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Floor Debate
April 15, 2009

[LB16 LB27A LB35A LB56 LB85 LB158 LB160 LB162 LB188 LB373 LB392 LB418
LB436 LB463 LB463A LB495 LB497 LB545 LB622 LB653 LB671 LR86 LR87]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-first day of the One Hundred First Legislature, First Session. Our chaplain for today is Reverend Timothy Schmidt from the Evangelical Free Church in Firth, Nebraska, Senator Wallman's district. Would you all please rise.

PASTOR SCHMIDT: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Reverend Schmidt. I call to order the sixty-first day of the One Hundred First Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Enrollment and Review reports LB436, LB188, LB56, and LB497 to Select File, some having E&R amendments attached. I have an amendment to LB158 to be printed, Mr. President. That's all that I have. (Legislative Journal pages 1021-1023.) [LB436 LB188 LB56 LB497 LB158]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to the first item under General File appropriations bills, LB35A. [LB35A]

CLERK: LB35A by Senator Ashford. (Read title.) [LB35A]

PRESIDENT SHEEHY: Senator Ashford, you're recognized to open on LB35A. [LB35A]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. Yesterday we talked some about the Lancaster County district judge and the need for it, and you...I appreciate the willingness of this body to vote the bill with the amendment for the Lancaster judge to Select File. This bill is the funding for the judge. It would be \$234,985 the first year, including some money for initial educational requirements for new judges, and then on from there to \$230,585 the second year. In my view and my years on the committee and

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in prior years when I was on the Judiciary Committee it is always sensitive, and especially in times of difficult economics, recessionary economy, and so forth and so on, to talk about these things, but they are so critical. And the number of judges we have, though they do go up from time to time, is 55 for the district court. It's a small number of judges to deal with an ever-increasing docket. The docket continues to go up. Lincoln has a particular issue in that they handle most of the administrative appeals from state agencies. And when a judge hears an administrative appeal, he or she sits as really an appellate court and, as such, not only listens to the arguments and make a decision but oftentimes has to review a very voluminous transcript from the agency involved and also write an opinion; not simply issue an order. And there are numbers of appeals from state agencies and, as you can imagine, across the state that come to the Lancaster County District Court. It is an onerous job. Already Lancaster County District Court has been, the last few years, required to actually borrow the services of judges from across the state to come to Lancaster County to hear some of the basic cases that are clogging their system. I strongly urge the adoption of this A bill to E&R. Thank you. [LB35A]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the opening to LB35A. Are there members requesting to speak? Seeing none, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question before the body is on the advancement of LB35A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB35A]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB35A. [LB35A]

PRESIDENT SHEEHY: LB35A advances. We will now proceed to LB463A. [LB35A LB463A]

CLERK: LB463A is a bill by Senator Dierks. (Read title.) [LB463A]

PRESIDENT SHEEHY: Senator Dierks, you're recognized to open on LB463A. [LB463A]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. LB463A was brought to us...the bill actually, LB463, is already, I think, up for Final Reading and so we're a little late getting this out. It was kind of a surprise. I think it just fell through the cracks. But the money here is \$25,000 the first year and I think \$22,000 the second year, and this is strictly cash funds that will be paid for by the people that are getting the credentialing. So the money is just...it goes into the Department of Health credentialing department to take care of the added bookkeeping and so forth of licensing these veterinary therapists that will be approved with LB463. With that, I'd encourage your...ask your support for advancing LB463A. Thank you, Mr. President. [LB463A LB463]

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PRESIDENT SHEEHY: Thank you, Senator Dierks. You've heard the opening to LB463A. Are there members requesting to speak? Seeing none, Senator Dierks, you're recognized to close. Senator Dierks waives closing. The question before the body is on the advancement of LB463A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB463A]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB463A. [LB463A]

PRESIDENT SHEEHY: LB463A advances. We will now move under General File, 2009 senator priority bills, LB160. [LB463A LB160]

CLERK: LB160, introduced by Senator Gay. (Read title.) Introduced on January 12, referred to the Natural Resources Committee. The bill was advanced to General File. There are Natural Resources Committee amendments. (AM735, Legislative Journal page 775.) [LB160]

PRESIDENT SHEEHY: Senator Gay, you're recognized to open on LB160. [LB160]

SENATOR GAY: Thank you, Mr. President. First, I want to thank Senator Nelson for recognizing the importance of this bill and prioritizing LB160. Also I'd at this time, too, like to thank the Natural Resources Committee. They put a lot of time and effort, and Senator Langemeier will be talking about the amendments that are on this bill. But we come today with LB160, and many of you, we've had discussions, but it's a very important piece of legislation. It gives the Papio-Missouri NRD a tool that would allow it to carry out its statutory duties. Simply put, LB160 authorizes the natural resources district which encompasses a city of the metropolitan class to dedicate a portion of its existing mill levy to finance flood protection and water quality enhancement projects through the issuance of bonds. The reason I've brought this bill and become involved in it, not just living in Sarpy County where we're at the bottom of the watershed, but as a former Sarpy County commissioner I'm very familiar with the need for compliance with the federal Clean Water Act as well as the danger of the flooding in the Papio Creek watershed. From 1999 to 2004, I was involved in the partnership as the county commissioner and with Sarpy County with the other entities, and I'll talk about the partnership later. I strongly urge you to put all these emotions you may have heard so far aside and carefully listen to the facts with respect to this bill. You will hear that this bill has been before the Legislature before and has failed. Yes, that's true. The Legislature has considered bonding authority for the Papio-Missouri Natural Resources District in the past, and we are considering it again because the problems that spurred that earlier legislation still exist today. However, LB160 is not the same bill that has been before this body in the past. Supporters of this bill have spent years addressing the concerns of the opponents, and what you have before you is a very narrow piece of legislation that allows flood control and water quality to be addressed at the local level.

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Many people have come together in this partnership--environmentalists, flood control people--so it's a much different bill today. An amendment being offered by the Natural Resources Committee further limits the authority granted by this measure. Under the green copy of LB160, the Papio-Missouri NRD would be authorized to dedicate a portion of its existing mill levy to finance flood protection and water quality enhancement projects through the issuance of bonds. A districtwide public vote would be required for any proposed bond levy that would exceed 2 cents within the NRD's current 4.5-cent levy limit. The committee amendment limits this bond levy, the portion of its existing levy to 1 cent. The amendment also requires approval by two-thirds of the NRD board before bonds could be issued. The two-thirds vote...of course I listened to what the Legislature was saying with other bills that were here just this year, Senator McGill's bill, and I thought that was very important that the Legislature insisted a two-thirds vote of that board be done for their bond issue, so we incorporated that into this as well. The bond proceeds could be used for design, right-of-way acquisition, construction of multipurpose projects and practices for storm water management, flood control and water quality enhancement, including low-impact development best management measures, and flood plain buyout, dams and reservoir basins, and levees. The low-impact development--you'll hear much throughout the day on that--is a very important piece. It's not the sole answer but we also believe it's an important piece and is included in any future flood control measures. LB160 places restrictions on the projects that could be funded through the bonds, including limiting the reservoirs of water quality basins having a permanent pool to no greater than 400 surface acres, prohibiting the use of eminent domain for purposes of enhancing private developers. This legislation also provides public access for permanent pools of over 20 surface acres, as well as additional access requirements when suitable for recreational use. Again, the committee amendment limits this further, giving a county board veto power over dams greater than 20 surface acres. Finally, under the committee amendment it is clarified that no bond proceeds can be used for Omaha's sewer separation project, and a sunset on the bonding authority is set for December 31, 2019. I know Senator Langemeier will go into more detail on the committee amendment but I want to make it perfectly clear that those that favor this bill have made every effort to address any and all concerns brought by a small but vocal opposition. As I mentioned, this issue is not new but the need for its passage is more important than ever. Thirty-seven elected officials that represent communities in the watershed recognize the importance, including the mayor of Omaha, the Omaha City Council, the mayors of Valley, South Sioux City, Papillion, South Sioux City City Council, Papillion City Council, Sarpy County board, Waterloo village board, and a host of others come out in support of LB160 and are all asking this legislation to allow a local governing body to take care of some very serious local needs. I just want to talk a little bit about the partnership. In addition to these elected officials that have come out in support of LB160 specifically, this bill is the result of extensive study and planning conducted by a partnership that has been formed by local governing bodies through the interlocal agreement. That was when I mentioned earlier, in 1999 I was on the initial task force that looked into these issues. The Papillion

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Creek Watershed Partnership was formed actually then in 2001. It came as a result of these series of public meetings in '99 and 2000 that were held by the NRD to determine the best way to address the needs of the communities and individuals in the Papio-Missouri NRD. Local communities individually responsible for meeting federal mandates under the Clean Water Act asked the NRD to coordinate efforts so that the cost to comply with the unfunded mandates would be lower and so that water quality and quantity management practices would be consistent throughout the watershed. It was also agreed that a plan needed to be established that would address very real and very serious flooding problems in the watershed. The partnership includes the city of Bellevue, the city of Bennington, the village of Boys Town, the city of Elkhorn, the city of Gretna, city of La Vista, city of Omaha, city of Papillion, Ralston, Douglas County, Sarpy County, and the Papio-Missouri NRD. Members of this partnership have spent the last eight years and contributed more than \$2.5 million studying this issue with water quality and flooding issues. This time for study and debating the issue is past and the time to act is now. I had several colleagues say, well, why would you do this? And I said, you know what, because this is one of those things over the past I'd been involved with; it needs to be done. We have a serious issue and I'm going to hand out a series of articles I think that can express that much better than myself, and also I've got some pictures showing exactly what we're talking about, and when I hand those out later throughout the day I think you can look at those at your own convenience. But I just want to talk a little bit about why LB160 is so important. The Papillion Creek watershed is one of the most dangerous watersheds in the Midwest, and potential loss of life and extensive property damage due to flash flooding occur regularly. It is not a question if there could be a devastating rain; it's a matter of when. By not giving the natural resources district the tools it needs to mitigate flooding and pay for it locally, we are making this a statewide problem. Last year's flooding in Cedar Rapids has cost the state of Iowa billions of dollars. A year later, 70 percent of these homes and businesses that provide their tax base are still empty, and so far the loss caused by the most recent flooding in North Dakota is in the millions. A recent Omaha World-Herald editorial rightfully pointed out the cost could have been mitigated altogether if Fargo would have been proactive in flood control as opposed to reactive. The potentially impacted flooding area is huge. The Papio Creek watershed collects runoff from 402 square miles in Washington, Douglas, Sarpy County, and counties to the north. It is the most populated region of the state and is home to some of Nebraska's largest businesses. So this problem could be a legislative problem in a big way if something were to happen. Something could happen if we don't help take care of that issue now. Right now, we're asking for local control to take care of a local and regional problem. The conversion of farmland over the past years has increased runoff 25-30 percent since 1970 alone. The number continues to grow and continues to increase the risks for significant hazardous flooding and serious water quality problems. This bill does not raise taxes beyond the NRD's already established levy limit and it does not cost the state any money. It simply allows the NRD to raise funds it is already authorized to raise in an expedited manner in order to properly address the watershed's needs. Their current rate is .033 cents. And

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they say, well, why don't they just raise their rate to take care of that? Well, 1 cent is already being set aside and that raises about \$20 million. They set that aside for projects but the cost of this is in the hundreds of millions. In order to do... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: Thank you, Mr. President. In order to do that, you would have to...it would take 20-some years to even come close to the problem. We need to take advantage of current low interest rates and opportunities that exist because the flooding potential could happen at any time and it's important that we get these built all at once to have the impact, is what the engineering studies have said. So the construction costs which increase by 20 percent every year, much like roads, the constructions costs keep going up. The longer we delay these projects the more it will cost the taxpayers. Giving political subdivisions bonding authority is certainly not new and I've handed out a list of the many people who can bond right now. So as we continue the debate, there's several good amendments, several not so good I think, and I'll have any conversation. Be happy to answer any questions that come and look forward to the discussion. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. You have heard the opening to LB160. As was stated, we do have a Natural Resources Committee amendment, AM735. Senator Langemeier, you're recognized to open on your committee amendment. [LB160]

SENATOR LANGEMEIER: Mr. President and members of the body, Senator Gay made a statement that there's amendments coming, some are good and some are not so good. Well, here's the start of the good ones. First of all, I'd thank the Natural Resources Committee. As all of you know, you've been lobbied on this bill by both sides pretty hard. The committee had that times ten. I want to thank my committee members that worked on these amendments, and this was not something that I, as Chair, just said here's our committee amendment. The committee members were very active in voicing their opinions and voicing their thoughts on how to make this bill better. So the committee amendments are all additional things added to the bill except for one. We did strike and change one thing in it. First of all, Senator Gay has gone through these to some degree and I'm not sure how much more I'm going to add to it, but the first is, put a sunset provision in. This would allow these bonds to be issued over the next ten years for new issuance of bonds and that would expire on December 31, 2019. No new bonds could be issued after that point. The second thing we added in, that we would require a two-thirds vote of the members of the Papio NRD board to approve and issue bonds. The third thing was a change in the bill. They had requested that they could use 2 cents within their existing levy for bonding authority, we cut it to 1 cent with the committee amendment. It would allow 1 cent of their current levy authority to be used for bonds. Fourth thing would prohibit bond proceeds to be used and combined with sewer

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separation projects in the metropolitan-class city. These are for storm water. And the last thing we added into this amendment which was in addition to the bill, it would allow the county boards to block projects over 20 acres, surface acres. For the NRD to do a bond for a project larger than 20 surface acres, they would require that the county board have the ability to pass a resolution saying they're in support. So if they don't get that support, they would not be able to bond on any projects larger than 20 acres, essentially giving that county veto power over any reservoirs over 20 surface acres. With that, that is very simply put. Those are the committee amendments and I would ask for you to adopt AM735. I think Senator Gay would also agree that these are part of the good amendments and so the Papio NRD has been very supportive of these amendments. And with that, I'd ask for your adoption of AM735. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening of the Natural Resources Committee AM735 to LB160. Mr. Clerk, you have an amendment to committee amendment on your desk. [LB160]

CLERK: I do, Mr. President. Senator Price would move to amend the committee amendments with AM1043. (Legislative Journal page 1020.) [LB160]

PRESIDENT SHEEHY: Senator Price, you're recognized to open on your amendment to committee amendment, AM1043. [LB160]

SENATOR PRICE: Thank you, Mr. President, members of the body. This is going to be an interesting discussion this morning. My amendment that I have up here, simply stated, would limit the number of projects at any one point in time that the NRD could bond for. What we're hearing here is they would like to bond for \$173 million, plus or minus. We're hearing this is for public safety and needs, and I don't necessarily disagree with all that has been said there, but I do wonder and want us to have a more metered approach to what we're doing. Concrete costs have gone up 4 percent every year. They're talking about a bonding authority for ten years. We know costs and our markets have been pretty volatile here lately. Why would you want to agree to fund everything in one fell swoop and then have your costs change on you? Wouldn't it be more prudent to build those and get that authority to go along as you can build? In other words, how many dams are they going to build in one year? How many dams are they going to build in two years or three years? They don't go up overnight. That concrete doesn't cure. They don't have all the land secured. I'm not privy yet to all the locations, but my idea is that they should only bond for up to three projects at a time. These are very large projects. This will not be an impact to job creation or economic development. It's about having a very metered pace to go on and get these projects done. In talking to these projects, I will welcome and relish discussion on the facts. When this came to me, heck, even before I was elected, when it came to me it became apparent to me some of the information being used to further the cause, for me, was in question. Bottom line is let's deal with what has happened versus what may, "coulda, kinda, shoulda, woulda"

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happened. Now I have 20 years of weather experience and I would say to you weather is a very fickle subject matter. If you all can remember, two weekends ago we were supposed to have a storm to shut down the state. Matter of fact, the Speaker gave us a warning type of thing, a notification to say if we were going to have a weather impact to the start. I submit to you that weather impact didn't happen. And some of the information I was provided when I asked for it was based off of a predictive model of climate change, which is even less exact, if you would, than the model that missed the forecast for the storm event that did not happen. Now we've seen flooding in Iowa. We know the flooding on the Red River. These things do happen but they're very complex. Last summer, when the rains came, we had the Missouri River full of water already. So again let's look at this. Let's look at the facts and let's take a metered and measured approach to using public monies in this manner. We were told just a little bit ago that this isn't a tax increase. I'm sorry, if you ask me for more money on my taxes, I view that as a tax increase. Just because you have a lid levy that you can go up to, maybe you didn't change the threshold--I agree there and I'm very appreciative of the committee amendment to take that down from 2 cents to 1 cent--but a 1-cent increase is still an increase. We've seen a tremendous effort made by the parties to control this so we don't have some of the results we had before where public monies were used in connection and concert with private monies to make a private housing development. So there will be questions throughout the day on these things, and this is the very first one where we're saying let's have a measured and metered approach to building this. If we're not going to build all the dams at one time, why would you fund for all of it, especially when we don't know what the event horizon is going to be for how long they're going to build it? So that there encapsulates everything I have on my amendment. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. You have heard the opening of the amendment to committee amendment, AM1043 to AM735. Members requesting to speak are Senator Price, followed by Senator Christensen, Senator Dierks, Senator Loudon, Senator Hadley, and others. Senator Price, you're recognized. [LB160]

SENATOR PRICE: Thank you, Mr. President. Again to pick up off...and I would welcome. We've seen a lot of paperwork coming around to our desktop with a lot of good information on there, but I also have information but I didn't want to pollute your desk too much. But if anybody wants to take a look at the actuals, the actual reported rainfall, I have it going anywhere back to I believe about 1934 for Offutt Air Force Base and Omaha, and we can actually look at how much rain we've had, by month, in all those locations. We can also look for the maximum precipitation. We can look at a lot of different ways to slice this up. One of the problems we have when we look at weather, weather is an inexact science, at best. Some would even call it an art. When you look on the radar, if you're on your TV there on any spring/summer day and you see the NEXRAD radar reports, and you'll see reports of rainfall rates in the magnitude of inches per hour, sometimes they'll say 5 inches an hour or 10 inches an hour, rest assured,

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that's a algorithm that even today's best scientists, particularly a Dr. Ed Tomlinson, who works for or owns Applied Weather Associates out of Colorado Springs who does climatological studies, even he has said he goes back and recalibrates every hour on that algorithm. Now algorithms are beyond what I would talk about here on the floor, beyond mentioning them, but the bottom line is weather is known to be more of an art than a science at times, and I don't want to denigrate all the fine work that's done out there. But we're being told to build these dams to save Sarpy County, and I would ask and I would submit to you, if these dams were so important--we've heard since 2001 perhaps they've been doing this with the watershed development--if they're so important, then why have we been doing anything else but building dams? Why has the NRD spent any of their money each year doing anything else but building dams? If it's so important for public safety, what is the prioritization that is being used by the NRD? Now I'm not saying that what they've done has not had value. What I am calling into question is prioritization. What I am calling into question is how is this going to impact everybody around all these dams? Obviously, if you're going to put up some of these impoundments, you're going to have, as we said, anywhere from 20 acres to 400 acres. Four hundred acres is a lot of good farmland. There are a lot of people trying to make a living off that 400 acres right now. What about the people whose land is going to be partially encroached upon to make this? So there are a lot of questions here. And are we just going to be building and making more beautiful places to build houses, which, oh, by the way, the housing market hasn't been doing so hot lately. So I really question what is the motivation here? As I suspect, the motivation does exist to help Sarpy County and the surrounding area. I do find that that is part of the underlying concern here, but I do not believe that is the only concern nor is that the only driver. And we'll be using public monies again to help not just do good things for the public. I believe it is said that the government should do what the people can't inherently do for themselves, and most people can't go out there and build a dam in their backyard, so this is within the purview of the NRD and the government. Another good question to ask yourselves as we float these bonds, the NRD exists at the sole... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR PRICE: ...at the sole request, if you would, of this Legislature. We could, with a stroke of a pen, remove the NRDs. Then who's going to service that debt on those bonds? These are questions that haven't been fully explored, and I hope that today on the floor we will explore these and that members will bring question to the data behind the decision to move forward while still retaining the concept that public safety is important and we do need to look for that, but let's be judicious. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Christensen, you're recognized. [LB160]

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SENATOR CHRISTENSEN: Thank you, Mr. President. First, I'll admit I have no horse in this race, guys, but I've served on that committee for two years, and I just think you can take a practical approach to this situation. You can work with five or more cities. They can all bond individually. They can try and come up with percentages and change and how they want to do this or you can use a single entity like the NRD that's over all of it. It's really a practical approach if you think about it. What this fight, if there is one, should be over, how they control the floods and the different tools that they use, not whether the NRD can bond and take care of it. Think about if you try to use the approach of leaving the entities out, being able to bond, and taking care of the big picture situation, and you come in here and try and say five cities got to come together and figure out what percentage belongs to each city, you've got to have them agree to all the terms, and divide out the cost and then have five separate bonds. In the past we've had this argument: The cities can do it already, why do we want to have the NRDs? This is just common sense that you have the entity that's over all of it do this. And I hope our discussion today is what tools are we going to have that the NRD can use to control the flooding and wastewater, not on who's going to manage this. Because once we get past who's doing it and allow the NRDs to do it, which they need to, you look at your various options. The first option you always look at: Can you make the creek wider? That will handle more water. Or can you dig it deeper? But your problems come in when it's already a developed city, you've got businesses in the way of going wider. And if you've got a narrow spot anywhere towards the bottom end of the stream, widening it don't work. The other one is go deeper, but then you've got to look at your elevation levels of where the mouth of the stream is. So that brings me back to some practical approaches that's in this bill. You look at there's the wet dam approach or you just store water up and release it after you've hit certain levels, and I know there's two big questions on that approach. What if a dam would break? It could cause a flood of its own. And are you helping developers make high-dollar lots and things this way? But it's easy to get around that. You require them to use dry dams; you require them to use the low-impact developments. And I'll give you a prime example how a dry dam approach works. If you've been at 132nd and Maple in Omaha, there's soccer fields on the north side. If you've been there after a big rain, you'll see at least two fields under water, if not more, because the road is elevated up... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR CHRISTENSEN: ...and there's tubes in there that regulate the flow of water that can be drained out. This is a very practical approach of using. Once that water drains out, they go back to playing soccer in these particular fields. It's a very practical use. You've got ability to store water; that defined size of that tube allows water to go to this stream in a managed way that you can regulate how much that stream can handle and you can be able to manage, without flooding out businesses. You can reduce the flood plain that raises insurance premiums. This is a very practical approach that I encourage people to look at and utilize and understand, that the NRDs want to use,

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and... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR CHRISTENSEN: Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Christensen. Senator Dierks, you're recognized. [LB160]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I have great problems with this piece of legislation and I wonder why it's even necessary. I wonder if I could visit with Senator Langemeier for a moment, please. [LB160]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to questions from Senator Dierks? [LB160]

SENATOR LANGEMEIER: Yes. [LB160]

SENATOR DIERKS: Senator Langemeier, I think that Senator Gay indicated that there would not be a need for a bond issue that was over and above their current authority. Is that right? [LB160]

SENATOR LANGEMEIER: The way the bill is written now is, is they would have to use...for bonding they would have to use 1 cent within their levy limit. So their limit is 4.5 cents, they would have to use 1 cent under that. And the Papiio currently is putting 1 cent away into a cash reserve type account to build projects when they get enough money generated. [LB160]

SENATOR DIERKS: So they would then be able to put another 1 cent on top of that one that they're doing. [LB160]

SENATOR LANGEMEIER: This would require 1 cent. If they chose to use...if they have...and I don't know this but if they had another cent that was free and they wanted to put that in a cash reserve to continue saving like they're doing, they could do that as long as they stay under the 4.5-cent limit. [LB160]

SENATOR DIERKS: Well, then I question why the need for the bill if they've already got the authority to do those things. [LB160]

SENATOR LANGEMEIER: I guess you would have to defer that to Senator Gay. But I think their intent is, is if they bond they could build the project today and use the 1 cent to pay it off. If they just save 1 cent, they have to save it year after year after year until they get--and I'm making up a number here--until they would raise \$10 million to go

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build a project. So the ability to bond would allow them to build that project today and pay for it over 10 years versus saving 1 cent for 10 years to build the project. [LB160]

SENATOR DIERKS: I recall this legislation coming through the Committee on Revenue for two years, and you were there both times. [LB160]

SENATOR LANGEMEIER: Yes. [LB160]

SENATOR DIERKS: And it failed to get out of committee both years. [LB160]

SENATOR LANGEMEIER: That is true. [LB160]

SENATOR DIERKS: And I see that it came out with one objection this year and that was yours. [LB160]

SENATOR LANGEMEIER: That is correct. [LB160]

SENATOR DIERKS: And I guess the question in my mind about that whole process is it's largely a funding issue and it probably should have been a revenue issue, but we've seen those sort of things happen before, haven't we, so? [LB160]

SENATOR LANGEMEIER: That we have. [LB160]

SENATOR DIERKS: Anyway, when I looked at the proponents and opponents, Senator Langemeier, the people that you would expect to come in support were there: the Papio-Missouri NRD, and the Nebraska Association of Resource Districts--now you'd expect that; the city of Omaha; the city of Papillion; the city of...some small city up near South Sioux City. And when you look at those in opposition, why, you had Douglas County, the Douglas County board, some of the other areas in the district. Now, you know, there was a tremendous amount of support but there's also a tremendous amount of opposition, and I think the opposition must have been there for a reason. I've been lobbied for it extensively over...since the hearing, most seriously I think yesterday. One of the things that I recall, a number of years ago there was an amendment...there was a bill introduced that was put on as an amendment I think to the motor-voter bill that Senator Schimek had, and it was an amendment that would change the voting districts of NRDs to the one man, one vote... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR DIERKS: ...process. That would have done away with the subdistricts if we had gotten that legislation passed. And the argument at that time was, if you did away with the subdistricts, the Papio-Missouri would have no farmers on its board at all because they would all come from Omaha or South Sioux City. As a matter of fact,

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that's the way it is today, I'm told. There are no farmers on that board, no irrigation farmers, no feeder farmers, no ranchers. It's all controlled by metropolitan board members. I just...and I put an amendment on that bill...or on that I put a kill motion...or some amendments on that legislation as it came through on the motor-voter bill and did a little filibuster, and we got it stopped. [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR DIERKS: Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Louden, you're recognized. [LB160]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I suppose I've...this is my seventh year down here and I think when I first started down here we were talking about the Papio NRD building dams in Washington County and in the Douglas County for their flood control. This is probably the best agreement that I've seen come out of the whole situation over the last six or seven years. When it first started down here, they were bound they were going to build a couple of 2,500-acre...or have 5,000 acres of water retained up in Washington County, which some of the better farmland in the country for one thing. The other thing was is over the years I pointed out to some of the leadership in the Papio NRDs that why would you want to build that much of a water retention above a metropolitan area? Haven't you ever heard of Rapid City? And over the years then, I think last year then they finally decided they wouldn't build anything over 500 acres. Now I see they've got it down to 400 acres and that's still too much property. This is a problem I would have with this. I will probably support the thing because it's the best I've seen come down the pike yet. But if they take their money out and their bonding funds and go ahead and build some dry dams, something like Senator Christensen explained here a little bit ago, then they will probably do quite well with it. If they take their bonding money and go out and build this 400-acre dam right off the bat where they can get permission, if they can get permission through the county board, then all is lost; they've really, really made a mess of things. So it's going to be on how well you think those people will handle their bonding authority. That's the whole key to it. Now we are giving them some authority to bond. They don't have bonding authority and they want it so they can get all their Easter eggs at one time and then they'll pay for them over the next several years. And this is what the whole key to the situation is. Now if they...they could have, I think, had money to go in and build some of these smaller dams over a period of years. The other key to the thing is, are you going to require the developers to do something about water control when they develop that land up there? That's been part of the problem. Over the years, some of the developers were never required to have any kind of retention ponds or do anything about water control when they were developing some of that country in there west of Omaha. So this is what it...there's two or three key issues here, and if we pass the thing

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like it is now you're just hoping that they have the good will and the sense and the intestinal fortitude to do what's right. Now whether they do or not, I guess that's what you have to decide which way you want to vote on this. As far as the way the system is set up, it will give them some authority. They can go ahead and do it and you'd hope for the best. It's kind of like sending kids to college, I guess. You hope they learn something and come out of it. But this is about what you're doing here. You're going to give them some money and you hope that they do what is right with it. I think this will probably come around. There's been agreements over the years between Washington County and Sarpy County...or Douglas County...and the NRDs, but sometimes those agreements have fell through. I don't know how many meetings I've attended in Omaha over the years, discussing this project between the Washington County people and the NRD representatives. If there were probably some more representatives on the NRD from Washington County that would probably help considerably. But with that, up to now I will probably support this thing if we think we can get the goodwill of the Papio NRD to go along with it. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Louden. Furthering discussion on the amendment to committee amendment, AM1043 to AM735, members requesting to speak, Senator Hadley, followed by Senator Carlson, Senator Gloor, Senator Schilz, Senator Gay, and others. Senator Hadley, you're recognized. [LB160]

SENATOR HADLEY: Mr. President, members of the body, would Senator Gay yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR HADLEY: Senator Gay, just so I understand this, right now the NRDs do not have bonding authority, is that correct? [LB160]

SENATOR GAY: That's correct. [LB160]

SENATOR HADLEY: Okay. And you gave us a list of the examples of agencies, organizations that have bonding authority. In that list, are any of those required to go to the public for an election? [LB160]

SENATOR GAY: Senator Hadley, I would check. I don't...I... [LB160]

SENATOR HADLEY: Well, I would think... [LB160]

SENATOR GAY: ...probably on some there is, some there isn't. My legislative aide put this together for me but I'll check for you. [LB160]

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SENATOR HADLEY: Yeah, like school district bonds. I think a lot of times those seem to end up going to a vote of the people, that type of thing. [LB160]

SENATOR GAY: Yeah, sure, sure. [LB160]

SENATOR HADLEY: I guess I'd like to separate the issues of the reasons for it versus the bonding issue. And one last question for you: The 1 cent or 2 cent...you originally had the 2 cent... [LB160]

SENATOR GAY: One to two. [LB160]

SENATOR HADLEY: ...and 1 cent, and what you're basically saying, that if they want approval above that they have to go to the people. Is that correct? [LB160]

SENATOR GAY: Yes. If they go above 1 cent and would ask for 2 cents, let's say, they would have to have a districtwide vote to go to that extra cent, yep. [LB160]

SENATOR HADLEY: To the extra cent, okay. I guess I'm still mulling in my mind. I guess I always have a concern when we issue general obligation bonds and we do it without a vote of the people. Because by nature, general obligation bonds are basically...it's the...it's as it says, it's the general obligation of the issuing agency. And one of the things about bonds is that it does spread it over a period of time. So by an action of the board, you are basically committing part of that NRD's budget for a specific number of years for a specific project. And I guess I just have to...I'm just concerned about that, and I realize why you're doing it and what it's for, but it's the same argument that I used when Lincoln was using its sales tax district and the general obligation bonds were not going to a vote of the people. So I'm just...is the 1 cent...was there any rhyme or reason to the 1 or 2 cents, Senator Gay? [LB160]

SENATOR GAY: The 1 cent was the compromise, because they're currently setting aside 1 cent now to put in a reserve fund, and it just...in the course of the conversations and compromises, that was it, and they felt with that...they didn't want take too much...they didn't want to bite off too much because they only take what they think they're going to need. The 1 cent was why they came up with that. It's already being levied. So in a sense that 1 cent would just go to pay a bond now. Right now, it's going to a special reserve fund and they're trying to, like a savings account, trying to save up enough to get the projects done. The problem is the projects...there are several projects that need to be done in order to make it effective. You can't kind of piecemeal this together. One site isn't going to do the job. You need several. [LB160]

SENATOR HADLEY: And I appreciate that and I appreciate Senator Christensen's comments about four or five cities having to try and do this, and I understand that. My

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only concern is, is whether or not in my own mind I think it's appropriate to have this without a vote of the district, and I'll further listen to the further discussions on it. Thank you, Mr. President. Thank you, Senator Gay. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Carlson, you're recognized. [LB160]

SENATOR CARLSON: Mr. President and members of the Legislature, as I've been in the Legislature and been on Natural Resources Committee, this is the third session, this is the third session that we've heard bills similar to LB160. And some people in some groups are certainly for this bill and some are against it. Senator Dierks referred to some of the opposition. I looked on the committee statement and the Papio Valley Preservation Association, there were four people representing that were part of that discussion. They have every right to. If you break that down and give that a one entry, there were really about seven opponents to the bill. And as I count, there were ten proponents to the bill. Whenever I see a bill that has more people against it testifying than for it, that puts a real question in my mind. In fact, we're going to have a bill later on today that I'm going to testify to and ask some questions concerning that, because when there's more opposition to it than proponents I think that really needs to be addressed either on the floor or before it gets to the floor. But those that are against LB160, many of them don't like dams. Some of those people simply want low-impact development only, and I'm not against LIDs. I think they are an important part of controlling runoff and what happens with water. Some of the opposition is because this is all about housing development and making money. I think that's somewhat of an unfair characterization, what's going on here. Some say the Papio-Missouri NRD is inept; they make poor decisions; they're selfish and they're incompetent. I think that's an unfair characterization and I don't appreciate that kind of criticism, although we all have a right to speak our mind. We know that this is a dangerous watershed. We've seen that the flood plain has been widened east of Washington County. Some people now have buildings and houses in the flood plain that weren't there before. That's a danger signal. And after discussion for years on this issue, I think we need to get back to the fact that it's not if it floods, it's when it floods. Senator Christensen talked about this but we go out west in the Republican Basin in the west end, they don't have a lot of rainfall. Historically, we can look at rainfall and it's not very much. But what happens when it all comes at once? And that's happened twice in the last three or four years out in western Nebraska, in some places up to nearly a 20-inch rain. Now what if we don't vote LB160 into law? And I'm supporting LB160; I don't know about some of the amendments. But we don't pass LB160, and ten years from now Washington County has a 15-inch rain, and if it can rain 15 inches out west it can rain 15 inches in Washington County. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR CARLSON: Now what will the people of Washington County and the people

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of Omaha and the people east of Washington County ask if that happens, and what are they going to ask of the Legislature? You were warned; you talked about this for years and you did nothing. I don't want to be in that position. And I'm interested in what the senators who represent urban areas think about this issue. I hope to hear from them. And those of us that are out west, we have are thinking about it. We want to do the right thing. And I hope to hear from each one concerning their thoughts on LB160. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Gloor, you're recognized. [LB160]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I wonder if Senator Gay would yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions from Senator Gloor? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR GLOOR: Senator Gay, when I hear the term "lake" and "recreation" together, I usually envision something a little larger than 40 acres, which to me is sort of a residential development lake. Are there plans, do you know, for a more sizeable lake or lakes that are part and parcel of this project by the time it's completed? [LB160]

SENATOR GAY: Yes, I'm sure there would be. Exactly where and how much, I think a lot of this contingent on even if they can go ahead with the plan, but there probably would be. And that's why the public access to those reservoirs, lakes, whatever you want to call them, is in there, so we don't have just a private development where no one can ever access it. These would all be accessible. [LB160]

SENATOR GLOOR: Okay, and again my understanding is that would take county board approval before one of those larger recreational flood control lakes were put in place. Is that correct? [LB160]

SENATOR GAY: Yes, and I think, just off the top of my head, I think there was seven of them, but two of those would be large enough to actually fish and boat on. [LB160]

SENATOR GLOOR: Okay. Thank you. I wonder if Senator Price would yield to a question, Mr. President. [LB160]

PRESIDENT SHEEHY: Senator Price, would you yield to questions? [LB160]

SENATOR PRICE: Absolutely. [LB160]

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SENATOR GLOOR: Senator Price, you used in your limits on the projects that could be done, defined them specifically in your amendment as a flood plain buyout, a dam, a reservoir, basin, and a levee. What was your criteria for selecting these types of projects? [LB160]

SENATOR PRICE: Thank you, Senator Gloor. We looked at what would be the most expensive things or things that would obviously necessitate perhaps the bonding authority use. As they said already in their previous testimony, the one penny will raise \$10 million in one year; again, one penny, \$10 million, one year. [LB160]

SENATOR GLOOR: Was there a prioritization that's part and parcel of the development of the projects overall in place, do you know? [LB160]

SENATOR PRICE: We don't...I don't want to get in the way of the experts saying where do we get the very best bang for our buck. Right now there is a dam site located basically on 132nd and Cornhusker. I drove there this weekend. There's a farm house; it's a nice little valley. My understanding is they don't...they haven't bought the area, the land for which the water will be on top of, but they've bought the site for the dam. So again, I'm not going to try to tell them from on high how they should do their job. They're the best at what they do. What I'm saying is, let's make sure it's done in a prioritization. And as I've already alluded to, not all projects will be done at all times. There are various sizes to those efforts. [LB160]

SENATOR GLOOR Thank you, and I would yield the remainder of my time to Senator Price. [LB160]

PRESIDENT SHEEHY: Senator Price, 2 minutes 5 seconds. [LB160]

SENATOR PRICE: Thank you, Senator Gloor. A couple interesting notes I would have people know. If you go to the Papio NRD Web page right now, on the intro page, they will talk and they do champion how they lowered the tax levy rate and I do applaud them for that. But they have been taking their...they have been cutting their resources already. Was that in anticipation? Was that good taxing protocol? I'll leave that for everybody to make their own decisions. Also to size things...let's look at things here. Walnut Creek Lake out there just south of Highway 370 is a 105-acre lake. Wehrspann up in Douglas County, that's a 250-acre lake. Zorinsky is a 255-acre lake. Standing Bear is a 135-acre lake. Now let's look at the lower threshold. Two Rivers Lake are 4 acres. So do you mean if...I'm wondering here, you know... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR PRICE: Thank you, Mr. President. Now when we talk about these various

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lake sizes, Senator Gloor said I don't know what makes a sizeable lake for boating on, but if you go to Zorinsky, right now it's a 5 horsepower, no-wake lake. I don't know. That might work good for sailboats but most of the others it won't. So again let's work on this. And I want people to understand I in no way am denigrating the NRD or what they're trying to do, but we need to be taking a metered approach when we start using public monies. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. (Visitors introduced.) Continuing floor discussion on the Price amendment to committee amendment AM1043 to AM735, members requesting to speak, Senator Schilz, followed by Senator Gay, Senator Stuthman, Senator Rogert, Senator Nelson, and others. Senator Schilz, you're recognized. [LB160]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. I have to tell you that I've probably not been lobbied any harder on any bill that's come before this body this session so far. So needless to say, I've had a lot of information thrown at me and I'm trying to assimilate it and figure out what it all means. But as I sit here today, this is one of the more complex issues that I can see that we're dealing with right now. I mean, we're talking about water quality/water quantity issues, federal regs and mandates. We're talking about a new authority for NRDs that they've never had before. We're talking about growth and development issues whichever side you're on, I mean, and there are two sides to that issue as well. We're talking about municipal and county issues, extrajurisdictional issues on where your cities' decisions stop and where the counties' decisions begin. Of course, (laugh) we're dealing...even on the eastern end of the state we're dealing with rural and urban issues. And then, of course, last of all we're dealing with trust issues. And you throw all of that into the mix and it makes for a very cloudy picture. So what I would say to everybody is pay attention, ask questions. Let's make sure that we don't...let's make sure we understand this before we either vote it forward or vote it down so that we know what's going on. And like Senator Carlson said before, I've experienced some of that 15-inch to 20-inch rains in a 12-hour period. I've had those waters basically put my feedyard under water for about 12 hours. Just to give you a little bit of an idea of what that means, our feedyard has...it sits on about 130 acres, okay? All the feed alleys are graveled, okay, and then we're got roads that go around them; those are graveled as well. Just the gravel alone that got washed off during the flood because some dams failed, okay, up above--well, they were never built to handle 20 inches of rain in 12 hours--\$250,000 to our feedyard alone to replace that gravel. That doesn't talk about the 12,000 cubic yards of material that we had to bring in to fill in the gullies that had washed out. And that's just our single operation. So floods cause immense damage, immense damage, not only to property but human life as well. That flood out there, it was in July I believe, it killed a person on the interstate because the bridge washed out. So I mean we are talking about human lives and private property and damage to that property and how do we do this. I've still got quite a few questions on this bill. I'm just going to sit down and listen a little bit, but there's quite a few

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amendments to come up. It is quite a contentious issue. I understand it's been in front of this body for a few years now, and I just hope we take the time that we really need to take to understand what we're talking about here and then vote the right way and do the right thing. So with that, if Senator Price would like my time I'd yield that to him. [LB160]

PRESIDENT SHEEHY: Senator Price, you're yielded 1 minute 25 seconds. [LB160]

SENATOR PRICE: Thank you, Mr. President. Thank you, Senator Schilz. Another issue we need to talk to, again as we looked at these mandates coming from the federal government, and I want everybody to understand again I want to make this better. The federal mandates that come down on our levees because of what happened in Katrina, what we have to understand with levees, if we build up levees one of the challenges with building a levee... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR PRICE: ...is you're channelling that water--thank you, Mr. President--you're channelling that water faster. Also my understanding in speaking with professionals, when you build up a levee and you have a larger angle on that levee because you've raised it up, there is an area on 84th Street in Papillion over the creek that there are four businesses that surround that bridge, and they may have to close because they're not allowed to have those businesses within the angle of slope of an increased levee height. The complexity here knows no bounds that what we're dealing with. Again with the amendment we're going to want to have a measured and metered approach to it, and not have them build all of them at one time or actually bond for all of them at one time when we haven't all been shown everything they want to bond and do and build and how that will affect the people within the areas of these dams and these impoundments will be made. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. Thank you, Senator Schilz. Senator Gay, you're recognized. [LB160]

SENATOR GAY: Thank you, Mr. President. Would Senator Schilz yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Schilz, would you yield to a question from Senator Gay? [LB160]

SENATOR SCHILZ: Yes. [LB160]

SENATOR GAY: Senator, did you know when that 12- to 15-inch rain was going to come? [LB160]

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SENATOR SCHILZ: (Laugh) No, in fact we were right in the middle of one of the most severe droughts we've ever had. And I remember waking up to go out to the feedyard at about 5:30 in the morning, and looking out the window and seeing rain and just thinking, man, this is great; you know, it's finally rained, we're getting some real rain. And then as I pulled onto one of the roads (laugh) I noticed a log--and I'm not talking a twig, I'm talking a log--floating across the road and I was just amazed. But, no, I had no idea. [LB160]

SENATOR GAY: Thank you, Senator Schilz. Senator Schilz, one more question. Did you have measures in place to control the runoff in case your feedyard does flood? Do you have measures in place that you have to build that you maybe wouldn't have built? [LB160]

SENATOR SCHILZ: Oh, absolutely. We've got retention facilities and things like that, that have to be built to stand, you know, a 24-hour event, a 100-year...a 100-year event in 24 hours. We have to have a facility to handle that. [LB160]

SENATOR GAY: Was that a state or a federal mandate? [LB160]

SENATOR SCHILZ: For us it's a federal mandate... [LB160]

SENATOR GAY: Thank you. [LB160]

SENATOR SCHILZ: ...because we're right there close to the South Platte River. [LB160]

SENATOR GAY: Thank you, Senator Schilz. The point I'm making is floods do occur, as we all know. We don't know when but we have to react to it. The Clean Water Act, as I had mentioned earlier, was put in place. Is it an unfunded mandate? Absolutely. Did people want to go do these things? No, they didn't. But here's where we're at, is we need something to deal with this. Senator Louden discussed for seven years they had been discussing one form or another of this bill. This is the best bill he's seen so far to date that we come to some agreement. I'm not so sure ever that you would get 100 percent agreement on something this important because there are those people who just flat-out, you know, can't agree with some of these measures. I don't like doing this. I think it's necessary. When engineers...when you spend \$2.5 million and spend eight years looking at these proposals, it's usually my method to do what we've come...you know, here's the plan, let's go do it. I think we've got a good proposal here. I did hand out something here, this picture showing a...this is the Papio Creek down by Bellevue. In the back is Northrop Grumman building that was just put in a few years ago. That levee right there or that creek is about 20-30 feet deep. This is taken in 2005 during a drought year and that's how we were at. Every day...well, about several times a year we go out when we get a decent rain, a couple inches, and it starts coming down, and you can bet you go down in our area and it's 2-3 inches from a bridge. So it's a real issue

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now. You can only imagine 12 inches, it's over, so...and that can happen. I just...we don't know when. So some of these things I do want to discuss. Senator Dierks brought up the bill had been in Revenue. It probably had been in Revenue even before my time here or any of our time here because they were looking at how you are going to assess fees, how you're going to implement the Clean Water Act. Could never come to any agreement. Business opposed that for many years. This year they're on board. It's been last year, though, the bill was in Natural Resources Committee, and Senator Kopplin had this bill and this is a much different bill from then because his would allow just to go over the levy limit. This stays within the levy limit under current existing levy limit; they have to stay in there. So it's a much different bill. I'm not on the Referencing Committee and...but that's...but like I say, just last year, so that...no intention. And I know Senator Dierks has been working on it and looking at these things, but this has been around a lot of years. So on the make up of... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: ...the board, on the NRD board, I guess that's something too. You know, Douglas, Sarpy County is the majority of...there's a lot of citizens in those two counties and now growing into Washington County as that continues to grow, and even south into Cass, but that's not in the watershed. But that's just part of the population base and we can't prevent that, who the voters elect. But this is a local elected board and part of the reason we had the two-thirds majority vote of the board was because earlier this year, when Senator McGill had her bill, I listened very closely to what the body was saying, and they wanted some checks and balances. So that's the reason that was put in. Senator Hadley had mentioned where is it, the 1 and 2 cents? Well, those are through a lot of negotiations with a lot of people to get an equitable amount that the local board can actually get something done in a fairly quick manner--I wouldn't say quick because these things do take some time--but to get something done. But part of the reason the other cent, if they ever needed that it would be a public vote. [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR GAY: Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Stuthman, you're recognized. [LB160]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I would like to ask Senator Gay a question. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions from Senator Stuthman? [LB160]

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SENATOR GAY: Yes, I would. [LB160]

SENATOR STUTHMAN: Senator Gay, in this, the 1 cent, have you got any idea how much that 1 cent generates for that NRD district? [LB160]

SENATOR GAY: Yeah, Senator, \$4.5 million is what the figure... [LB160]

SENATOR STUTHMAN: \$4.5 million. [LB160]

SENATOR GAY: Yeah, I misspoke when I said \$20 million. It's \$4.5 million, 1 cent does, and that was just updated, so. [LB160]

SENATOR STUTHMAN: Okay. Okay, thank you. Now I would like to ask Senator Price a question. [LB160]

PRESIDENT SHEEHY: Senator Price, would you yield to questions from Senator Stuthman? [LB160]

SENATOR PRICE: Yes. [LB160]

SENATOR STUTHMAN: Senator Price, in your amendment you have three dams, is that... [LB160]

SENATOR PRICE: I have three structures and the land, yes. [LB160]

SENATOR STUTHMAN: Okay. And how many structures were proposed in the initial? [LB160]

SENATOR PRICE: Actually, I don't have a firm understanding on all the structures because it's kind of...to me it's vague. I believe there's at least seven dams. [LB160]

SENATOR STUTHMAN: Okay. [LB160]

SENATOR PRICE: That doesn't include levees and/or buyouts of properties and those natures, those items. [LB160]

SENATOR STUTHMAN: Okay. In these proposals for this flood control and creation of these structures, what is the real intent of these structures? Are they for development around those structures in time to come, add value to the watershed, to the NRD? [LB160]

SENATOR PRICE: Senator Stuthman, I want to be very careful how we characterize this. In talking with the many people involved, I do believe there's a large component,

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perhaps the majority of the component, is on public safety. But the other part of it is to make...for beautification and public use and perhaps more land development. [LB160]

SENATOR STUTHMAN: So in other words, the land development...and I do support the land development part because what that does, it adds value to the area, to the county, to the NRD. [LB160]

SENATOR PRICE: Um-hum. [LB160]

SENATOR STUTHMAN: Every new home that is built in those areas, you know, does add another hundred, couple hundred thousand dollars of valuation to the area, and that's taxable valuation. Are these dams in any way, are they on...you know, I'm from the rural area and in order to save your property on the bottom end of a stream, you have to start with dams on the top end of the stream, and that, you know, with smaller dams and everything like that. Are any of these proposed structures, do you know, on the far end, further up where the flooding does initially start? [LB160]

SENATOR PRICE: Again, Senator Stuthman, I don't have the specifics. I've been given a little bit but not enough to run with the ball on that. Like I said, there is one that is proposed right about in the north-central part of Sarpy County. [LB160]

SENATOR STUTHMAN: So it is upstream a ways then. [LB160]

SENATOR PRICE: Midstream. [LB160]

SENATOR STUTHMAN: Okay. Okay. You know, in some of my research, you know, the Papio NRD, you know, they currently have about \$27 million in cash and taxes receivable. You know, those are dollars that they have. And another...the 1 cent would generate another \$4.5 million. So I have a little problem with the amount of money that they have on hand already because of the taxation that is involved right now, and then, you know, they can only go up to that 4-, 4.5-cent lid, but utilizing that 1 cent. If it would have went to that 2 cents, that would have been, you know, \$8 million, \$9 million a year generated. You know, they could have put in a lot of dams. But I really think the fact is that we should not be, you know, requesting revenue from the taxpayers... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR STUTHMAN: ...on a continual basis just to upgrade the flooding part of it, which I'm very supportive of it, but when we get one of these large floods like Senator Schilz said, you know, there's going to be all of them going out anyway, in my opinion. So with that, I would give the balance of my few seconds left to Senator Price. [LB160]

PRESIDENT SHEEHY: Senator Price, 30 seconds. [LB160]

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SENATOR PRICE: Thank you very much, Senator Stuthman. Thirty seconds, here's what we can say: The complexity of the flood plain and my understanding is there are three drainage basins meeting in Sarpy County. That's why another reason for picking three as the number for the number of facilities to be built because we can make a systematic approach in the three feeding rivers and streams. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. Thank you, Senator Stuthman. (Doctor of the day introduced.) Continuing floor discussion on the Price amendment, AM1043, to AM735 to LB160, we have Senator Rogert, followed by Senator Nelson, Senator White, Senator Avery, Senator Christensen, and others. Senator Rogert, you're recognized. [LB160]

SENATOR ROBERT: Thank you, Mr. President. Good morning, members of the body. This is giving me a headache; I don't know about you. This is one of those bills that keeps coming back year after year after year, and if we don't put it...take care of the problem, they're going to continue to come back year after year. It brings some questions to my mind. Why do we keep seeing this bill? Do we need it or is there some party that's just crazy enough to keep bringing it to us? Are we in imminent danger or near danger of disastrous flooding? Maybe. If so, how did we get into this position in the first place? Will this fix the problem and is this the correct method of trying to solve the problem? Is it more than what is needed? Will it lead to future problems? What is here that will ensure we don't have a similar problem 20 years from now? Will private developers benefit from the taking of property or raising of taxes? Why are so many people on vehement opposite sides of this issue? Always, every time we have an NRD bill that comes before us, we get a lot of heartburn. A lot of people get tense and instantly oppose it. Why do I continue to hear that the Washington County board and the Douglas County board are completely and unanimously opposed to this idea? Shall there be a vote of the taxpayers for any type of bonding of nonexisting money? I think we're going to talk about all those issues. I think I can be convinced that we have a near disastrous situation with major flooding in parts of this resource district. That's not really hard to convince me of. The harder part to convince me of is this the way to fix it. Are we going to continue to build in the flood plain or continue to do development methods that cause problems? I have a couple amendments that are coming. The first one that was filed talks about the adoption of a draft...or of a watershed management plan that will ensure that in the future we use low-impact development, "sensical" building out of the flood plain, and the taxpayers have some sort of guide on what's going on. If we get that I think it gets us a lot closer. I still have concerns that the folks in Burt and Thurston, Dakota and Washington County are going to pay increased taxes to fix problems led from improper and poor development in Douglas and Sarpy County. But I am convinced that we do not want to have a situation such as Cedar Rapids had last year. We don't want major flooding that costs billions of dollars of damage. I think the debate is going

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pretty well. I think we're going to continue on this for probably the rest of the day and we probably should. This is a big deal. Are NRDs going to be around in the future? I don't know. They're not constitutionally mandated, as was pointed out by some folks this morning. Who's going to pay for this if that goes away? We are--yep, property taxes. So we need to be careful. They have a 4.5-cent levy lid limit. Most of these guys aren't up against that lid. Why? I don't know. But they've got money in the bank. They're not levying all the taxes they need and they want to bond. I don't understand quite exactly but that's not...I don't do that. I'm not an NRD member... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR ROBERT: ...and I'm not building. So let's consider all these things real carefully. Let's talk about how long we want to let them do it and how much we want to let them do it, and let's fix the problems that we have and prevent future problems from happening. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Rogert. Senator Nelson, you're recognized. [LB160]

SENATOR NELSON: Thank you, Mr. President, members of the body. Senator Rogert raises a lot of interesting questions. We have a lot of things to deal with here. One thing we really haven't talked about is the public safety. I go...I first came to Douglas County a number of years ago. I was there in the late sixties when we had a huge downpour of rain to the north--I think it was 9 or 10 inches--and huge volumes of water came rushing unexpectedly down the Papio Creek. And in central Omaha near Center Street...well, first of all, cars were washed off the streets and there were deaths there. There were two or perhaps three people that died in a culvert, and I remember that well. I think one of the overriding things that we have to be sure of is that we do what we can, that we take action so we don't face a huge crisis like they have in North Dakota and also over in Iowa. I am standing in opposition to Senator Price's bill (sic), mainly because I'm not sure that we should limit anyone to three projects. There may be a lot of smaller projects that need to get done, and I'm not sure that the classification is quite right there, but I certainly do stand in support of LB160. And I'm going to, if he's available, for the balance of my time, yield my time to Senator Gay to answer some of the questions that have been raised. [LB160]

PRESIDENT SHEEHY: Senator Gay, you're yielded 3 minutes 20 seconds. [LB160]

SENATOR GAY: Thank you, Senator Nelson. And, Senator Nelson, thanks again. This is for prioritizing this bill. Senator Nelson just brought up a great point again, in the sixties. And I just said earlier since the seventies we've increased 25-30 percent runoff, at least. So how much has the community changed? And I'm talking about the community just in Omaha, but everywhere else we're growing as a metropolitan area.

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So that's a very important point you make and I appreciate it. One thing I do want to commend, Senator Rogert had a great points, and I had worked with him on an amendment that will be coming and I think is very, very good. He talks...we both agree that there shouldn't be...if we're going to do this there should not be continuing bad practices done. And his amendment is thoughtful. It takes care of the opportunities that will occur in the future and holds people responsible for good development practices, including low-impact development, and as Senator Christensen talked about, those dry dams and other things. We talk about, well, why are they not already there, because there are other things that go on, as well, that the NRD has to take care of. They're being good stewards of tax dollars. If they can do it with the existing penny they have, why would they...why would we force them to go raise taxes? This is the best alternative they've seen to...it's a win-win situation because you then can go build your flood control and water quality measures but not have to raise the actual taxes that somebody is paying. So financing, that fixed financing is not new. Let's...I admit done improperly can lead to some problems, but done properly it's been done for...throughout the whole United States we've been doing that for a long time, so it's a very common method of funding programs. This amendment, I do want to make very clear I'm opposed to AM1043, this amendment. This amendment was done yesterday. We had been discussing this for years and this amendment done yesterday without any input from myself or anyone else involved in the situation. I respect Senator Price to bring any amendment and he was making some great points and we're having a very good discussion. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: I appreciate that. However, this amendment to have the...to say exactly what they should do flies in the face of local control, if you ask me. They're the ones that have done the studies and spent the money to know what to do, and then all of sudden today we're going to say, well, only do two at a time or three at a time, I guess it says. So I don't like that method. That's not the way I think we should operate. I think we listen to engineers, we listen to public officials, and we let them decide on a local basis, especially I...you know, when we're looking at statewide. I don't know everything going on in western Nebraska. It's hard enough to keep track of what's going on anywhere. But I don't think that's a proper policy and I am opposed to AM1043. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator White, you're recognized. [LB160]

SENATOR WHITE: Thank you, Mr. President. This is a bill that in one of its earlier incarnations came through the Revenue Committee. And I'd like to try to explain some of the concerns about the bill that I have, but also the underlying structural problems that we're facing. Senator Gay makes some excellent points about local control, but the

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problem is there really is no local control in this situation, and let me explain why. A city wants sales tax. They will accommodate a big box store with a big parking lot. That big parking lot and that big roof structure of impermeable surfaces will contribute massive potential flooding problems downstream. If you're in Washington County or Douglas County, not my problem. I get the revenue from the sales tax and the property taxes and Sarpy County gets the floodwater. And the problem that we face is that we have different jurisdictions both profiting from development but also not wanting or having the ability to control it. If, for example, Douglas County puts in a position that says, we're going to do the responsible thing, you have to put in permeable parking surfaces, you have to incorporate rain gardens, you have to take these steps so that a big box building doesn't cause a problem downstream, Sarpy County may say, you don't have that problem, and they compete for that store. Or Washington may have that...say, we don't have that problem, so they compete for that store. So then they move the development from county to county or city to city. We don't have a drainage wide system of zoning that causes responsible development up and down where costs and benefits are shared across the entire watershed. We have a fragmented governmental system in which rewards can go to individual jurisdictions and the costs or the damage can go to another one. We also have an economic system where developers have clearly developed in areas where they shouldn't with the encouragement of local governments, and they've created a crisis. And if we don't really affect the underlying structural problems we're like the guy that comes in with a clogged artery to the ER, but then they unclog the artery but he doesn't change his diet, doesn't start exercising. You just create a bigger problem. And one of the real problems with just building dams is that we are creating a time bomb of liability under water pollution standards. Water that comes off of a parking lot, instead of water that percolates through the ground, creates a...often creates a highly polluted collection of water behind a dam. A number of cities that have gone through similar problems are now facing huge issues with the EPA to clean up the water in the dams that they built in the first instance, which wouldn't be a problem if more responsible methods of handling it, such as some ground filtration, some wetlands. You know, the World-Herald had a thoughtful editorial and they talked about these land-hungry wetlands. Well, what is also very expensive is those wetlands do clean the water through nature's way. But if we impound it, now we've got water with high levels of carbon in it, of oil, of gasoline, of other runoffs from...paint and other runoffs from human activity, so we have that expense. You...these dams won't fix the problem underlying. On the same time, I'm not willing to see a Katrina here. I'm not willing to see people, my neighbors... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR WHITE: ...in Sarpy County under water. So what I think should occur and what I hope we do is a combination of things. We tell the NRD, you must have a systemwide zoning in place that really looks at all of the options, including wetlands; if you do that I, personally, would prefer a vote of the people, you can then bond because

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dams are necessary. There is...we do have a problem, we've got to fix it. Just like the guy in the ER--unclog the artery but also change your ways. And you only get that if we have a unified, across the flood basin system of laws in place so that benefits and costs are shared equally among all the jurisdictions. And that's what I hope we're struggling for. And with that, I would go to any voter in Nebraska and say, it's not right, Washington County, it's not right, Douglas County, whether you like it or not, that because you've developed, your neighbors in Sarpy may be flooded out of their homes. That's morally wrong. And I don't think the voters would back away from increasing property taxes if necessary. [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR WHITE: Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator White. Members requesting to speak on the Price amendment, AM1043, to AM735, Senator Avery, followed by Senator Price, Senator McCoy, Senator Wallman, Senator Langemeier, and others. Senator Avery, you're recognized. [LB160]

SENATOR AVERY: Thank you, Mr. President and colleagues. I'm going to support LB160. I'm not quite sure what I'm going to do about the Price amendment. It strikes me as a bit arbitrary to set the number at three, but I'm keeping an open mind, Senator Price. You can still convince me. I want to call your attention to an editorial in the World-Herald a few days ago in which the writer points out that a flood is a creeping disaster, a slow-motion devastation. But the big task is convincing elected officials, landowners, and taxpayers to invest in flood protection when the roof is dry. That's really a key point. We need to act before we have the disaster. We need to act before we have a Katrina-like situation. The bill that is before us and the committee amendment, I believe it was Senator Christensen who said this is a very practical approach. I agree with that. It's practical, it's reasonable. The amendment, AM735, improves the bill. It allows for bonding authority with a vote of the electorate for the bonds. That's a good thing. It also provides that the bonds cannot exceed 1 cent of the levy. That also is a good thing. Provides also for a two-thirds vote of the NRD board that submit a bond issue. And bond proceeds cannot be used for metropolitan-class cities' combined sewer separation projects. Another feature of this amendment that I like is the sunset provision, which would sunset this legislation on December 31, 2019. A critical part of this bill, as has already been pointed out by a number of speakers, is that it does not provide new bonding authority; it simply authorizes Papio-Missouri to dedicate a portion of existing mill levy to finance flood protection and water quality enhancements through the issuance of bonds. That's reasonable, that's practical. We know that floods can be devastating. All we have to do is look at what has happened in Fargo, North Dakota, in the last few weeks and is still going on there or we can look at the 2008 flooding in the Cedar River in Iowa which devastated over a dozen communities. They

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were completely caught off guard by that. This bill also allows the NRDs, particularly in Papio, to do something to enhance the fund that they have been trying to build up. They have already put aside nearly \$13 million. But they cannot build this fund fast enough to take care of the problem. This bill would help them do that. I believe this is good legislation and I intend to vote for it. And I urge you to support AM735 and the underlying bill. And I will wait for Senator Price to convince me that I should vote for his amendment. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Price, you're recognized, and this is your third time. [LB160]

SENATOR PRICE: Thank you, Mr. President. Thank you, Senator Avery, members of the body. My amendment is about, again, a metered approach. So I'd like to see if Senator Gay will yield to some bullet questions. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you recognize questions from Senator Price? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR PRICE: Thank you, Senator Gay. How much flood protection will one dam provide? [LB160]

SENATOR GAY: Senator Price, I'm not an engineer and I can't answer that question. [LB160]

SENATOR PRICE: Okay. [LB160]

SENATOR GAY: Thanks. [LB160]

SENATOR PRICE: Can you say that the dams, how quickly are they proposed to be built? [LB160]

SENATOR GAY: Depending on what happens today, over the next probably year and a half, two years. I'd have to check on that. I can get you the study, actually. But I will find out. Soon, that's the whole idea of bonding, so we can build them quicker rather than stretching these out and having no effect. [LB160]

SENATOR PRICE: Okay. So with...if you had everything you wanted, you're king for the day, you painted the picture you wanted to paint, you had total authority and the money was raised right away, you're saying that they would build all these structures, buy all the land and give us the greatest measure as they can see under the circumstances and build all these structures in approximately two years? [LB160]

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SENATOR GAY: I'm saying the natural resources elected board would make those decisions based on the facts that they have and the money that's been spent over the last eight years, \$2.5 million, to make those decisions. [LB160]

SENATOR PRICE: Okay, thank you very much, Senator Gay. And I don't want to pen you in or hem you into a corner. My question for the body, my statement to the body is, when are they going to build the dams, when are they going to buy the land? How much bang for the buck do we get? I'm not sitting here saying that we...or standing, I should say, I'm not standing here saying we shouldn't do this. I'm saying it should be a metered approach. If three is a number that doesn't seem tenable, maybe it's four. But the question is, do you want them to go out and build all these structures and ideas and things that are articulated in the plan Senator Gay talks about and we don't really know what it is? Are they going to be able to pour that much concrete in two years? Are the bond markets available today? Is there money in the bond markets today? What's going to happen when we give them authority today to do this and there's no money in the bond markets for awhile? Well, I guess we didn't answer that question yet, did we? Again, it's a measured and metered approach. How many dams could a dam builder build if a dam builder could build dam bills (sic)? Okay? Again, can you just see it, all the cranes and concrete all over Sarpy County and Douglas County and Washington County. And then if we look at the entire Papio NRD, what happens to the rest of the counties in the NRD--Dakota County? So, again, I'm not standing here against the concept. I am saying we need a metered approach. We need to know which ones are the priority ones, which ones have they already spent money, bought a dam site for? They bought the dam sit land. So what is it that they're doing? How much will we get? And will they do it all in two years or three years or ten years? When will it all get bought and paid for? And will it be the panacea that they're saying it may be? I can look here and I can bring up right here, if we look at Eppley Airfield, I have the rainfall total from 1948 through 2008 and I can look at it for every month. Let's say April is our wettest month, no, that wouldn't work too well. Let's say March, I don't know, four or five inches, okay, and you get your annual rainfall and your year rainfall. We're talking four, five, six, eight inches. If we look at rainfall events, we will see the higher rainfall events over a 12-hour or a three-day period, very complex. All I'm asking is that someone tell us out here how much will we get for a dam? [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR PRICE: Thank you, Mr. President. How many will we get for two dams? How many will we get for one dam, three dry dams, and some passive systems? We don't know but we're going to stand here and give them authority, a new authority, to raise all this money, if they can in today's bond market, to build something we really don't understand and know. And all I'm asking that the body does is say, sure, go ahead and do it, but just do it three at a time, and come back and reconvince us and show us that

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we got the bang for the buck. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. (Visitors introduced.) Resuming floor discussion on the Price amendment to committee amendment, AM1043 to AM735, members requesting to speak, Senator McCoy, followed by Senator Wallman, Senator Langemeier, Senator Haar, Senator Fischer, and others. Senator McCoy, you're recognized. [LB160]

SENATOR MCCOY: Thank you, Mr. President and members of the body. I rise this morning in opposition to AM1043 to the committee amendment, AM735. I believe, with all due respect to Senator Price, that it really can't be our place, we're not engineers, to articulate the number of projects that could go on at any given time. Senator Gay just passed out the editorial from the World-Herald that the Papillion Creek Watershed Partnership has proposed that seven projects would be needed. And that's a collaboration of a number of different groups. And I'll yield my time in a moment to Senator Gay to talk more about that. But what I would also like to talk about for a moment, as a member of the Natural Resources Committee I stand in strong support of LB160. And I'd like to, for a very brief moment, talk about the fact that initially I had great reservations about this piece of legislation. As many of you know, our districts encompass large areas. And mine not only encompasses urban area but also rural area in Washington County and northern Douglas County. And I believe that through a lot of hard work on AM735, the committee amendment, and with the work that Senator Rogert has done, and we talked about and will talk about here a little bit later on, we can hopefully have a piece of legislation that accomplishes a lot and it's much needed. And I would yield the remainder of my time to Senator Gay, if he would so choose. [LB160]

PRESIDENT SHEEHY: Senator Gay, 3 minutes 10 seconds. [LB160]

SENATOR GAY: Thank you, Senator McCoy. Senator McCoy makes a point, being on the committee, he was opposed to this at the beginning of the year. This is in January we were discussing this. A lot of time and a lot of energy has been expended to that. Is that a reason just to pass the bill? Of course not, because we all spend a lot of time, energy on our bills in our situations. What happened, though, is I think most people got together, and this is a bill that would never pass, where everybody can agree, here's what we need to do, because it's a big district. The effects of these people, this action affects other actions, and it's just a difficult, difficult issue. That's why it's been here for seven years. I think we're as far along as probably we've got in a long time. And I do appreciate the discussion. Again, I'm opposed to this amendment as it is right now because it's, again, a little bit us telling the experts what to do. And I don't know if anyone in here...I know there's a lot of people with more expertise on these issues than me on the Natural Resources Committee. One thing Senator White brought up a great point, and I agree with him on that point. Senator Rogert's amendment would alleviate those concerns, I think. And I'm sure Senator Rogert will be talking again on these

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issues. But Senator Rogert and I both agreed that if we go ahead and do this solution, we don't want to continue to add to the problem further. Right now the city of Omaha needs to control a two-inch runoff requirement. That's already required. So they need to have low-impact development, and you need to make sure you can handle a two-inch runoff. Should that be four or five? I don't know what the answer is, but right now that's what it is. The city of Papillion and La Vista both have these requirements, have had in place for sometime. I think people are coming around and getting this done. And Senator Rogert's amendment that's coming up would take care of a lot of that, alleviate those concerns. One thing we talked about, well, why would they build in the flood plain? Well, in 1960, when you built...or the seventies, when you were building... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: ...close to the creek--thank you, Mr. President--you weren't in the flood plain or the floodway. So since then so many things have been done. But Senator Nelson, who's from the Westside School District and has some of this area, right behind there's large businesses all along that creek. And many of us in the urban area know what's behind when you look at Nebraska Furniture Mart or Pacific Place, a lot of these places, when you get these heavy rains, are right up against it. And their north in the watershed. If you're down south, the picture I showed is down by Twin Creek Plaza, down in Bellevue, Nebraska. But I don't know all the answers. I do again appreciate what Senator Price is bringing up. Those are issues. But I think...not I think, I know those will be well-thought-out by a local board that deals with these issues all the time. Monday we're going to deal with a complex school funding issue. And I know the discussion will be long. And there's a lot...very complex issue. But we do the best we can. What we're...we're giving them... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR GAY: ...an opportunity. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Wallman, you're recognized. [LB160]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I would like to ask Senator Campbell a question, please. [LB160]

PRESIDENT SHEEHY: Senator Campbell, would you yield to questions? [LB160]

SENATOR CAMPBELL: Yes. [LB160]

SENATOR WALLMAN: I think it was in the fifties or sixties when Lincoln had a big flood.

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Then they built Holmes Lake. Now did they build below Holmes Lake since that dam has been in place? [LB160]

SENATOR CAMPBELL: Would you repeat the last part, please? [LB160]

SENATOR WALLMAN: Holmes Lake, is there any buildings or nursing homes built below that dam since that's been in place? [LB160]

SENATOR CAMPBELL: Boy, to my knowledge, no. There are homes and apartment buildings on the west side of the dam. But there's also a walking trail along that dam. I'm sorry, Senator Wallman. [LB160]

SENATOR WALLMAN: That's okay. [LB160]

SENATOR CAMPBELL: I didn't grow up in Lincoln, so I'm probably not as familiar about what criteria was put into place during those years. [LB160]

SENATOR WALLMAN: I think that used to be in the flood plain, probably they built the dam and it's not. So if that dam breaks, which happens, Pennsylvania lost a lot of people, you can try to control nature, but eventually nature controls us. The Mississippi River flood in Davenport, Iowa, closed the Interstate for days; Clinton, Iowa, had dikes upstream, they channeled all that water so it come like in a hurry to Davenport. So how can we fix that? We can't totally fix things, folks. Are we in a flood plain or not? And all the opposing people here, I noticed most of them are farmers or upstream, and it's about property rights, it's about who pays taxes on the water or the mud puddles. It's a muddy issue and it's a tax increase, you know, like a school bond or something. It's for the election of the people. In today's environment, I don't think you could probably get a school bond passed anywhere. So...and then we pass something in here to cost more money? That kind of bothers me. But vote as you will. And I appreciate Senator Price's amendment tried to squeeze that down a little bit. Thank you, Mr. President, and that's all. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Langemeier, you're recognized. [LB160]

SENATOR LANGEMEIER: Mr. President, members of the body, I'll yield some time to Senator Price in a minute. But I just want to talk about the committee amendment. And I think we're going to have dealt with this AM1043 here in a second, but back to the committee amendment. It requires the NRDs to have the ability to build 20-surface-acre lakes. And just so everybody can kind of get a picture, the Capitol and the grass around it is 12 acres, so take that times two. That's not a big lake, we're not doing jet skiing, we're not doing a lot of big projects on that. To build anything over 20 acres they have to get board approval before they can bond. And so I just, at this time, I'm kind of off

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subject to the AM1043 that Senator Price has offered, but I just wanted to put that out for you to start kind of mulling over as we start to work through this. And at this time, I would yield the rest of my time to Senator Price. [LB160]

PRESIDENT SHEEHY: Senator Price, you're yielded 4 minutes. [LB160]

SENATOR PRICE: Thank you, Senator Langemeier. Thank you, Mr. President, members of the body. I'd like to bring up three quick points here. First, I have been up-front with the people and the members behind this bill for weeks, if not months. From the moment I got the first notification of this I've had questions and reservations. Yes, the amendment hit yesterday, but I have been forward and up-front with everybody. Secondly, I would leave three words in your mind--cost, schedule, performance. Those are the tenets of program management. And have programs ever been over budget, have they ever been behind in schedule, and have they delivered what they said they would deliver? Again, cost, schedule, performance, remember that. And finally, to the argument that say that this is not our place to say how funds are spent, I beg to differ. That is what we are here, we will decide the budget. Maybe we will not go down into the minutiae and maybe we will not have the deep down look and to tell them exactly how to do every part of everything. However, in talking with people, we can see what's going on. And again, since I do stand in support of the concepts of LB160 and AM735, I would like at this time, Mr. President, to withdraw my amendment. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. The Price amendment to committee amendment, AM1043, is withdrawn. Mr. Clerk, you have an amendment to committee amendment on your desk? [LB160]

CLERK: Mr. President, Senator Rogert would move to amend with AM1005. (Legislative Journal page 1023.) [LB160]

PRESIDENT SHEEHY: Senator Rogert, you're recognized to open on your amendment to committee amendment, AM1005 to AM735. [LB160]

SENATOR ROGERT: Thank you, Mr. President, members. AM1005 is a...it's an amendment that I worked out with the Papio-Missouri Valley NRD. Senator Gay has looked at this. Senator Nelson, I think, has seen this as well, as well as Senator McCoy, several people who are involved in this issue. What it says is that...this addresses the concerns that I have about problems in the future. If we're going to build dams, we're going to bond, spend a bunch of money to try and protect the lower portions of the watershed, then we need to put a plan in place that says we're not going to continue to screw it up and that 20 years from now they're not going to come back and say, whoops, yeah, that didn't work. So the Papio-Missouri Valley...the Papio Creek Watershed Partnership, in connection with the NRD, has developed a plan. I have the executive summary here on my desk. It's about 20 pages and it says what the plan is

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going to do to prevent future problems. This amendment says that bonds issued in this district may not fund any project in the city or county that has not adopted this plan. This plan is more stringent than what the federal requirements are currently at, and I believe it's a good plan. The NRD believes it's a good plan because they wrote it. So basically this says, in order to issue bonds to fund a project in Douglas County or Sarpy County they have to...the cities and the counties must have adopted this plan to prevent further problems. It addresses one of my major concerns that I discussed earlier. And I encourage the adoption of that. I'll yield the balance of my time to Senator Gay, if he wants to talk about this amendment. [LB160]

PRESIDENT SHEEHY: Senator Gay, you're yielded 8 minutes. [LB160]

SENATOR GAY: Thank you, Mr. President. Senator Rogert, as I had mentioned, this had been something he had worked on and it makes perfect sense to me. We don't want to ask for this. And I...you know, this is a big deal. I didn't come into this saying, gee, I think I might introduce this, this year. This has been thought-out and I have experience with this issue. But this is a very good measure, I think, because we both agree and Senator White and others that I'm hearing are saying if we do this, how are we going to prevent just adding to the program? Senator White brought it up in a good form, it's like getting a bypass and then still, you know, not changing your diet or doing anything. Well, that just makes sense that you would do that. So this enforces that the communities involved and the interlocal go change and make sure their management practices, storm water management practices are in compliance with federal regulations and they do a good job of that. I do know, and I can't speak for every single entity in the watershed, but I do know in our area we've been doing that for, oh, probably the last five or six years. In the seventies, and this is obviously a little bit before, I was a young guy but, you know, just back then we haven't really paid that much attention to these kind of issues. And more and more, as we learn more, we're creating opportunities. Senator Christensen...actually, I learned from Senator Christensen about some of these issues. So I'm no expert, I'm not saying I am. But those kind of ideas that he had talked about with the soccer fields, and I know when you build developments they have retention ponds and you see a lot of these things going on, are newer measures. And I know Senator Haar is familiar with some of these kind of issues. But they are changing. And we need to make sure that they comply with this. This amendment is very good to do that. So I fully support this amendment. And I also want to thank Senator Rogert. He's been very involved in this issue. He's got constituents that are very concerned. And he's been very involved in this and working with us on these issues. And this is one we both agree on. I don't know what is to come for the balance of the day, but on this one we both agree on. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. You have heard the opening of the Rogert amendment to committee amendment, AM1005 to AM735 to LB160. Members requesting to speak are Senator Haar, followed by Senator Fischer, Senator Utter,

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Senator Gloor, Senator Gay, and others. Senator Haar, you're recognized. [LB160]

SENATOR HAAR: Mr. President, members of the body, I rise in support of LB160. As someone else mentioned, I've probably not been lobbied on anything more than this particular bill. I also like the amendments that are coming down the line. And if we could, Senator Rogert, get copies of what those regulations would look like, I'd appreciate that. The principle I've tried to apply, because we...those of us on the Natural Resources Committee especially have gotten an awfully lot of information on this, and at the very heart of it I would like...for myself, I'm applying the principle that you can't give a governmental agency a job and then handcuff them. And I think if the NRDs are charged with flood control that we can't take away their ability to do flood control. So I think we need to make this as good as we can but then I will support it. One of the things that concerns me in this whole discussion is that there's sort of a Hatfield and McCoy battle that's being going on for years and years between landowners and county officials and the NRD. And I'm sure that, being on the Natural Resources Committee, I'm going to deal with more of these as time goes on. But, you know, at times we want these governmental bodies to behave. And Senator Pankonin, I, and Senator White were talking this morning, trying to get NRDs to behave around trail building. So it's an ongoing problem. There may be some solutions in terms of NRD boards can be anywhere from 6 to 21. Some of them are 21, some of them are only 6 or 11, and spreading out that representation might be part of that solution to give people wider representation. I also like the idea that Senator Christensen brought up about perhaps putting in dry dams. And I was wondering whether perhaps the smaller ones that can't be used for recreation anyway, the 20-acre and less, perhaps we could designate that those would have to be dry dams, I'm not sure. My friend, Senator Wallman, has told me the problems that come with building dams and especially with areas right as the stream comes into a dam that might be flooded only for certain parts of the year, but really aren't covered in any way, they simply...they simply become patches of mud. Farmers have to deal with that. They can't plant them, but they still have to pay taxes on them just as they were farmland. So the idea of dry dams seems a good one to explore. I love the idea of low-impact development. It's probably no secret that I'm an environmentalist, but I also see that there are some immediate needs that threaten life and safety that need to be addressed. So with that, I'll continue to listen very carefully to this debate. I appreciate these amendments that are coming down from Senator Rogert. Again, I'd like to see maybe a short summary of those, if I could. And I'd like to yield the rest of my time then to Senator Fischer. Thank you. [LB160]

PRESIDENT SHEEHY: Senator Fischer, 1 minute 20 seconds, and then you are next in the queue. [LB160]

SENATOR FISCHER: Thank you, Mr. President. And thank you, Senator Haar. I, too, am on the Natural Resources Committee and I do support the amendment that the committee came up with. We've seen this bill in the...or manifestations of this bill in the

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committee for the last three years that I've been on the committee. And I think the committee amendment is a reasonable step forward. I think this discussion is helpful for all of us. And I wanted to mention that I'm also in support of Senator Rogert's amendment that is on...up right now. If I could get back to the committee amendment though, AM735, and you look at what the committee has offered on that, you'll see that there is a ten-year sunset provision and that puts on a termination date on the authority to issue bonds for the qualified projects. So we do have a sunset provision in there. It also requires a two-thirds vote of the members of the district's board of directors. They have to have a two-thirds vote to approve the issuing of bonds. This... [LB160]

PRESIDENT SHEEHY: Senator Fischer, you're now on your time. [LB160]

SENATOR FISCHER: Thank you, Mr. President. The board of directors are elected by the people within that NRD district. And requiring this supermajority, I believe, offers another stopgap, if you will, on the issuing of bonds. It replaces the 2 cents with 1 cent tax levy for the bonding. And it also allows a county board to block the use of the bond proceeds for projects that are greater than 20 surface acres. The board, if they pass a resolution stating that they do not approve, that ends that project. I think we all need to be aware that this is a big issue. And I don't enter into allowing NRDs the authority to bond lightly. In fact, on the face of it I would be against this bill. But we put in different provisions and we need to look at the future and what may happen. The city of Omaha performed an analysis that in the year 2050 all of the land in Douglas County will be developed, all of the land in Douglas County will be developed. And the basis for doing one structure during, I guess, versus another structure, that's triggered this situation that we're in because the NRD is looking ahead too. If you have all the land developed, what happens then? Senator White raised some questions and I believe the answers are all laid out in a comprehensive storm water management plan that the Pappio-Missouri NRD and its partner communities and counties have formulated. And this is a comprehensive watershed-wide storm water management plan. They've looked at the low-impact development. They've looked at the necessity of dams. This isn't something new. As I said at the beginning, as a member of this committee, we've heard...I've heard it for three years. Senator Loudon mentioned that he's heard this for the last seven years and the concerns that the people in those counties and all through that watershed are facing. It's been raised that an NRD, they're going to use their power of eminent domain and then turn the land over to private developers. That is not true. That cannot happen. Current state law prohibits that action, so we need to put that one to rest. We've heard that in the past. And as you know...I guess a lot of senators in here don't know but I had a bill a couple years ago dealing with eminent domain. I am not a fan of the use of eminent domain unless it truly is for a public purpose. But to think that the NRDs can willy-nilly just use eminent domain and then give it to private developers, that is against state law. We've heard some allegations that this particular NRD is not a good steward of the public's money, of taxpayer dollars. We've heard that the NRD has an excess of their cash reserves. The information that we received as a committee show that in fact

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the reserves don't come near to being what is needed to fund current projects on a pay-as-you-go basis. Their sinking fund has a little over \$8 million in it. Their cash reserve... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR FISCHER: ...that is...thank you, Mr. President. Their cash reserves that are dedicated to certain projects have less than \$300,000 in it. We heard that the Papio NRD has an excess cash carryover. Those of you who have been on different boards, NRDs, school districts, county boards know that a cash carryover is your beginning balance for your coming fiscal year and that is used to determine property taxes. When you're dealing with projects of the size that NRDs deal with, as counties deal with, a number of times those projects are not completed in one fiscal year. And so there always is a cash carryover. We know that there are a number of state and federal permits, especially dealing with water issues, that NRDs must meet. That takes time. There also are a number of... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR FISCHER: Thank you very much, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Fischer. (Visitors introduced.) Resuming floor discussion on the Rogert amendment to committee amendment, AM1005 to AM735, we have Senator Utter, followed by Senator Gloor, Senator Gay, Senator Friend, Senator Dubas, and others. Senator Utter, you're recognized. [LB160]

SENATOR UTTER: Thank you, Mr. President, and good morning, members. I rise with some concerns about this legislation. I am concerned about precedence that we may be setting. And I'm also seriously concerned about another issue, it's the same issue that I had with the urban development districts that we worked on early in this session, and that is this whole matter of issuing general obligation bonds without a vote of the people. And I think we're beginning...and even though the urban development districts didn't start out to be general obligation bonds, they had the potential to turn into general obligation bonds. And I think I see a trend maybe starting here to where we're starting to think that that's okay to, in essence, raise taxes, to incur debt, and to raise the taxes to pay for that debt without the taxpayers having a direct voice in it. I'm hopeful that before we finish this bill that we can at least correct that part of it. I congratulate Senator Gay. I thank him and for the Natural Resources Committee and the other folks who have worked very hard to clear up some of the objections that were in this bill. That's one final objection that I have that I hope that this body will give consideration to. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Utter. Senator Gloor, you're recognized.

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[LB160]

SENATOR GLOOR: Thank you, Mr. President. I have not been heavily lobbied, unlike some of the members who have pointed out, on this specific issue. But I do feel experienced to speak to this. I was entertained by the picture of the swollen Papio Creek diversion because I have other pictures that I looked up on the Internet, with the help of my staff, that relate to a similar flooding diversion canal. If you look closely at one of them, I believe, you can see one of my lawn chairs floating down this diversion creek. (Laughter) That would be the only thing that I and most Grand Islanders lost in what could have been a horrific flood. Back in 1967, 1,800 homes in Grand Island were flooded. I would guess that that's probably a third, back in those days, that's a third of the habitable homes in Grand Island were uninhabitable as a result of terrible floods that came from the Wood River, which runs in, is a tributary into the Platte River. That's pretty dramatic, that's worse than the discussion of Fargo and what's going on in Fargo. In 2005, there was over 7 inches of rain that fell in a 24-hour time period, probably heavier rains, certainly more intense rains that occurred back in 1967. But there was very little damage because of a flood control project that was constructed and had been finished in 2004, not without its controversy, of course. But think of that, from 1967 until 2004 to plan for, to organize and complete a flood control project. And one year later it pays for itself, \$15 million, and that's the estimate of, easily, the savings as a result of avoiding another major catastrophic flood in the Grand Island community. So I'm certainly in support of projects of this scope. I certainly understand that it takes a long period of time, starting next year, to bring projects of that size to full fruition, could take decades. So starting soon is important. But I was also very intrigued by Senator Price's amendment, which he of course has withdrawn, that would have limited the overall size and scope of this project to maybe more bite-size pieces, because I have also had personal experiences. We also had heavy rains in '86, in '93. I was involved in sandbagging some of those times. Some of the responses to control that coming from engineers I found a little excessive. Some of those projects anticipated with the engineers a flood of proportions that probably would have swamped Noah's Ark that thankfully hadn't happened in recent years. And we have had flood control projects that have handled the rains that have been out there, but there sometimes needs to be some reasonableness so that we don't overbuild. That is why I was pleased to hear Senator Rogert's amendment and the basis for it being around a plan, a plan that has been vetted through a number of entities and organizations and elected bodies, and for which everyone needs to participate in and buy into. That planning, in and of itself, should, I believe, reduce this to sizeable scope. I'm still listening. I'm still interested in what's out there. But certainly my heart is with flood control projects because, take it from me, it's a mess when you have to deal with major flooding of any kind. Even minor flooding of any kind can put incredible, forget the expense, can put incredible stress on communities, on neighborhoods, and on families. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gloor. (Visitors introduced.) Resuming floor

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discussion on the Rogert amendment, AM1005, Senator Friend, followed by Senator Dubas, Senator Nelson, Senator Carlson, Senator White, and others. Senator Friend, you're recognized. [LB160]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. Obviously, there's a lot more discussion. I looked at the queue and there are it seemed like hundreds of lights on, there might as well have been. One of the things that I've heard about this bill and I've heard it again, one of those situations where I've heard it just about every year since I've been here, there's a compare and contrast going on. Earlier in the session, Senator McGill had a bill and it was LB85, and I don't know how much of it's been drawn out here during this discussion, but let me draw it out even further. It's dangerous to compare a bill like that, I'm going to tell you why, it's dangerous to compare a bill like that and it's also difficult to do to a bill like this. It's difficult to do it anytime, but it's particularly difficult under these circumstances. Let me quickly tell you why. LB160, and by the way just a side note, this amendment isn't bad. The committee amendments aren't bad and they probably need to be adopted for this bill to be move forward, that's my guess. I don't know how I feel about this whole thing. After about the last four years it seems like a big, huge eyesore to me. I'll get back to that in a minute. LB85, Senator Amanda McGill's bill earlier in the session, make no mistake, there were general obligation bonds associated with that and there was a city council authority provided by this Legislature to do what, for example, the city of Lincoln needed to do. That bill dealt with sales taxes. What they were trying to do, what the city of Lincoln and the city of Omaha could eventually end up doing is access a sales tax...sales taxes that were procured already and had already been dealt with by a vote of the people, in essence. This is different. Okay? And it's different because you're asking for a few key things that Senator Langemeier pointed out earlier--a 1...or excuse me, a 1-cent tax levy for bonding, you're changing the tax levy, I don't want to misspeak here. I mean that's in essence what you're doing. Also it would prohibit bond proceeds from being used for combined sewer separation projects in a metropolitan-class city--Omaha. It is doing a few different things. And it's a lot different and it's dangerous and, I might add, a little intellectually lazy if you start going back to bills and starting to try to compare and contrast. Because you've got to go in and you've got to go into dig and you have to go in and dig into the details because the devil is in those details. There's one other point that I wanted to make. And if you don't hear anything else about this bill that you like or dislike, if you want to take an important point away from this, take this as a legislative body with 49 people, because this is going to affect the decision making that you have for the next four or five or six years. NRDs, natural resources districts, are a creature of the Legislature. They have no constitutional right to operate. If I didn't like the fact that we had 93 counties, there's nothing I could do about it. We'd have to go to a vote of the people to try to figure out how to reduce the amount of counties in this state. By the way, I think we have too many counties. You know what counties are saying out there? Too bad, Friend, you're a loser, you can't do anything about it. The people made that decision, it's in the constitution. NRDs are a creature of our... [LB160 LB85]

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PRESIDENT SHEEHY: One minute. [LB160]

SENATOR FRIEND: ...attitude. Hypothetically, two years from now if you decided as a Legislature that you didn't like NRDs anymore, you could statutorily get rid of them. Now what happens if NRDs float bonds and we decide we don't like the fact that we have NRDs? I'm not saying I don't...I want that to happen. I'm saying they are a creature of our decision making, it's as simple as that. Now you have a third party and we're making your job as a Legislature more difficult. Now you have a third party, there's 20 years worth of bonds floated out there. Now you have a third party that is an interested party. And it makes your job as a Legislature harder if you decided you don't like the NRDs decision making and you wanted to get rid of them. I don't want to get rid of NRDs. I'm just telling you they exist because you allow them to exist. And if you give them bonding authority, which may be prudent here,... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR FRIEND: ...you got a different problem. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Friend. Senator Dubas, you are recognized. [LB160]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I rise in support of LB160 and the amendment that Senator Rogert has introduced to us. As Senator Friend just so aptly pointed out, when we're crafting legislation of this type, it is by no means simple. It's very complex. And there are very...there are many underlying issues that are impacted by legislation such as this, and there are issues that we do have to take into consideration because, as we often speak about, there are unintended consequences when we don't thoroughly try to assess every single angle that could possibly be assessed. This bill does have a very long and a very storied history. It has not been able to get much traction because of all the questions that we're talking about today. But that doesn't mean that we don't need to be trying to get these questions answered and trying to put together legislation that will serve the best interests of the city, of the citizens, and of our state. There...it's very multifaceted, the legislation and what we're trying to address. There's county responsibility, you know, how counties do their planning and zoning. Taxing authority should never ever be given lightly or without very clear, guiding parameters. We have to recognize, we must recognize the potential for...the very real potential for the damage to life and property in this particular area. Another component that we haven't talked about very much in the course of this debate is the importance of citizen involvement. And there has been a great deal of citizen involvement in this issue. It's a very important component to our legislative process and it's also a very important component to all governing entities' process. That's why we have public notices in the newspaper, that's why we have public hearing. We need to

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and must make this process as transparent as possible and encourage citizen involvement. Public discourse is important, but that discourse should be undertaken with a great deal of respect from both positions, from all positions. Just because you don't agree with a person or what their thoughts are doesn't mean that they're wrong. It just means that you have...you aren't seeing eye to eye. And so, you know, both sides can have very valid points and very valid input. Senator Rogert raised many questions, and I think we have to have answers to those questions before we really move this forward in final form. The committee amendments have really tried seriously to recognize the opposition's points. We've tried to put those parameters in on how bonds can be issued and the amounts of them and really taken seriously the points that they've raised. Senator White's points are very well taken. Water does not stop at county lines. So decisions that are made in one county or one city or one governing jurisdiction, they're going to have impacts on those outside of that jurisdiction and we have to take that into consideration. I've talked quite regularly about the importance of planning for renewable energy production and development. Senator Harms has a bill that's looking at a comprehensive approach to planning for state. Planning is very, very important. We don't exist in a bubble. And if you fail to plan, you plan to fail. It's just pretty much as simple as that. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR DUBAS: I do support NRDs. I think their work is very valuable to the state in dealing with water issues. And we know water issues are right at the top of the list for things that we're dealing with. But they're asking for additional taxing authority. And that gives me and it should give everyone in this body a real cause for concern and the need to get questions answered and details hammered out. This bill continues to be a work in progress, as it should be, because it is far-reaching. And we're talking about taxing authority, we're talking about land use. These are things that have direct impact on citizens. We guard local control zealously. I'm a local control supporter. But we also have to have a degree of cooperation among the various governing entities in order to be able to accomplish the goals that we are seeking here. I frequently tell people if you can solve your problems... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR DUBAS: ...at the local level, that's what you need to do. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Nelson, you're recognized. [LB160]

SENATOR NELSON: Thank you, Mr. President, members of the body. I will give my time to Senator Gay, if he wishes to use part of this time. [LB160]

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PRESIDENT SHEEHY: Senator Gay, 4 minutes 45 seconds. [LB160]

SENATOR GAY: Thank you, Senator Nelson. I have my light hit, too, just to try to answer some questions. And I think we are having a good discussion. Senator Dubas and others made a good point. I just want to talk a little bit about that local control she was talking about. I agree, and part of the reason we have local control and then they then come to the state looking for opportunities to use it, I guess, or the way to use this, we then decide, well, how much leeway should we give local government? This bill has again been worked on and worked on and we're coming up with something here. And I think it's going well. But that local control then comes, they have to implement the policy. I'm looking ahead a little bit trying to say, well, I hear about our Cash Reserve. We had a Cash Reserve and we're going through that. Go down the road a little bit longer and if the economy isn't so good does the state always want to be a partner or telling them what to do? Because when you get into that and you don't allow local people to make local decisions and fund those decisions, then I think they're going to look...continue to look here. And as a body, of course, we have that authority to grant permission to give the local control or to increase a levy or whatever. I'm a little bit concerned though when we start really saying, well, I like that idea and not this one, and I like that one and not this one. I don't know. I guess I've been looking at that the last couple of years and coming from both sides of the fence here as being a local person at the county that was told about everything to do by the state, wisely or not, and didn't always like it. Now I'm in a different level with all of you and we're having these discussions. Yesterday we had fees, we talked about fees and local people. And I heard people saying, darn it, they need these fees; they're telling us they need these fees to run their court system, the experts, the lawyers, judges, whatever, and it's a tough vote. It's a tough vote, let's don't kid ourselves. But I'm afraid we're going down this road where we're going to decide you get this, you get that. We can do that, but I'm just wondering down the road when we look at these budgets and do we want everyone marching to the state and saying, help me out here, help me out here. This is a situation where they've come to the state for seven years and said, help us out here, and now we've drafted some good legislation and we're putting measures in there. But now we're saying, okay, go fix your problem. You've told the problem, you've identified the problem and go take care of it because we don't want to come take care of it later. And I think that's wise. I think it's something we're going to need to look at in the future, as Senator Friend talked about, where are we going in the future. Because down the road we're here probably, some of us, five more years, some of us have seven years, whatever, and then a whole new crop of senators will come in and they'll have to make those decisions. But I guess while we're here, I'm coming to the conclusion more and more, and we'll see where we're at, of when we say local control I kind of mean it. That means, you know, you take accountability, you take responsibility to those people that elected you. How many times did we talk about local school board control? But yet when we talk about school financing, which we're going to talk about Monday, we can never please everybody. And I'm just afraid we're going to go down that road at some

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point and pretty soon, you know, it's all going to be on the state's back--why don't you guys just take care of it. Because now we're not...we're a majority partner at that point. When we start paying more than the local communities, we are now... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: ...the controlling partner on all these branches of government. That scares me because, like I say, I think some of our best leaders in Nebraska, and many of you have been there and now you're here, some of our best and brightest are on these local boards. And they don't have the time or maybe in their life they can't come down here and make these decisions at this point. But we have some very, very good local elected officials making tough decisions. They stand up to their local community and say, you know what, we got to do this. And that's just part of the way, I think, government needs to run. But many times here we decide, well, let's give them this, let's give them that. We've given opportunities now, two-thirds majority vote. We've given a compromise on 1 cent but not 2. So I can live with those, those are good things. But I'm just concerned that we're going down a road here. So I'll end with that. And thanks, Senator Nelson, thank you for yielding me some time. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Thank you, Senator Nelson. (Visitors introduced.) Resuming floor discussion on AM1005, members requesting to speak, Senator Carlson, followed by Senator White, Senator McCoy, Senator Langemeier, Senator Gay, and others. Senator Carlson, you're recognized. [LB160]

SENATOR CARLSON: Mr. President and members of the Legislature, I continue to be in support of LB160 and AM735 and AM1005. I think this whole thing is a step in the right direction but it's only a step. It is an attempt to prepare for the future floods that will occur. I do have a concern about the difficulty of building structures that are no larger than 20 surface acres. I was trying to think of an example that might be a little bit meaningful here. I think it's about like using a fly swatter to hunt wild turkeys--probably not too effective. And that's the way a 20-acre surface lake might be. And so then if in order to get my turkey I want to use a little better weapon, I decide to use a slingshot, I got to get the approval of the county board. And I'm choosing something that's still probably not too effective. But it is, I think, a good start in the right direction, something we need to do. And we're having a good discussion this morning and a lot of people are interested and a lot of people are testifying and I think that is important. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator White, you're recognized. [LB160]

SENATOR WHITE: Thank you, Mr. President. I want to, first of all, acknowledge a

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couple of things. Several years ago this bill came in front of the Revenue Committee or something similar. And the NRDs have done substantial positive work. The idea now of an integrated flood water control plan across jurisdictional boundaries looks like it's going to be a reality. And I support this amendment which requires it. And that is all to the credit of the hard work of the NRDs. I think it is an enormous step forward. I will tell my friends in Washington County that if the downstream jurisdictions have done what they can by controlling development in a way that it's responsible, if they have looked at wetlands, if they have done all these things that they can and property and life is still at risk, then I will support a dam. I will support a dam and I'll support more than one dam if that's the only way we can protect human life and property if the people downstream have been responsible. I would tell you right now, as I understand it, no NRDs ever had the right to bond. To give them any right to bond would be a huge step forward. I am still learning and listening on this bill. But what I so far believe is appropriate is the following: If there is an integrated plan to use wetlands, to use responsible development, to reduce floodwaters, to reduce the possibility of impounded polluted waters, and that is done but we still need dams, and I believe that's likely to protect property and lives, then I propose they get the bonding authority but with the vote of the people. That would be my ideal bill. I, unlike the NRDs, some of them are afraid the people won't vote for this. I think the people of Nebraska have repeatedly shown they will pay for responsible public improvements to protect their fellow citizens. To the people in Washington County who are afraid that they will be abused, the prime land will be idly and unnecessarily condemned, I don't think the people of Nebraska have ever shown themselves to be that irresponsible with their money. I think that if it goes to a vote of the people, if the NRD has to propose a comprehensive plan, and if they do that and they make that case to all of the voters inside of that NRD and then they propose a bond issue and it passes, I think that's the appropriate thing. I think we have as near as possible accommodated all interests. Will some people without question be unhappy if that's what occurs on both sides? Yes, that's the nature of government sometimes, especially on these kind of projects. But for those who would say don't let them have the bonding authority, I tell you, you cannot be that callous to your downstream neighbors. For those who say we can't trust these developers, they'll grab our property, they'll use it for their private profit, people won't be able to get recreation on it, they'll create pollution problems, I say to you, that's a legitimate concern and we will make them do this integrated water plan. And we will have balanced the rights as near as we can for everyone. If something like that comes before us, I will support it, I will support it wholeheartedly. And I hope that the body...and I will listen for better ideas. I will definitely listen for better ideas, and that will evolve over time. But I hope the body will consider both the needs of the people downstream and the rights of the people upstream and try to balance them in a responsible manner. And when push comes to shove, folks,... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR WHITE: ...in America it seems the best answer we have on these kind of

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questions in the end is putting it over to the will of the people on how they want to handle it. And in Nebraska it seems to me they've almost invariably done the right thing and been responsible. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator White. Members requesting to speak, Senator Langemeier, followed by Senator Haar, and Senator Fulton. Senator Langemeier, you're recognized. [LB160]

SENATOR LANGEMEIER: Mr. President and members of the body, I rise in support of AM1005. That would have been in the committee amendments if that cooperative agreement idea had been out there. It was kind of unveiled on February, I think, 14 or 15. And hopefully, all those communities that Senator Gay talked about will sign that. I think the deadline is sometime in August, like August 15. I may be off a couple of days. But, hopefully, they will actually all buy into that. I think initially the support is there. But hopefully they'll buy into that concept in August. And so I rise in support of AM1005 and the committee amendments to LB160. And I would ask for your adoption of both of those and LB160. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Haar, you're recognized. [LB160]

SENATOR HAAR: Mr. President, members of the body, I've taken a look at the draft of the watershed management plan that Senator Rogert provided, and here are the items in it: first of all, that the strategy would have to have these water quality low-impact development and new development in significant redevelopment areas throughout the entire watershed--15 new regional detention basins; 9 water quality basins; 3 water quality basins; 3 upstream of the new ones; 9 upstream of the old ones. And so I have a couple questions for Senator Rogert if he'd... [LB160]

PRESIDENT SHEEHY: Senator Rogert, would you yield to questions from Senator Haar? [LB160]

SENATOR ROGERT: Yes, I will. [LB160]

SENATOR HAAR: Okay. The draft that you gave me, that's what your amendment refers to. Is that correct? [LB160]

SENATOR ROGERT: Yes, this is the executive summary of the watershed management plan that the Papio Creek Watershed Partnership and the NRD drew up together. [LB160]

SENATOR HAAR: Okay. And does it mention anything about zoning in here? [LB160]

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SENATOR ROBERT: You know, I actually don't think so. No, I don't believe it does. [LB160]

SENATOR HAAR: Okay, thank you. Then I'd like to ask Senator White a question. [LB160]

PRESIDENT SHEEHY: Senator White, would you yield to a question from Senator Haar? [LB160]

SENATOR WHITE: I will. [LB160]

SENATOR HAAR: Senator, you talked about uniform zoning. And that's not currently in the watershed management plan. What did you mean by uniform zoning? [LB160]

SENATOR WHITE: It's really relating to the watershed issues. And I can't tell you, Senator Haar, which should be the specifics. But would I like to see provisions for impoundment zones, some wetlands, rain gardens, permeable parking lots, those kinds of remedial devices as part of the overall plan, as part of a zoning plan? Yes. And if that allows this to occur on a basinwide basis then I'm very well satisfied we've made a huge stride forward. And then if dams are necessary, so be it. We build the dams. [LB160]

SENATOR HAAR: Okay. Do you see a necessity of some kind of amendment to talk about uniform zoning or.... [LB160]

SENATOR WHITE: Well, I don't want to be too specific on what they have to put in there, Senator. Again, I think that has to be a basinwide local control issue as long as they have to have it. If this moves forward and we look at this with more detail and people say that doesn't...this plan doesn't have enough teeth in it, it should be stronger, would I listen to that? Absolutely. Can I say that right now? I can't. I don't know the basinwide plan well enough to tell you whether it's strong enough or not. [LB160]

SENATOR HAAR: Okay, thank you. Senator Gay, a question or two. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions from Senator Haar? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR HAAR: Senator Gay, would you raise a question with the folks about the thing of uniform zoning? [LB160]

SENATOR GAY: Yes, and we've discussed it. I agree with Senator White a little bit. I'm hesitant to do that because this has been a very complex issue. Their plan is about this

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thick, a couple of inches thick. And I think it's a good idea. I think the amendment helps with some of that and it's something maybe we need to talk to if we're fortunate enough to move this on, onto Select File or something. But I'm not familiar enough, Senator Haar, to say exactly what's in that. [LB160]

SENATOR HAAR: Okay, but that's something you could raise with them? [LB160]

SENATOR GAY: Yes, absolutely. [LB160]

SENATOR HAAR: Okay. And the other thing again I wish you'd raise with them is the issue of the dry dams, whether much of this could be...many of these dams could be dry dams. It takes care of some of the things that Senator Wallman talked to me about where a retention pond may create just sort of a mud flat on the stream... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR HAAR: ...that the farmer can't use . And also if it's a dry dam there's no way you can use it for recreational, you know, a developer could use it for recreational purposes. So I'd appreciate if you'd ask them about that too. [LB160]

SENATOR GAY: Yeah. [LB160]

SENATOR HAAR: Thank you. Oh, and then I'd like to give the rest of my time to Senator. [LB160]

PRESIDENT SHEEHY: Senator Gay, 35 seconds. [LB160]

SENATOR GAY: That's all I'll need. Senator Haar, those are very good points, things we definitely need to look into. Of course, everything that is being discussed here is going to be looked into because we're trying to do the best we can for that. But some of those, they're a little difficult because we don't want to tell...we've made exemptions for other people to get out of this thing, so we can't force them back into it. So I don't want to go back against what we've done so far on the different amendments. But it's a great idea and it should continue to always be pursued. I think most are there, but we don't want to force somebody into doing...sometimes it makes sense to you and I, but maybe not to that county or city. Most, I think, agree with good planning and zoning. And I'm not saying it's bad. [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR GAY: Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Thank you, Senator Haar. Senator

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Price, you're recognized. [LB160]

SENATOR PRICE: Thank you, Mr. President, members of the body. Would Senator Gay yield to a couple questions, please? [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions from Senator Price? [LB160]

SENATOR GAY: Yeah. [LB160]

SENATOR PRICE: Thank you, Senator Gay. A couple questions come to mind. First of all, with the advent of all the impoundment of the water coming through the three basic channels into Sarpy County, what is the impact going to be on the Platte River and the Lincoln well field? [LB160]

SENATOR GAY: I have no idea. On the Lincoln well field? [LB160]

SENATOR PRICE: Yeah, the Lincoln water field out there in the middle of the Platte. [LB160]

SENATOR GAY: I don't know, Senator Price, but I could try to find that out for you. I don't know. [LB160]

SENATOR PRICE: I think that might be of interest for people to know. And I appreciate you looking into that. [LB160]

SENATOR GAY: You bet. [LB160]

SENATOR PRICE: The next thing I think of, when I think of Big Mac, that great big, nice beautiful body of water out west, the pride of Nebraska, and I was so heartened to hear that Big Mac is making a comeback, no pun intended, and that there is more water out there. But that does tell us that there are natural cycles when we can expect less rainfall. And do we have a contingency plan within all of these NRD plans to deal with what's going to happen if we have a 5-acre or a 15-acre or 40-acre lake that's not been getting the water that it has been getting in the feed? So I suspect...and if Senator Gay wouldn't mind yielding to a question. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield? [LB160]

SENATOR GAY: Yes. [LB160]

SENATOR PRICE: I don't know if you know the level of detail on this. But how soon or how soon do we expect these reservoirs to fill up? And what are we going to do if the

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reservoirs shrink beyond a certain level of water? We saw with McConaughy, when all that water is there, then it goes away, we see a lot of challenges. So does the plan deal with and mitigate a loss of water and what we're going to do in that instance? [LB160]

SENATOR GAY: Yeah. I'll try to answer that. Of course, McConaughy is down because of a drought. And we're talking about extreme rains and in this situation we're trying to prevent. The Walnut...for you and I in that, I'll try to explain this for the rest, Walnut Creek Lake, which is in Papillion and your district actually or maybe it's Senator Cornett's, I don't know, but that's a great example. You know it fills up but it has much...when it rains it really fills up. Then it goes down to a certain level. They shut the gates at that point I understand. Engineeringwise there's always some water in there for recreation. But then it's the retention of that. And then they slowly release it back into the creek. So that's the way I understand it. Engineering and technically I don't know that, but that's the way I assume those things work. [LB160]

SENATOR PRICE: Great, Senator Gay. And that's a great segue to what the point is. The point is if I've put up seven more containment lakes and then we don't have Wehrspann and Walnut Creek taking all that load on, okay? Well, they're not going to reclaim the lost water over time, you know, when we don't have the rain. So, yes, we've looked at the bounty. But we also need to make sure that we've taken into consideration with the plans when we're less fortunate. And I just want to, you know, make sure that's a caveat that we've looked at. But also it is good for the members of the body to know that I have talked with constituents and they said what they haven't heard anybody say is the impoundment of fresh water and having fresh water available in the years to come is a very good side benefit from all this activity. And with that, I'd yield any time I have remaining to Senator Gay, if he should choose. [LB160]

PRESIDENT SHEEHY: Senator Gay, you're yielded 1 minute 15 seconds. [LB160]

SENATOR GAY: Thank you. Just again, and I won't use it. We're...I'd like to get a vote at least on this amendment and maybe another. But great points and, you know, we'll get back with everyone on these points. And I know there's other amendments coming. But, Senator Price, again I agree. Those are very good points. I don't know exactly the detail of those, but that's the way they work. They will continue to hold water, of course, that's why they're...they're not just going to let them dry up and be a blight, so. But anyway, Senator Haar and Senator Price and all the others we're hearing are very good questions. And I'll try to get you answers maybe as early as this afternoon, I hope. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Thank you, Senator Price. Are there additional members requesting to speak on AM1005? Seeing none, Senator Rogert, you're recognized to close. [LB160]

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SENATOR ROBERT: Thank you, Mr. President. Members of the body, thanks for the discussion on AM1005. I really think it addresses most of the...many of the major concerns. We may be looking at some language over lunch that would put a little more specific into what we're doing here on what those plans may be or should concern, should consider. So just fair warning, there might be something coming out to relook at this, this afternoon. But the purpose of this amendment is to make sure, once again, that down the road the NRDs and the counties and the cities that are doing their projects don't come to us and say, thanks for the hundred million bucks in 2009, we're going to need some more because we didn't solve the problem. And that was a major concern that I had and I think several of the folks here had as well. I appreciate Senator Gay is willing to work me on this one and everybody else that helped me work on this. And I encourage the adoption of the amendment. Thanks, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Rogert. You have heard the closing. The question before the body is on the adoption of the amendment, committee amendment AM1005 to AM735. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB160]

CLERK: 40 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB160]

PRESIDENT SHEEHY: AM1005 is adopted. (Visitors introduced.) We will now return to floor discussion on Natural Resources Committee amendment, AM735 to LB160. Seeing no lights on, Senator Langemeier, you're recognized to close. [LB160]

SENATOR LANGEMEIER: Mr. President, members of the body, I would ask that you adopt AM735. There's more amendments coming, some are good, some are not so good. We'll have that discussion after lunch and I'll try and weigh in on those as we go forward. I will also, after you adopt the committee amendments, which I am in support of, of AM735 to LB160, many of you have asked why I vote against this bill. And when we get back to the bill itself I will weigh in to my personal thoughts and my vision for bonding through NRDs in Nebraska. But at this time I would ask that you adopt AM735. I think this makes this a palatable bill. I don't think it would have come out of committee without it. And I would ask for the adoption of AM735 to LB160. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the closing. The question before the body is on the adoption of the Natural Resources Committee amendment, AM735, to LB160. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB160]

CLERK: 39 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB160]

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PRESIDENT SHEEHY: AM735 is adopted. Mr. Clerk, do you have items for the record? [LB160]

CLERK: I do, Mr. President. Senator Howard offers LR86, that will be laid over. Your Committee on the Executive Board reports LB653 to General File with amendments. Senator Pankonin would like to print an amendment to LB188. (Legislative Journal pages 1024-1028.) [LR86 LB653 LB188]

And I do have a priority motion. Senator Wallman would move to recess the body until 1:30 p.m.

PRESIDENT SHEEHY: You have heard the motion to recess until 1:30 p.m. All those in favor say aye. Opposed, nay. We are at recess.

RECESS

SENATOR CARLSON PRESIDING

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

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

SENATOR CARLSON: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda. Mr. Clerk.

CLERK: Mr. President, if I may right before that, I have one item for the record. Senator White would like to print an amendment to LB16. (Legislative Journal pages 1029-1030.) [LB16]

Mr. President, with respect to LB160, committee amendments were adopted this morning. I now have, Senator Rogert, your motion to indefinitely postpone. Are you...you want to withdraw that, Senator? [LB160]

SENATOR ROGERT: Yes, I'll withdraw that. [LB160]

CLERK: Mr. President, I then have, Senator Hadley, I have your latest amendment, AM1082, Senator. (Legislative Journal page 1031.) [LB160]

SENATOR CARLSON: Senator Hadley, you're recognized to open. [LB160]

SENATOR HADLEY: Mr. President, members of the body, I give you an amendment

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that basically does three things for this bill. I am in support of the underlying LB160, but I do truly believe that general obligation bonds are different from special assessment bonds, revenue bonds, other types of bonds. They're backed by the faith of the government or the taxing unit, in this case the NRDs. They're general obligation. They're the general obligation of the NRD. I truly believe that general obligation bonds deserve a vote of the electorate. I'm trying to be consistent. We had the urban district earlier and I had concerns with that because of the fact that they were backed up by general obligation bonds that were not going to a vote of the people. This bill has, says basically if it's a 1-cent levy for bond issues then it doesn't have to go to a vote of the people, a supermajority of the board. I have a concern about that. It's been said, well, you can set up a fund, a cash fund to plan for these, and you can put a mill levy of 1 cent in the fund. But you know, if you have a bad year, you don't have to put that 1 cent in. But when you issue bonds, you have to make the payments every year. And these could be 10- and 20-year bonds. So I think it's important that the people of the district understand what's happening and what is the commitment that the NRD is making. So I give you an amendment, and basically the amendment does three things. One, it requires that the board, and I changed the language to a simple majority of the board, no longer a supermajority, can ask for a bond issue in a city of the metropolitan class that meets these requirements. Secondly, they can ask for up to 2 cents. I changed it from 1 cent to 2 cents because it's going to a vote of the people. The people get to vote on that. If they need 1 cent, they can go and ask for 1 cent. Lastly, and most importantly, it must go, be approved in a normal election method by the members of the voting members of the district. Again, one of the major reasons I do this is that I am concerned with the last time we did a general obligation bond that is not requiring a vote of the people, we have another one. I think we're also setting a precedent for other NRDs to come in and ask for bonding authority. And if we allow one NRD to have bonding authority, even though it's only 1 cent on their mill levy, how do we say no to the next NRD who comes in with a good project and wants to use...not go to a vote of the people? So, again, I think this is more of a policy issue for myself. I truly believe that general obligation bonds, all the people pay them, there should be a vote of the people to pass this, the same as we do for school bonds, other general obligation bonds of taxing authorities. With this, I urge your support of AM1082. I do support the underlying bill, LB160, but with these changes. Thank you, Mr. Speaker. [LB160]

SENATOR CARLSON: Thank you, Senator Hadley, for your introduction of AM1082. There are senators wishing to speak: Price, Gay, Rogert, and White. Senator Price, you are recognized. [LB160]

SENATOR PRICE: Thank you, Mr. President and members of the body. Would Senator Hadley yield to questions? [LB160]

SENATOR HADLEY: Yes, I will. [LB160]

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SENATOR CARLSON: Senator Hadley? [LB160]

SENATOR PRICE: Thank you. Senator Hadley, in your iteration here in this amendment, are you asking that we do this 2 cents under the lid or would we be lifting the lid? [LB160]

SENATOR HADLEY: No. They shall not...in there, such levy is incumbent in the computation of other limitations upon the district's tax levy. So this would not be in addition to any lids. [LB160]

SENATOR PRICE: Okay. So then we'll actually be cutting into the operating revenues of the NRD if (inaudible). [LB160]

SENATOR HADLEY: Well, I believe that not all the NRDs are up against the lid. [LB160]

SENATOR PRICE: Correct. But as I was just saying, if you are within 2 cents of your lid and you gave them the authority to bond with up to 2 cents, then they could possibly be taking the act of limiting their own revenue stream. [LB160]

SENATOR HADLEY: That's possible. And any other governmental agency has the same kind of problem. [LB160]

SENATOR PRICE: Thank you very much, Senator Hadley. Ladies and gentlemen, the reason I got up was to continue also on the discussion we were having earlier of when we have certain bodies of water now for containment and impounding of water, when you add more impoundment ponds, again, understood that they can fill up rather quickly. But again, these 100-year rains, 50-year rains are called that for a reason. They happen in a 100 years or 50 years. It's funny how naming conventions work. Now, let's look at the other 99 years or the 49 years. You've got your containment ponds, your impoundment ponds, and bodies of water all filled up with water, you're filled up to the gills. And now we go through 30 years of decreasing water. Now you can't fill up your impoundments and you have issues there. I was talking to another senator on the floor and is that possibly part of what happened to Big Mac when Wyoming started to dam up their river and contain their waters? So again, that's where you can see problems that we don't want to have. We would like to have measured and metered growth here. Senator Hadley's idea of putting the vote to people sounds like a fantastic idea. Again, let the people know about the possibility and let them vote on this. I'm going to sit down and listen to more debate before we move forward on Senator Hadley's amendment. But again, ladies and gentlemen, I urge you to think about why we call it a 100-year and why we call it a 50-year, and that 15-inch rains over six hours or three days are not the norm, and we need to make sure that we're conscientious going forward. Thank you, Mr. President. [LB160]

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Gay, you're recognized.
[LB160]

SENATOR GAY: Thank you, Mr. President. I had talked...Senator Hadley had told me this amendment that he was drafting and I appreciate that. I still am not for the amendment and let me explain. I talked about it a little bit before. It's a very large region and this is a very complex issue. At some point we can't control every local decision. I don't think we do on certain levies. This is specific to not exceed the levy limit. A school bond or any other bonds that are out there exceed the levy limit. This does not. It's structured very carefully through committee amendments, negotiations, on and on and on. Had we known this and done this, then different negotiations wouldn't even need to have occurred. At that point then, could we...could we rightfully...could we build one of these anywhere in the region and go completely against the agreements we just made? So it's a complex decision and I'm not saying the public shouldn't have a right on decisions to make. This one, I'm not so sure because part of that is representative democracy, means we elect representatives to make hard decisions. And local control, of course, is that. And I know many of you in here have had to sit there in front of a crowd and make a decision they didn't like, right in your face. Right in front of you, you have to make that decision that day and people sometimes are not happy with that decision. Part of this, though, when you're conducting a big bond election like that would be, well, why don't we go for the whole 2 cents then, and when we don't really need it. They don't need it. They've said under the existing authority we can make this work. So I guess on that, I'm a little bit...I don't see why we need to do that. It's probably easier if we put this on there and say, yep, we took care of it, the public is going to vote on this. Think about what we're doing long term. I'm not saying...we listen to the public every day. You get e-mails coming across constantly, but these are tough complex decisions more and more that we need to make these decisions and let local people make these decisions. So I understand what Senator Hadley is saying. I disagree at this point because all the negotiations back and forth, and I'm not just saying it just for this one benefit. I guess I am because this is a bill that we have. I just think this policy then we could go on every tough, tough decision and have that public vote. Now, if this bill read that every NRD could have bonding authority with the public vote, okay. That's a different bill. That's not what this bill says. This bill says, one specific region with a very specific, very large problem that could affect, by the way, everyone else in the state if this problem does occur. We're talking about average rainfalls and this and that. We don't know when it will occur, but it will at some point. And if we sit here and say, well, we knew, but we didn't want to deal with that issue, and I'm afraid that's what we're doing a little bit there. So when I look at that, that concerns me. Another one, again, you know, the requirement of the projects. The projects, Senator Price earlier just talked about, do we build three, five, seven, how are we going to do that, the projects vary in size and we don't know exactly how much they're going to do. Do they really need then

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on this point the whole 2 cents? I don't think they do. But what we'd be doing is allowing them to take that whole 2 cents. Because if you're going to do that and we're going through the work of a public vote and a public campaign to pass a bond in one of the largest areas in the state, then I'm going to not ask for the minimum, I'd ask for the maximum. That wouldn't make sense either. So I don't think that's good stewardship of the dollars. So when we look at this thing, it takes away the flexibility of a district to deal with a very specific problem they've identified. So when we do this, I don't think a one-size-fits-all... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: ...approach would work, and that's kind of what we're doing. Again, if this bill read that every NRD would have bonding authority, hey, I would consider that if they had to have a public vote. But that's not what this bill does and I'm afraid by this amendment, putting that in there, we're going to kind of throw out all the agreements we had had. And I think for all the time we've put into this for the last seven years to get to this point, I don't think this is where we need to go at this time. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Rogert, you're recognized. [LB160]

SENATOR ROBERT: Thank you, Mr. President, members of the body. I rise in, pretty sure, support of AM1082. I listened to Senator Gay's remarks and I understand his concerns. We talked about earlier this morning...we passed a bill in here for development bonds for the city of Lincoln, basically. Senator McGill had that bill. And I know some of you have heard the argument that we gave the authority to cities to issue bonds without taxpayer approval. That's a little different. They were using existing money. They were using sales tax dollars that they were already collecting to fund those bonds that were being issued. This is going to be new money and most likely it's going to take it, mostly likely over what level that they're already levying. These are going to be new projects and new expenditures. And I understand that elected officials are put in places to make tough decisions. We are put down here all the time to make tough decisions on raising taxes, spending money, you name it. But we're also sitting here with a whole bunch of legal counselors and, you know, bureaucrats, for lack of a better term, that talk to us about policy and the history of that type of action. And NRDs don't necessarily have that. They're local folks that just go to a meeting once a month or whenever it is, once a week. They're not in a full-time position where they're discussing, deliberating about whether to raise a tax or levy a tax or issue bonds for projects. And I think that puts us in a little different spot and puts the NRDs in a little bit different spot. Several times this morning I heard, where is the vote of the people when it comes to issuing these bonds just like every other entity has to do. Schools, cities, and counties, they all have to go to the people to ask for these bonds. And this does that and I think,

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for lack of a better term, this solves the biggest issue or question that most people would have in their mind when it comes to this bonding authority. So I encourage you, if you're still questioning or you want to know more about it, stand up, ask some questions. Ask Senator Langemeier, ask Senator Gay about what he wants, what their thoughts are on it further, and I support AM1082 at this time. Thanks, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Rogert. Senator White, followed by Senator Campbell, Senator Carlson, Senator Loudon, Senator Wallman, and others. Senator White, you're recognized. [LB160]

SENATOR WHITE: Thank you, Mr. President. I believe I support AM1082. I am not aware of, and I would like to be educated because I don't know of another situation where property taxes can be committed to paying a bond without a vote of the people. I am unaware in the law of any provision like that. LB160 does a lot of good, and it cuts a whole new area of law out. For the first time, we will provide an NRD with the ability to bond. That's an incredible development and very much of a concession to the need for flood control in this area. We have, if you hear of nothing else when you run for the state Legislature, you hear the people's great concern about property taxes. And for us to give to a subdivision the power to bond and to commit property taxes for years into the future is a huge step that is not going to be particularly popular with all of our constituents. But it seems to me to be particularly overreaching for the same entity, the natural resources district, to not only demand this heretofore unheard of power, they now also want it without even going to the people to see if they support it. That seems to me to be overreaching, a great deal overreaching. I also am very concerned in this particular instance. We have, according to Senator Price, you know, six counties involved, half of three counties, then all of Douglas, Washington, and Sarpy County. We have the biggest urban area, the fastest growing county, and then we have huge agricultural areas. We have a deep concern among many of the citizens in the agricultural areas that the NRDs have been captured by developers who are using public funds to profit at the...so they can make their own profits, and that farmland is going to be condemned not for public use legitimately but for private profit. Those are very legitimate concerns. And it seems to me that if we're going to balance those kind of real concerns that the folks in Washington County and other people have with the very real concerns that the folks in Sarpy County have, that they are going to sooner or later suffer the loss of their property and maybe their lives because we won't enable government to have the tools to fix a real problem, the best way that I can think of to balance those is for a basinwide election. I really think that the people in Douglas County, which is my district and have the greatest numbers, are upstream of most of the flooding. They're not likely to support a property tax increase on their property unless they really are convinced it is necessary for the common good. But by the same token, they're not likely to allow a handful of people who own land for a century or more, and I understand their ties to it, to endanger tens of thousands of people because they insist

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that their land never be taken. The best way that I can think of, the most honorable and honest way, is that those competing demands be laid out to the community at large, the public actually forced to look at the real problem development has caused on wastewater, on water flow, and then the public... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR WHITE: ...be convinced by the NRDs that bonding is necessary by the folks whose property downstream are at risk by the developers who say we cannot continue economic growth unless these tools are available. And at the same time they will have an opportunity to hear the agricultural opponents to this and the folks who, believe me and they're out there, hate the concept of an increase in property taxes. This to me is not only a matter of tradition, something the people should decide, it is also uniquely the one place where whoever wins and whoever loses, they cannot doubt that the political process was corrupted or captured for the benefit of either of developers or for a small ag group. Whatever happens in this watershed, the public should own the problem and they should own the solution. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Campbell, you're recognized. [LB160]

SENATOR CAMPBELL: Thank you, Mr. President. I rise in opposition to AM1082 with some reservations, because generally I would agree that a vote of the people is always in the best interest. But there are examples that we currently can look at in which public entities are given the power to proceed with a capital project without a vote of the people. And I think Senator White had said...raised the question of whether there were such entities. I'm probably not familiar with all of them but I will mention several that I do know of. The first that I'm very well acquainted with is the power that's given to county boards across the state to build a jail or improve the courthouse without a vote of the people. And oftentimes, it has to be invoked to build a jail, as you could well understand. In Lancaster County, for instance, twice a jail had been voted down. This was well over 25 years ago and the jail was at the point where it would no longer meet state standards or federal standards, and the Legislature said, you know, at some point the county board will have to do that. But it's very specified, it's limited, and safeguards are put into place. The second example is in the county and city public building commissions. And both of those commissions, I think there's only two in this state, one in Douglas and one in Lancaster, but they work cooperatively with the two cities. And they are given the power to go forth with tax-exempt bonds without a vote of the people. But, again, there is a limit into that in a safeguard. I think what's important as we look at LB160 and the amendments that are put forth, this is a very complex issue that goes across a number of county boards, a number of communities. And the oversight that will be necessary for the plan for the watershed, and the bonds, and the money, all of the safeguards are they in place? I would say that we have limited to some extent and put safeguards in

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place where we could trust that after all this effort among a number of communities and a number of county boards, that this effort to put forth a bond would have had the public oversight necessary. Just because the public doesn't vote doesn't mean they don't have a voice. They have a very clear voice in the number of public hearings. But I do think that the question that's being raised by Senator Hadley and Senator White is, are the safeguards in place, and have we given the parameters enough in LB160 that we truly know that the public will have a voice and their thoughts will be heard? Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Campbell. Senator Carlson, you're recognized. [LB160]

SENATOR CARLSON: Mr. President and members of the Legislature, Senator Gay brought up the idea of existing authority and the NRD has it. I think Senator Gay has a point. Until the NRD wants to exceed that levy limit, they have the authority now to levy a tax. The difference is the power to bond. And it's our decision as a Legislature to decide what we ask the people to vote on and what we do as a body. And there are a lot of instances where I think the vote of the people is entirely appropriate and it's the right thing to do, as Senator White has brought up. I'd like to address a question to Senator Gay, if he would yield. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR CARLSON: I don't know the answer to this but, Senator Gay, if AM1082 passes, how is LB160 providing anything additionally to what the NRD can do now? [LB160]

SENATOR GAY: If...will you repeat that, Senator? If AM1082... [LB160]

SENATOR CARLSON: You're opposed to AM1082,... [LB160]

SENATOR GAY: Yes. [LB160]

SENATOR CARLSON: ...but if that passes and becomes part of the bill, can't the NRD now request a vote of the people to bond a project? [LB160]

SENATOR GAY: No, no, no, not at all. This was the compromise we created and I don't want to use up all your time, Senator, but this was why coming to compromise was so difficult. They cannot. They cannot take care of the problem they know exists. And by doing this, would undo every agreement we had made. [LB160]

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SENATOR CARLSON: Okay. Now, so the difference is whether in LB160 we give them the power to bond themselves as a board or whether we require a vote of the people. Either way, if the people would vote, the project would go forward. And without the amendment, the NRD would make that decision with a supermajority. And so with that, you've indicated opposition to that amendment and just...in what we've discussed briefly here, do you have anything further to add to that? [LB160]

SENATOR GAY: Yes, Senator. Maybe I should respeak it. What...if this amendment were to be put on, you'd have to go to a public vote. They could levy up to 2 cents, the way I understand it. Now how that affects every other agreement that we had in the prior amendment, I have no idea because this wasn't part of that. All those different agreements were put in place for the protection of those people who had concerns on this bill. And I don't know, and I don't mean to dodge the question, I don't know how this affects that now. [LB160]

SENATOR CARLSON: Okay. [LB160]

SENATOR GAY: Maybe this bill is not needed, couldn't even be worked. Maybe they don't agree to this, I don't know. [LB160]

SENATOR CARLSON: Thank you, Senator Gay. And that's the question I have. And now we've got an amendment that is pretty serious and unless we vote it down, we'd better be certain about what we're doing and understanding what we're doing as we go forward. How much time do I have, Mr. President? [LB160]

PRESIDENT SHEEHY: One minute thirty-five seconds. [LB160]

SENATOR CARLSON: Okay. The other comment I'd like to make is in regard to something Senator Price said. He talked about when the dams were built out in Wyoming, did that affect us in Nebraska, and I think it certainly did. It's affected the flow in the Platte River. But I think there's a difference. In Nebraska we have about a million acre-feet of water that comes into the state every year and 8 million acre-feet that leaves the state. So to have a mechanism in the eastern part of the state to put back and save, dam up some of that water... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR CARLSON: ...I think we have a right to do that and probably a responsibility to do that if it serves a good purpose. And I wanted to make that comment in regard to what Senator Price had said. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Loudon, you're recognized. [LB160]

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SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've studied these measures here over the last six or seven years, I would not support AM1082, mostly because, as they point out, it would do away with some of the things that the committee amendment has done. And that would do away with that putting it at a 1-cent lid. And I think we have to be very careful. The committee amendment is what made this bill and that's what's made that agreement. When you start hacking away at that, then you're starting to hijack a committee amendment here, and this is mostly what came out of committee in order to probably bring the bill out of committee. So if you take that back out, the bill may not have even come out of committee. So as I said before, this is the closest I've seen any agreement come in the years I've been down here of getting something resolved on the issue of flood control on the Papio NRDs. Now one thing you want to remember, in Nebraska with your 23 NRDs, nearly every one of them is a different situation. What happens out in western Nebraska with the NRDs is in a different world than what's done in eastern Nebraska with your NRDs. It's flood control in the eastern part of the state. Out west it's usually ground water or something like that. Your Republican River NRDs are a different situations. They have huge runoff, comes clear from up around Wiggins, Colorado, and in through there. That flood at '35 was before my time but that's the reason the Harlan County Dam and all was built, was because of the loss of life in the Republican River back in 1935. And I don't think that river has flooded since. When Senator Price talks about the 100-year floods, why, that was probably once in 500 years that the Republican River flooded, and consequently the federal government built the dam. So I think when we look at these things each one of these areas is a little bit different on how they handle and what they have to do with their NRDs. But as I mentioned before, we have to be very careful here on what we're doing when we start putting amendments on the floor on the bills that come out of committee. If we're going to make the Legislature and the Unicameral work, you're going to have to have committee work and that's what makes it what it is today as a viable legislative body. Your committee members do the work, they bring things forwards, and the body then decides to vote it up or down. And that's what I would suggest here. If you...I agree that if you had some place in there where the people could have a voice in it, that would be fine. But the way the amendment is drafted and the spot in LB160 it's put, isn't any place to put that amendment for what they're trying to do. So I think you have a choice here. You either...if you put the amendment on the bill, then I think you're going to have to vote the bill down. With that, I would support the bill with the committee amendment on there, but I will not support the bill with AM1082 on it because I think you just...it's a case of where you nearly hijack the committee report. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Louden. Following members requesting to speak, Senator Wallman, followed by Senator Langemeier, Senator Christensen, Senator Gay, Senator Dierks, and others. Senator Wallman, you're recognized. [LB160]

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SENATOR WALLMAN: Mr. President. In my lifetime, I probably watched some of the biggest demonstrations in the history of Kansas when Tuttle Creek was built. Lots of farmers lost prime farm ground below market value. That's what NRDs can do or Bureau of Reclamation. That's what they can do to you. Trust me. If they want your land bad enough or somebody else signs up, they'll work one by one by one. And does that give me concern? We're in a minority group here, Senator Stuthman, a few of us others, farmers, production agriculture. So we are the minority. And so we're scared to put an amendment on here to let those people vote? We're still in the minority. And so I have concerns about we try to pass things in here to increase taxing authority, and we say Kansas is in financial trouble. Why? They issued bonds. You got to have money to pay bonds back. And if you don't have enough money coming in, how are you going to pay these bonds back? You going to take it off of school? You going to take it off some other things? It takes money. So we want to borrow more money literally? Floating bonds is borrowing more money. We have a tax entity here that's separate that has the ability to spend your money, Senator Stuthman's, and my tax money, it has that ability, and yours, too, Senator Price, whether you live in town or the country. They take my money. I look at my tax statements and how many dollars an acre it is, it's considerable. We've got some in the Lower Platte, some in Nemaha, and the Big Blue Basin. So all those entities take taxes, some more than others. And I appreciate what the NRDs do. They had a helicopter go above, they see how much ground water I have. And it's quite a deal. It's pretty neat little maps they put out. Did I ask for that map? Nope. Who gave the authority to do that? NRD. I didn't build any dams. It didn't build any flood control structures. Was that right or wrong? I don't know, I don't have any trouble with it but it didn't build any flood control structure, so my money did not go for flood control. And so if we give more bonding or more authority for NRDs to spend money, it scares me. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Langemeier, you're recognized. [LB160]

SENATOR LANGEMEIER: Mr. President, members of the body, thank you. First of all, I'm going to address AM1082 that Senator Hadley has offered, and I'm working on an amendment to go with his amendment, because if you want to adopt this I think you need to do some other things. First of all what this does is it goes into the committee amendment that like Senator Loudon addressed and it gives them back their 2 cents. It also takes out the two-thirds majority that you would need to have on the NRD board before you could put this out for a vote of the people. And I think if you're going to do that, and you're going to a vote of the people, and I've always been supportive of going to the vote of the people on the things that need to do that, I think you have to go one step further into the committee amendment, and I'm not endorsing any of this at this time, but I...what I believe you need to do is go back and take out the veto power on the dams over the 20 surface acres. I think you're setting this bill to a whole different level with going back to the vote of the people, and I'm not saying that's bad, but I think some

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of the safeguards that were put in as a committee amendment, they're requiring the boards to have veto power of any project that would be bonded over 20 surface acres and the three-quarter majority, supermajority of the NRD board, and then lowering it to 1 cent, I think the committee put those in as safeguards. Senator Gay talks about how this was negotiation. I'm not sure...there was no discussion between neither one of these sides because they don't talk to each other. So I think if there was any compromise it was to try and get the seven votes, abstaining mine, to get it out of committee. So if there was compromise, it was to get the votes to get it out of committee. But I think if you're going to adopt AM1082, you have to take some of those other safeguards out to allow this to actually be functionally correct. And so I'm going to have an amendment here in a minute that I will file against AM1082 to put that back as a package. And that way, if you do choose to pass that on and make this a vote of the people, that you take some of those other safeguards that really wouldn't be all that necessary to be in this bill. And so, anyway, I will offer that as soon as we get it drafted. There's others going to speak so I'll have a little time to get that done. But I truly think, if you're going to a vote of people, you've set this at a new standard, and then the three-quarter majority as well as the other things could be withdrawn out of the bill to...I understand the idea to put some hurdles up to make this a difficult process, but you still have to space the hurdles on the track at some reasonable spacing so it can be done. And so with that, thank you, Mr. President, and you'll be looking for my next amendment. Thanks. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Christensen, you're recognized. [LB160]

SENATOR CHRISTENSEN: Thank you, Mr. President. I just wanted everybody to think about a little bit, if you go out in the lobby and visit with the lobbyists on both sides, they don't like this amendment. And I'm going to explain why I don't like it, even though I like the vote of the people. If you think about the group of people sitting in Douglas County and you got six counties involved here, you could need a project that should go in up in Washington County or one of the other counties, and it could be voted down. Or you could have one that isn't needed up there, that gets forced in up there. It could work both ways. And I think you got to think about when you have a massive group of people in one county that can outvote the other five put together, it's more representative of the people as a whole to leave it with the individual body having to have two-thirds in the NRD voting on it. Because sometimes there are very necessary projects that we need to have done but people don't understand spending the money to do it. So then we wait until we have a major problem. And that's why, if I have a concern about this amendment putting it to the vote of the people, is sometime people don't understand the full cost or unintended consequences of voting down a necessary project. So I just want you to think about when you put this to a vote of the people, that you could lose a project that's needed because people don't want to spend the money. You also could put in a project that's not wanted and not necessarily needed, but it's the choice of the people as a whole. And I really struggle with what I'm saying because a vote of the

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people is very important, but I look at the concentration of the people and then I visit with both lobbyists on both sides and I hear, you know, they think we're better off with the two-thirds majority as the current bill is written. So I just bring this up to think about, that we could have problems getting done, because people don't think that you're ever going to have one of them 50-year storms. We had two of them two years in a row out in Hayes County, in '07, '08. It's not very often that happens and we still only had...annual rainfall was normal, but we had two major events, wash out roads and dams and things this way. And you could have the same situation talking storm water down here that you don't get a project put in, that people dealing with it every day on the NRD level understand and know would be very beneficial. So I just bring this point up for you to think about because I think it is an important point. There's six counties involved here. They all got representation on that NRD board. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Christensen. Senator Gay, you're recognized. [LB160]

SENATOR GAY: Thank you, Mr. President. I just wanted to address a couple of issues, what I'm hearing about this amendment again, opposed. We had heard a little bit about eminent domain. We took care of that. It's taken care of in the amendment. Senator Langemeier now has to go draft another amendment to go fix what this amendment would change, so he just said, I don't like doing this but I need to take away the two-thirds majority, change the 2-cent levy, take that out, and take the county veto power out of that. So it disrupts the whole bill, the whole part we're getting at. This is a very complex issue and to just say, well, let's get rid of that, it's going to change the whole thing. But I did want to talk about that. We had talked about the eminent domain feature and I've heard that up by a couple of speakers. That is not in here. That was taken care of. It's not in this bill. Senator Loudon brought up a great point with all the different districts have different needs. And what we're saying then, if this was an all or nothing bill, which it is not, it's very selective and its been done before. There had been a county bill that we had used on a sewer system where a county could go develop a sewer system. There's no vote on that. It's been done and that's now where we have a Cabela's, Embassy Suites, different things going on. So there are issues here. When you exceed your levy limit, I can understand this. But this bill was drafted very specifically to deal with a specific problem. One thing I do want to talk about, the idea that if you're against this amendment, you're not for the public...or the view of public input, I think is wrong. I think the issue is, when we're sent here, many times, and it only gets worse here as we go on where these tough decisions are made and you do not please everyone, we all know that. You go and you got to make the decisions and we're going to make them this year, each day as we go grind down this a little harder, tough decisions have to be made. Same thing goes for a local level. Tough decisions have to be made. You cannot always inform the public of complex issues of what is going on. I do think they trust us. I do think that's why we're elected. That's why local boards are elected and they can be uncomfortable at times. I just heard now, right now, Senator

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Christensen, I haven't been out in the lobby checking out what's going out there but if they both don't like it, you know, where does that get us? So I think as we continue to discuss this more and more, if this gets adopted, I just am not sure of the state of the whole bill. I think we'd take a seven-year step backwards if this amendment is passed, and I encourage you to not vote for AM1082. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Members wishing to speak on the Hadley amendment, AM1082, to LB160, we have Senator Dierks, followed by Senator Dubas, Senator Hadley, Senator White, Senator Price, and others. Senator Dierks, you're recognized. [LB160]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. A vote of the citizens, isn't that fair? How do you know whether it's fair or not when you have a district put together with a huge metropolitan area and a very not so huge, at least not hugely populated, rural area? How do you justify the fairness there? And we talked about act of nature and we've talked about that a lot today. And I will just tell you I think that you can legislate all you want and you can't legislate away an act of nature. They're going to happen, folks. They always have and they always will, and we can't legislate them out of place. How dangerous is it for us to continue to give taxing authority to citizens in our state? How dangerous is it? How many times when we go home do we hear about the property tax problem? And yet we're in the process today of granting them more taxing authority. Sorry, folks, I can't accept that. I guess if I thought that Senator Gay would let the Hadley amendment destroy the bill, I might support the Hadley amendment just to get the bill destroyed. But I would hope that you could see your way to not supporting LB160. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Dubas, you're recognized. [LB160]

SENATOR DUBAS: Thank you very much, Mr. President, members of the body. This is a good discussion and it's one that we really, really need to keep going and continue raising these questions and seeking the answers. The NRD has worked very long and hard over the last several years trying to convince us, the Legislature and the committees, why we need to set a precedent and allow them bonding authority. They're trying to be proactive in their approach to flood control and this is a real problem. This is something that they need to be addressing. But their request to help them address this problem is to grant them...part of their request is to grant them bonding authority and this is very, very serious. This is very critical. We are setting a precedent when we give the NRDs this authority. And as was mentioned this morning, the NRDs exist at the will of the Legislature, so we are stepping into some uncharted courses here. And we are working really hard. The committee amendment does work very hard at putting parameters and protections in place so that this taxing authority will not be abused and that it will be, as much as possible, representative of the people and their needs. I think

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this bill allows us to be proactive, but again we must be aware that we're setting a precedent. Senator Langemeier is correct. If we adopt Senator Hadley's amendment we're going to have to go back in and do some revisions to the previous amendment. I think both of these amendments are basically trying to reach the same goal. They understand taxing authority is being requested and so how do we...what process is the best one to put in place to allow that taxing to take place. So whether it's the previous amendment with those safeguards set up as far as the two-thirds vote on the board and the other requirements or whether it's taking it to a vote of the people, I guess, you know, that's where the rub comes into. But if we do adopt this amendment there will be needed changes for the previous amendment that we adopted. So I think again the committee worked very hard taking the considerations of the opposition into play, recognizing that they want to be involved in these decisions, and how truly they will be impacted, their land use will be impacted by those decisions. I think we did the best job that we were able with the information that we had in front of us to put that amendment together. I do have a question if Senator Rogert would yield. [LB160]

PRESIDENT SHEEHY: Senator Rogert would you yield to a question from Senator Dubas? [LB160]

SENATOR ROBERT: Yes, I will. [LB160]

SENATOR DUBAS: Senator Rogert, in the previous amendment that we talked about we reference like the Interlocal Cooperation Act and then the adoption of a stormwater management plan. Is there any assurance through that amendment that just because that plan is adopted it's actually going to be implemented? [LB160]

SENATOR ROBERT: Well, not necessarily. And that's been brought to me...my attention a little bit the last couple of hours. One thing we...it would be implemented, but with the amendment we put through it didn't necessarily say what the plan would contain. I've got some language here and I'll kind of...if you give me a few minutes or a couple minutes here, we've got some ideas of what the plan should contain. One of them would be some of the concerns that Senator Haar mentioned earlier saying an agreement to adopt zoning regulations and ordinances reasonably limiting commercial and residential construction in the 100-year flood plain that is delineated by FEMA. Another would be an agreement to mandate low impact development to be paid by the persons developing the property... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR ROBERT: ...and not the city or county. And third would be requiring at least a third of the cost of project be paid through water management, watershed management fees imposed on all new developments. [LB160]

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SENATOR DUBAS: Thank you, Senator Rogert. [LB160]

SENATOR ROGERT: Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Hadley, you're recognized. [LB160]

SENATOR HADLEY: Mr. President, thank you, members of the body. I just wanted to respond to some of the questions and comments that have been raised. Talking about this is a special instance, it is the first time that NRDs have had the bonding authority and I think it's very important that we do this correctly so next year or the year after that, that the next NRD that comes in and wants to have bonding authority, that we set a precedent here at this point in time. I agree that we need to do it carefully. I understand that Senator Gay and the other committees worked hard on this, and I certainly didn't...my goal is not to derail the bill whatsoever. Secondly, I listened to the comments by Senator Loudon and I guess I understand that, if I kind of heard Senator Loudon right, we shouldn't tinker with committee bills that are put out by the committee. Well, if that's the case, then we basically don't need this body, do we? We just take the bill, we send it to the floor, we rubber stamp it, and we send it on. Well, I don't think that's why they elected me to come down here. Each committee might be made up a little differently, so I think it behooves us to look at committee bills and just not say automatically that we're going to accept these. Thirdly, Senator Christensen talked about five or six cities that they wouldn't be able to get this through on a vote. I would suggest if those five cities did a vote, guess what, if they were going to issue general obligation bonds, guess what they would do? They would go to a vote of the people, wouldn't they? So we're sitting here and we're saying to an NRD that contains those five cities that would require a vote on a bonding issue such as this, as an NRD, you don't have to go to a vote of the people. So that does...those are some of the things that does concern me. I support the underlying bill, I really do. But I guess it comes down to a matter of principle that when somebody issues general obligation bonds, I think there ought to be a vote of the people. Senator Campbell did talk about counties and they have a very specific exemption for jails and some counties have used it. Buffalo County didn't do it. We went out and sold a \$22 million bond issue for a jail to our citizens, so they got to vote on a general obligation bond for a jail. And I was part of that movement. I feel that strongly about bonding and what we charge the people. So that's why I'm standing up here. It's not to derail the bill. It's not to make it go away. I have no problems whatsoever with the bill. I think it's needed, but to sit here and...I guess I hear a number of my colleagues say, boy, I'm really in favor of a vote of the people except when we don't think the people are going to vote right, and if the people aren't going to vote right maybe we should use some other means of getting this through. I'm not sure that's what a democracy is about. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Members requesting to speak on

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AM1082, we have Senator White, followed by Senator Price, Senator Carlson, Senator Fulton, Senator Campbell, and Senator Gay. Senator White, you're recognized. [LB160]

SENATOR WHITE: Thank you, Mr. President. I'd like to take a couple of points. First of all, I agree with Senator Langemeier. If the people vote in favor of this bond, that should be protection enough. There should be no other impediments, no more supermajorities, nothing like that. If the people in the NRD say, this is a problem, it's serious enough, we're going to increase taxes on ourselves to solve it, then I don't need any kind of supermajorities or anything else. I mean that is the ultimate safeguard in this country after all, is the vote of the people. I will say that I am really pleased at how far some things have come. But in my conversations with various folks, I understand what Senator Langemeier said is more accurate. We're not looking at a carefully crafted series of interlocking agreements compromising power. The two sides haven't agreed on anything. And from what I can tell, and this is ironic enough, absolutely nobody on either side is happy about a vote of the people. The opponents of this and the opponents of dams, they don't want it even to go to a vote of the people. They don't even want the NRDs to have the theoretical power of raising it. And I understand the NRDs don't even want a vote of the people. Well, when everybody is mad at you, you know, I feel like I'm doing something right. I'm sure not taking sides. And what I would tell you is this is a very, very, very large project. I mean you're talking \$600 million or more, and a project of that magnitude dwarfs improvements to a courthouse. And I want to thank Senator Campbell, by the way, for her courtesy. I truly did not know you could commit property taxes without a vote of the people to bond. But this is a whole different magnitude. I mean, you are talking about a six-county-wide project involving many, many structures, involving potential ramifications on whether you can develop in the future or not down the stream, loss of land upstream, ag versus urban. You're talking about a substantial property tax increase, far higher than the improvements to a courthouse or building a jail. And I will tell you, you know, if we want the government to work, the worst thing we can do is perpetuate the idea that a little group inside, you know, seven people on an NRD board on a quiet vote who seem to be cozy, according to some people, with developers, and on the other side not, that they get to commit the public resources of this magnitude. If we're going to govern with the consent of the governed, which is a goal of a democracy, the absolute best way to solve any future arguments, grumping or bitterness is, hey, you lost at the ballot box. You know what? You had your shot. You made your case. It was up and down and there's no way you got to just a select group of three or four guys on a board and that ended it. That stuff ends. I think this is contentious. The risk of flooding and loss of life are very real. The burdens on property going forward are substantial. And I think we, sometimes, yeah, we have to make the hard decisions that Senator Gay said, but you know what, sometimes the hard decision is to say, you know what, we need to punt this to the highest pay grade. And the highest pay grade in a democracy is a vote of the people affected by the law. And that isn't ducking a hard vote. I mean, we're going to vote on school aid, we're going to vote on death penalty. We will vote on a lot of hard issues. There's humility

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involved too. Just because we can decide it doesn't mean we should. Thank you.
[LB160]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Price, you're recognized.
[LB160]

SENATOR PRICE: Thank you, Mr. President, members of the body. As I sat here and listened to the debate, a couple of ideas came to mind. I would like to first bring up, there was a bill before the Revenue Committee, LB418, and I would like to bring the specter of that back up to the body. When you're dealing with an NRD, you're dealing with a conglomeration or, if you would, a subdivision that goes over many taxing entities. So what am I trying to say? The practices for assessing property differ from county to county to county. Douglas County does not assess their property in the same manner as Sarpy County or some of the surrounding counties. What Douglas County does is they assess some homes some years, and then they peanut butter that over some houses. So what you have is a net effect of them leaving properties unassessed for six and seven years. You go down into Sarpy County and they assess properties at 98 percent valuation every year and they take at least a 75 percent sample rate. My understanding in Douglas County is they only take a 25 percent sampling rate. Now why do I bring this up? We bring this forward, we let the people vote on this, some counties will pay more of a burden than the other counties. So you'll have Douglas County homes that are assessed at a certain value and other county homes assessed at a value, but they'll pay a lesser rate because of the assessment practices there. So we're not having...we don't have a, what you would call, an equitable tax for all members within that subdivision. I believe we heard in the Revenue Committee testimony by an assessor saying they don't understand why people didn't challenge their tax bill on that alone. Because, you know, across county you're within that entity, you should be treated equally and you're not treated equally between the counties. Then you bring up the fact that once again we open this door, that old famous comment we like to use here, the camel's nose is under the tent and the next thing you know he's sitting in your lap and you're feeding him animal crackers, because with the other NRDs we have problems throughout the state. So I bring that up. I'd also like to know that when we do this and we go forward and want to take some land, and Senator Wallman brought it up, if you have a business that's going to be taken, they'll give you seven year...they look back seven years, I guess, and do an average and give you the money that you would have raised over seven years. But if you have a farm, they just have a couple appraisers come out and take it for that year. You don't get to look back. Maybe we should have a floor amendment to make sure if we're going to take people's properties that we look into that more equitable. Just a suggestion. And again, I would remind the body if we're talking about floods and we're talking about two 50-year floods here, a 100-year flood there, a 15-inch rain in six hours, the Good Book, Genesis 6 through 9 talks about a flood. Are we going to have to build to that? Thank you, Mr. President. [LB160 LB418]

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PRESIDENT SHEEHY: Thank you, Senator Price. Senator Carlson, you're recognized. [LB160]

SENATOR CARLSON: Mr. President and members of the Legislature, and, Senator Price, there's nothing wrong with really planning ahead. If Senator White would yield, I'd like to... [LB160]

PRESIDENT SHEEHY: Senator White, would you yield to questions from Senator Carlson? [LB160]

SENATOR WHITE: Yes, I would. [LB160]

SENATOR CARLSON: Senator White, in the last couple of weeks, do you think that I've been upset with you? [LB160]

SENATOR WHITE: You know, I just would hate to speculate, Senator. [LB160]

SENATOR CARLSON: Well, I'm not upset with you today. (Laugh) But I'd like you to help me understand what we're really considering here. [LB160]

SENATOR WHITE: Okay. [LB160]

SENATOR CARLSON: Today, without LB160 or the amendment, if the NRD wants a project that involves bonding, they've got to involve some kind of interlocal agreement. Would you agree with that? [LB160]

SENATOR WHITE: Well, no, I'd say right now without LB160, they can't bond, period,... [LB160]

SENATOR CARLSON: Well, they can work... [LB160]

SENATOR WHITE: ...is my understanding. There is no bonding. [LB160]

SENATOR CARLSON: ...they can work with the divisions of government that have that ability and propose, and that would go to a vote of the people. Would that be correct? [LB160]

SENATOR WHITE: I don't think so, Senator. I mean, I don't think, for example, a county...let's say Douglas County would be authorized to build a dam in Washington County. You know, even if they bonded it. I'm not sure about that. I mean that's...I don't know, but I'd have real questions. Let's say you need the dam up in Washington County, can Douglas County say, well, we'll pay for it up in Washington County and then do that work up there? I don't know. [LB160]

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SENATOR CARLSON: Okay. And I don't know the answer either, but maybe our little discussion here is bringing up the fact that if we have something that needs to be done in that regard, we don't necessarily have the structure in place to do it, to go forward. [LB160]

SENATOR WHITE: There's no question about that. And you know, Senator, it's ironic you mention that because the problem we had in the Republicans, where you and I have had a number of disagreements on what we should do and what's proper policy, that is mirrored in a way here. The NRDs are a very unusual governmental structure and in many ways they're awkward. So I think we're struggling with a structural problem with how we set up the way we control natural resource issues. A lot of people have said we ought to just have one big state bureaucracy, but given our experience with some of the large state bureaucracies, I'm hesitant to do that. [LB160]

SENATOR CARLSON: Okay. And we...so with LB160 and not AM1082, we're faced with a decision whether or not we authorize the NRD to have the authority to bond to complete these projects. [LB160]

SENATOR WHITE: That's right. What we would do is tell the NRD, with LB160, that by supermajority within certain other restrictions, counties being able to veto some projects and stuff like that, that they could go ahead and bond. [LB160]

SENATOR CARLSON: Okay. Thank you, Senator White. And Senator Hadley has proposed this amendment which, as I stand here, I'm not in favor of. And he brought up some good points in that if we aren't allowed to or encouraged to look at bills as they come out of committee and have the freedom to amend them, what are we really able to do as a body. And I don't argue with that. On the other hand, in my three, two and half sessions in this Legislature, the procedures that we use and the way we go about structuring our hearings that we're allowed to submit bills, we're allowed to have legislation considered, and the civil and respectful way we go about discussing these things on the floor has become very, very important to me. And I think it's become important to most of you in here. This is the right way to do things. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR CARLSON: And I think that this bill and the issues involved in it have been discussed and had at least three and maybe four hearings. Now that doesn't mean that everything is perfect. But I'm a little bit alarmed, as we get a bill out on the floor, we have an amendment that entirely changes that bill, and then we're going to have another amendment to this amendment, and this is all being done within a period of an hour or less when we had three or four years to try and get to this point on this legislation. Now, we're still having the freedom to vote whichever way we think is right.

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That's what we ought to do. And let's simply think seriously about which direction we're going. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Fulton, you're recognized. [LB160]

SENATOR FULTON: Thank you, Mr. President, members of the body. I just want to say something...one thing particularly, because I've had some people, my friend, Senator Price, nods in the affirmative, ask if I was going to say anything because I am an engineer. For the record and for clarification, these are civil engineers that are dealing with these water issues. I'm a mechanical engineer. I would be, to extend the pun, a fish out of flood water, if indeed I was speaking on this. Now, when we get into the aspect of policy, I want to say that I'm still somewhere...I have not made up my mind on LB160. My inclination...and perhaps what I will explain here is reflective of what's going on internally with some of the members here. There will be some members who have arrived at a position, they're firm in that position, and when there are arguments leveled to the contrary of one's position, then it will naturally flow that that person posits the argument against the argument against. So you can defend. If you're doing that, then you probably formulated your position. I cannot. I'm still somewhere in between. Now here are the principles that are militating against one another. I believe in limited government and I know that that is a general principle that's not always applicable. There are times when government has to act. In fact, there are times when it is legitimate and responsible for government to act. But as a...just generally, I get antsy when we're giving more power, more authority, particularly spending authority, to entities of government. So maybe we're not giving more spending authority to the Papio NRD, but certainly we are giving credit card authority to them, and that's troubling to me. To the contra, there is a legitimate need here. I'm convinced, by hearing from people that I trust and from seeing professional entities that have made determinations, that there is the potential there is risk, there's the potential for property and life loss in the event of a flood. Therefore, we have some responsibility to act. Where I still haven't...I still haven't heard a good argument that can move me here is whether our action is warranted such that subdivisions can act. Does the subdivision have within its authority to act without need of our permission? It probably does. The argument against that, of course, is that they're not going to be able to keep up with the rate of inflation in order to build. There are arguments against but if we can at least identify the principles, and focus and laser in on what those principles are, find where those principles can be compromised and where they can't, that's how we're going...that's how at least I will move forward and be able to make a decision on this. But I still haven't heard where it's legitimate to, you know, to grow government, for instance, maybe not grow government numerically, but certainly we are growing government in that authority that we would be giving. I'd like to hear the argument as to why that's a necessity through this body. A vote of the people? Senator White very eloquently points out that that is the nature of a democracy, governing through the consent of the governed. Why isn't a vote of the

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people warranted for LB160? I wonder is Senator Gay would yield to a question.
[LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR FULTON: Senator, if you could, what's your opposition to AM1082? Is it the fact that there has been a compromise and that this is a...this could usurp the compromise that's allowed this to come as far that it has? [LB160]

SENATOR GAY: Senator, as you know, compromises, I'm all for that. And I think that's where we've got. I'm torn like you and I don't know if I could explain this in one minute but I have this, but I'm torn with you. How much control do we give to local entities? I think we're on the same page and I was listening closely to what you're saying. I don't...I just think that at some point we need to allow local entities to make these decisions. In this day and age with technology, we could put everything on the computer and just have people log on and vote, too, and none of us have to even be here. But how much do we give local control? And I think that is the question you're trying to get to. I think we're going to make that decision here and I don't know what is. I think many of us have the right ideas. [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR GAY: Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Thank you, Senator Gay. Members requesting to speak on AM1082 to LB160, we have Senator Campbell, followed by Senator Gay, Senator Wallman, Senator Loudon, Senator Nelson, Senator White, and Senator Haar. Senator Gay, you're recognized. Excuse me, Senator Campbell, you're recognized. [LB160]

SENATOR CAMPBELL: Thank you, Mr. President. I'd just like to clarify, Senator White and I had a brief conversation off the mike, and one of the questions, I had also had an example where the city of Lincoln had spent \$93 million in bonds to improve its water system. And we were trying to figure out if that was a GO bond, and actually it's a revenue bond, I would assume, and I wanted to clarify that. One of the important issues, to go back to Senator Fulton's question and puzzle here on the vote of the people, is what do we want the people to vote on? What do we want them to say? In a complex issue that LB160 purports across a number of political subdivisions, across a number of counties involving a lot of people, do we want the people to vote on the management

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plan? We obviously might say we would want them to vote on the money. I would purport that the voice of the people is being heard by all those political subdivisions. They...the people that sit on the county boards and on the NRD and on the village boards and on the city councils will be called to look upon this issue with great care. And that will be done in public with public hearings. It is extremely important that when the complexity of an issue presents itself that we're sure that the voice the people are heard, even though in some cases we have to put very specific safeguards down when it's not a vote of the people. I do think that the committee amendment puts those safeguards in place and makes it much more important that all of these entities talk about the issues, come together on a plan, and authorize those bonds, because that is in the long-term interests of all those subdivisions and really all the people who live there. And I don't know whether that helps, Senator Fulton, but sometimes one has to look at a broader picture and how you build the future. Ballot issues may not be easy language to put forward in this case. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Campbell. Senator Gay, you're recognized. [LB160]

SENATOR GAY: Thank you, Mr. President. I was just going to get back to Senator Fulton's questions if Senator Fulton would yield to a question. [LB160]

PRESIDENT SHEEHY: Senator Fulton, would you yield to questions from Senator Gay? [LB160]

SENATOR FULTON: Yes. [LB160]

SENATOR GAY: Senator, I used up your last time. Was there something you wanted to finish up there because I think we're on the same page here. [LB160]

SENATOR FULTON: Yeah, I, what is the...I assume you will be voting against, you're opposed to AM1082 and I'd like to hear the rationale as to why. [LB160]

SENATOR GAY: My rationale is this. I'm torn like you. I'm torn like you and there's three decisions, I was just thinking to myself. I'm certainly not voting for, because I think it's a complex issue. Voting against, I'm torn as well because I do believe there's a time and a place for a public vote. And when we talk about issues that come here, constitutional amendments, things like that, I don't know how many bills were introduced this year but very few dealt with let's go to the public and see what their opinion is, and I'm worried that, as government, we go that way. The other one is don't vote on this particular thing. And people are going to make up their mind. I don't know, because I think what we're saying, I don't want to be put in a position of saying, I don't...oh, Senator Gay does not believe in a public vote. That's absolutely wrong. When I was a county commissioner there were several issues that I thought we should have a public vote on, and I insisted

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we did, and we did. On other issues I voted on that we didn't go to a public vote because they were different issues. This issue is much, much different. I've said this is not a property tax increase. This is within the existing levy limit to allow them some flexibility, and I think you said, allows spending, more spending authority. No, this isn't more spending authority. More spending flexibility, I would agree with that. So, Senator, I am with you and we've discussed this bill and, you know, your engineering background, I guess, is where I'm...I told you earlier and this wasn't a big private conversation, I said, Senator Fulton, I go, you're an engineer, you understand these issues, they're very, very complex. I'm not one to really go judge every engineering move that's ever been made when I vote, and I'm not so sure anybody in this body can because we don't know the plan. I really appreciate Senator Rogert's efforts on this issue. He's been very forthright in trying to make this work and I think we're in agreement on most things. I haven't seen his next amendment, but I'm torn like you and that's where I'm at. And, Senator Fulton, if you want to yield...if you want the rest of my time, feel free. [LB160]

PRESIDENT SHEEHY: Senator Fulton, 2 minutes 30 seconds. [LB160]

SENATOR FULTON: I won't take all of that. Thank you, Senator Gay. Just trying to...when we solve problems, it's best to break them down into the most basic elements, identify those principles which are militating against one another, and then determine if there's ground for compromise. Now it does seem that that has been done on LB160. I just haven't...they have had a head start on me. I haven't been able to catch up, as many of us have not, so this is good. The fact Senator Friend, what he was saying the other day, which incidentally (laugh) was on my bill, I think was correct. It's important that we deliberate because that's the way the human mind works. We come to grasp things more readily and at a deeper level after we've contemplated them for longer periods of time. So thank you to Senator Gay. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Thank you, Senator Gay. Senator Wallman, you're recognized. [LB160]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, appreciate the committee work they did on this bill, but there were a lot of opponents. And sometimes after a bill comes out of committee, we hear from a lot of constituents who hadn't been paying close attention. Was that their fault or our fault? I don't know. But my county, they voted for jail...I mean courthouse improvements and will probably have a jailhouse thing on the ballot. It will be on the ballot and that's the way it's done in District 30 in Gage County. So I'd yield the rest of my time to Senator Hadley, if he'd like it. [LB160]

PRESIDENT SHEEHY: Senator Hadley, you're yielded 4 minutes 20 seconds. [LB160]

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SENATOR HADLEY: Thank you, Senator Wallman. Mr. President, members of the body, just one quick thing. I think a difference, when Senator Gay was talking about how this is different, one thing about a general obligation bond, remember, is that it may not be a tax raise this year but remember they can be 20-year bonds, and 9 years down the line, if they don't have the money to pay the bonds, guess what they have to do? If they're putting money into a sinking fund or into a cash rainy day fund, if they don't have the money one year, they don't have to put it in. You've got 20-year general obligation bonds. The bondholders don't usually say, that's okay, you can skip a year if revenues are down. With that, I would like to withdraw AM1082. [LB160]

PRESIDENT SHEEHY: AM1082 is withdrawn. Mr. Clerk, you have an amendment on your desk. [LB160]

CLERK: Mr. President, Senator Hadley would move to amend with AM1084. (Legislative Journal pages 1031-1032.) [LB160]

PRESIDENT SHEEHY: Senator Hadley, you're recognized to open on AM1084 to LB160. [LB160]

SENATOR HADLEY: Mr. President, thank you, members of the body. I'm not going to continue to beat it. This is not an attempt to hijack a bill. This is not an attempt to change the underlying bill. This is not an attempt to make sure that we don't worry about floods. It is an attempt to allow the citizens of this NRD a chance to vote on a general bond issue, which is the first general bond obligation we've ever allowed an NRD to have. So we are setting quite a bit of precedent today so I hope that we get it right. Again, I support the underlying bill and such as that. With that, I will yield the rest of my time to Senator Langemeier. [LB160]

PRESIDENT SHEEHY: Senator Langemeier, you're yielded 9 minutes 10 seconds. [LB160]

SENATOR LANGEMEIER: Mr. President, members of the body and Senator Hadley, thank you. As Chairman of the committee, it's my goal to try and make sure this stuff does what everybody wants it to do, and so this amendment that Senator Hadley is offering in AM1084 does the things that he intended to do, is, number one, it would take it to a vote of the people within the NRD, which in this case happens to be Papio. It then removes the three majority vote of the NRD board to put this out there. It removes the veto power of the county and the 20-surface-acre size veto power of the county. And it does the same thing that the original bill had done. It gives them 2 cents of authority, of their current authority, to use towards bonds. And so it was the same as what he had up there a moment ago except for the provision to strike the veto power of the county. And so with that, I think this does exactly what he wants to do. I'm still not sold on the idea 100 percent yet. My concern is, is that the three hurdles that were in the bill, put in as

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committee amendments, were tougher hurdles than what just the vote of the people is. You do a good sales job in Omaha, maybe you could get this type of thing done with just a vote of the people. So I'm not sure about that. But while I have Senator Hadley's time, I'm going to talk a little bit about why I didn't support this bill and I haven't supported it over the last three years. Some concerns I have within NRDs and in my role of being on an NRD and following natural resource issues my entire legislative career now, I get a lot of information. I have people out there that tell me that NRDs, when we go fully appropriated we won't need them anymore. I get people telling me that maybe we have too many NRDs and we need to start consolidating them. I don't know that that's right. I don't know that I would support any of that, but it's feedback I get. Also, my concern with the NRDs and serving on an NRD board, we sat back and we prioritized our levy authority on what we were going to do, what kind of projects we wanted to do, whether it's...when I first got on the board it was all about conservation and erosion control, so we spent a lot of money on looking at conservation tillage, on grass strips to keep dirt out of the streams. But as we started to worry about storm water issues, then we started moving our levy authority over to building Lake Wanhoo, the dam at Wahoo. And then we started looking at water quality as Colon started to get arsenic in their water and others had high nitrate problems. So we took our budget and we kind of...we shifted our priorities on the issues of the day. As we start to let NRDs have this kind of bonding authority, we start locking up that authority. So my fear with bonding as a general purpose and for the Papio and others is that at the end of the day they have their money all committed to these bonds to meet these storm water issues and now we get a new federal mandate comes down. We don't know what it is. We're getting them all the time. And as we look at these bailout bills, the new mandate could be bigger than the last one. You know, when I started in this Legislature, a million dollars was a lot. Now we're talking billions at the federal level, trillions. Those are all pretty real numbers. Someday we're going to get another mandate given down to these NRDs to have them address something and they're going to have no authority to shift those priorities because they're going to have money tied up in bonding. If you give them 2 cents in this particular amendment that Senator Hadley is, that's just about half of their authority they have now that they'll have tied up in bonding, if they use it all. So how do they change their budget and how to they meet the needs of future demands put on them? You know, it was said that we're going to have a big flood and they're going to come back to the Legislature and say, you did nothing. That's not really true. We as a body have given city zoning, we've given county zoning to communities to deal with this. We've given them zoning authority to go back into flood plains and say don't build in them; we want our construction in different spots, we want it in different densities, and we want it in different locations. That's what zoning is all about. You don't like dogs in a neighborhood, they zone them out. You know, Wahoo put in a ban on pit bulls. They have authority. So what you have now is you have cities and counties that don't want to do their job so they're pushing it off on the NRD because the NRD then can float across county lines and across city borders. So they push it off to the NRD. I feel sorry for the NRD. They're getting this thrown on them to deal with this issue and

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they don't have the tools to do it. So now they're to the Nebraska Legislature and all of us to say, give us some tools to do what is being pushed upon us to do. So my concern is that it needs to start where we've given authority already, and that's county zoning and city zoning. Even in Columbus, Nebraska, they built a new Wal-Mart, and we've heard a lot of things about Wal-Mart over my years in the Legislature, but the city made them put in 24-hour retention ponds so all the water that comes off their facility, I'm not sure to what inch level, is required to sit in two basins for 24 hours before it drains off. I'm not seeing that in Omaha, Nebraska. I'm hearing...I was...they were told by the committee and by the cities that, oh, we're mandating a half-an-inch runoff. So if you get a half an inch of rain, we'll maintain and we'll keep a half an inch on our property by putting in little fill strips in the drain holes on our storm sewer drains. Is that really enough? I don't know. So I think we need to make our cities and counties start taking a proactive approach. You know, I was also told, well, in the parking lots we put these little green strips in, in the parking lot, those little bumps out there. Well, all that does is screw up the traffic flow in a parking lot, in my opinion. The water has got to jump the curb to get in those little grass spots so I don't know how we call that a great environmental thing to put in these commercial lots. The reality is, we got to step up to the plate at the city and the county level and we need to say, hey, we're going to start requiring better retention ponds, hold your water on your property for 24 hours. I don't want them to all build big ponds where they have water and then we have mosquito problems and all that, but if you just start with a concept out there that says, you have to hold all your water for a one-inch, two-inch rain for 24 hours and let it release over 24 hours, that's step one. And then after you meet that need, then we go to the next step and then the county starts looking what they can do. And then from there, then you start looking at big projects. I am not opposed to dams. Matter of fact, I'm pretty supportive of dams. So are we building dams then to meet the need and hold the water for a certain given amount of time or do we take on the sales pitch we had in my first year here, was Lake Nebraska at Ashland, that was a real hit within the Legislature, in a recreational form? And let's face it, I'm in the real estate business, there's a lot of demand for recreation in the state of Nebraska, but that gets us to a whole nother level of building dams. So if we're building dams just to hold water, I think it needs to start with the low impact, and many of you have said that prior to today. So as I look at the big picture and I start to look at the future of NRDs, is this the way we want to go? I think we've given tools that haven't been utilized to their full extent prior to today and so that's what my opposition is about. I'm not against dams. I appreciate what NRDs do. Matter of fact, I served on an NRD. I think they do a good job. But I think we have given the starting power to cities and counties through county zoning to try and determine where they want growth and where they don't want growth, and until that fully gets expanded and... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR LANGEMEIER: ...they have committed to do that with this interlocal

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agreement that they've come up with on this round and that they're going to sign on to that by August, I would predict it doesn't get signed on by everybody but that's just my personal opinion, so that is why I don't support bonding for NRDs at this time, until it's coupled with some major local steps on a local level, and I think it all starts there. So I commend Senator Hadley for letting me assist him in getting AM1084 correct, but I also stand that if you just take this back to 100 percent just a vote, I think you've made this all simpler for the Papio NRD to do bonding versus the three hurdles that are in the committee amendment. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Mr. Clerk, do you have items for the record? [LB160]

CLERK: I do, Mr. President. Senator Adams has amendments to LB545 to be printed, two separate amendments. Education Committee reports LB545 to General File with amendments attached. Judiciary Committee reports LB373, LB671 to General File with amendments attached. And Education reports LB392 to General File with amendments attached. New A bill. (Read LB27A by title for the first time.) That's all that I had, Mr. President. (Legislative Journal pages 1032-1047.) [LB545 LB373 LB671 LB392 LB27A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. You have heard the opening of the Hadley amendment, AM1084, to LB160. Members requesting to speak are Senator Louden, followed by Senator Nelson, Senator White, Senator Haar, Senator Rogert, and others. Senator Louden, you're recognized. [LB160]

SENATOR LOUDEN: Thank you, Mr. President and members. As I look over this amendment, this AM1084, as I mentioned before, you've just hijacked the committee bill. We're back to something that was probably worked on, they started out with LB160, that wasn't satisfactory and, through the process the committee has worked out, come out with something that would evidently pass muster with some of the people involved and some of the committee members, and came out of committee. And now, as you would introduce this AM1084, completely does away with it. And if that isn't hijacking it, well, I guess I don't know how else you'd call the seals in. But this is what happens. You have to be very careful about doing this with this legislation. I've seen more poor legislation happen from coming out here on the floor with a bill and everybody started putting amendments on it and working it over, and when you got done you didn't have anything that was really worthwhile. This is what you have your Bill Drafters for, this is what you have your committee work for, is to get this stuff put together right. If it isn't satisfactory and it needs all these amendments done on it, then either you commit it to committee or you bracket it for awhile and work on it and have it come out like it should be. But to try and overhaul the things out here on the floor, now we're right back to the original bill, probably. And what we've done with this original bill, LB160, it hasn't been so much that we've done anything about any flood control or that sort of thing for that area there, which the committee amendment did narrow it down so that they did give

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them some authority, narrowed it down what they could do with that authority and started from there. Now what you've actually done is put out a bill that gives your NRDs bonding authority. With the metropolitan class NRD, you got bonding authority. It doesn't say in there it's going to be just for flood control. It just gives them bonding authority. What it does, it also says in there that they can use up to 2 cents of their levy to do it, so if they're 4.5, they can spend 2 cents on bonding and they can spend 2.5 cents on operation. Now I don't know if they're using more than 2.5 cents now on operation, I didn't look it up yet, but this is something that I think when the processes all went across, I don't think you got anything that's going to be of any valuable use. It's going to be something that is in worse shape than when we started. So with that, I would not support any of this, if this is continued. The LB160 with the committee amendment on there worked out to be something that was probably suitable for the people involved, but as we worked on it in the afternoon, what is it they say, when you get stuck, well, you weren't stuck that bad but after you worked at it awhile you got stuck worse? And that's what this was. This wasn't that bad of a bill when we started, but after we worked on it for awhile, why, it's gotten considerably worse. So with that, I won't support it if any of these amendments are on there. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Nelson, you're recognized. [LB160]

SENATOR NELSON: Thank you, Mr. President, members of the body. I rise again in support of the basic bill, LB160, and in opposition to AM1084. I, like Senator Hadley, believe in votes by the people whenever possible, but I think we have to...we have to take a look at what's gone on in the past several years where there hasn't been any agreement in any way, for the most part, during that entire period of time between the various counties involved. What makes us think now that if we do put these proposals for bonding and spending before the people, that there's going to be any more agreement? You can make the argument that you can advance a campaign that will persuade people, but nevertheless it's going to be looked at, at increasing taxes one way or another or giving additional authority to spend, and you're also going to have the people that continue to argue, we can get along with rain gardens and with low impact and handle things in that matter. And therefore, my guess is that any vote that you put to the people in those several counties one way or another is going to get turned down. And where are we going to be? Then we're going to have to crimp along the way we are. I think that even though this is the first time we would permit bonding authority for NRDs, I think in our particular situation there, in the counties involved, it's a very complex situation. And I agree with Senator Louden. It's been worked through by committee finally where there's a compromise that's agreeable to all the parties, for the most part. I don't think we should be dismantling that and trying something else that nobody really likes. Neither side here thinks that it should go to a vote of the people. So whereas I think it's important on many times on big issues to let the people vote on it, I think in this particular complex situation that we're well-advised to stick with LB160 as

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amended by Senator Rogert's bill (sic) and go ahead with that. With that, I will give the rest of my time to Senator Gay, if he chooses to use it. Thank you, Mr. President.
[LB160]

PRESIDENT SHEEHY: Senator Gay, 2 minutes 30 seconds. [LB160]

SENATOR GAY: Thank you, Senator Nelson. Senator Nelson, I want to follow up again with what you're saying. I agree. Earlier we had talked, when I first opened hours and hours ago this morning, about trying to come to some compromise. Since 1999, we've had different elected boards and everyone coming together. They then decided in 2001 that the Partnership Act was the best way to get a comprehensive issue resolved and the best person to implement that would be the natural resources districts since their main mission in this district is flood control. Now I've heard all throughout the day different things on NRDs. I'm not going to...I don't know. I mean I'm familiar with ours but I'm not going to refute all that. I have a letter here from the city of Omaha, Mayor Fahey, and he...it just...I'm going to read one of the paragraphs and this was written January 20 of this year: Omaha believes that the Papio-Missouri NRD is one of the most appropriate agencies to coordinate the implementation of necessary water quality and flood control structures; the Papio-Missouri River Natural Resources District has the combination of technical expertise and regional jurisdiction that make it an obvious choice for implementing a regional storm water management plan. And that is the whole premise here of it is a regional plan that people have been working on again and again and again, and it's taken them this long to come with some compromise. But yet we feel that, well, we're just not quite sure you know what you're doing here; let's check it out. I'm not so sure... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: ...the public...you know, for seven years we've been doing this and we still can't come to a compromise. And I do believe there are times--and, like I say, I got to watch how I say this--there are times when decision makers need to make decisions on local boards and I think this is one of them. Again, earlier, the precedent, if the precedent were to allow every NRD in this state, I would look at this differently. That's not what this bill reads. We've all heard I like LB160, but; I like it, but. I mean, there's a certain point I think and...well, I think the point is without this amendment, quite honestly, because I do think all the time, effort, money that has been put in here by other elected officials who are local mayors, city council members, natural resource district members, county board members is very important, and I'm not going to dismiss that and say, you know what, all those years, I don't think you quite know where you're at here on this issue. But again, you know, the city of Omaha has... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

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SENATOR GAY: Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Thank you, Senator Nelson. Mr. Clerk, you have an amendment to the amendment. [LB160]

CLERK: Mr. President, Senator Hadley would move to amend his amendment with FA28. (Legislative Journal page 1048.) [LB160]

PRESIDENT SHEEHY: Senator Hadley, you're recognized to open on FA28 to AM1084 to LB160. [LB160]

SENATOR HADLEY: Mr. President, thank you, members of the body. When the amendment came out of the committee, it talked about a majority of the registered voters passing it, which means that there would have to be more than 50 percent of the registered voters to pass any bond issue, which we know is...that's basically an impossibility. So this amendment basically says that it needs a majority of those people who voted in the election. It is just a technical change to the...to my amendment, AM1084. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You have heard the opening of FA28 to AM1084. Members requesting to speak are Senator White, followed by Senator Haar, Senator Rogert, Senator Gay, and others. Senator White, you're recognized. [LB160]

SENATOR WHITE: Thank you, Mr. President. Would Senator Gay be kind enough to yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions from Senator White? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR WHITE: Senator Gay, do you believe that a bond issue is necessary to protect lives and property in your district, Sarpy County and lower Douglas County? [LB160]

SENATOR GAY: For flood... [LB160]

SENATOR WHITE: For water, for flooding, is this a...do you believe... [LB160]

SENATOR GAY: For flood control? [LB160]

SENATOR WHITE: Yeah. [LB160]

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SENATOR GAY: If we could build something to prevent flooding in our county... [LB160]

SENATOR WHITE: Correct. [LB160]

SENATOR GAY: ...would I support a bond? [LB160]

SENATOR WHITE: Right. Do you think it's necessary? [LB160]

SENATOR GAY: I think if the facts...if I'd studied that and the facts where there, of course. [LB160]

SENATOR WHITE: All right. I mean that's why we're here, is to give this bonding authority, because we all reasonably believe there may be a risk of flooding, correct? Just a foundational question, it's easy, it's a yes. [LB160]

SENATOR GAY: Well, in the...well, it's not that easy, but in the regional concept, it's not that easy. If we could just take care of our known needs. [LB160]

SENATOR WHITE: Well, yeah, but...well, let me put it to you this way. If we really are facing an emergency, which the NRD indicates we are and people say that's why we're here, that they are faced with a, according to the World-Herald, an imminent threat, a loss of life and property on really a catastrophic level if bonds aren't issued and dams aren't built. Okay, now if we're dealing with that then I understand the drive for LB160 and I do support that, but I also have a concern with how the bill is drafted in this situation. First of all, no NRD has ever had this kind of power before and, as we found to our bitter experience when we tried to extend NRDs' authorities in the Republican River Valley, we might end up not effectively giving them the power that we thought we gave them to solve a problem with water. Now that's a different situation than this one for technical reasons, but in this case what we're saying is an NRD can go out and sell a bond, \$600 million worth of bonds or more, to build dams. One of the things you got to do to sell those bonds is convince bond lawyers in New York or Chicago or San Francisco that it's a validly authorized bond issue and they'll be paid back. The methodology that this bill employs right now has never been done before. No NRD has ever had a bond issue like this before nor have we ever had provisions on supermajorities and veto rights among different counties. And so what if you have a dispute? We pass a bond for \$600 million. Douglas County says, we don't like it; Washington County says, we don't like it; but Sarpy County insists. And now do you actually get a bond bill? Do you get a dam built or have you literally made it so questionable, from a legal standpoint, the money won't flow and you won't have a bond issue that's valid? What I can tell you is this. If we're going to push the boundaries to allow NRDs to issue bonds, and you really want to be sure it's legal, you really want to be sure that somebody will lend on those bonds, make it a vote of the people affected.

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That is the well-trod path in the law. Everybody will know it. And you will get the maximum comfort from the bond counsels in other cities or in Omaha at Kutak Rock or the different law firms that do bond opinions. You want to start putting that bond into doubt, start doing these kind of things. And what I guess I'd like this body to focus on is the following. If we're really facing a crisis--and I don't deny, I mean the experts say we are, then we are--you do not want to make it questionable on a legal basis on whether or not you can borrow the money to do the work because that will tie it up for years in court. And believe me, there are enough opponents to this bill that, even if we pass it, there will be lawsuits. There was in the Republican River Valley and there was a lot better consensus about what needed to be done there than there is here. And... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR WHITE: ...with all due respect to Senator Nelson, the parties have not agreed on LB160. I've talked to both of them. The only thing they agree about LB160 is they both hate it. Okay? Douglas County, Washington County don't want LB160 in any sense of the word. City of Omaha, the NRDs, the developers want LB160. Okay? They don't agree on it one bit. There's no agreement on LB160, there was no consensus, it wasn't carefully worked out because if it was, believe me, there wouldn't be the kind of fundamental questions as to whether a bond could be properly issued on this. And again, folks, Republican River Valley, extending the power to NRDs, bitter experience. If we want to do this, do it right. Make the people vote and authorize it. Make sure we've done what we can so that the bonds can issue and the work can be done. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Haar, you're recognized. [LB160]

SENATOR HAAR: Mr. President, members of the body, if this bill just keeps coming up again and again, we'll probably go for 100 years, we'll see what that flood does. I sense that there is an urgency. And, Senator Gay, could I ask you a couple questions? [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes. [LB160]

SENATOR HAAR: Is this really an urgent matter or is this just something that they need to...they think they're going to need to do in the future, would you say? [LB160]

SENATOR GAY: Senator Haar, you know, urgent is...I...you know, we talked about weather and all that, what is urgent? Could be real quick, yeah. Do I know that? We don't know that. We're looking for...we're planning for the worst-case scenario here, so I

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can't answer that. But urgent, urgent enough that we're here all day and we've been pursuing this for seven years. Yeah, it's urgent, and we just don't know when it would be needed. That's the question. It's out-of-sight, out-of-mind kind of thing. [LB160]

SENATOR HAAR: Okay. And, Senator White, could I ask you a question? [LB160]

PRESIDENT SHEEHY: Senator White, would you yield to questions from Senator Haar? [LB160]

SENATOR WHITE: I will. [LB160]

SENATOR HAAR: Senator White, you raise some legitimate concerns in my mind. Could you just give an example of what might...what kind of lawsuit would come down if this is allowed to go through without a vote of the people? [LB160]

SENATOR WHITE: Sure. For example, we float a bond...the NRD floats a bond for \$600 million, all right? And they get the requisite supermajority on the board to do it. Before that bond is sold but after that vote is authorized, somebody either dies or there's another election or there's a different vote and there's an indication that they've changed the vote. Is that still a valid bond now? Because what once was a majority isn't. Another example is that we have a provision in the bill as it's written, LB160, that any county board can veto any construction on property under its jurisdiction. All right? So now you have a bond issue of \$600 million. What happens if the NRD decides to build in Washington County despite that provision? Okay. Now that money is being expended. Is that a valid use of the bond money and does that in any way threaten the debt? You know, there are a lot of different aspects. I mean give me the time and a creative lawyer and somebody who will pay my bill, watch me make trouble. And if the bond markets are jumpy, and they are, you're going to go to the safest investment. And I can just tell you, you know, one thing lawyers are is they're creatures of habit and what they're really comfortable with is votes of the people authorizing property taxes on their property. That makes them feel safe and warm and fuzzy, and if that happens, there's no question. Now I'm not saying a bond wouldn't issue or you couldn't get it sold, but I'm just telling you two years ago we thought everything was copacetic with the Republican River Valley. Boy, were we wrong. [LB160]

SENATOR HAAR: Okay. Well, I would yield my time, the rest of my time, to Senator Gay, if he'd like it. [LB160]

PRESIDENT SHEEHY: Senator Gay, 2 minutes. [LB160]

SENATOR GAY: Thank you very much, Senator Haar. I do appreciate it because there are some certain things that I think we need to correct. I've heard now twice \$600 million in bonds--impossible with what we're asking here; cannot be done with a 1-cent levy. So

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that's just...that's wrong. On another thing, we had talked about legally challenged, I've heard that now several times and constitutionally challenged this and that. I am no lawyer, and I respect that. This has been drafted, many of these, by Bill Drafters, other lawyers, other people. There's a lot of different opinions in that. And I do respect Senator White's abilities, but I do think the law, what I know of it is, you know, there's two sides to that story. So just to say, well, this can't be right, if we don't have a public vote it's unconstitutional, is just wrong. I do think we have legal people who have been drafting these amendments that are correct. On another amendment, why I'm getting a little worried, Senator Louden brought up this, and now we have another amendment to the amendment because it was worded wrong. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: Here on...we have amendment FA28 to AM1084 because there is wording, and I don't...I understand that. I don't...doing this in a rush right now, what we're doing, is just...it's hard to swallow right now. So as we look at this, I'm still against this amendment for all the stated reasons prior. But when we throw out it's unconstitutional, it's \$600 million, those are just wrong or could be debated. And thank you again, Senator Haar, for yielding me time so I could correct that. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Thank you, Senator Haar. Senator Rogert, you're recognized. [LB160]

SENATOR ROBERT: Thank you, Mr. President, members of the body. (Laugh) This is getting ridiculous. Okay. FA28 is fine. The previous amendment was different than this amendment and I was in favor of the previous amendment. And I have to oppose this amendment for one simple, specific reason, is this takes out all the other hurdles. This allows what my district has come in opposition about this for the entire time. This would allow the unrelented building, if someone so chooses, of dams in Washington County. This takes away the county's veto power that was in the committee amendment, that was compromised and agreed to upon all parties, and this takes that out. I have no problem saying the people are going to make a vote. But for my purpose, I have to have that county veto power in there to save or stop Douglas and Sarpy County from trying to control their flooding with bridges and with dams in Washington County. So I stand here and tell you that if this amendment passes, the next amendment that will be filed is from me and it will be a bracket, because I can't go on without having that veto power for Washington County. And so we got to talk about what we want to do here on that motion. So with that, that's where I stand. I'll give the rest of my time to Senator White. [LB160]

PRESIDENT SHEEHY: Senator White, you're yielded 3 minutes 20 seconds. [LB160]

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SENATOR WHITE: Thank you. And I wanted to thank Senator Gay. The \$600 million number I used, and I regret to tell you it was what they asked in Revenue two years ago. And my recollection was two years ago, and this is a recollection, not the transcript, but we were assured that's what they had to have to protect the downstream people. They had to have \$600 million. They had to do all these projects. That's when we talked to them in revenue and said, well, what have you done on water management agreements and other kinds of things. So I apologize for the \$600 million. This is a different bill. The other problem I have remains. If you do pass this bill for a bonding item, do you have concerns on whether or not the dams are built in the right place? And what happens to the underlying bond if they're not? I mean, in other words, we pass a bond for \$150 million. The only right place to build the dams are in Washington County. Washington County vetoes this. What do you do? I mean do you go ahead and spend the money? Can you do that? Can they condemn the land even though (inaudible) laws...now you have a collision of laws. The NRDs have the right to condemn land but they say they can't build with the proceeds of the bond. Can they divert all the other money from their stream, use the bonds to do whatever ongoing they're doing and build the dam with nonbond money on the land anyway in Washington County? I mean there are a lot of legitimate issues. And, you know, I'm sure there are excellent lawyers, probably far better than I, that drafted this, but guess what? They drafted the Republican River language too. I mean that's the bitter experience. They do the best they can. They're good, they're competent, but the courts don't always agree with them. Maybe the court is wrong, but it happens. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator White. Members wishing to speak on FA28 to AM1084, we have Senator Gay, followed by Senator Harms, Senator Wallman, Senator Utter, and others. Senator Gay, you're recognized. [LB160]

SENATOR GAY: Thank you, Mr. President. And I'm not going to take too long because I know we're working this and I wanted to hear from others as well. Different bill, I agree, different whole set of circumstances. Senator White brought up some points I just want to address again because, you know, they have legal counsel to decide that as well. Local board would decide that. All those issues would be looked at. Senator Fulton asked me, well, what do you think? I said, you know, Senator Fulton, you're an engineer, and he even said, I'm an engineer but I don't practice in this type of civil engineering or whatever it is. Those questions are well vetted out in the process if they go ahead and do this. The idea that a county...it wouldn't be in Washington County because they can opt out. That was taken care of as well. It can be done. The ideal situation, I don't know exactly where, that's why earlier I had real concerns with Senator Price's amendment to say here's where to put these reservoirs. This will do I don't know. That's why we allow professionals to make those decisions, local elected officials to make those decisions. So I think we're at the point now where we're getting off the public component of it. And I want to get back to should that public have a vote on this. I'm not saying...the public does, when they elected those members. And I've heard,

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well, there's not a lot of representation on rural members in this NRD district. Well, in a way, that's the animal that was created back when these were created. And I know Senator Dierks was with that and things have changed as the growth has occurred, so I understand what he's saying and I wish I could fix that. We can't. The idea now though is the public is being heard when they vote on their elected officials. I've spoken with many of the elected officials on the NRD board and I was involved in the other issues getting up to this point, and I trust those officials, that they're making the right decision. He had talked about all these people are not in agreement, is again I think Douglas County is not in agreement. The city of Omaha is in complete agreement and many others are. So to say a couple people in a group of people is not for it, I've said all along this is not something that everyone...we got 100 percent kumbaya and we're all moving forward. That's not it. This is a very difficult decision. There's a reason it's been brought here today. And the imminent threat is we don't know. But we do know this. When I asked Senator Schilz this morning, did you know 12 to 15 inches was coming? No. I don't think it would be near that, I know it wouldn't, and we'd be in deep trouble. So the idea is preventive and this is the way. Over the past seven years, we've got to this point. I've listened to Senator Loudon now three or four times when he spoke and he's dead on. I think he's heard this more than anyone in this body and we're at the point where this is probably where we're at. These amendments confuse it. You just heard that again from Senator Rogert that this really confuses the situation. I hope we vote down the floor amendment and the amendment and then, if we have concerns on Select File, we can deal with these on Select File. It's a complex issue and we've learned a lot today. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Harms, you're recognized. [LB160]

SENATOR HARMS: Thank you, Mr. President, colleagues. I've listened to this debate now for about a day and I have some major concerns. And one thing that bothers me is when I hear us talking about the fact that a bill comes out of a committee, that we shouldn't really make amendments because, quite frankly, it may make some major changes in that bill. That's what democracy is about. That's what freedom of choice is about. We have the right and the opportunity to change that. And if we don't feel it's right, we should make the changes on this floor. And for us to debate that issue of whether it's right or wrong, it is right, and I can tell you right now if it changes that bill too far, our Speaker is not going to tolerate that 5 minutes. Senator Flood would be down here instantly telling us it's gone too far, we're going to have to do something different. The Speaker, and I've watched Senator Ashford do this, you know, it's time that maybe we have a hearing on this portion of the bill. So we have all the balances in here. And for us to say that we shouldn't do this because it comes out of committee I think is the wrong decision. I don't think we should be saying that. The other side of it is, this is really about the freedom of choice. This is about transparency. Transparency is the best when people can vote. When you go to the ballot...when you go to vote and you take

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your ballot out, it's transparent. You have the opportunity and the freedom to vote what you want. And I don't think we should be allowing people to make decision for us. I think the public needs to have that opportunity to vote. I think it's wrong when we don't do that. I think it gets rid of transparency. And that's what government is about. That's what democracy is about. It's a freedom of choice, the opportunity to vote for what we think is right or what we think is wrong. And I'll tell you what, when you look at the NRDs across the state of Nebraska, they're loaded with special interest groups. I'm just here to tell you, I have real concerns about the makeup of many NRDs. They do not make the right decisions because it has a negative impact upon them. They don't make the decision sometimes about water because you know why? It has an impact on their neighbor. So if you want transparency and you want dams built, then my feelings are you got to give the people the opportunity to vote. Because I think it's wrong. I would be offended with not having an opportunity to vote. So whether it's AM1084 or whatever amendment we have, I don't think we want to lose sight here about people not having the opportunity to vote. I think it's wrong. I know that Senator White has a bill that's coming up that's on transparency. This is what this is about. Voters are not stupid. If you give voters the opportunity to vote, you tell the story right, they know the danger, they will make the right decisions. So please, colleagues, as we look at this, keep in mind what this is about. It's about democracy. It's about the freedom of choice. It's about making the right decisions. And I don't know if I want a board doing that for me when it's going to cost me millions of dollars. I don't know if I want people to make that decision for me because they have special interest that they may benefit in some form or manner from this. I don't think I want people to make...or a board to make that decision in regard to what my future is. What happens, just as we talked about earlier here and I listened to the debate, they go away, the NRDs go away? Or what happens if they can't make that payment? I think that's up to the taxpayers. And we can always go back and say to our...to people who voted us, this was your choice; you had the right and the opportunity. So I would urge you to think about this. Keep in focus what this is about. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR HARMS: Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Wallman, you're recognized. [LB160]

SENATOR WALLMAN: Thank you, Senator Harms. Thank you, Senator Harms, very well spoken. And if this legislative body, since I've been in here, I would give us a C- as far as local control. LB701 passed in this body; assessments passed out of this body, not by local school districts; all kinds of stuff we've done in here just in this body. Does that bother me? Sure, it does. Did I vote against most of this stuff? Yes, I did, because we are in here to set some policies and guidelines, but not to spend our local people's

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money. If this is so doggone good, the NRDs ought to have a plan, sell it to the people, sell it to the farmers, and reimburse the farmers a decent price. Figure it out. Get the people on board. Do some work. Senator Harms is very correct in the NRDs being influenced by irrigators. One person in the Middle Republican told me he was afraid to go to church because he wanted to shut some irrigation wells off. That's in the Republican River Basin. You don't have to kill vegetation; shut off wells. We talk about this and this and this. It's about using up our natural resources and taking care of our natural resources. Will floods damage property? Sure. Go to San Antonio. They use floods as a pride mark in the buildings, how high the water has been; build the buildings so they'll take a flood. Build your house so it will take a flood. If you want to build in a flood plain, that is your choice. If they expanded the flood plain, that's too bad. It happens. So that was your choice to build in a valley, beautiful valley, beautiful scenery. It can be taken out by a flood. North Dakota people, I heard mention about North Dakota, those reservoirs were full. They should have seen this snow melt coming with the rain, but the reservoirs were full. If you have reservoirs full, that's not flood control. And I would like to ask Senator Christensen a question, if he would. [LB160]

PRESIDENT SHEEHY: Senator Christensen, would you yield to Senator Wallman? [LB160]

SENATOR CHRISTENSEN: Yes. [LB160]

SENATOR WALLMAN: Was the bonding authority working with you on LB701? [LB160]

SENATOR CHRISTENSEN: What's that now? [LB160]

SENATOR WALLMAN: Were the bonding companies working with you? [LB160]

SENATOR CHRISTENSEN: Yeah, we worked with them. [LB160]

SENATOR WALLMAN: Okay. Thank you. That's all, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Additional members requesting to speak are Senator Utter, followed by Senator Carlson, Senator Howard, Senator Langemeier, and others. Senator Utter, you're recognized. [LB160]

SENATOR UTTER: Thank you, Mr. President, members of the body. I'm just going to take a minute. I wanted to express my support for AM1084 and the floor amendment to that. I think it's an important part of this piece of legislation and I don't think we should stray far from allowing the people to express their opinions, particularly with regard to general obligation issues. I think we're...even though that this is a specific NRD that we're talking about, it seems to me like this is just the beginning of exceptions that we may be asked for in future years to continue the bonding authority to other NRDs, and I

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think it's just extremely important that the voters get a chance to weigh in on this. I thank Senator Hadley for his amendment. Senator Harms, I appreciate your remarks and I think that we should support AM1084, FA28. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Utter. Senator Carlson, you're recognized. [LB160]

SENATOR CARLSON: Mr. President and members of the Legislature, I'm going to yield my time to Senator McCoy. [LB160]

PRESIDENT SHEEHY: Senator McCoy, you're yielded 4 minutes 45 seconds. [LB160]

SENATOR McCOY: Thank you, Mr. President and Senator Carlson. I'd like to talk about, for a minute if I could, now where we're at in this process--and I think we've had some fantastic discussion this afternoon and I think it brings up some good points--all the parties involved of where we're at and what we're intending to accomplish. And I think it'd almost become frustrating at times as we try to ascertain what we're trying to accomplish here and what the parties involved are worried about and concerned about, and I think that's been a little bit of a moving target--and I think we've even seen that today--where exactly we're going. I stand in support of FA28 to...and AM1084, and I think it helps with some clarifications of where we're going. I think it's important, though, one, that we give a voice and a vote of the people, but also that we provide some backup securities as well, and I think that's part of this discussion. And I think Senator Rogert brings up a concern that we may need to address. And I think that that probably bears some discussion and I would yield the remainder of my time to Senator Rogert, if he'd so wish. [LB160]

PRESIDENT SHEEHY: Senator, I have to...the time cannot be transferred beyond. [LB160]

SENATOR McCOY: I apologize. With that, thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Senator Howard, you're recognized. [LB160]

SENATOR HOWARD: Thank you, Mr. President and members of the body. And thank you, Senator Harms. I think you've started a much needed movement. Earlier this session, it seems like decades ago now, this body gave taxing authority to city councils and we're now being asked to give bonding authority to NRDs. I believe we're walking down the wrong and a dangerous road. When the Legislature takes away the right of the voter on an issue that costs them money through taxation, they are not being represented. I believe in the public's right to vote, especially on issues that will cost them money. People have the right and the responsibility to express their feelings on

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this issue through their rights at the polling place. I am very concerned that we are giving entities, i.e., the city council and now we're looking at giving the NRDs, the people's right to decide, through their vote, issues that directly impact their lives and their incomes. Thank you, Mr. President. I would like to offer the remainder of whatever time I have to Senator Lautenbaugh. [LB160]

PRESIDENT SHEEHY: Senator Lautenbaugh, 3 minutes 45 seconds. [LB160]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Howard. I do want to be clear because we have a lot of competing principles at work here. I'm not going to stand here and say you shouldn't try to dramatically alter a committee amendment. I don't think that's necessarily a principle in all cases. I don't think that's the issue here really. Local control, we all have varying amounts of deference to, depending on what we're talking about, and it comes and goes. That's not really the issue here either. The problem we have is this is a very contentious issue that comes back...has been coming back for years and years, and in the committee amendment there were specific protections for smaller counties that are within a large...an SI...not an SID, excuse me, an NRD that has larger counties. This is direct protection for Washington County, in my district. If this amendment passes...I'm speaking in favor of the floor amendment which improves the amendment, but against the underlying amendment, AM1084, if you will. If this amendment passes, it sweeps away the protections that were negotiated for smaller counties. The Papio NRD is a unique animal in that in the rest of Nebraska I think a lot of you are a lot more familiar with who's on your NRD and how it functions, because of the nature of the issues they handle, than in the metropolitan area. The NRDs can function, in the Papio at least, with a certain amount of anonymity. That's why we're looking at putting these additional controls, in my mind. One of the reasons is to make sure that the local officials, who are actually known to the local voters, will be involved in the process. The protections in the committee amendment are very important to Washington County. I'm all for letting people vote on things generally, and there may be a mechanism whereby after a county board says grace over it we can have a vote of the people. I think that's already in the committee amendment above a certain level, if memory serves me. But this amendment strips away vital protections and if this amendment passes I cannot support this bill and I have to work to make sure this bill doesn't pass. So I'd urge you to vote against my friend Senator Hadley's amendment for that reason in this circumstance. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. We have Senator Langemeier, followed by Senator McCoy, Senator Lautenbaugh, Senator Price. Senator Langemeier, you're recognized. [LB160]

SENATOR LANGEMEIER: Mr. President and members of the body, I've had a number of you talk about the committee amendment which came out of committee, and it did,

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and a lot of you have talked about maybe recommitting this back to committee. Well, I can tell you, you can recommit this back to Natural Resources Committee and the (laugh) results will be the same. You're not going to bring these two sides together. I've learned that over the last three years and this year, as Chairman. So I, again, I think FA28 needs to be adopted to AM1084, and I'm not sure I like AM1084 all that well. But at the end of the day, we all have to decide on this round of debate, is do you want Papio NRD to have bonding authority? And if you do, we're going to advance this bill and we're going to move it to Select File. And in between Select File, you're going to put me, as committee Chair, back to herding these cats to try and come up with the proper way to do it. Someway, somehow we'll figure out a way to make this feasibly acceptable to the majority, not to everybody because, as we learn in this body, that will never happen. But at the end of the day, if you really think Papio NRD should have bonding, with LB160 somehow amended to Select File, you're going to move it forward off of General File. But if we're just going to sit here and argue about how it's going to be done, how it's going to be done, I've been tempted to throw a bracket motion up there to see if there's enough votes to even move this. Last year it came out of committee 8-0 and only got 6 votes to advance, so we'll...and, granted, this is a much different bill and I think with the committee amendment it's a better bill than what we've had in the past. But if the body feels that the Papio NRD needs to have bonding authority, we're going to advance this bill and then we're going to have the opportunity to, as best we can, come up with some solution before Select File to figure out the proper way to do it. Now myself, don't believe in giving this authority so I'm going to vote no now and not advance it, and so I'd give you that line of thinking to think on tonight because, obviously, we're not going to move it today. So we're going to have more time to discuss this. But the first issue here is, do you want to give bonding authority? The second issue is how we're going to do it and is it going to be a vote of the people, it is going to be supermajorities or whatnot? First thing you got to get over is do you want to give them authority and I stand in opposition to give them authority. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator McCoy, you're recognized. [LB160]

SENATOR McCOY: Thank you, Mr. President. As I had mentioned earlier, I stand in support of FA28, also AM1084, and I would yield the balance of my time to Senator Rogert, if he would wish. [LB160]

PRESIDENT SHEEHY: Senator Rogert, 4 minutes 45 seconds. [LB160]

SENATOR ROGERT: Thank you, Senator McCoy. Thank you, Mr. President. Well, here we go. We're getting ready to adjourn for the day, I believe, so I want to continue to talk about what this does and why I'm not for the full amendment, AM1084. I've got no problem if the body here decides that we should go to the people to decide on bonding.

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Bonding that is started through schools and counties and cities, all those have to go to a vote of the people. Should this as well? If that's what we decide then that's the way it should be. As Senator Lautenbaugh just mentioned again and I mentioned earlier, the committee amendment had many aspects that were negotiated on both sides of this issue and we came to an agreement that would protect the small counties that lie within the Papio-Missouri NRD. Because there is such a large population base in Douglas and Sarpy County, counties of Burt, Thurston, Dakota, Washington are at a serious disadvantage when it comes to the vote of the people. If the NRD decides that they want to build 27 dams in Washington County and they get a vote of the people and they say, well, you can either build them here or we can build them somewhere in metro Omaha, well, Omaha is going to go, well, why wouldn't we want to build in Washington County, that sounds like a better deal to me, and they're going to get built. They've never said they were going to do that to me. I don't believe that they will, but they could. The committee amendment had a provision in it that allowed veto power by those counties for a project that was over 20 acres of water if they so choose. This AM1084 would strike that provision that we agreed to on both sides. That is why I'm in opposition to AM1084, specifically for that. Is it possible to say that we can have the counties, within their zoning jurisdiction, still have veto power before it goes to a vote of the people? I think so. And if we were able to do that, I would be back in support of the vote of the people portion of this bill. So that's where we stand with that. I want you to consider that pretty heavily as you vote here, if we get to it or whenever we get to it. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Rogert. Mr. Clerk, you have items for the record. [LB160]

CLERK: Mr. President, I do. Your Committee on Enrollment and Review reports they've examined and reviewed LB162 and LB495, LB622, all those reported to Select File, some of which have Enrollment and Review amendments attached. New resolution, LR87 by Senator Karpisek; that will be laid over. (Legislative Journal pages 1048-1049.) [LB162 LB495 LB622 LR87]

And, Mr. President, I do have a priority motion. Senator Utter would move to adjourn the body until Thursday morning, April 16, at 9:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, April 16, 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.

SPEAKER FLOOD: Members, if you could please find your seats in advance of our Nebraska Association of Former Senators Legislative Day Recognition Ceremony in the George W. Norris Legislative Chamber. Members, please find your seats. Members, welcome to the George W. Norris Legislative Chamber. It is an honor to host the Senators Recognition Ceremony. One small scheduling note as it relates to tomorrow's

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agenda, we will be taking up consent calendar on the agenda tomorrow and will not be returning to LB160 first thing in the morning. The agenda will be out shortly. We'd like to welcome all those former members that have chosen to join us today in the Chamber. We'd like to call your attention to the beautifully remodeled ceiling, our washed down bricks, and our good-looking seats that have been refurbished over the summer, thanks in part to a great cooperation we have with the Nebraska Capitol Commission. At this time, I would invite senators, former members of the Legislature to proceed to the front aisle when your name is called. I would ask that members hold your applause until all of the former members have been recognized. With that, we will begin with Senator Carroll Burling of Kenesaw. Senator Burling, would you please proceed forward? Senator Burling served from 2001 to 2009. Senator George Burrows is with us today. Senator Burrows is from Adams, Nebraska. He served in the Nebraska Legislature from 1975 to 1983. Senator Jeanne Combs Pence from Milligan, Senator Combs Pence served in the Legislature from 2003 to 2007. Senator Jim Cudaback from Riverdale, whose seat I am sitting in right now, served in the Legislature (laughter) from 1991 to 2007. Welcome back, Senator Cudaback. From Laurel, Nebraska, Senator Robert Dickey. Senator Dickey served from 1999 to 2001. Senator Bill Harris of Lincoln, Senator Harris served from 1983 to 1987. Senator Elroy Hefner of Coleridge, Senator Hefner served from 1976 to 1993. Senator Carol Hudkins, Senator Hudkins is from Malcolm. She served from 1993 to 2009. Senator Ray Janssen of Nickerson, Senator Janssen served from 1993 to 2009. Senator Pam Brown, Senator Brown is from Omaha. She served from 1994 to 2006. Senator Jim Jensen, Senator Jensen is from Omaha. He served from 1995 to 2007. Senator Joel Johnson, Senator Johnson, also known as Dr. Johnson, is from Kearney. He served from 2002 to 2009. Senator Jim Jones, Senator Jones is from Eddyville. He served from 1993 to 2005. Senator Gail Kopplin of Gretna, Senator Kopplin served from 2005 to 2009. Senator Bob Kremer, Senator Kremer is from Aurora. He served from 1999 to 2007. Senator Lowen Kruse of Omaha, Senator Kruse served from 2001 to 2009. Senator Howard Lamb is here today. Senator Lamb is from Anselmo. He served from 1977 to 1993. Senator Arlene Nelson of Grand Island is here. Senator Nelson served from 1985 to 1993. Senator Carol Pirsch is here. It says here, Senator Pirsch, that you represented Fremont (laughter) but we'll make that Omaha. Senator Pirsch is also here to keep an eye on her son, Senator Pete Pirsch; 1979 to 1997 she served. Senator Dennis Rasmussen of Lincoln, Senator Rasmussen served from 1973 to 1979. It's a great honor to welcome Senator DiAnna Schimek of Lincoln. Senator Schimek served from 1989 to 2009. Senator Jerry Schmitt from Ord, Nebraska, served from 1993 to 2001. The current president of the Nebraska Association of Former State Legislators is Senator Sandra Scofield of Lincoln. Senator Scofield served from 1983 to 1990. Thank you for your service to the association. Senator Jerry Stromer, who now lives in Arlington, Virginia, represented Kearney and the Kearney area from 1971 to 1975. Senator Elaine Stuhr, Senator Stuhr is from Bradshaw. She served in the Legislature from 1995 to 2007. Welcome back, Elaine. Senator Merle Von Minden, Senator Von Minden is from Allen. He served from 1981 to 1985. Senator Donald Wagner of Ord, Senator Wagner served from 1979 to 1985. Senator Roger Wehrbein of

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Plattsmouth, Senator Wehrbein served from 1987 to 2007. Are there any former members that have not been introduced in the Chamber today? On behalf of the entire Nebraska Legislature, on behalf of your Clerk and everybody, thank you for your service. (Applause) The Clerk of the Legislature has graciously agreed to buy you all dinner tonight. (Laughter) In all seriousness, though, thank you for your service to your state. Thank you for coming back today. We wish you all the best. That concludes today's program.