think larger communities can still apply for grants through the various programs that they offer and frankly, the lead service line problem in Nebraska would probably dissipate the whole \$300 million if they just went right after it to do-- to correct all of those.

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**McCOLLISTER:** Well, that could be, but I would contend that the lead service line problem is a problem clear through the state. And in some of those water systems that we have, they were using lead 75, 80 years ago and I know that's the case in Omaha--

**FLOOD:** One minute.

**McCOLLISTER:** --so I'm, I'm hoping that as this bill goes to Select, that maybe we could institute some, some guidelines for the agency to, to use in order to, to determine those grants. Thank you, Mr.--

**MOSER:** I, I will get you some more information on that. Thank you.

**McCOLLISTER:** Thank you, Senator.

**FLOOD:** Thank you, Senator McCollister. Senator John Cavanaugh, you are recognized and this is your third time.

**J. CAVANAUGH:** Thank you, Mr. President. Well, like I said, you know, about comity here, trying to help out your fellow colleagues. Had a few people-- I, I wasn't intending to talk this many times, but a few people ask me about if they might have time to get lunch before we got to a vote on this. So being the type of team player that I am, I offered to continue my discourse on the subject matter. Senator Halloran, of course, enjoys my conversation always. So-- and Senator Halloran actually commented to me off the mike here and made me think of there's a movie called the American President, which is an Aaron Sorkin written movie before the TV show, The West Wing, that some-- several people here like to reference The West Wing. But there's a scene in that where he talks about what it means to be basically a patriotic American and he says, you know, that defending people's rights means-- defending the, the, the constitution means that you will defend, until your dying day, someone else's right to advocate for their position that you would spend your whole life disagreeing with. And that's kind of a fundamental thing about America that we have people who disagree about a lot of things, but we recognize everybody's right to express and exercise that disagreement. And it does get, you know, outside of this room, in the country overall, there has been perhaps a, a degradation in how people respect other people's perspective to have a disagreement. And I think that this body is unique in its nonpartisan nature and how we elect our members and how we don't have partisan caucuses, but it has, it has weathered some of the national storm and-- as it pertains to that. And I think that, that is a feature of this body and I think it's strong and I think that that is a, a good thing going forward and it-- but it is

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important that we always recognize that individuals have difference of opinions, but everybody is an individual and is a person and that they might be-- you might be opponents on-- well, not LB809. I don't anticipate too many people are going to vote against LB809. I hope not-- but you might all be together on LB809 and be opposed on whatever is next on the agenda and then be on the same side again on the next bill because the issues we're dealing with here have different implications. Different people have different priorities and that's what we're going to see when we talk about the budget, right, is that the budget is-- people say a moral document. It is a question of our priorities. When we go and we discuss the budget, it's not necessarily that you don't like an idea, it's that you don't like it more-- you don't think it should be funded ahead of something else. And everybody, reasonable people can disagree about whether or not we should fund one thing above another thing and-- but I think we are all going-- most of us would agree on the subjects that-- I don't need a [INAUDIBLE], we're fine-- and I know the Chair would probably think that I shouldn't speak over all these people, but that's OK. But just a few last parting words, I think I'm running low on time, things that-- you know, friendly things we can do to help each other out, like taking some time to help people when they need to do something is, is a thing that happens around here. I have conversely been in the queue when both people that I was opposed to their issue asked me to get out so they could get to vote and in the queue when people whose side I was on asked me to get out so we could get to a vote. And that was in the interest of efficiency when I knew I was going to lose the fight. I thought, well, I don't need to just double down on my, my opposition here. It was gratuitous, maybe.

**FLOOD:** One minute.

**J. CAVANAUGH:** But sometimes you want to get your point on the record. But I have been asked several times to get out of the queue by people whose bill I was opposing and I did it willingly because I-- they, they were courteous to me about the fact that they knew I opposed their bill. But the thing I was doing, the one thing I could do to oppose their bill was take up time on it and they asked me nicely and I said, OK, I will do that. And people whose bill I was supporting, of course, I-- they asked me nicely and I get out of the queue so that we can get to a vote on the bill. And those are the types of things I know a lot of us, everybody has done on many issues, just in the interest of the comity of this body, c-o-m-i-t-y. And so I appreciate and respect people's-- other people's opinions. I know everybody here does. I know that everybody here recognizes people's ability to be dis-- to disagree without being disagreeable is another cliché.

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**FLOOD:** Time, Senator.

**J. CAVANAUGH:** Thank you, Mr. President.

**FLOOD:** Thank you, Senator Cavanaugh. There are no other members wishing to speak. Senator Bostelman, you are recognized to close on AM2004, the Natural Resources Committee amendment. Senator Bostelman waives closing. The question for the body is, shall AM2004 be adopted? All those in favor of vote aye; all those opposed vote nay. Mr. Clerk, please record.

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

**FLOOD:** Committee amendments are adopted. Mr. Clerk.

**CLERK:** I have nothing further on the bill, Mr. President.

**FLOOD:** There are no members wishing to speak. The question for the-- or Senator Moser, you are recognized to close on LB809. Senator Moser waives his opportunity. The question for the body is, shall LB809 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 35 ayes, 0 nays, Mr. President, on the advancement of the bill.

**FLOOD:** LB809 advances to E&R Initial. Mr. Clerk, LB809A.

**CLERK:** LB809A, a bill by Senator Hughes. It appropriates funds to implement the provisions of LB809.

**FLOOD:** Senator Hughes, you're recognized to open on LB809A.

**HUGHES:** Thank you, Mr. President. Good afternoon, colleagues. I'll try to be as brief as possible. LB809A is the A bill for LB978, which was in the Natural Resource Committee Christmas tree bill that we just passed. LB978 is accumulation of several years of work done by both the Legislature and the Department of Environment and Energy. In 2019, I introduced LB203 in partnership with the DEE to allow the department to begin the process of investigating the possibility of assuming the Clean Water Act Section 404 permitting program. As assumed, the 404 program allows the state to administer the federal dredge and fill permit program for activities that impact waters of the U.S., United States. In plain words, allowing the state to assume this process can save valuable time and money for many construction projects occurring all across the state. To be clear, even though DEE would be allowed to administer the program, they still have to meet the federal

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guidelines. The department took these last couple of years to investigate an, an assumption process, including what potential changes they would need to make to administer as part of the application. LB978 contains the statutory changes they need to make a full application. Specifically, the bill lays out the ability to promulgate rules and regulations for the program, a hearing process, hire staff, establish a fee structure, and establish the cash fund. This A bill, this A bill on LB978, which is part of LB809A, which is-- has a fairly significant fiscal note on it, but that's the initial fiscal note. These are fees that will be paid by the construction companies that take advantage of this 404 permitting process. There have been several discussions with these companies and they are very happy to cover this additional cost in order to speed up their construction projects. I'd be happy to try and answer any questions and I would appreciate a green vote on LB9-- LB809A. Thank you, Mr. President.

**FLOOD:** Thank you, Senator Hughes. Members, you've heard the opening on LB809A. There are no members wishing to speak. Senator Hughes, you're recognized to close on LB809A. Senator Hughes waives closing. The question for the body is, shall LB809A advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 34 ayes, 0 nays, Mr. President, on the adoption of the motion to advance the A bill.

**FLOOD:** LB809A advances to E&R Initial. Mr. Clerk, we now move to LB800.

**CLERK:** LB800, a bill by the Urban Affairs Committee, signed by its members. It amends numerous sections of state law. It changes provisions relating to city officers, elections, powers, duties, public improvements, subdividing and platting, consolidation of cities and villages, ordinances, planning and zoning, fiscal management, city departments, claims, awards, bridges, parking facilities, landmark heritage preservation districts. It eliminates provisions relating to municipal coal yards, boards of public welfare, superintendency departments, taxes and assessments. The bill was introduced on January 6, Mr. President, referred to Urban Affairs. I do have committee amendments pending.

**FLOOD:** Thank you, Mr. Clerk. Senator Wayne, as Chair of the Urban Affairs Committee, you are recognized to open on LB800.

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**WAYNE:** Thank you, Mr. President. And colleagues, I know this is a, a very thick bill, so I'll go through some technical changes. A lot of it's technical stuff, but I will want you to know if you are worried about what it all says, Senator Lowe and Senator Arch both voted for them and they never vote for bills out of our committee, so I'm pretty sure this is safe. So I'll begin. In 2014, Urban Affairs Committee began a multi-year effort updating and modernizing statutes for all the classes of municipalities. If you recall, we did the Chapter 16, Chapter 17, Chapter 19, Chapter 15, and now Chapter-- and Chapter 18. LB800 is the latest cleanup, which includes amended sections around Chapter 14 governing cities of the metropolitan class. And we make a lot of nonsubstantial changes, such as terminating-- changing terminology from "governing body" to "city council," "metropolitan class city" to the "city of the metropolitan class." We also clarify references to legal newspapers, as the Government Committee has made changes over the years. We updated those statutes to say legal newspapers located in the city or published of general circulation in the city. So it's just a lot of basic cleanup underneath LB800. Can I open on-- they're tag teaming out here. Let's see if I can get one of them to-- Flood is now going to jump off the top rope with the clo-- oh, down for the count. See, nobody watches WWE here, I guess. Since-- can I open on the amendment?

**HILGERS:** Yes, Senator Wayne, you're recognized to open.

**WAYNE:** Thank you, Mr. President. So this is, this, this is a white-copy amendment. This is really what people are probably concerned about. What we did is we, we took six other bills and these were all bills that were voted out 7-0. Rather than try to move them to consent calendar because some of them had a little substantial changes that might make them not eligible for consent calendar, we just combined them all into this committee amendment. So we'll go through them real quick and we'll, we'll keep it moving. So AM2035 makes several additions, several additional cleanups and fixes where we found a little area for the-- little error in the legal newspaper reference that I mentioned before. So first, LB555 was introduced by Matt Hansen and LB799 was a technical cleanup bill. LB555 requires that reports filed under this act be-- include the percentage of residential areas in the cities in which have been declared substan--substandard, blighted, and extremely blighted. LB799 just clarifies the reporting requirements under the act and provides feedback from municipalities following the first set of reports that were submitted last year. So essentially, they had reports that were submitted last year. They asked us to clean up the language and make it a little easier for them. That's what LB7-- LB799 does. The next

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two bills in AM2035 incorporate four other bills that we heard. LB724, introduced by Senator Matt Hansen, amends the Local Option Municipal Economic Development Act, commonly known as LB840. It authorizes the use of those funds under the act for the development and implementation of affordable housing action plans. If you'll recall, there are cities that have to do affordable housing action plans and they wanted to pay for those with LB840 funds since LB840 funds authorizes affordable housing, so it just made sense to do so. LB727, also introduced by Senator Matt Hansen, eliminates unnecessary and redundant language related to the sanitary improvement district elections. LB843, as amended by the committee, was introduced by Senator Brewer. It authorizes tribal governments to apply for and receive grants under the Civic and Community Center Financing Act. Finally, AM2035 contains LB1189 as amended by the committee, which is Senator Flood's bill on sanitary drainage districts, which lie solely within the zoning jurisdiction of the city. If it's discontinued, all funds, property and property rights, legal obligations, taxes, etcetera, shall revert to the city or the redevelopment authority created by the city. I believe there are only two of these districts around. There was no option-- opposition to that. There is an emergency clause placed on that that would go into effect as normal-- any emergency bill would. So the Urban Affairs-- if you look at our committee report, I want to highlight what we do in our committee report. I don't know if every committee does this, but if you go into our committee statement for the bill, you'll see each bill listed. You'll see each committee report listed within that committee report-- committee statement because we advance all of them separately, so you have a record vote of all of them and you have a committee statement for all of them so you can see how every bill in here came out and how every bill reads out. None of these received any no votes. And again, I just want to highlight Senator Lowe and Senator Arch voted for these, so that's a big statement. These bills are noncontroversial. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Wayne. Debate is now open on the committee amendments. Senator Albrecht, you're recognized.

**ALBRECHT:** Thank you, President. Oops. Colleagues, I just rise with some concerns about LB842. And Senator Brewer and I have just visited a little bit about it. It's actually a bill that would allow the tribes, it says, to have access to build community centers and ask for grant funding or to be considered. I rise as someone who lives on the reservation. I live on the actual Winnebago reservation. I also represent the Omaha natives. I'm not so sure-- it looks like the Ponca tribe of Nebraska is who asked or brought this forward. I don't know

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that they actually have a reservation, reservation or are recognized having a reservation in the state of Nebraska. I just feel like this sets bad policy because these are-- these folks are their own sovereign nation, a sovereign nation within a nation, and there are many, many programs that they have that are outstanding. They are building up their reservations in ways that, you know, make the state of Nebraska very proud. But when it comes to-- we, we, we have lots of different funding, but the more that we set policy like this and allow people to put their names on, on the money and asking for the grants, it is just not, in my mind, a good way to, to set a precedence. If you're not recognized as having a reservation and, and being one of the tribes in Nebraska-- I believe it's Omaha, Winnebago, and Santee are the three. Yes, Ponca natives are here, but if they were to choose to put this somewhere, where would they put it? Where do they call home? Where is their reservation in Nebraska? I understand they have a casino in Omaha. I know a lot of them are maybe up in the Norfolk area. I mean, I grew up right next door to a family that was from the Ponca tribe. My question is, is this something that we really want to, to do? I would like everyone to think about that. Again, their own sovereign nation, getting their own funding, doing their own thing. They have their own law enforcement. Former Governor Heineman cross-deputized them. They have their own law enforcement. The Nebraska State Patrol does not go on their-- unless they're called in or the Thurston County does not go in unless they're called in. When their land is put into trust, that's probably why we're probably the poorest county, Thurston County, where I live because land is taken out and put in a trust and we know-- we don't collect any taxes. So for those reasons, I stand opposed to LB800 and the AM2035 at this moment. Thank you.

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

**ERDMAN:** Thank you, Mr. President. I was wondering if Senator Wayne would yield to a question or two?

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

**WAYNE:** Yes.

**ERDMAN:** Senator Wayne, help me with LB724. You made a comment it was an amendment to the LB840 money. Currently, LB840 money can be used for economic development, not for housing. Is that correct?

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**WAYNE:** No, it can be used for economic development and because of the housing-- they can use it for housing too and because we're requiring them to do a report on housing, they just thought it would be easier if they can use some of those funds to do the report, so it makes it easier for the cities to report out.

**ERDMAN:** So you're not changing what the money can be used for?

**WAYNE:** No. If you, if you recall, we had those fights on the, on the bill a couple of years ago with Senator Hansen as far as trying to expand it. This just, just allows-- well, yes, I am. So it can be used to do the plan. I'm sorry.

**ERDMAN:** OK.

**WAYNE:** So technically, yes, I am.

**ERDMAN:** So the, the money would go to the contractor?

**WAYNE:** No, the city.

**ERDMAN:** Money goes to the city to offset infrastructure or what?

**WAYNE:** No, to, to write their plan. So I guess-- OK, we're getting technical. Yes, it would go to a contractor if they hired a contractor, but I think that's what they want to do is they, they want to be able to have, have somebody help write their plan and right now, under the law, they can't. So this will help them to do that.

**ERDMAN:** OK, so, so under LB840, they can't use that money to write their plan, is that what you're saying?

**WAYNE:** There's an argument of whether they can or can't and so we're trying to add some clear-- clarifying language saying you can.

**ERDMAN:** And so then you're, you're concluding this is a cleanup bill, this a cleanup bill?

**WAYNE:** No, LB800, the original bill, was a cleanup bill. Then we added the other bills and those are, those are not cleanup bills.

**ERDMAN:** OK. All right, thank you.

**WAYNE:** Yep.

**HILGERS:** Thank you, Senator Erdman and Senator Wayne. Senator Brewer, you're recognized.

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**BREWER:** Thank you, Mr. President. I thought I should respond to Senator Albrecht and just make sure that everyone understands that this is just giving them an opportunity to apply for a grant and it is generic to the tribes of Nebraska. And even though there are three that have land, the Ponca is one of the four recognized tribes of Nebraska. And I understand the issue of the, the sovereign nation thing, but there are things that we can't change. The, the roads run through reservations, power, water, all these things mix, so-- and their tribal government, yes, that is their desire to be able to, within the reservation, have their own control. But to not make them eligible for programs like this-- and again, they're not getting anything. This bill just allows the tribal government to apply for grants under the Civic and Community Center Financing Act. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Brewer. Seeing no one else in the queue, Senator Wayne, you're recognized to close.

**WAYNE:** Thank you, Mr. President. Colleagues, we had no opposition testimony. And the first opposition testimony was to actually Senator Brewer's bill with the league and we actually added an amendment. The league is now off of-- they're OK with the bill and it was around how to, how the actually-- the process in which the grants are going to be done, not, not the actual tribal issue that was raised here. So there was no real opposition. They all came out 7-0, but because of how the consent calendar rules operate, we, we felt these were enough changes that they wouldn't qualify for consent, not just Senator Brewer's bill, but all the ones we added to this bill. But they are 7-0 votes, it was no opposition to anything that we're putting out, and I would ask for your green vote on the AM2035 and AM-- or LB800. Thank you, Mr. President.

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

**CLERK:** 34 ayes, 1 nay, Mr. President, on adoption of committee amendments.

**HILGERS:** Committee amendments are adopted. Turning to debate on the bill. Seeing no one in the queue, Senator Wayne, you're recognized to close. Senator Wayne waives closing. The question for the body is the advancement of LB800 to E&R Initial. All those in favor vote aye; all

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those opposed vote nay. Have all those voted that wish to? Please record, Mr. Clerk.

**CLERK:** 35 ayes, 1 nay, Mr. President, on the advancement of the bill.

**HILGERS:** LB800 is advanced. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following LBs: LB767, LB767A, and LB1099e. Mr. Clerk, for items.

**CLERK:** One item, Mr. President, an amendment to be printed; Senator Williams, an amendment to LB1069. That's all that I have.

**HILGERS:** Thank you, Mr. Clerk. Next item on the agenda.

**CLERK:** Mr. President, the next bill is LB750 introduced by Senator Friesen. It's a bill for an act relating to motor vehicles. It amends numerous sections. It changes provisions relating to transfer-on-death certificates of title, Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, Motor Vehicle Operator's License Act, and the International Fuel Tax Agreement Act. The bill was introduced on January 5 of this year. At that time, referred to the Transportation and Telecommunications Committee. There are committee amendments pending, Mr. President.

**HILGERS:** Thank you, Mr. Clerk. Senator Friesen, you're recognized to open on LB750.

**FRIESEN:** Thank you, Mr. President. Members of the Legislature, thank you for this opportunity to present LB750, which is one of the Transportation and Telecommunications Committee's 2022 priority bills. Prior to advancing LB750 to the floor, the committee did amend the bill and add the following bills to the amendment: LB913, LB1022, LB1145, LB1259, and LB1266. I will explain in detail those bills when we get to the amendment. Also, when we take up the committee amendment, I have a technical correction amendment to address an error that occurred in preparing the amendment for the Revisor's Office for drafting. LB750 is the annual cleanup bill that the committee considers for the Department of Motor Vehicles. LB750 as introduced updates and harmonizes DMV statutes. The bill amends vehicle title statutes to allow the use of a transfer-on-death certificate of title for vehicles and motorboats and allows for the issuance of previously salvaged branded certificate if a vehicle has been properly inspected. Law relating to former military vehicles are amended to allow these vehicles to tow cabin, utility, farm, and dealer trailers. Driver's license statutes are amended to define the term "mobile driver's

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license" and to accept a waiver of testing for mobile driver's license, requires the driver's manual to be published on the DMV website, removes obsolete language and provides a copy of the manual to all persons issued a license document, and extends the length of the learner's permit for a school permit from three to six months. The bill harmonizes the length of driver improvement courses for persons under 21 to four hours to make it consistent with other driver improvement courses. The requirement for the Nebraska Safety Center to provide courses in all counties which do not have courses is eliminated due to the online availability of these courses. The term "registration year" is changed to "registration period" and requires postage fees to mail historical and choose life plates to be collected similar to other specialty plates. Obsolete operative date language is removed in 27 sections of the bill. The bill contains the modernization of the motor carrier services division of the department by allowing for use of staggered registration periods for commercial trucks. Registration can be monthly, quarterly, or annually. The division is authorized to charge actual cost of postage for the handling of license plates and to-- ensures all-- that all fees, interest, and penalties collect "pursuayant" to the International Fuel Tax Agreement are deposited to the Highway Trust Fund. Mr. President, that concludes my opening on LB750 and I'd like to move on for the consideration of the committee amendment, AM1966.

**HILGERS:** Thank you, Senator Friesen. You're recognized to open on the committee amendments.

**FRIESEN:** Thank you, Mr. President. The committee amendment incorporates five additional bills into LB750. It's LB913, LB1022, LB1145, LB1259, and LB1266. I would now like to discuss bills included in the Transportation and Telecommunications Committee amendment. LB913 was introduced by Senator Bostelman. It changes provisions related to the construction of highways and roads. The bill was heard on January 24 and there was no opposition and the bill, as amended by committee, was placed into LB750 on an 8-0 vote of the committee. LB913 provides that the construction or repair of a highway approach damaged due to extreme weather event or faulty engineering shall be the responsibility of the Department of Transportation. Extreme weather event is defined as a weather event that generates extraordinary costs. LB913 was amended by the committee to define the term "faulty engineering" and to provide authority to the Department of Transportation that in the event of a faulty engineering of a highway approach on the part of another entity, the department may seek reimbursement from the responsible party. LB1022 changes the distribution of fees for motor vehicles operator's license under the

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24/7 sobriety program. LB1022 was heard on February 1. There was no opposition and was advanced, advanced as amended into LB750 on an 8-0 vote of the committee. LB1022 modifies the distribution of fees for the 24/7 sobriety permit program established in 2021. LB1022 directs that a portion of the fees that is allocated to counties, which is \$5, shall be distributed to the county issuing the permit, not the county of residence of the individual receiving the permit. LB1145 amends motor vehicle accident requirements. This bill was heard on February 14. There was no opposition. It was amended into LB750 on an 8-0 vote of the committee. LB1145 amends motor vehicle accident report requirements. Currently, motor vehicle accident reports, when filed, do not make publicly available the date of birth of the operators or the operator's license number. The bill as introduced provided that in any accident report filed, the year of birth of the vehicle operator shall be considered a public record. The committee amended LB1145 to provide that nothing shall prohibit a law enforcement agency from disclosing the age of an operator that is included in any motor vehicle accident report. LB1259 changes the provisions relating to the issuance of new license plates and license plate fees. LB1259 was heard on February 1 and had one opponent, Jon Cannon of NACO, who was opposed to the six- to ten-year date change. LB1259 was amended by the committee and added to LB750 on an 8-0 vote. LB750 as introduced provides that commencing January 1, 2023, new motor vehicle license plates issued shall occur every ten [RECORDER MALFUNCTION] six years. The bill also increases the issuance fee for new license plates and renewal tabs from not more than \$3.50 to not more than \$5 per plate. The committee amended the bill to retain the current six-year replacement cycle for license plates and to increase the per plate issuance fee from \$3.50 to not more than \$4.25 per plate. LB1266 changes requirements relating to the operations of common carriers. LB1266 was heard on February 14. There was no opposition to the bill and LB1266 was amended into LB750 on an 8-0 vote. The bill amends, amends Section 75-126. This section describes a number of actions that regulated common carriers may not engage in. This section also sets forth an exception when regulated common carrier may offer free or reduced rates. An additional exemption is created. Individuals 65 years and older may receive free or reduced rates. As I noted during the introduction, there was an error made in the preparation of the amendment and if we could, I would like to address that issue first and then move on to the other amend-- pending committee amendments. I would ask that we substitute AM2067 for AM2038.

**HILGERS:** Thank you, Senator Friesen. Mr. Clerk, for an amendment.

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**CLERK:** Mr. President, I do have amendments to the committee amendments. The first, Senator Friesen, I had you-- you had filed AM2038, but I have a note you wish to withdraw AM2038 and offer AM2067.

**HILGERS:** Without objection, so ordered.

**CLERK:** Senator Friesen, I have AM26-- AM2067.

**HILGERS:** Senator Friesen, you are recognized to open on AM2067.

**FRIESEN:** Thank you, Mr. President. AM2067 addresses a drafting error on that portion of the committee amendment, which adds Senator Geist's LB1259 to LB750. As I noted earlier, LB1259 addresses the issuance of new license plates, which will begin next January. As introduced, LB1259 proposed that the new license plates will be in use for ten years and the fee charged when the new plate is issued will be \$5 per license plate. The committee, in discussing LB1259, determined that the better policy was to retain a six-year life cycle for the new plate and to change the plates' issuance fee from \$3.50 per plate to \$4.25. This change was not correctly captured in the preparation of the amendment and AM2067 simply replaces the committee amendment in the proper form for consideration and I would move for the adoption of AM2067 to AM1966. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Friesen. Debate is now open on AM2067. Seeing no one in the queue, Senator Friesen, you're recognized to close.

**FRIESEN:** I would just urge your green light and we would move this on to the, the next motion.

**HILGERS:** Thank you, Senator Friesen. The question before the body is the adoption of AM2067. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** 34-- excuse me-- 38 ayes, 0 nays on adoption of the amendment to the committee amendments.

**HILGERS:** AM2067 is adopted. Mr. Clerk, for an amendment.

**CLERK:** Senator Geist would move to amend AM1967.

**HILGERS:** Senator Geist, you are recognized to open on AM1967.

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**GEIST:** Thank you, Mr. Speaker. AM1967 will create a funding mechanism for a new Lancaster County Service Center to serve the driver's license issuance needs for Lancaster County. The DMV previously had two locations in Lancaster County, with a total of 13 work stations. When Lancaster County reopened after closing for the COVID-19 pandemic, the Lancaster County Treasurer split the location for driver's licensing services and vehicle services. The DMV was required to use only the West O location and now has only eight work stations. Since multiple work stations have been closed, the wait time for getting a new driver's license can be up to six hours in its peak time. My office has received calls asking for something to be done to help alleviate the long wait times and this is in response to those calls. The Lancaster County Service Center would be modeled after the Douglas and Sarpy Counties' service centers. These service centers streamline the process of renewing and getting a driver's license. A person would be able to have their photo taken, pay for their license, receive their licenses all in the same customer service work station. The process has helped shorten wait times in Douglas and Sarpy County and I urge your green vote on this amendment. Thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Geist. Debate is now open on AM1967. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. I'll be brief on this. I would agree with Senator Geist here. And I will tell you from experience, last month, my wife had an issue where she had to get a new driver's license. And what she said-- what Senator Geist said about the wait time is a true statement. And so even though we only visited that location once, I am in support of them doing something to cut down on the wait times, so I'll be voting for AM1967. Thank you.

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

**DORN:** Thank you, Mr. Speaker. And I apologize for this because I didn't have time to read the amendment. Are they proposing building a new one or is this-- a year ago, I believe part of-- Senator Hilkemann brought a bill forward that in part of Omaha there, they looked for a facility to rent. So if you could go over that a little bit?

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

**GEIST:** I would yield. And let's see, yes, we would be looking for a new location and they need a location that has adequate car, motorcycle, truck space and the adequate number of work stations. The leg-- if the legislation is enacted-- I'm just reading responses here

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to my-- to questions, so it would be completed no later than the end of 2023.

**DORN:** So the, the-- most likely, if I'm understanding you, they're probably looking at a-- acquiring property and then building.

**GEIST:** Correct.

**DORN:** So I-- and I guess we should see a fiscal note at some time then.

**GEIST:** Actually, it's just diverting funds from one account to another.

**DORN:** Oh, OK.

**GEIST:** OK.

**DORN:** Thank you very much.

**GEIST:** Sure.

**DORN:** Appreciate that.

**HILGERS:** Thank you, Senator--

**DORN:** Yeah.

**HILGERS:** --Senator Geist and Senator Dorn. Senator Machaela Cavanaugh, you're recognized.

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

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

**GEIST:** I would.

**M. CAVANAUGH:** I apologize because I'm on the committee for this, but I forgot the funding mechanism and I was trying to find it quickly, but before we vote, I just was hoping you could--

**GEIST:** And let's see, I have it right here. It is estimated the annual impact to the agency budget would be additional ongoing expenses. This would be an ongoing cost. Do you have this, Senator? Thank you. Currently, there is a \$24 fee charge for the issuance of an operator's license or state identification.

**M. CAVANAUGH:** OK.

**GEIST:** It's allocated in different places--

**M. CAVANAUGH:** Yes.

**GEIST:** --and this just reallocates those funds differently.

**M. CAVANAUGH:** I'm sorry, I'm a little tired today, but thank you. That was--

**GEIST:** OK.

**M. CAVANAUGH:** Now--

**GEIST:** It-- it does not increase--

**M. CAVANAUGH:** Right.

**GEIST:** --funding. It just reallocates funding differently.

**M. CAVANAUGH:** Right, yes.

**GEIST:** OK.

**M. CAVANAUGH:** It is, it's a good amendment and we should vote for it.

**GEIST:** OK.

**M. CAVANAUGH:** Thank you.

**GEIST:** Yes, it is. Thank you.

**HILGERS:** Thank you, Senator Geist and Senator Cavanaugh. Seeing no one else in the queue, Senator Geist, you're recognized to close. Senator Geist waives closing. The question before the body is the adoption of AM1967. All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Please record, Mr. Clerk.

**CLERK:** 37 ayes, 0 nays on adoption of Senator Geist's amendment to the committee amendments.

**HILGERS:** AM1967 is adopted. Mr. Clerk, for an amendment.

**CLERK:** Senator Albrecht would move to amend AM2085.

**HILGERS:** Senator Albrecht, you're recognized to open on AM2085.

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**ALBRECHT:** Thank you, Speaker Hilgers. Good morning, members of the Legislature. I'm pleased to introduce to you AM2085 on behalf of the Nebraska State Patrol and the Department of Motor Vehicles. I'd like to thank Chairman Friesen, members of the Transportation and Telecommunications Committee for advancing the bill out 8-0. This bill is a joint bill introduced annually to keep the Department of Motor Vehicles and the Nebraska State Patrol consistent with their federal laws and regulations. So LB750 with the amendment of AM2085 would adopt the most recent version of federal laws and regulations. It strikes January 1 of 2021 and inserts January 1 of 2022. It references motor carrier safety and regulations, the low-speed vehicles, handicapped parking permits, commercial driver's license issuance, hazardous materials, seatbelts, the protection of records. In addition, L-- or AM2085, the maximum dollar value for the civil penalties aligns with federal regulations. Civil penalties were adjusted in 2021 by the Federal Motor Carrier Safety Administration. Maintaining alignment between federal regulations and state statutes and operational activities insures Nebraska remains compliant with the federal requirements and is eligible to receive 100 percent of their allotment of federal highway funds. I ask for your green light on AM2085 and urge you to advance the bill to Select. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Albrecht. Debate is now open on AM2085. Seeing no one in the queue, Senator Albrecht, you're recognized to close. Senator Albrecht waives closing, closing. The question before the body is the adoption of AM2085. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** 35 ayes, 0 nays on the adoption of Senator Albrecht's amendment.

**HILGERS:** AM2085 is adopted. Mr. Clerk, for an amendment.

**CLERK:** Senator Erdman would move to amend AM2294.

**HILGERS:** Senator Erdman, you're recognized to open on AM2294.

**ERDMAN:** Thank you, Mr. President. Just for the sake of conversation, Senator Patty Pansing Brooks just asked if she thought we were going too fast, so I would, I would suggest that we are not. I bring to you today AM2294 and let me just give you a little history. I'll try to be brief on this. I have a, a constituent back home that had purchased a vehicle that had the motor changed and he did not know that changing

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the motor changed the certificate of title. And when he went to the courthouse, he found out that he needed to have a bill of sale notarized for the part that he put into the pickup. It becomes a, an assembled vehicle and I didn't know that, maybe some of you on the Transportation Committee did, but it requires that this bill or a receipt for the motor had to be notarized. The place where he purchased the used motor said they've been in business for 40 years and they never, ever once had to notarize a receipt. And so what the gentleman had to do is get a notary to go with him to the car repair-- the salvage yard so that they could notarize the receipt. So all this bill does, it's a cleanup bill, and I presented this to the able Chairman of the Transportation Committee, Senator Friesen, and he had ran it by the people in his committee, the lawyers, and they had advised that if we struck the word "notarized" bill of sale, that it would help expedite not only for those who are, are purchasing a vehicle like that, but also for the Treasurer. So all this bill does is strike the word "notarized" of the receipt for the new or replacement motor. So I'd appreciate your green vote on this. Thank you.

**HILGERS:** Thank you, Senator Erdman. Debate is now open on AM2294. Senator Machaela Cavanaugh, you're recognized.

**M. CAVANAUGH:** Thank you. Would Senator Erdman yield to a question?

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

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

**M. CAVANAUGH:** Thank you, Senator Erdman. Is this a bill that you introduced that you're amending into this?

**ERDMAN:** Can you say that again?

**M. CAVANAUGH:** Are you amending a bill into this or is this--

**ERDMAN:** Yeah, I'm amending it into this bill.

**M. CAVANAUGH:** But what bill is it? What bill?

**ERDMAN:** It's not a bill. No it's not-- it's an amendment, I'm sorry.

**M. CAVANAUGH:** OK, but it's not like a bill that you had in committee?

**ERDMAN:** No, it's not. It just came to my attention last week.

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**M. CAVANAUGH:** So it hasn't had a hearing?

**ERDMAN:** It has not.

**M. CAVANAUGH:** OK, thank you. I, I don't think I'm going to be voting for this amendment. This is the committee priority bill and this-- while I understand the premise of it, feels like we need people who put that process in place to weigh in on it publicly before making that change. Thank you.

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

**FRIESEN:** Thank you, Mr. President. I just want to clarify something. And when Senator Erdman did talk to me, I did talk to my legal counsel and we checked with DMV. And again, this is a very small change that I, I don't think that is going to make any kind of substantial changes that it warranted a hearing from my standpoint. That's, I guess, for anybody else to judge, but it's just to take out one word because in the past, I don't think anybody has been following this rule, this law, and so it just changes it so you still have to have a bill of sale. It's just that most of these places don't have a notary public there to notarize it and so it just makes it a little bit more streamlined and still keeps everything in place where you still have to document that change. So I do support this amendment if the body would support this. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Friesen. Seeing no one else in the queue, Senator Erdman, you're recognized to close.

**ERDMAN:** Thank you, Mr. Speaker. I'll be brief on that. I agree with what Senator Friesen said and, and it-- and as Senator Cavanaugh asked the question had it had a hearing, I didn't know about it until last week. And I would say-- I would say that there's probably one or two people in his whole body ever knew that this even existed. I have changed a lot of motors in a lot of vehicles and sold them and I did not know this was a statute. And so it's just making it easier not only for the Treasurer, but also for those who buy these vehicles. So I'd appreciate your green vote. Thank you.

**HILGERS:** Thank you, Senator Erdman. The question before the body is the adoption of AM2294. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** 36 ayes, 0 nays on adoption of the amendment to the committee amendments.

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**HILGERS:** AM2294 is adopted. Returning to debate on the committee amendments as amended. Seeing no one else in the queue, Senator Friesen, you're recognized to close.

**FRIESEN:** Thank you, Mr. President. Members of the body, I would appreciate your green vote. I know there was a lot of bills put into this, but I didn't see anything controversial there. We tried to keep it very clean. A lot of this is just upgrading DMV statutes that we do every year, cleanup type legislation, so I would appreciate your green vote. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Friesen. The question before the body is the adoption of 9-- AM1966. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Please record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays, Mr. President, on the advancement-- of adoption of the committee amendments, excuse me.

**HILGERS:** Committee amendments are adopted. Turning to the bill as amended. Seeing no one wishing to speak, Senator Friesen, you're recognized to close. Senator Friesen waives closing. The question before the body is the advancement of LB750 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.

**CLERK:** 40 ayes, 0 nays, Mr. President, on the advancement of the bill.

**HILGERS:** LB750 is advanced. Next item on the agenda.

**CLERK:** LB750-- I'm sorry, LB344. It's a bill by Senator Friesen. It's a bill for an act relating to One-Call Notification System Act; it defines a term; it creates the Underground Evacuation Safety Committee; provides powers and duties for the committee and the State Fire Marshal; it changes civil penalty provisions; and provisions related reports by the Attorney General. Introduced on January 13 of last year. At that time, referred to the Transportation and Telecommunications Committee. The bill was advanced to General File. There are committee amendments, Mr. President.

**HILGERS:** Thank you, Mr. Clerk. Senator Friesen, you're recognized to open on LB344.

**FRIESEN:** Thank you, Mr. President. LB344 is a bill that is intended to improve how Nebraska's One-Call Notification System Act is enforced. I want to thank the-- Speaker Hilgers for recognizing the importance of

this issue and making LB344 one of his Speaker priority bills for this session. Before I get into the substance of the bill and the amendments, I want to explain some background on why the one-call system is important and why better enforcement procedures are needed. The one-call system in Nebraska exists to protect the underground utility infrastructure that we have from being damaged by digging. In a nutshell, the law requires anyone who is going to dig to call the one-call notification center before they do it. The one-call center sends a notification to the utilities and they come out and mark where their underground utilities are before the person can dig. Again, the purpose is to protect our underground electrical lines, natural gas lines, fiber, cable, and other types of utilities from damage and the safety aspects of the excavators who are doing the digging. Just to give you some real-world examples that the one-call system was intended to prevent, it's to keep whole towns from losing their internet access because an excavator cut a fiber line while digging, whole city blocks losing electricity because underground electrical lines were accidentally cut, worse yet, when an underground natural gas line is hit and starts a fire and damages buildings or innocent--injures innocent bystanders. The point is real-world consequences happen when the one-call laws don't get followed, so it's important for the Legislature to ensure that our one-call laws in Nebraska work and work well. To encourage compliance of our one-call laws, contain penalty provisions for any digger or any utility owner who doesn't do what they're supposed to do. If you don't call before you dig, the act contains a set of penalties that can be assessed against you. If you are a utility and you don't properly mark your lines, the act contains a set of penalties that can be assessed. During my time on the Transportation Telecommunications Committee, there has been one recurring theme with one-call that keeps coming up and that is the process that we currently have in the law enforcement of one-call violation doesn't work very well. Under the current process, parties can file complaints with the Attorney General's Office if they think someone has violated the One-Call Act. For example, if an excavator digs without giving notice and hits a utility line, then the utility can file a complaint with the Attorney General. If an excavator thinks that a utility mismarked one of its lines, they can file a complaint with the Attorney General. After the complaint is filed with the Attorney General, it is then up, up to them to do an investigation, determine if a violation did occur, figure out what the right amount of penalties are, and then prosecute a court case against the violator if it needs to be taken that far. Just handing one complaint requires a lot of work on the part of the Attorney General's Office and it takes a lot of time to do it right. Right now, if you look at the

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testimony on this bill from the Attorney General's Office, there is only one Assistant Attorney General handling all of the complaints; everything from the investigation to making penalty determinations to filing the lawsuit to enforce and that one Assistant Attorney General only spends 25 percent of her time handling these complaints. The Assistant Attorney General who handles these complaints testified at the hearing and was asked how many complaints they get a year and whether or not they're able to keep up with the volume. She testified that they can't. In 2020, the Attorney General received 67 new cases and resolved 31. At the time of the hearing in 2021, there were 89 unresolved complaints and according to her testimony, they expect to keep getting further and further behind. We heard other testimony last year that it takes anywhere from 18 months to two years and sometimes longer for complaints to get resolved. That, in my opinion, is unacceptable. One of the main reasons why we have penalty provisions in the One-Call Act is ensure that people comply with the law and that they follow the rules. If you have an excavator out there doing work in Nebraska who doesn't want to comply with the law, they can do a lot of damage in two years before somebody hits them with a penalty that will make them follow the rules. It's important to have an enforcement process that works efficiently so that the bad actors either can start to comply with the law or get out of the business. In my view, the problem is only going to get worse if we don't fix it now. I expect that there's going to be a significant amount of infrastructure work done in this state in the next few years; new roads, new fiber for broadband, new water and sewer projects. That means more excavation, more calls for utility locates, and more opportunities for line hits to happen if our one-call system isn't working the way it should. That is why fixing it is now-- fixing this now is important. If you look at the green copy of LB344, you will see that it contains an idea that was intended to help speed up the enforcement process, an underground excavation safety committee. This committee would have met periodically and received the one-call complaints that have been filed, look at the evidence on the complaints, and then make a nonbinding recommendation to the Attorney General for whether and how the Attorney General should pursue enforcement of any of these violations. The thought behind the committee was to let the Attorney General focus on less-- focus less on performing investigations and more on enforcing the real violations. And in doing so, speeding up the time between complaint and resolution. There was a lot of good testimony on this bill at the committee hearing on this bill. There were several interested parties, mainly utilities who didn't think that creating the intermediary safety committee would actually speed up enforcement, and neither did the Attorney General. During the

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hearing, the Attorney General's testimony was that a better option would be to give the enforcement functions to administrative agency that has final authority to investigate complaints, make determinations, and assess penalties where it's appropriate. As the Attorney General stated at the hearing, this is how it works with many of our other state agencies; a few examples: the Nebraska Public Service Commission. Our laws give the commission a broad authority to enforce our laws relating to everything from telecommunications to grain warehouses and mobile home manufacturing. The PSC has a civil penalty authority and they have an administrative process for performing investigations, having administrative hearings, and determining civil penalties if necessary. There's always a right to appeal the district court from a commission decision. At the Department of Revenue, our law gives this agency the authority to enforce laws, make determinations, and conduct administrative hearings on those matters; claims for tax refunds, unpaid sales, and use taxes, tax protests, the list goes on. Again, if a taxpayer is not satisfied with the department or the decision, there's a right to appeal to the district court. There are many examples in our system where state agencies investigate and enforce our laws through administrative process. Almost every state agency performs this function. Mr. President, at this time, I would like to move forward to my opening on the standing committee amendment, AM83.

**HILGERS:** Thank you, Senator Friesen. As the Clerk noted, there are committee amendments. You are welcome to open on those amendments, Senator Friesen.

**FRIESEN:** Thank you, Mr. President. This-- AM83 simply adds two representatives to the Underground Safety Committee, who will represent locators. The safety committee would then consist of seven members: the State Fire Marshal, two representatives of underground facility operators, two individuals representing excavators, and two individuals that represent locators. I do have an amendment that will replace both the bill and the committee amendment. At this time, if I could, I would like to address AM1880.

**HILGERS:** Thank you, Senator Friesen. Mr. Clerk, for an amendment.

**CLERK:** Senator Friesen would move to amend the committee amendments with AM1880.

**HILGERS:** Senator Friesen, you're recognized to open on AM1880.

**FRIESEN:** Thank you, Mr. President. The testimony from the hearing, particularly the testimony from the Attorney General on what we could do to create a better and more efficient system, is what led to AM1880. AM1880 is a white-copy amendment that would become the bill. The amendment does a couple of things. First, it gives the State Fire Marshal's Office, a state agency, the duty to investigate and determine complaints related to the one-call violations. It gives the State Fire Marshal's Office the ability to determine the appropriate penalty if one is required. It spells out a set of procedures that the State Fire Marshal's Office will follow that are typical of some of the other agency processes that I've described earlier. If a party isn't satisfied with the State Fire Marshal's initial determination, they can request a full hearing with a hearing officer on the matter. If a party to the complaint isn't satisfied with the Fire Marshal's decision, they can appeal to the district court under Administrative Procedures Act. AM1880 creates a similar administrative process to the examples I gave earlier. AM1880 also makes clear that instead of a monetary penalty, the State Fire Marshal could use continued education as a penalty for minor one-call violations. After all, the goal is to make sure people comply and continuing education can be an important part of doing that. There are probably many situations where the continuing education is a better option for compliance than a monetary fine. AM1880 also gives the Fire Marshal the authority to adopt rules and regulations to implement this new enforcement system. And finally, I want to call your attention to language on page 3, lines 16 to 20. This language is intended to fix an omission from LB462 in 2019, which was the last one-call board related-- one-call related bill passed by the body. In LB462, we gave the one-call board of directors the authority to propose rules and regulations dealing with best practices for underground excavation safety. The State Fire Marshal implements these rules and regulations. What we omitted to do was to give the State Fire Marshal the authority to enforce these rules and regulations. The new language on page 3, lines 16 to 20 would fix that error. And with that, I'll explain a little bit why I think the Fire Marshal's Office is best suited to handle the one-call enforcement. Mainly, it has to do with the Fire Marshal's current duties in other areas and how close the State Fire Marshal is to the one-call process. First, the State Fire Marshal is already a nonvoting member of the one-call board of directors and serves as their technical advisor. As I mentioned before, the State Fire Marshal already works with one-call board of directors to implement their proposed rules and regulations on best safety-- best practices for safety and the One-Call Act already gives the State Fire Marshal some authority in terms of defining emergency conditions that require immediate reporting. So the

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State Fire Marshal already has a close relationship to the one-call board, the one-call laws, and the interested parties, both excavators and utility operators. Maybe more importantly, the State Fire Marshal already has a similar set of duties under the Nebraska's pipeline safety laws. For natural gas pipelines in Nebraska, if there is a damage incident, for example, someone hits a natural gas pipeline while they're doing an excavation, it is the State Fire Marshal that investigates the incident and makes recommendations on penalties to the Attorney General. The State Fire Marshal's Office has years of experience in performing these types of investigations, determining violations, and recommending resolutions. Moving the one-call enforcement from the Attorney General's Office to the State Fire Marshal creates better government and creates and strengthens our one-call system. It aligns the enforcement process with typical administrative enforcement systems in other areas and eliminates the oddball enforcement system that we currently have with the Attorney General and I'd ask for your green vote on AM1880 to LB344. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Friesen. Mr. Clerk, for a motion.

**CLERK:** Mr. President, I have a priority motion. Senator Kolterman would move to recommit the bill to committee.

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

**KOLTERMAN:** Thank you, Mr. President. Good afternoon, colleagues. I filed this motion to recommit, not as a filibuster tactic, but to ensure that the proper procedures for LB344, as outlined by the Rules of Nebraska Unicameral Legislature, are complied with. I've talked to Senator Friesen and he knows that-- my opposition to this. The introduced copy of LB344, which the Telecommunications and Transportation Committee heard and advanced to the floor of the Legislature, would amend the One-Call Notification Act to create the Underground Excavation Safety Committee, which review complaints filed by the State Fire Marshal before making recommendations to the Attorney General on whether a complaint is valid and what the appropriate civil penalty for each violation would be. AM1880 completely transfers the enforcement and disciplinary mechanisms for the One-Call from Notification System Act [SIC], the Attorney General's Office to the State Fire Marshal's Office. This proposed major change needs to be heard by the Transportation and Telecommunications Committee before we as a body take any action on AM1880. Based upon my reading of AM1880, AM1880 is essentially a new bill that the public and our state agencies should and need to comment

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on in a public hearing. I'm not the only one that feels this way. I passed out a letter signed by 11 different stakeholders affected by the One-Call Notification System Act explaining the need for a new public hearing, which you have-- which each one of you should have received, both as a, as a hard copy and you probably received emails on it as well. Not only has the public not had a chance to comment on this proposed legislation in a public hearing, the State Fire Marshal's Office and the State Attorney General's Office has not commented on this legislation in a public manner. To be, to be frank, I view this as an attempt to adopt AM1880, an amendment that is substantially a new and different bill that has not been vetted by the Transportation and Telecommunications Committee, the affected state agencies, and the public, which is why I believe we need to recommit this legislation to committee to allow them to have a public hearing. I want you all to know this is not an attempt to kill the bill. Senator Friesen and Transportation and Telecommunications Committee has done a lot of work on this bill. The one-call system has been a problem ever since I've been here over the last eight years. However, I have four REAs in my district and they-- and I, and I meet with each one of those REAs on an annual basis to understand where their concerns are. They brought this to me and said, can you, can you change this? Can you-- is there anything we can do to change this? We didn't oppose it at the hearing because we didn't realize they were going to transfer it from the Attorney General's Office to the Fire Marshal's Office and I think that's really where the issue is. So I bring this-- I'm not against the bill. I do think it needs to have a hearing if we're going to make that substantial change. I-- and I've, I've had a chance to look at the transcripts of the original hearings that were on the bill. There was only two people that voted against kicking it out. I don't know how many people voted on the amendment, if that was just done by the, the Chair, but the point is I don't think that it's been vetted properly. That's just my personal opinion. But you also have the opinion of 11 different organizations all the way from MUD to the Nebraska Rural Electric Association, the League of Municipalities, Nebraska Public Power District, Omaha Public Power District, Black Hills Energy, and the list goes on. So again, what I would like to see is an up-and-down vote of whether or not the rules have been followed, in my opinion, correctly-- or, or the, the, the intent of the Legislature. And then again, I'm not arguing the merits of the bill itself. I think it makes sense that we make a change. I just think it needs to be handled in a proper manner. So with that, thank you and I look forward to hearing the discussion on the bill.

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**HILGERS:** Thank you, Senator Kolterman. Debate is now open on the motion to recommit. Senator Flood, you're recognized.

**FLOOD:** Thank you, Mr. President and members. I at this point plan to support LB344 with the Transportation and Telecommunications amendment, as Senator Kolterman has raised a number of issues. As I understand the facts, the Attorney General's Office testified in front of our Transportation and Telecommunications Commission [SIC] that they don't have the, the staffing to be able to handle this and that not all the complaints were even getting dealt with. Let's remember what a complaint means: when somebody violates the diggers hotline, the chance that they dig into a fiber optic line and shut down kids' ability to learn in a community is hampered. I live in a community that has been down at one point for 30 hours. And when you're down for 30 hours, business stops, everybody stops working. Schools stop being able to teach kids. We have communities where their banks aren't open. So this is serious stuff and it's been going on for a long time. So if the facts are that the Attorney General's Office doesn't have the people they need, the facts are that this stuff is-- is been a problem for eight years, I think the Transportation and Telecommunications Committee did exactly what it's supposed to do; find a solution to a problem. And then with five votes, they send it out to the floor and the Chair of the committee, on behalf of the committee, made a case for sending it to the State Fire Marshal. Like, here's why I'm concerned about the idea of waiting because this has gone on over and over and over and over so much that sometimes I wonder if any of these groups really want real enforcement. Sometimes I wonder if some of these folks that are opponents really want to get to the bottom of some of these issues. Are people happy with somebody that spends a quarter amount of their time enforcing the law of the state? Here's my question for opponents: if not the State Fire Marshal, then who? We're talking about gas lines in the ground. We're talking about natural gas lines. We're talking about backhoes and intersecting natural gas lines creating safety hazards. The State Fire Marshal would have the ability and is actually an enforcement agency. If you think about it, the Attorney General's Office doesn't, doesn't write speeding tickets. They don't have police officers. They may have a few state deputy sheriff investigators that investigate in special matters, but they aren't spread out across the state. They're located primarily in the city of Lincoln and they are enforcing the laws of the entire state. There are State Fire Marshal deputies in every area of Nebraska. And when a line is cut-- and maybe it's not a fiber, maybe it's a gas line, maybe it's a water line, maybe it's a water line that's flooding water into people's basements and you have elderly folks that live in

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the basement that can't get out. Maybe it's a safety issue. I think this is reasonable and unless somebody comes up with a better plan, I'm going to vote for it. And I appreciate the fact that this committee sits there year after year after year, listens to complaints about the diggers hotline not working. And if you're one of those agencies that's opposed to this, were you at the hearing? Have you been at the table to find a solution and what's wrong specifically with the State Fire Marshal? Essentially, their letter dated March 11, 2022, says, oh my gosh, we could be giving the Fire Marshal's Office blanket authority to investigate complaints, hold hearings, issue subpoenas, compel attendance at a hearing. Folks, they also investigate crimes like arson, a Class II felony. You can go to jail for 50 years under an arson. I think they can handle the diggers hotline. I think they can show up in their vehicles that say State Fire Marshal and get to the scene faster than a-- an--

**HILGERS:** One minute.

**FLOOD:** --attorney in Lincoln that's working out of the State Capitol. What happens when the diggers hotline is violated in Dawes County? How long is it going to be until somebody investigates it? If the State Fire-- if State Fire Marshal can investigate arson, they can investigate a, a digger's hotline violation and they can follow up with not only the Attorney General, but the county attorney. Let's get everybody involved. Let's put some real teeth in this and let's protect this system because if people lose faith in the diggers hotline, it's bigger than the Attorney General's Office or the State Fire Marshal's Office. It means we're going to be out of Internet for 40 hours and no one's going to care. So I'm for this unless I hear something else and I'm definitely against the motion to recommit to committee at this time. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Flood. Senator Dorn, you're recognized.

**DORN:** Thank you, Mr. Chairman. Would Senator Friesen yield to some questions? Senator--

**HUGHES:** Senator Friesen, 4:50. I'm sorry--

**DORN:** No.

**HUGHES:** --Senator Friesen, will you yield--

**DORN:** Yield to a question.

**HUGHES:** --for a question?

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**FRIESEN:** Yes, I would.

**DORN:** OK, thank you. Some of these, some of these bills that come out of committee sometimes and even out of Appropriations, we don't all-- we're not always there, so we're not in-- involved in all the discussion. You mentioned that the Attorney General currently is the one that investigates these and that they said they were severely understaffed, basically able to do about half of the stuff every year. Was there-- during your discussion, was there ever a part of do we need to fund them more? And if we funded them more, would that take care of the problem that it's presenting us?

**FRIESEN:** Do you mind if I give a very long answer to that?

**DORN:** No, you can use, you can use all five minutes. Go ahead.

**FRIESEN:** So part of the problem is the Fire Marshal's Office only gets those complaints. Companies and excavators aren't willing to go to the Fire Marshal's Office if there's a, a near hit or a mismarked line or a company is not marking their lines, so they don't even bring those complaints to the Fire Marshal's Office. They only bring those complaints that get up into the high dollar amounts when somebody hits a, a telecommunications cable, for instance, where it's \$10,000 a minute for being down, things like that. Those are the ones that go to the Fire Marshal's Office, but all these other little hits, when somebody cuts through somebody's sprinklers and water lines and sewer lines, those never make it to the Fire Marshal's Office-- or the Attorney General's Office--

**DORN:** Attorney General, yeah.

**FRIESEN:** --because they just don't rise to that level that they're going to get heard there.

**DORN:** But, but was there some discussion in your committee of funding them more or was this the I call it the avenue or solution--

**FRIESEN:** No.

**DORN:** --going from the Attorney General's Office to the Fire Marshal's Office?

**FRIESEN:** There really wasn't discussion. In fact, the Fire Marshal's Office kind of-- or the Attorney General's Office recommended that we give this to the Fire Marshal so that it would take the, the load away and only-- we did not take this away from the Attorney General's

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Office. They're still going to do those hits that rise to the level of the Attorney General dealing with it. So what this group does, the Fire Marshal's Office will just be handling the, the low cost, the low ones where no one wants it to go to the Attorney General's Office because of the cost.

**DORN:** Thank you for that explanation. Thank you very much. When I was on the county board-- and I'll, I'll tell a little bit of a story. It's, it's, it's what-- we had a 9-- the digger hotline and we-- the county asked to-- we were going to regrade a, a section of a road and we asked the diggers hotline to come out and mark all of this stuff and we said in the right of way. Well, in the right of way, meant the 30 feet or whatever from the center of the road. As we shaped the hill-- as our people from the county shaped the hill, we went out approximately another 15 feet. Lo and behold, what did we do? We hit a power line that we did not tell diggers hotline to mark and yet we-- it was a buried line and we damaged it. That was handled by our county attorney and the local power supply company or Norris Public Power. And that was-- you know, we tried to argue that, no, that wasn't our responsibility. They should have marked that out in the field, but that wasn't the way the request came. So some of these things sometimes-- I call it, there's another part of the story when there is an issue or whatever. So we ended up settling with them and had to pay for the damage to that line and so on--

**HUGHES:** One minute.

**DORN:** --and that's why I asked. One minute? Thank you. So I, I-- some of these things-- and I thank you for the explanation because some of these explanations we don't always get when we're not there and part of that. And the way I understood, you said that the State Fire Marshal then, between them and the Attorney General's Office, the recommendation has been to move this to them. OK, thank you very much. Yield my time.

**HUGHES:** Thank you, Senator Dorn and Senator Friesen. Senator Williams, you're recognized.

**WILLIAMS:** Thank you, Mr. President and good, good afternoon, colleagues. And first of all, I'd like to thank the TNT Committee and, and Senator Friesen for all of their work on this. And I recognize it's an important issue. We run a business that depends on telecommunication and lines and when those have been cut, it really does, as Senator Flood says, put us at a, at a real disadvantage and I am standing up supporting the motion to recommit because of the

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context that I've had from the public power districts in my legislative area. I have both the homes of Dawson Power and Custer Power in my legislative district and no, no one is questioning the importance of the one-call system and that we need to really get it right. No one's asking to wait and delay this. What I think we're asking is to just be sure that this is the right solution and there would be an opportunity at this point in time to quickly have a hearing and invite the right people back in, including the Fire Marshal, to see if they could handle that. I'd like to quickly read the letter that I received from Dawson Power on this issue asking me to oppose LB344 in AM1880. It says: AM1880 removes the authority of the Attorney General's Office to review and investigate violations of the One-Call Act and places this authority under the purview of the State Fire Marshal. AM1880 is a completely new idea. We did not get a public hearing and it will require a new fiscal note for the state that we do not have at this point. It gives the State Fire Marshal as office to establish rules, regulations to operate the quasi-judicial agency, but we have not heard from the Fire Marshal if they are equipped to do this. We have not heard from the public of what they would think about this. We have not heard from the opponents and the proponents at a public hearing. All of our representatives on the 811 board are opposed to this idea. It has not been properly vetted. The Attorney General's Office had the-- has the legal expertise to review the law, understand if a violation has occurred, and to lever-- levy the proper punishment. AM1880 would give the Fire Marshal's Office blanket authority to hold hearings, issue subpoenas, compel attendance at a public hearing, and hire outside counsel to hear these cases. This is a significant shift of authority. Excavators are worried about the speed of this process. Their cases are not being heard as fast as they would like now. Let's give the AG's Office the tools that they need for proper incentive to help them make this a more-- a higher priority in their office. There is no reason to believe that this-- by simply giving this authority to the Fire Marshal's Office, we are fixing the problem. Who is to say their office won't encounter the same obstacles? The Fire Marshal's Office could have limited staff availability. They could have problems finding the right hearing officers with knowledge. We need to hear from them at a public hearing. That is the cry that I'm hearing from the public power districts in my area. Again, this substantially changes the process from-- with AM1880 and I believe that such a significant change should require a-- an additional public hearing. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Williams. Senator Erdman, you're recognized.

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**ERDMAN:** Thank you, Mr. President, and good afternoon. I've been listening to the comments. I listened to Senator Kolterman and his reason for recommitting and I also listened to what Senator Williams had to say. I was wondering if Senator Friesen would yield a question or two?

**HUGHES:** Senator Friesen, will you yield?

**FRIESEN:** Yes, I would.

**ERDMAN:** Senator Friesen, I would assume that you've had a conversation with the Fire Marshal's Office about this?

**FRIESEN:** Yes, they've been on in all the meetings. They've testified at the hearing.

**ERDMAN:** And then I looked at the fiscal note and, and it's about 200-- I think it's \$214,000 a year from the General Fund. Is that right?

**FRIESEN:** That could be correct.

**ERDMAN:** OK. So here's, here's where I'm going with this. So if we have 86 complaints on an annual basis and that's what they estimate the complaints to be and if each one of those complaints-- that would be 22 per quarter, they're going to meet quarterly. I think I read. So if each one of those had a two-hour time constraint, that would be 44 hours for each quarterly meeting, would, would that be appropriate?

**FRIESEN:** Well, I, I think, though, that what I envision with this, if it would pass, there would be hundreds of complaints filed because now we're going to start to file complaints about mismarkings and, and near hits or those types of things are now going to get filed because there's going to be an agency that does something about it and actually enforces those rules and regs that we have.

**ERDMAN:** OK. So I'm going to conclude from that is that 86 may not be the number of complaints going forward if we have a better way to report those, would that be a correct statement?

**FRIESEN:** Yes, that would be a correct statement.

**ERDMAN:** All right, so let's say, let's say we do 120. Now, now we've got 30 or 40 complaints per meeting and this committee is going to meet and hear those complaints. They may spend a couple of weeks every quarter just hearing the complaints, would that be true?

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**FRIESEN:** Depends on how they write their rules and regs. It could be just one person that-- the hearing officer that would hear that complaint.

**ERDMAN:** OK. So that, that-- the rules as far as that goes haven't been, haven't been set yet. So it would be-- if you're familiar with TERC, unless it's a certain dollar amount, a TERC hearing can be a single TERC commissioner. If it's \$1 million or more, I think it's two. And then I think in your appeal, you can have all three. So it would be a similar process, you think, to what TERC does?

**FRIESEN:** I would envision something like that.

**ERDMAN:** OK. So if they have that many more complaints and they have that many more hearings, then the fiscal note of \$214,000 may not be enough, would that be true?

**FRIESEN:** Well, again, not knowing for sure-- what, what I envision is once this gets in place and companies start to realize that they're going to be called on the carpet for not marking or mismarking, they're going to start doing a better job. So I think initially there will be a lot of complaints and within a year or two, that should diminish--

**ERDMAN:** OK.

**FRIESEN:** --extremely down to smaller numbers.

**ERDMAN:** I, I would hope that that's the goal. I think that's the, that's the goal we're looking for. The-- maybe the last question I have is I've had this comment from someone: why don't we just give the Attorney General more money that he can hire the correct staff to handle this himself so we wouldn't have to have this special committee? Have you, have you had that question before?

**FRIESEN:** Well, the Attorney General's Office is the one that testified in favor of having the Fire Marshal do this so that they wouldn't have to add staff because I'm assuming their staff-- you're hiring lawyers, you might have to charge-- or actually spend more money. I don't know the reason for it, but--

**ERDMAN:** OK.

**FRIESEN:** --their testimony was to let the Fire Marshal's Office sift through these, these smaller complaints.

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**ERDMAN:** OK. So to follow up on that then, if we gave the Attorney General \$214,000--

**HUGHES:** One minute.

**ERDMAN:** --so they could hire more staff, would they be able to accomplish what we need to accomplish?

**FRIESEN:** I can't answer that because I guess they haven't-- they could have dedicated more staff to this if they had wanted to. They have chose not to because again, these small complaints about mismarkings and stuff doesn't rise to the level that they care. They go after where the big dollars--

**ERDMAN:** OK.

**FRIESEN:** --are involved.

**ERDMAN:** OK. Well, thank you for answering those questions, that helps. Thank you.

**HUGHES:** Thank you, Senator Erdman and Senator Friesen. Senator Friesen, you're next in the queue.

**FRIESEN:** Thank you, Mr. President. So I want to clarify a few things. This bill doesn't substantially change anything. I thought the reason that we held hearings is, though, that we can have people make comments and suggestions to how we might make the bill better. In the testimony, the Attorney General's Office recommended putting it in the Fire Marshal's purview. This was at the hearing. This is why we hold hearings. We don't hold hearings just to rubber stamp the idea that's thrown out there. We, we hold hearings to take that criticism and make the bill better. If we had to hold a hearing on every idea that we use to make a bill better, we'd never pass a bill. The idea that we'd have to hold a hearing just to put-- let the Fire Marshal do this, we, we at first were going to form a, a safety committee that would be a whole different structure, but it operated the same way as the Fire Marshal's Office. The Fire Marshal is very well integrated into the whole diggers one-call system. It only makes sense that we put it under their purview. This is a safety issue. We've had excavators come to us and talk about lines that weren't marked, high voltage lines. Are we going to wait till someone's killed before we enforce our one-call? That's what the excavators are concerned about. They already don't trust the system, so they go mark their own lines after they've called 9-- 811 and had them mark the lines because they don't trust the system because we don't enforce it. We don't have a system that

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enforces it. This is what we have to do to get their attention. I think once those rules and regulations are enforced, companies will start doing a better job. But look at this from an excavator's point of view, they pull on to a worksite and, and there's, there's no markings. They've called diggers. They've given them their 48 hours. They start to excavate and lo and behold, somebody didn't come mark their lines. They just ignored it. And I'm not talking about the damage to the infrastructure I'm talking about somebody could be killed by hitting a gas line or a high voltage line that's in there. These excavators are concerned for their employees' safety. They want this enforced. They're the ones that came to us and said, we've got to fix the 811 system because it's just raising our cost because we go in and we mark our own lines now already because we don't trust 811. This is a safety issue more than it is anything else. How do we get them to enforce it? How do we get the facility owners to make sure that they're hiring third-party companies that come in and mark the lines and do a good job? Right now, the Attorney General's Office does not-- they don't-- no one even files a complaint unless it gets up into a high dollar amount. They just, they just ignore it because they know nothing's going to get done. And these electric companies-- and you'll notice that 99 percent of them are electric companies. I can't figure out quite why they're opposed to it because most of their stuff is above ground. It must be because they're drilling into stuff that's below ground and they don't want to be penalized. I'm not sure of their reason, but they're-- most of their facilities are above ground and yet they're opposing this. Are they worried that they're going to get fined for not doing their job? We have the system to protect the excavators and to protect the infrastructure that's underneath our ground--

**HUGHES:** One minute.

**FRIESEN:** --that's in the public right of way. Let's enforce what we currently have and it looks to me-- I've tried this for years. I've tried to give the one-call board the authority. They don't want it. They don't want any authority. They didn't want us to create a separate group to do it. This group has opposed everything we've done because they don't want anything to be done. We've dealt with this for four years at least and we still haven't come to a conclusion that I think is satisfactory to protect those excavators that are working on these sites. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Friesen. Senator Kolterman, you're recognized.

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**KOLTERMAN:** Thank you, Mr. President. Colleagues, I want to, I want to set the record very straight here. I am not opposed to the bill as it's being presented. I'm, I'm concerned-- I had four of my REAs come to me and you've seen the letter from various organizations throughout the state that don't feel that the process was handled properly. All they want to do is have a hearing so that they can testify in support of the bill the way it was presented. If, if we want to have a hearing on the bill, if, if the Chair will agree to have a hearing on the amendment as presented-- in other words, LB344, AM83, and AM1880 would have a hearing-- I'll withdraw my motion to send it back and I'll even suggest that we move it forward, so-- but again, I just didn't dream this up, folks. These people that signed this letter are, are constituents of all of ours and they have a big play in the game. Wonder if Senator Friesen would yield to a question?

**HUGHES:** Senator Friesen, will you yield?

**FRIESEN:** Yes, I would.

**KOLTERMAN:** Thank you, Senator Friesen. And we talked about this before, so he knew this was coming. Senator Friesen, would you be willing to have a hearing so that these-- all these individuals can at least come and say yes or no?

**FRIESEN:** Sure, I would.

**KOLTERMAN:** With that, I will withdraw my motion to refer to committee and encourage you to get out of the queue and support this bill as amended so they can have a hearing on it. Thank you very much.

**HUGHES:** Thank you, Senator Kolterman and Senator Friesen. Motion 156 is withdrawn. Senator Moser, you're recognized.

**MOSER:** Thank you, Mr. President. Well, we've brought up a bunch of issues, some of which are related, but not necessarily causally related. Whether a town is without Internet for 30 hours or not is not what this bill is trying to solve. The utilities usually try to correct their problems right away no matter whose fault it is. They, they'll make a repair. If they cut fiber line, they'll call the owner of the line. They'll come out and repair it. The question is who pays for it after it's repaired? Whose fault was it that the line got damaged? And there are certain contractors that are kind of careless working around these utilities because they would rather just pay for the repair or take their chances rather than do a lot of work to locate these lines. If the one-call operator, the, the marker comes

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out and marks the lines all correctly and then there's damage, then the damage generally has to be repaired by the person who hit the line. If the person who's marking the lines misses the location of the lines by-- I don't know if it's 18 inches. I don't remember. There's a certain distance that he has to be within and if they miss it, then when there's damage, the person who hit the line is probably not going to be held liable. So there are some really big losses in some of these and the Attorney General's Office, I think, has always gotten around to ruling on them. The problem for them, I think, is, is that they have bigger fish to fry than arguing over who cut a coaxial line into somebody's house that, that the cable company wants \$300 to repair. And so those kinds of complaints languish there and, and sometimes don't get resolved. So if the Chair-- and I voted against adding this to the bill. I voted against bringing it out to the floor just because I didn't think it solved the problem with the one-call. It-- all it does is changes who's going to try to sort out the arguments and I don't know that that's going to be a solution or not, so. But anyway, if the Chairman is willing to schedule a hearing and try to sort this out, I will support that. Thank you.

**HUGHES:** Thank you, Senator Moser. Speaker Hilgers, you're recognized.

**HILGERS:** Thank you, Mr. President. Good afternoon, colleagues. I appreciate the conversation on the mike and I appreciate Senator Friesen and Senator Kolterman. Just to sort of update everyone, this is a Speaker priority bill. Senator Friesen has agreed that if AM1880 and the committee amendments get on, he will notice a hearing-- I think he'll notice it today-- to have the hearing as soon as he can. This will get moved to Select File, I hope, and then we will have the hearing and after that, we'll work to see what level of opposition there might be, what the dialogue was, whether any additional amendments were made. And if this bill does go forward, there will still be time to be able to, to get the bill across the finish line. If there is other opposition then we'll have to address it at that time. So just to be clear, I understand from Senator Kolterman he already withdrew his motion. If there's others in the queue, I would just ask if you want to pull out because if this comes back, you'll have the opportunity to be here on Select File so that we can get to the next bill. But that is what the agreement is and that is what will happen. Thank you, Mr. President.

**HUGHES:** Thank you, Speaker Hilgers. Senator Morfeld, you're recognized.

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**MORFELD:** Thank you, Mr. President. Thank you, colleagues. I think I heard Senator Flood and Senator Friesen talk about respecting the prerogative of the committee. That's ironic, given that I think both of them voted to remove a bill from the Judiciary Committee that was not voted out by the committee. So I guess it works when it's in your favor, when it's an issue you care about, when it's your committee, but I, like many of those in the Judiciary Committee sit in that committee for hours, listen to people come in and testify, listen to our police departments come in and testify, listen to mothers and advocates, victims of violence come in and testify. And there's a reason why that bill was not voted out of committee. But now we're supposed to respect the prerogative of that committee. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Morfeld. Seeing no one else in the queue, Senator Friesen, you're welcome to close on AM1880.

**FRIESEN:** Thank you, Mr. President. Again, we will hold a hearing. I do feel that this kind of raises the bar for anybody that does have a hearing now and wants to make a change to a bill. When do we have a hearing on that new subject matter that fixes the bill that the reason you held the hearing? The reason we hold a hearing is to find out issues with the bill. And now we're saying we find something wrong, we can't fix it without holding another hearing. So I'd ask you to please send this bill. Let's a vote for the amendments. Let's send it on to Select. We will hold a hearing. We'll let them air their grievances and maybe they can come up with a suggestion that fixes this, but my intuition tells me they want to do nothing but block this and keep it from happening again. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Friesen. Colleagues, the question before us is the advancement of the attachment of AM1880 to LB344. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 41 ayes, 0 nays on the adoption of the amendment to the committee amendments.

**HUGHES:** AM1880 is adopted. Seeing no one in the queue, Senator Friesen, you're welcome to close on committee amendment AM83. Senator Friesen waives closing. Colleagues, the question before us is the adoption of AM83 to LB344. All those in favor vote aye; all those opposed to vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 42 ayes, 0 nays on adoption of committee amendments.

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**HUGHES:** AM83 is adopted.

**CLERK:** I have nothing further on the bill, Mr. President.

**HUGHES:** Seeing no one in the queue, colleagues, the question before us is the advancement of LB344 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 39 ayes, 0 nays on the advancement of the bill.

**HUGHES:** LB344 is advanced. Next item, Mr. Clerk, LB344A.

**CLERK:** LB344A by Senator Friesen appropriates funds to implement LB344.

**HUGHES:** Senator Friesen, you're welcome to open on LB344A.

**FRIESEN:** Thank you, Mr. President. This is just the A bill that provides the funding to the Fire Marshal's Office should this bill pass. I think we talked about the fiscal note earlier, so just ask that you pass this on to Select also. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Friesen. Colleagues, the debate is now open on LB344A. Seeing no one in the queue, Senator Friesen, you're welcome to close on LB344A. Senator Friesen waives closing. Colleagues, the question before us is the advancement of LB344A. All those in favor vote aye; all those opposed to vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 36 ayes, 0 nays on the advancement of LB344A.

**HUGHES:** LB344A advances. Next item, Mr. Clerk, LB1102.

**CLERK:** LB1102, a bill by Senator Bostelman, relates to environmental protection; it adopts the Nebraska Environmental Response Act; it changes provisions relating to enforcement of environmental protection provisions. Introduced on January 19 of this year, referred to the Natural Resources Committee, advanced to General File. There are committee amendments.

**HUGHES:** Thank you, Mr. Clerk. Senator Bostelman, you're welcome to open on LB1102.

**BOSTELMAN:** Thank you, Mr. President, and good afternoon, colleagues. First, I want to thank Speaker Hilgers for designating LB1102 as a

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Speaker priority bill. LB1102 creates two new tools to protect Nebraska's environment, which were modeled after laws in Kansas and Missouri. First, LB1102 creates the Nebraska Environmental Response Act. This new act authorizes the director of NDEE to issue orders requiring a person or company that is responsible for a spill that may require remediation to clean up the spill. If the responsible party fails or refuses to remediate the spill, the state may take the lead on the cleanup and pursue cost recovery from the responsible party. The money recovered would go back into the newly created cash fund, which is seeded with a one-time \$300,000 transfer from General Funds for future cleanups. The bill clearly identifies liability and limited exemptions and provides for voluntary remediation option. These provisions ensure the responsible party is responsible for the cleanup rather than shifting the burden to Nebraska taxpayers. Finally, the new act provides for an environmental lien to be filed against the property for the amount of the state's cleanup costs if the responsible party does not pay. Second, the bill authorizes the DEE director to issue cease and desist orders, or CDOs. If the director finds an act or practice that presents a substantial, a substantial harm to the environment, the CDO is intended to put a quick stop to situations that pose a threat or could pose a threat if no action is taken. CDOs could also be used in nonemergency situations rather than waiting for conditions to evolve into emergencies. The CDO process ensures that persons receiving a CDO are aware of its terms, why it is issued, and how to challenge it. CDOs go into effect immediately, but the recipient may request a hearing within 15 days of issuance, with a hearing to be set within ten days after that date. Violation of a CDO can result in a, in a civil penalty, suspension, or revocation of environmental permits or further enforcement action. LB1102 was voted out of committee with five proponents and two nonvoting. I ask for your support to LB1102 and its advancement to Select File.

**HUGHES:** Thank you, Senator Bostelman. As the committee [SIC] stated, there are committee amendments. Senator Bostelman, you're welcome to open on AM1893 as Chairman of Natural Resources Committee.

**BOSTELMAN:** Thank you, Mr. President. Colleagues, LB1102 had a public hearing on February 3. At the hearing, the committee heard from some proponents, a single opponent, and a neutral testifier. One of the proponents and each of the other testifiers made points or requested some changes we thought improved the bill. We worked with those, we worked with those and AM1893 addresses those suggestions. AM1893 replaces references to "responsible party" with "responsible person" for the consistency and to make it clear that the act applies to an individual, a company, a partnership, or other entity involved in the

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release of a pollutant. AM1893 also adds the definition of "pollutant" to clarify that pollutants include those substances that can cause harm or injury to plant or animal life. It contains clarification that cleanup is intended to be done in conformance with federal and state standards and regulations and eliminates the director's ability to waive those requirements. Finally, AM1893 transfers \$300,000 to seed the Environmental Cash Fund and makes some grammatical changes for clarity. I urge you to vote green on AM1893 and to the underlying bill, LB1102. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Bostelman. Debate is now open on AM1893. Senator Blood, you're recognized.

**BLOOD:** Thank you, Mr. President. At this time, I do stand the support of Senator Bostelman's bill and the amendment. But as I spoke with him earlier, there are things that I would really like to get on record today and clarified. And so again, not trying to sink Senator Bostelman's bill, not trying to drag it out, just making sure that we get some things on record. And Senator Bostelman, would you yield to a quick question?

**BOSTELMAN:** Yes.

**BLOOD:** Did I say that to you before we started today?

**BOSTELMAN:** Yes.

**BLOOD:** Thank you. So I think to make sure that we move forward in a timely manner, what I'm going to do instead of a back and forth, Senator, is I'm going to ask you to take pen to paper and I'm going to ask some questions and then that will give you an opportunity to come back and answer them. Does that sound fair? OK. So the first question I have is I'm looking at the current remediation plan and it doesn't include cleanup off site, yet as you know, because you've been there, there's substantial damages to people and property outside of the facility, including the loss of bee colonies, dead wildlife, and, of course, the lifeless pond. The first question I would have when you have time to answer it is does LB1102 cover off-site remediation, does it cover off-site remediation? I'm not--

**HUGHES:** Senator Bostelman, would you yield?

**BLOOD:** --I'm not asking him to yield. I said at the beginning I'm going to go ahead and ask the questions and he can come back and answer them. Otherwise, we'll drag this on forever, so. The next question I would have is doesn't NDEE already have authority to shut

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down bad actors like AltEn because I'm looking through this bill and what it does and doesn't do and I noticed that Mr. Macy actually testified that they did. So I'm really curious why we're trying to give him more teeth when he already has the teeth to do that. So that's one of the questions that I have. And then we had a concern about what people is defined. Now we know that the seed companies are involved in the remedial action plan and they're treating NDEE's directives as optional. And I know we have some kind of signed agreement, but no legal binding agreement. Will LB1102-- does it contain provisions that I'm missing to require the seed companies to follow its directives? So I think I'll just start with those three because some-- maybe some of my other questions will be answered. And with that, if I have any time, I'm going to yield that Senator Bostelman and give him extra time.

**HUGHES:** Senator Bostelman, 2:15.

**BOSTELMAN:** Thank you. Thank you for those questions, Senator, Senator Blood. A couple of things: the bill, LB1102, speaks to things that may happen into the future. It does not speak to things that have happened previously. LB1102 is the result of LR152, which I introduced in May of last year and which focused on what, if any, tools in law would help the state to quickly respond and if needed, to itself clean up sites where pollutants are being or have been discharged. Comments to current situation at AltEn, I'm not at the point-- I don't feel that I can-- I'm-- I can answer those, as I would have to ask DEE or others as far as what that might be. The bill itself, LB1102, is about future incidents, future happenings. If it would be what this is, if a significant environmental issue comes to light in the future, then that's exactly what this bill is intended to do. It is intended to give the director of DEE the authority to step in with a CDO or otherwise to address that situation.

**HUGHES:** One minute.

**BOSTELMAN:** Regarding the seed companies, again, that's something that I would-- I don't have those-- that document-- those documents in front of me, so I really cannot comment on that at this time and I thank you for the questions.

**HUGHES:** Thank you, Senator Blood and Senator Bostelman. Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. So as Senator Bostelman said, the vote in the committee on this was, I think it was five for it and

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two not voting. I was one of those not voting members and it's not necessarily that, that I-- I didn't oppose this bill, necessarily, but I-- well, so as the process went through, this is-- Senator Bostelman I think just recounted there was an interim study and then this bill kind of went through an iterative process and there was an initial kind of iteration of it that I liked more. And then this one was a little-- not as forceful in its language as I, as I wanted it to be and so I'm not opposed to this because I think it's a step in the right direction, but that's why I was present not voting at the time. I do think that we could be doing more. But just as to the historical look-back on what the, the-- in reference to addressing things of the past, we had a hearing on this. Director Macy came and testified. I asked some of those direct questions at that hearing and he was hesitant to answer because of the ongoing issues. And what I think is important to take into consideration is when we pass a bill like this and we look at the-- it, it is in response to things that have happened the past, obviously, because we have had, at AltEn in particular, but in other places as well, that there have been weaknesses, failings in our system that have been elucidated through those failings. And that does not mean anything about the, the law at the time, but it does mean it's an instructive for us to go forward in ways that we can make changes to prevent things from happening in the future. So Senator Bostelman said, this is about the future. This is about making sure that NDEE has the resources, the, the, the tools to address all of the issues that get presented to it going forward, as well as not forcing NDEE to act in their discretion. And so, like I said, I, I-- there are parts of this that I would like to see have-- maybe have more forceful language in it and so-- and I know I've talked to Senator Bostelman about good-faith changes that have been made previously and, and, you know, discussions about it. So at this point, I, I would vote to advance this, this bill to Select and if there are other conversations, I'm sure that will be entertained to make sure that this actually does achieve the objective that we're talking about. This is a complicated issue. There is-- this is-- essentially, it's regulation, regulatory language we're putting it here, which is why we're trying to make-- you want to make it strong, but not so cumbersome that we are forcing the agency to take action when it's not necessary. And that is a hard, you know, needle to thread, I guess, is the word, to, to get between those two things. And so I think we're working towards that. This is a step in the right direction and that's why I didn't vote against it and why I plan to vote for it to keep moving it forward at this point in time, but it does not mean that this is the end. This does not mean this is the, the last thing that we need to do to remedy these issues in the

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future. Obviously, again, we can't go back. This is not backwards looking. This is not going to change what happened in this issue, but that-- the, the issue that happened at that site is instructive as to what problems we face. So I would encourage green vote on AM1893 and LB1102. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Cavanaugh. Senator Blood, you're recognized.

**BLOOD:** Say Blood? All right. It makes it hard when Senator Flood's-- Flood is here. I'm never sure if it's me or him. Fellow senators, friends all, I have a few more things I want to get on the record. I am in support of the amendment and underlying bill and look forward to hopefully fixing some things between General and Select, but Senator Bostelman and I have had good conversations. So LB1102, as Senator Bostelman just stated, is really referring to the future. So it's only going to address the clean up on enforcement and liability after another spill happens, if indeed it does. It doesn't address the process that is supposed to prevent pollution from happening and gaps in the enforcement and permitting that is causing our water to be polluted. So I like to refer to LR159 because we haven't been able to get it out of committee. It would have identified and patched gaps between agencies, it would clarify responsibility, and it would outline what information the Legislature would need to access success when it came to NDEE or NRDs, NDA and other entities that pertain to our water quality. So if we were able to maybe amend LR159, some of the language into LB1102, we would be asking if the purpose of NDEE would be to approve permits as fast as possible or is it to protect our waterways and what guidelines the Legislature needed to put into place to make it happen. So I appreciate what Senator Bostelman is doing with this bill, but it, it just-- it doesn't go far enough and all I keep hearing from people around the building is that, well, we're in litigation, let's see what happens. Well, I can respect that. I'm not an attorney. I never pretend that I'm an attorney. I don't talk legalese, but I, I've seen all the hearings and you've heard me say it too, how much is too much? And I didn't want to be involved in this, this horrific environmental crisis. I got sucked into it. But you can't tell people who have families and who have homes who are concerned no because they're still Nebraskans. And so although Senator Bostelman was most definitely voted as their state senator, we represent all Nebraskans and so this and several other environmental issues that are going on in Nebraska right now that are going to come to light are now in the forefront. So I have concerns, not because he's trying to give more teeth, which I think they already have. I mean, it's kind of like last year's bill on the coated seed. It

clearly says on the packaging and it's a federal law that you can't use neonicotinoid coated seed off label. So the bill that we had last year was more of a feel-good bill that just kind of codified what already was law. And I've done that myself on a bill before and I think it's good to have those things in, in state statute. But what I want to know is when we're going to, like, really give something some real teeth because again, NDEE already said that they had the ability to do what we're asking this bill to do. It does refine definitions better and I respect that, Senator Bostelman, but I just-- I question if it's far enough. And I love that we're going forward in the future to say, hey, we don't want this to happen again, but will this bill really prevent that from happening? Maybe it'll prevent them from having to cite them 13 times before they pull the trigger, but that's a question we can't get answered either. How many times is too many times before we pull the trigger? Is it one? Is it three? Is it five? Actually, Senator Lathrop asked that question in the hearing for my bill and I think it makes sense. What, what is that magic number?

**HUGHES:** One minute.

**BLOOD:** And so with that, again, I do not oppose this amendment. I do not oppose this bill, but I wonder if we can really, truly add more teeth to it between General and Select and I'm-- would hope that Senator Bostelman would be open to that, speak with Senator Cavanaugh, myself, Senator Lathrop because I know we would like to see it go even further. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Blood. Seeing no one else in the queue, Senator Bostelman, you're welcome to close on AM1893.

**BOSTELMAN:** Thank you, Mr. President, and a couple of things I want to talk about real quick. LB1102 provides additional tools to NDEE director. I think that's important to understand is these are additional tools for them. There are administrative regs and there are other things to address some of the concerns that Senator Blood brought up. Also in the bill in here it also-- there is a portion in there where they can do a, a CDO. So if they see something that concerns them, that needs to take immediate action, they can actually do that, I believe. So with that, I would ask for your green vote on the amendment and underlying bill. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Bostelman. Colleagues, the question before us is the adoption of AM1893 to LB1102. All those in favor of vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

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**CLERK:** 40 ayes, 0 nays on adoption of committee amendments.

**HUGHES:** AM1893 is adopted. Debate is now open on LB1120 [SIC--AM1102] as amended. Seeing no one in the queue, the colleague-- colleagues, the question before us is the adoption-- or the advancement of LB1102 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 40 ayes, 0 nays on the advancement of the bill, Mr. President.

**HUGHES:** LB1102 advances. Next item, Mr. Clerk, LB927. Oh, excuse me. There is LB1102A, my apologies.

**CLERK:** Mr. President, LB1102A by Senator Bostelman. It's bill for an act to appropriate funds to implement LB1102. I do have an amendment to the bill, Mr. President.

**HUGHES:** Senator Bostelman, you're welcome to open on LB1102A.

**BOSTELMAN:** Thank you, Mr. President, and again, good afternoon, colleagues. LB1102A is the A bill for LB1102, which creates the Nebraska Environmental Response Act. LB1102A would provide a one-time \$300,000 transfer from General Funds to seed the newly created Nebraska Environmental Response Act Cash Fund. This fund will be utilized by the Department of Energy-- Environment and Energy to pay for any future cleanups and other reasonable costs incurred during the cleanup. The cash fund will further be funded through administrative penalties levied by the director to persons who have failed or refused to, to corrective actions or cleanups for leases that may harm the environment. I would like to-- also, if I may, I do have an amendment, AM2212. May I speak to that as well?

**HUGHES:** You may continue, Senator Bostelman.

**BOSTELMAN:** Thank you. After I introduced the A bill, the Fiscal Office recognized that it transferred funds into the incorrect program, so this amendment reflects the correct program and I would ask for your green vote on AM2212 and LB1102A and its advancement to Select File. Thank you.

**HUGHES:** Thank you, Senator Bostelman. Debate is now open on AM2212. Senator Slama, you're recognized.

**SLAMA:** Thank you, Mr. President. Good afternoon, colleagues. I, I just have a couple of questions for Senator Bostelman if he'd be willing to yield?

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**HUGHES:** Senator Bostelman, will you yield?

**BOSTELMAN:** Yes.

**SLAMA:** Thank you, Senator Bostelman, and I appreciate you having a brief dialogue with me just about some of the mechanics on LB1102A. So with this \$300,000 fiscal note, like, where specifically are those funds going to be used? I understand that it's going to be a one-time payment to this fund for cleanup, but where specifically is that money going to go towards?

**BOSTELMAN:** Go towards or to? To DEE and to the program number-- what's the program number? Pardon? Oh, into 513.

**SLAMA:** Fantastic and that will go towards?

**BOSTELMAN:** Yes, yes.

**SLAMA:** Towards? OK. So do you anticipate-- I, I know that we're still working through what the cleanup costs are going to be for this disaster, which I think we all have really been taken aback by what's, what's happened. And moving forward, do you anticipate that \$300,000 one-time fee would be a sufficient amount, especially when we're looking at carrying it on through penalties that may or may not be paid in a timely manner?

**BOSTELMAN:** So LB1102A and LB1102 is for future events that may happen.

**SLAMA:** OK.

**BOSTELMAN:** Currently, there is a voluntary cleanup program--

**SLAMA:** Um-hum.

**BOSTELMAN:** --if that's what you're concerned about with the situation at AltEn. That's already agreed upon, so those-- this does not apply necessarily to that.

**SLAMA:** OK, so this would be solely for future events--

**BOSTELMAN:** Yes.

**SLAMA:** --the one-time fee, so the \$300,000--

**BOSTELMAN:** Yes, yes.

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**SLAMA:** --would be there? All right. Well, that is all the questions I had. Thank you very much, Senator Bostelman for answering some clarifying questions I had there.

**HUGHES:** Seeing no one else in the queue, Senator Bostelman, you're welcome to close on AM2212. Senator Bostelman waives closing. Colleagues, the question before us is the adoption of AM2212. All those in favor of vote aye; all those opposed to vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 36 ayes, 0 nays on adoption of Senator Bostelman's amendment.

**HUGHES:** AM2212 is adopted. Seeing no one else in the queue, Senator Bostelman, you're welcome to close on LB1102A. Senator Bostelman waives closing on LB1102A. Colleagues, the question before us is the advancement to E&R Initial of 11-- LB1102A. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

**CLERK:** 38 ayes, 0 nays on the advancement of the bill.

**HUGHES:** LB1102A is advanced. Next item, General File senator priority bill, LB927. Mr. Clerk.

**CLERK:** LB927 is a bill by Senator Pahls. It's a bill for an act relating to the Convention Center Facility Financing Assistance Act; defines and redefines terms; it changes provisions relating to use of state assistance; changes limitation on the total amount of state assistance allowed. Introduced on January 10 of this year, referred to the Revenue Committee, advanced to General File. There are Revenue Committee amendments pending.

**HUGHES:** Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB927.

**PAHLS:** Thank you, Mr. President, members of the body. I looked at the brown sheet and I said, my goodness, I'm the last bill of the day. Then I flipped it over and, no, there are a couple of bills after me, so I know this has been a very-- what I call a very working day. So I will try to make my points very well pointed. I would like to introduce LB927 and encourage you to support it. For-- just for a little bit of history, for those of you who've been to the Omaha area, you probably have heard of the Qwest, the Century Link, now the CHI Center. That was built in 2004 for \$295,000 and for-- there were a few of us here in 2012 or around that time, we decided a turnback would be great for the city of Omaha and also for people in the rural areas and

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that's how this all came about and, and like I said I think a few of us were down here when this did happen. It was sort of a compromise of getting it through. And by the time the debt service has been paid off, it will be around 2027. The city will have utilized the current cap of \$75 million in turnback funds. In that time, \$7.5 million will have been transferred to the Community Betterment Turnback Fund utilized for north and south Omaha, so it does not all go to the convention center. Another \$37 million will have been generated for the Civic Community Center Financing Fund, commonly called CCCFF, and that is how we help the rural community. Like I said, this-- the, the intent of this bill is to increase from the \$75 million to \$150 million, which would be the turnback taxes that would be collected. Like-- I'm trying, I'm trying to really cut things down-- 70 percent of that, those dollars goes to the convention center, the other 30 percent would go to the rural area. And I'm just-- this is a part that I like about because I know you've always heard me say we need balance. The city is coming out-- it's doing very well with this. And it is sort of a misnomer, people say, well, the convention center is getting 70 percent. They're actually only getting 63 percent because 7 of that percent goes to north and south Omaha to help in the programs that they have for youth in that area. But I want to talk a little bit about-- I pulled up some information from the CCF [SIC] fund to just let you know where some of these dollars are going. Now this I pulled up for 2016 and I want you to just-- OK, Sioux City, Laurel, Wakefield, Wisner, Tekamah, Norfolk, St. Edward, Dodge, Schuyler, Arlington, Bennington, Columbus, Central City, Ord, Broken Bow, Elwood, Holdrege, Roseland, Harvard, Fairbury, Crete, Eagle, Table Rock, Gretna. That was just for the year 2016. Now I'm just going to 2017. Now a lot of these monies go for the planning and then the projects, so if you hear some of these towns and-- pretty close together, it's because one year it was for helping with the planning of the project. And I'm looking at 2017: South Sioux City, Laurel, St. Edward, Eustis, Holdrege, Harvard, Crete, Fairbury, Eagle, Exeter, Columbus, and Bennington. And I'll just do one more to show you the power of what we are doing. I will, I will-- well, I'll do 2019: Alliance, Chappell, Bertrand, Cozad, Kearney, Hastings, Red Cloud, Stuart, Osmond, Norfolk, West Point, Waverly, Beatrice, Adams, Wymore, Syracuse, Nebraska City. These are just a couple of years I pulled up. This all started in 2012 and in fact, if I can recall, I think Sidney was the first school-- first town that did receive some of these funds. Now, if you look back-- and I'll-- one that really caught my attention was the town of Atkinson because many years ago, I lived in Atkinson and they, in this past few years, they have received two grants and one was for the community center and I think the other had

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to do with a library. Hebron, they just-- and I had my staff call. They called Hebron and they said that they would welcome me to their swimming pool blue ribbon cutting. They're tickled about that. So all these little towns are getting lots of things that, that-- the outcome actually of this turnback tax. I-- there are a couple other things I need to talk about. I think we have the Ralston issue that Senator Linehan will talk about and I think Senator McKinney has an amendment that he would like to add on to this bill. But the convention center does need to be refurbished. They also need to build a parking lot. For those of you who are familiar with that area, parking lot D, which is just north of the convention center, is where they would put that because it has to be within so many feet when you build something such as this. For those of you who really know what I'm talking about, lot B, which is right in front of the convention center, that will eventually be full of businesses. They found that it's such a unbelievable area that developers are taking a look at that to develop that. So again, by the year '27, the funds that are in the-- ready to be utilized will be finished. Asking for the additional funds for the future of the convention center and parking lot. Thank you.

**HUGHES:** Thank you, Senator Pahls. As the Clerk stated, there are committee amendments, Revenue Committee amendments. Senator Linehan, as Chairman of that committee, you're welcome to open on AM2023.

**LINEHAN:** Thank you, Mr. President. AM2023 is a white-copy amendment and becomes the bill. LB927 as amended was advanced to General File on a 7-0 vote from the Revenue Committee, with one member abstaining. Senator Pahls has explained what the original bill-- version of this bill was intended to do and this amendment does not change that. The amendment does two basic things. It adds the provisions of LB818, which I introduced, and it allows cities to partner with certified creative districts for a one-time opportunity to obtain a grant. The second provision is a-- Senator Flood has worked very hard on this and if we have questions about that, I would ask you to refer to Senator Flood. He developed it working with the League of Municipalities and he has convinced the committee it's a very good idea. LB818, which is amended into LB927, addresses some of the needs for the city of Ralston and its arena. It makes three specific changes: (1) it allows parking facilities that are not connected to the arena to be included in the definition of eligible sports arena facility. The arena is losing a significant block of parking spaces that it leases and this will help them accommodate new parking spaces because there's going to be a casino close to it and they are losing the parking spaces. The parking is required to be within 700 yards of the arena and must be specifically for its use. It strikes the existing law that requires

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the state turnback assistance to be paid within 20 years of the issuance of the first bond for the arena and this gives Ralston a little more breathing room. Finally, it increases the total amount of potential state's assistance from \$50 million to \$100 million. I have a handout that you should of all have on your desk by now. It's a one-pager that gives you a good summary of the issues and needs of the Ralston Arena. It's important to remember-- and I've worked with Ralston on this way before we came down here-- Ralston is a landlocked city that cannot expand outward to increase its economic development. It must invest in the facilities it has and the bill will go a long way towards making that happen. Ralston has also changed management. They have significantly improved their standing and I think this is a good investment of state money. So thank you, Mr. President.

**HUGHES:** Thank you, Senator Linehan. Mr. Clerk, there's an amendment to the committee amendment. Senator McKinney, you're recognized to open on your amendment to the committee amendments.

**McKINNEY:** Thank you, Mr. President. AM2242 is an amendment to provide some clarity to the turnback tax committees. In the amendment, it states 55 percent of the funds shall go to showcase historical aspects of such areas, areas within close geographic proximity of the area of high concentration of poverty, and assist with reduction of street and gang violence in such areas. It also states that 45 percent of the funds shall go to assist with small business and entrepreneurship growth, also that the council member and the, and the county commission member shall share joint responsibilities of the operations of the meetings. All grants and commit-- all, all granted community, community membership applications shall also go to both the city council and the county commissioners. All reports and recordkeeping must be accessible to all members. Grantees must submit itemized reports and also if a grantee or grantees submit the received funds, after three consecutive years of receiving funds, they have to showcase who are they serving, the relevance of their project, the desired social and environmental outcomes and how that will be achievable, the economic impact, and a sustainability plan. And that's the amendment. Thank you.

**HUGHES:** Thank you, Senator McKinney. Debate is now open on AM2242. Senator Erdman, you're recognized.

**ERDMAN:** Thank you, Mr. President. So I listened to Senator Pahls's opening and then I also listened to what Senator Linehan had to say and I'm, I'm trying to get my hands around this. I was wondering if Senator Pahls would yield to a question? Was that a yes?

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**HUGHES:** Senator Pahls--

**ERDMAN:** OK.

**HUGHES:** --will you yield?

**ERDMAN:** Senator, the understanding that I'm coming up with-- my conclusion is this is very similar to TIF, but not using property tax, using sales tax. Would that be a fair assessment?

**PAHLS:** Well, I don't know if I would compare it to TIF, but we are using sales tax just around that area.

**ERDMAN:** OK.

**PAHLS:** That's why it's called the turnback.

**ERDMAN:** OK, so-- but that would be, that'd be similar. If you had a TIF project, then the property tax that would be paid in that area would be refunded back in the form of a TIF bond. And so what you're doing here is you're taking the sales tax that was collected in that area and you're giving it to the arena or whomever is the recipient of that turnback tax, is that right?

**PAHLS:** Right, but it's a government--

**ERDMAN:** OK.

**PAHLS:** --entity.

**ERDMAN:** So, so then the question is if you take this \$47 million in sales tax and you give that back to the arena or whomever is the recipient, then someone else has to pay more tax to make up for that what you gave back, is that right?

**PAHLS:** Well, if you look at it that way. I look at it that-- how many dollars-- and I didn't say that-- how many dollars that happens to be generated through all of the conventions, etcetera, etcetera, that are at an area. I mean, it's into the millions of dollars. I think it brings in, in a year, like, \$60-some million.

**ERDMAN:** So, so then are you, are you saying by saying those things that even though it's reducing the sales tax revenue for Ralston, they won't see a reduction in sales tax revenue because the increase and economic advantage of having the parking there. Is that what you're saying?

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**PAHLS:** Well, I don't know, I don't know about Ralston-- quite a ways away from this.

**ERDMAN:** Or whatever, wherever this place is.

**PAHLS:** OK, this is down by, down by the airport, the-- in downtown.

**ERDMAN:** OK.

**PAHLS:** I don't think people realize just in my district, which is like 11 miles from there, the number of hotels that have been built in the area. These, these dollars flow out. I mean, it's amazing.

**ERDMAN:** OK.

**PAHLS:** If you've ever been down at the College World Series, thousands of people that meet.

**ERDMAN:** OK, so how does one determine how far out the sales pack-- the turnback sales tax is collected from?

**PAHLS:** Six hundred feet. It's all the-- it's actually not much territory. There's the Hilton Hotel, now the Marriott, and a little-- a few businesses right south of that. It's not a very big area.

**ERDMAN:** OK.

**PAHLS:** If we, if we would ask to increase that, I could see where there could be, hey--

**ERDMAN:** OK, so, so then the turnback back tax, is it all of the sales tax that's collected in that area or a portion of it?

**PAHLS:** Yeah, the sales tax that are collected in that area go-- yeah.

**ERDMAN:** Only, only the city's portion?

**PAHLS:** No, no.

**ERDMAN:** State as well?

**PAHLS:** Yes.

**ERDMAN:** OK. All right, well, that-- I haven't-- I hadn't been very familiar with the turnback tax before, but, but that helps explain some of it. Thank you.

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**PAHLS:** OK.

**HUGHES:** Thank you, Senator Erdman and Senator Pahls. Senator Lathrop, you're recognized.

**LATHROP:** Thank you very much, Mr. President. Colleagues, good afternoon. I support LB927 and the Revenue Committee amendment. I'm-- to be honest with you, I'm not familiar with Senator McKinney's amendment, but I'll look at it. I just want to express my appreciation for the work done by the Revenue Committee, Chairman-- Chairperson Linehan, and Senator Flood, who prioritized this bill, as well as Senator Pahls who carried it. I know that there were a lot of-- a lot of work was done after this was introduced, which I appreciate. One of the, one of the beneficiaries of this will be the city of Ralston. They do have an arena. It will help them. They had a parking space in front of the arena and they relied upon Horsemen's Park for parking. That's just about a mile down the road. That, because of the work we did here last year, will become a casino soon and they are going to utilize all that parking and, and, thus, they've-- it's become necessary for them-- pardon me-- to expand their parking in a redevelopment effort in Ralston. So I appreciate your support of LB927 and the work done by those I previously mentioned. Thank you.

**HUGHES:** Thank you, Senator Lathrop. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. So I think this is one of these bills that probably needs to be discussed a little bit to make sure that everybody understands exactly what's going on. And if-- anybody who's been in this body for very long knows that we have already dealt with the Ralston Arena numerous times in the past because they're basically bankrupt. And so we have changed the distance that they can collect the sales tax on to try to give them more revenue so that they can, so they can make it. So again, we have-- like Pinnacle Bank Arena here, there's different agreements and different communities, but the CHI Arena was probably one of the first ones, I think, that was done. And so again, when, when we do this, we're changing those requirements too or allowing them to collect revenue longer. We're extending the period. We've extended the distance in the past to, to make sure that they get money so that they can do this. And some of the problem I have with this now is that you've got arenas already that need remodeling. And they've been collecting this tax since they were built and this is the state's share. This is that 5.5 percent that goes back to that arena or to the city, which is usually the owner, and I don't know if that's always the case. The city is probably a partner in some

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extent, whether it's through a JPA or just flight-- outright ownership. And I'm going to ask Senator Pahls some questions maybe later, but-- to see who owns the Ralston Arena, but it's different then in different cases. So I mean, I think cities generally have a, a, a place in there and-- but it could be-- like MECA takes care of CHI. Here, it's some sort of JPA here that does it at Pinnacle Bank Arena and they, they operate under different, different scenarios. But the turnback tax itself is the state turns back the 5.5 percent of the state's sales tax that's collected, all of it that's collected within a radius of that arena. And so what we're doing, I think, is extending the cap on how much they can collect and then we've included parking garages now to be funded with that instead of just the arena itself. So again, we're, we're doing this and it's over a period of years that we've extended again now and we've got arenas now that-- and, and this one especially has not been able to generate enough revenue, that they've struggled to make it and I think COVID probably had a lot to do with it and, and this idea that they're losing some parking spaces. But again, they're struggling to make it. Now we're going to change the terms again and, and keep giving them more money. And as these arenas get older, I have a feeling this is going to be a permanent state assistance to keep these revenues flowing to the arenas so that they can make it. And so from my perspective, I, I go to arena for entertainment. I buy a ticket, I pay the sales tax on that. I pay sales tax and city sales tax on any food I consume there. And now, as a resident of outstate Nebraska, I'm going to contribute state sales tax revenue to keep that arena going on top of that. And so I'm, I'm struggling sometimes to see once-- if we keep making these changes and we keep sending this revenue, when does it end or will it ever end? Some of these arenas-- and that, that's what my, my problem is going to be when we're starting to build these sports recreational facilities coming up. There's going to be too many cities build these and down the road, they'll go bankrupt because we have too many.

**HUGHES:** One minute.

**FRIESEN:** So I'm going to have some questions next time I get on the mike about exactly who owns the Ralston Arena, how much money they collect, a few things like that and how old the facility is and why it's needing some upgrades already. I understand the parking issue. So I will be looking forward to having that discussion. Thank you, Mr. President.

**HUGHES:** Thank you, Senator Friesen. Mr. Clerk, for items.

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**CLERK:** Yes, Mr. President. Thank you. Bills read on Final Reading earlier today (LB767, LB767A, LB1099e) presented to the Governor at 1:12. I have a notice of hearing from the Transportation Committee. Amendments to be printed: Senator Cavanaugh-- Machaela Cavanaugh, LB908, LB856, LB1007; Senator Clements, LB1241; Senator Arch, LB752; Senator Hilkemann, LB981. Mr. President, Senator Lathrop would move to adjourn the body until Monday morning, March-- what's the date-- March 14 at 10:00 a.m.

**HUGHES:** Colleagues, you've all heard the motion to adjourn. All those in favor say aye. Opposed nay. We, we are adjourned.