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Floor Debate
April 02, 2014

[LB93 LB96 LB191 LB251 LB276A LB276 LB359A LB359 LB383A LB383 LB390 LB402
LB464A LB505 LB517 LB522 LB558 LB559A LB560 LB560A LB565 LB660A LB660
LB671 LB693 LB699 LB700 LB701 LB725A LB725 LB735 LB737 LB750 LB751
LB751A LB765 LB780 LB788 LB792 LB798 LB799 LB814 LB814A LB816 LB828
LB836 LB853 LB853A LB867A LB867 LB876 LB887 LB901 LB901A LB916 LB920A
LB920 LB930 LB937 LB946 LB961 LB964 LB965 LB967A LB967 LB974A LB974
LB976 LB986A LB986 LB987 LB987A LB989 LB997 LB1001 LB1008 LB1012 LB1039
LB1042 LB1042A LB1044 LB1050 LB1072 LB1074 LB1087 LB1087A LB1089 LB1098
LB1098A LB1103 LB1114 LB1114A LR440 LR608 LR609 LR610 LR611 LR612 LR613
LR614]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the fifty-fourth day of the One Hundred Third Legislature, Second Session. Our chaplain today is Pastor Coral Parmenter of the Wisner United Methodist Church of Christ in Wisner, Nebraska, Senator Brasch's district. Please rise.

PASTOR PARMENTER: (Prayer offered.)

SENATOR GLOOR: Thank you, Pastor Parmenter. I call to order the fifty-fourth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

SENATOR GLOOR: Are there any messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB558, LB693, LB701, LB735, LB737, LB750, LB765, LB780, LB792, LB798, LB816, LB828, LB876, LB930, LB937, LB964, LB989, LB997, LB1008, LB1039, LB1044, LB1050, LB1072, and LB1089 as correctly engrossed. Banking, Commerce and Insurance Committee, chaired by Senator Gloor, reports LB505 to General File with amendments. And Banking Committee also reports LR440 back to the Legislature for further consideration. That's all that I have, Mr. President. (Legislative Journal pages 1341-1345.) [LB558 LB693 LB701 LB735 LB737 LB750 LB765 LB780 LB792 LB798 LB816 LB828 LB876 LB930 LB937 LB964 LB989 LB997 LB1008 LB1039 LB1044 LB1050 LB1072 LB1089 LB505 LR440]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR: Thank you, Mr. Clerk. We now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, Senator Nordquist offers LB276A. (Read title.) [LB276A]

SENATOR GLOOR: Senator Nordquist, you're recognized to open. [LB276A]

SENATOR NORDQUIST: Thank you, Mr. President. LB276A appropriates funds. This is the bill that we talked about on General File that's now on Select related to the Medicaid in Public Schools Program and expanding the services that our schools can claim Medicaid reimbursement for. The essence of the A bill fiscal note is for one additional staff at the Department of Health and Human Services to submit the state plan amendment, revised rules, clarify definitions for new providers, and assist schools with licensing and claims submittal. There will be an amendment to the bill on Select File and then an amendment to the A bill that will address the additional General Funds that the fiscal note currently says is needed. But right now, we're looking mainly at appropriations for the staffing, one additional person, at Health and Human Services. Thank you. [LB276A]

SENATOR GLOOR: Members, you've heard the opening. Are there senators wishing to be recognized? Seeing none, Senator Nordquist waives closing. The question is the advancement of LB276A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB276A]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB276A. [LB276A]

SENATOR GLOOR: The bill advances. Mr. Clerk. [LB276A]

CLERK: Mr. President, the next item. Senator Chambers would move that LB671 become law notwithstanding the objections of the Governor. [LB671]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open on your motion. [LB671]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this bill, when it was on Final Reading, ran into what might be called a speed bump, and I didn't say anything on the bill at that time except in response to questions. But on this morning, it's a different set of circumstances. The bill is in a different posture and there are things that I need to get into the record. Since it's a motion to override, I may need more time than I will have. So if there are people who support the override motion and I run out of time, I hope that they will offer some to me. I'm going to give some context, first of all. I wanted to hand information around to the members to let them know about

Floor Debate
April 02, 2014

the original bill that carried the authorization to hunt for these mountain lions. I had said repeatedly that the bill had very little to do with hunting when the debate occurred. If you look at the transcript, which I gave you, you will see that Senator Loudon, who offered the bill, opened and closed and there was no debate at all on the portion of the bill that related to the mountain lion hunting. The bulk of the bill, the vast majority of it, dealt with that deer meat donation program. It established a fund and laid out the details for it, and that's what the bill was discussed on the basis of. The A bill dealt with the funding and the other ramifications of that deer donation program. Nothing at all in the A bill pertained to hunting mountain lions. So when the Governor and others talk about there having been a unanimous vote for that bill, the vote was carried by that deer donation program. In fact, there were four people, which included the introducer of the amendment that put it on the bill, who discussed the deer donation program. That was the bulk of the discussion. The transcript will bear it out, and I gave you that so that I won't have to try to paraphrase it. I also included a copy of the bill itself, as found in the session laws, so you will see what that bill contained. All you have to do is glance at it and see the small percentage of the bill which dealt with the mountain lion hunting, and the vast majority of the bill itself dealt with the deer donation program. I will touch briefly on what the Governor wrote in his veto message, when he gave two reasons, and if neither reason holds up there really was no basis for the veto, but there was a basis which was not stated in the veto message. There are people who have been around long enough to know that Governor Heineman and I don't see eye to eye on many things. He's going out the door, so to speak, and this would be the last opportunity to take a hard hit at me. I let everybody know what my intentions were with this bill. I don't apply words like "honorable" and so forth to myself, but in this instance I'm going to use it. Everything that I've done on this bill was honorable. Everything was open and aboveboard. I made crystal-clear what my concerns were, the steps that I would take to see that the bill had a chance to be passed into law so that there would be a repeal of the authority granted to Game and Parks to set mountain lion hunting seasons. I talked to two of the people who were offering legislation to provide funding for Game and Parks. During our discussions, they knew that I had stated I would fight against everything that was offered which would in any way benefit Game and Parks. I told them that if this bill were enacted, I'd have no interest in "going after" Game and Parks in any way. The bill moved off General File. Senator Avery's LB814, which contained some funding for Game and Parks, came before us. I did not attempt to harm that bill. In fact, the only question I asked was a clarifying question and it was based on the notion that the bill did not raise any additional sales tax money. The sales tax money that was going to be diverted to Game and Parks was coming in anyway. It was just an idea of taking it from one pocket in the state's britches and putting it in a different pocket. When the budget came up, there was funding for Game and Parks. Game and Parks, in that budget bill, was what could be called low-hanging fruit. But an agreement, in my opinion and the way I view my entering an agreement, is binding. I told Senator Hadley and I told Senator Avery that when outside forces over which they had no control changed the nature of how my bill was being dealt with, I could not hold them accountable for that by

Floor Debate
April 02, 2014

any stretch. So the arrangement that we had entered into I felt was binding on me, and I delivered and I stuck by that. On the bills and also when the budget bill came up, I didn't touch or try to go after anything pertaining to Game and Parks. When the override came, I supported the override. I didn't try to move anything out of the package submitted to us by the Appropriations Committee. That's by way of background, because not everybody would be aware of it. And certainly the public, who are not privy to our discussions on the floor and sometimes don't even pay attention to what we say during debate, this information will be in the transcript and people will know what is there. I believe in being aboveboard and that's what I've been on this bill. The two reasons that the Governor gave, paraphrasing, is first it may be unconstitutional based on that gun...of that hunting, fishing...I think that's the one he used. Let me look at his message so I won't misstate the Governor. Okay, the hunting and fishing amendment to the constitution, and he did correctly state some phraseology from that amendment. He did state that the amendment said, hunting, fishing, trapping is a preferred method of management. The word "a," that letter "a" is known in grammar as an indefinite article. There are two of those in the English language, "a" and "an," a-n. Indefinite means that there is an absence of exactitude and preciseness. There is no particular or singularity when that word is used. When it is applied, to anything that follows it means that this which follows may be one of many but it is not exclusive. That constitutional amendment does not use the definite article "the." The constitutional amendment does not say hunting is the preferred method. There are many methods available. If what the Governor is writing is true, then people can go on out here and start shooting sandhill cranes. There is no court in the land which would take from the Legislature the power to legislate on any matter pertaining to the state and the public interest. Since the Legislature is governed by a constitution which restricts the Legislature, if there is not... [LB671 LB814]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: ...a clear, unambiguous restriction stated, there will be no taking away the power of the Legislature to legislate on an issue by way of implication or interpretation, and that amendment definitely does not take from the Legislature the power to do what was done in this bill. And the Governor did hedge his bets by acknowledging that there's been no case that determined that what he's saying is so. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers. (Visitors introduced.) Members, you've heard the opening on the motion to override. We now move to floor debate. Senators in the queue: Kolowski, Krist, Lathrop, Avery, Garrett, and others. Senator Kolowski. [LB671]

SENATOR KOLOWSKI: Thank you, Mr. President. Good morning, Senators. I support this override by Senator Chambers and I yield the remainder of my time to Senator

Floor Debate
April 02, 2014

Chambers at this time. Thank you. [LB671]

SENATOR GLOOR: Senator Chambers, 4 minutes 50 seconds. [LB671]

SENATOR CHAMBERS: Thank you, Senator Kolowski. Thank you, Mr. President. One other item I have to make crystal-clear: This is my priority bill. When I take something as a priority, I'm willing to put a lot into it, and I put a lot into this bill. I ordinarily would prioritize my bill to abolish the death penalty. It would have been foolish for me to do it because, first of all, there would not have been enough votes to overcome a filibuster. Secondly, there's not going to be an execution in Nebraska for an indeterminate time into the future, because the drugs that were used to carry out the lethal injection have been taken away from the state. No more of that drug will be available in this country for use in executions. The Attorney General currently is running for office and has no interest whatsoever in pursuing any death penalty case, and no case of any man on death row right now is in a posture where execution is imminent. So I took this bill and I've handed out a picture so that you can see it. Some people think that the term "lover of animals" somehow is stigmatizing. Well, I do love animals, four-footed animals, two-footed animals, and no-footed animals, which includes the snakes, all living things. That's one thing that the person with "Saint" in front of his name, Saint Francis of Assisi, have in common. The current Pope, who named himself after Saint Francis of Assisi, has that in common with me, and I can say with me because I'm older than he. Also, Saint Francis preached to wildlife. He referred to animals as his brothers and his sisters. So the notion that somebody cares enough for a species that is native to this state to do everything possible to prevent the extermination of that species, I being that person, accept any stigmatism, any condemnation, any criticism that will attach to me for undertaking to do this. Wildlife does not belong to the people who live in a certain area. Wildlife does not belong to the person across whose property it may move. Wildlife belongs to the sovereign. Wildlife belongs to the king. And when they start trying to make people who go to law school understand property rights, they like to try to go to the beginning, so they start talking about wildlife. These mountain lions don't belong to Game and Parks. They do not belong to the hunters. They belong to the people of this state, and beyond the people of this state they belong to ecology, they belong to nature. And when you do away with a predator at the top of the food chain, you disrupt the entire ecology. Coyotes, wildcats, and every manner of what is called varmint will be kept in check by the mere presence of that top predator. The elk, the deer populations are managed by having that predator at the top of the food chain. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: Mountain lions are self-regulating. They are reclusive. They are solitary. They don't hang out in prides as African lions do. And when there's an alpha male mountain lion, you will not have adolescent or younger mountain lions because that alpha male patrols that territory, and you will have fewer mountain lions

Floor Debate
April 02, 2014

when that alpha male is there. When that male is killed, then the young lions come into the area because they want the female. So there are several things that need to be discussed this morning, and I'm going to try to get to them as I'm able. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers. (Doctor of the day introduced.) Continuing with floor debate, Senator Krist, you're recognized. [LB671]

SENATOR KRIST: Good morning. Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. And I will intend on speaking at least twice on this issue, first time and both times yielding the balance of my time, what is left, to Senator Chambers. Why? Well, because sometime in the summer a few years ago I was called down by a group of influential businessmen in the Omaha area and they talked to me about donating game to our needy around town and setting up a structure in which to do that. I did know that Senator Tony Fulton had worked on this issue a few years before. And I told them I would take that information back and between Senator Fulton and I we would explore the options and see what we could do, emulating, if you will, two programs, one in the state of Iowa, which is the closest that provides the same game feed type arrangements to the needy. I brought the information back. I sat down with Senator Fulton, who was committed. As many of you know, he was the senator who led our sportsmen events while he was here. He was committed to this process. I helped, assisted, sat in meetings, but Senator Fulton took over the lead and we worked together to try to find someplace to put it because it had happened at a time when it needed to be attached. Imagine that. We're going through that right now this year trying to put good things where they need to be to be passed. Senator Chambers is right. The mountain lion bill, which Senator Louden had on General File at the time, was not sailing through. It was not clear that it was going to be a gimme that that was going to be passed. But attaching the other effort to it almost guaranteed its success. I say almost because you know nothing is for sure, particularly in this body. But I think it's important that you understand the historical perspective, and I haven't been here that long but I've been here long enough to share some history with you today and that is true, I don't know that it would have passed through. Now why am I going to vote for this override? I'll tell you very clearly. And why did I vote for the bill to begin with? Tell you very clearly, the information that was given to me by the people who are supposed to maintain the number of what I would consider to be on the verge of endangered species during the debate on Senator Louden's bill, which Senator Fulton attached an amendment to, and the numbers that I was given this year are vastly different. I don't know how anyone would say that there's a plethora of this species in Nebraska with the numbers being 20 or less, and arguably plus or minus 20, I'll give you 5, let's say 25 or less. I'm reminded of what happened with the big horn and how a disease with the animal species, along with a continued hunting season, caused us this year, if you remember just a few weeks ago, to be transplanting big horn back into Nebraska to try to get our herd back up to where it might be. I'm not a person that believes that every

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

year we need to change legislation, but I am a person who believes at this point that this particular species is not being managed very well, and we have seen a series of events that points to that, in that direction. I would hope that you would... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR KRIST: Senator Chambers, I'm sorry. I'm going to finish this time but I will definitely give you some next. I would hope that you would consider the numbers that were given to us three years ago, the numbers that were given to us this year, and consider that the fact of the matter is we changed a piece...we changed our whole approach to this species based upon the numbers that were given to us and the extenuating factor that we had to or we thought we had to feed our population and afford hunters to donate game to that event or to that effort. Thank you for that consideration and I will talk to you in a bit. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Krist. Senator Lathrop, you're recognized. [LB671]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I support the motion to override and I'll yield the balance of my time to Senator Chambers. [LB671]

SENATOR GLOOR: Senator Chambers, 4 minutes 40 seconds. [LB671]

SENATOR CHAMBERS: Thank you, Senator Lathrop. Thank you, Mr. President. What Senator Krist said, in very gentlemanly terms, is that they were given false information. And that bill would not have passed. And the reason I know it, some people who were in the Legislature at that time said so. But if I just said it, you could say that I'm conveniently attributing things to people who are no longer here. But now you heard it from a senator who was instrumental in putting that information into the bill that made it possible for it to pass. I'm going to have handed around...I turned on the light for the page but nobody has responded yet. Oh, thank you. I'll tell you why I'm handing some of these things around. I see the "Colonel" looking at me very closely, and I'm glad. I believe in being honest. Some people call it painfully so, some people say unwisely so, and some people say it borders on being rude. But I don't want to be misunderstood and I don't want my words to be misconstrued in terms of my intentions. I'm handing around a copy of the front cover of a Game and Parks publication. And I get it every month, but because this matter was pending before the Legislature, that particular issue, the cover of which I'm giving you, I did not get and no Senator has told me that he or she received it. Now if you all got it, then it was deliberately withheld from me. But if you turn to the other page, you will see prominently featured--and in the magazine it covered two pages, it went across the dividing line--a mountain lion, a cougar, a catamount, a puma, a panther, and not condemning this animal or portraying it as a threat but showing the very positive impact of having what I would call this alpha

Floor Debate
April 02, 2014

predator reestablished in Nebraska. The article talks about how the reintroduction of wolves into Yellowstone Park not only dispersed the elk and deer herds which were collecting around streams and eating the little shoots that would grow into trees. And three species of trees were about to become extinct in Yellowstone because the elk and the deer were trampling them down and they could not grow. The streams, because there were no roots from those trees holding the banks, began to change their course. This is in Yellowstone. When the wolves were reintroduced, all of that changed, not because the wolves were killing a lot of elk but the elk are not stupid. They knew when they were in that marshy land where there were a lot of trees that they were easy targets for the wolves, because not only would they not see the wolf, they did not have the open country to run through... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: ...and escape. So the mere presence of the wolf caused the elk to leave that area, go to the open area so they could see the wolves, then have a chance to run away. And those three tree types have now begun to grow. So the presence of that predator not only keep in check the other four-footed critters but it helps the vegetation. It helps everything. Nature did create a balance that is delicate and interrelated, interconnected. And when you pull one of those pieces out, then things go haywire in ways that are unintended, unimagined. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Kolowski. Senator Avery, you're recognized. [LB671]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I intend to vote for this motion to override. Senator Chambers and I have had numerous conversations about this bill and about other bills of interest to me and to him, specifically LB814 and the need for funding Game and Parks to help with the deferred maintenance issue. But I, despite the fact that he and I are working together on this bill and my Game and Parks bill, I would be in support of this override motion anyway, because I have looked at the material that has been accumulating in the file that I keep on this issue. And I understand the points of view that people who want to have an open season on mountain lions. I understand their arguments. But I am impressed with the scientific evidence that accompanies this discussion. The fact is that mountain lions in Nebraska, at one time they were native to the region and they were very prominent, large in number. And then, because of a number of things, not the least of which was hunting, they became nearly extinct and you could not find a mountain lion in Nebraska. But because of a number of factors, including the dwindling habitat in surrounding states, particularly western states, they started migrating this way again. And now they are just emerging from near extinction in our state. So the question for me is, why would we want an open killing season on these animals? Just when they're getting reestablished and recolonized, why would we want to do that? I guess the argument

Floor Debate
April 02, 2014

that I've heard most in here is they're overpopulated, that they're a threat to our livestock and threat to human beings. There is no evidence that I've been able to see in any of this literature that they are a threat to human beings. They see us as a threat to them and, of course, we are a threat to them. The Game and Parks Commission has conducted scientific surveys of the state to see if we have any mountain lions. The answer is yes. Then the next question was, how many? And they have concluded that somewhere around 20 to 25, and this is based on scat examination, it's based upon DNA evidence and physical evidence, cameras, photographs, things of that sort. This has led me to the conclusion that the population is too small to be hunted. Hunting of such a small population is rejected by nearly all of the scientists who study wildlife and particularly big game. So we're not really talking about management here, because if it were management we would not be killing animals of such a small number. [LB671 LB814]

SENATOR GLOOR: One minute. [LB671]

SENATOR AVERY: Excuse me, Mr. President? Was that one minute? [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR AVERY: Thank you. I would tell you that there are a number of scientists who believe from their own scientific observations that, and Senator Chambers just addressed this, that when the male, the dominant male, usually a mature male, when they die you are very likely going to have an introduction of more teenage cougars coming into the area that is increasing the population and likely, instead of managing the population, you're going to actually contribute to an increase in the population. So if you see these mountain lions as a threat and a danger, then killing the mature male is not the way to go about it. [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR AVERY: Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Avery. Senators in the queue: Garrett, Chambers, Davis, McCoy, Pirsch, Bloomfield, and others. Senator Garrett, you're recognized. [LB671]

SENATOR GARRETT: Thank you, Mr. President, members of the body. Good morning, Nebraska. I rise not to support the override of the Governor, of the Governor's veto. It pains me to do that because I understand Senator Chambers' passion about this. In my short time in the Legislature, I've seen his passion for the mountain lion issue. I've also seen Senator Bloomfield's feelings about Game and Parks Commission and some of the things they're doing, taking ag land out of production and purchasing it. The reason I

Floor Debate
April 02, 2014

rise, I'm opposed to overriding the veto, is that we have a saying back in the military: You could give us a hard job to do, but once you've given us that hard job don't tell us how to suck eggs. And that's essentially what my position is here, is that we have a Parks and Game Commission for a reason. Those are the experts. Let them do their jobs. And if they're not doing their jobs, let's hold them accountable. We possess the checkbook that funds them. If they're not doing their job, let's...we know how to make it hurt. And we talked about scientific evidence. I've seen no scientific evidence that we've got an overabundance of mountain lions. I hear my fellow senators telling me that the reason Game and Parks Commission had a hunting season was to use it as a method of raising money. If that's the case, then they're not doing their job. We have got to hold them accountable. If we don't have the scientific evidence, I half-jokingly said, hey, maybe we ought to issue hunting licenses for dart guns and let hunters hunt them with dart guns and let's tag them and track them and find out how many there really are. My wife always gets on me for mentioning TV shows, but back when I was younger I used to watch Mutual of Omaha's Wild Kingdom and Marlin Perkins, you know, out there bagging, darting animals and then tagging them, you know, for scientific research and tracking them and things. So I don't know what the answer is there but I really don't think we ought to be trying to do Game and Parks Commission's job. Let the experts do it. If they're not doing it, let's hold them accountable. I'm amazed at how this legislative body keeps taking on more and more responsibility wanting to manage things. Let's let the experts in Parks and Games Commission do their thing. And I yield the balance of my time to Senator Chambers. [LB671]

SENATOR GLOOR: Two minutes twenty seconds, Senator Chambers. [LB671]

SENATOR CHAMBERS: Thank you, Senator Garrett. And thank you, Mr. President. Senator Garrett's rationale is one that I cannot counter because that's his ingrown belief. So I'm not going to address what he said in terms of trying to change his mind. But we have passed laws when agencies were not doing what they needed to do. We've passed laws dealing with foster care, with handling juveniles, and there are agencies whose job it is to do that but they're not doing it, so the Legislature has taken over because "overship" is part of our role and our function. With reference to what I was going to say about that first picture that I showed you, when that picture appeared, this cougar was doing, Senator Garrett, what nature inbred into that cougar. When you are terrified, when you are in danger of losing your life, climb a tree. And that's what the cougar did. The cougar was obeying nature and responding in the way that his nature had been engineered. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: And when this animal, unoffending, threatening nobody, was in the tree, at the base of the tree were the baying dogs and the two-legged people with guns, and these great hunters, Senator Garrett, shot that animal out of the tree. You

Floor Debate
April 02, 2014

don't even do that in combat when you have an enemy who has surrendered, says I cannot fight. And if you kill that enemy who's trying to kill you, you committed a war crime. These animals cannot speak, but those of us who are intelligent, supposedly the intelligent animals, the rational animal, are to be their voices, are to be their protectors. And that's what I intend to do, to the extent that I can. And I'm trying to persuade my colleagues that you're not doing anything inappropriate by overriding this veto. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Senator Chambers, you're next in the queue. [LB671]

SENATOR CHAMBERS: Thank you. Mr. President, a man named Tim McCoy is an assistant director of Game and Parks. In the World-Herald, and I give the dates, October 10, October 17 of 2013 on page 1B, "Game and Parks officials say the objective for allowing cougar hunting in the Pine Ridge is to provide hunters opportunities." And when they sold that permit for \$13,500, here's what the World-Herald reported. The man who shot this animal, being allowed to use dogs, was named Tom Ferry, F-e-r-r-y. He considers himself a big game hunter. He has "150 trophy mounts in his home," including mountain lions from Arizona and Utah. He said, "I just thought it would be nice to hunt mountain lions in Nebraska during the state's first season." And that doesn't bother you all. That is management? And I wish Senator Garrett would listen to this. No, he doesn't have to look at me. Those first two hunts, the people were allowed to use dogs. If using the dogs is a legitimate way to manage these animals, why in the next hunting season were they forbidden to use dogs? A rich man was in the first hunting season and he was allowed to use dogs. He wouldn't have seen one of these animals without the dogs. So you have a double standard: For the rich man, he can use dogs; for the run-of-the-mill hunter, you cannot use a dog. That's what the Game and Parks did. They cannot be trusted. They are not managing these animals. And to allow a year-round hunting season outside of Pine Ridge is moving toward extermination of these animals. Nebraska is known as a corridor state. These animals are migrating not just to Nebraska but to the other parts of the country to the east. The habitat is not such in most of Nebraska to even make living possible for these animals. One of the current members on the Game and Parks Commission said just a few days in the paper...a few days ago that the population of these animals is not likely to increase in the Pine Ridge because the habitat will not support them, so any that are there in excess are going to move on. But there's no habitat in other parts of Nebraska. If you see one in this part of the state, they are moving somewhere else. They're not occupying. If you have a hunting season in these other parts of the state, you can kill them and you can feel good. You can get a trophy. But the thing to consider, if you can, these animals, since they were first confirmed by evidence, were sited again in Nebraska in 1991. From that date to this one there has been no confirmed attack on any livestock, on any human being in all of that time, not one, not one, not even anecdotally. Because if these animals were killing livestock, we would have farmers who had made insurance claims, because if you lose your cattle to a predator you can

Floor Debate
April 02, 2014

claim an insurance reimbursement for it. That's how we can determine if anybody is losing livestock. But nobody is. There's a man in Harrison. His last name is Anderson. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: He raises livestock. He's a rancher and he has these animals who go on his property. He said he wants them there. How does he know that they are there? He sees the evidence. These are called the ghost felines, the phantoms of the prairie, because they're not seen. In the last hunt that they had where a man killed a female, he said that he wanted to kill one but he doubted that he would even see one. These animals don't make themselves visible. They do not urbanize in the way that squirrels, rabbits, and other animals do. They are solitary. The mother will raise those kittens until they are some size. Then she runs them off. They're dispersing animals. They don't even hang with the mother. But she teaches them how and what to hunt while rearing them, and that's why they don't attack livestock,... [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR CHAMBERS: ...because livestock is not their prey. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Davis, you're recognized. [LB671]

SENATOR DAVIS: Thank you, Mr. President. Good morning, colleagues. I rise to ask the body to sustain the veto of this bill. I think it would be bad policy for us to override it and I'm going to try to lay out some of my reasoning. And first thing I'm going to do is take you back a number of years. When I was a young boy, my dad came home and he said...he was so excited, he said, we saw a deer today. Well, we had...there weren't any deer in the Sandhills. There hadn't been for 100 years when they were hunted to almost extinction. And they were brought back in by Game and Parks, and through their own natural processes those animals became a part of Nebraska's ecology. And today there are too many of them. There are a lot of deer. But Game and Parks has done a good job managing the animals over the years, every one of them. And so there are...when our numbers of deer that go up or down, Game and Parks adjusts the season. And we have an abundance of them. We've got elk back in the state now for the first time. Been a long time, but those animals are moving through and reestablishing themselves. Wild turkeys have reestablished themselves in the state. So we have a lot of that activity going on and hunting seasons have been developed for all of these animals. And at the same time that this hunting season is developing, the number of animals is increasing. So now all of a sudden we're going to lay the rule down to Game and Parks and say, you really screwed this up and you can't management it so the Legislature is going to

Floor Debate
April 02, 2014

take that away from you. What kind of policy is that? Are we going to micromanage every department here? We've got experts at Game and Parks that know what they're doing. And I just want to say a few things. Senator Avery made reference to nobody being killed by mountain lions. All you have to do is Google it and you'll find a number of cases, you know, not a lot. There aren't a lot of mountain lions in the United States, around 30,000 in the western part of the United States. But there was a kill on June 24, 2008, in New Mexico; one in 2004 in Orange County, California; one in Bamff in Canada in 2001. There was an attack in Colorado on October 2, 1999. So the animals can have an effect on humans and they do on our livestock. And Senator Chambers is wrong because most people don't have insurance on their livestock, first of all, so you don't go to your insurance company and lay a claim. And if you do, you've got to be able to produce evidence that the animal has been killed. Well, what does a mountain lion do? It hauls the animals away so they're not findable if they're there. They've been hauled to a tree somewhere or maybe half a mile away and you're not going to find the animal, and that's a fact. Now as to the number of animals that are out there, I'm guessing that that probably is a fairly accurate figure. But let's look a little bit at some of the statistics on mountain lions. They live about 12 to 25 years. They have two to four kittens every year, so we are going to see that that population is probably increasing. And I'm sure that the mothers are running them off. That's the way it works. Let's go back into the '90s when people started saying that they saw mountain lions in this state and Game and Parks denied it. They said there aren't any mountain lions, until one was finally shot here. But now we've had them in Scottsbluff, we've had them in Omaha, we've had them all over the state. And maybe they are traveling through, I'm not going to dispute that. But we have an established population in the Pine Ridge that is sustainable and is manageable by Game and Parks, and that's the way it ought to be. Just a couple more points I'd like to make. Whether you like to hunt or not, it is a legal activity in this country. People enjoy it. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR DAVIS: I don't understand the trophy aspect of it myself, I really don't. It's not what I really get into. But people like to do it. South Dakota sold more mountain lion permits in the Black Hills than they did deer permits in 2013, and there were 100 mountain lions killed in the Black Hills. I am sure that South Dakota Game and Parks manages those animals for sustainability and for profitability. Like it or not, hunting licenses generate revenue for Game and Parks. If the body will remember, I did introduce a bill on Select File to eliminate the dogs. I didn't get any support on that so I pulled the amendment. I still think that's the way to go and I would support that next year. But this year, this is not good policy. Let Game and Parks manage it. I'm sure with all the discussion that's taken place on the floor here in the last several weeks, Game and Parks is listening to what we have to say and they're probably going to try to do a very good job managing it. Let's let it go another year and see if that happens. Thank you, Mr. President. [LB671]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR: Thank you, Senator Davis. (Visitors introduced.) Senators remaining in the queue: Schilz, Campbell, Krist, Ken Haar, Sullivan, and Chambers. Senator Schilz, you're recognized. Senator Campbell, you're recognized. [LB671]

SENATOR CAMPBELL: Thank you, Mr. President, members of the Legislature. I do support the override and will yield the rest of my time to Senator Chambers. [LB671]

SENATOR GLOOR: Senator Chambers, 4 minutes 50 seconds. [LB671]

SENATOR CHAMBERS: Thank you, Senator Campbell. Thank you, Mr. President. What Senator Davis is saying is what he has to say because of where he lives. We've talked. I know that. That's why I don't even respond directly to him, but I will touch some things that he may have said. He could not show you one instance of a human being being killed in Nebraska. We're not talking about a law that reaches New Mexico, that reaches Canada, that reaches Orange County, California. When they have to do that, they've got nothing, they've got nothing. Why would Game and Parks allow dogs to be used? Because the rich man was out there with the dogs. Senator Garrett is comfortable with that. Senator Davis is comfortable with that, and all these others. When Game and Parks creates a double standard and calls that management, that's not managing these animals. I've had hunters call me about the dearth of pheasants because of the mismanagement of Game and Parks. The only reason I can tell you that, because hunters tell me. I don't hunt anything. And as for these turkeys, the turkey population has gone down. There are diseases decimating the deer population. But if a mountain lion kills...nobody can document they're killing livestock. But when a mountain lion takes a deer, the mountain lion does not behave like a leopard. A leopard will take an antelope and climb a tree and position that antelope in the tree. Mountain lions do not take deer and put them in trees. The kill can be found. And farm hunters will establish a place where they can see the kill and wait to ambush the animal, because they know the animal is going to come back to the kill. People will ask me, how do you know what you're talking about? You don't hunt. You don't live out there. I don't live in Africa but I know that there are lions and tigers. Well, no, tigers are in India, but I know there are elephants, rhinoceros, hippopotami. Very few things that we talk about which do not occur within the realm of where we live do we know from experience. We read. You all look at these gadgets on your desk. I can read English and I understand what I read. I can read reports. I can even watch scientific productions by National Geographic. And nobody has ever accused them of not knowing what they're talking about or falsifying information. I am going to continue this struggle. I have six years. I put a lot into this bill. There are some people who are leaving this Legislature. There are some people running for office and they can do whatever they want to do. But I have a long memory and I've watched the way this session has gone. I've watched how I've assisted people, Senator Garrett, and I've watched how I have tried to improve legislation that I was opposed to. But if we're going to take the gloves off, that's what I'm

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

willing to do. And I will fight for these animals' right... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: ...to exist, and I will use any means necessary. Senator McCoy took considerable time trying to stop Senator Lautenbaugh's bill from coming to a vote on Final Reading. Others have done that. Mine is a deeply held principle. And since I took this as my priority and did not take the death penalty bill even to make a point, which would have been in itself pointless, I am going to watch and see how we behave. If I don't get mine, then you don't get yours. That's a way to say it. But that doesn't mean I will oppose every bill left on the agenda. [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR CHAMBERS: It does not...thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Campbell. Senator Krist, you're recognized. [LB671]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I wondered if Senator Garrett would yield to a question. [LB671]

SENATOR GLOOR: Senator Garrett, would you yield? [LB671]

SENATOR GARRETT: Yes. [LB671]

SENATOR KRIST: You've heard, Senator Garrett, that I was here and involved with the process when we gave them a hunting season several years ago, did you not? [LB671]

SENATOR GARRETT: Yes. [LB671]

SENATOR KRIST: Okay. And the information that I was presented at that time that helped me make that decision, other than the fact that we now would be able to donate deer and game to the poor, to the needy, the other part of this was the number of animals that I was told was in the state. That number was approximately in the 60 range, so I want to give you that information. Then I want to ask you a question. If you were told then that there were 60 and that you needed to control with a hunting season, would you have voted for the hunting season to go into effect? [LB671]

SENATOR GARRETT: I would defer, again, to Game and Parks Commission because... [LB671]

SENATOR KRIST: Yeah, see, they needed our permission, basically, to do what we

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

did, and we gave them that permission. So I take it from that, that if they asked you for it, you would have given it to them then. [LB671]

SENATOR GARRETT: Yes, if they,... [LB671]

SENATOR KRIST: Okay. [LB671]

SENATOR GARRETT: ...in their professional opinion, if they think a hunting season is warranted, then I would support them. [LB671]

SENATOR KRIST: And if you saw the evidence between now and then, where they've mismanaged, where they have done what they have done with the hunting season, and now you're confronted with some information that said that there are 20 or less in the state, does that not give you cause for concern that we have a hunting season on an animal that potentially now is bordering on extinction within the state? [LB671]

SENATOR GARRETT: Yes, that does give me concern. However, comma, I still think that it should not be the business of this Legislature to take over Parks and Games. [LB671]

SENATOR KRIST: Okay. Thank you, Senator Garrett. And I will say this with all due respect. It is the business of this Legislature to intervene and to apply the oversight where it is needed in any agency throughout this state. When we look at what the Department of Health and Human Services does on a regular basis, if it would not have been for our intervention and LR37 in the past, we would still be with the debacle with the foster care system and family services. So it is our job to apply that oversight. And it's not that I'm coming at you right now, but as a new member of the Legislature, I certainly want you to understand my perspective is it is within our realm, it is our obligation, it is our duty. I would yield the balance of my time to Senator Chambers. [LB671]

SENATOR GLOOR: Senator Chambers, 2 minutes 45 seconds. [LB671]

SENATOR CHAMBERS: Thank you, Senator. And thank you, Mr. President. I don't know what I could say to change the mind of those who are opposed to what I'm trying to do, but I'm saying what I say for the record and for future reference. I'm going to say again, the Governor is not coming back. He can't hurt you, Senator Garrett. He can't hurt anybody in here. I'm going to be here six years, if I choose. And it can be laughed at today, but tomorrow, for my purposes, is as real and present, Senator Garrett, as today. I do not change with the passage of time. And you're going to develop more independence as time goes on and there are going to be issues you will bring and you will be regretful of the kind of things you let yourself be led into saying and doing now. That's from an old lion talking to a cub. Members of the Legislature, I showed you all

Floor Debate
April 02, 2014

last night that despite my advanced age I will outlast all of you. I did not ask to adjourn last night. I had said this might be when we'll go to 11:59. We don't have that many days. Suppose I pick two bills and I go eight hours on each one of them. That's 16 hours in one day and that takes care of the day. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: How many bills remain? How many bills count? Some people running for office don't have any concern about anything except trying to play to the galleries. We hear political speeches on this floor. People who are not even here right now will come when they think the cameras are on and give their political speech if there's an issue that will bring the cameras. Watch. You have to observe. As a military person, you get the lay of the land, and you must begin to do that. But you will choose to do it in your own time, in your own way. And we'll continue to have conversations, but on this one I am as serious as a heart attack. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Krist. Senator Ken Haar, you're recognized. [LB671]

SENATOR HAAR: Mr. President, members of the body, I rise in support of the override, in support of LB671. I'd like to take just a moment. The handout that came from Senator Chambers that says this fails the smell test when it seems that certain information that we regularly get, we don't get if it's concerned with our legislation. The Nebraska Rural Electric Association has something called the action alert and it's like an e-mail alert to support grass-roots action. I signed up for that at Norris Public Power, and I got a number of e-mails from that action alert opposing my bill, but I didn't get the notification that everybody else apparently who's on the action alert got. And so this whole thing of signing up, being selectively chosen whether or not to be notified also makes me wonder whether the Nebraska Rural Electric Association action alert passes the smell test. And I think they have a right to do that sort of e-mail alert, but I was also...I also signed up for it and wasn't notified that this is an action that they were taking to oppose my LB965. So again, I rise in support of the override, and I would give the rest of my time to Senator Chambers, should he like to use that time. [LB671 LB965]

SENATOR GLOOR: Three minutes five seconds, Senator Chambers. [LB671]

SENATOR CHAMBERS: Thank you, Senator. And thank you, Mr. President. I'm going to quote something from Rudyard Kipling. It's called, "The Ballad of East and West." And I probably won't get it finished, but next time I speak I'll try to end what I want to get to. "Oh, East is East, and West is West, and never the twain shall meet, / Till Earth and Sky stand presently at God's great Judgment Seat; / But there is neither East nor West, Border, nor Breed, nor Birth, / When two strong men stand face to face, though they come from the ends of the earth!" / Kamel is out with twenty men to raid the Border side,

Floor Debate
April 02, 2014

/ And he has stolen the Colonel's mare which was the Colonel's pride. / He has lifted her out of the stable-door between the dawn and the day, / And turned the calkins upon her feet, and ridden her far away. / Then up and spoke Mohammed Khan, who led a troop of the Guides: / Is there never a man of all my men can say where Kamal hides? That was the Colonel's son. Then up and spoke Mohammed Khan, the son of the Ressaldar: / If you know the track of the morning-mist, you know where his pickets are. / At dusk he harries the Abazai--at dawn he is into Bonair, / But he must go by Fort Bukloh to his own place to fare. / So if you travel to Fort Bukloh as fast as you can fly, / By the favour of God you may cut him off ere he win to the Tongue of Jagai. / But if he be past the Tongue of Jagai, right swiftly turn ye then, / For the length and the breadth of that grisly plain is sown with Kamal's men. And this goes for the mountain lion: There is rock to the right and rock to the left and low lean thorn between, / And you may hear a breech-bolt snick where never a man is seen. Where never a man is seen--you hear the evidence but you never see the man. That's what it is with these lions. There are people in parts of the state who have lived there all their life and mountain lions have been in that area. They've seen tracks, they've seen scat, they've seen evidence,... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: ...but they have never seen one of these animals. Game and Parks used to...there used to be articles, I don't know if they've stopped talking about it, of supposed sightings of mountain lions. And sometimes the person who went out to check it would laugh. He'd say, these are not lion tracks, these are dog tracks and not even a big dog at that. If you haven't seen a mountain lion, any animal out of the ordinary might look like one. A person who's in the Legislature had a friend call him and tell him--did you say time, oh--if you come to my house right now, you'll see a mountain lion. And this person said, where is he? And this person said, in my front yard. So this individual got in his car, went over there, it was a cat but it was a bobcat, not a mountain lion. That's what happens when they say somebody in Omaha saw a mountain lion, somebody in Lincoln saw a mountain lion, no evidence other than what somebody anecdotally said. [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR CHAMBERS: Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers. Senators in the queue: Sullivan, Chambers, Howard, Garrett, Ashford, Schilz, Schumacher, and others. Senator Sullivan, you're recognized. [LB671]

SENATOR SULLIVAN: Thank you, Mr. President. And good morning, colleagues. I have a great deal of respect for Senator Chambers and I appreciate his passion and certainly his efforts on LB671. I also value his openness and his thorough work on

Floor Debate
April 02, 2014

bringing us information about the species and the background on it. So I have real mixed feelings. And as I told him just a couple of days ago in the hall, I won't be supporting his efforts to override the veto. When I came down here, I really viewed myself as having a twofold role. I'm down here to craft sound, good, public policy for this state. I also have to keep an attentive ear to my constituents. Several weeks ago...I think it was actually one of the first newsletters that I did when we came down here. And I send my newsletter out every other week to all the newspapers in the district, and I have a great deal of them. And I thank all the newspapers for running that and the newsletter. And I made the mountain lion issue the focus of it and I explained some of the strategies that Senator Chambers had mentioned earlier this morning, and I asked for their comments about the hunting season on mountain lions. Interestingly enough, I didn't get very much response at that point and it was only until after we had the elongated discussion on Final Reading for this bill and the vote was taken that I began to hear from many, many, many of my constituents. By and large, the message that they give to me is let Game and Parks manage this. We charge them with that responsibility. Let them do it. And to a certain extent, that resonates with me because we do give them that responsibility. Perhaps we have been disappointed with some of the actions that they've taken. We perhaps...it kind of reminds me of some of our discussion on scope of practice. But be that as it may, we do give them that responsibility. And maybe, perhaps with all the discussions that we're having about this issue, it will make them think twice about some of their actions. And I suspect, as Senator Davis said, we may see them make some different decisions going forward. But at any rate, I want my constituents to know that I have heard them but also it is with mixed feelings, because early on in thinking I didn't like the way that first hunting season played out. I really had distaste for seeing that mountain lion up in that tree and knowing that even I, who cannot handle a firearm at all, even though my husband is an avid trapshooter and has lots of guns and has encouraged me to take up that sport, I probably could have shot that mountain lion. That is not very much of a sport. And I have also continually reminded my constituents that if there are problems with this animal on your property, it's well within your rights to shoot that animal if it's causing problems. I don't know that the people on our farm have ever seen one. They say that they have heard one and that the scream is quite remarkable. Would it give me pause to go for a walk around our farm at dusk or ride my horse around at dusk? Maybe. But I probably would take that caution if I were walking in an urban area at night as well. So again, I want my constituents to know what my decision has been, but let's keep a bit of reasonableness in this too. I think this has, to a certain extent, almost been a reaction, has been kind of spun out of control. So I end by saying, too, thank you, Senator Chambers, for your efforts. [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR SULLIVAN: I admire you for doing it. I respect it. You are not bullying the Legislature in doing this. We are all well within our rights of standing up for what we

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

care about deeply. But again, I cannot side with you on these efforts. Thank you.
[LB671]

SENATOR GLOOR: Thank you, Senator Sullivan. Senator Chambers, you're recognized. This is your third time. Senator Howard, you're recognized. [LB671]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of the motion to override and I would yield the balance of my time to Senator Chambers. [LB671]

SENATOR GLOOR: Senator Chambers, 4 minutes 55 seconds. And, Senator Chambers, by clarification, you have one more time to speak before closing. [LB671]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I appreciate the time that has been yielded to me. I've gotten into the record as much as I need so I will not need any additional time, and I will not need to speak again until I close, unless something comes up or I'm asked questions. Thank you, Mr. President.
[LB671]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Garrett, you're recognized. [LB671]

SENATOR GARRETT: Thank you, Mr. President, members of the body. I need to set the record straight. Senator Chambers said some...made a statement earlier that said I support hunting mountain lions with dogs. I don't know where he got that information, because I don't. Again, I've got the greatest respect for Senator Chambers and his passion about this issue. I personally don't think that we should be hunting mountain lions. I haven't seen the evidence that indicates that there are a sufficient number of mountain lions. But again, I'm going to defer to the experts. If I had my way, we'd be hunting mountain lions with bowie knives. We'd limit it to bowie knives. But again, I don't get to make that call. And I have to respectfully disagree with Senator Krist on what is good policy. Yeah, I'm getting beat up, it seems like, because I'm the freshman senator, but again, don't tell me how to suck eggs. This Legislature thinks it's ten feet tall and bulletproof, that when somebody messes up that we're going to take responsibility and start managing their business for them. You know where do we...I keep going back to the thing, where do we draw the line? Novelty lighters, we're going to take on the responsibility of the Nebraska Consumer Product Safety Commission. You know, we're going to approve all the appointments that the Governor makes. We're going to get into Parks and Game Commission's business and tell them how to do it. Do we start telling them when the season should be for deer; what the bag limits are for duck, for geese; what the size limits are for fish? Where do you draw the line? I think we...I agree with Senator Chambers as far as I don't think we should be hunting mountain lions, but again, I'm not the expert. Let the experts make the decision. And if they're not towing the line, if they're not doing something right, we hold them accountable. We control the

Floor Debate
April 02, 2014

checkbook, you know? Again, that's fundamentally my reason that I'm not going to vote to override the Governor's veto. Let Parks and Games Commission do their job. If they're messing up, let's call them on it. And they're a bunch...I don't mean to make it sound like they're not professionals, because they are. We're going to have disagreements and they should be allowed to come before the body and tell us why they're doing things. They are professionals there. We just need to hold them accountable. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Garrett. Senators in the queue: Ashford, Schilz, Schumacher, Pirsch, Nelson, Krist, and others. Senator Ashford, you're recognized. [LB671]

SENATOR ASHFORD: Thank you, Mr. President. I don't have a great deal to add to this. We've obviously discussed it at length. I want to pick up just, though, briefly on a comment, some comments that Senator Krist made because I think they're important for the record. When we passed this bill before, it was an overwhelming vote in favor of the regulatory scheme that we are looking at again now. And now we are looking at it again because of the issues raised by Senator Chambers in...both in a public hearing and now on the floor of the Legislature. I don't...I guess I don't find any particular problem with that process. The Game and Parks Commission has numbers...a number of responsibilities that they do. This particular responsibility is one of many. When I talk to my friends in Games and Parks, generally their concern is over maintaining the parks. Obviously, they have game responsibility as well. But what the general public sees is the...how are the parks maintained; does the average Nebraska taxpayer have, you know, reasonable access to the parks; are the facilities well maintained. And I am impressed by what the Game and Parks Commission has done in that responsibility and there isn't much that we need to do in the Legislature to micro, so to say, micromanage what Game and Parks does with the parks. You know, I'm impressed by the way they've brought in a private--for example, at Mahoney--brought in a private vendor to do the restaurant. It's been very successful. Those are things that we leave to the agencies generally. But when we get into...but there are oftentimes, when we obviously dealt with HHS, when we deal with the prison systems, when we deal with a variety of other agencies in state government, it is not only our...it is our legislative responsibility to constantly review these matters. It's also our moral responsibility. We are the place to come to if you are a constituent that has had issues with various state agencies. Many of those issues are resolved by a phone call or a discussion with an agency head or whatever, but some of them rise above that. This issue involving mountain lions is a pretty big issue. I, quite frankly, have been impressed by the debate, and I've learned quite a bit more about this issue than I knew at the time that Senator Loudon brought the bill a couple years ago. And I know this issue gets a lot of press because there's a...it kind of gets mixed up with the right to hunt and the right to fish and having the ability to have a hunting rifle and go hunt. I understand all that, and that makes it sort of good fodder for the press. But it's our responsibility, our responsibility to take a look at

Floor Debate
April 02, 2014

these kinds of issues thoroughly. Senator Chambers has done a thorough job of evaluating this particular regulatory scheme. We do it all the time. We do it because that is our responsibility. Oftentimes we argue that government is too big, and sometimes we argue that government is too small. That give and take between...on that issue, whether it's too small or too big, is...will never change. That debate goes on. As long as I've been here, and I'm sure long before I was here, there has always been that discussion: Have we gone too far; have we not gone far enough? [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR ASHFORD: But the summary of all this to me, and why I am so interested in this debate, is that what it I think acknowledges for those, for example, who support Games and Parks and their regulatory scheme are, in effect, supporting the role of government, the role of government to regulate. There may be some other issue where this same senator may say I don't...government is too big, I don't want to regulate this. It's our responsibility to take a look at all the things we regulate to make sure that we do what we do effectively and efficiently. I am totally convinced by Senator Chambers that what we passed two years ago or three years ago should be changed. It should be repealed and we should go in a different direction. The world will go forward if we do that and we'll continue to argue about the size of government far into the future. But it is our role, it is our role to carefully look at these issues. [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR ASHFORD: Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Ashford. Senator Schilz, you're recognized. [LB671]

SENATOR SCHILZ: Thank you, Mr. President. Members of the body, good morning. I apologize for missing the time when my light was on last, but I'd like to bring up a few things, talk about some of the things that have been said on the floor. We heard Senator Krist earlier talk about the bill. In 2012 it came up, LB928 was the number, and he said that maybe the amendment that put on the hunters helping the hungry was put on there to help move that bill forward. And I tried to remember back and I was like, jeez, I don't necessarily remember that. So I went and did a little research. On General File, LB928 advanced with a 42-0 vote with 4 present and not voting. Doesn't sound like a bill that's struggling. Next question, you know, he says we're in this time right now where people are putting bills on...or amendments on to bills to bring other bills forward. Most folks usually like to look for a bill that's going to move if they're going to put an amendment on it so that it doesn't hold their amendment back, not the other way around. And when Fulton's amendment came on for the hunters helping the hungry and was added on General File, it was adopted 38 to 0. So I don't know as if that's really the case or not. I

Floor Debate
April 02, 2014

went back and read the transcript that Senator Chambers has handed out to us. Senator Loudon opened up on the mountain lion. There were no questions on that. Senator Fulton opened up on his amendment. And the rest of the conversation was on the hunters helping the hungry for the rest of the day. So I don't know, I just don't see the concern that others thought. And maybe I missed something, and I would...I'd be willing to take that criticism if that's there. When we talk about the numbers of mountain lions that are around, when they say 20 mountain lions, what you've heard on the floor here too, Senator Avery mentioned that, we have to understand that those 20 mountain lions, if I understand it correctly--and trust me, I'm not a biologist, I don't think we have any biologists here serving in the Legislature right now--but those 20 animals are basically 20 breeding females that they can tell. Okay? That has nothing to do with the males. That's the breeding population, okay, and it's in one area, the Pine Ridge area. The rest of the state they haven't done any studies on population. Most of those cats that are going around the state and moving off from that area are younger males. But we did hear and we saw that one of the animals that was killed was a female in Sheridan County. I can tell you this. Sheridan County is a long ways from Pine Ridge. So to say...so let's be careful about the numbers. Let's understand what we're talking about. We talked about the season and we talked about the raffle or whatever it was that went out there. And I think if you look around the country you'll see game organizations in states using that as a way not only to bring money in but to also showcase their states, to showcase the kind of wildlife opportunities that are around. We see that in all sorts of places. It's not just the state of Nebraska. It's not just... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR SCHILZ: ...Game and Parks doing that. Thank you. My last comment: I believe wholeheartedly that Game and Parks is the proper agency to manage wildlife. As I said before, we have no biologists serving. They have biologists on staff. Do we trust them to do what they're supposed to do? I think we should, because I think once you don't trust them to do this then why would we trust them to do any other game issues that they have? Game and Parks is the agency in Nebraska assigned to manage game and wildlife. There is no other group. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Schumacher, you're recognized. [LB671]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I think we need to make it very clear that this LB671 does not in any way impair the ability of someone to protect life and livestock. This is merely an argument about whether or not there should be a licensed hunting season on a very limited population of animals. And I think the determination, at least a couple years ago, it was two animals. But it does not impact the ability to protect in the event of some type of a threat to persons or livestock.

Floor Debate
April 02, 2014

When this issue first reemerged this last fall, I said to myself, gee, I really don't remember anything about mountain lions. And I'm usually on the floor and I'm usually listening pretty closely to what is said. And then I went back and researched, did we, did we really deal with that issue? And I saw the deer meat issue, and that I remembered because that was the focus of the discussion, the donation of the deer meat. And there was overwhelming sentiment in the body that that was a good idea, and I think everybody agrees today that that was a good idea. So this kind of underscores the problem that we have with...in the final days of the session and maybe some of our organizational problems with all of a sudden tacking a bunch of amendments on to bills that seem to be moving through. And it maybe is something that we need to address either by rule or practice in future years. I think that the arguments that have been raised in favor of reconsidering the situation on the authority of Game and Parks with respect to mountain lions and whether or not additional restrictions need to be placed should the mountain lion population ever become a threat are very legitimate and deserving of the interest of the Legislature. And I think, under the arguments that are on the floor today, Senator Chambers' bill deserves to live another day. And I would yield any additional time that I might have to Senator Chambers. [LB671]

SENATOR GLOOR: Senator Chambers, 2 minutes 20 seconds. [LB671]

SENATOR CHAMBERS: Thank you, Senator Schumacher. But once again, I don't need any time right now. I will save what I have to say for my closing. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Schumacher. Senator Pirsch, you're recognized. [LB671]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. Appreciate the conversation that's going on. So I want to weigh in. LB671, as written, is my understanding, eliminates the statute authorizing Game and Parks to issue permits to hunt mountain lion. So therefore, there is no entity in the state that would be authorized to allow mountain lion...essentially the hunting of mountain lion henceforth, going on for perpetuity in the state of Nebraska, would be gone. And so, you know, it just bends credulity to expect that if the top of the food chain is not imperiled in some manner, and we're talking about not just this year or 5 years from now, 10 years from now--this law will last forever, 100 years from now, 1,000--that these mountain lions will not populate and then overpopulate as they did in California. As we pointed out when we were talking just a couple years ago in this body about what...they did this similar track in California and that the cats overpopulated and there wasn't enough food and so they did attack a jogger and kill a jogger. And so I...this lasts for perpetuity and so I think it is extremely dangerous for us to assume that these cats, as they populate and populate, which is stipulated to by the proponents of this bill, that they'll just move on and go elsewhere; whether it's in 10 years from now, 20 years from now, 30 years from now, that they'll never overpopulate. And that just doesn't make sense. So we can manage with our

Floor Debate
April 02, 2014

limited abilities and backgrounds, the 49 members of us in the Legislature, try to manage wildlife conservation issues from this floor with our limited time and also, for that matter, try to delve into micromanaging policies in a broad rainbow of areas as well. But we lack that expertise. We're not there in the trenches and we don't have the background and experience to get into that. We should let sound conservation principles be employed by experienced, trained individuals in the field. And that was the underlying point. That is why we passed the constitutional amendment, my constitutional amendment two years ago, to do just that. And again, the constitution trumps law. So there's legality problems with this LB671. It was 76 percent of Nebraskans who passed that two years ago. And then there's policy reasons as well. You know, it just doesn't make sense that we are going to reach an understanding here, you know, with our limited ability as legislators to go out and gather scat across the state and continually revisit that year after year after year, determining what's the best policy for wildlife conservation of the cats on an ongoing basis. And so we're not going to reach a better result than experts. And so I would urge the body to sustain the veto of the Governor, not to override the veto of the Governor. We have a number of other issues that we need to consider when we are dealing with this issue, and one of which is we have a loss of funds that is experienced when we don't allow hunting in this area. So in... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR PIRSCH: ...California what happened when the cats overpopulated, there was still a law that said you couldn't hunt them, but the government had to go out and hire government employees, so the taxpayers were paying people to go out and kill the cats. Same cats were dying in the name of safety for the population. And this...but in that situation, taxpayers were actually paying for it rather than the state generating revenues from hunters who were paying for that to help promote future conservation efforts of the cats. And so I think it bends, again, credulity to say that if you ban the hunting of any species, and that they have no natural predators, that those...that animal will not overpopulate at some point. And this law lasts for perpetuity. And so on that basis, I would ask you to sustain the veto of the Governor. Thank you. [LB671]

SENATOR GLOOR: Thank you, Senator Pirsch. Senator Nelson, you're recognized. [LB671]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'm just going to speak briefly on this. There are some of us in the body that have had military experience, both on active duty until retirement and sometimes with the Reserves. And I think we tend to think along the lines, and reasonably so, as to what our experience was with the delegation of authority and the responsibility that goes with it. And I have to agree with Senator Garrett. If you give someone a job to do and the means to carry it out, you let them do it until they reach the point where you have to intervene. I don't

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

think we're at that point here with Game and Parks. I've been listening very carefully, a lot of interesting information here. And in my mind, we authorized this two years ago, we may have some reservations about how they are managing, but I don't think enough time has gone by to see if there's really any mismanagement on their part here. We are protecting people to the extent if there is a danger from mountain lions on their property or their person, they can shoot to eliminate the mountain lion. There have been a few permits issued, it may be just two. And I would have to agree with Senator Chambers and others in that I think it's wrong to permit the use of dogs, and perhaps if Game and Parks is listening they will modify the rules as to what can be done. Maybe you can't kill a cat unless you can run them down with dogs and get them up in a tree. I don't know about that. In Appropriations we have often run into conversation about whether there should be some intervention in what a department is doing. I am not an advocate of micromanagement. I would have to agree with some of the comments here that if you have things of a gross nature that are happening where it's necessary...and of a magnitude that it is necessary for the Legislature to get involved, especially in the matter of funds, then I suppose we need to do that. But basically, I'm against micromanagement. And I think this is micromanagement. I don't think we should do this. I don't think the problem rises to that magnitude. And therefore, I have to say, after listening to all this, I will support the veto by the Governor and will not move or vote to override. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Nelson. (Visitors introduced.) Senators remaining in the queue: Krist, Davis, McCoy, Murante, and Johnson. Senator Krist, you're recognized. This is your third time. [LB671]

SENATOR KRIST: Thank you, Mr. President. And good morning again, colleagues. And good morning, Nebraska. And, Senator Nelson, you are absolutely right, and thank you for your service in the Navy. I do think that it is very important that we, when we delegate responsibility, as Senator Garrett said, that we allow people to do the job that they are empowered to do. However, I'll disagree with you and with Senator Garrett that from...and again, intelligent men may look at the same data and make different decisions. My decision is different in the fact that I think I've seen the management style of this particular issue and I have to disagree. I think it's time to reevaluate, and this is part of the reevaluation process. I don't know the proper way, and I really don't want to discuss the proper way, of extracting the inside of an egg and preparing it, but I would just say this again. We have reached different conclusions and we've done it in a very civil discourse. And I hope that you would obviously believe that in my estimation it's time for intervention, as I believe it was time for intervention with the LR37 process and others. But that's my two cents' worth. And the rest of my time I would yield to Senator Chambers. [LB671]

SENATOR GLOOR: Senator Chambers, 3 minutes 40 seconds. Senator Chambers waives. Senator Davis, you're recognized. [LB671]

Floor Debate
April 02, 2014

SENATOR DAVIS: Thank you, Mr. President. We've had a lot of good debate here this morning, but I don't think...I don't think we need to...we should stray away from this particular point, which is we have an agency that is designed and built to manage the game in the state and the state park system. And whether they've done a good job or a bad job is not for me to say right here. I know they've got their televisions on over there in their building and they're listening to this discussion very carefully. Senator Krist said we need to step in because they haven't handled it properly. You know, let's give them a little more time. Here's what I want to say to the body. You think about this. We may sustain this veto today or we may override it. If we override that veto, we do away with this hunting season. I don't know what things are going to be like here in 15 years or 20 years. But Senator Pirsch said it pretty well, I think. The bill was passed, Game and Parks looked at the numbers, they established a season. And if you look at the data on the number of animals out there and realizing that they have a certain number of kittens every year and they have a certain life span, they're going to increase. If you pull up...you can Google it and you'll find that mountain lion numbers have increased all across the plains. They're repopulating the plains. We can establish a hunting season, we have done so, which is fair and manageable and important. And to me, it's really important that everybody here think a little bit about how people feel who live out in the country where they are. Do those folks nearly need to always carry a gun around because the state of Nebraska is not going to have a hunting season on these animals? The hunting season generates revenue on every animal that is hunted in the state: deer, antelope, mountain lions, turkey, birds. It generates revenue for the agency to manage the game, and they've done a good job with it. Let's let this season go on for a few more years and see where we are, because the population is spilling over from South Dakota where they sold 4,000-some hunting permits a year ago. They killed 100 mountain lions in the Black Hills. Well, that's just pretty close. And I think I've said everything I really need to say. Google it; you'll find out there are a lot of mountain lions in the state. As I said earlier, they've been sited in Omaha, Scottsbluff, all over the state. So they are moving back in and they will probably repopulate in other areas besides the Pine Ridge. So if we restrict this hunting season now, is it going to take another ten years before we revisit it? And is this the proper venue for this discussion? I really don't think it is. I think it should take place at Game and Parks. Thank you. [LB671]

SENATOR GLOOR: Thank you, Senator Davis. Senator McCoy, you're recognized. [LB671]

SENATOR McCOY: Thank you, Mr. President and members. I rise this morning, for the first time this morning but not the first time on this issue, to adamantly oppose this motion to override the Governor's veto of LB671 for exactly the same reasons that I talked on I believe all three rounds of discussion as this bill moved through, before it went to Governor Heineman. Two years ago, 557,534 Nebraskans voted for Amendment 2, which put the protection of hunting and fishing into our constitution. I

Floor Debate
April 02, 2014

think it's been said, maybe early on this morning, I think it bears mentioning again, in that amendment it very simply says, "public hunting, fishing and harvesting of wildlife shall be a preferred means of managing and controlling wildlife." Well, that's what we've been doing with Game and Parks managing the mountain lion population. I think it's important to correct something that was said earlier, and I'm sure he'd probably correct it himself if he were here to do it but I don't see him in the Chamber. I think Senator Krist earlier today said, well, there's just 25 mountain lions in Nebraska. That's not correct. It's been reported by Game and Parks that there are somewhere around 25, 20 to 25 mountain lions in the Pine Ridge area. Senator Davis knows that well as he represents that area and I think he's talked about that. There have been a number of mountain lion sightings, even in my legislative district, pretty close to Omaha, including the edge of suburban Omaha. You know, I talked about, earlier in debate, about the link between the Humane Society of the United States and the Cougar Fund, which testified on behalf of this bill. I believe we passed around as a handout a Facebook post that Humane Society of the United States put up July 25, 2013, talking about this very issue, obviously, before there was a bill number attached, as it was prior to the beginning of this session. I think it's important to point out Wayne Pacelle, the CEO of the Humane Society of the United States, a couple of recent quotes. He was asked by...we all are familiar with HSUS and the threat they pose to agriculture, not just in other states like California, which I talked about before, with egg production, but pose a threat and a very real one to farming and ranching here, and to hunting and fishing. Now these are...these...I didn't dream these quotes up from Wayne Pacelle. You can go look for them yourself. And I would quote, recently mentioned this to a reporter, "If we could shut down all sport hunting in a moment, we would," the Associated Press. Another quote to the Bozeman Daily Chronicle, "Our goal is to get sport hunting in the same category as cock fighting and dog fighting." Our opponents say hunting is a tradition. "We say traditions can change." And later on went to say, "We're out to minimize suffering wherever it can be done, and wherever our limited resources," I would argue they're not very limited when they have more than \$120 million a year at their disposal, "wherever our limited resources can be utilized most effectively," Pacelle went on to say,... [LB671]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute. [LB671]

SENATOR McCOY: ..."abusive forms of hunting for now, all hunting eventually." That's what I'm concerned about with this bill--the slide towards giving up the rights that we hold dear. I don't just stand up and say that. Look at your e-mails. I know you've all gotten them, same as I have. It isn't me, just me saying that. It's hundreds upon hundreds of Nebraskans, and, I would argue, thousands. We don't want to do what other states have done and second-guess our Game and Parks and start the long, slow, slide to activist groups threatening what we hold dear in Nebraska. Thank you, Mr. President. [LB671]

Floor Debate
April 02, 2014

SPEAKER ADAMS: Thank you, Senator McCoy. Senator Murante, you are recognized. [LB671]

SENATOR MURANTE: Thank you, Mr. President and members. Would Senator Schilz yield to a question, a couple of questions? [LB671]

SPEAKER ADAMS: Senator Schilz, would you yield? [LB671]

SENATOR SCHILZ: Yes. [LB671]

SENATOR MURANTE: Thank you, Senator Schilz. Senator Schilz, as you well know, this is not a subject matter that is my particular area of expertise, so I have some questions for you regarding Game and Parks and hunting in general. And is there...are there standards by which the state of Nebraska determines whether an animal should be hunted, when an animal should be hunted, how much hunting should be allowed? Is there some written standard somewhere that I can look up? [LB671]

SENATOR SCHILZ: You know, I know that there's a process that they go through with the commission themselves. It's not up to Game and Parks' employees when these decisions come down. The employees are there to advise the commission on when these seasons should be had. If you're talking about game that migrates, migratory game, that is set up, especially ducks and geese, that is set up pretty much by the feds, the process that they have. And then the state of Nebraska and the people of the state of the Nebraska have an opportunity to have influence and give their opinion on that, but then it's set by the commission themselves. And there's some pretty strict guidelines on those kind of things. As for game within the state, obviously, we don't have the feds telling us what to do there, but I know that the Game and Parks does have a process where they have hearings and they listen. And I think it works that way with all of them. I know they take that into consideration. [LB671]

SENATOR MURANTE: And to date, has there...do we have any sort of statewide estimate as to how many mountain lions there currently are in the entire state of Nebraska? [LB671]

SENATOR SCHILZ: You know, and this is...and I'm...I think that the way this is and I will stand corrected if it's true (sic), but I think that they've only done a study in the Pine Ridge area to take a look at that, because their resources are limited and they don't have a lot of money to be able to go out all over the state and look. So I think that they've started in the Pine Ridge area and I think that's the only place that they've done any of these detailed population surveys. [LB671]

SENATOR MURANTE: Now I've heard the argument made that we don't have a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

problem with numbers with the mountain lions. The number is too small and that, as a matter of population control, we don't really have an issue here. So on hunting as when we're talking more broadly, not specific to mountain lions, is population control the end-all, be-all in terms of determining whether hunting should be permitted on any given animal? [LB671]

SENATOR SCHILZ: No, I don't think that's...I don't think...I don't think that's the case. I know it's a big component but I think there's other things that go into it. [LB671]

SENATOR MURANTE: Okay. Thank you, Senator Schilz. Thank you, Mr. President. [LB671]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Schilz and Senator Murante. (Visitors introduced.) Continuing with floor debate, Senator Johnson, you're recognized. [LB671]

SENATOR JOHNSON: Thank you, Mr. President. First time I've spoke on this. Game and Parks was given the authority and the responsibility to manage all types of game. We're talking about mountain lions today and I think most of us would agree that their first attempt might not have been blessed by everyone. Part of it is the raising of the money and part of it is using dogs. And I think they probably got the message. I think...I don't believe we should take that authority away from them. I think we...it's too early to do that. If we take that authority away from them and then we have issues, continuing issues with mountain lion numbers growing and more justification for it, then we have to come back and give it back to them. Mountain lion hunting, they probably have the authority now to say next year there will not be a season, or we will suspend hunting for a period of time, maybe until there's more data. I think they have that authority now. On the other side, I do appreciate Senator Chambers allowing Game and Parks to have the needed funding that they need in order to manage and to not only manage game but manage the park facilities that we have. Today I believe that we need to allow Game and Parks to continue to manage hunting. Amendment 2, as Senator McCoy talked about a little bit ago, we need to look at that and we need to allow Game and Parks to continue to manage Game and Parks. Thank you, Mr. President. [LB671]

SENATOR GLOOR: Thank you, Senator Johnson. Senator Kolowski, you're recognized. [LB671]

SENATOR KOLOWSKI: Thank you, Mr. President. Would Senator Chambers please stand for a question, please? [LB671]

SENATOR GLOOR: Senator Chambers, would you yield for a question? [LB671]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR CHAMBERS: Yes, I will. [LB671]

SENATOR KOLOWSKI: Thank you, Senator Chambers. A lot has been said about Game and Parks this morning and in a number of different ways, and I wanted to go back to the time of testimony for your bill. Did Game and Parks testify that day and where did they stand on things on that day? [LB671]

SENATOR CHAMBERS: They testified and they took a neutral position. [LB671]

SENATOR KOLOWSKI: Neutral position on the issue on that day. Thank you, sir. Just wanted to make sure we have that in the record as well. Thank you. [LB671]

SENATOR GLOOR: Thank you, Senator Kolowski. Senator Lathrop, you're recognized. [LB671]

SENATOR LATHROP: Question. [LB671]

SENATOR GLOOR: Do I see five hands? It's the ruling of the Chair there has been a full and fair debate. Question is, shall debate cease? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB671]

CLERK: 26 ayes, 3 nays to cease debate, Mr. President. [LB671]

SENATOR GLOOR: Debate does cease. Senator Chambers, you're recognized to close on your motion to override. [LB671]

SENATOR CHAMBERS: Mr. President, I will ask for a call of the house, then I'll begin my close. And I know that as I speak people may filter in but my time will be running. But I want to ask for the call of the house. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB671]

CLERK: 37 ayes, 0 nays, Mr. President, to place the house under call. [LB671]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. You're welcome to begin at any time, Senator Chambers. [LB671]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, it may not seem so to anybody who is in here, but I have shown what for me is great restraint

Floor Debate
April 02, 2014

because I'm not speaking for something that relates just to an idea or a notion that I have. I'm not being mystical. I'm not being spiritual. I'm not being anything except a fellow creature of those animals that I'm trying to provide some protection for. What needs to be known is that before this permission was given to Game and Parks to establish a hunting season, there was no depredation by mountain lions. That effort to do this was made for the purpose of raising revenue. It was to raise funds for Game and Parks. And if you read the debate correctly that Senator Louden gave, the activities by Game and Parks, they asked for this to be brought and they wanted put into the law the right to auction these permits because they wanted to make money. That's why they did it, not to manage the mountain lion population. Game and Parks had the authority to do that; they have that authority now. Tim McCoy, when this bill moved off General File, made the statement that they can easily manage the population, they'll just do it a different way, meaning they won't have the hunting. Hunting was not what Game and Parks felt was necessary to manage the population. Hunting was necessary to raise some money. That's why they did it. The few existing lions that have been determined, on the one hand, the members on the Legislature want to talk about praising Game and Parks and let them do it; yet, they reject Game and Parks' estimate of how many lions are available, because it doesn't go along with what they want. Right now if one of these animals is a menace, the person menaced has a right to kill the animal. The relatively few documented, existing lions in this state has been diminished. When the first so-called season took place in December, two males were killed and one male was caught in a trap. That's three. When the next so-called season took place in January, a female was killed. That's four. Another animal was caught in a trap. That's five. One was run over by a car. That's six. And somebody killed a female not too long ago. That's seven. Out of that small population, accidents, shootings by people, and these traps have substantially reduced the population already. Nobody has demonstrated a need to hunt these animals. I say they are regal, and they are, and I don't think they should be made available for people who kill for the love of killing. And those who hunt them have admitted that's what it is. They want a trophy. They want a chance to shoot one of these beautiful animals. That's what they want. And my colleagues who think that Game and Parks is doing it the way they should do need to look at how Game and Parks did it. Had I not said something, nothing would have changed. Their method was to let dogs be used. And when I said Senator Garrett is comfortable with that, I didn't mean to say he personally and directly supported the use of dogs. He knew that dogs were being used but he still felt Game and Parks should be in charge. And I say on that point, if using dogs... [LB671]

SENATOR GLOOR: One minute. [LB671]

SENATOR CHAMBERS: ...was a proper management tool, why did they not allow anybody except the rich guy? And somebody who won a lottery in that promotional first hunt used the dogs. They wanted animals killed to make the others who'd buy these permits think that they'd have a chance to get one of these lions. I'm asking that we vote

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

to override this veto as we voted to override all of the others. Nothing in the Governor's message is a legitimate reason for him to veto the bill. When the reasons he gave are invalid, there is no reason for the veto to have been given in the first place. On General File, there were 31 people who voted to move the bill. On Final Reading, there were 28 who voted to support it. Some sat by. Do I know what the outcome will be? I really don't. But I'm hoping that in the same way those vetoes were overridden yesterday, and I helped, I'm hoping... [LB671]

SENATOR GLOOR: Time, Senator. [LB671]

SENATOR CHAMBERS: ...that it will be done this day. Thank you, Mr. President. And I will ask for a roll call vote in reverse order. [LB671]

SENATOR GLOOR: Thank you, Senator Chambers. Members, this motion requires 30 votes. The question is, shall LB671 become law notwithstanding the objections of the Governor? Mr. Clerk, read the roll in reverse order. [LB671]

CLERK: (Roll call vote taken, Legislative Journal pages 1345-1346.) 24 ayes, 21 nays, Mr. President, on the motion to override the Governor's veto of LB671. [LB671]

SENATOR GLOOR: The motion fails. Items for the record, Mr. Clerk? Raise the call. [LB671]

CLERK: Mr. President, Enrollment and Review reports LB1042 to Select File, LB1042A, LB961, LB565, LB559A, all to Select File; some having Enrollment and Review amendments attached. Senator Krist would like to print an amendment to LB464A. And that's all that I have at this time, Mr. President. (Legislative Journal pages 1346-1349.) [LB1042 LB1042A LB961 LB565 LB559A LB464A]

SENATOR GLOOR: Moving on with the agenda; Mr. Clerk, General File.

CLERK: Mr. President, the next bill, LB1098 is by Senator Carlson. (Read title.) The bill was introduced on January 22; at that time referred to the Natural Resources Committee. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM2594, Legislative Journal page 1063.) [LB1098]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Carlson, you're recognized to open on LB1098. [LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. As we go through days of debate here during this session, every day is a new day. Today could be a bright day, it could be a dark day. It is what we make of it. Next to our people in the state of Nebraska, I believe water is our greatest natural resource. Water is life.

Floor Debate
April 02, 2014

And it's believed and accepted generally that a person, on average, without any medical care, would live 33 years. Person could, on average, live 33 days without food; person can go 3 days without water. Water is life. Nebraska is the envy of the nation because of our water resources. We have the most plentiful source of fresh water in the United States. Our water is better than oil. It's better than gas, silver, gold, diamonds, because we can live without those elements, but we can't live without water. Water is life. In Nebraska, we grow food for our citizens and for the world. And many times as I've talked to group I've said that growing food for the world is a noble mission, second only to the mission of the church. Our world population is increasing. Our demand for food is increasing and we manufacture what the rest of the world has to have. What better position could we hope to be in? We grow what mankind must have. Other states aren't managing their water in the best way, but we must manage our water the right way because water is life. We must become water sustainable in Nebraska to protect our people and protect our future as a state. There are different ideas on what water sustainability is, but here is what I believe it to be: That we aren't using more water for our needs on average than what our supply gives us. And if we're using more than what our supply provides, we have two choices. We can cut back our use or we can increase our supply. We have two sources of water in Nebraska--precipitation and surface water that flows into the state. It's generally believed that we have about a million acre-feet of water flowing into the state every year, and 8 million acre-feet leaving the state. Now how do we increase our supply? How do we better manage and use the supply we have? Water in Nebraska flows from west to east and from north to south. We must do a better job of capturing excess flows into Nebraska from the west and the north in wet years so we can use that water in dry years. That's what LB1098 is all about. Senator Hansen, Senator Christensen, Senator Dubas, and I have all been here eight years. We've been active at one time or another in water issues, and of course, many others of you have been active as well. But LB1098 is the culmination of all that work. Last session my priority bill was LB517, which created the Water Sustainability Task Force. And that task force was made up of 16 members of the current Natural Resources Commission. And then the Governor appointed...had appointed three members in addition to the Natural Resources Commission; one to represent groundwater, one to represent surface water, and one to represent municipalities. For the Water Sustainability Task Force, in addition, the Governor appointed 11 additional members. Of these 11 members, 1 was appointed from agribusiness, 1 from agriculture, 1 from manufacturing, 1 from MUD, 1 from wildlife conservation, 1 from municipalities, 1 for livestock producers, 1 for public power and irrigation, 1 for outdoor recreation, 1 for irrigation districts, and 1 for public power--11 additional members to go with the 16 members of the Natural Resources Commission. That made 27 members in total. In addition, the Executive Committee of the Legislature appointed five state senators, in addition to myself, to serve on the Water Sustainability Task Force. The task force met full days from late July to early December, over a period of a portion of five months. We met throughout the state. We observed what was happening on water. We formulated a plan to reach water sustainability. We set criteria for evaluating projects going forward to

Floor Debate
April 02, 2014

reach water sustainability. We recommended a structure for the Water Sustainability Commission going forward. We discussed sources of funding for water issues for the Water Sustainability Fund and a conclusion was that General Funds should be asked for first. Those are funds that are paid for by everybody in the state, and everybody in the state has a part in helping attain water sustainability. The new commission will make rules and regs and they will follow what's been done in the past, that a group that requests funds from the Water Sustainability Fund should provide 40 percent of the cost of that project from their own funds. That's local input to go along with the request for money from the Water Sustainability Fund. I need to amend LB1098 with AM2684, but whether or not that happens today depends on Senator Lathrop. Senator Lathrop has AM2753, which is in line to be submitted next...presented next. But without AM2684, we don't have a way to proceed with projects which will be applying for money from the Water Sustainability Fund. Senator Lathrop is a talented attorney. He knows the law better than I do. And he has amendments submitted for Select File and Final Reading that could prevent... [LB1098 LB517]

SENATOR GLOOR: One minute. [LB1098]

SENATOR CARLSON: ...AM2684 from becoming a part of LB1098. I don't think he's going to do that. LB1098 is too important for the people of Nebraska to allow it to fail. I'll do everything to see that LB1098 is not lost. I ask you to listen, discuss, ask questions, be an active body in the process of LB1098. I believe this is the most significant legislation in my eight years in the Legislature because water is life. Thank you. [LB1098]

SENATOR GLOOR: Thank you, Senator Carlson. And as the Clerk stated, there are amendments from the Natural Resources Committee. As Chair of that committee, Senator Carlson, you're recognized to open on the committee amendment. [LB1098]

SENATOR CARLSON: In general ideas, I've covered what is in that amendment in my introduction and I'll leave it at that. Thank you. [LB1098]

SENATOR GLOOR: (Visitors introduced.) Mr. Clerk for a priority motion. [LB1098]

CLERK: Mr. President, I do have a priority motion. Senator Chambers would move to bracket LB1098 until April 17. [LB1098]

SENATOR GLOOR: Senator Chambers, you're recognized to open on your motion to bracket. [LB1098]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'm serious about this motion. I'll be serious about other motions and amendments I'm going to put on this bill. I'd like to ask Senator Carlson a question or two. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR: Senator Carlson, would you yield? [LB1098]

SENATOR CARLSON: Yes, I will. [LB1098]

SENATOR CHAMBERS: Senator Carlson, you mentioned two things as being important, and could you give them again in the order that you gave them? You said the mission of the church was one of them, but I didn't get the order and what the second one was. [LB1098]

SENATOR CARLSON: No, I talked about our mission to grow food for people, grow food for the world. [LB1098]

SENATOR CHAMBERS: Okay, growing food is the first? [LB1098]

SENATOR CARLSON: No, it's the second. [LB1098]

SENATOR CHAMBERS: Okay. [LB1098]

SENATOR CARLSON: I said it's second only to the mission of the church. [LB1098]

SENATOR CHAMBERS: And growing food is the second one. [LB1098]

SENATOR CARLSON: Yes. [LB1098]

SENATOR CHAMBERS: Why would the mission of the church be the first one? [LB1098]

SENATOR CARLSON: Senator Chambers, to many of us that's in our value system and that's what we believe and that's what we say and that's where I am. [LB1098]

SENATOR CHAMBERS: Well, the reason I'm asking you, because you brought it up in the context of this bill, so what is the mission of the church that would be more important than providing food for the hungry? [LB1098]

SENATOR CARLSON: Well, food for the hungry feeds the body and the church feeds the soul. [LB1098]

SENATOR CHAMBERS: And feeding the soul, in your view, is more important than feeding the hungry. You said the mission of the church is first, if I understood you correctly. [LB1098]

SENATOR CARLSON: Correct. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR CHAMBERS: And that would make it more important than food. So why is the church's mission more important than providing food for the hungry? [LB1098]

SENATOR CARLSON: Because it feeds the spiritual part of a person's life. [LB1098]

SENATOR CHAMBERS: Well, didn't Jesus feed people before he talked to them about you having to follow...well, let me ask you this. If a person is hungry and you knew that person were hungry and you were going to minister to that person, would you give that person, first of all, a lecture or presentation about the mission of the church or would you feed that person first? [LB1098]

SENATOR CARLSON: I'd feed the person first. [LB1098]

SENATOR CHAMBERS: So having food comes before the mission of the church for the individual who is hungry. Would you agree? [LB1098]

SENATOR CARLSON: I'd feed the person first because I think that's what scripture tells us to do. That's what we're admonished as individuals, not necessarily as government. [LB1098]

SENATOR CHAMBERS: So then you are substituting your view for what the scripture said was the first thing to do, which is to feed them. But you put something above that because you disagree with that scriptural injunction. Is that correct? [LB1098]

SENATOR CARLSON: No, I interpret scripture as saying that as an individual I need to feed that individual first and then minister to them. That's a... [LB1098]

SENATOR CHAMBERS: All right, now, whose responsibility is it to make the mission of the church above the mission of feeding the hungry? Who is supposed to follow that methodology? If not the individual, who is supposed to follow it? [LB1098]

SENATOR CARLSON: Well, Jesus said, feed my sheep. [LB1098]

SENATOR CHAMBERS: So then feeding does come first, correct? [LB1098]

SENATOR CARLSON: And that's the mission of the...I mean, that's part of the mission of the church. [LB1098]

SENATOR CHAMBERS: So would you reconsider and put feeding the hungry first and then the mission of the church? Because if people don't eat and they starve, then there's nobody to listen to the mission. And if people are hungry, all they're thinking about is what they need to eat. So are you prepared now to reverse the order of those

Floor Debate
April 02, 2014

two items? [LB1098]

SENATOR CARLSON: No, I'm not. [LB1098]

SENATOR CHAMBERS: Is the mission of the church to tell people to live righteously? [LB1098]

SENATOR CARLSON: That's part of it. [LB1098]

SENATOR CHAMBERS: And what are some of the things that a righteous person will do so that those of us who are not sure will understand, since you brought it up as an intro to this bill that we're being asked to deal with? [LB1098]

SENATOR CARLSON: A righteous person would treat others as Jesus would treat them. [LB1098]

SENATOR CHAMBERS: And how would Jesus treat them, based on your understanding? [LB1098]

SENATOR CARLSON: Well, he would take care of their needs. [LB1098]

SENATOR CHAMBERS: And that's what we should do and we would be fulfilling all of the responsibilities we have, in your opinion? [LB1098]

SENATOR CARLSON: That's what we should do as individuals. [LB1098]

SENATOR CHAMBERS: And that would take care of our responsibility? [LB1098]

SENATOR CARLSON: Well, if we do as Jesus would do, it would take care of our responsibility as individuals. [LB1098]

SENATOR CHAMBERS: Now what should be done to provide food for the hungry if they're not able to provide it for themselves? Whose responsibility is it to provide food for the hungry? [LB1098]

SENATOR CARLSON: Well, it's the people of the community, it's the church, and I do have a strong belief that for those individuals that absolutely cannot provide for themselves there is a responsibility of government. [LB1098]

SENATOR CHAMBERS: Government. Now did Jesus talk about...or did he compare himself to a physician? [LB1098]

SENATOR CARLSON: Yes, I believe he did. [LB1098]

Floor Debate
April 02, 2014

SENATOR CHAMBERS: And for whom did he say the physician would minister? Who did he say has need of a physician? They were sick... [LB1098]

SENATOR CARLSON: Well, I think that he said that everyone has a spiritual need for a physician. [LB1098]

SENATOR CHAMBERS: Didn't he say they who are sick have need of a physician, not they who are well? [LB1098]

SENATOR CARLSON: Yes, he did. [LB1098]

SENATOR CHAMBERS: So the sick are the ones who should be ministered to rather than the well. Is that true? [LB1098]

SENATOR CARLSON: That would be one of the groups that should be ministered to. [LB1098]

SENATOR CHAMBERS: Now, you said that if people cannot provide food for themselves, ultimately, it would be the government's responsibility to provide food to feed the hungry. Did I understand you correctly? [LB1098]

SENATOR CARLSON: I said that for people who absolutely can't provide for themselves, we have a responsibility in government to help those people. [LB1098]

SENATOR CHAMBERS: And does that comprise a long, wordy way of saying that the government should provide food for those who cannot provide it for themselves? Is that what you're saying? [LB1098]

SENATOR CARLSON: I have no argument with that: for those who cannot provide for themselves. [LB1098]

SENATOR CHAMBERS: Now when we get to Jesus and this notion of being a physician, and the physician should minister to the sick and not the well, if there are people who are sick and they need ministering to and they cannot afford to provide it for themselves, should the government provide medical care for those people? [LB1098]

SENATOR CARLSON: That becomes a decision of government that is a very difficult decision because we go back to those who absolutely cannot provide for themselves. [LB1098]

SENATOR CHAMBERS: So I'm using your standard, using your words. For those who absolutely cannot provide for themselves as far as medical needs, healthcare needs,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

should the government step in and provide for them? [LB1098]

SENATOR CARLSON: Those people should be provided for, not necessarily by the government, but they should have help. [LB1098]

SENATOR CHAMBERS: But you hedge now. Should a man who is righteous hedge or should a man who is righteous speak in a straightforward manner without all kind of conditions and provisos? [LB1098]

SENATOR CARLSON: Well, I'm trying to speak straightforward and I'll continue to try. [LB1098]

SENATOR CHAMBERS: Then the government should provide medical healthcare for those who can't provide it for themselves, based on your religious notions, your elaboration to us this morning about what the duty of a righteous person is, is to do what Jesus talked about doing, feed the hungry and those who absolutely who cannot feed themselves the government should do it, minister to the sick. But you're unwilling to say those who absolutely cannot provide for their healthcare should be ministered to by the government as you said people should as far as food. Are you saying that the government has no responsibility to provide healthcare to those who absolutely cannot provide it for themselves? Is it the government's responsibility to do that? [LB1098]

SENATOR CARLSON: It's the people's responsibility one way or another. Those people should have help. It doesn't... [LB1098]

SENATOR CHAMBERS: I'm talking about... [LB1098]

SENATOR CARLSON: ...have to be from the government. [LB1098]

SENATOR CHAMBERS: I'm talking about the government. Is it the government's responsibility? Is the question hard to understand? [LB1098]

SENATOR CARLSON: Well, you're making it hard to understand because you're twisting, I think, what I'm saying. I don't disagree with people that are sick and cannot provide for themselves, need help, and they need medical care. That doesn't have to be government care. It needs to be care of some sort. [LB1098]

SENATOR CHAMBERS: If they cannot get it any other place, if they cannot get it any other way, I'm trying to make it as clear as I can. And you know where I'm going; that's why you don't want to answer. That's what I'm alleging. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR CARLSON: I'll answer right now. [LB1098]

SENATOR CHAMBERS: Or prove that I'm mistaken. Should the government provide it? [LB1098]

SENATOR CARLSON: I'll answer right now. [LB1098]

SENATOR CHAMBERS: Say it again. [LB1098]

SENATOR CARLSON: I'll answer it right now. [LB1098]

SENATOR CHAMBERS: Should the government provide it in those circumstances? [LB1098]

SENATOR CARLSON: If there is no other way, I wouldn't argue with that. [LB1098]

SENATOR CHAMBERS: The government should provide it. [LB1098]

SENATOR CARLSON: If there is no other way. [LB1098]

SENATOR CHAMBERS: Why is it so hard for you to say it? Thank you. Members of the Legislature, when you bring certain things up in a political setting, in a political discussion, trying to get political action, everything you bring up is open for evaluation and studying. That's what I'm doing. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Senator Chambers, you are next in the queue. You may continue. [LB1098]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Carlson and I have sparred ever since we've been in the Legislature. It started with my pronunciation of B-i-b-l-e as "Bibble." And he stood...he sat in the front of me at that time, he said that it bothered him. He might have said it offended him, but I'll tone it down. It bothered him that I would say "Bibble." And I asked him how he pronounced it. He said Bible. I said, well, you say tomayto (phonetically) and I say tomahto (phonetically), and it took care of that. But I'll tell you one thing. We've had discussions that went to substantive issues and he never showed himself to be as hesitant now. And you know why he's hesitant? Let me, before I go further, Senator Carlson, I'd like to ask you a question. [LB1098]

SENATOR GLOOR: Senator Carlson, would you yield? [LB1098]

SENATOR CARLSON: Yes, I will. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR CHAMBERS: Now the number LB887 might not mean anything to you or it might. Are you familiar with what the bill which carried the number LB887 dealt with? [LB1098 LB887]

SENATOR CARLSON: This session, yes. [LB1098]

SENATOR CHAMBERS: And it dealt...what did it deal with, based on your understanding? [LB1098]

SENATOR CARLSON: Well, it dealt with Medicaid expansion. [LB1098]

SENATOR CHAMBERS: And Medicaid expansion would have been designed to assist whom? [LB1098]

SENATOR CARLSON: It would assist approximately 54,000 people who are in a category of not having medical coverage in Nebraska. [LB1098]

SENATOR CHAMBERS: Okay. And did you support that bill? [LB1098]

SENATOR CARLSON: No, I didn't. [LB1098]

SENATOR CHAMBERS: Thank you, Senator Carlson. There you have it. See, when we're in a political session...situation, we say what's convenient at the moment. We say what's convenient at the moment. And when there is no stress or pressure, there's a lot said of a religious nature and the idea is to create the impression that the one speaking believes in righteousness and following the "Bible." But then when time comes to do something as, that person might say, Jesus would have us do it--you heard him--then you vote no. We had the opportunity to do that: 54,000 of our brothers and sisters and our neighbors whom we knew could not afford to provide medical care for themselves and their family. And the federal government said, we'll put up that money. And this Legislature said no. And you know what their prescription would be? Don't get sick. But then when you get them in a theoretical, abstract discussion about the Jesus they say they worship, then they will tell you what Jesus said, minister to the sick, with a little coaching. And those who are sick, who cannot take care of themselves, the government should intervene. And we had 54,000 opportunities to do that and said no. Am I the one who brings religion in here? Did I bring up the mission of the church this morning? Did I do it? No. But when things are brought up, I'm going to discuss them and maybe people will understand what I mean when I say we deal with legislation, not salvation, and they'll stop that daily praying. They'll stop bringing that in here because it certainly has no impact on the conduct of the people who participate in those prayers and who will engage in discussions about the "Bible." [LB1098]

SENATOR GLOOR: One minute. [LB1098]

Floor Debate
April 02, 2014

SENATOR CHAMBERS: Then spectators may get offended. But we're all adults. And I handed out a rhyme the other day and I think everybody can read: Our remaining days here, fewer grow in number; / Shall the beast called "getting even" wake or shall it slumber? / All in here have interests, each quite loudly roars: / If I am deprived of mine, you shall not have yours. / Overriding vetoes is an end game sport. / If we do not hang together, some shall come up short. / Those whose bills have made it will escape the pain, / Which, like beast, does wait to pounce on all who may remain. / None need deeply ponder... [LB1098]

SENATOR GLOOR: Time, Senator. [LB1098]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Chambers. Senators in the queue: Schilz, Lathrop, Christensen, and Chambers. Senator Schilz, you're recognized. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. I want to start this morning by taking a little time to do some history, because as I look around the floor I know that not many of you have been involved in water issues throughout your lives, and that's okay, but I have. I have worked on water issues now for about 20 years. It's one of the main reasons I got into the Legislature. Are there issues? Absolutely. And the great thing is, because of what we've done and because of where we've come from, we've been able to find solutions or the start of solutions. One interesting fact: If you look at the state of Nebraska from west to east, there's more geological difference in the state from Kimball, Nebraska, to Omaha, Nebraska, than there is from Omaha, Nebraska, to the East Coast. That provides us with many different challenges that most other folks don't have to live with. If you look...if you look east of Nebraska, almost all of the water rights...all of the water that's out there is under what's called the correlative rights system. The correlative rights system tells us that we share in the shortage. So if you have groundwater wells, you share in whatever is there and available. On the other side, if you look west of us to the drier states, the western states, almost all of their water comes from surface water. And their administration is run under the prior appropriation system. And prior appropriations tells us--first in time, first in right. It's an important concept. Here's the interesting thing about Nebraska: We're in the middle. On our groundwater laws, we run under the correlative rights system where we all share in the shortage or the excess, and our surface water administration is run under the prior appropriation system. So we've got two different administrations of how we handle water out there and we try to mesh them together and work with them every day. It is not an easy task. That's why you don't see many large substantive water bills come to the floor, because when they do, changes are inevitable and changes can have unintended consequences, and we need to be very careful of that. In the 1970s the NRDs were formed. And today if you go around the country, especially the western

Floor Debate
April 02, 2014

U.S., they are looked to as a model of how to manage natural resources. And most people are trying to get where we're at today with those kind of structures. Now I'm not going to tell you that it's a perfect system. I'm not going to tell you that we don't have challenges there and issues within that, because we do. But it's what we've got, and other people around the world or around this country are envious of us. Groundwater management came shortly after that in laws and functions of the NRDs and what they should be in charge of. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR SCHILZ: Thank you. I'll hit my button again and keep going. We should remember that the state administers the surface water, the NRDs administer and regulate the groundwater. That's two important things too. And when I get back on the mike, I will talk to you somewhat about what has happened with the advent and the implementation of LB962 ten years ago and how that came about and what it means to us today as we look at what we're dealing with on the table today in LB1098. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Lathrop, you are recognized. [LB1098]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to share in the sentiment expressed by Senator Carlson and Senator Schilz that this is an issue of great consequence. How we manage water across the state is critical to our ability to use water for municipal purposes, use water for agricultural purposes, and other reasons that we might use water. I want to ask Senator Carlson some questions so that our colleagues understand where we're at, Senator Carlson and I are, relative to our two approaches to groundwater management or the management of water in the state. [LB1098]

SENATOR GLOOR: Senator Carlson, would you yield? [LB1098]

SENATOR CARLSON: Yes, I would. [LB1098]

SENATOR LATHROP: Senator Carlson, you and I have reached an agreement, have we not? [LB1098]

SENATOR CARLSON: Yes. [LB1098]

SENATOR LATHROP: Okay. And for the benefit of our colleagues, you had a bill that was the work product of your Water Sustainability Task Force that sets up a commission and provides for funding of various water projects across the state, and that's primarily the substance in LB1098. [LB1098]

Floor Debate
April 02, 2014

SENATOR CARLSON: Correct. [LB1098]

SENATOR LATHROP: And I have a bill that has...and an amendment that deals with basinwide planning in certain river basins, and in particular it will begin by regulating or requiring that basinwide plan in the Republican River. Is that also true? [LB1098]

SENATOR CARLSON: That's true. [LB1098]

SENATOR LATHROP: And we have an understanding, you and I have reach an agreement, that my amendment will be added to LB1098 and you will support that amendment and oppose any effort to change it. [LB1098]

SENATOR CARLSON: We have an agreement that your amendment will go on and we've talked about this, that there are some things in it that I don't agree with and I'm going to talk about those things, but I have no intent whatever of changing it. [LB1098]

SENATOR LATHROP: All right. I get that you may not...you may not...you will support the amendment once it's in your bill and oppose any effort to change my amendment once it's in LB1098. Is that also true? [LB1098]

SENATOR CARLSON: Once your amendment...I have no intent of changing your amendment once it's been introduced. [LB1098]

SENATOR LATHROP: And you'll support it once it's amended on to LB1098. [LB1098]

SENATOR CARLSON: Once it's amended on to LB1098. [LB1098]

SENATOR LATHROP: Okay. Senator Carlson, you're not going to oppose the amendment, however. You may have some concerns perhaps about the Republican River Basin, but you'll support the amendment on to LB1098. [LB1098]

SENATOR CARLSON: I will, but I... [LB1098]

SENATOR LATHROP: Okay. [LB1098]

SENATOR CARLSON: ...well, I'd like to finish this because I'm not liking the insinuation here. I told you that there's some things in your amendment that I don't agree with and I'm going to talk about those things. I'm not going to change them. And that's up to you to get the support for it. I'm not going to oppose it. I'm just going to ask you some questions about it and I think I have a right to do that. [LB1098]

SENATOR LATHROP: Okay. Well, then maybe we should have this understanding, that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

after the committee amendments, we'll put my amendments into LB1098 and then we'll allow your cleanup amendments. How's that? [LB1098]

SENATOR CARLSON: That's...I thought that was the direction it was going to go. [LB1098]

SENATOR LATHROP: Okay, okay. [LB1098]

SENATOR CARLSON: And either way is okay with me. [LB1098]

SENATOR LATHROP: All right, very good. Colleagues, this is a very important issue. We are talking and going to spend some time on water, how we manage it, and what the state's policy is going to be as it relates to water. This is, I believe, one of the more important subject matters that we will take up today. The fact that it's being handled in the last few days of the session shouldn't lead you to conclude that it's a miscellaneous issue. I believe it is probably one of the most significant issues that we've dealt with, as Senator Carlson said, in our eight years here, and I look forward to the discussion. Thank you. [LB1098]

SENATOR GLOOR: Thank you, Senator Lathrop and Senator Carlson. Senator Christensen, you're recognized. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President. I stand in a very difficult position. As written, it only affects my district. And I've been in a very difficult position ever since a year ago when LB522 was held on this floor. LB522 would have compensated surface guys by the state when their water was taken away from them for compliance. And unfortunately, I have tried to work on this for quite some time. We was even having meetings yet at 5:00 yesterday. And then Senator Lathrop and Senator Carlson went and worked on their own and come to this agreement, which I can say there's a lot of things in here I don't like. And as I have said, it was wrong when the surface people weren't compensated when the state took their water away, and that was a \$10 million choice of this body. We started a lot of water meetings a year ago. And now we're looking at the result of that from some intensive work from Senator Lathrop, some work from Natural Resources Committee, and Senator Carlson doing a lot of intensive work. As bad as I want to get something done and accomplished, I wished we had more time, because I don't think it's ready for prime time yet. And I don't know whether to sit here and...I've already written five amendments, but I can't even get up in order if Senator Lathrop don't want to allow it. I don't even know if it's worth my time, because like I said, I don't want to kill surface in my district, and it has been. This will be year two that either the surface people are going to get zero or up to two inches. At the same time, I don't want to kill groundwater people in my hometown, home area, Upper Republican either. This bill will put 30 years' window in there to accomplish groundwater sustainability. But there's some language missing that I will offer to Senator

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

Lathrop here, when I get it wrote to see if he can accept, to better clarify where we're at. I wished I knew what all I could get done, what they will accept, or I'd tell you what I would do on this bracket. I don't want to shove it off another year and not give surface an opportunity to have water, but I don't want to be a hypocrite either and kill groundwater irrigation. I sit in a very tough spot. I sit in a particular spot because of LB522 not going forward. If we could have compensated them a couple of years, worked on what we got now on into next year, we could accomplish something that would have been very positive for the state. I wished I knew what to tell you. [LB1098 LB522]

SENATOR GLOOR: One minute. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President. I wished I knew exactly what can happen. But I will be visiting with Senator Lathrop to see if he can accept some clarifying language to help me out and I'm sure I'll be back on the mike a number of times and we'll see where we can go from there. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Chambers, you're recognized. [LB1098]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I was reading something and I'm going to just take my time and locate it here, but while I'm doing that, I'd like to ask Senator Carlson a question. [LB1098]

SENATOR GLOOR: Senator Carlson, would you yield? [LB1098]

SENATOR CARLSON: Yes, I would. [LB1098]

SENATOR CHAMBERS: Senator Carlson, can you think of any bill currently on the agenda which is to be handled in the few remaining days that is as important as this water bill? [LB1098]

SENATOR CARLSON: I haven't analyzed to look at those, Senator Chambers. There may be and I can't give you an answer on that because I haven't looked at it that way. [LB1098]

SENATOR CHAMBERS: But is this one very important, in your opinion? [LB1098]

SENATOR CARLSON: It's very important. [LB1098]

SENATOR CHAMBERS: You're prepared then to spend eight hours on it, aren't you? [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR CARLSON: If need be. [LB1098]

SENATOR CHAMBERS: All right. And what day...this is the fifty-fourth day, correct? [LB1098]

SENATOR CARLSON: I didn't count, but I could look. [LB1098]

SENATOR CHAMBERS: Okay, on the agenda it says this is the fifty-fourth day. [LB1098]

SENATOR CARLSON: Okay, it must be accurate. [LB1098]

SENATOR CHAMBERS: So the days are growing fewer. And I'm going to finish...that's all that I would ask you. I'm going to finish this: Overriding vetoes is an end game sport. / If we do not hang together, some shall come up short. / Those whose bills have made it will escape the pain / Which, like beast, does wait to pounce on all who may remain. / None need deeply ponder, none need scratch one's head; / Clear to everyone's the meaning of the things here said. Then this little couplet in parenthesis: Nothing here is meant to fool you; / Its sole purpose is to school you. I gave notice. There was a bill I had that was very important to me and it was handled in a way that I disagreed with. And I'm going to handle and work on this bill in a way I'm sure that you and others who support it will disagree with, and I'm going to do that with other bills before us. And there are some people who got amendments attached to bills without being opposed and those bills now constitute Christmas trees. Some may be on Select File; some may be on Final Reading. And I look around at people who supported something and came to me, one of them, and stood in my face right here and said, Ernie, you told me I won't support anything you bring. Then with reference to my mountain lion bill, he said, this is the day, this is the bill. Then he voted against it. He voted for it on General File, then he voted against it. And then they wonder why I say I don't have any trust in these people, any confidence in what they say. But what I did this session was allowed myself to be put in that position by behaving in a way that I'd behave if I trusted them. Ronald Reagan said trust but verify. I verified and I know what I'm dealing with. Some of you will be gone, but some of you will come back next session. And I'm going to be here and I'm going to see what your constituents can do to rescue you from what happens on this floor. Now that bill meant a great deal to me. And what I'm going to do as bills come up, discuss that bill, bring forth information that I think is pertinent and it will tie into these bills. Habitat, not just for human beings but for animals, rely on water. And there are animals whose habitat is being invaded. And because people are invading the habitat of those animals, the animals are to be destroyed. Now Senator Schilz said he's been working on water issues for 20 years. [LB1098]

SENATOR GLOOR: One minute. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR CHAMBERS: I'd like to ask Senator Schilz a question if he's in the house. [LB1098]

SENATOR GLOOR: Senator Schilz, would you yield? [LB1098]

SENATOR SCHILZ: Yes, I will. [LB1098]

SENATOR CHAMBERS: Senator Schilz, you said you've been working on water issues for 20 years. [LB1098]

SENATOR SCHILZ: Yes. [LB1098]

SENATOR CHAMBERS: You don't expect that to mean anything to me, do you? [LB1098]

SENATOR SCHILZ: You can take it however you like. [LB1098]

SENATOR CHAMBERS: No, I'm asking you what you think. You don't think it means anything to me, do you? [LB1098]

SENATOR SCHILZ: I really... [LB1098]

SENATOR CHAMBERS: Yeah, okay. [LB1098]

SENATOR SCHILZ: Senator, I can't put myself in your mind. You can tell me whether it does. [LB1098]

SENATOR CHAMBERS: Okay. Well, it doesn't. [LB1098]

SENATOR SCHILZ: Okay. [LB1098]

SENATOR CHAMBERS: Okay. This bill doesn't mean anything to me. And maybe as we go along some of you can tell me why it should mean something to me. But I don't see it. It doesn't affect my district. The people in my district aren't asking for this bill. My constituents aren't asking for this bill. So why should it mean anything to me? What my thoughts are, are irrelevant. [LB1098]

SENATOR GLOOR: Time, Senator. [LB1098]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Senator Johnson, you are recognized. [LB1098]

Floor Debate
April 02, 2014

SENATOR JOHNSON: Thank you, Mr. President. This is my first year sitting on Natural Resources Committee and I had a lot of questions when I attended my first meetings and started learning more about the 23 NRD districts. I started to learn why each one of them has their own rules and regulations, and that's kind of been explained today. Each one is unique, depending on groundwater, surface water, water basins. And some of that really bothered me. But as I learn more about it, it is very complex and very interesting to go through that study. Now I understand why there are 23 individual districts. I was not part of the study this summer, but I attended several of those meetings. In those meetings, 27 stakeholders attended that meeting. Education was part of that process and we found out there's more than two sides to that subject, very complex. One of the processes they used was building consensus and I think that's what we have to do as we talk about the issues today. When I sat in on those meetings, every time they voted those 27 people were asked to go thumbs up, thumb sideways, or thumb down. If there was somebody that had their thumb down, the process stopped and they discussed what could be done in order to bring them at least to a position where they could support and move forward. That's consensus building. Not everybody wins when you do that, we understand that. I've heard from the NRDs. They don't like part of what's being discussed; they don't like part of LB1098 maybe being...I'll call it watered down. That's not a pun, but that's a term we use. The other side looks at it and their side is maybe being (inaudible) a little bit different, changed a little bit. They had the 20 meetings. I support what the committee this summer did. I think there's things in place to take care of, as Senator Lathrop said, the Republican River issues. They've done a study. They're the ones that know more about it, probably, than most of us...20 meetings, 20 days of time. There will be amendments offered. And I think you're starting to see, if we call it two sides, those two sides might be the side that LB1098 has, which is supported by Senator Carlson and most of us on the committee, and then there's the other side with Senator Lathrop's amendment. I think we can come together and I think we need to come together, but it's time...we've spent a lot of time and some resources in order to start a program of sustainability, and sustainability for all of the stakeholders. You heard the list of people that are represented in that. I heard early on in this session that we don't have a problem in Omaha with water. I think we heard that there is issues. I attended a meeting this summer that was sponsored by the utility companies from Fremont, Omaha, Papillion, and Lincoln. All of them surround my district and talked about the issues that they have. I believe that LB1098 is the first step in order to work on those issues, along with issues of sustainability for the entire state which is not only... [LB1098]

SENATOR GLOOR: One minute. [LB1098]

SENATOR JOHNSON: ...the NRDs in the eastern part of the state, but it includes the Republican River Basins. I used to live in that area. I know about...I've heard about the flood from 1935. I know...I was present when the Harlan County Dam was dedicated in the late middle '50s. There's a lot of projects out there that we've done, a lot of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

conservation that's changed things. But we need to focus, we need the focus of all the stakeholders. And I am going to listen as we move forward, but I believe we need to move forward with LB1098 and the consensus that we can build from that. Thank you, Mr. Speaker. [LB1098]

SENATOR GLOOR: Thank you, Senator Johnson. Mr. Clerk for a motion. [LB1098]

CLERK: Mr. President, one item if I might before. I have a motion with respect to LB671, to reconsider. (Legislative Journal page 1349.) [LB671]

Mr. President, Senator Pirsch would move to recess the body until 1:30 p.m.

SENATOR GLOOR: Members, you've heard the motion to recess until 1:30. Those in favor say aye. Opposed, nay. We stand recessed.

RECESS

SENATOR KRIST PRESIDING

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

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

SENATOR KRIST: Thank you. Do you have any items for the record?

CLERK: I do, Mr. President, a communication from the Governor. (Read re: LB96, LB251, LB359, LB359A, LB402, LB560, LB560A, LB660, LB660A, LB699, LB725, LB725A, LB751, LB751A, LB814, LB814A, LB836, LB853, LB853A, LB901, LB901A, LB920, LB920A, LB946, LB967, LB967A, LB974, LB974A, LB986, LB986A, LB987, LB987A, LB1001, LB1012, LB1103, LB1114, and LB1114A, LB867, LB867A, LB1087, and LB1087A.) I also have, Mr. President, a Reference report referring interim study resolutions. And your Committee on Enrollment and Review reports they've examined LB390 and recommend it to be placed on Select File, and LB276A. That's all that I have, Mr. President. (Legislative Journal pages 1350-1359.) [LB96 LB251 LB359 LB359A LB402 LB560 LB560A LB660 LB660A LB699 LB725 LB725A LB751 LB751A LB814 LB814A LB836 LB853 LB853A LB901 LB901A LB920 LB920A LB946 LB967 LB967A LB974 LB974A LB986 LB986A LB987 LB987A LB1001 LB1012 LB1103 LB1114 LB1114A LB867 LB867A LB1087 LB1087A LB390 LB276A]

SENATOR KRIST: Thank you, Mr. Clerk. Let's proceed to the first item on the afternoon schedule.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

CLERK: Mr. President, returning to LB1098, Senator Carlson presented his bill; the committee amendments were offered. I was then given a bracket motion by Senator Chambers, a priority motion to bracket until April 17. That motion is pending. [LB1098]

SENATOR KRIST: Senator Carlson, would you like to briefly recap? [LB1098]

SENATOR CARLSON: Thank you, Mr. President. And I've indicated, certainly, my support for LB1098, how important it is to our state in terms of managing water. And I continue to look forward to the debate. Of course, Senator Chambers has gone a different path and we need to resolve that before we proceed. Thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Carlson. Senator Chambers, would you like to briefly recap? [LB1098]

SENATOR CHAMBERS: You mean my motion? [LB1098]

SENATOR KRIST: Yes, sir. [LB1098]

SENATOR CHAMBERS: It is to bracket this bill until April 17 of this year. And if you vote for the bracket motion, which you won't, then that would end the bill for this session. Thank you, Mr. President. [LB1098]

SENATOR KRIST: Thank you, Senator Chambers. Returning to the queue as we left it this morning, we have: Harms, Schilz, Avery, Smith, Carlson, and others. Senator Harms, you are recognized. [LB1098]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in opposition to the bracket motion. I do support LB1074. I commend Senator Carlson for what he's done and what he's put together in regard to this legislation. I think it gives us the opportunity to start to plan for the future. The commission and the cross-section of people that he's placed in there and the kinds of programs that we can look at that are backlogged, projects that need to be moved forward will get done. But more importantly, in this legislation of Senator Carlson's, he does talk about research. And, colleagues, we have to depend upon science to help us better understand what's happening to our water. Don't kid yourself, water will have an impact in this city; it's going to have an impact in Omaha; it will have an impact in every community in our great state. I have spent quite a bit of time looking at both of these bills; the bill that Senator Lathrop has developed in regard to LB1098. There are some really good things in LB1098; there are also some great things in Senator Carlson's bill. Somehow we have to bring these two together in a form that we can move forward to put us on course with truly sustaining or truly protecting our water supply. I've listened to some discussion behind the glass doors and I've listened to some discussion in here on the floor about the NRDs. Some of them are

Floor Debate
April 02, 2014

not happy with Senator Lathrop's legislation and maybe even Senator Carlson's legislation. I've spent some time visiting with people in my own community that I trust very much in regard to water, and that is the general manager of the Pathfinder Irrigation District; the president of the Western Nebraska Irrigators Association, the chair of the North Platte Valley Resource District and the chair of the North Platte Valley Water Association, which is the same person; and then the executive director of the NRDs. And what they have told me is the information that Senator Lathrop, in his original bill, was introducing was things that we've already done. So let me take just a moment to tell you that, regardless of what the NRDs might be saying behind these doors, glass doors, it can be done; it is being done right now. We're overappropriated in western Nebraska. The North Platte NRD has worked and they have studied and they have managed the water quality, education, assisting farmers, and participating in conservation efforts involving even other NRDs in Nebraska and people outside of our great state. Although we have...we live in a dry end of the state in Nebraska, it was among the first...we were among the first to limit and meter groundwater extraction. We have retired irrigated land in an effort to bring down the demand for water. They have promoted an understanding of the undeniable link between surface water and underground water. They have worked to keep nitrogen and other agricultural-related contaminants out of the rivers and aquifers. We have promoted no-till practices to preserve the soil moisture and contributed to efforts to remove the thirsty, invasive plant species. If other NRDs behaved in the same manner, colleagues... [LB1098 LB1074]

SENATOR KRIST: One minute. [LB1098]

SENATOR HARMS: Thank you very much, Mr. President...we would resolve this issue. So what I'm telling you is, it can be done and it must be done. And we cannot afford to lose LB1074 and the funding for LB1074, and somehow we have to find a solution to Senator Lathrop's bill to bring these together to give us a long-term solution. If this bill is continued to be filibuster and we lose it, Nebraska loses, every city loses, every community loses. We cannot wait any longer, colleagues; we have to find a solution to this issue. But more importantly, we're talking about our future. We're talking about future generations. This is the greatest resource we have is our water. We have to find a better way to manage it. We have to find a way to bring science together. And we have to tell the NRDs--you have to be involved and we are going to look over your shoulder; we are going to require you to meet certain requirements. Local control is wonderful, as long as you don't do anything. And that's what really is happening here. [LB1098 LB1074]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR HARMS: Thank you, Mr. President. [LB1098]

SENATOR KRIST: Thank you, Senator Harms. (Visitors introduced.) Senator Schilz,

Floor Debate
April 02, 2014

you're recognized. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. I started this morning talking a little bit about the history of water in the state of Nebraska and I would like to continue on that if you guys will allow me. And we talked about how...the geographic differences and what happened in the '70s with the NRDs being created and how that's kind of the envy of the rest of the nation as to how to manage natural resources. And now I'd like to get you into some of the stuff that I've been experienced with on the Platte Basin and where some of the ideas have come into play and the laws that have been passed that set out a plan for where we move forward on the Platte Basin and other areas in our state. During the 1990s, Fish and Wildlife Service and the Endangered Species Act identified three species that made their home...or made their presence known on the Central Platte region here in Nebraska. Those three species were the piping plover, the least tern and the whooping crane. And with those three species there was another one that came along afterwards that resides in the Lower Platte, that's the pallid sturgeon, and that also came into the mix as we moved forward. Those negotiations that started as a Nebraska plan and then went to the cooperative agreement and then to the Platte River Recovery Implementation Program took about 14 years...listen, 14 years to come up with the first increment. Not 6 months, not 18 months, not 5 years, 14 years, and we're in the middle of that first increment right now. And what that first increment said was that we needed to have a certain amount of water available in the Central Platte region when that water was needed for species. And that may not seem like a big thing to you, but we're talking about a 150,000 acre-feet a year for the first increment. The feds, Fish and Wildlife Service, told us and have stated and have never backed down from this that eventually they want to see 417,000 acre-feet a year with reductions to shortfalls in the Central Platte area. Guys, that's a lot of water. We were able to find the first 130,000 to 150,000 acre-feet. That's the low-hanging fruit. And we were able to do that by utilizing a bill that came into the Legislature called LB962. LB962, if you look back and you see what was implemented and what was...what we were told we had to do under Fish and Wildlife Service and the Endangered Species Act, LB962 was Nebraska's new depletions policy on the Platte River. And it says we have to get back to 1997 levels of use. So that's our charge and that's what we have been endeavoring to do for the last six to seven years. LB962 told us that we would do things differently than we've done in the past. We would manage integrated flows, integrated management plans and manage water conjunctively, which means groundwater and surface water together, which means groundwater that is hydrologically connected to surface water would be part of the deal. But because we have two different systems out there... [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR SCHILZ: Thank you...correlative rights and prior appropriations, we had to find ways to bring that together. That came together through what they call the

Floor Debate
April 02, 2014

integrated management plans or the IMP process. And all of those NRDs that are on the Platte Basin, the Upper Platte, the Central Platte, came into those IMP processes and each one of those NRDs had to come up with a plan to push their uses back to 1997. Largely, they've been successful in the Central Platte region. And they've shown the utility of being able to bring people together to work together to solve problems and not split people apart. And I will continue on this when I get my next attempt at the light. Thank you very much. [LB1098]

SENATOR KRIST: Thank you, Senator Schilz. Senator Avery, you are recognized. [LB1098]

SENATOR AVERY: Thank you, Mr. President. Good afternoon, colleagues. This morning Senator Schilz gave a speech in which he talked glowingly about NRDs and the way we manage water in the state, saying we're the envy of the rest of the country. I want to offer a different perspective on that. In my opinion, and I have been thinking about this now for several years, water policy in this state is disorganized, illogical, costly, and duplicative. It is almost insane the way we go about making water policy. Surface water is controlled by the Department of Natural Resources and groundwater is controlled by 23 separate Natural Resource Districts dating back to 1969. We have 24 different political entities trying to manage water in this state. No wonder we're running out of water; no wonder we don't have any sustainable plan or any idea of where we're going to go next. It's no wonder we're having to appropriate millions and millions of dollars to bring some sanity to this process. The competing interests in this state of conservation, irrigation, and the need for long-term sustainability in ecologically differing water basins, with differing styles of water management, have made Nebraska's evolving water policy impossible to define and has made implementation of any sustainable policy almost impossible. Certainly it's made implementation of any substantial legislation a difficult task. When you start talking about water, you get the attention of the NRDs right away. And you start talking about planning; you really get their attention. You start talking about a water plan, how we're going to spend that millions of dollars we're going to be allocating, boy, do you hear from them then. And you become persona non grata pretty quickly. NRDs were once considered, as Senator Schilz said, a bold local control approach to water management. I don't think it's such a bold innovative approach anymore. In fact, I'm convinced that we're not being well served by the 24 separate entities that are telling us this is the way you ought to manage water. Let's be honest. Most of the work that's done on water by the NRDs is done to protect irrigation rights in the separate basins. The best we can do is 12 different plans, and we've got more than that. Well, we tried, okay, we can't get a single water plan for the state; we can't get any coordination at the state level in how we manage water, so we've got all this disorganization; why don't we come up with integrated management plans? Well, that's what we did. We get integrated management plans, integrated management plans all over the place. Some of those plans have all the stakeholders represented, some of them don't, just a few, the ones

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

they generally agree with. We don't know what we're doing in water policy in this state. And, frankly, I'm disappointed in LB1098 because I'm not sure that is the approach because it's going to be better than what we have now. I like Senator... [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR AVERY: ...Lathrop's amendment, and I intend to support it, but right now we don't know what we're doing. And it's not going to change until we change the structure of how we make policy in water. And when Senator Schilz talks about what a good structure we have, my question will be, why are we having to pay millions of dollars to Kansas? Why is it we're running out of water and we're facing the possibility of a call on the water in Lincoln, probably this summer? If we're doing such a good job, why are we running out of water in this state? We're not doing a good job. And I am unconvinced that this legislation we're considering today is going to solve the problem. It will help, but it's not going to solve the problem. I'm going to have more to say about this before the day is over, but that's at least my beginning. We need more organization to this. We need to find out a way to develop a single water management plan for this state... [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR AVERY: Thank you, Mr. President. [LB1098]

SENATOR KRIST: Thank you, Senator Avery. Senator Smith, you are recognized. [LB1098]

SENATOR SMITH: Thank you, Mr. President, and good afternoon, colleagues. I enjoyed listening to Senator Schilz a little bit earlier. I think he has a lot of experience with water across the state. And we do have a diverse use of water and a diverse number of water issues across the state, as diverse as our state is itself. Now I happen to represent the eastern part of the state where the primary water management issue is flood protection, flood control. And I do have a vested interest in LB1098 from the eastern part of the state as I believe that as amended it would help to address the protection of critical infrastructure. An example of that on the eastern side of the state is Offutt Air Force Base, which has a tremendously large economic impact on our state. And I think it's important for flood control to protect that type of critical infrastructure. And I'm grateful that we've been able to get language into the amendment, into the bill hopefully, that would help to address and protect that critical infrastructure. But with this said, colleagues, I also have concerns with impacts that this bill and this amendment will have across Nebraska. And I know there is a number of other amendments that will be coming and I will be listening very carefully to the discussion, because even as a member of the Natural Resources Committee, I can't say that I'm entirely clear as to what is in all the amendments that's coming after this. So I'll be listening and watching

Floor Debate
April 02, 2014

carefully. And I think, even though I have an interest in protecting critical infrastructure from the threat of flood on the eastern part of the state, we need to look at this comprehensively for all of Nebraska and make certain that all of Nebraska water issues are well served by the...where we end up with a final amendment and a final bill. Senator Schilz I know was on earlier, and I'm going to yield him my remaining time. And I'd like for him to continue his thoughts on water for the state. Thank you. [LB1098]

SENATOR KRIST: Two minutes and thirty seconds, Senator Schilz. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President. And I will say, you know, I was listening to Senator Avery and I'm not saying things are perfect, guys, but I could tell you this, a couple of observations. I'm going to go a little bit off track on my history lesson here, a couple observations. First of all, let's understand one thing. In the vast majority of the state of Nebraska, we are not running out of water. According to the studies that are out there, if you look at the whole state and you look at the Ogallala Aquifer that's underneath our state, we have only depleted the aquifer about 1 percent. Folks, there is a lot of water in the Ogallala Aquifer underneath Nebraska. I handed out a map earlier. I hope everybody got to see it and got to take a look at it. If you look at the southwest corner where you see the red and the yellow and things like that, that's where the biggest and the most groundwater depletions have happened, and, yes, they're real, and, yes, they are substantive. They're not small. But let me tell you this. Do you know how much saturated thickness they have average in those areas where you see that decline? They still have between 180 and 300 feet of saturated thickness in most places. That means there's that much water available... [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR SCHILZ: ...for use yet. Thank you. So let's be honest. Over the whole state the sky is not falling. When they talk about leadership, that's what this is--moving forward before there is a problem, moving forward to get money to make sure that what happened in the Republican Basin doesn't happen anywhere else. Money changes those things. But I can tell you this. If you run out of water or if you look like you're running out of water, it makes it very hard for people to come together and for people to work together. And a lot of that is what we see going forward in the Republican Basin. It took ten years to get those NRDs to work together because of mistrust. Are you starting to see something here? Fourteen years to put a plan together to do the endangered species stuff,... [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR SCHILZ: ...ten years to bring NRDs together. Thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Schilz. Senator Carlson, you are recognized.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

[LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Senator Avery is a good friend. But I just totally disagree with him in terms of Nebraska not having any kind of a water plan. Appreciate what Senator Schilz has said. It's the whole purpose of LB1098 to put a plan in place that over a reasonable period of time will get Nebraska into a position of being sustainable with water. Part of that plan where we have groundwater declines in this state is to stop those groundwater declines over a reasonable period of time. Senator Schilz referred to a map, that he has given each one of us, and the spots on there that are troublesome spots, and that's what they are. But in moving forward, we also have to be aware of what is hydrologically connected and what isn't. If something is...if an area is hydrologically connected to a stream, it affects the flow in that stream. If it's in a position that it's not hydrologically connected, then that's a different situation. That may be the case at Box Butte; that may be the case, may be the case in part of the Upper Republican. This is a good plan. This needs to go forward. We have the best opportunity in the history of the state. We have commitment from the state to provide dollars to help us put things in place that make us sustainable. And when we are sustainable, we are in the best economic position in this state of any state in the United States. This has to happen. How much time do I have, Mr. President? [LB1098]

SENATOR KRIST: 2:50. [LB1098]

SENATOR CARLSON: I'd yield the balance of my time to Senator Chambers. [LB1098]

SENATOR KRIST: Senator Chambers, 2:47. [LB1098]

SENATOR CHAMBERS: Thank you, Senator Carlson, "Parson" Carlson. Thank you, Mr. President. I withdraw that pending bracket motion. [LB1098]

SENATOR KRIST: Thank you, Senator Chambers. Withdrawn. Mr. Clerk for amendments to the committee amendments. [LB1098]

CLERK: Mr. President, Senator Lathrop, I have FA272. Senator, I understand you wish to withdraw and substitute AM2753. (Legislative Journal page 1359.) [LB1098]

SENATOR LATHROP: That's true. [LB1098]

SENATOR KRIST: No objections, so ordered. Senator Lathrop, you are recognized. [LB1098]

SENATOR LATHROP: Thank you very much, colleagues. We're now getting into the substance of this debate. And we do that with AM2753. AM2753 is simple. It requires

Floor Debate
April 02, 2014

basinwide planning if a river basin has three or more NRDs that are statutorily required to develop an integrated management plan that covers all or substantially all of the district. At this point in time that would be the Republican. The basinwide plan shall have clear goals and objectives with a purpose of stopping groundwater declines and sustaining a balance between water uses and water supplies. It must ensure compact compliance and set forth a time line not to exceed 30 years to meet the goals and objectives. The plan may allow for the use of groundwater in excess of predevelopment quantities. That would not necessarily affect the Republican, but might affect a basin in the future. That's an accommodation to Senator Carlson in this bill. The basinwide plan shall include intermediate dates to measure progress towards the goals and objectives. The basinwide plan shall be developed using a consultation and collaboration process, but only the DNR and the affected NRDs have the authority to adopt the plan. Before the adoption of the plan, a public hearing would be held and the Interrelated Water Review Board would be utilized by either the Department of Natural Resources or the affected NRDs to resolve disputes concerning developing, implementing, and enforcing the basinwide plan. That is my introduction and I'm going to take a little a bit of time to visit with you about the substance. I want to be clear to my colleagues that you've heard Senator Schilz talk about NRDs and the advantages in local control. And I think that has served Nebraska well, the NRDs, primarily because it's difficult to establish a statewide policy given the differences between each of the river basins. The complexities in the Republican Basin are nothing compared to...or do not compare to the problems that they might have on the Papio Natural Resources District. They have to comply with a compact with Kansas that requires that they get a certain amount of water to Kansas every year, which is a challenge. The amendment would simply say that the Republican River Basin needs to develop a basinwide plan, and the basinwide plan needs to have two objectives. One is to finally get to a balance where the uses in the basin are no greater than the supply. Right now the focus in the Republican is compact compliance. When you look at their integrated management plans, they are almost exclusively about compact compliance, and maybe they should be at this point in time because that is critical to the state. They have to figure out a way to get a certain amount of water down to Kansas to be in compliance with the compact. And they are doing it currently at the expense of the resource. The declines, if you look at the map Senator Schilz shared with you, you can see that there are significant, significant declines in portions of the Upper Republican since predevelopment, which is generally around 1950, I'm told, to last spring; in some places up to 80 feet of decline in the aquifer. It is important that we address this. I want to talk about local control. Local control and having management of our water resources by the NRDs is important, but it is not an end in itself. And just as the Legislature has a duty to oversee the executive branch, we also have a duty to oversee the policy as it relates to water, just as we do to education, roads, you name it. It is altogether appropriate that we examine water policy in the state from time to time. I should be clear that the amendment is not intended to be an indictment of the NRDs. They have many and significant challenges in the Republican. There are many NRDs that are doing a very good job and some very forward-thinking work as it comes to

Floor Debate
April 02, 2014

sustainability. Finally, colleagues, the idea of a basinwide plan is not new. And I hope you will pay attention when Senator Schilz talks about the experience in the Upper Platte. Ten years ago, this body, in response to some litigations and the circumstances, declared the Upper Platte overappropriated and they were required to do a basinwide plan. The basinwide plan requires that the stakeholders come together, and I'm told there were a few uneasy years in the beginning, but what's going on in the Upper Platte is a model for what can be done to get a basin to sustainable. We want to bring the principles of basinwide planning that work in the Upper Platte and bring them to the Republican River Valley so that they can, once and for all, find sustainability while meeting their obligation to comply with the compact. Thank you, Mr. President. [LB1098]

SENATOR KRIST: Thank you, Senator Lathrop. You've heard the opening. Those wishing to speak: Senators Wallman, Crawford, Nelson, Christensen, Schilz, Hansen, and others. Senator Wallman, you are recognized. [LB1098]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. This has been a hot topic ever since I've been in here. And why should it take money? Would Senator Carlson yield to a question? [LB1098]

SENATOR KRIST: Senator Carlson, will you yield? [LB1098]

SENATOR CARLSON: Yes, I will. [LB1098]

SENATOR WALLMAN: What are we going to spend all this money for? [LB1098]

SENATOR CARLSON: Senator Wallman, there are probably two choices when it comes to accomplishing something in regard to water. And throughout the past we have spent money on various projects that puts us in a better position to manage the water that we've got. You've heard me talk before about Lake McConaughy, when that was done. You can't even calculate the economic advantage of having done that. Now if you don't do any of those things, then one choice remains and that's harsh regulation, harsh regulation. That's not the best option. It needs to be a combination of using less water, as well as putting water in a position where it increases our supply. [LB1098]

SENATOR WALLMAN: Thank you, Senator Carlson. That makes sense. If I put a straw in the aquifer and my neighbor puts a straw in the aquifer and Senator Bolz puts a straw in the aquifer, we're going to pull down the aquifer. So you're going to pull your neighbor's water as well as your own. And this compact was signed, unless it's changed, in 1942, and it tells us all the river basins and all what goes into the Republican River and it's called the Colorado, Kansas and Nebraska, we're collectively as the states. And it was authorized by an act of Congress in 1942. So we had the guidelines here since 1942. They tell me how many acre-feet of water is supposed to go across the river...across the border, all these things, all these different aquifers or, I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

mean, streams. And if we pull down the underground aquifer, the streams are going to go down, as Senator Christensen will tell you. And so this is much, much more complicated than I think most local NRDs...I've talked to my own even. We have to have fewer people, I think, we have to have a water czar or something run the whole thing because it gets too doggone political for locals to handle. Do I want to shut my neighbor off if my well goes dry? Right now I could if you sue him. But is that the way to do business? I think there's way too many people on this commission myself. And I'll yield the rest of my time to Senator Chambers...to Senator Carlson then. [LB1098]

SENATOR KRIST: Senator Carlson, you're yielded 2 minutes. [LB1098]

SENATOR CARLSON: Oh, thank you, Senator Wallman. The whole idea of using the water supply that we have is a good idea, that's what it's there for. But it's got to be managed properly, just like anything. If something is good and you start using it and you don't pay any attention to what you're doing and use it until it's gone, you have a problem. And I've used this illustration many times before, water is like money. If you have \$10,000 in your bank account and every year you put in \$12,000 and you take out \$14,000, pretty soon you're bankrupt. Then you wonder what happened, because you didn't manage it properly. Same thing is true with water. We keep, in places, digging a hole that's deeper and deeper and there's coming a day when we will be... [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR CARLSON: ...water bankrupt, and we can't afford to do that and it makes no sense to do that. Now I'm understanding that part of Senator Lathrop's amendment that's bringing some heartburn is on page 11, line 10, "stopping ground water declines." That's at my suggestion. And I'll be happy to talk about it with anybody that thinks that's a problem. If there is a better solution to that, let's hear it. That's pretty easy to understand. We need to get to a point across the state where we've stopped those declines. We will be sustainable. We will have water for every group in the state that wants water. We will have water for municipalities. We will have water for domestic wells, because if... [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR CARLSON: Thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Carlson and Senator Wallman. Senator Crawford, you're recognized. [LB1098]

SENATOR CRAWFORD: Thank you, Mr. President. Senator Carlson, I'm going to be optimistic for a little bit. How about that? I'm going to assume that we're accomplishing what we need to accomplish here and that we get to your amendment, AM2684, and

Floor Debate
April 02, 2014

ask you a couple of questions about intent on that amendment if you would yield.
[LB1098]

SENATOR KRIST: Senator Carlson, will you yield? [LB1098]

SENATOR CARLSON: Yes, I will. [LB1098]

SENATOR CRAWFORD: Thank you. The key questions that I have on that amendment deal with the discussion of critical infrastructure. So I just want to clarify on the record that that language, "critical infrastructure," would apply to Offutt Air Force Base as an example that would be considered something that would be an example of critical infrastructure for the purposes of the funding criteria. Would that be correct? [LB1098]

SENATOR CARLSON: That would be a correct conclusion. [LB1098]

SENATOR CRAWFORD: Thank you very much. Under LB1098, the reconstructed Natural Resources Commission is charged with promulgating regulations to ensure that the commission's funding process has criteria for determining how the projects will be ranked and prioritized according to water sustainability goals established by the commission. And I appreciate the work of Senator Carlson and the committee; and I appreciate the work of Senator Smith and Senator Kolowski and others on the committee to work hard to protect our water and to consider the variety of water issues we have across our state, including protecting critical infrastructure. And it is essential that the regulations that are created reflect this intent, and so that's why I want to make sure that we're careful about laying that intent on the public record. While Nebraska is well-known for its underground aquifers, we must also preserve and protect the incredible natural resources associated with our 24,000 miles of rivers and streams. These vital natural resources are worth continued investment to make sure they're sustainable into the future for our children and grandchildren. Of critical importance at the present time is addressing the need to upgrade the levee system protecting one of Nebraska's most important nonagricultural economic drivers, Offutt Air Force Base in Sarpy County. This reality has been an important part of discussions regarding LB1098 throughout the session and I'm glad to see that the language in the amendments, including AM2684, includes that important language about protecting critical infrastructure, and I thank Senator Carlson for clarifying that on the record as well. Colleagues, Offutt Air Force Base provides close to 10,000 direct jobs on base and over 4,000 indirect jobs with the total estimated dollar value of over \$190 million in terms of those jobs. Offutt's total economic impact to the state of Nebraska is estimated at over \$1 billion. As you many know, an 18.5-mile levee system southeast of Bellevue protects 6,677 acres of land, including Offutt, as well as the new Missouri River bridge under final construction and a wastewater treatment facility that serves much of greater Omaha and future development sites. Due to updated FEMA regulations, the levees around Offutt must be raised, in places between 1 and 2 feet. This height increase will

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

require broadening the base of the levees, resulting in an overall project cost of over \$24 million. This is an unfunded federal mandate that will not be paid for by FEMA. Failure to comply is not an option. Without the mandated improvements to the levees, FEMA will redraw the official flood plain maps officially placing Offutt in a flood plain, jeopardizing its missions and future viability, as well as other...our new bridge and other development in that area. [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR CRAWFORD: Thank you so much. While the local subdivisions, including Papio-Missouri River NRD, recognize the necessity of addressing and funding this project, state participation will also be essential to protect and preserve this critical infrastructure asset. This project is and must remain a high priority as a critical water project until it is completed. I have one other question for Senator Carlson, please. [LB1098]

SENATOR KRIST: Senator Carlson, will you yield? [LB1098]

SENATOR CARLSON: Yes, I will. [LB1098]

SENATOR CRAWFORD: Just one other concern, and then I would like to talk about one of the funding issues in another turn. But in this turn, in the minute, at one point it talks about the importance of federal law as one of the criteria that we're looking at, compliance with federal law. And I just wonder if you would be amenable, between General and Select, to just clarify that...we...to add that it would be federal law and federal regulations, that one simple change. I didn't want to add another amendment to this discussion today. Would you be amenable to that, between General and Select, to just say federal law and federal regulation? [LB1098]

SENATOR CARLSON: I think, Senator Crawford, that Senator Mello has just shown me an amendment that probably addresses that. The words are a little bit different, but I think it does what you're talking about. [LB1098]

SENATOR CRAWFORD: Thank you. [LB1098]

SENATOR KRIST: Time, Senators. [LB1098]

SENATOR CRAWFORD: Thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Crawford and Senator Carlson. Senator Lathrop, you're recognized. [LB1098]

SENATOR LATHROP: Thank you, Mr. President and colleagues. On my opening I

Floor Debate
April 02, 2014

explained that my amendment addresses the necessity of a basinwide plan in the Republican and requires that they get to...develop a plan and get to a balance or sustainable within 30 years. And perhaps you've been one of the senators that have been pulled out in the lobby, and if you haven't, you probably will be soon by the Attorney General or his chief deputy. And here's what's happening. The deputy is out there saying that this is going to disrupt the litigation with Kansas. Okay? And if you've been told this, I want you to listen closely, because this guy is not talking to me and he's not talking to Senator Carlson about this. He's just pulling people out that don't know and can't discriminate between what he's telling you and the truth. And I want to talk about the litigation with Kansas. We have a compact with Kansas that requires that we get a certain amount of the water that comes through the Republican River down to Kansas. It's a difficult process down there. And in the mid...about 2006, 2007, the state failed to get enough water to Kansas so they sued us. And when one state sues another state, they do it in the United States Supreme Court. That's where the fight goes. And you don't have a trial like you might in the district court. The U.S. Supreme Court appoints a Special Master. The Special Master listens to all the evidence and then rules, right? Here's the Special Master's report, okay, so I know what they fought over, I know what the Special Master said. And I know what my amendment would do to this litigation and I want to explain that to you. The lawsuit involving Kansas and Nebraska was our failure in the Republican to get enough water down to Kansas. They sued us. And in the end this Special Master said, yes, for two years--they were water short years--you didn't have the proper planning in place to get enough water down to Kansas to comply with the compact, and I recommend that you have a judgment entered against Nebraska for a \$5.5 million. Okay? And they addressed the issues and Kansas wanted some relief. Kansas said, you know what, we want you to appoint a river master, Mr. Special Master, appoint a river master in Nebraska. And the Special Master said, I'm not going to do that; Nebraska has a plan. And they said, you know what, Special Master, hit Nebraska hard with damages, because they didn't comply with the compact, and teach them a lesson. And the Special Master said, you know what, those folks down in the Republican River Basin are trying. And they said, go in there and order them to stop groundwater pumping in the Republican River Basin. And the Special Master said, I'm not going to do that; they have a plan. So you see the fact that we are regulating with policy down in the Republican mitigated the damages, not made them worse. That means that we could have been hit harder, but we had done something called the third generation IMP down in the Republican Basin and the Special Master, the representative from the United States Supreme Court, said that's enough. Now, we could have been hit worse in the damage department. We could have had to pay more than \$5.5 million when this was all over. But the Special Master, the representative from the U.S. Supreme Court...and if you want to read it, I got it here, and I've been through it twice, a 185-page Opinion. He said, you know what, they're trying, and as long as they try I'm good with it, and I'm not going to go in and tell Nebraska how to run their railroad as long as they get enough water down to Kansas. And I, the Special Master, am convinced, with their third-generation IMPs, they're going

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

to do that. Now, do we make matters worse by requiring a basinwide plan? The answer is no. [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR LATHROP: The third-generation IMPs, what they're doing there now, the fact that they did more mitigated the amount we have to pay. And it actually improves our position in our fight with Kansas, if we ever have another one, because we can say now we're doing basinwide planning; you don't have to worry. Colleagues, don't believe it when a lawyer tells you and you can't tell the difference between the truth and what he's telling you. If you're told that this is going to affect the litigation with Kansas, ask him to show you where in the Special Master's report, and then bring it to me and I'll address it. It's not true. Thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Nelson, you are recognized. [LB1098]

SENATOR NELSON: Thank you very much, Mr. President. I do have a question for Senator Lathrop. [LB1098]

SENATOR KRIST: Senator Lathrop, will you yield? [LB1098]

SENATOR LATHROP: Yes, I will. [LB1098]

SENATOR NELSON: Having...I agree with you on all of that, but... [LB1098]

SENATOR LATHROP: Thank you. [LB1098]

SENATOR NELSON: ...isn't it a fact that the Special Master, that his decisions have been appealed to the Supreme Court? Isn't it still on appeal? [LB1098]

SENATOR LATHROP: It is on appeal. [LB1098]

SENATOR NELSON: So it hasn't been settled yet. [LB1098]

SENATOR LATHROP: It has been settled with the Special Master. [LB1098]

SENATOR NELSON: Yes, but not...not as to whether... [LB1098]

SENATOR LATHROP: Here's the...the fact of the matter is, the record has been set. So the record isn't going to include whatever we do here anyway. The record was set when they tried that case to the Special Master. So they're not going to entertain additional evidence, and you and I both understand that as lawyers. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR NELSON: But it is possible that the Supreme Court could say, Special Master, you erred here...or erred and we're going to... [LB1098]

SENATOR LATHROP: But...they could, but I'm not sure how that would be...the Special Master said, the more you do, the better you are, Nebraska. [LB1098]

SENATOR NELSON: Well, you're right, you're right. But my point is, I don't think it's settled yet, completely. And so I haven't talked with anybody outside, but I'm just wondering if we are in some danger, you know. [LB1098]

SENATOR LATHROP: No, we're not. [LB1098]

SENATOR NELSON: All right. [LB1098]

SENATOR LATHROP: And you and I both understand that when you try a lawsuit, you put your evidence in and after it's over you can appeal, but you can't throw more evidence in on your way up to the Supreme Court. [LB1098]

SENATOR NELSON: All right, okay, I agree with that. Thank you, Senator Lathrop. [LB1098]

SENATOR LATHROP: Thank you. [LB1098]

SENATOR NELSON: I want to relinquish the rest of my time to Senator Schilz to continue his historical narrative. [LB1098]

SENATOR KRIST: Thank you, Senator Nelson and Senator Lathrop. Senator Schilz, you're yielded 3:20. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. And as I was talking about before, in five minutes, it doesn't seem to be enough time sometimes, but this is serious stuff. These are the plans that people talk about that we don't have. They're there; they're in place. As we talk about LB962, the law that went into effect in 2004 that changed forever how we manage water in the state of Nebraska, I was fortunate enough, or unfortunate enough, to be tapped to serve on that committee. That was a committee of 49 people from all around the state that met for 18 months to figure out how to move forward with the new realities in water management in the state of Nebraska. And those new realities, including the compacts, the decrees, and everything else that we have to deal with, and then bringing on board the endangered species issues. LB962 created the IMP process, integrated management plans, where it said that the NRDs need to come together and bring stakeholders together to talk about how to move forward, and on the Platte Basin anyway, how to get back to 1997 levels. When

Floor Debate
April 02, 2014

we came into the room, there was a lot of animosity; there was a lot of people that didn't think they should be told what to do. But as time went on, and we understood what we were up against in the management of water and what should happen, we figured out working together made sense. And we did. And on the Platte Basin, surface water and groundwater work together today, where in the past they haven't. Now is it perfect? No, there's some rocky roads ahead and it will never be kumbaya, I'll bet, because water is that important, and making sure it's administered properly is that important. Understand that when I talk about all this stuff and how it's come about, it takes time. [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR SCHILZ: It takes understanding of a very complex system. And it takes being able to look at the contingencies of what happens if certain language is put into place. There was one thing that was left out of the LB962 that was asked for at the time by the committee, by the Water Policy Task Force, and can you guess what that was? Funding. So for 14 years we've sat here trying to come up with the ideas and implement stuff without any funding. LB1098 is an attempt to move forward with that funding where it's needed, because it is needed. We need that funding so that other places don't end up like where we're at in the Republican Basin. But I'm going to tell you this right now. The Republican Basin, although it... [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR SCHILZ: Thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Schilz. Senator Christensen, you're recognized. [LB1098]

SENATOR CHRISTENSEN: Thank you, Mr. President. Again, I don't know if I can help any of you. A few of you have come by and asked me where I'm at on this bill. There's pluses and minuses. When you look at...right now there is no way you're ever going to get surface water and groundwater to work together in the Republican. They're as polar opposite as they're ever going to be. They're going to have to be forced. This is a bill that I believe would force them together. But at the same time, I have a number of problems with some of this language, how late it come to us, how we're working on this. And so I'll just be honest with all of you, I don't know where I'm at on this. I don't know that we've done this the proper way. And I have a lot of personal...I don't know if you say vendettas or what with how I've been treated by the NRDs. I've felt stabbed in the back repeatedly. I feel very concerned that anything that I do is going to be very detrimental either way on this bill. I wished I could walk up to Senator Lathrop and Senator Carlson and say, hey, if we do this, it's middle ground. I don't think there's middle ground on this, folks. One way or the other, one part of my district is getting severely hit. Last year when this body chose not to go forward with LB522, the surface

Floor Debate
April 02, 2014

guys went from 10 inches...on my personal farm I went from 10 inches to 3 inches. Land values dropped 43 percent in one year. You would say, so absolutely you're supporting this bill. Well, let's turn it around. Let's say we pass this bill. Provided that we're in compliance, surface water would get theirs back, but we're going to see groundwater allocations, like in the Imperial area where I live, the Upper Republican, drop from 13 inches to at least 7. That's the sustainability number the USGS give us at a water roundtable a year ago. That's why I feel safe at saying that number. I know there's been discussions that it could be as low as 2 or 3 inches. I do not feel like that is probably accurate, but I can't prove it. So you see my dilemma. If I do nothing, surface water/groundwater continues to fight. Groundwater wins; surface loses; state bypasses water through the dams for compliance in the year that we need it. This is year two in a row since we've started this process. As long as the drought holds, they'll continue to do it each year. [LB1098 LB522]

SENATOR KRIST: One minute. [LB1098]

SENATOR CHRISTENSEN: So what's really going to happen here? You know, like I said, I'm either going to have surface water mad or I'm going to have groundwater mad. And yet this bill, if it's good language, why is it targeted 100 percent to the Republican? By using three NRDs in a river basin makes it Republican only. If it's good statewide language, if it's good language, then why isn't it statewide? Why isn't it one NRD? That's some of the questions I want to have answered as we continue this debate. And I still try to decipher all the amendments, the new language, and determine where I'm at on this, because, unfortunately... [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR CHRISTENSEN: ...it's very difficult. Thank you, Mr. President. [LB1098]

SENATOR KRIST: Thank you, Senator Christensen. Senator Schilz, you're recognized. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President, again. And Senator Lathrop and I were just sitting here talking, and we...discussing where we are on the bill. And we can get into that in a little bit. I think it's important to understand that the whole time that LB962 was going on and this was being developed, we were already in and still in a lawsuit with Kansas for a number of years. That was in 2004. Here we are in 2014. Once again, these things take a long time. It's not easy to manage water over large distances, to manage water when you don't even understand the hydrogeology of how it all works. We're getting there. There's been more study on the Republican Basin and more regulation on the Republican Basin than probably anywhere else in the United States when it comes to groundwater. Have we gotten completely there yet? No. Are they moving in that direction? Yes. Can you just go out there tomorrow and shut everything

Floor Debate
April 02, 2014

off? I don't think any of us want that, I don't think it's desirable, because here's the issue: If you can't sustain what's going on there now, as far as the economies and things like that, and give them an opportunity and time to transition, then you just shut it off and, all of a sudden, not only do you see the groundwater situation not improve necessarily...and let me back up. What you see is no way to pay for things that need to happen going forward because, remember, if you're going to get any money out of LB1098, you're going to have to have a match. If you don't have an economy that works, there's no match there to have. It's an important thing to think about. So you have to work this in a sense that you wind things back while at the same time allowing people the time needed to do what they need to do to not tax the economy of the area, the tax revenue of the area, but while understanding that, to move forward and to be able to accomplish what we need to accomplish, we have to take a look at these groundwater levels and, one day, we have to understand that they do need to come to equilibrium. But that doesn't happen in a vacuum and that's, ostensibly, what Senator Lathrop and I have discussed all the way through the negotiations. And they've been hard negotiations; they've been tough. He believes certain things, and I'm not necessarily against him in that. Sustainability and understanding what goes on out there and being able to maintain your groundwater resources are important. They're essential over time. Being able to maintain the economy in our communities in those areas are also essential over time. And as we look at the amendment--AM27...what is it...53, AM2753, the Lathrop amendment--and him and I have had this discussion--it has a line in there...let me see if I can pull it up here real quick. It has a line in there, section (4),... [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR SCHILZ: ...line 9: A basinwide plan shall (a) have clear goals and objectives--I agree with that; here is the issue--with a purpose of stopping groundwater declines. Okay? Understand, every time somebody turns on a pump, whether it's the city of Lincoln, the city of Omaha, or the farmer out there, that well is depleting as soon as the button is pushed. I want to make sure that we don't fall into that trap on this bill. I want to make sure that Senator Lathrop has something that moves forward that works all the way around. We haven't found that yet. I've been willing to work with him all the way through; we all have, I think. I continue to be willing. But as it stands right now and as I look at it, that's the same stopping point that we've always had. And I hope we can come to something there. [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR SCHILZ: Thank you. [LB1098]

SENATOR KRIST: Senator Hansen, you're recognized. [LB1098]

Floor Debate
April 02, 2014

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I want to...we've got kind of a lag time here, but I do want to respond to some of the things that Senator Avery brought up. Nineteen seventy-two, when the NRDs were formed, I didn't volunteer to run or didn't run for the NRDs right off the bat. But I think it was two years later, when someone's term was over, I ran for the NRDs in 1972. Not too long before that, I got out of college, raising a couple kids, trying to run a ranch, had a lot of things on my mind and knew that there was water out there but didn't know much about the water of the state of Nebraska, unlike Senator Schilz. Well, I was probably then a couple years older than Senator Schilz. But I was on the NRD for 12 years and, in those 12 years, you know, there were doctors and farmers and lawyers and bakers--and not one time did a candlestick maker show up and...to run. But there was a wide variety of city people, rural people on that NRD. Senator Avery was talking about we need to change the structure--and that structure has been in place since 1972--and we don't have a plan. We do have a plan. There's 17 of the 23 NRDs have IMPs in place and okayed by DNR. DNR okayes all the implement plans that the NRDs come up with. So it's not that the NRD is not...the DNR is not involved with NRDs. Those integrated management plans deal in the future from past experience. They estimate what's going to happen in the future, what they need to do in times of shortage, in times of drought, and to keep water in the river. Now Senator Schilz has said that now we have two compacts in the state of Nebraska: one on the Republican that is based on water quantity to the state of Kansas; and the other one is a water quantity also, but it's also based on the Endangered Species Act, that there has to be water in the river at certain times for scouring sandbars and the pallid sturgeon that's only found in the Missouri River. We do have those implement...those plans in place. We do have a state plan. We do have a precipitation change. We have soils changes across the state. There's a wide variety of agriculture from one end of the state to the other, all based on the precipitation, mainly, that we get and the surface water snowfall in Wyoming. And those are snowfalls. This year, we keep up with that, it's about 100 and...somewhere between 130 and 150 percent of normal this year, so it looks like it might be a good year for Lake McConaughy. The map that was sent around to you, you can also see areas that are in blue and green and some that are in red and orange. Red and orange certainly are ones that we should notice, the ones that DNR has noticed, and certainly the ones that the NRDs have noticed. When you see a water decline of 50 feet, it may be staggering. But you have to ask the question, and I asked those questions of a man named Jim Goeke, who worked for the university for many years before his retirement. And he did a lot of studies up in the Sandhills and along all the rivers across the state... [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR HANSEN: ...and especially in those areas in southwest Nebraska, did a lot of well drilling, find out what that...what was going on under the ground. If you have a saturated thickness where it holds the water of 300 feet or 400 feet, a 50-foot decline is not immediately dangerous. It's certainly a worry, and those...every one of those wells in

Floor Debate
April 02, 2014

the...in those three NRDs down south have monitors on them. They've got regulation up the wazoo. They've had DNR help. They've had...they've changed boards down there over the years. You know, many people have gone on that board and Mark...and Senator Christensen will testify to that, that a consistent board membership in some of those NRDs is pretty, pretty volatile. The south one-third of my district is in the Middle Republican NRD. [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR HANSEN: Those are...thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Hansen. Those still wishing to speak: Senator Kolowski, Smith, Harms, Carlson, Ken Haar, Lathrop, and others. Senator Kolowski, you are recognized. [LB1098]

SENATOR KOLOWSKI: Thank you, Mr. President. Colleagues, I come to you as one of the representatives on the Water Sustainability Task Force from this last summer, one of the senators that was appointed as an ad hoc, nonvoting member. There were six of us. And I'd like to share some...my background and my opinions and talk about the history of what took place there within the context of the bigger picture of what we've gone through in the last two years. These being my first two years in the Legislature and what we saw last year and what's taken place this year, we saw the tax issue, we saw the water issue, and we saw the TEEOSA issues come up. And we've been dealing with those in these last two sessions. This Water Sustainability Task Force is a huge issue. And what we were able to get done over the time that we met in this last summer, I want to share some of that with you, but I'm more...I wish I could give you a transfusion of what took place as far as process. The large number of people on that commission, 27 people, along with those of us ad hoc that were added to that, having over 25 meetings across the state, it became very evident very quickly, as we were going through getting to know each other and to go through the voting process that was established by the Olsson Associates that worked us through a process for that entire time, it became very evident that we were going to be dealing with a legacy issue. This Legislature in this term has to make some decisions that will be impactful upon decades to come. If you've been following anything as far as the drought situations in California, on the West Coast, in the Southwest, and in Texas, Oklahoma, even up into Kansas, you know what's happening and why we've become the number one cattle-feeding state in the Union. They are running out of water. We have the blessing, we have the opportunity, we have the resource of water in our state that needs to be managed and needs to be handled properly to get us to where we want to be in a sustainable measure to the future. I want to thank Senator Carlson and Senator Lathrop for the work they've done, Senator Carlson for his leadership not only of our committee but also of the (Water) Sustainability Task Force over this last year, coming up with LB1098 and where we are with the amendments, and Senator Lathrop taking us to a bigger picture. And a proper

Floor Debate
April 02, 2014

picture of looking at things on a basin basis is extremely important. What we have worked on and where we are now has been addressed by Senator Crawford, Senator Smith, Senator Avery, Senator Schilz. All those comments are right on target. Senator Johnson had some excellent comments as well. I was on this commission as part of the eastern representation of the state. Ours is such a different end of the state because of the issues that we are facing. But most people in the western...middle or western part of the state did not realize the issues that we were looking at, especially of levees, of too much water, of controlling flooding at Offutt Air Base that you've heard about, the well fields for both Omaha and Lincoln. [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR KOLOWSKI: Lincoln is extremely at risk. Eppley Airfield, city of Omaha, and the National Guard camp, all of those needing a great deal of help. The NRDs have been mentioned, and I hope they're listening and I hope the future directions and successes that we'll have will be intertwined with their workings, as we should be. We need them to be not...we need them to be lighthouses of excellence, not missile silos of complacency. The 23 NRDs need to have the vision, the actions, and the real solutions to move us forward, and not just in a management sense but in a leadership sense. They need to work locally, but they need to think statewide to assist us with the solutions that we are seeking. I look forward to our continued discussions on and my support for these motions before us, and I hope we'll be able to come up with the solutions that will take us to where we need to be. Again, I think we have those solutions before us. We need to listen, react, and move forward in a very precise manner. Thank you very much. [LB1098]

SENATOR KRIST: Thank you, Senator Kolowski. Speaker Adams for an announcement. [LB1098]

SPEAKER ADAMS: Thank you, Mr. President. Members, just a very quick announcement: Over the noonhour today, the Nebraska Association for the Deaf recognized all of us for the closed-captioning that we have on our televised sessions here in the Legislature, and they gave us a nice plaque. I've taken it over to Senator Wightman's office. So thank you, Mr. President.

SENATOR KRIST: Thank you, Speaker Adams. Returning to debate, those still wishing to speak: Senator Harms, Carlson, Ken Haar, Lathrop, and Dubas and others. Senator Harms, you are recognized. [LB1098]

SENATOR HARMS: Thank you, Mr. President. This is a difficult issue that we're addressing, colleagues. And we are trying to find a solution with Senator Lathrop, Senator Carlson, and Senator Schilz is working on this issue. I'm hoping that we can find a solution to this because, I think, if not, then there's going to be a lot of things at

Floor Debate
April 02, 2014

risk here. And so I hope that all of you will think through this very carefully and I'm hoping that we can find a solution to just the language that seems to be the question, not so much the concept but the language itself. And there are concerns that there could be lots of litigation over it because it's not clear and it's not defined well. So that's kind of where we are right now, and we'll just kind of wait to see whether or not we can find a solution to the issue. Maybe they'll find a solution to the problem. So thank you, Mr. President. [LB1098]

SENATOR KRIST: Thank you, Senator Harms. Senator Carlson, you're next in the queue. Senator Ken Haar, you're recognized. [LB1098]

SENATOR HAAR: Mr. President, members of the body, I rise in support of LB1098 and certainly AM2753. I would like to thank, especially, Senator Carlson for his leadership in the Natural Resources Committee and his ongoing and continued attempt to compromise and work things out. I really appreciate Senator Carlson's leadership. I support LB1098. This idea of planning is so important. But in the discussion of LB1098, and also then when we were talking about Senator Lathrop's amendments, it became very clear to me, a number of things. Now I'm a person that started out with...on the Natural Resources Committee five years ago sort of at 100,000 feet, not knowing a lot about our water resources other than I like to use the lakes and the rivers. And I'm down to about 5,000 feet now in my view, and I'm understanding a lot of what's going on. We heard in all the various testimony of water bills this year, in my opinion, a situation in which there are real problems to be solved yet. And in talking to some of the other members of the committee, I believe that the concept that we need to work towards, and it's already in place in some places, is basinwide planning. We have 23 NRDs. I'm a great admirer of NRDs and I do believe that people all over the world and all over this country admire our system and what we've been doing with it. But we need to do more. And it's...talking to people from the NRDs, several things happened. One is, in many of the hearings, they just sort of pulled their wagons into a circle and said, everything is fine. And I guess this is leading me to a realization that I've been talking about with public power. We have political subdivisions that feel, anytime we ask questions or make suggestions as a Legislature, that we're attacking, we're criticizing, and so on. I feel it's...that we shouldn't apologize for our policymaking role. And one of the things I will work towards in the next...this year and the next couple years I'm in the Legislature is to work towards basinwide planning all over the state. And we all know where that's working least well is in the Republican River Basin. And so I think that AM2753 is absolutely necessary for my support of this bill. I also agree with Senator Avery in talking about...that we need a statewide plan. Yes, we need basinwide plans, but we also need a statewide plan. We are one state. We work together on many, many things. And to the extent that we don't work together, we hurt our economy, we ship money here and there out of state, and we're much less effective. So, again, I will support LB1098. I would expect AM2753 to be a part of that. I want to thank Senator Carlson and Senator Lathrop and, also, Senator Christensen for the... [LB1098]

Floor Debate
April 02, 2014

SENATOR KRIST: One minute. [LB1098]

SENATOR HAAR: ...insights--thank you--that he's helped give me in these discussions. We need to move forward. We need basinwide planning in every basin in our state. And eventually, we need a statewide plan. Water is life in this state, and we know that, as Mark Twain said, water is for drinking...I'm sorry, whiskey is for drinking and water is for fighting. But we have to cooperate or we're just going to keep fighting and we're going to keep losing the sustainability that we need to reach with water. Thank you very much. [LB1098]

SENATOR KRIST: Thank you, Senator Haar. Senator Dubas, you're recognized. [LB1098]

SENATOR DUBAS: Thank you, Mr. President and colleagues. I stand in support of LB1098 and the underlying amendments. And first just want to start off with some thank-yous, especially to Senator Carlson for his leadership on this issue, all of the work that the Water Policy Task Force did this last summer and fall. I mean, they just did yeoman's work, invested an incredible amount of time and energy bringing all of the interested parties together to talk about why we need to have planning and funding and just putting all the pieces of the puzzle together. So I just want to take the time to thank them for this, thank Senator Lathrop for his...the work that he's done, Senator Schilz. We have some people in this body we're very fortunate to have in this body who have a good understanding of water, water issues. And these are tough issues to discuss, and so having their expertise is very valuable. This is a state issue. It is not a rural issue; it is not an urban issue. This water does belong to the entire state of Nebraska. This issue is just as important to the Omaha and Lincoln senators as it is to the rest of us who live in greater Nebraska. And there are challenges when we're talking about water policy, water sustainability, how we use our water, where it comes from, on every front. And we have, I believe, made great strides over the last several decades, and especially the more recent years, in how we address those challenges. And I believe LB1098 and the funding that we provided through the budget that we just passed will take us even farther as we look at needed infrastructure and water projects statewide. We've done a lot of studies over the past, and I have appreciated Senator Schilz and, kind of, the history lesson that he's been giving us, because it is important to understand that history because it's...if you don't understand the history, you don't understand why we're where we're at today and what we need to do. So I thank him for that history lesson. And where...there have been multiple studies done and you read those studies and they put out what needs to be done for us to sustain our water for the types of projects and planning that needs to be done. But we have always stopped short when it came to actually funding those projects. There's never been the political will to put the kind of financial resources into water planning and funding and infrastructure that we need to do. So you can do all the studies that you want to do. But if you aren't willing to follow

Floor Debate
April 02, 2014

forward with the recommendations and put the resources behind those recommendations, you're going to go nowhere. So again, I think the work that the Water Policy Task Force did this last summer and fall has helped us gain that political will, gain that understanding of this issue, and move forward. Again, I think this bill and the underlying amendments brings all of the water interests together looking at, how do we sustain our water? Water issues, to discuss, are very difficult, and they are emotional, because the consequences of our decision can have either incredibly positive impacts or very seriously negative impacts. Our state is the envy of the country and probably the world because we sit on top of one of the most...largest freshwater aquifers in the world. And the portion of the Ogallala Aquifer that is under the state of Nebraska is substantial. We...I think this is an issue that far too many of us take for granted. We go to the tap, we turn it on, and our water is there. We turn on our irrigation. We go out and water our livestock. Whatever it is that we do with water, we just take for granted that it's there. And while we do sit on top of a very large source of water,... [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR DUBAS: ...we cannot take that water for granted. And we need to do the proper planning, and we need to put the proper infrastructure in place that we're taking care of. You know, the issues that Senator Crawford and Senator Mello have talked about--protecting other infrastructure, whether it's levees or dams and those types of things--you can't say, necessarily, that one is more important than the other because they all go together. The purpose of LB1098 and creating the committee and the commission: We'll have that duty of determining what those projects are. But, finally, we are going to have that funding mechanism in place to put all of the pieces, to draw everything together, and really be very forward thinking and far more proactive than reactive when it comes to managing our water resources. And unfortunately, in the past, we've been a little bit more reactive than proactive, and I think this is going to flip that coin over. And we're going to be very pleased and proud of the results that we're going to see from the work that's been done. [LB1098]

SENATOR KRIST: Time, Senator. [LB1098]

SENATOR DUBAS: Thank you. [LB1098]

SENATOR KRIST: Thank you, Senator Dubas. Senator Johnson, you're recognized. [LB1098]

SENATOR JOHNSON: Thank you, Mr. President, and thank you, Senator Dubas, for kind of bringing me...bringing us back to talking a little bit about the funding. The last 13 months, since...or 15 months now since I've been in the Legislature, I think I've attended all of the water roundtables. And most of the things they talked about there are things that have happened since LB962 was passed and a lot of the studies and a lot of the

Floor Debate
April 02, 2014

research that's gone into that. For the most part, I think we've done our share of studying, and we've come up with this map showing what is increasing in groundwater levels, what's decreasing, and we definitely have issues in both areas, probably. I used to live in south-central Nebraska in that blue area. When I was home, in the '50s and early '60s, groundwater level was at about 400 feet, and we couldn't even think about irrigation. Because of the table rising, going blue now, there's a pivot irrigation on the farm that I grew up on. And so that's been a plus, but it's a circumstance of the irrigation canal. So that's surface water that's come down there and it's replenished the groundwater. Then I look at the area that I live in now. I have three NRD districts within my district. One of them, I understand, and this...there's seven NRDs that have gone together on a voluntary basinwide plan in order to come up with sustainability. We've got a few pockets that are, probably, light yellow in that district, so they're being proactive. Another area I know, as I attended the hearing and they've put in some limitations on water usage over the next three years, I think they're proactive in that; another district that's doing the same thing. I think they have meters, and I think they're monitoring. So I think they're doing some good, positive things, and I compliment the three districts, at least, within my legislative district. And we all recognize that we have an issue and some problems in the southwest. What we can do with statewide funding, getting back to that, some of these projects that we might come up with, with basinwide planning studies, we might not be able to handle that within that local group of NRDs. And if the criteria is right with the priorities that LB1098 set out in their study, they would be able to apply for some of the state funds. And that helps the entire state. We had a presentation to us last year on how to keep flooding from happening in Crete and DeWitt and Beatrice. They hadn't gone through all the channels they needed to in order to have a project, but that was quite a project. And I doubt whether the NRDs there could handle that on their own. But that's part of that...for every acre-foot that comes into Nebraska, eight leave. That's what that flooding amounts to. And that water goes on out. We've got to find out ways to retain that water. That's how I see statewide funding and the funding that's in LB1098 being put to use. When we overrode the Governor's veto, it was a separate bill, but it talked about 10 percent of \$11 million was going to go to municipal projects. One of those projects that's been identified is the sewer separation in Omaha. Is that related to water? Yes, it is, from the standpoint of the contamination that goes through and on down the creek, on down the river. [LB1098]

SENATOR KRIST: One minute. [LB1098]

SENATOR JOHNSON: Thank you, sir. So getting back to the funding: The state needs to be able to put together the criteria, the priorities, in order to utilize the funding that's set up. LB1098 identifies that. I also applaud the people that have worked on this, trying to bring this together. I know it's not going to be a win-win. Very seldom can you come up with something statewide as diversified and as different as each one of these areas. Not everybody can score 100 percent. Well, we've got to start somewhere. Thank you, Mr. President. [LB1098]

Floor Debate
April 02, 2014

SENATOR KRIST: Thank you, Senator Johnson. Senator Christensen, you're next. Senator Davis is in the queue; Senator Davis, you are recognized. [LB1098]

SENATOR DAVIS: Thank you, Mr. President. I really stood up to talk a little bit about the Water (Funding) Task Force that we put...that was done last summer. And Senator Kolowski made a lot of references to that. Senator Watermeier, Senator Schilz, Senator Carlson, and Senator Christensen, and I served along with a number of other people--the members of the Natural Resources Commission and several appointees by the Governor. And we did a nice, long, thorough trip around the state of Nebraska with visits to a great many NRDs, tours to all of the NRDs, a stop at the Monsanto Learning Center in Gothenburg, which was just an absolutely incredible learning experience and very rewarding. And the thing that I want to say is, I think we've done as...a very good job, really, of managing our water in Nebraska. Yeah, we've got some problems, and we had some issues with the Republican River and the state of Kansas. But, you know, those are coming to a conclusion, and I think it's going to be a positive one for Nebraska. There are a lot of things that need to be said about water and how you manage it in this state. I just said to Senator Watermeier a few minutes ago, if you go...you start on the eastern edge of the state where you're at 800 feet or 650 feet or whatever the lowest spot is and 80 percent humidity and you move west and you get to Kimball County where it's over a mile high and the humidity might be 30 percent, that's quite a change there. Rainfall drops off significantly as you move west, so, you know, to try to come up with a water policy for the entire state of Nebraska is not an easy chore. And the tasks that we are at today are not easy tasks. I wonder if Senator Lathrop is back in the room. [LB1098]

SENATOR KRIST: Senator Lathrop, will you yield to a question? [LB1098]

SENATOR LATHROP: Yes, I will. [LB1098]

SENATOR DAVIS: Senator Lathrop, I've talked to you a little bit about the Niobrara system and the Republican system and what you're trying to do with this bill. Can you talk a little bit about what you mean when you say, substantially, all the NRD...you talked about the, I think, three NRDs in a...in the basin are fully appropriated or in a plan that...and then you have to have a basinwide plan. Can you tell me what you mean by "substantially" there? [LB1098]

SENATOR LATHROP: That has to do with the amount of the area in a particular NRD and not the entire basin. So when you attempt to determine--and we're on page 10, lines 9 through about 14, that identify what river basin is going to be required to have a basinwide plan--you have to have three of the NRDs. I'm going to put it in NRD terms, the geography of three NRDs needs to be all fully appropriated, or substantially so. And so, in the case of the Niobrara, the concern is, is that they have the western-most NRD,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

that area is in...is fully appropriated. The concern is that the middle would be or is. It's not now. And if they ran into a problem in the Niobrara from the dam to the west, they still wouldn't fall into this because they're...the balance of the lower Niobrara would not be fully appropriated. And that would keep them outside of the definition of "substantially all." [LB1098]

SENATOR DAVIS: You and Senator Carlson were working on some language with regards to some conflicts with statutes and things that are in place. And one of the things that seems to be a problem is on page 11, number (4), when it talks about stopping groundwater declines... [LB1098]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB1098]

SENATOR DAVIS: ...and then it...is...can you... [LB1098]

SENATOR LATHROP: Yes. [LB1098]

SENATOR DAVIS: Would you like to reply a little bit to that or...? [LB1098]

SENATOR LATHROP: Yes. [LB1098]

SENATOR DAVIS: Are you ready to do that? [LB1098]

SENATOR LATHROP: What you'll hear in a little bit: Senator Carlson and I, I think, have a plan to move this to Select File and do some fixing and try to accommodate some concerns that the department has expressed, some concerns that you and other senators have expressed within or while maintaining the integrity of our intent, or my intent. [LB1098]

SENATOR DAVIS: Well, let me say this: I think this is a very important bill, and I think there are problems that have developed with the bill and with the amendment. But I hope the body is not going to be giving up on it because it's too important for Nebraska and we put a lot of time and effort into it. So with that, I will sit down; but I'll be listening, and I'd like to participate in the discussions you have on Select. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Davis. Senator Nelson, you're recognized. [LB1098]

SENATOR NELSON: Thank you, Mr. President. I'd like to give my time to Senator Lathrop. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR LATHROP: Thank you. [LB1098]

SENATOR GLOOR: Four minutes fifty-five seconds. [LB1098]

SENATOR LATHROP: Yeah. Thank you, Senator Nelson. Colleagues, I want to sort of bring you up to date. As you may know, we were out, Senator Carlson and I and Schilz and some others, were out talking to the director of the Department of Natural Resources. There had been some concerns expressed with the amendments that will become the bill that ultimately passes from this body. And rather than try to hash that out on the floor with the expertise out standing in the Rotunda, what Senator Carlson and I have agreed to do, and I hope you'll cooperate in this undertaking, is to take AM...I'll pull AM2753 and you'll see it or some version of that again on Select File. And today we will move the Natural Resources Committee amendment, put it into the bill, LB1098, move the bill to Select File. And then Senator Carlson and I and others will sit down with the director and, perhaps, the Attorney General's Office, so that we can iron out the concerns that they've expressed today. And I say it like that because I wish they'd have been here, like, a month ago when I was introducing the bill and the amendment. But that aside, I hope you'll support the effort to put the committee amendment in. That's all we're going to do; we're not putting any other amendments in or won't address them today. We'll move the bill and then work on it between now and Select. And with that, I'll ask unanimous consent to pull AM2753. [LB1098]

SENATOR GLOOR: Thank you, Senator Lathrop. Hearing no objection, so ordered. Mr. Clerk. [LB1098]

CLERK: Mr. President, Senator Lathrop, Senator, I now have FA273, and this was the one that we had...you had talked about with Senator Carlson. [LB1098]

SENATOR LATHROP: ...who...if I may ask the body to stand at ease, find out what other amendments we have on General File, and see if those who have General File amendments will cooperate in this undertaking. With the indulgence of the Chair, I'll get about that task immediately. [LB1098]

SENATOR GLOOR: We will...the body will stand at ease. I would ask members not to stray far from the Chamber, please. We may not be at ease for long. Mr. Clerk. [LB1098]

CLERK: All right, Mr. President. Based on the conversations, Senator Lathrop, I understand you wish to withdraw FA273 and refile it for Select File, Senator? [LB1098]

SENATOR LATHROP: That's true. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Senator Lathrop, that would be also true for FA274? [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: FA275, Senator? [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Senator Lathrop, FA276? [LB1098]

SENATOR LATHROP: Yes. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: FA277, Senator Lathrop? [LB1098]

SENATOR LATHROP: Yes. [LB1098]

CLERK: FA278, Senator Lathrop? And FA279, Senator Lathrop? [LB1098]

SENATOR LATHROP: Yes. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Senator Carlson, I have AM2600, Senator. That would be the next amendment. [LB1098]

SENATOR CARLSON: Yes. [LB1098]

CLERK: Withdraw and refile? Senator Davis, AM2693? [LB1098]

SENATOR DAVIS: Yes. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: Senator Carlson, AM2684? [LB1098]

SENATOR CARLSON: Yes. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

CLERK: Senator Christensen, AM2580? [LB1098]

SENATOR CHRISTENSEN: Yes. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: And, Senator Mello, AM2758? [LB1098]

SENATOR MELLO: Yes. [LB1098]

SENATOR GLOOR: So ordered. [LB1098]

CLERK: I have nothing further pending to the committee amendments, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Mr. Clerk. We return to debate on the committee amendment and the underlying bill. Senators in the queue: Schilz, Smith, Wallman, Watermeier, Karpisek, and Christensen. Senator Schilz, you are recognized. [LB1098]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. I...while this isn't perfect yet and this isn't exactly what we need yet, I think this is the right way to go today. I'd like to thank Senator Lathrop, Senator Carlson, and everybody else that's been involved here because, as I said before, this stuff is not easy. It's very complex, and we need to be very thoughtful about how we move forward. And I think--I hope--now that we finally got everybody engaged that needs to be engaged and I'm glad for that. I, like Senator Lathrop, wish that that would have been there from the beginning. But we deal with it as we can. I agree with the course that we're taking here now, and I would just ask everybody to support this going forward, be patient. And when we get this to Select, we will queue it up again and see if we get where we need to be. I wouldn't say that we are out of the woods or anything yet, but I would say that we're taking a couple steps forward that we need to take. So thank you very much, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Wallman, you're recognized. [LB1098]

SENATOR WALLMAN: I, too, want to thank people that went through a lot of work on this. I know it's very complicated, it's not easy, and it's hard. It takes a lot of guts to be on...an NRD board member, to tell your neighbor to pump less water. And do we have that many NRD members that have that courage? Afraid not, so I hope they can work out here something. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Wallman. Senator Watermeier, you're

Floor Debate
April 02, 2014

recognized. [LB1098]

SENATOR WATERMEIER: Thank you, Mr. President. Good afternoon, Nebraska. I've been pretty quiet on this the whole time, but I really do want to start with a statement that says thank you to Senator Carlson and the other members of the committee, and actually thank you to Senator Avery and to Senator Lathrop. As much controversy as it seems like we're in right now, you all need to realize that this is exactly what we went through with 22 meetings in the last year after LB517 was born. We worked on a consensus basis. We actually had to satisfy everybody that had a real problem with that thing. And that was an interesting process. I had never been through that. LB962 worked in that way. I think Senator Schilz was involved in that. But that was really interesting for me to watch that. And so for all of you that just watched this debate we've had here in the last 90 minutes, we did that for 20 meetings in the last interim session. Senator Kolowski is laughing at me over here because that's about the way it was. It was just like that. I'm supportive of what Senator Lathrop and Senator Avery has spoke about somewhat. I'm going to have a big disagreement with the way and the terminology that Senator Avery had when he spoke earlier about how it's such a mess. Twenty-three NRDs and one department, he makes it sound as though they're all working independently. But if you really look about what happens with the IMPs, the integrated management plans, they are working. And there's no doubt in my mind that the Special Master recognized that, as Senator Lathrop had mentioned earlier. He recognized that and said, we're not going to give you \$100 million, we'll give you \$5.5 (million), which is really the coverage of the damages that was caused. And Nebraska admitted we weren't up to speed. But we have a plan in place. We are working extremely hard. And I'd just love to be able to share with the body the whole history of water in Nebraska, but I am not qualified to tell you that. But there's two things you can keep in mind. One of the...everybody knows what Lake McConaughy is. I went back and looked through some records this morning. When Lake McConaughy was developed, the Kingsley Dam was developed with \$40 million--\$40 million to do the whole project. It took seven years. In today's dollars, it's \$700 million, \$700 million to do that project. Through the appropriations this year, we appropriated \$10 million to the Cash Reserve, \$10 million of an annual appropriation, and then \$10 million specifically to the old Resources Development Fund. Think about that. We're going to invest \$30 million, and hopefully with an additional \$10 (million) to \$30 million every year after that. But Kingsley Dam would take \$700 million today to develop. And it can be argued that we didn't have a water plan back then. But I would say, today, that the hard decisions in water weren't...are not going to be made in 2014. They were made in 1910, and thank goodness they were, because, had they not been made then...and all the other things that went on, if you look back through the state, Kingsley Dam in 1941, whatever it was, all the PL-566 projects in the '50s and '60s, the Republican Basin and all those irrigation districts that were developed. Up in Wyoming you have, at least, five or six dams up there that cover surface irrigation water all the way down to below the Kingsley Dam. I really smile when people want to talk about water and try to simplify it. I never would

Floor Debate
April 02, 2014

ever claim to be able to say that I could explain water to somebody. It is that complicated, but it's that important. And I really think LB1098 is a start in the right direction for sustainability. But last year, with Senator Lathrop's bill, LB1074, that he introduced this year, that was born last year when we passed LB517. Senator Lathrop was behind the scenes working really hard; he wanted to have the entire body be a part of that interim study. And we didn't go that direction. We felt like we had a better avenue. He wanted to have the entire body be sold by all these sponsors, and so you can see it in his eyes at that point in time. We needed a state water plan, in his eyes, in his opinion, at that time. [LB1098 LB517 LB1074]

SENATOR GLOOR: One minute. [LB1098]

SENATOR WATERMEIER: And it's probably justified to go there because we need to sell this to the public yet. The public is not going to allow us to have a \$30 million expenditure without a string attached to it. Now I still have some very serious concerns with the last amendment that was just pulled. But we are getting close now. And what we just went through in the last 90 minutes, I just want to make everybody aware of that, that's what we did for the last 20 minutes. Thank you, Mr. President. [LB1098]

SENATOR GLOOR: Thank you, Senator Watermeier. Seeing no additional senators wishing to speak, Senator Carlson, you're recognized to close on the committee amendment. [LB1098]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Thank you for your patience. This certainly isn't a spot that I would ever have planned to have wanted to be in, but I appreciate Senator Lathrop being willing to cooperate. And I think Senator Watermeier said, we've made more progress in the last 15 minutes. And so I appreciate people pulling their amendments. And we do want to pass AM2594 and then LB1098 so that we can get to Select File and, between now and then, really find out what's...what is going to work. When I gave my opening, I talked about people that were on the Water Sustainability Task Force and all those 27 members, and I didn't mention anything about Director Dunnigan that was on there, and I also didn't mention the senators by name. But Senator Christensen, Senator Davis, Senator Kolowski, Senator Schilz, Senator Watermeier, along with myself, were the senators that were on that task force. We didn't have a vote. None of the senators had a vote and, yet, most of them were there for all 20 meetings, which says a lot for the people in this body. And the facilitator, who is from Missouri, as she kind of gave her farewell almost broke out in tears because, she said, had this operation been done in Missouri and there were supposed to be six senators as a part of this, we would never see them--it'd be a staff member. And the senators that were on this were there almost all the time. So there's been a lot of work put into this; certainly, I wished it would have been in a little different form as we started our conversation today. But I appreciate the cooperation and would ask for your vote now on AM2594 and then the underlying bill, LB1098, so that we can

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

make progress and get to Select File. Thank you. [LB1098]

SENATOR GLOOR: Thank you, Senator Carlson. Members, you've heard the closing on the committee amendments to LB1098. The question is, shall those committee amendments be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1098]

CLERK: 31 ayes, 1 nay, Mr. President, on the adoption of committee amendments. [LB1098]

SENATOR GLOOR: The amendment is adopted. We now return to discussion on the advancement of LB1098 to E&R Initial. Are there senators wishing to speak? Seeing none, Senator Carlson, you are recognized to close. [LB1098]

SENATOR CARLSON: Mr. President and members, again, thank you for your cooperation on passing the amendment, and I ask for your green light on LB1098 so that we can move forward. Thank you. [LB1098]

SENATOR GLOOR: The question is the advancement of LB1098 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1098]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB1098. [LB1098]

SENATOR GLOOR: The bill advances. Mr. Clerk. [LB1098]

CLERK: LB1098A, a bill by Senator Carlson. (Read title.) [LB1098A]

SENATOR GLOOR: Senator Carlson, you are recognized to open on LB1098A. [LB1098A]

SENATOR CARLSON: Thank you, Mr. President. Members of the Legislature, LB1098A is the A bill that specifies the amount of money needed to carry this work forward, which is a percentage of the appropriations every year. And certainly there are going to be expenses with the commission as it moves forward on its work and the department as it manages those funds. And so I would ask for your vote on LB1098A. Thank you. [LB1098A]

SENATOR GLOOR: Thank you, Senator Carlson. Are there senators wishing to be recognized? Seeing none... [LB1098A]

CLERK: I have an amendment, Senator, yes. [LB1098A]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR: Mr. Clerk for an amendment. [LB1098A]

CLERK: Mr. President, Senator Watermeier would move to amend, AM2747. (Legislative Journal page 1364.) [LB1098A]

SENATOR GLOOR: Senator Watermeier, you're recognized to open on your amendment. [LB1098A]

SENATOR WATERMEIER: Thank you, Mr. President. I don't have my talking points here in front of me. I wasn't sure we were going to get to this point today. What this is, is a measure put in place that makes the new (Water) Sustainability Fund have a mechanism in place that will limit how far out it can operate. I thought we had this in the original bill. I ran this past counsel and Senator Carlson yesterday, and I threw this amendment up there yesterday. But what it does is put a cap on how far out the commission, excuse me, the new Water Sustainability Fund can actually appropriate funds for the future. I went over this with Fiscal, and it's a little bit of a stab in the dark, but we need to have something in place, a statute. And we can talk about it further, if we need to, on Select and Final Reading. So thank you, Mr. President. [LB1098A]

SENATOR GLOOR: Members, you have heard the opening on the amendment to the underlying bill, LB1098A. Are there questions? Seeing none, Senator Watermeier waives. The question is, shall the amendment to LB1098A be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1098A]

CLERK: 35 ayes, 0 nays on adoption of Senator Watermeier's amendment. [LB1098A]

SENATOR GLOOR: The amendment is adopted. [LB1098A]

CLERK: I have nothing further on the A bill, Mr. President. [LB1098A]

SENATOR GLOOR: Senator Carlson, you're recognized to close on the advancement of LB1098A. Senator Carlson waives. The question is the advancement of LB1098A to E&R Initial. Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB1098A]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB1098A. [LB1098A]

SENATOR GLOOR: The bill advances. Mr. Clerk, continuing with General File. [LB1098A]

CLERK: Mr. President, LB976 is a bill introduced by Senator Karpisek. (Read title.) Bill was introduced on January 17 of this year, referred to the Executive Board for public

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

hearing. The bill was advanced to General File. It was considered on March 20, Mr. President. I do have an amendment to the bill by Senator Karpisek. [LB976]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Karpisek, you are recognized to open on the bill. [LB976]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. We started on LB976 a while back, and we had some questions come up. And Senator Murante and I decided not to take a vote at that time to move the bill or not move the bill. And so, in the meanwhile, we have worked together to work some things out. I will open on the bill and open on the amendment in a bit. The purpose of LB976 is to take the necessary first step toward removing partisanship from the redistricting process. Not only would LB976 help restore the public's confidence in the redistricting process, but, also, it would help maintain the collegiality and integrity of the nonpartisan Legislature itself. LB976 would provide for an Independent Redistricting Advisory Commission that, with the assistance of the Legislative Research Office, would present a map for each of the following: United States Congress, the Nebraska Legislature, the Board of Education, University of Nebraska Board of Regents, Supreme Court, and the Public Service Commission or PSC. The commission would have four public hearings to gather input on the proposed maps. Those maps would then be presented to the Legislature for an up or down vote. The commission would consist of six members, two appointed by each Congressional caucus. Again, that is the bill. And when we move to the amendment, I will talk about what we have in the amendment. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Karpisek. Mr. Clerk for an amendment. [LB976]

CLERK: Mr. President, Senator Karpisek would move to amend the bill with AM2745. (Legislative Journal page 1339.) [LB976]

SENATOR GLOOR: Senator Karpisek, you're recognized to open on your amendment. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. LB...AM2745 has come about with working with Senator Murante and working on some of the issues that he had with the bill. During our previous General File discussion of LB976, there were some concerns raised by senators, and Senator Krist, that I have attempted to address with AM2745, which I filed last night. There are still six commissioners selected from the public by the three Congressional caucuses. But rather than the entire caucus appointing commissioners, the Republicans within each caucus would appoint a Republican from the corresponding Congressional district, and the Democrats within each caucus would appoint a Democrat from the corresponding Congressional district, as well. Any members of the caucuses that are not Republican or Democrat would

Floor Debate
April 02, 2014

choose which party to caucus with. If there were no members of either party in a particular caucus, then all the members of that party in the remaining caucuses would make the appointment. The Legislature would still approve the appointments. The six commissioners would then appoint a nonvoting chairperson from the public. I'd like to point out that we made changes there. Senator Murante and I agreed that if the whole caucus of the Legislature were to appoint the two people, we may have a very partisan person from one party or the other try to appoint a rather weak person from the other party to help with the map process. Again, my whole point here is to have this out in the open and be a fair map drawing. The other change here was that we said that the six commissioners would appoint a nonvoting chairperson from the public. Before, we said that there would be six commissioners and one of them would be a nonvoting chairperson, which would leave us five. Well, if we had three "Rs" and three "Ds" and one was picked to be the chair and not vote, then we've got an unbalanced board. Number two, the commission shall now consider the addresses of incumbents in order to not displace any incumbents if practicable. Before, we said that the commission would not know where an incumbent lived. In Section 21, we struck the provision that would prohibit a commissioner from actively participating in or contribute in any political campaign of any candidate for state or federal elective office while a member of the commission. So in the green copy it said anyone on this commission would not be able to donate or actively work...and I shouldn't say work...campaign for anyone running. In this we are saying they can. They can be on the commission and still campaign for someone running. Also, in Section 21, we struck the provision that contains a two-year prohibition on a commissioner holding or campaigning for a seat in the United States Congress, Legislature, PSC, Supreme Court, State Board of Education, or Board of Regents of the University of Nebraska. Again, in the green copy we said, if you were on this commission, you would not be able to run for two years. Now we are saying you would be able to, but you would not be able to while you were on the commission. Additional changes that I feel make the bill better include increasing the duration for how long a commissioner must maintain the same party registration from 12 months to 24 months. So to be considered, you have not been able to change parties for two years prior. I also increased the quorum requirement from three commissioners to four, since a simple majority of a six-member commission would be four commissioners. Since the chairperson is a nonvoting position, he or she would not count toward a quorum. I also included a provision requiring the commission to include with the maps an explanation of changes that were made from the base map in an effort to keep the process as transparent as possible. So if the commission got the base map but decided they didn't like it and they wanted to redraw it for some reason, I am saying, then we want to know why, not just because, well, we don't like it or we think this is better. Also, we eliminated the vice chairperson position since the commission selects the chairperson. We are also waiting on a new amendment that actually would just put some definitions into a couple of words in the bill, not change the meaning of the bill by very much. I would like to thank Senator Murante for sitting down and talking to me about this process. I am not trying to say that he has said that he's on board with these changes or with the bill,

Floor Debate
April 02, 2014

although I think he should be since I went so far out of my way. But my goal here is to get to the end, to get to having a commission. I want to make sure we do it in the right way and get the right people on that commission, but my fight is not how we get there. So if we have to make changes, I am agreeable to that. I think I've shown that so far. However, we do know that session is getting short, and sometime I do need to draw a line in the sand and say, okay, you've gotten 90 percent of what you wanted, I need to take a stand. We're not there yet though. I would be glad to take any questions and/or comments. This gets a little bit complicated. But I think it's a good bill and it'd be good for the state of Nebraska. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Karpisek. Members, you have heard the opening on the amendment and the bill, LB976. We now move to floor debate. Senator Murante, you're recognized. [LB976]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. As Senator Karpisek said, we have been working now for about two weeks since we discussed LB976 last to go over and try and smooth out what I believe to be some...well, really, there's two different categories, I think, of problems that I have with the bill. The first is just public policy disagreements--parts of the bill, such as how the members were selected, which Senator Karpisek has been very gracious in working with me on--and the other is just technical problems that are going to arise by the nature of how this Legislature works and the wording of the bill. And although AM2745 is a step in the right direction and it smooths out at least one of what I believe to be the policy problems of the green copy of the bill and a handful of the technical problems, I think it's important to note that the concessions, I believe...quite frankly, Senator Karpisek isn't really giving me anything, especially on the...on issues like his decision to include incumbent addresses in the amendment. To me, that is something that is absolutely essential for this bill to be workable at all. Right now this bill contains numerous provisions that I don't know how we are going to implement if this bill becomes law. And I appreciate--Senator Karpisek said it on General File--that he took this bill directly from legislation that had been introduced in previous years and, as he said on the microphone, he is attempting to get to an end game. He is attempting to get to the point where the Legislature creates an independent commission which draws the maps and sends them to the Legislature for approval, and I understand that. But we have to be cognizant of the details. The details matter, too, and it's not just about going after that end game. I have debated since even before we talked about LB976 on General File...earlier this year about what's the best approach to take in addressing these concerns, and I still don't have a concrete answer to that, other than to just go over what I have and have someone tell me where I'm off base, because I don't know how you can have a bill that says, on the one hand, we have constitutional requirements to ensure that incumbents don't have shortened terms and, on the other hand, have a provision in the bill that says you can't know where incumbents live. Those are two principles which are diametrically opposed to each other. You can't have both at the same time, other

Floor Debate
April 02, 2014

than by guessing. And Senator Karpisek was gracious enough to take that out, but there's a lot more just like it. And I'm going to spend some time going over it, what I believe those things to be, and I'm sure Senator Karpisek and I will have that discussion. I'm contemplating an amendment to his committee amendment because of an issue that we had discussed off the microphone to his AM2745. But I'll listen to more discussion. And as we proceed forward, I hope that the concerns that I bring up are,... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR MURANTE: ...if not accepted, at least we can begin to have a discussion about the technical aspects of the bill, which is what I seek to do today. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Murante. Senator Krist, you are recognized. [LB976]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues, and good afternoon, Nebraska. I had the distinct pleasure over the noonhour to accept that award on behalf of Speaker Adams from the deaf community for the closed-caption that we are able to put into this live stream, into our debates. And I was struck by a comment that was made by one of the individuals who now felt very comfortable that, while watching us and getting closed-caption, he could understand the process, he could understand the debate, and he didn't have to wait until the newspaper came out or somebody wrote it in printed word in order to understand what was going on. It was real-time. And I thought, wow, that's amazing that that didn't...you couldn't conceive that someone would watch this debate and not know what was happening. And then I thought again and, sometimes, it's very difficult to keep up with the playbook even in here while you're here. But Mr. Lindsay Darnall was one of those individuals, and he has taught me a lot about disability in that way and how maybe it's not necessarily a disability. He also worked for Senator Carol Pirsch as a legislative assistant in some capacity and was here for the redistricting in 1991 time frame. And we talked about it, and it struck me that what I said on the mike the last time in the heat of battle...and I will not repeat that today, although I think you all know my feeling on, potentially, how partisanship played out a little bit the last time we did that, a little bit, I think, a little bit. But this time I would like to be more specific because, when Mr. Darnall and I talked, he talked about hundreds and hundreds of maps. You see, the technology wasn't what it is today, what we, those of you who were around to do redistricting when we did that, and what we will see in just seven short years. And I still contend that this is about the end game, and I will disagree with Senator Murante as long as we have this debate. As long as we have a group of people that feed the right parameters into the computer program, we're going to get several options to choose from. Please don't disturb any precinct if you don't have to. Please make sure that you look at where incumbents sit who are going to be back in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

two years after redistricting. Please make sure that, for better or worse, that lines don't change and we don't cross a border and violate those federal requirements that keep minority districts where they should be in proportion. Please, please, please. And all those parameters are built into the computer program. And, folks, I said it when we had this discussion a couple weeks ago: You hit the button. When you hit the button, those of you who were around here to deal with that computer program down in Legislative Research when we had the opportunity to do that, you realize it spits out a product. Well, garbage in, garbage out. Now you look at what you have and you say, you know, that's not the percentage I was looking for and I'm going to introduce a different parameter. And you put that new parameter in and, I will tell you, within seconds, if not a few minutes,... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR KRIST: ...you'll have another capability, a new map. And you can do that over and over and over again, and it's the objective parameters that are built into that computer program that will give you the best product. We have the capability to take out the partisanship involved. We have the capability of using technology that's even going to be better in seven years than it is now and better than what we dealt with. That's where we should be deriving most of the direction for this discussion. Thank you, Senator Karpisek and Senator Murante, for the work you've done so far. I'm not sure it's where it needs to be. But think about that, because the technology is there to do a much better job than what we did even a few years ago. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Krist. Senator Wallman, you are recognized. [LB976]

SENATOR WALLMAN: Thank you, Mr. President. Thank you, Senator Karpisek. Yes, the technology has come quite a ways, but it's still who puts the numbers in. And where are you going to put the numbers? And I heard on TV station the other day a certain party was bragging how they're surely going to get control of the House on account of the gerrymandering they did in their local states. They even said it: the gerrymandering. That's a terrible...why do you think voters get disillusioned, folks? Why? Because they lose their voice. They feel they've lost their voice. A person in Nebraska, Sandhills person, told me, you guys better get back to a two-house because I feel we've lost our voice. And I hope that's not true. But if we keep going like we have, lots of people are disillusioned. When you have a red state or a blue state, either one, you're going to gerrymander borders, you're going to gerrymander, you're going to gerrymander, because it's too easy to do. And so I want to thank Senator Karpisek again because he's trying to fix the problem. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Wallman. Chair recognizes Senator Avery. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR AVERY: Thank you, Mr. President. All of you know, I'm sure, that I have an interest in this issue because it was my bill two years ago that was so highly respected by the Executive Board that I don't even know if it was considered in Executive Session. It certainly didn't get out. The bill, of course, was not perfect, but it did, at least, start the conversation. And I'm glad that we're continuing that now. So in that regard, I'd like for...to know if Senator Karpisek would be willing to yield for a question or two. [LB976]

SENATOR GLOOR: Senator Karpisek, would you yield? [LB976]

SENATOR KARPISEK: Yes, I will. [LB976]

SENATOR AVERY: I haven't been able to get all the way through this amendment because I didn't get it in time. But... [LB976]

SENATOR KARPISEK: That was by design. [LB976]

SENATOR AVERY: (Laugh) I figured it might be. But what happens once the commission has prepared maps? They are submitted to the Legislature for consideration? Is that correct? [LB976]

SENATOR KARPISEK: Correct. They get the maps. They prepare them. They take them out and have four hearings across the state. Then they present them to the Legislature for an up or down vote without any amendments. [LB976]

SENATOR AVERY: Is there a deadline? Is it a deadline-driven process? They have to do this by a certain number...within a certain number of days? [LB976]

SENATOR KARPISEK: There is, Senator, and that all stayed the same as in your bill. [LB976]

SENATOR AVERY: Okay. [LB976]

SENATOR KARPISEK: And there's different dates for different... [LB976]

SENATOR AVERY: I'm a little bit curious about...on page 8, you're talking about people who may not serve on this commission. Item (6): You may not be employed by the University of Nebraska. Could you explain why that's in there and why Doane College is not mentioned or Creighton or... [LB976]

SENATOR KARPISEK: I think because Doane College is a private institution. [LB976]

SENATOR AVERY: Southeast Community College? [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR KARPISEK: Again, I think the university, because they have a Board of Regents, and someone who is employed by them would be drawing districts for the...their bosses, I guess. [LB976]

SENATOR AVERY: I don't know very many faculty who consider the Board of Regents their bosses. [LB976]

SENATOR KARPISEK: They probably don't consider them that, but... [LB976]

SENATOR AVERY: That's curious to me because, I mean, they...it seems to me that you're really eliminating a potential rich source of information expertise in the area of redistricting if you exclude faculty members, for example. I know people at the University of Nebraska-Lincoln who are very well versed in the theory, the practice, and the procedures of redistricting. So that seems to me to be an arbitrary exclusion that may not be useful to the...to a good proposal on redistricting. [LB976]

SENATOR KARPISEK: And I'd be more than happy, Senator, to look at that and, between General and Select, take that out. And I think you raise a good point. I would just point out that this was your bill. [LB976]

SENATOR AVERY: I... [LB976]

SENATOR KARPISEK: So that was in there. [LB976]

SENATOR AVERY: That was in my bill? [LB976]

SENATOR KARPISEK: Right. [LB976]

SENATOR AVERY: Then I apologize. [LB976]

SENATOR KARPISEK: (Laugh) That's all right. (Laughter) [LB976]

SENATOR AVERY: Section 21, which is also on page 8, talks about, "No member of the commission shall, while a member of the commission, hold or campaign to be elected to a position in the United States Congress, Legislature, Public Service Commission, Supreme Court, State Board of Education, or Board of Regents of the University of Nebraska." What about...why aren't the state constitutional officers included in there? [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR AVERY: The Secretary of State, for example, who is the chief election

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

officer of the state, the Auditor, the Treasurer, why are they not included? [LB976]

SENATOR KARPISEK: I would say because those, they're not...the map doesn't matter for them. They're state elected. So where we draw a line really doesn't affect their district. [LB976]

SENATOR AVERY: So they could actually be a member of the commission, conceivably. [LB976]

SENATOR KARPISEK: Conceivably. [LB976]

SENATOR AVERY: Okay. What happens when the Legislature finds a plan unacceptable? [LB976]

SENATOR KARPISEK: It would...the commission would go back to work and redraw a new plan within X number of days and bring them back to the Legislature. After four times, then the Supreme Court would be the one to determine... [LB976]

SENATOR AVERY: So that's unchanged from what was in the... [LB976]

SENATOR KARPISEK: Correct. [LB976]

SENATOR AVERY: Okay. That's all I have. Thank you, Senator. [LB976]

SENATOR KARPISEK: Thank you. [LB976]

SENATOR AVERY: I still think that we... [LB976]

SENATOR GLOOR: Time, Senators. [LB976]

SENATOR AVERY: ...we need this legislation. Thank you, Mr. Chair. [LB976]

SENATOR GLOOR: Thank you, Senator Avery and Senator Karpisek. Senators remaining in the queue: Mello, Karpisek, Murante, Krist, and McCoy. Senator Mello, you're recognized. [LB976]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I rise in support of AM2745, in part because since we last had this debate on General File, I've heard some partisan-elected officials in our state clamor that the Legislature needs to do its job when it comes to redistricting; that this bill in front of us is bad legislation because we are giving up our legislative authority to do the hard work, quote unquote, when it comes to redistricting. Well, colleagues, looking at AM2745 and the underlying bill and you read the new amendment that becomes the bill, that is the furthest from the

Floor Debate
April 02, 2014

truth. I won't name that chief elected officer in our state who made these outlandish comments about the Legislature giving up its authority, but the point is this. This independent commission has worked very well in our neighbors to the east in Iowa. And their legislature, both their house and their senate, has the full authority to vote up or down on their redistricting maps. And it's just so much that when their independent commission has provided their legislature maps, they have voted those up. They've not gone to the third stage which would require the Iowa house or the Iowa senate to have to step in and redraw those maps themselves. Why? Because an independent commission does the job in an independent way. It takes out the partisan gerrymandering, the partisanship that we know we experienced in 2011, that we know that exists in other states. And I think with the amendments that Senator Karpisek and Senator Murante worked on, I guess I'm more interested to hear from Senator Murante of what other problems there are with the bill, because I worked on the original legislative resolution that gave this body the authority to do redistricting in 2011. And almost all of that actual legislative resolution is in this bill, almost word for word. So if it was good enough for the Legislature in 2011 through a legislative resolution, and the only other way that dictates what happens through redistricting is the selection of committee members in our rules, colleagues, if anything AM2745 and the underlying bill is light-years ahead in public policy than what we currently have in statute, which is nothing, because we do it by a legislative resolution and by legislative rules that haven't been changed over the last two redistricting cycles. So I appreciate Senator Murante and Senator Karpisek working on this bill since last time it was up on General File. And I think Senator Karpisek makes some changes in the amendment that is the new bill that, yes, does take in consideration the addresses and the living arrangements of the incumbents. It does allow the use of all census data, the demographic information, primarily the demographic information being pretty critical and key as it relates to some of the other constitutional terms used in regards to what the legislative intent is in regards to not wanting to see districts being packed for racial purposes or diluted for racial purposes, which once again I think I heard Senator Murante said that that was a concern. But really we don't have to address that because that's been already decided by the U.S. Supreme Court. So those definitions are fairly clear, colleagues, by the U.S. Supreme Court, as was part of our original legislative resolution back in 2011 when we went through the last redistricting. So I really think, colleagues, I don't want to sound like I'm beating a dead horse that we had on General File, I haven't heard an argument against this bill besides we just don't like it. And because we just don't like it because it doesn't benefit us partisanwise or politically is a terrible policy reason not to move our state forward on something that other states are moving towards because it takes the Legislature out of these situations. And colleagues, that's something that we pride ourselves on, on a regular basis... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR MELLO: ...whether it's votes on confirmation hearings for the Governor or

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

any other partisanship that usually if it rears its ugly head in the Legislature, we try to tamper that down the best that we can. And LB976 does that and it does it involving the public. It does so, colleagues, by still having the Legislature be the final say. The Legislature is not giving up its hard work; it is not giving up its authority. What it's doing is saying that individual senators don't get to draw maps. Individual senators don't get to dictate the redistricting process. It says we as a body, we as an entire Legislature get to make the determination on the work that's been done by citizens of Nebraska. That, colleagues, is what could separate us from what we see in other states. That, colleagues, can separate us from what we saw in 2011, and it's something that's worked very well in the state of Iowa and other states that have moved towards an... [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR MELLO: ...independent redistricting commission. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Mello. Senator Murante, you're recognized. [LB976]

SENATOR MURANTE: Thank you, Mr. President, members. I'll address a little bit of what Senator Mello had discussed. And believe me, Senator Mello, I will be getting in, in great length the technical defects of this bill. But let's be clear. If your intention is to create a redistricting system in which information is fed directly into a computer, you push a button and the computer draws the map, don't support LB976 because it doesn't do anything like that. What LB976 does is it trades a redistricting committee comprised of nine members of the Legislature for an independent redistricting commission comprised of six people who are not members of the Legislature but who are appointed to the Legislature. At the end of the day, that's it. That is the heart and soul of what this bill does. You're saying instead of state senators drawing the maps, we are going to have unelected officials drawing the maps. We can put into statute formulas, mathematics equations, and say you stick these into a computer, you push a button, and the map gets drawn. We can do that. But LB976 doesn't do anything of the sort. And LB976 also is not the way Iowa does it. The way Iowa does it is it takes a group of people very similar to our Legislative Research Office and it has them draw the maps. So this isn't Iowa either. This is a totally different ball game. And can I ask Senator Karpisek a question? [LB976]

SENATOR GLOOR: Senator Karpisek, would you yield? [LB976]

SENATOR KARPISEK: Yes, I will. [LB976]

SENATOR MURANTE: Thank you, Senator Karpisek. As I open up your amendment,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

your amendment references... [LB976]

SENATOR KARPISEK: Can we call it our amendment? [LB976]

SENATOR MURANTE: Our amendment. [LB976]

SENATOR KARPISEK: Okay. Thank you. [LB976]

SENATOR MURANTE: The great amendment. (Laugh) The amendment that makes a terrible bill not quite as bad. How about that? [LB976]

SENATOR KARPISEK: Ah, come on now. [LB976]

SENATOR MURANTE: (Laugh) It references...I'm going to go back to this demographic data information. [LB976]

SENATOR KARPISEK: All right. [LB976]

SENATOR MURANTE: Okay. Senator Mello was correct to a point. He is correct when he says the constitution of the United States, the Voting Rights Act, and case law prohibits, and I'll just speak broadly and in layman's terms, you can't discriminate against minorities. [LB976]

SENATOR KARPISEK: Correct. [LB976]

SENATOR MURANTE: Moral of the story. [LB976]

SENATOR KARPISEK: Yes. [LB976]

SENATOR MURANTE: Are you aware of any constitutional provision, any federal statute, or any piece of case law which defines not what the final results, the conclusions of the maps will be, how they're drawn, at the end of the game, but the starting mechanisms, how the state legislatures, what information they have to consider when they are in the process of drawing the map? [LB976]

SENATOR KARPISEK: Well, I think you need to consider demographics and to make sure that you don't pack one. If I'm wrong, then I don't know. [LB976]

SENATOR MURANTE: I got to tell you, Senator Karpisek. I've looked over the Voting Rights Act, I've studied it. I don't see any guidelines for how the process is. I think as far as federal law is concerned, the state Legislature can authorize Senator Janssen's daughter to get a crayon... [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR: One minute. [LB976]

SENATOR MURANTE: ...to a map and draw circles on it. And as long as racial minorities are not discriminated against, that's a perfectly acceptable means as far as the federal government goes of drawing the maps. They have absolutely no guidelines as far as I'm concerned. So when your bill says that we have to consider demographic information in the drawing process, not after the maps are drawn but what the commission as they're in the process of drawing the maps, the information that they have to consider, I am unaware of a single constitutional provision which mandates that we have...that the commission themselves has to consider that or have that information while they're drawing the maps. It makes sense. It's logical. But I don't see how they're mandated in any way to do that. [LB976]

SENATOR KARPISEK: Well, I guess then we can do that... [LB976]

SENATOR GLOOR: Time, Senators. Thank you, Senator Murante and Senator Karpisek. Senator Krist, you're recognized. [LB976]

SENATOR KRIST: Thank you, Mr. President. Good afternoon again, colleagues. Good afternoon, Nebraska. Would Senator Murante engage in a conversation, please? [LB976]

SENATOR GLOOR: Senator Murante, would you yield? [LB976]

SENATOR MURANTE: Yes. [LB976]

SENATOR KRIST: Did I understand you to say that we are substituting members of the Legislature with members of an independent commission? [LB976]

SENATOR MURANTE: We are substituting members of the Legislature for people who are unelected officials, with a couple caveats that they also are prohibited from... [LB976]

SENATOR KRIST: And what is the significance of nonelected officials? [LB976]

SENATOR MURANTE: They don't hold public office. [LB976]

SENATOR KRIST: Okay. Therefore, there would be less chance of partisanship? [LB976]

SENATOR MURANTE: I don't see any evidence of that. I've seen plenty of people... [LB976]

Floor Debate
April 02, 2014

SENATOR KRIST: I do, but that's okay. It's the...I think that... [LB976]

SENATOR MURANTE: ...who want to hold public office who are more partisan than the members of this Legislature. [LB976]

SENATOR KRIST: Okay. I think that we form commissions and committees because we want some work done and for the most part we try to make sure that those people are capable professionally of doing the job, and hopefully there would be less partisanship. That's my opinion, and so I guess I'd be entitled to that. But to carry the conversation on further, you're absolutely right. That's what we're doing. We're putting members of...on a commission that would then act as the safeguards for the citizens in terms of redistricting. But to go one step further, are you denying that...or is your point or your stature that we're not going to use a computer system, we're not going to enter in the parameters no matter if we do it ourself or if the commission or committee is going it for us? [LB976]

SENATOR MURANTE: What parameters are you referencing? [LB976]

SENATOR KRIST: Well, you just saw Senator Janssen walk up the aisle and you said his daughter was going to draw circles. Are you saying that we are not going to spend the money for the same kind of technology that you're familiar with that we did, we used in our last redistricting? [LB976]

SENATOR MURANTE: That's not what I said, Senator Krist. [LB976]

SENATOR KRIST: Okay. [LB976]

SENATOR MURANTE: What I said was with regard to federal regulations regarding how states procedurally draw the maps. There are prohibitions on the conclusion, but there are no regulations regarding the methodology to get to the conclusion. So my hypothetical that I was bringing up was there's nothing to prohibit us from doing that, and I'm not saying LB976 does that. I'm simply illustrating the point that the committee amendment references a constitutional provision that I don't think exists. [LB976]

SENATOR KRIST: Well, in the intent language of the current bill and of the changes, it does say that there are parameters that will be guidelines and the federal law governing the process and our own state statutes and those opinions by the Supreme Court or by rulings have given us those set of guidelines. So we would take those set of guidelines, develop a set of parameters, and use...I'm saying we would use the same technology or even better technology regardless of who was doing it. So, in essence, I'm arguing I guess at this point, my point would be the technology would not change. It's essentially who is charged and responsible to make sure that those parameters are entered, yet we would give them those parameters within this piece of legislation. Maybe...as I said

Floor Debate
April 02, 2014

before in my opening or in my first five minutes, maybe not exactly the way they are right now but as we would amend them. So thank you, Senator Murante. I guess my point overall is that we're not going to have a fifth grader with crayons. We're not inferring that. We're inferring that there's a set...there is technology. And, indeed, Senator Murante is right. We would not be doing it ourself as state senators. We would be forming a commission or committee... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR KRIST: ...that would be executing parameters that are both federally and state identified, and some of it, most of it, as a matter of fact, by case law. I mean, we have federal guidelines that are set in place. We cannot violate minorities representation. We cannot cross a line in that way. There are things we cannot do. I am saying that in the affirmative we should identify, and this was my point with legal counsel during the last debate, tell us what those parameters are very clearly as we define those and move forward. Thank you, Senator Murante, for the dialogue, and I'll reserve the rest of it. Thank you. [LB976]

SENATOR GLOOR: Thank you, Senator Krist and Senator Murante. Senator McCoy, you're recognized. [LB976]

SENATOR McCOY: Thank you, Mr. President and members. I rise in opposition to AM2745 and to LB976 for a number of the same reasons that Senator Murante has started to outline. I don't think this takes the partisanship out of this issue at all, out of this process. I think if you look at the states that have gone about this, especially California that passed an initiative in 2009 to go down this process, it has created an enormous amount of turmoil in California. And that's on all sides, not Republican or Democrat. It's created a great deal of controversy and a great deal of cost to those taxpayers of California as they've fought this in court. And Arizona is another state, and now they're looking at rolling this back to the way they did it before because it's created so many issues. I'll talk about this at further times at the microphone. But, Mr. President, I'd like to yield the rest of my...remainder of my time to Senator Murante. [LB976]

SENATOR GLOOR: Senator Murante, 3 minutes 50 seconds. [LB976]

SENATOR MURANTE: Thank you, Mr. President, and thank you, Senator McCoy. And I want to be very clear as to what I was referencing. In two separate instances, the amendment, one of which was in the green copy of the bill, and then the amendment adds another reference to it, and I'll quote it directly. This commission when they are drawing the maps, they are not allowed to see the following things: "Demographic information, other than population head counts, except as required by the Constitution and the laws of the United States." As I read that, what that says to me is that when they are undertaking the process of initially drawing the maps, they are prohibited from

Floor Debate
April 02, 2014

demographic information. So they are not allowed to see, other than the population head counts, they're not allowed to see in specific what I'm concerned about is the racial makeup of the census blocks. And there is no requirement in the constitution or the laws of the United States that a commission at that stage has access to that information. So they are sitting...we have an exception as required by the constitution and the laws of the United States, except the constitution doesn't speak to the subject of the procedures for how legislatures draw maps, which is why there are so many different ways in so many different states to do it. So as far as I'm concerned, the redistricting commission is going to be flying blind, the independent commission. They are not going to know until the results come out, and when we absolutely have to know the racial makeup of both the Congressional and the legislative districts, whether they're even following the constitutional guidelines. I've read this over several times and that is my sincere belief. I have an amendment here that will take that out. As a matter of fact, I'll just ask Senator Karpisek a question. Senator Karpisek, would you yield? [LB976]

SENATOR GLOOR: Senator Karpisek, would you yield? [LB976]

SENATOR KARPISEK: Yes, I will. [LB976]

SENATOR MURANTE: So I think we can agree that at the very least your...the amendment prohibits the commission from considering demographic information other than population head counts, except as required by the constitution. [LB976]

SENATOR KARPISEK: Correct. [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR MURANTE: We may have a disagreement as to whether the racial makeup of the census blocks meets that constitutional requirement. I don't think that it does. But what is the demographic information that you are trying to keep from the redistricting commission and why? [LB976]

SENATOR KARPISEK: The demographic information? [LB976]

SENATOR MURANTE: Right. [LB976]

SENATOR KARPISEK: Again, Senator, anything so they don't try to push more or less into one group or another. [LB976]

SENATOR MURANTE: I don't know what that means. What type of group are you referencing? [LB976]

SENATOR KARPISEK: All right. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR MURANTE: You have prohibitions against political parties. That has a separate line item. I don't have any exception to that. We're talking strictly about the demographic makeup of this legislative district. What demographic information are you concerned that they will have access to? What harm could come from them having demographic information? [LB976]

SENATOR KARPISEK: I...you know what? Again, Senator Murante... [LB976]

SENATOR KRIST PRESIDING

SENATOR KRIST: Time, Senators. Senator Garrett, you're recognized. [LB976]

SENATOR GARRETT: Thank you, Mr. President. I would yield the rest of my time to Senator Murante. [LB976]

SENATOR KRIST: Senator Murante, 5 minutes. [LB976]

SENATOR MURANTE: Thank you, Senator Garrett. Senator Karpisek, can we continue our conversation? [LB976]

SENATOR KRIST: Senator Karpisek, will you yield? [LB976]

SENATOR KARPISEK: Yes, I will. [LB976]

SENATOR MURANTE: So I'll ask again. We...your... [LB976]

SENATOR KARPISEK: Yeah, you know, you don't have to, Senator Murante. Yeah, if you think, and I know I think this was a part that we talked about earlier and I decided to leave in. If that is a problem, we sure can take it out. [LB976]

SENATOR MURANTE: You're a gentleman and a scholar, Senator Karpisek. We'll move on to the next issue. (Laughter) [LB976]

SENATOR KARPISEK: Makes it easier, right? [LB976]

SENATOR MURANTE: It really does. Okay. So the next on my list of things that concern me with the bill, page 12, line 11. I think you and I have talked about this on the microphone. I'm not sure that we have. This bill will require the independent commission to draw three single-member districts for the House of Representatives. Unfortunately for us, the state of Nebraska does not determine how many Congressional districts our state has. So if, and it's a very real possibility in the next apportionment process, here's how that process would work. In 2000...I believe it's July 1st we would have a census.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

The Census Bureau will release in a staggered way for the remainder of the year the population counts from every state, and Congress will grind those numbers through a formula and tell the states this is how many Congressional districts you have. So at this point, we are in the fall of 2010 with a statute that mandates redistricting in 2011 and a bill that says we have to draw three districts, except for Congress told us that we only have two. So either we can call a special session of the Legislature to change this line or we can act in record speed and get something passed with the emergency clause even though the provisions of the bill which deal with appointing a redistricting commission will already be underway. Now this is an easy fix. I hope that at the very least can illustrate that the bill has technical problems. Would Senator Karpisek yield to a question? [LB976]

SENATOR KRIST: Senator Karpisek, will you yield? [LB976]

SENATOR KARPISEK: Yes, I will. [LB976]

SENATOR MURANTE: Would you agree with my assessment that if we don't get that changed that it has the potential to be extremely problematic adding into the 2020 census and '21 redistricting? [LB976]

SENATOR KARPISEK: I do agree but I think I have another solution there because I guess my thought is, Senator, if we do go down to two Congressional districts, the whole commission is based on legislative caucuses, which there are three. So if we would really only go down to two, maybe we would only have two legislative caucuses. The whole bill would probably have to be redrawn or somewhere down the line you could go in there and strike three and put two. [LB976]

SENATOR MURANTE: And this is an important point because the legislative district caucuses are in a...they're in the section of statute that deals with the Legislature. It is completely separate to Congressional districts. It has nothing to do directly with the redistricting process. Just because we redistrict doesn't mandate us to realign our Congressional district caucuses. And we could go numerically if we wanted to. We could just say 1 through 17 is in the 1st District caucus and so on and so forth. I just don't see how we can fix this on the fly without making a change to the bill this year... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR MURANTE: ...if and when we pass it. Would you agree with that assessment? [LB976]

SENATOR KARPISEK: I would say that we could say that we would follow the federal apportionment process. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR MURANTE: Sounds good to me. [LB976]

SENATOR KARPISEK: Again, we can work on that in between General and Select. I'd be happy to do that with you. [LB976]

SENATOR MURANTE: Okay, okay. I have a question for...well, good. How much time do I have left, Mr. Chairman... [LB976]

SENATOR KRIST: Thirty seconds. [LB976]

SENATOR MURANTE: ...Mr. President? Thirty seconds. Before I get into the next line item, I will probably wait until my next time to speak. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Murante and Senator Karpisek. Senator Bloomfield, you're recognized. [LB976]

SENATOR BLOOMFIELD: Thank you, Mr. President. I think AM2745 is in the process of moving in the right direction, but I don't know that it can go far enough to make LB976 palatable. And with that, I'd yield the remainder of my time to Senator Murante. [LB976]

SENATOR KRIST: Senator Murante, 4:40. [LB976]

SENATOR MURANTE: Thank you, Mr. President, and thank you, Senator Bloomfield. As I read over my notes, I had circled again the terms "dilutes, augments, fractures, or packs." This is a very important point because the bill doesn't define what those terms mean. And those terms..."dilutes" and "augments" perhaps does not, to my knowledge anyway, have any history in case law. I'm unaware of any maps drawn by Legislatures which have been thrown out because of the terms "dilutes" or "augments," but fracturing and packing is a different story. Those are terms with very specific meanings. And my observation, observing redistricting both in the state of Nebraska and elsewhere, is that those terms in redistricting debates lose their meaning after a certain period of time, particularly when a map doesn't suit a certain individual or a certain party or for whatever reason a person doesn't like a map. There's just...there's a portion of their district that they want or for whatever reason they don't support it. They begin looking for arguments, and those words filter themselves into debate when they have specific meanings but no applicability to the maps at hand. And I think to help facilitate a healthy discussion going forward, those terms need to have definitions. I've spoken with Senator Karpisek on this subject. The resource that I've used on these issues, which I believe to be second to none, is the NCSL workbook on redistricting. It is a comprehensive resource that tells you everything you could possibly need to know about redistricting from top to bottom. My suggestion is to use the language which they use. I have an amendment which defines also based on Massachusetts law, but it's

Floor Debate
April 02, 2014

important because the more definition we put into law the better. And I know the point has been made that at the moment there really isn't much in statute which details exactly how this process is supposed to work, and that's true. Going forward, it's important that we make sure that those terms are defined. Another issue, I'm not sure it's a concern, but I also don't know if Senator Karpisek has weighed it all out, deals with page 13, (2), which pertains to how the legislative districts are redrawn. Important to note that our constitution requires us to follow county lines, there's no doubt about that. What I'm a little bit confused about or at least have some questions over is (d) which states that if the population of any county falls within the relative deviation set forth by (b) of this subdivision,... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR MURANTE: ...the boundary of that county shall define a legislative district. Would Senator Karpisek yield to a question? [LB976]

SENATOR KRIST: Senator Karpisek, would you yield? [LB976]

SENATOR KARPISEK: I will. [LB976]

SENATOR MURANTE: Thank you, Senator Karpisek. My question for you is this. As we saw in the redistricting process of 2011 and really any redistricting process, there come times when there are competing priorities to be accomplished. Following county lines, population equity, they very rarely match up exactly. My question for you is a concern as to whether this is overly burdensome as to the redistricting process. And the hypothetical I would give you is I believe Scotts Bluff County has a population that falls within the deviation set forth that they should have a county unto themselves. [LB976]

SENATOR KRIST: Time, Senators. Senator Karpisek, you're next in the queue. You're recognized. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I would talk to Senator Murante, but he's got enough people helping him out. I don't need to use my time on that. I'd like to know where everyone was that wants to give him time now to come talk to me between the other day and now. Senator Bloomfield says this doesn't go far enough. I'd like to hear what does go far enough and why he didn't come talk to me about it. I'm more than happy to talk between General and Select. Senator McCoy told us he's against the amendment. Well, the amendment is what I worked with Senator Murante on and said that it certainly needs to be in the bill. So if that's how we want to do it, that's fine, and if we're filibustering or whatever we're doing, let's just call it and so we know what's going on. I sat down and worked with Senator Murante a lot. And if we're going to play these games on the mike out here on the floor, then we're going to play. If we want to just work this out, I'm more than happy to. And I've tried and

Floor Debate
April 02, 2014

Senator Murante has tried. I am a little confused maybe on some lines and pages. I don't know if you're going off of the green copy or the amendment, but I'm trying to keep up with that. If all this is such a big problem, I'd be more than happy to say, like Iowa does it, have performance...sorry, the Legislative Research Office draw the map and we use that. That's what we used before, but then before everybody got their fingers on it and had to move lines everywhere. So if we want to scrap all this other stuff that I'm trying to make it more open to the public, I'm fine with that. And then all these other questions and problems go away. I'd be more than happy to do that. I think a lot of these questions, and Senator Murante has points. We've gone over them. I have the new amendment with the definitions in them that Senator Murante is talking about. I won't file it now because it was a whole new amendment, so we'll just file those on Select. They talk about cracking. I got too many copies. I think that this bill opens it up to the public, makes it more fair. And what is to be scared of here? Some people don't like it because they think that they're not going to be able to get their hands on it and gerrymander it. I'm not talking about Senator Murante because he does raise some very good questions. And, again, I'm glad to work with him on it. But just to walk in here and say that you're against it for no apparent reason doesn't bode well with me. I'm more than willing to work with anyone on it. I think this is a very important point, and I've still not heard why this isn't a good idea. I've heard maybe some technical issues in the bill, but I have not heard why this isn't a good idea. I've heard that it doesn't go far enough, not why. Trying to work together with everyone here and I think we can do this. I purposely did not take a vote the other night on this so we would have time to work... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR KARPISEK: ...until now and then from General to Select. I did that on purpose so we could work it out. I'm still willing to work it out, but I want it to be genuine things with the bill. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Mello, you're recognized. [LB976]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I appreciate the dialogue between Senator Murante and Senator Karpisek. And I have a couple of handwritten amendments that I could file to deal with some of Senator Murante's concerns. The federal apportionment, we strike the word "three." We just say single-member districts. There we go. We don't know if we will have three or two member districts and we will get that number from the U.S. government when they do the federal apportionment. I got that amendment drafted right here to solve that problem. The second item, and I was just talking to Senator Karpisek and his staff, the demographic information change that Senator Murante mentions, we simply have to strike the language in the bill and use the only information we can utilize is what we get

Floor Debate
April 02, 2014

from the U.S. Census Bureau based off the U.S. census. That's what we got in 2011 when we last did it. That's the only data we could use anyway. So we know we can put that in statute because that's the only data we would be allowed to use anyway unless you want to try to make it partisan and use other information outside of the Census Bureau. So that information, those two amendments that Senator Murante suggested, those are easy changes, colleagues, and that clarifies I think a little bit more in regard to the process. Senator Murante just mentioned on page 13, (d), about the population fitting in an entire legislative district if it's within one county. Colleagues, that was part of the legislative resolution we passed in 2011 and the legislative resolution we passed in 2001 or maybe it was 2000, I believe, prior to the 2001 redistricting. That is something that we set essentially as law by passing that legislative resolution with a vote of the Legislature. That's something we've done for 20 years now or I should say, not 20 years, the last two redistricting proposals that have come in 2001 and 2011. Putting that language in statute simply means that they have a guidepost of saying if a legislative district has a population that falls within a deviation within one county, that's a whole district. Senator Hansen's district is that way. Senator Janssen's district is that way. Senator Harms's districts is that way. That's currently what's being done under our existing legislative process we passed in 2011. So, Senator Murante, I'll have to respectfully disagree. It doesn't add an undue burden. It wasn't an undue burden in 2001 and it wasn't an undue burden in 2011. And it seemed to work fairly well for us when we crafted those three districts which remained that way in both of those two redistricting years. Colleagues, I agree with Senator Karpisek. I'm more impartial to have our Legislative Research Office do it than having a whole new independent commission from the public, because they did it before and they set the stage for us when we did it in 2011. Now I'm okay with the citizen commission starting the process and doing that because they're working with our Legislative Research Office. So it's kind of a marrying of both the public and our nonpartisan, independent Legislative Research Office. That seems to work fine. But I have not heard an argument from Senator McCoy or Senator Murante of why this is bad public policy. We are making changes that can make tiny tweaks to this bill. And we can take what we know from those who experienced it and went through the process, we can take out the partisanship and the maneuvering that happens within our branch and simply be able to give an up or down vote on the maps that have been drawn by an independent entity. Now I have yet to hear an argument of why that's bad. Once again, the Legislature gets the final say. The second off, the argument that Senator Murante said is that we're putting nonelected people in charge of drawing maps. Colleagues, I distinctly remember not all the senators were the ones drawing the maps in 2011. I had my staff member, who is a nonelected member of this body, draw maps. I know other senators had staff members who were nonelected members of this body draw maps. [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR MELLO: I think that argument that having nonelected people draw maps is

Floor Debate
April 02, 2014

bogus. I think the difference, though, is having a nonpartisan citizen commission do that, with the help of our Legislative Research Office, that provides a perspective outside of this body. But, colleagues, this body still has the final say. So the six members drawing the maps with the Legislative Research Office still can only give us an option. And that option, arguably, is going to be, one, more transparent; it's going to be less bias. And all of the criteria that Senator Karpisek puts in the bill right now mirrors what we've done over the last two redistricting cycles. So it's nothing new, so to speak, of giving them new protocols. They have to follow existing case law, the Voting Rights Act, as well as the component of the constitution that provides equal representation. That does not change with LB976 or if we went through the same process we went through three years ago, colleagues. [LB976]

SENATOR KRIST: Time, Senator. [LB976]

SENATOR MELLO: Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Mello. Senator Murante, you are recognized. This is your third time. [LB976]

SENATOR MURANTE: Thank you, Mr. President and members. And I appreciate Senator Mello is a person who, on this subject matter and on many others, we can have a very intellectual and informed discussion about these procedures because he knows what he's talking about. But what he said concerns me a little bit. And I think that listening to the debate when we were talking about it a few weeks ago is a concern of our mentality as a body right now. Because what I just heard was basically, okay, we have a bill here to authorize an independent citizens' commission to draw our maps for us. Well, nevermind, let's just throw that out. Let's let Legislative Research do it, which I think if we filed that amendment we would almost certainly have to have another public hearing. That is a fundamentally different proposal from what LB976 proposes. And I don't think we ought to get to the point where we say, gosh, 2011 was terrible. We really don't like how that worked out, so let's just pass anything. Let's just make this a referendum on 2011. This bill...I appreciate that the solutions to the problems I've brought up aren't that complicated to fix. But we've been talking about it for two weeks now and we still don't have a solution and I'm still only on page 13. I haven't gotten past that yet. I'm about halfway through the bill. I don't know how to proceed from this point. This is not a legislative resolution condemning the Legislature for its 2011 redistricting maps. This has nothing to do with that. So I want to talk a little bit about the process that this citizens' commission would have to come up with, because it uses terms in this bill that I have not seen in any other area of statute and I don't see any other area of our Rule Book. In Section 26 of the bill, the citizen commission draws the map. They have four statewide public hearings, which I support. And then the Legislature shall bring each bill to a vote expeditiously. I have no idea what that means, expeditiously. And I can't think of one instance in the Rule Book where it says not debate. Would Senator

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

Karpisek yield to a question? [LB976]

SENATOR KRIST: Senator Karpisek, will you yield? [LB976]

SENATOR KARPISEK: Yes. [LB976]

SENATOR MURANTE: Senator Karpisek, I'm looking at the green copy, although I probably should be looking at our...at the great amendment. On page 14, line 24 it says that following four statewide public hearings on each of the six redistricting bills, the Legislature shall bring each bill to a vote expeditiously. Is it your intent that there will be debate on these bills as they're presented to the Legislature? [LB976]

SENATOR KARPISEK: I think all bills have debate, so yes. [LB976]

SENATOR MURANTE: So these bills will follow the same...once we...once the Legislature receives them from the redistricting commission, they'll follow the same course of action that the rest of the Rule Book provides for any other bill. [LB976]

SENATOR KARPISEK: Except for being able to amend them. [LB976]

SENATOR MURANTE: Except for being able to amend them, absolutely. [LB976]

SENATOR KARPISEK: Yes. [LB976]

SENATOR MURANTE: So expeditiously but not less than three days, how is that quantified? If I'm the Speaker of the Legislature in 2021, and I won't even be a member of the Legislature so that's a ridiculous hypothetical, but for the Speaker of the... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR KARPISEK: You'll be back. [LB976]

SENATOR MURANTE: ...Legislature in 2021... [LB976]

SENATOR KARPISEK: You'll be back by then or be Governor. I don't know. [LB976]

SENATOR MURANTE: (Laugh) My successor will be elected in 2020, so unless Melissa... [LB976]

SENATOR KARPISEK: Oh. [LB976]

SENATOR MURANTE: ...has a...nevermind. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR KARPISEK: All right. [LB976]

SENATOR MURANTE: So how is the Speaker supposed to figure out what "expeditiously" means? What does "expeditious" mean to you? [LB976]

SENATOR KARPISEK: It means as fast as you can, in my book. [LB976]

SENATOR MURANTE: So it would...so as far as you're concerned, it needs to be put on the agenda as fast as he can make it. I mean, it needs to be the first thing once it's received, not less than three days after the bill has been reported, it's on the agenda. Is that your intention? [LB976]

SENATOR KARPISEK: Not less than three days. [LB976]

SENATOR MURANTE: So on the fourth day it's on the agenda. [LB976]

SENATOR KARPISEK: Not less than three days, yes. [LB976]

SENATOR MURANTE: Okay. [LB976]

SENATOR KARPISEK: Like a Revisor's bill. [LB976]

SENATOR MURANTE: Okay. So it's your intention that on the fourth day... [LB976]

SENATOR KRIST: Time, Senators. Senator Wallman, you are recognized. [LB976]

SENATOR WALLMAN: Thank you, Mr. President. I can see where it gets partisan in a hurry. And why don't we do it like the state of Iowa? They don't have this problem. My children go to Iowa. They're satisfied how it is, and they even...sometimes a Congressman or senator has to move out of the district or if he wants to move, he has to move to stay in his voting bloc. And so they get along quite fine with it. They laugh at us the way we do things, whether it be healthcare and some other issues. We maybe should merge with Iowa. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Wallman. Senator McCoy, you're recognized. [LB976]

SENATOR McCOY: Thank you, Mr. President and members. You know, I've spent a good deal of time in the last few hours, since we've moved on to some other topics today, going through this amendment. And while I didn't serve on the Redistricting Committee in 2011, I was here, of course, and observed very carefully what was going on. And I think it was a good process. Was it contentious? Sure. Now all of us talk to former members of the Legislature I think, whether they be from our own districts or

Floor Debate
April 02, 2014

from others, from other areas of the state. And probably invariably all of them will say that the most contentious debates, sticks in my mind, I think it was 1990 that Senator Ashford and Chris Abboud probably talk about the most as a very contentious election redistricting...or a...not an election but a redistricting process, some very bitterly contested fights. But we work it out each time. People of Nebraska expect us to. We do it as a Legislature. That's why I'm opposed to this process. What evidence do we have that we have some problem that this needs to be...the rules need to be rewritten? With that, I'll yield the remainder of my time to Senator Murante. [LB976]

SENATOR KRIST: Senator Murante, 3:20. [LB976]

SENATOR MURANTE: Thank you, Mr. President, and thank you, Senator McCoy. So now we have, according to what Senator Karpisek just said, Section 26 of the bill which means to him that we'll vote expeditiously but not less than three days, which actually means just the fourth day after it's received, which I think would be a reasonable amendment if that's his intent. But at least it clears up the ambiguity. No amendments, as has been discussed, which seems a little odd but I won't get stuck in the mud on that one. Now what I find kind of interesting: If the redistricting bills embodying the six plans submitted by the director fail to be approved by a majority of the Legislature, the Speaker shall, not more than three legislative days after the failure to be approved, introduce a resolution detailing why the plan was not approved. Let's talk about some of the just logistical problems that we have with that one. First of all, what does it mean for a bill to be, quote, to fail to be approved? That's not a rhetorical question. I have a bill stuck in...I see Senator Sullivan sitting over there. I have a bill in her committee that deals with tornado drills, hasn't gotten out yet, hasn't been IPPed. Has it failed to be approved? Maybe. It might pass. I've got an amendment to put it on Senator Kolowski's bill, so guess technically it's still kind of alive. It's a debatable question. Short of IPPing a bill, I don't know what failed to be approved means. Is a bill that has been filibustered and the motion to invoke cloture has not been adopted, has that bill failed to be approved? It's not dead. It can be brought back up on the agenda. So what's the trigger mechanism? The term "fail to be approved" doesn't exist in our Rule Book,... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR MURANTE: ...just as "expeditiously" doesn't appear in our Rule Book. And if we're going to have a system that deals with a legislative procedure for how a bill is going to navigate its way through the Legislature, it ought to comport to our rules. And this one, I don't see how it does. And the person who has the most miserable job in this process has to be the Speaker who has to develop a legislative resolution detailing why a bill failed to be approved. How on God's earth is he going to do that? The simple answer is it didn't get enough votes. I mean, that's easy. But a legislative district map with 49 districts and 49 members, each one of us could have three different reasons for not supporting it. How is he supposed to know? And this just deals with introducing the

Floor Debate
April 02, 2014

legislative resolution. [LB976]

SENATOR KRIST: Time, Senator. Senator Bloomfield, you are recognized. [LB976]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, we've repeatedly heard on the floor, not just today but in the past, how wonderful Iowa is, how we need to mimic what Iowa does. Whoa! Do we need to go back to two houses? Maybe we should. Do we need to meet more frequently? Maybe we should. I get a little tired of hearing how great things are in Iowa. Well, Iowa doesn't run Nebraska. Nebraskans run Nebraska when we can keep the federal government's fingers out of it. I yielded time to Senator Murante earlier to keep the conversation going between him and Senator Karpisek. I would like to see that continue. I'm listening. I'm learning. I've seen AM2745 verbally amended about three different times now. I think we're moving down the right path. And with that, I'd yield the remainder of my time to Senator Karpisek. [LB976]

SENATOR KRIST: Senator Karpisek, 3:50. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, and thank you, Senator Bloomfield. He is a gentleman and a scholar and I might have just goaded him into that a little bit. But I appreciate what he said, number one, and the time. I get tired, too, of hearing how great Iowa is or Kansas because they've got cheaper property taxes, or South Dakota because they have no income tax, or Wyoming because whatever they have because we buy all their coal. I agree, I get tired of that too. But we do look at other states to see the way they do things and I do think that the way they do their redistricting is a pretty good way. This bill would not do it exactly as Iowa does. But I did say, well, if that is all the problems with the bill and we think they do redistrict well, then we could do that. We could change the bill. It's probably a little late in the session. I don't know that we'd have to have a new hearing on it, but that would be up to the Speaker, I guess, or Chair of the Exec Board. My point is, is that I think the bill that I have brought is a better way of doing things than we do it now. Senator Murante and I did talk earlier about, well, we have six people on this board. Is that enough? Should we do nine? We weren't real sure about that because then we'd have an uneven number. Well, I guess then if that were the case we could have appointed one of the majority. Say the Republicans had five, Democrats, four; we could have appointed a Republican to be chair and would have been even. Or we could have gone four and four and had one Independent. Those are all ways to go about that. But I think that it's a better way of doing things than we're doing it now. I didn't like how 2011 redistricting went. I didn't like how 2001 redistricting went either. That one was a very obvious drawing of maps to put Saline County into the 3rd District and Madison County into the 1st. [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR KARPISEK: Obviously, I wasn't here at that time, but I wasn't very happy

Floor Debate
April 02, 2014

about that and it might have been a real pushing point for me to even run. And now I get here and I find out, well, it's sure not easy to change the way that it's been done because people like it the way it's been done. Again, I'd be more than happy to work with anyone between General and Select. I think we've come a long way. I've given. Some of the things that I've put into the amendment were things that Senator Murante asked that I really don't care for and I would be glad to go back to the green copy on some of those. But I've been trying to compromise and I appreciate him helping with some of the parts that maybe have made it unconstitutional. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Karpisek. Those still wishing to speak: Senator Dubas, Karpisek, Garrett, Wallman, McCoy, Bloomfield, and Brasch. Senator Dubas, you're recognized. [LB976]

SENATOR DUBAS: Question. [LB976]

SENATOR KRIST: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Senator Dubas, for what reason do you rise? [LB976]

SENATOR DUBAS: I would request a call of the house, please. [LB976]

SENATOR KRIST: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB976]

CLERK: 23 ayes, 0 nays to place the house under call. [LB976]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators McGill, Burke Harr, Senator Mello, would you check in, please? Senator Lathrop, Senator Scheer, Adams, Senator Christensen, Avery, Chambers, Davis, Schilz, and Carlson, please return to the Chamber and record your presence. The house is under call. Senators Lathrop, Senator Adams, Schilz, Carlson, and Christensen, please return to the Chamber and record your presence. The house is under call. All members are accounted for. Senator Dubas, how would you like to proceed? The question is the...my mistake, we've had a machine vote, so call-ins? [LB976]

SENATOR DUBAS: Call-ins, excuse me. [LB976]

SENATOR KRIST: All right. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

CLERK: Senator Ashford voting yes. Senator Avery voting yes. Senator Lathrop voting yes. Senator McGill voting yes. Senator Larson voting no. Senator Pirsch voting no. Senator Harms voting...you had voted yes, Senator Harms. Thank you. Senator Ken Haar voting yes. Senator Kintner voting no. Senator Smith voting no. Senator Howard voting yes. Senator Wightman voting no. Senator Johnson voting no. [LB976]

SENATOR KRIST: Senator Karpisek, for what reason do you rise? [LB976]

SENATOR KARPISEK: I would like to request a roll call vote in regular order, please. [LB976]

SENATOR KRIST: There has been a request for a roll call vote in regular order. Mr. Clerk. Let me remind the body what we're voting on. LB976, Senator Karpisek's bill. This is the adoption of the amendment, amendment...sorry, this is the call of the question, calling the question on the amendment. Sorry. [LB976]

CLERK: (Roll call vote taken, Legislative Journal pages 1364-1365.) 25 ayes, 19 nays, Mr. President, to cease debate. [LB976]

SENATOR KRIST: Debate does cease. Senator Karpisek, you're recognized to close on your amendment. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I about forgot to get up and talk after that close one. AM2745 is what I call the Murante-Karpisek amendment--I put his name first--because we sat down and we worked on a lot of these issues. I think that we worked through a lot of them. I don't think that maybe we're done working on them, but I have another amendment coming that puts definitions in. And we're getting late in the year. We can work on this between General and Select File or not. I don't see a reason to take this thing to a filibuster if that's an idea. It's why I was hoping that the question would be called so we can see where we're at. We've wasted enough time this year, especially early on, with people getting the Rule Book out and playing with it. I'm not interested in wasting time. If we can move this bill forward and agree to things, I'm all for it. If not, we tried. But I think we'll be a lot better off if we move forward, work in between General and Select, and try to get some more consensus. I think we've come a long way. If people think that there's still a long way to go, again, I'd be more than willing to help them. My staff has been running today, sweating, bringing amendments up onto the floor, trying to make...appease the problems, and I think we have. We've worked at it and I pledge that I will work more. But if it's futile, there's no reason to go through it and waste time when there are other people's priority bills waiting in line. I would really like to work on this a little more, so I would appreciate your green vote to move it to Select File and I'd be glad to work with anyone in between to make it even a better bill. Thank you, Mr. President. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR KRIST: Thank you, Senator Karpisek. [LB976]

SENATOR KARPISEK: And I request that we have a roll call vote in a regular order, please. [LB976]

SENATOR KRIST: There's been a request for a roll call vote, regular order. This is the adoption of AM2745. Mr. Clerk. [LB976]

CLERK: (Roll call vote taken, Legislative Journal page 1365.) 26 ayes, 8 nays, Mr. President, on the amendment. [LB976]

SENATOR KRIST: AM2745 is adopted. Raise the call. [LB976]

CLERK: I have nothing further on the bill, Mr. President. [LB976]

SENATOR KRIST: Still remaining in the queue: Senator Garrett, McCoy, Bloomfield, Brasch, Larson, and Murante. Senator Garrett, you're recognized. [LB976]

SENATOR GARRETT: Thank you, Mr. President. I yield the rest of my time to Senator Murante. [LB976]

SENATOR KRIST: Senator Murante, 4:56. [LB976]

SENATOR MURANTE: Thank you, Mr. President, members. I'm a little disappointed at how quickly we got to a vote on that, relatively speaking. I'd like to reiterate, this bill, in my view, contains technical deficiencies that I don't know how we fix without rewriting it from top to bottom. I'll pick up where I left off. The first map, I see the Speaker sitting there. I won't put him on the spot. I wonder if he just...sit there and think, Senator...Speaker Adams, if you would, about how you would develop, how any Speaker would develop a legislative resolution detailing the reasons why a legislative proposal failed to advance the Legislature, how that would even be done. And what I find odd about the bill is it doesn't really say...would Senator Karpisek yield to a question? [LB976]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Senator Karpisek, would you yield? [LB976]

SENATOR KARPISEK: Yes, I will. [LB976]

SENATOR MURANTE: Thank you, Senator Karpisek. So we're at the point in the process now where...I still don't know what it means for a legislative proposal to be...to fail to be approved. I don't think that's defined anywhere and I don't know how...what

Floor Debate
April 02, 2014

sort of trigger mechanism that would have. [LB976]

SENATOR KARPISEK: Okay. Should it say to pass? I guess this is a map that is being either approved or disapproved. Being voted... [LB976]

SENATOR MURANTE: Approved I understand. Approved is passed and signed by the Governor. But my question to you is this. You have a keno bill on Select File, is that correct, that lowers times from five minutes to three minutes? [LB976]

SENATOR KARPISEK: Yes, that's stuck on Select. Yes. [LB976]

SENATOR MURANTE: Stuck on Select. Has that bill failed to be approved? [LB976]

SENATOR KARPISEK: No. But I could IPP it and it'd be gone. [LB976]

SENATOR MURANTE: Correct. But it has...so is it your understanding that failed to be approved is synonymous with indefinitely postponed? [LB976]

SENATOR KARPISEK: Yes. [LB976]

SENATOR MURANTE: Okay. Then I think we have to write that into the bill, because, as I mentioned earlier, assume these maps are filibustered. Assume we don't have the votes to invoke cloture. What we're stuck with is a bill sitting on General File that has been filibustered that is alive and well and can be brought back up for debate. But the way this bill is written, the process at that point grinds to a halt. There is no step two. At this point, the Speaker doesn't even have the authority to develop a legislative resolution. And would Senator Karpisek yield to another question? [LB976]

SENATOR GLOOR: Senator Karpisek? [LB976]

SENATOR KARPISEK: I thought I was still yielding, but sure. [LB976]

SENATOR MURANTE: (Laugh) Thank you. Your bill requires the Speaker to introduce a legislative resolution, and I'm quoting here, detailing why the plan was not approved. Okay? [LB976]

SENATOR KARPISEK: Yes. [LB976]

SENATOR MURANTE: Does that legislative resolution...you use the term "Legislative Resolution." You didn't use the term memo or write a letter. You used a specific term, capital L, capital R, it's a "Legislative Resolution." That...I suppose this is more commentary than a question at this point, that legislative resolution has to be introduced. Presumably it is substantive enough that the Speaker... [LB976]

Floor Debate
April 02, 2014

SENATOR GLOOR: One minute. [LB976]

SENATOR MURANTE: ...is going to have to schedule a public hearing on it as he does on any substantive legislative resolution. We're going to have to wait I believe seven calendar days before the legislative resolution could even be considered by the floor of the Legislature. And then this legislative resolution, in which the Speaker of the Legislature guesses as to the reasons that we all didn't vote for a proposal, has an up or down vote. Well, what happens if the legislative resolution fails? Once again, the process grinds to a halt. This bill was clearly tailored for a different state. It does not apply to us. It is sample legislation that was not tailored to the state of Nebraska. In other states, maybe the Speaker has the ability to write a resolution and it gets passed... [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR MURANTE: Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Murante and Senator Karpisek. Senator McCoy, you're recognized. [LB976]

SENATOR McCOY: Thank you, Mr. President. I, too, am a little surprised that we're...that we just moved a very substantive amendment that has a number, more than a few, technical difficulties and flaws on a very substantive issue that affects a major part of our constitutional obligation as the Legislature with maybe an hour and a half at the most of discussion, unless I've missed my guess. I think that there probably needs to be quite a deal more conversation on this issue. And I think we really have not spent the time on this. I don't see this in the waning days of this session with, what do we have, a little...six days left after today that this can be put together in such a manner to get a finished product that is what the people of our great state would expect. I just don't see how that's possible. It's not that I don't have confidence in our body and in the very capable staff that we have that are second to none, but sometimes some things need more time, especially on something of this magnitude. This is a huge issue that affects our state border to border, affects all of us, and affects everything that we do. Again, it's our constitutional obligation. We've done this in the past. We'll do it again in a way that might be divisive at times, might be a little combative. I would argue that's maybe not a bad thing. Technology gets better and better. That's been stated by Senator Karpisek. Every decade that goes by, we advance by leaps and bounds with technology. Technology has changed everything that we do in our lives. Look around us in this room. All the different electronic gadgets that didn't exist. If some of them existed a decade, I don't know that any of them existed two decades ago. There is a way for us in the Legislature to go about this process of redistricting in a way that is satisfactory to the people of our state without shirking our constitutional obligation or delegating it to

Floor Debate
April 02, 2014

anyone else or to a committee or a commission but to do it, us, ourselves. We oftentimes talk about how proud we are of the way we do things here in a nonpartisan process in the most nonpartisan way we possibly can. Well, I think that we can continue to trust this process. That's why I'm not in favor of this bill. I certainly am not in favor of the amendment that was just advanced. I didn't vote for it. I think this discussion needs to continue, but not on this floor and not at this time. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator McCoy. Mr. Clerk for a priority amendment. [LB976]

CLERK: I do, Mr. President. If I may, a couple of items before we proceed. Senator Harr would like to print an amendment to LB390. A new resolution: Senator Schilz to LR608. That will be laid over. (Legislative Journal pages 1366-1367.) [LB390 LR608]

Mr. President, Senator Murante would move to recommit the bill to committee. [LB976]

SENATOR GLOOR: Senator Murante, you are recognized to open on your motion to recommit. [LB976]

SENATOR MURANTE: Thank you, Mr. President, members. As I told Senator Karpisek, I'm not 100 percent sure that I'm going to be following this all the way through to a vote, but I wanted the opportunity to ensure that we had more time to discuss this issue because what we are talking about here is little things like how the legislative districts and the Congressional districts in the state of Nebraska are going to look going forward. And it's important that we take the time to discuss what's actually in this bill because I don't think they make a lot of sense. I don't think this bill applies to Nebraska. And whether you think we should have an independent commission or we should let legislative research do it, this bill needs a top-to-bottom gutting from where it is right now. I've contemplated the possibility of working with Senator Karpisek between General and Select File, if it gets to that point, but that's a lot of work to do. We have to rewrite this bill in basically five legislative days. And I do have to apologize to Senator Karpisek if I made the implication that the problems that I had with his bill were limited to what we had talked about on Day 1, which was not the case. It was just the problems up to when I was going through the bill page by page. When we stopped, that's when I stopped discussing what problems I had with it. And I apologize for not making that more clear. But we have a bill now which requires the Speaker to write a legislative resolution when a bill fails to be adopted, which Senator Karpisek, what that means to him is indefinitely postpone, although I don't think that's what the statute strictly means necessarily. And that the Speaker has to introduce a legislative resolution, but there's nothing...I assume that the bill desires the Legislature to actually pass the legislative resolution. That seems logical, but that's not what this bill and what the law would say if we get to that point. And as I was saying before I got...before my time ran out the last time, there may be other states in the Union where the Speaker has the ability to write

Floor Debate
April 02, 2014

legislative resolutions and have them reflect the opinions of a legislative assembly. But this Legislature isn't one of them. Speaker Adams can't recognize an Eagle Scout without this Legislature's consent. So what happens? We're stuck with a process whereby the first trigger...if a map doesn't pass, the first trigger is that if it fails to be approved, which is unclear what that means, the Speaker has to write a legislative resolution. And then the redistricting commission comes up with a second wave of maps. And the second map actually applies...utilizes a different standard than the first set. In this case, if a second plan is required under this subsection, the legislative bill embodying it shall be delivered to the Executive Board, not later than ten days after the vote by which the Legislature failed to approve it. And we still don't know what that means other than Senator Karpisek intends it to mean indefinitely postpone. Well, what's the Executive Board doing with it? This is the first time in the bill that the Executive Board has anything to do with anything. And if you continue down the bill, they don't vote on it. It's just supposed to be delivered to them. They can't vote it up or down it doesn't appear. I don't know if the intention of the bill is to make it go through a committee process and have the Executive Board treat it like it does other pieces of legislation. The bill doesn't talk about that. So they delivered the bill to the Executive Board, and God only knows what the Executive Board is intended to do with it. And then miraculously the bill is brought to another vote not less than seven calendar days after it was received in the Executive Board. So I have no idea what it's doing in the Executive Board, but it goes there. How it gets out of the Executive Board is unclear. And then if that map gets failed to be approved, we go through a totally different process than the first time around because this time it's if the map fails to be approved by a majority of the Legislature, which suggests to me that we have to have an up or down vote and that 25 of us have to vote for it, which is a totally different standard from round one. And if that doesn't happen then, I'm going to quote again here: the Speaker shall at once, but in no event later than three legislative days after the bill failed to be approved, transmit a new legislative resolution which has to be introduced and has to be...should be scheduled for a public hearing which has to wait another seven legislative days...seven calendar days. And we grind to a halt again. And "the Speaker shall at once," this is another instance. We had "expeditiously" previously and now "the Speaker shall at once." What does that mean? The image I have is he leaps out of his chair, runs down into the Rotunda and straight up to the Bill Drafters Office and starts working with the Bill Drafters on drafting a legislative resolution. We're not using calendar days. We're saying words like "at once" and "expeditiously." I had a college professor who used a term regarding specificity and the lack thereof, and I think it could be applied to this. And then we go to round three, which in defense this one actually is quite comparable to round two. It has the similar problems as round one and two that we have absolutely no idea what the term "failure to approve" means. But if we fail to approve the third time, then the Speaker shall at once develop another legislative resolution detailing why that map wasn't passed, send that back to the commission, they draw a new map and it goes to the Supreme Court. And that gets to what I think is another major problem with the bill. We have technical deficiencies. I think at this point we've already ground to a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

halt in the redistricting process. The way the law is set up, we're going to have to come up with our own meaning with what these definitions are because they're not anywhere else in legislative procedure. How much time do I have left, Mr. President? [LB976]

SENATOR GLOOR: Two minutes fifteen seconds. [LB976]

SENATOR MURANTE: Thank you, Mr. President. And at that point, the four maps, the three that were rejected by the Legislature and the fourth that was brought up to the State Supreme Court, I'm going to quote here directly: The Supreme Court shall make the final selection of the four. They have to pick one of the four. And I'll get...speak later about the problem with that, because the way the bill is currently drafted, those four maps could all be unconstitutional because we are depriving the commission of necessary information. And then the court decides. Is Senator Karpisek available for a question? [LB976]

SENATOR GLOOR: Senator Karpisek, would you yield? [LB976]

SENATOR KARPISEK: It's probably not a good idea but I will. [LB976]

SENATOR MURANTE: (Laugh) [LB976]

SENATOR KARPISEK: And I'm not laughing. [LB976]

SENATOR MURANTE: Senator Karpisek, you know what, I'm going to save that question for later because we don't have enough time to go over it. So I'm sorry for making you stand up, but maybe it's a little cardio at the very least. We've got a bad bill here. As I said, and I'm sincere when I say to Senator Karpisek I'm not trying to filibuster his bill. I'm simply articulating the inevitable legislative chaos that is to follow unless this bill is completely worked over. We're prohibiting the commission from necessary information to drawing maps that are coherent and constitutional. Senator Schumacher, I know you appreciate good law. I know you're the type of person who sits down and says I like the concept, but if it's not written well, I'm not voting for it. That's where we're at with this. This is a bad bill and it's got a lot of work to do. And I know you were shaking your head when you said, you know, I don't know what "fail to approve" means either. And a filibustered bill has not technically been failed to approve. So where are they at? Apply it to a bill that we use this year. Don't use it with respect to redistricting. [LB976]

SENATOR GLOOR: Time, Senator. Thank you, Senator Murante. Senator Bloomfield, you are recognized. [LB976]

SENATOR BLOOMFIELD: Thank you, Mr. President. My last time at the mike I yielded to Senator Karpisek in hopes that he would carry on the dialogue with Senator Murante.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

He did not do so. At this time I'll yield my time to Senator Murante in hopes that he'll carry on the dialect with Senator Karpisek. [LB976]

SENATOR GLOOR: Three minutes or, excuse me, four minutes thirty-five seconds, Senator. [LB976]

SENATOR MURANTE: Thank you, Senator Bloomfield. And you'll all be happy to know that I am rapidly losing my voice so this will (laugh)...this explanation might not last very much longer. But now I will ask Senator Karpisek a question, I promise. [LB976]

SENATOR GLOOR: Senator Karpisek, would you yield? [LB976]

SENATOR KARPISEK: Again, I probably shouldn't but I will. [LB976]

SENATOR MURANTE: Thank you, Senator Karpisek. So I'm concerned with page 17 of the green copy of the bill where it says the Supreme Court shall make the final selection of the four developed maps, and the finding of the Supreme Court shall be binding and final and shall not require legislative approval nor the signature of the Governor. And I'd like to contrast that with Article III, Section 5 of our state constitution, which states that the Legislature shall, by law, determine the number of members to be elected and divide the state into legislative district, and that the Legislature shall redistrict the state after each decennial census. Now I'm not an attorney but how is that not a delegation of the Legislature's constitutional obligation to redistrict if we're forcing the Supreme Court to make the ultimate decision? [LB976]

SENATOR KARPISEK: I would say that it's in our power to have them do that. I would say that is a legislative power to do so. [LB976]

SENATOR MURANTE: Which part? [LB976]

SENATOR KARPISEK: To have the Supreme Court decide. What would...I'm sorry. I don't want to take up your time, but what would happen if I would have...if I could have filibustered the last census bill, redistricting bill? Then we would have had none. Then what would have happened? I think it's the same thing, Senator. [LB976]

SENATOR MURANTE: I'm not sure it is because we have a constitutional provision that says that redistricting has to be done by the Legislature. It is a legislative prerogative and I'm not sure that the Legislature has the authority to delegate obligations which are explicitly conferred to the Legislature by the Constitution of the State of Nebraska. I've contemplated getting an Attorney General Opinion on this specific subject matter, but that seems pretty clear to me. I'm not sure we need a lot of...well, I'm sure reasonable people could disagree, but the constitution is clear the Legislature does redistricting. That's our job. And I don't think the first part is unconstitutional, where we have a citizen

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

group draw maps and ultimately we are responsible, we are the ones who are up or down voting on it. But when we say, you know what, we're going to have three bites at the apple and if we can't figure it out then a separate branch of government is going to do it, I need some...an explanation as to how that is not an unconstitutional delegation of legislative authority. [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR MURANTE: Folks, I introduced this motion to help facilitate the discussion and to have it go on for a little bit longer. In my view, the process by which we will redistrict, the steps in the process are not workable. Ambiguous terms need to be defined. Terms like "expeditiously" and "at once" need to have numbers attached to them because they don't mean anything and they will mean different things to different people, and that is not any way to have a process like this. This is too important. I don't have a problem with an independent commission or with Legislative Research doing it or taking it outside the halls of this Chamber. [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR MURANTE: Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Murante. Senator Brasch, you are recognized. [LB976]

SENATOR BRASCH: Thank you, Mr. President, and good evening, colleagues. I do stand in support of Senator Murante's motion to recommit to committee. I'm not certain that our ten new colleagues or others have looked into the Rule Book under Rule 3, Section 6 that addresses specifically the Redistricting Committee. There are many, many steps that take place within redistricting and just to read you a few of the statements here, it talks about the committee shall at the earliest feasible time make available to the public the substantial (sic) guidelines prepared by the committee. The committee, with approval of a majority of its members, may introduce bills at any time during the legislative session of each year, in one, and that is the year that ends in one when census takes place. It says: Based upon information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for Congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public. After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as "expeditiously" (sic) as reasonably possible, at least one public hearing in each Congressional district for the purposes of soliciting input on the proposed redistricting plans. And it continues. I was a new senator six months here into the year of redistricting, and there are several of us that were new, and during that time Senator Bloomfield had mentioned that many of us were startled,

Floor Debate
April 02, 2014

you know, what has happened to our district, it's been reconfigured. And we were very uncertain of what the future would hold. Interestingly enough that there was agreement, there was disagreement, there was much dialogue, but there was a human element entered into redistricting. The senators who held seats in specific areas communicated and worked on the changes. It went beyond a computer program. It went into the human element. A program is just that, a program with specific data and not the human side of what takes place. It made us talk. It made us work. And despite much skepticism initially, I believe there's many here in redistricting like myself who will stand up in amazement and say this has worked, it has worked well. Day one I went out into my unknown territory, my unknown district, and it was my mission to get to know that area and for them to get to know me, and it worked. It's been years into the process, now going on four, and I highly respect those individuals on the Redistricting Committee that spent a lot of time, a lot of sweat equity... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR BRASCH: ...in making this a feasible solution. So with that, I do support, think long and hard before we change a process that is in the Rule Book, in statute, that has worked for many, many, many years, and to change it in such rapid change, I believe, I do agree, it could cause unforeseen consequences. So please support the motion to recommit to committee and take a look at what we are truly doing, that the fit made by an outside entity through a computer program may not be the best public policy and in the best interests of our citizens that we serve. Thank you, Mr. President. And thank you, colleagues. [LB976]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Larson, you're recognized. [LB976]

SENATOR LARSON: Thank you, Mr. President. And tonight has been an interesting public policy debate as well as the time before when we started discussing this. I understand what Senator Karpisek is trying to do, and it's interesting. I, as well, was here at the beginning of 2011, my first year and when we went through the redistricting process. And it was an interesting process and at the same time a worrisome process, being from rural Nebraska, knowing that we were going to lose a legislative district and where everything was going to shift. And overall, I thought it was handled well. I wasn't here in 2000 or '90 or '80 or '70 when they did it then, and I don't know how much partisanship was put into it. And the question arises is, one, do we need this process or need to move into the direction of LB976? And if we do need to move in the direction of LB976, how did LB976 in its current form, even after the committee amendment was...or the amendment that was just passed got put into it, how did this come out of committee? The Executive Board let this out with so many questions and unanswered parts. I know...I mean we can look at the members on the Executive Board. Senator Chambers goes through every bill with a fine-tooth comb and picks out little pieces here

Floor Debate
April 02, 2014

and there about what's wrong here or what's wrong there. Who read the bill on the Executive Board? Maybe I should rephrase that. Which voting member of the Executive Board read the bill? Senator Mello assured me that he read the bill and he can't vote. I think he can still talk during Exec Board meetings though. I know Senator Karpisek has a number of amendments to try to fix this, and maybe that alleviates the concerns that Senator Murante has. But I think it's evident that the committee process and the Executive Board failed the Legislature on this LB976. And I'm not saying every one of my bills comes out of committee perfect; they don't. I think all of us understand that every bill that comes out gets tweaked with an amendment here or a cleanup amendment there, and that's part of the process. And we, you know, there might be a disagreement here and we change something that the committee process had, but very rarely during my four years down here have I seen such a rework or the need of a rework on the floor,... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR LARSON: ...and therein lies my concern, is because there are significant amount of questions or reworks that need to happen. And at that point, you know, maybe we can come to the agreement. And maybe that happens between General and Select. But in its current form...and as I said, I don't know who on the Executive Board read the actual bill. So, Mr. President, again I think there are some severe concerns with LB976, not necessarily opposed to the policy but there's a lot in the bill that needs to be changed for it to be ready to be adopted. [LB976]

SENATOR GLOOR: Time, Senator. [LB976]

SENATOR LARSON: Thank you. [LB976]

SENATOR GLOOR: Thank you, Senator Larson. Senator Karpisek, you are recognized. [LB976]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I've told quite a few people I'm unlacing the gloves. If we want to go, we'll go. I think a lot of people don't want really to go to the end on this one, but I will. I talk about working together in here a lot, and you always wish that you could go back a few days or a few months to help somebody out, give them a vote to get a bill out of committee so it can make it to the floor, and you do. And then what happens, as soon as you get to the floor they get you right in the back. Those people know who they are, and thank you. You're great statesmen. I'm going to try to talk about the bill on this one. If we keep going, the gloves will come off and I will pull no punches and we'll really talk about why we're here. I see no reason we can't move this bill to Select and work between General and Select. It's why I did not go for a vote the other night to move it. I think I could have. I don't know. I don't normally run around and count votes. As I said, again, I think it's a good bill. Can it

Floor Debate
April 02, 2014

be better? Sure. We talked about some of the words in the bill that we don't see otherwise. Then Senator Brasch stood up and read out of the Rule Book and said a lot of the same words that are in the bill: expediency (sic), other things like that. I haven't quite found them all yet. I don't think...I guess what I'm trying to say is in the end, if you're not opposed to the policy then we can get there. I can't help it that this came up this late in the year. There's a lot of bills. I can't help that. I can't...I don't go to the Speaker and cry and get my bill up first. I try to wait my turn and try to get it passed and work with other people as we go. I am still committed to working on this bill and making it better. Now if you don't like the whole idea of the process, I understand that too, probably because you want to be able to draw the map yourself. And that's probably the biggest problem that anyone sees here. So if you don't like that, I get it. Vote against it. It's why I want to get to a vote again on the bill to move it to Select. If we don't make it, we don't; if we do make it, I'll work with Senator Murante and anyone else who wants to. Now if we don't make it, I'll be like Senator Chambers and I'll threaten all of you and see where that gets me. I know that doesn't get him very far so I'm not going to do that. I think this bill can be worked out. A lot of the things that we're bringing up just to talk and take up time can easily be worked out. It's a matter of semantics. A lot of this comes right out of our Rule Book. [LB976]

SENATOR KRIST PRESIDING

SENATOR KRIST: One minute. [LB976]

SENATOR KARPISEK: I hope that we can just go to a vote on the bill. I don't like that it's this late in the day because people are probably checked out or leaving. But it is getting late in the session. I'd like to see where this goes, up or down, so it can be worked on for next year if it doesn't pass. However, I think it should pass this year and we can make a decent bill better. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Karpisek. Senator Mello, you're recognized. [LB976]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. And I can respectfully disagree, I think, of how sometimes we parse words and parse statements and try to get a clarification here on a word and what does this definition mean. But with all due respect to my friend Senator Murante, the questions that he is posing to the body is mostly filled with red herrings, because I went through this process three years ago and that process that he has got concerns about is not laid out anywhere in any rule, any statute, anything. The Speaker of the Legislature could choose almost whatever he or she wants to do, depending upon the action of the Redistricting Committee, of when it gets filed, how it gets put in the agenda. All of the questions and concerns that have been raised, colleagues, can be addressed. They can be addressed. And I have my legislative aide right now working with Senator Karpisek's

Floor Debate
April 02, 2014

and we will redraft every section of concern that Senator Murante has mentioned about this bill. Why? Because we're not dealing with nuclear physics, colleagues. We're not dealing with the TEEOSA formula. We're dealing with a process that we have done through legislative resolution that we're putting now into statute. And, yes, the issue at hand is how do you take legislative rules and how do you translate those legislative rules into statute. That is the...if Senator Murante's questions about process is the concern, I got an hour on my hands right after I get done speaking. I'll get a bill redrafted that deals with every single issue he's raised. If it's that big of a concern for moving this bill from General to Select, I will do that with Senator Karpisek. Our staffs are right underneath the balcony. We can get that done if that is the real concern is legislative process as it relates to the rules, because we can clarify that. If the concern is about the Supreme Court's involvement, we can strike that and use the Iowa model which is if we vote down a bill twice out of this floor then the Legislature takes over the process. We can exclude the courts altogether if that is a constitutional concern with the underlying bill, as adopted with the previous amendment. But, colleagues, I'm getting a sense that that really is not the concern, and that's okay. We can...we're adults. We can have a real debate about this. If Senator Murante's concern is about process, we can address process. Other members are standing up on the floor raising concerns that I don't even know how to address their concerns because they're not real concerns. If one political party wants to have control over the process then just say it. It's okay. Other states do this all around the country. But our process, as it is now in our rules and in the vague legislative resolution that we passed twice before, which Senator Karpisek incorporates into the underlying bill, colleagues, it needs improvement. And I think having senators draw maps is a flawed process and I've seen that flawed process in 2011, as did Senator Bloomfield, as did Senator Krist, as did Senator Harms, all three members who don't belong to the same political party I do. They've seen the same flaws. They've raised those flaws on the floor on this bill. So, Senator Murante, Senator McCoy, Senator Brasch, anyone else who wants to stand up on the mike and wants their concern to be alleviated, come work with me under the balcony. We'll try to alleviate those. But if you just don't support the bill because it takes a partisan process out of the Legislature and puts it in an independent commission made up of citizens and have them give us maps for us to vote on,... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR MELLO: ...then I don't know what to do, because the reality, colleagues, Senator Karpisek has admitted on the floor he's got amendments to the bill, he's willing to work with people on the bill. Yes, I've had bills that are not perfect either and I've had to make changes on General File, on Select File to improve it. And when a senator is saying we're willing to work on something to clean up language to address Senator Murante's process concerns because it doesn't, I would say, work completely in line with our current legislative rules when it comes to redistricting, look, let's work on it. If we don't want to work on it then I'm suspect to why you're really opposed to the bill. And

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

then just get on the floor and tell us why you oppose the bill. If it's partisan reasons, it's partisan reasons. It's okay, just tell us. This is too important to leave to some interpretation of why you oppose a bill. Senator Murante has brought legitimate concerns. We'll address those. [LB976]

SENATOR KRIST: Time, Senator. [LB976]

SENATOR MELLO: Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Mello. Senator Harms, you are recognized. [LB976]

SENATOR HARMS: Thank you, Mr. President, colleagues. Senator Murante, would you yield just for a couple of questions, please? [LB976]

SENATOR KRIST: Senator Murante, will you yield? [LB976]

SENATOR MURANTE: Yes. [LB976]

SENATOR HARMS: Senator Murante, when we went through this last process, were you a senator? [LB976]

SENATOR MURANTE: No. [LB976]

SENATOR HARMS: Were you on the...you were a staff member, correct? [LB976]

SENATOR MURANTE: Yes. [LB976]

SENATOR HARMS: From your observation as a staff member, watching that process work that we went through, what were your observations? [LB976]

SENATOR MURANTE: That is a difficult question that probably has not just a long-winded answer but multiple answers. [LB976]

SENATOR HARMS: Go ahead and give it to me. [LB976]

SENATOR MURANTE: I would say...I'll maybe start with the reason why I find the idea of an independent commission so attractive, and that is, especially when it dealt with legislative districts, my observation was that the members of the floor took care of each other. And in some cases districts, in my view, don't...I don't know if perfect...there's never a perfect, but there are districts that look the way they do because a senator wanted them to look that way and the members took care of each other first, which isn't all bad but it has some downsides to it as well, I think. [LB976]

Floor Debate
April 02, 2014

SENATOR HARMS: Well, thank you very much. I will tell you that I had the opportunity to go through this experience and I will tell you, colleagues, it was politics, as far as I'm concerned, at its worst. Things were pre-cut, pre-dried. People negotiated to get on the committee and made agreements before they got on the committee, and I didn't think that was fair. I didn't think it was objective. And exactly what Senator Karpisek is trying to do is to make this an easier and a cleaner process. There will be politics on this floor. There was the last time we did it and there will be in the future. It did not affect my district. It made my district a little larger. But what it did is it sent a message to rural Nebraska that simply said, you know, I don't think we really care about you. And I don't think we can continue to do this. When we do the next one, we already know that rural America and rural Nebraska is losing its population base. The question is going to come, as I stated earlier when we had this topic come up, they're going to be asking the question, are we going to have an equal, fair process here? Will we be represented appropriately and how do we get our representation, because we are losing that population base? And I don't think we showed a very good way in the process that we used this last time, because some of the lines were drawn that didn't really affect my district because I said it made it a little bit larger and that was the correct thing to do. But Alliance, Nebraska, was a great example, and I brought this up the last time I was...we talked about this. They made lines right through Alliance, Nebraska. Didn't bother to talk to the people, didn't bother to talk to any of us who are from western Nebraska, say what are your thoughts and what are your observations about this. They drew those lines and the battle took place and we finally got those lines adjusted so that the people of Alliance weren't divided right down the middle. And the people who were pushing this, I'm not being critical of my colleagues, I want you to understand that, but those people are...those senators who were pushing this particular issue, when you asked them, have you ever been to Alliance, Nebraska; well, no. When is the last time you've been to western Nebraska? Well, it's been a long time, in some cases never. [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR HARMS: Thank you, Mr. President. There will be politics involved in this and I really think that we need to fix this because I don't think that it's fair, nor do I think it's appropriate. And I do not believe that rural Nebraska will come out of this in the next one. We will be at risk and you will find greater challenges start to occur with people who live in the rural, rural Nebraska. So whatever decision we make here, I don't disagree with Senator Murante that this bill probably needs a little more work. There isn't any question about that. I've listened to the conversations and I've listened to what's taken place here. I'm here to tell you, for those of you who will be here when you go through this next process, pay attention. Unless this is fixed, the same thing is going to occur now. The same thing will occur and you'll have more representation back in urban America and rural Nebraska will continue to struggle with that. When I look at the district of Senator Al Davis, which I brought up one time previous, it's a huge district.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

And rural America expects a lot more from a senator than maybe what urban does, because every event they have... [LB976]

SENATOR KRIST: Time, Senator. [LB976]

SENATOR HARMS: Mr. President? [LB976]

SENATOR KRIST: Time, Senator. [LB976]

SENATOR HARMS: Oh. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Harms. Senator McCoy, you're recognized. [LB976]

SENATOR McCOY: Thank you, Mr. President. Would Senator Karpisek yield, please? [LB976]

SENATOR KRIST: Senator Karpisek, will you yield? [LB976]

SENATOR KARPISEK: Yes, I will. [LB976]

SENATOR McCOY: Thank you, Senator. Can you walk me through again, with the amendment that was advanced a little while ago, how many individuals are we talking about serving on that commission? Is it six? [LB976]

SENATOR KARPISEK: Six, with them picking a seventh one to be the chair... [LB976]

SENATOR McCOY: Okay. [LB976]

SENATOR KARPISEK: ...that is not one of them. [LB976]

SENATOR McCOY: Okay. And those would be made up, as I read, well, the amendment that was advanced, it's now adopted, which rewrote the bill, the first three would be members of the political party in each Congressional caucus that had the highest vote share, I believe. Is that accurate? [LB976]

SENATOR KARPISEK: That is accurate. [LB976]

SENATOR McCOY: And then the second three, one from each Congressional caucus of the party that has the second highest... [LB976]

SENATOR KARPISEK: Correct. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR McCOY: ...vote tally. [LB976]

SENATOR KARPISEK: Yes. [LB976]

SENATOR McCOY: Okay. I would guess, although I don't know the number off the top of my head, Senator Karpisek, there's a good number of Independent voters in Nebraska. Is that...would you agree with that? [LB976]

SENATOR KARPISEK: I would agree with that. [LB976]

SENATOR McCOY: What provision is there to have a registered Independent even be a part of this? [LB976]

SENATOR KARPISEK: They could align with one of the other parties. [LB976]

SENATOR McCOY: Well, but if you talk to a lot of Independents, and I know quite a few. I know that might surprise you, Senator Karpisek. [LB976]

SENATOR KARPISEK: (Laugh) It does. [LB976]

SENATOR McCOY: If you talk to a good number of Independents, the reason they're Independents are because they don't want to affiliate with one or the other of the two most common political parties in our political system. [LB976]

SENATOR KARPISEK: I agree. And if I thought it would work for me, I would do it. Senator McCoy, I guess quickly I want to say I thought about going to nine members of the board and having one R, one D, and one I from each one, but I don't know exactly how that would work. The other thing, real quickly, is I... [LB976]

SENATOR McCOY: Well, Senator, I don't mean to cut in,... [LB976]

SENATOR KARPISEK: I'm sorry. [LB976]

SENATOR McCOY: ...but we are on my time. [LB976]

SENATOR KARPISEK: No, it's your time. [LB976]

SENATOR McCOY: Thank you, Senator Karpisek. I'm sure, I think you have your light on, I'm sure you can address that. We even have amongst the 49 of us, even though we're nonpartisan, unless last time I checked anyway, I think we have 2 members of our body that are registered Independents. Would that be accurate? [LB976]

SENATOR KARPISEK: I think it's just one now, but who knows what Senator Ashford...

Floor Debate
April 02, 2014

[LB976]

SENATOR McCOY: Oh. [LB976]

SENATOR KARPISEK: ...is doing. [LB976]

SENATOR McCOY: I stand corrected. I think you are correct, Senator Karpisek. And thank you very much, Senator. My point with that was to outline what I believe to be another grave concern with this bill. We talk about wanting to depoliticize to the degree that that's possible, and I don't know that it is, the redistricting process. But yet, there's no provision, colleagues, to have someone unless they're going to affiliate with either the top or the second highest vote-gathering political parties. Unless an Independent is going to affiliate themselves with one of those two parties, there's no way that an Independent voter, who wanted to be on this commission, could be on this commission. But yet there are a good number of registered Independents in our great state of Nebraska. I don't know. Senator Lautenbaugh probably would know, if he was here, what the total is. I can't regurgitate that at my fingertips, that number, but I think it's a pretty significant percentage. [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR McCOY: That is a problem, one of a great number of problems. I'll say what Senator Murante said earlier. This is just a bill that's not ready for prime time, and since it's 6:05 p.m., I guess you could say we're now in prime time, and I don't think LB976 is ready for prime time. And that's not to disparage the good work of Senator Karpisek. We probably just have an honest disagreement over the issues. This bill isn't ready for prime time. It ought to be recommitted back to committee and get it right, even if that means next session. Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator McCoy. Senator Murante, you're recognized. [LB976]

SENATOR MURANTE: Thank you, Mr. President and members. Good evening now. I'm not sure where to go from here, to be perfectly candid with you. I think at the very least what we've established is everyone seems to agree that there are technical defects in LB976. I assume, I'm assuming at this point, but I'm assuming that it was sample legislation brought in from either a national organization or another state that simply wasn't tailored to Nebraska and at this point is unworkable as far as our state goes. I'll concede that it probably could be made workable. We're not talking about...what I've been talking about recently, I think I have some fundamental disagreements with Senator Karpisek about how six citizens drawing a map is going to be any less partisan than nine members of the Legislature. I'm not sure that connect...that connect hasn't been made for me anyway. But when the redeeming value of a bill is that it can be

Floor Debate
April 02, 2014

completely rewritten between General and Select File, I'm not sure that there is much purpose in pursuing it. I've said it before and I'll say it again. I said with Senator Harms what I found to be the most...well, I won't say that. But a challenge I have is that an independent commission could make some sense. And I'm sorry, Senator Karpisek, if the gloves are coming off or whatever. I don't...I hope...I don't think I've treated you poorly in this process, aside from disagreeing with you, but you know sometimes that just is what it is. But we have a long way to go with this bill and a short period of time to get it done. And I've looked at it. I've crafted some amendments to try and fix a bad bill. I appreciate and I truly do appreciate those who support the bill and just desperately want the Legislature not to draw maps anymore. And at this point they're at least looking at what I'm saying, acknowledging what I'm saying has some merit and acknowledging that the bill needs a lot of work, and I appreciate that. At least I appreciate, if nothing else, even if the message isn't sinking in, at least you're listening and I appreciate that. But I don't know how we're going to get this bill in a form that can be made workable for the Nebraska State Legislature. It may work other places, I don't know, but there are provisions, and I'm not going to go over them again today, that they don't apply to the state of Nebraska, and maybe they could. But there are parts of this bill that don't make a lot of sense. And I assure you, Senator Karpisek, this is not a filibuster. I'm not one of those people who conceals exactly what I'm trying to do. This is...what I'm trying to do is just go through the bill as I have and articulate the problems that I see. And the fact that... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR MURANTE: ...there's one on almost every page, I think there's a process out there but this isn't it. And if we have to conduct an interim study, I'm sure the Government Committee would be happy to do it. But at this point we're just...we're throwing out ideas: well, let's just do it the way Iowa does; well, let's just draft up floor amendments to fix...almost every page of the bill has something. We have to blow it up and start over. The time we have left for some members of this Legislature can be quantified in hours at this point. It's April 2. I appreciate the hard work Senator Karpisek has put in. I'll continue to work with him if this bill advances to Select File. I don't think it should. I'm opposed to it. It's just not where it needs to be right now. [LB976]

SENATOR KRIST: Time, Senator. [LB976]

SENATOR MURANTE: Thank you, Mr. President. [LB976]

SENATOR KRIST: Thank you, Senator Murante. Senator Avery, you are recognized. [LB976]

SENATOR AVERY: Thank you, Mr. President. Senator Murante said that he appreciated the fact that we were listening, and I have been listening. And I have come

Floor Debate
April 02, 2014

to the conclusion that Senator Murante is eminently satisfied with the status quo; that he likes the partisan process by which we redistrict; that he doesn't see anything that needs to be changed. Now that's how I interpret what he has been doing here for the last several hours. I conclude from that that he is not interested in this bill and because it is change, and if we are going to continue to pursue this he is going to nitpick it to death. I am not going to put him on the microphone and ask him to confirm that because I've drawn my own conclusions. And if you've been paying attention like he says you have, you probably have drawn your own conclusions as well. This is not a radical proposal and it's not riddled with flaws. I can tell you that in the initial draft of this bill my office worked very hard to find things that have worked in other states. This bill has been field tested. It's been field tested in Iowa, it's been field tested in...I mean in Washington--two states that had the will to do something about the partisan process in their states. What Senator Murante seems to be arguing for is the old system where the officeholders draw the maps and pick their own voters. In democracies, it ought to be voters picking the officeholders. And when you have a nonpartisan, independent council or independent commission that is able to conduct the redistricting process, you will get democracy. You will get a system in which the voters actually pick the officeholders, not the other way around. Michigan was won by President Obama by nine points, yet 54 percent of the House of Representatives, the Congressmen from that area, went to the Republican Party. In Ohio, the...Obama won by four points, and if you look at a map of the distribution of Congressional districts, it's almost solid red. Now how does that happen if it's not gerrymandering through partisan objectives and partisan motivations? Now Senator Murante ought to just be honest and get on the microphone and say, that's what I want, because that's what he's defending. He ought to just say it: I want a partisan process where I get to pick my voters, not the other way around where the voters get to pick who they want. He ought to be honest enough to do that. I can tell you that in a number of virtually all the cases where the criteria for who can serve on the commission and who cannot, that came out of Washington State and it works well there, field tested, field tested in the field, empirical evidence that it works. We're not so unique in Nebraska that we can't have reform. This state has embraced reform. What do you think the Unicameral is? [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR AVERY: This is not a radical proposal. That's how I started this. It is reasonable and it is an attempt to put the redistricting process back on a nonpartisan plain and to allow the voters to pick their officeholders and not the other way around. And I intend to stay with this as long as necessary to get it passed. Thank you. [LB976]

SENATOR KRIST: Thank you, Senator Avery. Those still wishing to speak: Senator Karpisek, Wallman, Bloomfield, Hansen, and McCoy. Senator Karpisek, you are recognized. [LB976]

Floor Debate
April 02, 2014

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I'm still unlacing gloves. They're not quite off yet but they're close. I just want to...I'm so glad that Senator Brasch read out of the Rule Book because she...I caught what she was talking about. Under Redistricting Committee now, (g), it says, "The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee." Hmm, "the earliest feasible time," what does that mean? I should ask Senator Murante, but I don't want to filibuster my own bill. In (j) it talks about the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each Congressional district for purposes of soliciting input on the proposed redistricting plans. "Expeditiously as reasonably possible," I wonder what that means. I don't know if that's spelled out in the Rule Book. Again, I don't go through the Rule Book and play with it and try to mess with everyone else's bills all the time. So what I'm saying, colleagues, is that some of these, the things that are in this bill, were taken out of our Rule Book. Is the bill perfect? No. Senator McCoy brought up a great question about Independent voters and I've struggled with that and I was hoping that maybe we'd get some ideas out here on the floor. I guess my end decision on that was do the Independents care where the lines are drawn? And if they do, and I'd be glad to hear from them how they feel, if they do, how could we go about that? Could we have three people from each Congressional district, have nine, appoint one of them as the chair? I don't know. Now I don't think those are hurdles that we can't clear between General and Select. I do think that we have plenty of time to work on this. Heck, bills have been drawn up in a heck of a lot less time than this and they've passed. And I always love the unconstitutional argument because we've never passed one of those before. We could argue that on each and every bill. I am more than happy to work with anyone, and I will tell you that why I have threatened to take the gloves off is because I thought that Senator Murante and I had come to an agreement, that he outlined his concerns. I was under no delusion that he liked the bill, but I thought that we had his concerns taken up and worked on, not perfect. But then we come bring other things in. I asked him numerous times, okay, so are you good? Yeah, put it in. That's why I'm threatening to take the gloves off because that sort of stuff, fine, don't like the bill, just say it. I'm glad he worked with me on it. He could have just said, go suck eggs, as Senator Garrett has told us a couple times today. But he did work with me. And he... [LB976]

SENATOR KRIST: One minute. [LB976]

SENATOR KARPISEK: ...he got heck from his side for working with me. I got heck from my side for working with him. So I'm glad we both got heck together on it. This can all be worked out and we're willing to work on it. Again, I don't want to take up a lot more time tonight. If we have the votes to move this thing, good, and we'll work on it in between. If not, it will go away. We talked about it. I'm happy I got my time on the mike. But I think we make a real mistake if we kill it. Thank you, Mr. President. [LB976]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Karpisek. Senator Wallman, you're recognized. [LB976]

SENATOR WALLMAN: Thank you, Mr. President. Would Senator Avery yield to a question? [LB976]

SENATOR GLOOR: Senator Avery, would you yield? [LB976]

SENATOR AVERY: Yes, I will. [LB976]

SENATOR WALLMAN: Thank you, Senator Avery. While you were discussing these lines and everything, did anything come out unanimous out of committee on any of these redistricting plans? [LB976]

SENATOR AVERY: Every vote we took was along partisan lines and I...we got rolled, "we" meaning the minority. We got rolled every time. I've still got the tracks on my back. [LB976]

SENATOR WALLMAN: (Laugh) Thank you, Senator Avery. That's why people don't like politicians, folks--gerrymandering. You want to gerrymander? I studied this on different radio shows, TV shows. People get tired of this. The majority party, whichever party it is, it can be blue or red, when they manipulate their district boundaries to suit their own electorate people, you're not going to have justice for all. You're going to get rolled. And like rural Nebraska got rolled, Congressional district, my district, is from border to border, Missouri River to Colorado. If you think that's right, folks, I had lots of maps, Russ had maps, Senator Avery had maps. Yes, I used the Policy Research Office, so did Senator Bloomfield. We all had better maps than what we got to deal with at the end. So did we fight this because of different issues? You bet. Should we had some of our plans listened to? You bet. But Republicans and Democrats alike, if you were rural you got the shaft. So tell me why you shouldn't vote for this bill. If you're riding an elephant, maybe you better not. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Wallman. Senator Bloomfield, you are recognized. [LB976]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, the system we use is flawed. I don't think anybody denies that. But in the end, it works. Does it work to where it's comfortable? No, it doesn't. We've got nine people out of this elected body involved. When there are problems come up at least we know who to go talk to. Senator Harms, who I don't see in the room right now, mentioned that Alliance had been split. That was straightened out because they come talked to nine people in the body that at least knew

Floor Debate
April 02, 2014

where Alliance was. If we put this in the hands of six people, obviously two from Omaha, two from Lincoln, the other two could range anywhere from South Sioux to Scottsbluff to Falls City. They may be folks that have never heard of Alliance or Dakota City or Waterbury or Wallace, towns in here that we have at least heard of. The system we have is not great. I was disappointed with it a few years back. People will be disappointed with it again if we don't change it. But don't operate under the illusion that if we do change it that it's going to be kumbaya and everybody is going to be happy. People are going to be dissatisfied when their districts are changed. There's no getting away from it. And if Senator McCoy would like the remainder of my time, he can have it. [LB976]

SENATOR GLOOR: Four minutes fifty-five seconds, Senator McCoy. Senator McCoy waives. Senator Hansen, you are recognized. [LB976]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. The first time I've talked on this bill. I've listened, I've learned quite a bit. And I, too, listened to Senator Harms a little bit ago about some of the problems that he thought we had in the...out in the western part of the state. I looked at my county, I only have one county, Lincoln County, and it was going to be within the range. I just kind of let the people that were on that committee fight it out. I went and looked at some 3rd District choices that we had and when I saw one that looked like, you know, it was even, it was within the margin of error, plus or minus 3.4, whatever it was, you know, that's what we're going to do. We knew we were going to lose at least one senator and we welcome Senator Murante to the 49th but we can't find him out there. He and his prairie dogs all went home evidently, so. But we...it doesn't matter who we have. If we have an outside entity, if that's what the body wants, I have a feeling, you know, when we do redistrict again there's going to be changes. There's going to be changes possibly to that law. We got to have people that know where the North Platte River starts in Nebraska. We need to know where...people that know where the South Platte starts. We need to have people, if they're outside entities, we have to have people that know where the Republican River is too. Those three river basins right there make a huge difference. When people fly over Nebraska, they think of the Platte River. Well, it's a lot more than the Platte River and it's a way lot more than the Interstate 80 as they go buzzing by. I don't care how you do it, and I think Senator Murante maybe is of this mind-set, I'm not sure, but however you do it, you do it with a group of senators selected from the different Congressional districts or you do it with an outside entity, when it gets to this body it will be political. It can't help it. In the past eight years we've become so much more political, and I can't see that turning around in the next few years before redistricting happens. It's unfortunate that we have to do that, but that's the way it's going to happen. Redistricting, no matter what...who does the initial divisions, they're going to be unhappy when it gets to this floor. Politics are going to be there, major parties are going to differ. I don't think it's going to matter what we do here. But I agree with Senator Murante. I think that just on purpose to go outside the body to do redistricting is not right. Thank

Floor Debate
April 02, 2014

you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator Hansen. Senator McCoy, you are recognized. [LB976]

SENATOR McCOY: Thank you, Mr. President. You know, I'm going to go back to where I've left off, I think, when I was last on the microphone and my exchange with Senator Karpisek, and just say I think one of the biggest flaws with this is the commission itself. I don't think there's any way to set up a commission with the structure that's given, and I don't see how in the world you're going to be able to amend that without having another hearing, because this is going to require...it would require this bill to completely be rewritten. And we go through a process, I think it's happened several times this session, usually it happens at least a couple of times each session, particularly in a long session, the need to have another hearing on a substantive rewrite of an underlying bill when it's a committee amendment that rewrites the bill. I think that's what this bill is going to need. That's why I support this recommit motion, because of all the flaws here. Even if somehow, someday, pulling some all-nighters you could get to a point that this was taken care of, if that's possible, the fact remains that those who came and testified on this bill, the hearing that was held earlier this year, earlier this session was for the green copy of the bill we have before us, which now has been completely rewritten by the amendment that's been advanced. Now it would have to be completely rewritten again. I don't see how that's possible in the time we have left in front of us yet this session. I'll go back to something that Senator Murante said a little earlier this evening and that is maybe this is a worthwhile idea, worthwhile concept perhaps, at least worth considering, but not anywhere close to in this format or in this fashion. I think we have a duty and obligation to make sure that we're putting together legislation, especially on something of this scale, in a way that best serves the unique challenges that we face as a state. We might border the state of Iowa, but we differ, as we all know, from the state of Iowa in a great number of ways, not the least of which is that our topography, geography is very different from theirs. Our distance across our state is very different, is much larger in square miles. Our population, unless I'm mistaken, might be less than 25 percent of the state of Iowa's. If it's more than 25 percent, it's somewhere below...much below 50, I know that. I don't think it's fair the proponents of this legislation to compare what's being proposed here to what is being done in Iowa every time they redistrict--completely different system,... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR McCOY: ...completely different state. Even if this were exactly what Iowa does, it would behave in a much different way than what their system does, and that's not what we have before us. It's not the same as how the state of Iowa redistricts. This bill has a whole host of challenges and I'm trying to be as kind as I can to characterize it that way. I don't like this bill. I'm not going to vote for this bill and I think it ought to go

Floor Debate
April 02, 2014

back to committee so that it can be put together right. I suspect I still am not probably going to be a fan with what the final result might be, but at the very least it needs to go back to committee. Thank you, Mr. President. [LB976]

SENATOR GLOOR: Thank you, Senator McCoy. Senator Krist, you're recognized. [LB976]

SENATOR KRIST: Thank you, Mr. President. Good evening, colleagues, and good evening, Nebraska. This bill does not need to go back to committee. You heard the committee Chair, Senator Avery, say in no uncertain terms that it needs to be exorcised. And if there are demons in this bill, they can be exorcised between General and Select. We have the capability to fix this if it needs to be fixed. What you've heard from Senator McCoy, Senator Murante, and others is there isn't enough time, there's just not enough time. Well, I would contend that given my experience in the redistricting process we should have taken much more time to protect you, you, the senators who represent the greater Nebraska area, because the partisanship and the maneuvering that went on during our redistricting effort caused one of your districts, District 49, to be sucked out of the western side of Nebraska and plopped right down in Sarpy County. I contend and I can prove and there's factual information that there were several maps drawn, several maps drawn that did not move District 49 that would have worked famously, could have worked greatly. So if you represent anything outside the eastern seaboard here in Nebraska, if we had a sea, take notice, because the next time this happens they'll grab 48. The southwestern part of the state is decreasing in population so dramatically, Senator Christensen's district is going to be immense or drawn into the eastern side of the state. Those are the reasons that I think we need to look at a process. The only reason the people stand up here and say, we don't have time, we don't have the energy, we don't have the capability is they don't like it. So I hope that's been clear. I hope we've made that point. If you don't recommit this and we go back to the debate, we'll hear some of the same. It's not good...you know, there's three ways. I've just reasoned that there are three ways to kill something in this body: it's unconstitutional; death by fiscal note; and it's not the Nebraska way. Well, you know it is the Nebraska way. It is the way of Nebraska to solve its problems and we need to do that. And I said at the very beginning, I was one of the first people on the mike, I think the first person after the introduction, maybe after Senator Murante, LB976 may not be perfect but it's a heck of a step in the right direction to eliminate the partisanship, the maneuvering, and the gerrymandering that I saw the last time that this state redistricted. And my final point was my first point earlier: Whoever executes this process will have the technical capability to look at a "geosurvey," to look at the technology and do it until it gets right. It's not a difficult process. Talk to anybody who's done it. Senator Murante spent time on that computer, I spent time on that computer, and almost every one of our LAs or AAs spent time on that computer. Please vote not to recommit this to committee and put it forward, because I guarantee you if we don't do it we'll never see a change. If we do it we may see a solid,... [LB976]

Floor Debate
April 02, 2014

SENATOR GLOOR: One minute. [LB976]

SENATOR KRIST: ...good change in the way we do business in Nebraska. Thank you. [LB976]

SENATOR GLOOR: Thank you, Senator Krist. Are there other senators wishing to be recognized? Seeing none, Senator Murante, you're recognized to close on your motion to recommit. [LB976]

SENATOR MURANTE: Thank you, Mr. President, members, and I will be pulling the recommit motion. As I told Senator Karpisek, it was my intention just to file this motion to ensure that we had some debate on the subject matter, which I think is important. I will continue to work with Senator Karpisek. It seems that one thing that everyone on this floor agrees with is that this bill needs a lot of work. I am not at all convinced that we have the time to rewrite the process, which I think needs to be done. And I remain steadfastly opposed to LB976 in its current form. I can't vote for it. I will say I can't speak to the intentions of other people on this floor. I can assure Senator Avery that my opposition is what it is, my words are what they mean. I think that after two years serving on your committee you understand that I speak fairly plainly and I let my opinions be known, perhaps more than I should. And aside from one floor speech, this dialogue I think has been good. It's been helpful. I particularly appreciate the comments from Senators Mello and Karpisek and their willingness to work on it. But it's true we have some time between now and when we go sine die, but we have a lot more time between now and when we redistrict next. This bill has a long way to go. We're not talking about minor technical defects. We are talking about a start-to-finish rewrite of an entire piece of legislation. And depending on how that looks, an argument could be made that another public hearing is in order. So I urge the members of this Legislature to vote against LB976. Even if you think an independent commission is the way to go, LB976 is not the proper vehicle to do it. We can get there. I actually am in far greater support of what Senator Mello suggested about letting Legislative Research do it, but that is an entirely different concept, an entirely new concept. And I'm willing to do the studying. I've been appointed to the NCSL Redistricting and Elections Task Force. I'm willing to work with any member of this Legislature to make this happen. But LB976 is fatally flawed, in my opinion. And I will say publicly to Senator Karpisek, it was my intent...I thought it was clear that the issues that we were dealing with were exclusively the issues that I spoke about on the microphone the first time this bill was up, which is why we only dealt with those matters and nothing that happened after page 11, which is where we stopped on that bill. I apologize for the miscommunication. I genuinely thought we were talking about the amendment and what we're fixing up to that point. But LB976 ought not be advanced to Select File. We can go to work. But I would strongly encourage your red vote on LB976. And with that, Mr. President, I will withdraw my motion to recommit. [LB976]

Floor Debate
April 02, 2014

SENATOR GLOOR: Seeing no objection, so ordered. [LB976]

CLERK: I have nothing further on the bill, Mr. President. [LB976]

SENATOR GLOOR: Senator Karpisek, you are recognized to close on LB976. [LB976]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. And thank you for letting us get to this vote. I do not think that this bill is fatally flawed. I don't think that at all. I think that this bill is different than Iowa in the fact that it puts it out to the public. And maybe that's what some people don't like. They don't like that they can control how the lines are drawn. I understand that. There's gerrymandering all over this country by both parties and I think it's wrong. Draw the lines, have an election, and go to work. Now I realize that not anywhere else is it a nonpartisan body like we have here, which of course politics creeps in. It certainly did in the last redistricting. It certainly did in the one before that, and I suppose all of them before that. But I think we have a real chance here to move forward and try to do something that's better. How you can say that nine people can draw maps, never have one of the maps be a unanimous vote, bring it out here onto the floor, and only pass it over a filibuster, because there were 33 Republicans in the body, is fair I don't know. To me that does not sound fair. Again, if that vote would have been today, those lines would look a lot different. When somebody always gets their way, they don't want to give up their control. When somebody never gets their way, they'll never be quiet until they do. I think that we can get this bill to where it needs to be. I don't think that it's a total rewrite. And if we have to have a new hearing every time that we substitute, an amendment becomes the bill, we'd be here having hearings from all session. To throw that one out there is just a stinker. We all know it's not true. What we are doing in changing this isn't that different than what was in the green copy. Everything Senator Murante talked about was off the green copy and I could find it in the amendment. A complete rewrite of the bill this is not, and I don't think we need a complete rewrite. There are a few places in there that could use a little bit of polishing, I won't discount that, but I think we can get there. But if you're just against the bill, then be against the bill. Don't make everybody run through hoops, jump through hoops, run the gauntlet to pretend like you're trying to help. I know that Senator Murante was sincere trying to make the bill better. I thought that we had things ironed out and I think he does too, whether we want to... [LB976]

SENATOR GLOOR: One minute. [LB976]

SENATOR KARPISEK: ...admit it on the mike or not. He's nodding his head over there agreeing with me. (Laugh) No, he's not. Next time I will hold him down and get it out of him, but he's not ever going to agree because there's always got to be something else that you can bring up. I ask you to give this a green vote, move it to Select File, let us work on it. If you don't like it then, then we can vote it down. We talk about time being

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

short and we wasted a lot of time here today that we could have done off the mike. I'd like to request a call of the house, Mr. President, and I would ask for a roll call vote in regular order. Thank you. [LB976]

SENATOR GLOOR: Thank you, Senator Karpisek. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB976]

CLERK: 29 ayes, 0 nays, Mr. President, to place the house under call. [LB976]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators not in the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Members, we've had a hardware malfunction. We're going to take a vote again to place the house under call. Those in favor of placing the house under call please vote aye. Record, Mr. Clerk. [LB976]

CLERK: 41 ayes, 0 nays, Mr. President, to place the house under call. [LB976]

SENATOR GLOOR: Senators Lathrop, Pirsch, Kintner, please return to the Chamber and record your presence. Senator McGill, please record your presence. All members are present. Members, the question is the advancement of LB976 to E&R Initial. Request for roll call, regular order, Mr. Clerk. [LB976]

CLERK: (Roll call vote taken, Legislative Journal page 1368.) 25 ayes, 12 nays, Mr. President, on the advancement of LB976. [LB976]

SENATOR GLOOR: The bill advances. Raise the call. Items for the record, Mr. Clerk? [LB976]

CLERK: Mr. President, I do. Senator Lathrop, an amendment to LB961 to be printed; Senator Christensen to LB700; Senator Christensen to LB1098; and Senator Burke Harr to LB191. I have a series of resolutions: LR609 through LR613, Senator Christensen; LR614, Senator Adams. Those resolutions will be laid over. (Legislative Journal pages 1369-1377.) [LB961 LB700 LB1098 LB191 LR609 LR610 LR611 LR612 LR613 LR614]

SENATOR GLOOR: Continuing with the agenda, General File, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next bill is LB383, introduced by Senator Janssen. (Read title.) The bill was read for the first time on January 18. It was referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File with committee amendments. (AM1169, Legislative Journal page

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

1750, First Session, 2013.) [LB383]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Janssen, you are recognized to open on your bill. [LB383]

SENATOR JANSSEN: Thank you, Mr. President and members. LB383 as amended would provide for a new Nebraska license plate known as a military honor plate. These plates would recognize the service of our state's active and retired military personnel for their dedicated, selfless service to our great country. Plates recognizing service in the United States Army, United States Navy, Marine Corps, Coast Guard, Air Force, the National Guard would be available for those who qualify. The Department of Veterans' Affairs would assist the Department of Motor Vehicles in verifying this eligibility. Alphanumeric plates and personalized message plates would be available. Applicants would pay an annual fee of \$5 for the alphanumeric plates and \$40 for personalized plates. Fees for the alphanumeric plates would be credited to the Nebraska Veteran Cemetery System Operation Fund. Fees for personalized message plates would be credited 25 percent of the fee to the Department of Motor Vehicles Cash Fund; 75 percent of the fee to the Nebraska Veteran Cemetery System Operation Fund. Military honor plates would be available in 2016. We are privileged to have nearly 150,000 veterans and 15,000 active-duty National Guard and Reserve personnel in Nebraska. I urge the Legislature to recognize them for their honorable service through the passage of LB383. This is a committee amendment...there is a committee amendment to follow. It is a technical amendment that the Department of Motor Vehicles requested. The technical amendment does change the date of availability to 2016. I'd like to thank my colleagues on the Transportation Committee for their unanimous support of AM1169 and LB383. I urge the body to adopt AM2661. And I will say, when I started out with my opening here, I looked over and I saw that Senator Chambers was not here and I kind of felt like the local gunfighter in town was taking on Jesse James and Jesse James's alarm clock did not go off. So I was pretty excited for a while. But again, I look forward to the discussion and I urge your consideration. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Janssen. As the Clerk stated, there are amendments from the Transportation and Telecommunications Committee. Senator Dubas, as Chair, you're recognized to open on the amendments. [LB383]

SENATOR DUBAS: Thank you, Mr. President. AM1169 creates the military honor license plate. It allows the Department of Veterans' Affairs to maintain the registry, which was created last year through LB93, to assist the Department of Motor Vehicles in determining eligibility for the plate; and it exempts prisoner-of-war and Purple Heart plates from the additional \$5 fee which goes to the Nebraska Veteran Cemetery Operation Fund. In order to use the copyrighted emblems from the different service branches, those branches require verification that only current or former members are using the emblems. To aid the DMV in verifying such status, the Department of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

Veterans' Affairs will again use the database that was created last year to...for eligible members. Current or former service members desiring a military honor license plate will be required to first register with the Department of Veterans' Affairs database prior to applying for the specialized license plate. And as Senator Janssen mentioned, there are a couple of amendments following that will address some technical issues that need to be cleaned up in the committee amendment. But with that, I would appreciate the body's support for AM1169 and LB383. [LB383 LB93]

SENATOR GLOOR: Thank you, Senator Dubas. Mr. Clerk. [LB383]

ASSISTANT CLERK: Mr. President, I do have amendments to the committee amendments, the first from Senator Janssen, AM2635. Senator, I have a note to withdraw this one. [LB383]

SENATOR GLOOR: Seeing no objection, ordered. [LB383]

ASSISTANT CLERK: Senator Janssen would then offer AM2661. (Legislative Journal page 1300.) [LB383]

SENATOR GLOOR: Senator... [LB383]

SENATOR JANSSEN: And again, this...as I mentioned in the opening, this changes the availability to 2016. It's technical, from DMV. And I did leave out that several other senators have put forward bills on this. It comes to mind, I know I took a lot of this language from Senator McGill's bill that she had last year, haven't changed much, and I know Senator Dubas helped a great deal. And we merged some bills in the Transportation Committee so I'd like to acknowledge their help as well and encourage your vote. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Janssen. Members, you've heard the opening on LB383, the committee amendment, and the amendment to the committee amendment. We now turn to debate. Senator McCoy, you're recognized. [LB383]

SENATOR McCOY: Thank you, Mr. President and members. And I want to thank Senator Janssen for his work on this bill. And it did come through the Transportation and Telecommunications Committee. And I wondered if Senator Dubas would yield to a couple questions, please. [LB383]

SENATOR GLOOR: Senator Dubas, would you yield? [LB383]

SENATOR DUBAS: Yes, I will. [LB383]

SENATOR McCOY: Thank you, Senator. For the benefit maybe of those...since some

Floor Debate
April 02, 2014

time has passed since last year, I think...was it LB93 I think from last year and we kind of...these weren't companion bills, obviously. But could you refresh my memory, even though it came through our committee--I know I've gotten a few questions today; people remembered that from last session--on the difference between those two pieces of bill...those two pieces of legislation. That one obviously went all the way through the process and is now law. Would you mind answering that? [LB383 LB93]

SENATOR DUBAS: Absolutely. LB93 that we did pass last year and is law now allows for a designation on a driver's license for veterans. And that's where the database was created was through LB93. So the Department of Veterans' Affairs now has this database. So any veteran who wants to be able to have that designation on their driver's license or wants to apply now, through this bill, wants to apply for a license plate, will have to first go through that data registry and then they'll be able to get either one or both of these. [LB383 LB93]

SENATOR McCOY: So our...when someone goes to the courthouse or DMV and wants to get one of these type of license plates, that will be the process. They will have to show that ID now, Nebraska ID that's going to have that designation on there, and that will be the method by which they prove, for lack of a better term, or provide the documentation that they are who they say they are and they have served our country, and which we very much appreciate, that that's...we'll look at that rather than a service record or some other form of identification. [LB383]

SENATOR DUBAS: Correct. They will first have to go through the Department of Veterans' Affairs to get that, to be registered, and then get that documentation, and then that's what they will demonstrate when they go to the courthouse. [LB383]

SENATOR McCOY: And is that...how will that process work? If somebody walks in, do we know yet how that's going to work through the Department of Motor Vehicles with...if somebody walks in and says, I want to get an armed forces pride license plates for a vehicle, what will they be told? Will they be...say, well, you need to go talk to...is there going to be a process in place? Do we know that yet? [LB383]

SENATOR DUBAS: If they have registered with the Department of Veterans' Affairs, the DMV will be able to access that registry right there. If they haven't, I need to clarify if they can register there or if they have to go through the DMV or, excuse me, through the Department of Veterans' Affairs on...separately to get that designation. [LB383]

SENATOR McCOY: Well, I'll let you do that off the mike with legal counsel, Senator Dubas. I appreciate that. And again, I support what we're doing here. I voted for it out of committee. I think it's of value. I know there has been very adamant opposition to this concept in years past. I don't think this is a new idea, although I very much appreciate Senator Janssen bringing it to the body. This concept I think has been around for

Floor Debate
April 02, 2014

several decades, unless I'm mistaken. I think it's high time that we do this for our veterans. I know many of us probably take every opportunity we can to thank our veterans, and this is yet another way that if we see someone who has served...and obviously this could be for active duty, as well. But especially those who have served in the past and aren't wearing a uniform, military uniform, sometimes it's hard to tell whether someone has served or not. [LB383]

SENATOR GLOOR: One minute. [LB383]

SENATOR McCOY: Now we'll have the opportunity, if we bump into them at the grocery store or the post office or on main street. Maybe it's somebody we know; maybe it's somebody that we've never had the opportunity to meet before. It gives all Nebraskans the opportunity to thank our veterans and I believe that's of great value to them and it's a good object lesson for all of us that have kids or grandkids to remember why we have the freedoms and liberties that we have in our country. Thank you, Mr. President. [LB383]

SENATOR GLOOR: Thank you, Senator McCoy. Senator McGill, you're recognized. [LB383]

SENATOR MCGILL: Thank you, Mr. President. Members of the body, I rise in support of Senator Janssen's bill. As he stated, I had brought this legislation a couple of years ago and was taking a trip down memory lane by pulling up some of my old e-mails on this and refreshing my memory about how we got to where we are. I was approached a couple years ago by a Marine who knew that we had a process to be able to collect enough signatures, 500, in order to make your own plates. Well, for the Marines, we don't have a ton of retired veteran Marines in our state. So he came to me first with the problem of, look, we're going to have trouble meeting that 500 in terms of people willing to buy these plates so, you know, could you look at maybe making an exception for us as veterans. The second issue was that even if they could hit 500, in order to use the official United States Marines seal, they would need to make sure that whoever was using the plates really indeed was a member of the...is in active duty or a veteran. And so we've worked for a couple of years to make sure that we can get proper identification, that they are actually or were in the service and are veterans, to make sure that we can use the proper seals. And also, you know, looking at that number issue and the 500, we have a process now to allow folks to gather together and have specialty plates created. It seems reasonable to me that our veterans who are still here in the state should be able to get these plates. Just because there are lower numbers of them, you know, they still served our country, and so I'm very grateful for that and supportive of this. I'm glad that Senator Janssen was willing to take this issue on as a member of the Transportation Committee. I felt he could do a better job pushing this through the committee and getting it out on the floor. And I thank the DMV for working with us on some of the issues that prevented them from supporting the bill back when I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

had it and when I introduced it. With that, I just ask for your support. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator McGill. Senator Larson, you're recognized. [LB383]

SENATOR LARSON: Thank you, Mr. President. I rise in support of LB383, AM1169, AM2661, and any Senator Janssen or Dubas or McGill amendment to follow. I think this is a small token that we can give our veterans across the state of Nebraska that have served our country to display their pride in what they've done. So I will be voting for LB383 and all of the amendments as they come across. Also, on an unrelated note of LB383 and AM1169 and AM2661, I think I saw Senator Nordquist posted...my wife told me Senator Nordquist posted--I don't follow Senator Nordquist but she does--that today is Autism Awareness Day, and I just want to make sure that all of us in the body knew that as well. And as someone that has a stepson with autism, I just thought it was an important thing to make sure that we all took a second and realized that these kids are fighting a different battle than any of us in this room had to fight. And Senator Coash has LB505 coming out of Banking Committee that he's going to try to attach to another bill that I am very much in support of. But I just wanted to recognize that and maybe let the rest of the body know that that is today and that's something that we do need to think about with these kids that do have challenges ahead of them that I don't think any one of us had. Thank you, Mr. President. [LB383 LB505]

SENATOR GLOOR: Thank you, Senator Larson. Senator Kintner, you are next in the queue. [LB383]

SENATOR KINTNER: Well, thank you, Mr. President. And, you know, I just want to say I got thinking about this bill. I really like it. I think it's a great bill. I'm glad that Senator Janssen brought it forward and I think it's a chance for us to make a statement about our values and about the things that we think are important. And I think that this honors and I think this is a bill I think everyone should get behind. And I encourage everyone to vote for this bill and to vote for the amendments. Thank you, Mr. President. [LB383]

SENATOR GLOOR: Thank you, Senator Kintner. Senator McCoy, you are recognized. [LB383]

SENATOR McCOY: Thank you, Mr. President. Would Senator Janssen yield, please? [LB383]

SENATOR GLOOR: Senator Janssen, would you yield? [LB383]

SENATOR JANSSEN: Yes. [LB383]

SENATOR McCOY: Thank you, Senator, and thank you again, which I'd mentioned in

Floor Debate
April 02, 2014

an earlier time on the microphone, for introducing this legislation. Can you walk me through the...and I'm trying to make sense and I was going through of the amendments and one you withdrew and another one is in, and I know we've got the underlying amendment as well. So do we have that 500-plate threshold or has that now been removed? I'm trying to recall how...whether the...as the bill was moved out of committee, whether or not that had that in there or whether one of your amendments changed that. [LB383]

SENATOR JANSSEN: No. This will get rid of that. [LB383]

SENATOR McCOY: Okay. What would be the threshold then? [LB383]

SENATOR JANSSEN: The threshold now for the military is what you read right here. So there's not a number threshold for that,... [LB383]

SENATOR McCOY: Okay. [LB383]

SENATOR JANSSEN: ...and that's...you had a question about the...was it how they access this? That's part of the amendment. The reason we pushed it back to 2016, basically there was questions. A lot of this came from the driver's license where there's a veteran stamp on it. We pushed that back a year so we could get this registry formed. It was a little unclear on how that was going to happen so we wanted some additional time to get that put in place. Right now, myself, and the people that were in the military have a form, DD214. You're instructed when you get out of the military to go to your county of residence and put that on file, and I did that right away when I was 22 years old and I remain on file. So when that registry starts, I will be automatically loaded into that when we start with that; whereas, if--I'll use, you know, one of the other senators that served here--Bloomfield, if he hasn't, which I'm sure he has, but he would have to go do that first to get put in the registry and then go and apply for these license plates so. And I can help clear that up to you when you're off the mike, not using your time too. [LB383]

SENATOR McCOY: Yeah. No, I...and that's...I appreciate that. So unlike the Husker pride license plates that some of us have, I think, and you see a lot of Nebraskans have...or Creighton, I think, and Union Pacific might be the only other ones that I'm aware of that at least, I think, started at that 500-plate threshold. So we'll just take the Coast Guard, for instance, or the Merchant Marines, probably fewer numbers of those veterans in Nebraska but I could be wrong on the numbers, but I'd venture to say probably fewer than the Army or Navy or Air Force, I would guess. There isn't a specific number. Even if there were only a dozen of them, just to throw out a hypothetical number, they're still going to be able to go ahead and get these plates made because there is a process to that even if... [LB383]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR JANSSEN: Yes. [LB383]

SENATOR McCOY: ...no matter what the...how low the number is. [LB383]

SENATOR JANSSEN: Yes, because the emblems will already be made. And it was my understanding, going back from our Transportation Committee hearings if...I mean, you were there. I don't know if you remember all of it, but I think there was kind of a processing fee and that was really restricting, a little more restrictive, I guess. Maybe if you work for Union Pacific or if you graduated from Creighton you might be in a better financial position than somebody in the military and...or there's also more coordination from an alumni coordinator and an employer than there was for these veterans' groups which are spread throughout the states. So, sorry, long answer, but yes. [LB383]

SENATOR McCOY: No. And that brings up a...and I'm....I apologize because this obviously was last year's so a little bit of a fuzzy memory here. Did we waive that fee then for those veterans? I know we talked about that at some point. [LB383]

SENATOR JANSSEN: There is a section in there that Senator Smith had in the bill that there were certain Purple Hearts that were waived and I believe prisoner of war. I think that was Senator Smith. This goes to the standard, the \$5 fee, for the plates that are alphanumeric, and then it's the \$40 fee for the personalized plates. [LB383]

SENATOR McCOY: And you mentioned, Senator, the... [LB383]

SENATOR GLOOR: One minute. [LB383]

SENATOR McCOY: ...the DD214, is that what you said,... [LB383]

SENATOR JANSSEN: Correct. [LB383]

SENATOR McCOY: ...form? So...and I'm going to run out of time. Probably have to ask Senator Dubas this another time. But so that form has to be filed. Then you would have to apply to the Department of Veterans' Affairs here in the state, and then you would be able to go to the courthouse or DMV in order to get these plates. Is that correct? [LB383]

SENATOR JANSSEN: We'll look, and I think you're on to...I think the understanding is though once you file that DD214 that will...there is no other step other than going and getting the plates... [LB383]

SENATOR McCOY: Right. [LB383]

SENATOR JANSSEN: ...because that will lead to the other...that will put you in the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

registry at that time. [LB383]

SENATOR McCOY: Right. [LB383]

SENATOR JANSSEN: But we'll get clarity on that so. [LB383]

SENATOR McCOY: Okay. All right. Thank you, Senator Janssen. Thank you, Mr. President. [LB383]

SENATOR GLOOR: Thank you, Senator McCoy and Senator Janssen. Senators in the queue: Christensen, Bloomfield, Brasch, Carlson, Kintner, Garrett, Ken Haar, and McCoy. Senator Christensen, you're recognized. [LB383]

SENATOR CHRISTENSEN: Thank you, Mr. President. I want to stand and thank Senator Janssen for bringing the bill and the support of Senator Dubas and the committee. I think it is important that we support our veterans and that we give this small tribute to them for all of the things they've done for us. And so I just wanted to stand up and say I agree with this and support the intended legislation. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Bloomfield, you are recognized. [LB383]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good evening, colleagues. We've done some good things for our veterans this year. What we're hoping to do here is not a monstrous thing but it's important to them. I get asked regularly when meeting with veterans' groups, when are we going to be able to get a license plate that denotes our service? I hope this is the year. I support this. I thank the Transportation Committee for putting it out. Let's do this, this year. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Brasch, you are recognized. [LB383]

SENATOR BRASCH: Thank you, Mr. President, and good evening, colleagues. I serve on the Transportation Committee and I did vote in favor of this bill. And it is a bill that we are extremely humbled and proudly stand to honor our soldiers. And I am seeing that the qualified applicants can pick from the United States Army, United States Navy, United States Marine Corps, United States Coast Guard, United States Air Force, Nebraska National Guard, and Nebraska Air National Guard. And I also want to thank these service members, our military, and their families for their service. Those that came to testify that day in support of this bill included the Disabled American Veterans, the National Guard Association, the Nebraska Department of Veterans' Affairs, and the Veterans of Foreign Affairs (sic--Wars). These brave men and women who serve our

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

military, they should have a tribute every day and these plates will help to contribute to that. I do have a question for Senator Janssen if he would yield to a question, please. [LB383]

SENATOR GLOOR: Senator Janssen, would you yield? [LB383]

SENATOR JANSSEN: Yes. [LB383]

SENATOR BRASCH: I do want to thank you for your service to our country and for presenting this bill. Thank you. I do have one question, however. When I served on the Veterans and Military Affairs Committee, I had a constituent call and ask about the POW/MIA soldiers and remembering those. Would there be a plate for this at this point or is that something that has not been considered? [LB383]

SENATOR JANSSEN: We...I believe, yeah, we already have that plate. [LB383]

SENATOR BRASCH: That is specific to these groups? Would... [LB383]

SENATOR JANSSEN: Not to this bill. [LB383]

SENATOR BRASCH: Not to this bill. [LB383]

SENATOR JANSSEN: That's existing right now. [LB383]

SENATOR BRASCH: But would this...the plates have identifying which branch of service? And then can there be two identifications or would it be simply one? [LB383]

SENATOR JANSSEN: It would just be the one, that's my understanding. I couldn't see...that wasn't my intent is to have it with dual, if you were a Purple Heart. [LB383]

SENATOR BRASCH: Differentiate. [LB383]

SENATOR JANSSEN: And then if your Purple Heart got in the Army, I don't think this bill would cover that. It does not add a different plate for that. And if I...if you could, I appreciate your words. Real quick I just want to clarify one thing... [LB383]

SENATOR BRASCH: Yes. [LB383]

SENATOR JANSSEN: ...is...was...Senator Bloomfield, in my opening I said it was for retired and active vets. It's also for anybody that served in the military. So that would be me, even though I didn't retire and I'm not active right now, or other veterans. [LB383]

SENATOR BRASCH: Very good. Thanks for your clarification on the POW and MIA and

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Floor Debate
April 02, 2014

for bringing this to our committee. And, fellow Senators, colleagues, friends all, this is a tribute to our military and our families, and we owe them gratitude for our freedoms that we have here today. And moving forward I believe that we have started many thoughts of benefits, adding benefits, and we need to move further into assisting those who have served our country. I will yield the balance of my time to Senator Bloomfield. [LB383]

SENATOR GLOOR: Senator Bloomfield waives. Thank you, Senator Brasch. Senator Carlson, you are recognized. [LB383]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. And I, too, appreciate Senator Janssen bringing LB383. Whenever I'm out in public and I see someone, by a hat or a jacket, whatever, that indicates that they've served our country in the armed forces, I try and make a special effort to go over and shake their hand and thank them for what they've done. And I've never served and that's a void in my life that I can't do anything about. I got deferrals all the way through college and graduate school and then was never called. And so it is something that I was not able to do and I think that's had an impact on my wanting to somehow serve my state and the people in this state through the Legislature. But I admire those who have served us in the military and I think I'd have been a pretty good soldier. But I did not have that experience and I certainly appreciate those who have. And I support this bill. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Carlson. Senator Kintner, you are recognized. Senator Kintner, you are recognized. Senator Garrett, you are recognized. [LB383]

SENATOR GARRETT: Thank you, Mr. Speaker and members of the Legislature. I, too, would like to rise in support of this bill and thank Senator Janssen and Senator Dubas and members of the Transportation Committee. And to borrow a phrase from my Army brothers and sisters, "hooah." Thank you. [LB383]

SENATOR GLOOR: Senator Ken Haar, you're recognized. [LB383]

SENATOR HAAR: Mr. President, members of the body, I'd like to call the question. [LB383]

SENATOR GLOOR: Senator, I believe that's out of order. Fair and full debate has not occurred yet. Senator McCoy, you're recognized. [LB383]

SENATOR MCCOY: Thank you, Mr. President. Would Senator Dubas yield, please? [LB383]

SENATOR GLOOR: Senator Dubas, would you yield? [LB383]

SENATOR DUBAS: Yes, I will. [LB383]

Floor Debate
April 02, 2014

SENATOR McCOY: Thank you, Senator. I'd like to pick up where I asked you a little bit earlier. And maybe you could clarify--I know you were checking with legal counsel for the committee--on what I was asking about the process. How will that work if someone comes in...I think the example I used, if I'm remembering correctly, was someone, a veteran, comes into the courthouse or DMV and says, I'd like to get one of these plates. We...you...I think we left off where they would have to apply to the Department of Veterans' Affairs. What will be the process from there? And I think that's where you were...what you were checking on. [LB383]

SENATOR DUBAS: Right. And right now, to be able to get the designation on your driver's license, that will not go into effect until July of this year. So I am of the understanding that rules and regs are in the process, and that's how that process will unfold, through rules and regs, because right now the statute just says you have to register with the Department of Veterans' Affairs; then the Department of Motor Vehicles can access that registry to determine if you're eligible or not. So how that whole process will be actually set up to register with the Department of Veterans' Affairs I don't think is in the final stages yet. That will be done through rules and regs. [LB383]

SENATOR McCOY: Okay. So there may be some...potentially some cleanup work that may or may not have to take place possibly in a future session. Hopefully that can all be rules and regs. [LB383]

SENATOR DUBAS: That's the hope that...yes. [LB383]

SENATOR McCOY: Okay. I think those are some important things to note just because I think it's...you're going to end up in a situation, as we oftentimes do, especially with a very mobile military force that we have in place today with active duty who may decide they want to take advantage of these plates, as I'm sure some will, maybe for the fact that they've never been stationed in a state that has the opportunity to have an armed forces plate. So my hope would be that this process is as simple as possible so that if you were, especially, an active-duty military individual that is transferred to our great state, they have the opportunity to know and have that process be as quick as possible. Sometimes that individual may only be stationed here a year, year and a half. It'd be nice if this process was as quick as possible so that they are able to take advantage of those license plates as a means not just for identification, what we have license plates for, but as a matter of pride and recognition of their particular branch of service and for all of us, as Senator Carlson just said, I think very well, for us to thank them. I think that's an important part of this process and I appreciate Senator Dubas. Thank you for checking on that. I think that will certainly help as we go through this process to know how this is going to work. Yes, there may be some rules and regulations that has to take place in order to implement this fully, but this is a big step for us. There are many states across the country that have gone down this road and are to be commended for doing

Floor Debate
April 02, 2014

that. This is a big step for us in Nebraska to do this. We've never really done this before and I think it's very important for our veterans and our active-duty military personnel that we have a public way of thanking them in a way that we haven't had the opportunity maybe to do before now. Thank you, Mr. President. [LB383]

SENATOR GLOOR: Thank you, Senator McCoy. Senator Burke Harr, you're recognized. [LB383]

SENATOR HARR: Thank you, Mr. President and members of the body. I, too, want to rise in support of the underlying amendments and the bill. I want to thank those who served our country, especially Senator Galen Hadley who served proudly in the Marines. This is an important bill to show respect. I think at the end of the day this will probably be remembered as the year of the veteran. We've done a lot for our veterans this year and I think they've earned it. I think it's justifiable. I think it's a great deal. But I do have a question. I want to make sure that all those who served our country proudly get the recognition that they deserve. So just to clarify the record, I would like to ask Senator Janssen a couple of questions. [LB383]

SENATOR GLOOR: Senator Janssen, would you yield? [LB383]

SENATOR JANSSEN: Yes. [LB383]

SENATOR HARR: Thank you, Senator. I wanted just to clarify the record. If you have served as a reservist in the military and are honorably discharged, you are eligible for these license plates. Is that correct? [LB383]

SENATOR JANSSEN: You would be. You know, in my case, if it was the...if I was just in the Reserves but I could have been the Naval Reserve, I would get the Navy plate. Now it doesn't say "Navy Reserves" on it. It would just be all-inclusive Navy pride plate... [LB383]

SENATOR HARR: Okay. [LB383]

SENATOR JANSSEN: ...or Army, for that matter, Army National Guard, and so on down the list and, you know, the National Guard. [LB383]

SENATOR HARR: Now you mentioned the Navy. If you are a member of the Nebraska or an Admiral in the Nebraska Navy, are you eligible for these license plates? [LB383]

SENATOR JANSSEN: Well, I'm in...I happen to be an admiral in the Nebraska Navy, so we're going to look at...and somebody asked me about clarification for that and I thought perhaps there might be an amendment up tonight asking for that exact same thing, but not as of now. [LB383]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR HARR: Not as of yet. All right. Well, maybe that's something we can talk about between General and Select. Thank you... [LB383]

SENATOR JANSSEN: I hope not. (Laugh) [LB383]

SENATOR HARR: (Laugh) Yeah. Thank you for bringing this bill and I look forward to voting for this. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Harr and Senator Janssen. Senator Nelson, you're next in the queue. [LB383]

SENATOR NELSON: Thank you, Mr. President and members of the body. Senator Janssen and I have both served in the Navy, and I'm kind of interested in knowing a little more, for the record, about what the plates will look like. I understand there are six branches recognized. Is that correct? [LB383]

SENATOR GLOOR: Would you yield? [LB383]

SENATOR JANSSEN: Yes. And I went through them and I'll read them again quick: the United States Army, Navy, Marine, Coast Guard, Air Force, National Guard. [LB383]

SENATOR NELSON: All right. This has been done in other states. Is that correct? [LB383]

SENATOR JANSSEN: You know, every state is kind of different with their plates and, you know, I would imagine there is another state that has done it like this. And I don't know exactly where we got all of the language for it, but we wanted to make this as uniform as possible. [LB383]

SENATOR NELSON: Well, fine. And it talks about the emblem from each branch of the service here and I'm just wondering what you've seen on other plates in other states. Is the emblem just small, on the left or right, or does it cover the entire plate as kind of a background sort of thing? [LB383]

SENATOR JANSSEN: What I've seen is similar to what you've seen with the Purple Heart here or the POW that you see here where it covers up a small portion of the...maybe the top right-hand corner. I don't...it has not been designed yet. That's...they're still going through that. And I've seen--and it has to be okayed by the Department of Veterans' Affairs--and usually an emblem, like our Navy emblem, for instance. [LB383]

SENATOR NELSON: All right. The design really is up to the Department of Motor

Floor Debate
April 02, 2014

Vehicles. Is that correct? [LB383]

SENATOR JANSSEN: And then it has to be approved. The veterans got to approve that design. And that was a big hang-up on this for the longest time is certain branches, you know, wanted their emblem to be displayed correctly and that's...and also they wanted to make sure that the people that were using them were veterans indeed, so that's where we went through some of the language. [LB383]

SENATOR NELSON: Well, does the Veterans Administration get involved in the state design in any way or is it...so far as you know? [LB383]

SENATOR JANSSEN: It's my understanding they can approve it... [LB383]

SENATOR NELSON: They approve it. [LB383]

SENATOR JANSSEN: ...but they're not designing it, or disapprove it. [LB383]

SENATOR NELSON: Okay. Are the plates, are they confined to the same color that all the other plates for the state of Nebraska are, do you know? [LB383]

SENATOR JANSSEN: Again, you're asking me questions that have not yet been determined. We pass the bill, then they're going to design the plates at that point. [LB383]

SENATOR NELSON: Well, it's important to me. I'm sure it's important to Senator Hadley. The Marines...red is the color for the Marines and blue is for the Navy. So I'm just wondering if there's a possibility that the color of the plates can be distinctive, along with the emblem. [LB383]

SENATOR JANSSEN: Could they be? Well, the design, I...you're...it's...I can't answer that, if they could be or not. [LB383]

SENATOR NELSON: All right. You can't answer that. When we talk about alphanumeric...you're from Dodge County. Is that correct? [LB383]

SENATOR JANSSEN: Correct. [LB383]

SENATOR NELSON: And so you have a number designation. I don't know what it is. Eight or ten? [LB383]

SENATOR JANSSEN: Five. [LB383]

SENATOR NELSON: Five? Five. All right. So that same number designation, so far as

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

you know, if it's not a personalized plate will be the standard, whatever is assigned. Is that correct? [LB383]

SENATOR JANSSEN: Correct. [LB383]

SENATOR NELSON: You don't have any choice in that. [LB383]

SENATOR JANSSEN: Nope, if you're paying just the additional...just for a regular emblem plate. [LB383]

SENATOR NELSON: And the personalized plate you could put "My Navy" or something like that if nobody else has used that? [LB383]

SENATOR JANSSEN: You have up to five characters on the personalized plate. [LB383]

SENATOR NELSON: Five characters. [LB383]

SENATOR JANSSEN: And you go through the same rules and regs that you would go through for a normal personalized plate. [LB383]

SENATOR NELSON: And my understanding is that it's \$40 a year for each... [LB383]

SENATOR JANSSEN: For the personalized plate, yes. [LB383]

SENATOR NELSON: For a personalized plate, all right. Do you have any idea whether there might be a contest for the various designs? Have you talked with the... [LB383]

SENATOR GLOOR: One minute. [LB383]

SENATOR NELSON: ...Department of Motor Vehicles at all? [LB383]

SENATOR JANSSEN: As they establish the rules and regs, that could be something that they could discuss but again... [LB383]

SENATOR NELSON: All right. All right. Thank you very much. I support this bill and the committee amendment and again I want to thank you for bringing this forward, Senator Janssen. Thank you, Mr. President. [LB383]

SENATOR GLOOR: Thank you, Senator Nelson. Senators remaining in the queue: Brasch, Mello, Johnson. Senator Brasch. [LB383]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. Once

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

again, as I ran out of time, I did not have the opportunity to recognize other members and...of the...our colleagues here and who also served in the armed services. And I do want to thank them for their service as well. I want to recognize Senator Avery, Senator Bloomfield, Senator Chambers, Senator Hadley, Senator Garrett, Senator Gloor, Senator Krist, Senator Seiler, Senator Nelson, and, once again, Senator Janssen for their service to our country, the sacrifices they made and their families made during their time of service. And I also want to thank those who are watching this evening for their service to our country. I'd like to see if Senator Janssen will yield to a question, please. [LB383]

SENATOR GLOOR: Senator Janssen, will you yield? [LB383]

SENATOR JANSSEN: Yes. Sorry. [LB383]

SENATOR BRASCH: Senator Janssen, thank you for sharing these names of our other colleagues this evening. And when I had mentioned to you that I wanted to recognize them, you had made note of the number of senators here serving. And would you share your comment on the floor, please? [LB383]

SENATOR JANSSEN: Yeah. I said we actually have a proud military history in our legislative body. Of the 49 members, we have 10 members that served in the military and a couple retirees, as well, in the United States Senate. That's double what the...now more than double, I believe, what the U.S. Senate has serving in it, so something certainly to be proud of. [LB383]

SENATOR BRASCH: Thank you; and thank you, colleagues; and thank you, Mr. President. [LB383]

SENATOR GLOOR: Thank you, Senator Brasch, and you're welcome, and that was your third time, Senator. Senator Mello, you are recognized. [LB383]

SENATOR MELLO: Question. [LB383]

SENATOR GLOOR: Do I see five hands? I do. The question is, shall debate cease? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB383]

CLERK: 26 ayes, 1 nay to cease debate, Mr. President. [LB383]

SENATOR GLOOR: Debate does cease. Senator Janssen, you're recognized to close on your amendment to the committee amendment. [LB383]

SENATOR JANSSEN: Thank you, and thank you for the kind words. And again, this is a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

technical amendment that we discussed at length right there and just allows us a little more time to implement this. And there are some questions, and very valid questions, and those are still being worked out in some cases. So I appreciate that. I would like to mention, as I went through the entire roster of veterans with Senator Brasch, we went through them pretty fast and a couple times and I was not listening very closely when she went through them all. We missed one. Was it "Private" Wallman? Did we miss...it was "Private" Wallman, I believe. We got him covered down there now. So I encourage you to vote for this and the underlying amendments, as well as the bill itself, and move this to Select. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Janssen. Members, the question is, shall the amendment to the committee amendment be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB383]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments. [LB383]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB383]

CLERK: Senator Dubas would move to amend with AM2757. (Legislative Journal pages 1377-1378.) [LB383]

SENATOR GLOOR: Senator Dubas, you're recognized to open on your amendment to the committee amendment. [LB383]

SENATOR DUBAS: This amendment simply updates the committee amendment. Since the registry is already created, was created through LB93, we do not need to re-create the registry. And so that's all that this amendment does is update that language so we aren't re-creating the registry. Appreciate your support on this amendment. Thank you. [LB383 LB93]

SENATOR GLOOR: Thank you, Senator Dubas. We now move to debate on the amendment to the committee amendment. Senator Nordquist, you are recognized. [LB383]

SENATOR NORDQUIST: Thank you, Mr. President and members. Certainly rise in support of the underlying bill. Thank Senator Janssen and those that have served. And I just wanted to take a minute and, for those of you who haven't seen the news, there was a shooting today at Fort Hood in Texas and four have been confirmed dead. This is the same military installation that there was a shooting in 2009, the largest shooting in the history of the military. So certainly, as we think about this bill today, please keep those families and service men and women in your thoughts and prayers. Thank you. [LB383]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR GLOOR: Thank you, Senator Nordquist. Are there other senators wishing to be recognized? Seeing none, Senator Dubas waives closing. The question is, shall this amendment to the committee amendment be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB383]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB383]

SENATOR GLOOR: The amendment is adopted. [LB383]

CLERK: I have nothing further on the committee amendments, Mr. President. [LB383]

SENATOR GLOOR: Thank you, Mr. Clerk. Seeing no senators in the queue, Senator Dubas, you're recognized to close on the committee amendment. [LB383]

SENATOR DUBAS: Thank you, Mr. President. The committee amendment is the bill. It creates the military honor license plate. It allows the...for a...for veterans to register at the Department of Veterans' Affairs so that their service can be confirmed by the DMV when they come in to apply for these specialty license plates. It also exempts prisoner-of-war and Purple Heart plates from the additional \$5 fee. I appreciate the body's support on this amendment and the underlying bill and would just like to echo what Senator Nordquist just said. Our thoughts and prayers are with those families and people who are suffering through this tragedy today and our hearts and thoughts and prayers are with them. Thank you. [LB383]

SENATOR GLOOR: Thank you, Senator Dubas. The question is, shall the committee amendments to LB383 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB383]

CLERK: 41 ayes, 0 nays on adoption of committee amendments. [LB383]

SENATOR GLOOR: Committee amendments are adopted. [LB383]

CLERK: I have nothing further on the bill, Mr. President. [LB383]

SENATOR GLOOR: Seeing no senators wishing to speak, Senator Janssen, you are recognized to close on LB383. [LB383]

SENATOR JANSSEN: Thank you, members, and I look forward to the discussion on Select File on this. And again, thanks, and I'll try this one more time. Senator Kolowski also was a Marine, so we've got another veteran. We're growing. Now, anybody else so we don't...because I don't get to close again. I think we've got it covered now. Thank

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

you. I'd appreciate a green vote. [LB383]

SENATOR GLOOR: Thank you, Senator Janssen. The question is the advancement of LB383 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted who care to? Please record, Mr. Clerk. [LB383]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB383. [LB383]

SENATOR GLOOR: The bill advances. Mr. Clerk. [LB383]

CLERK: LB383A by Senator Janssen. (Read title.) [LB383A]

SENATOR GLOOR: Senator Janssen, you're recognized to open on LB383A. [LB383A]

SENATOR JANSSEN: Yeah, not a lot to say here. Obviously, this is going to change. It's all cash funds. It will change when the amendments are adopted. So I would appreciate a green vote. [LB383A]

SENATOR GLOOR: Thank you, Senator Janssen. Members, you've heard the opening. Seeing no senators wishing to speak, Senator Janssen waives closing. The question is the advancement of LB383A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB383A]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB383A. [LB383A]

SENATOR GLOOR: LB383A advances. [LB383A]

SENATOR COASH PRESIDING

SENATOR COASH: Next item, Mr. Clerk.

CLERK: Mr. President, LB788 is a bill by Senator Schumacher. (Read title.) The bill was introduced on January 10, referred to the Banking, Commerce and Insurance Committee. It was advanced to General File. I have no committee amendments. I do have an amendment to the bill by Senator Schumacher. [LB788]

SENATOR COASH: Thank you, Mr. Clerk. Senator Schumacher, you're recognized to open on LB788. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Don't worry, folks, this is not going to be as boring as the name would suggest. If we roll back the clock a ways to about 1974, Richard Nixon was President. We had wage and price controls. We had lines at gas stations. We were on the gold standard, printing \$35 an

Floor Debate
April 02, 2014

ounce as the rate for gold. And it wasn't working very well, and we were really unhappy and the President took a dramatic step and removed us from the gold standard and let the dollar bill float. Well, we all know, and at least some of us remember Watergate, and we remember President Ford pardoning President Nixon, and Jimmy Carter becoming President. And things weren't going very well at all. In fact, during the Carter administration the misery index, unemployment plus inflation, rose to a record high of 16.26. We were not happy with the way the world was working and we decided to do something about it. As a society we created the age of leverage. We could spend ourselves to riches, borrow ourselves to riches, and we could promise anything so long as the payoff was further in the future than the present. And the age of leverage went great guns. Except for a few states like Nebraska, states began to borrow. And even in states like Nebraska, we gave our cities and local subdivisions the right to borrow and issue bonds. And a bond simply is somebody taking their savings and loaning it to the government in exchange for interest and a payback later. Surprisingly, bonds were not purchased by Wall Street, at least in our case, or big money. But of the municipal bonds issued, 50 percent were purchased by individuals as savings, partly because the Legislature incented it by saying if you had interest on a municipal bond you didn't have to pay state income tax. So we're a party to this. And another 25 percent or so are held by mutual funds which are held by individuals for their savings and their old age. Seventy-five percent of those are people's pensions, old age kitties, IRAs, and those kind of things, and we were a party to that as a Legislature. Also at the same time, the same philosophy applied to how employees were paid, not only municipal employees but also corporate and private industry employees. There was this magical, wonderful thing called a defined benefit contribution plan...or a defined benefit plan that said, look, when you retire, we're going to give you this deal. Some of them even had cost-of-living provisions. And that deal was based upon a certain magical rate of return which we all knew was going to happen because the world was great and everybody was making money in this exciting new age of trickle-down economics and leverage. And so as that progressed, and into the '90s, businesses began to realize that those defined benefit plans didn't really work very well. But in the meantime, they'd become part of collective bargaining arrangements with our major cities, most major cities. Workers decided that they would work for a little less money, for this wonderful thing in the distant future, which has become now. Well, not only in Nebraska but much more so in other cities like Detroit, things didn't go so well. The age of leverage came to a screeching halt. Trickle-down economics failed. And we are left with a situation of massive commitments in our cities, lesser in Nebraska, but in our cities, of commitments on collective laboring contracts and also to bondholders. In Detroit, they went into bankruptcy court--couldn't handle the obligations. And the best indications out of the bankruptcy court was, look, the bondholders are there before the judge, the labor is there before the judge, the other creditors of Detroit are there before the judge, and the judge is doing what he's getting paid the high wages for. He's pulling out his hair. Who should be first? Should they all be treated equally? What should happen? And the judge in Detroit as well as some other case law said, okay, what I'm going to do in deciding how I'm going to divvy up

Floor Debate
April 02, 2014

this pie, these revenue streams and what assets we have in this reorganization, is look to what state law says. If state law says this group has a better seat on the bus out than that group, that's what I'll do. If state law is unclear, I'll try best to divine what it meant. If I can't divine what it meant, it's just way too confusing, I'll let them all sit in the bus together. And that creates great concern, because what would happen in Nebraska, particularly to our two major cities, if that unfortunate situation were to befall us here? Now when I introduced this bill I figured, you know, this is kind of like introducing a bill as to what kind of heater we should buy in case hell freezes over, because it's not going to happen here in Nebraska. Well, all of sudden, there's a lot of concern, and maybe it's a concern based in fear, maybe it's a concern based in reality. But we have a challenge here in this bill to make a decision how we would like to tell the bankruptcy judge in the event, let's be real about it, Omaha or Lincoln decided to declare bankruptcy. Who is going to get paid and in what order are people going to get paid? Now in that context this isn't a terribly complicated bill. Before a bankruptcy filing, bondholders get paid first. They'd get the choice seat on the bus. They will get their money out of the general revenues of the municipality. After bankruptcy today, we're not so sure. Probably they would anyway, but this bill says they get paid first. Why? Because they are retirees, they are investors, they are individuals mostly who put their money in on a loan thinking that they were going to be absolutely guaranteed in nothing better than a municipal bond. And they should have the right to their bargain and the right to that assurance. It's a value judgment, a value judgment that results in more moderate interest rates. And the moderation of those interest rates is just a little bit if there's no risk, and a whole lot if all of a sudden things begin to deteriorate and money has to be borrowed in a risky situation. And that's a value judgment for us to make. Now also in this context are city officials who are party to these issuance of bonds, have an obligation under our state Securities Act to be absolutely truthful in the issuance of the bonds, and if the bonds have a risk, to spell it out so that an unknowing investor doesn't get the short end of the stick. It probably hasn't been done. If they were to go under today, the individuals who were on the city councils and mayors may find themselves in the unpleasant situation of facing an action for securities fraud. [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR SCHUMACHER: So that's what this particular bill does. It puts the bondholders in a position that they thought they were: number one, be paid first, secured. Now this does raise an issue, and it's an issue, a bit, of fairness, which I will address when I introduce the amendment which I propose to introduce in just a moment. Thank you. [LB788]

SENATOR COASH: Thank you, Senator Schumacher. Mr. Clerk, you have an amendment. [LB788]

CLERK: Mr. President, Senator Schumacher would move to amend with AM2739.

Floor Debate
April 02, 2014

(Legislative Journal page 1379.) [LB788]

SENATOR COASH: Senator Schumacher, you're recognized to open on your amendment. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Well, what appears simple is not necessarily always simple. And it came to my attention after this bill was introduced, and it was introduced at the suggestion of the Nebraska Bankers Association, that there's a problem. Because to the extent we might put the bondholders first and make it very clear to the bankruptcy judge that that's what we want, which might be what he would find anyway, we are clearly making a decision that the beneficiaries of the various negotiated labor contracts are not first or at least not on the same level as the bondholders are. And you may have, in a situation of economic turmoil, unscrupulous administration; that fact to be used to coerce or attempt to coerce a reduction in well-earned pension funds and well-expected good life in retirement. And how would that be done? Fairly simple. The city could simply say, you give us these concessions or we're really in tough shape, and we'll just take a waltz through the bankruptcy court; and if we take a waltz through the bankruptcy court, you know you're going to come out really on the short end of the stick. And that would be unfair and it would be wrong and it would be coercive. Now, the cities say, wait a minute, folks, don't worry about this; nothing to worry about. Nobody is going bankrupt; don't have to worry about that. Bankers, individuals, investors, forget about it, we're as good as gold. Unions don't worry, we're good as gold. Don't worry about us ever taking bankruptcy. Well, if that's the case, what's the fuss about? So I propose this idea--and this is not coming from any outside group, but it's an effort to be fair in this process--an amendment. And this amendment eliminates the authority of cities of the metropolitan class and the primary class to declare bankruptcy. That means the coercive force of a threat of bankruptcy cannot be used to extract concessions on well-earned pensions. And I believe it strikes a balance between what we've promised the savers and investors and bondholders, and what cities have promised their employees, and it removes an element of risk. And worse comes to worse, it brings the situation back here at some long future date for the Legislature to make a determination whether or not its major city should declare bankruptcy and does not leave that in the hands of what might be an unscrupulous city council or mayor. Regardless of how we handle this situation, we need to handle it. We need to make a decision. If we decide, no, we just don't want to deal with this, we'll just let it...kick the can down the road, then the message has got to go out, loud and clear, that on every bond issued by a municipality, particularly the big ones in this state, that disclosure needs to be you are in the same boat as all the other unsecured creditors and all the other pensioners of this city. And you don't think that's going to have an effect on people wanting to buy those bonds? They'll look to one of the 20-some states where that isn't a provision and buy those bonds. You would. I would. Why wouldn't anybody else? Why take the risk? But at the very minimum, if we do not take action, we have an obligation to do that, and absent us doing that are

Floor Debate
April 02, 2014

putting even increased risk on the mayors and city councils of the cities that are issuing those bonds if they do not make the disclosure. This is kind of important stuff. It's something that we can resolve today, this evening. If there's any odds and ends that need to be addressed or interests that need to be balanced more between now and Select File. But I do think that this is an important amendment that restricts the power of the cities who claim they don't have any reason to want to file bankruptcy anyway, won't ever, they're fiscally sound in spite of hundreds of millions of dollars in bond obligations and Lord knows how much in unfunded pension obligations. So I would ask for your support on AM2739 that removes that authority from cities of the metropolitan and primary class, and then later on the bill itself. If we choose not to remove the bankruptcy authority, then we somewhat limit the fairness of the bill itself, but it's still an extremely important bill, because we deserve to tell the people, that we allow our cities to sell bonds to, exactly where they stand, so that they can decide what interest rate is fair and when they'll just take their money someplace else or whether they'll invest it here in Nebraska--clear, simple decisions. There's no fair way....there's no easy way out of a situation of prolonged debt and the great, great party that we've had since the early 1980s. But we're cleaning up a mess here, and we've got to make a decision here as to how we want to clean up the mess. And I think this goes pretty close to doing it. If there's better ideas, the bill is open for amendment and we can work it through. But this is our problem. We let the cities get out of hand. We looked the other way when we knew that borrowing was going on, perhaps excessive borrowing, perhaps overoptimistic borrowing, and the people were making promises at the city level which the private sector long abandoned, in fact the state of Nebraska, in many cases, long abandoned. So we're here. We've got a mess. We can clean it up with this bill, work on it. Or we can kick the can down the road. And at some point we're going to see the higher interest rates, probably very, very soon, particularly once that case is settled in Detroit, and we're going to have an unclear situation as far as the ability to use undue influence and undue leverage in certain collective bargaining arrangements. So I'd encourage your support on both. I'll be happy to answer any questions. Thank you. [LB788]

SENATOR COASH: Thank you, Senator Schumacher. Members, you've heard the opening to LB788 and the amendment. The floor is now open for discussion. Those wishing to speak: Senators Lathrop, Krist, Nordquist, McCoy, and others. Senator Lathrop, you are recognized. [LB788]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I'm going to oppose and vote red on both the amendment and the bill, and I want to give you a couple reasons why. And I'll start with the fact that I read the transcript from the hearing on this LB, and Paul Kratz, who is the city attorney in Omaha, came down to testify and opposed the bill. Let me say that again: The city of Omaha...in fact, the League of Municipalities, Lincoln, Omaha, and the League of Municipalities opposed the bill. Now you would think a bill that gives the bondholders a priority to...and arguably, according

Floor Debate
April 02, 2014

to our friend, my friend Mr. Paul Schumacher, Senator Schumacher, lowers interest rates, you'd think the city would want that. But they don't, because there isn't necessarily the connection between the interest rate and this bill. But what it does do, it places a lien on tax receipts. These things go from general obligation bonds to a lien on tax receipts. And I don't think we've ever done that before. That should give you reason to pause. And it does something else that's problematic. What it does is it places the bondholders ahead of the people who have a pension. All right? So let me give you a hypothetical. I worked for the city of Omaha for 40 years. I repaired the crack in the asphalt and I plowed the snow and I fixed the swimming pool and I did everything they asked me to do; or maybe I put my life on the line and I was an Omaha police officer; or I went into burning buildings as a Omaha firefighter and I retired five years ago. This bill would say to me...and by the way, Omaha hasn't kept up on its funding obligation to its pension, so they're about a half a billion dollars in the hole. And it would say to me, the pensioner, after I've completed my service, after the city of Omaha has promised me X number of dollars a month in my pension, guess what, you're going to get behind the bondholders. So that if we go through a bankruptcy right now, if the city of Omaha went through a bankruptcy--and by the way, I should qualify this. No one believes they're near the point of going through a bankruptcy. This is a hypothetical "should we take care of this issue" kind of a discussion and not because anybody sees this coming. That said, right now if the city went through a bankruptcy, they would cram down the obligation in both the bondholders and the pensions, so everybody takes a haircut. We call it a pro rata share of taking the pain. What this would say is the bondholders get 100 percent; and the pensioners, you're going to have to have your obligation...the unfunded portion of your obligation just goes away. So now we're going to cut your pension in half or down to a third. Sorry, but the Legislature changed the rules. And I'm going to offer something else. And, you know, we have a constitution, the state constitution, which does some things that mirror the federal Constitution and does some things on their own. Article I, Section 16, prohibits the Legislature from enacting a bill that impairs contract obligations--and this is a contract obligation. So I think it is unconstitutional to begin with; it is unfair to the pensioners; and the city of Omaha, the city of Lincoln, and the League of Municipalities doesn't want it, nor do they want the amendment, quite frankly. And I would encourage you to oppose both. Thank you.
[LB788]

SENATOR COASH: Thank you, Senator Lathrop. Senator Krist, you are recognized.
[LB788]

SENATOR KRIST: Thank you, Mr. President. Good evening, colleagues, and good evening, Nebraska. I was approached by the lobby on both sides, and I was willing to listen to the conversation on LB788; but I can tell you right now, I am totally opposed to AM2739. And I have asked a few of my colleagues who have been mayors in small towns around Nebraska if they would be willing to stand up and say, take my ability to reorganize under bankruptcy away, should it ever become necessary? And you know

Floor Debate
April 02, 2014

what the answer I got was? Absolutely not. Sacramento is still Sacramento, and they will dig their way out over a period of time. But if we told them you could not declare bankruptcy, where would they be? Where would their obligations be? So AM2739 is not my favorite amendment tonight. So let's talk about LB788. If that extends to every SID in the state of Nebraska, being a political subdivision, and we say there's no chance that any of our cities, towns, would ever declare bankruptcy, guess what? Our SIDs do declare bankruptcy. They declare bankruptcy, they reorganize, they come out the other side, and the people are still living in those homes and they will reorganize and come back. Bankruptcy and Chapter 11 and Chapter 13 are a way of reorganizing and rebuilding your life, your town, your city. I think we miss sometimes, and we miss the point. We get so creative and so academic that we think let's just make another law. And in this particular case, LB788 is taking...it is setting in stone the priority by which if a city would declare bankruptcy, we're telling you that the banks--the banks--are going to be the first one in line. I always thought the banks were my last...the last bastion of safeguard. Banks don't do bonds, they don't do loans unless there's solvency there, unless the risk factors would allow them to loan money. I think it takes away some of that risk. If they know they're the first one in line, let's just loan them; let's bond them; let's get to the point where they are, because you know what? I know when we all stand in line, and as Senator Schumacher says, are all on the school bus together, I'm going to get paid my money first. So I have a bit of an issue with it and I guess I'll listen to the debate and figure out if that issue is not founded, but I don't know how I'm going to be convinced otherwise on that one. The last thing I would say is cities sometimes don't do very well and they hurt people, and they have an obligation...the city has an obligation to pay for that person who was impaled by the fire truck or any number of other really bad things that might happen. Does that mean that that person is less important than the bank or the bondholder? I think not. I said on this mike on another issue a couple of days ago, I have faith in the three parts of government. One part of government, the judiciary, we have a bankruptcy court. I think they do a fine job of doing what they're doing. And should we get to a point where there's an issue with... [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR KRIST: ...Nebraska having a "Sacramento," then we can have this conversation. For right now I think we need to let government do what it is doing in the present structure. Let the bankruptcy courts do what they're doing. Let us not make the decision for what the priority would be to reorganize and get a city back up on its feet. Thank you, Mr. President. [LB788]

SENATOR COASH: Thank you, Senator Krist. Senator Nordquist, you are recognized. [LB788]

SENATOR NORDQUIST: Thank you, Mr. President and members. And I rise in opposition to the underlying bill also. And Senator Lathrop read from the state

Floor Debate
April 02, 2014

constitution and made the case that this is unconstitutional. And there are two court cases that we in the Retirement Systems often look at, Calabro from 1995 and Halpin from 1982, where our Supreme Court has spoken very clearly and made the case that Nebraska employees have reasonable expectations, which are protected by the law of contracts, with regard to their pension rights. These two cases emphasize that an employee's reasonable expectations of pension benefits are contractual rights protected under federal and state constitutions which are vested when the employee remains working or becomes employed under such benefit provisions. And that's something that we...you know, we've talked about on the floor time and time again. When it comes to public pensions, our Supreme Court has interpreted the day you start, that is your agreement and you are protected from that point forward, not just for the portion of your pension that's fully funded but for everything. And this bill essentially creates a two-tiered system, a system for our people we owe a pension obligation to, the employees between...it impairs the contract between them and the governmental entity that employees them, but it doesn't certainly do that for bondholders. Rather, it creates special privileges, essentially immunity from any risk, for bondholders. And I think that just...not...you know, I'm not an attorney. I just know...work with our legal counsel on these issues a lot before our committee. But certainly, even if step back a step further, looking at who these people are, we made a promise to those people that we owe a pension to. They have given years of their life working for our political subdivisions, whether it is patching the potholes or putting out fires or chasing down bad guys. They gave us years of their life and now we're going to say, ah, that whole time we were supposed to be putting money aside to pay for your retirement and we didn't. Our bad. Sorry. Good luck. But then to bondholders who are...every one who buys a bond knows they're taking a risk at some point. It's an investment vehicle. Every time I go on Fidelity and look at mutual...look at municipal bonds, I look at the Moody's and Standard and Poor's ratings, and I know...I make the trade-off, do I want a AAA bond and get less interest; do I want some B level bond, maybe get a little better return? I know I'm taking that risk. So we are putting people who are inherently taking a risk, saying they get the benefit of the doubt over the people that we made a promise to as a public, that our communities made a contractual promise to. That's what this bill is doing. And two more points I want to make about this. First of all, those people that we don't pay their pensions, where do you think they go? What do you think happens to them? We've had a number of hearings, interim studies and other hearings over the last few years, where it's become crystal-clear, when people don't have assets to retire they rely more on government benefits. [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR NORDQUIST: So now we're, all of sudden, going to say, ah, we're not going to give you your full pension check anymore. But the state will probably pick them up through Medicaid services, through food stamp services. That's what happens when we have public employees or private sector retirees or public sector retirees who don't have

Floor Debate
April 02, 2014

the resources. The final question is, who do you think underfunds these pensions? It's not the employee who makes the decision to underfund these pensions. Their money gets taken out of the check. It is the mayors and the city councils who say, you know, this year we would rather do this or this or this, and not live up to our responsibility; but now we're going to take it out on those people that we made a promise to. This is a bad bill. Thank you. [LB788]

SENATOR COASH: Thank you, Senator Nordquist. Senator McCoy, you are recognized. [LB788]

SENATOR MCCOY: Thank you, Mr. President and members. I think this is a very interesting discussion. I don't think that there are any of us in this body who haven't watched--I'll use myself, for example; I don't want to speak for anybody else--with a mixture of horror and trepidation what's going on in some of our cities across America. You know, just today Senator Mello and I had the opportunity to host some very learned individuals here at the Capitol from the Kauffman Foundation, from the Pew Center, and a number of other foundations and organizations from around the country to talk about entrepreneurship and what's going on in our cities and our states across America today. And while we didn't talk about this issue specifically, what we did talk about is the overall...an overall business climate, an overall climate of growth and opportunity, and what can be done to foster that here in our state and what are the states that, across the country, that are doing well at that. And clearly there are some that are not, and some of them that are not have large cities, and some small, that are struggling mightily. The Motor City of Detroit is one. It just might be the largest example, or Sacramento, and there are others and there are many more on the brink. This really is an interesting discussion and it's one that I think is important we talk about. Because if you look at what's going on, whether it be Sacramento or a few other cities in California that are in very, very difficult positions, or Detroit, in Detroit they're now talking about selling the art from the city's art museum to help pay to defray part of the expense of their insolvency. It's some very, very difficult situations. I think this is a discussion that's very well worth having and I would yield the remainder of my time to Senator Schumacher if he'd so desire. [LB788]

SENATOR COASH: Senator Schumacher, 2 minutes 15 seconds. [LB788]

SENATOR SCHUMACHER: Thank you, Senator McCoy and members of the body. Let's address head-on a few of the issues that have been raised here, that this is an impairment of contract, much like it would be if the state simply took our public employees and said, that deal is over, we're going to start over with a different deal. That we can't do, very clearly we can't do. This is not an impairment of contract; this is a granting of a security lien on a revenue stream, which basically has impact only in the event of the filing of a bankruptcy, nothing to do with an impairment of contract. Talk about the SIDs, this bill does not deal with SIDs. But in a certain extent, SIDs become

Floor Debate
April 02, 2014

relevant here because an SID did go into bankruptcy and the question was, does its bondholders come first? And the federal judge said, uh, I don't know, let's ask the Nebraska Supreme Court. And there was a case, it was called Hollstein, in which the Nebraska Supreme Court was asked to address that question, Hollstein v. First National Bank of Aurora. And the Nebraska Supreme Court, in looking over the situation, said, well, what would the Legislature have us do;... [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR SCHUMACHER: ...and looking at the SID statutes, conclude that the bondholders got to have the full leverage of the taxing authority, essentially coming first, and all others stood in line under limited taxing authority provisions. So some think that's the way we would be today if this bill doesn't pass, but it's not clear. It's at the risk of the bankruptcy court and their interpretation. Whether we pass AM2739, which actually protects the unions by making the cities live up to their obligations instead of giving them a way out, is going to be up to the body. If I were saying that we need to protect some of those collective bargaining contracts, I would grab AM2739 and say, let's get this deal, because right now we are at risk of the city threatening us with bankruptcy, a risk that is significantly reduced or eliminated in the event AM2739 is passed. It makes... [LB788]

SENATOR COASH: Time, Senator. [LB788]

SENATOR SCHUMACHER: Thank you. [LB788]

SENATOR COASH: Senator Wightman, you're recognized. [LB788]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. LB788 is a bill that I believe is important to Nebraska's citizens, taxpayers, and municipalities, and I did select it as my priority bill. If LB788 is passed, it will assure that general obligation bonds have a priority status both before and after bankruptcy, as promised by the full faith and credit provisions of Nebraska bonding laws. The failure to pay bondholders leads to an increasing borrowing cost or the denial of access to capital markets. Recent high-profile bankruptcies in Detroit, Michigan; Harrisburg, Pennsylvania; Central Falls, Rhode Island; and Jefferson County, Alabama, have caused investors and bond rating agencies to take another look at the security provided by the investment in general obligation municipal bonds. If one looks at current Nebraska law, the law is uncertain, and that's been discussed previously. Uncertainty means higher risk and the need to pay higher interest rates to attract investors. LB788 will make Nebraska law clear by recognizing the statutory lien for general obligation bonds and reduced interest costs. Some 30 states appear to recognize some form of statutory lien of general obligation bonds. Of the states surrounding Nebraska, Colorado, Iowa, Kansas, and South Dakota all have statutory lien protections for general obligation bondholders. According to the

Floor Debate
April 02, 2014

U.S. Securities and Exchange Commission, individual investors hold about three-fourths of the \$3.7 trillion invested in U.S. municipal bonds that are currently outstanding, either directly or indirectly through mutual funds and other investments. Bond investors typically are seeking a steady stream of income payments, and compared to stock investors, they are more risk averse and more focused on preserving rather than accumulating wealth. This is the type of investment that funds private citizens' IRAs, retirement accounts, and provides stability to investment portfolios. As the data shows, general obligation bonds are primarily held by individual investors. Only 9 percent, according to one study, of municipal bonds are held by banks, which serve the same role--to provide a steady stream of income and to provide stability to their investment portfolios. Conservative investors look for the security that a statutory lien provides, and LB788 provides a clear statutory lien. Opponents of LB788 have stated that providing a priority for general obligation bondholders will harm beneficiaries of defined benefit pensions who have been employed for many years and earned these benefits. The funds contributed under defined contribution plans by employers and employees have already been dedicated or allocated to trust funds and is not at risk in the event of a bankruptcy filing by the municipality. What should be addressed is the funding of these trust funds that have been negotiated by the unions that represent city government employees. They enjoy a defined benefit pension benefit that is somewhat rare anymore in private sector. City employees... [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR WIGHTMAN: ...and their union representatives have an obligation to recognize the need to fund their defined benefit pension plans through their contributions and those of their employers. Because the law requires period evaluations of soundness of government pension plans, city employees and their union representatives know if their pensions are adequately funded. They're in a position to press for necessary changes. Municipal bond investors have no influence over the funding of a city's pension plan or city budgets. Municipal bond investors are interested in security and determining which states have laws that support the treatment of general obligation bonds as secured debt, as would be the case with the adoption of LB788. An opponent of LB788 obviously is the city of Omaha. I believe that the city of Omaha is in significantly better financial shape than that of some of the cities that I have mentioned that have really taken... [LB788]

SENATOR COASH: Time, Senator. [LB788]

SENATOR WIGHTMAN: ...recently taken out bankruptcies. [LB788]

SENATOR COASH: Time. [LB788]

SENATOR WIGHTMAN: Thank you, Mr. President. [LB788]

Floor Debate
April 02, 2014

SENATOR COASH: Thank you, Senator Wightman. Senator Hadley, you're recognized. [LB788]

SENATOR HADLEY: Mr. President, members of the body, I wanted to first of all clear up a few things. Senator Krist mentioned that Sacramento had declared bankruptcy and I was just shocked because Sacramento is an unincorporated town down near Holdrege. And I thought if they had declared bankruptcy, we were in deep trouble. Well, it turns out it's Stockton, California, so that's...it's interesting. I went last month to Chicago through an NCSL/Pew Foundation meeting on fiscal matters and they had 14 states represented, and one of the topics that...brought up was the bankruptcy of cities and the role of the state in helping cities who are in the potential of having bankruptcy. And it was an interesting topic. And I thought of us in Nebraska where we've cut off all, basically, state aid to cities. And the other people at this conference were amazed that we had done that because most states still do quite a bit of state aid to cities. I would...I wonder if Senator Schumacher would yield to a question. [LB788]

SENATOR COASH: Senator Schumacher, will you yield? [LB788]

SENATOR SCHUMACHER: I do. [LB788]

SENATOR HADLEY: Senator Schumacher, in your amendment, AM2739, what happens if Lincoln and Omaha literally have no money and they can't declare bankruptcy? Is it the state's obligation to come in and bail them out? [LB788]

SENATOR SCHUMACHER: Senator Hadley, if this does not pass, a vote of the city council could put the city of Omaha into bankruptcy. If this passes what happens is they have no power to declare bankruptcy and they must come to the Legislature, which is where the power should be when your major city is about to declare bankruptcy, and then it would be a day of reckoning here. The Legislature could impose restrictions; the Legislature could impose some restructuring outside of bankruptcy; the Legislature could let them declare bankruptcy. But it would have to be a pretty dire situation for them to come here and everything would have had to be exhausted at their level before they would come here and ask for that permission or ask for some other assistance from the state. It's clearly...would be in the benefit of the people who hold these pension practices to make it very, very difficult for a city to declare bankruptcy, which it would, but right now it could do it on the...under a, basically, a threat or an effort to coerce a concession in a union negotiation. [LB788]

SENATOR HADLEY: Okay, Senator Schumacher, I'll ask you one more question. Then I'll yield the rest of the time. If this is supposedly good for Lincoln and Omaha, why isn't it good for the other cities of the primary class, first class? And you know, they have...some of them have defined benefit pension plans. And let's say Kearney was

Floor Debate
April 02, 2014

facing bankruptcy. Why would this...why limit it to Lincoln and Omaha? With that, I'll yield the rest of my time. [LB788]

SENATOR SCHUMACHER: Thank you, Senator Hadley. This is primary and metropolitan class, which is Lincoln and Omaha currently in Nebraska. Lincoln and Omaha are where the problem might be, principally Omaha, where things have...lots and lots of promises have been made with no real thought of how they are going to be paid unless interest rates or returns on investment were far more than what they are. That's why. Lincoln and Omaha are also of such enormous economic consequence to the state of Nebraska that they should not or a majority of their city council should not be able to plunge them into bankruptcy because their bankruptcy would have profound implications for the state of Nebraska... [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR SCHUMACHER: ...far exceeding, say, if a Norfolk or Columbus or Kearney, who has nowhere near the exposure and nowhere near the obligations for some of these pension funds have. So that's why a distinction is being made here. No reason why it couldn't be extended farther but no need to either. This is an accommodation to the folks who are saying, we need some barrier to the city throwing us off the bus with a bankruptcy threat. If they don't want it, that's fine. But an effort on my part, not the banking community, not the investing community, my part to try to provide some level of deterrence to that kind of threat and that kind of coercion being made at some future date in some labor negotiation. Makes me no difference whether it's taken or not. We'll then, one way or the other, get to the issue of the underlying bill, LB788. [LB788]

SENATOR COASH: Time, Senator. Thank you, Senator Schumacher. Senator Campbell, you're recognized. [LB788]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I have to say that as a member of the Banking, Insurance Committee, when this bill first came up there was like a little red flag that went off in my head because I'd spent a lot of time in local government on the county board and worked very closely with the city of Lincoln. And I noted that the city of Lincoln had provided a letter, and so I decided to do some of my own follow-up to this. I was present and not voting primarily because I wanted to be able to talk to the city of Lincoln folks and see what their thoughts were. So I had an opportunity to visit with the fiscal office of the city and he was very clear with me that the city of Lincoln would oppose the bill. And I have subsequently found out that they also oppose the amendment and for many of the same reasons that have been discussed here in terms of ensuring that the obligations that they made to the pension then, to people who have worked through the...and do presently work for the city of Lincoln, and he was very concerned about the bill from that perspective. I also followed up with a number of people over the years, the county of Lancaster. The

Floor Debate
April 02, 2014

Lincoln Electric board does deal with bonds and we had projects in which we went out to the bond market. And so over the years I have accumulated a number of people in the community that I felt comfortable talking to, and one of the questions that I posed to them was, what are the rating agencies saying, because one of the testifiers in the Banking Committee said, you know, the rating agencies are going to...if we don't have this, the rating agencies are going to start cutting us down. And to a person I talked to, they all went, no, the rating agencies haven't said anything to us, not a whisper of any concern about that, not to say that if a lot of financial problems hit the cities in Nebraska then maybe. And in fact, a number of those people said, you know, we're all watching the court case, which I'm assuming, and Senator Schumacher can correct me, but I'm assuming that's a court case out of Detroit. And so a number of them are watching that in relation to what they think may be happening with the rating agencies. I would have to say...Senator Schumacher said, you know, it's Lincoln and Omaha, those are our large cities, that's where the problem may be. And yet today two people talked with me about the fact that we have a very small community in northeast Nebraska in which their hospital may be closing, and that hospital is supported by the city. So lest we think that Lincoln and Omaha are the only places where great financial problems could come, I dare say, colleagues, I began...I was concerned about this small town in northeast Nebraska. For all the research I've done and looked at, and in support, certainly, of the people that I've worked with for years in the city of Lincoln, I do oppose the amendment, as well as the bill. Thank you, Mr. President. [LB788]

SENATOR COASH: Thank you, Senator Campbell. Senator Gloor, you're recognized. [LB788]

SENATOR GLOOR: Thank you, Mr. President. Good evening, members. Let me go back to I think Senator Schumacher's comments during his opening comments that we certainly have the opportunity, if we wish, to kick the can down the road on this issue, but sooner or later we have to address it. But I also want to make it clear, certainly to the Nebraskan out there who tuned in, if there's anybody still tuned in, those perhaps listening, that we're not doing this because there are communities at immediate risk in the state of Nebraska. As far as we know--and heaven knows we don't always know--but as far as we know, this isn't an issue of urgency as relates to the state of Nebraska. But it could be and I would tell you that I've gotten an awful lot of contacts on this bill by bankers, and these aren't the heads of megabanks. These are the heads of the small, community-oriented banks that most of us do business with that are sort of the underpinning of our ag economy. So this is important to these small bankers because of the uncertainty that's out there as a result of what's happening, as has been discussed, in other parts of the country. The bill came out of the Banking, Commerce and Insurance Committee 6-1-1. And if I had to tell you the general philosophy I recall from the discussion, certainly my general philosophy when it comes to my vote to advance this bill fits into the category that if you loan somebody money, you expect to get it back. And if you know you're not necessarily going to be the first person that gets

Floor Debate
April 02, 2014

their money back, then you're less likely to loan money or at least as much money or you're going to expect to be reimbursed, paid for the higher degree of risk, a higher interest rate for the money that you loan. And we're looking for some consistency in statute here that you're not going to get in a bankruptcy court because the bankruptcy court, those decisions are going to be made by a judge and each bankruptcy probably made by a different judge. There's no consistency there. There is consistency in a state statute because, as has been talked about, some of the discussion, some of the cases that are out there with bankruptcies are going to have a strong bearing on what happens within the markets. And I think Senator Campbell is right. The rating agencies may not yet be talking to the different municipalities about general obligation bonds, but there is an inevitability that, based upon the outcome of some of these cases, they are going to and it is going to find its way into interest rates and it is going to find its way into a lack of the opportunity to get these funds. And by the way, these general obligation bonds find their ways into your mutual funds, my mutual funds, pension funds, and then they're an underpinning in pension funds. I'm going to ask Senator Schumacher if he would yield to a question. [LB788]

SENATOR COASH: Senator Schumacher, will you yield? [LB788]

SENATOR SCHUMACHER: Yes, I will. [LB788]

SENATOR GLOOR: Senator Schumacher, I wasn't able to quite follow the sewer (sic) improvement district issue that you were describing when you were last yielded some time, and I would yield the remainder of my time to you for description of that and whatever else you choose to talk about. Thank you. [LB788]

SENATOR SCHUMACHER: Thank you, Senator Gloor. On the SID district,... [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR SCHUMACHER: On the SID district, this particular measure in no way applies to SID districts. But there are provisions in other sections of law that do apply to SID districts, one of which ran into financial problems and was in the federal court and the federal court had to decide whether or not the bondholders had the unlimited authority to the taxing stream to satisfy the obligations. The judge says, gosh, I don't know, I'm a federal judge, I'm going to ask the State Supreme Court to give me an answer. State Supreme Court in this Hollstein case looked at it and said, based upon the way there is a thread of preference toward bondholders, toward paying your debts in Nebraska, we're going to conclude that there is a priority in payment and an access to funds held by the bondholders over the other creditors, such as warrant creditors, and... [LB788]

SENATOR COASH: Time, Senator. You may continue on your own time. [LB788]

Floor Debate
April 02, 2014

SENATOR SCHUMACHER: Okay. Thank you, Mr. President. And we're going to conclude that that priority exists because Nebraska pays its debts. This entire theme of Nebraska law with reference to bondholders is they come first because it's borrowed money. And they came first and it's believed that were that same situation to present itself, even though it is not perfectly clear and this is a different year and a different world than it was earlier, that the court in Nebraska would probably send the same signal to the federal bankruptcy court were that question to be certified to it or were the federal bankruptcy judge having to divine the intention of the Legislature when it set up the bonding rules. So very well we might--don't know--be discussing nothing. However, that uncertainty is out there and uncertainty when you're someone who is putting your money into a savings account is what makes the decision whether you put it there or put it somewhere else or require a higher rate of interest because you're taking on additional risk. If you were 75 years old, just sold your farm, and invested in city of Omaha bonds, would you have a very good feeling tonight if you were watching this? This is coming at a surprise and probably some of the reasons those bankers are a little bit concerned is they may have encouraged some of those folks to buy some of those bonds and they're probably going to be getting calls. It is not good to induce uncertainty into the financial markets. It will cost you. And we have created a situation and today begins a day of reckoning. It'll be easier today than if Omaha were sitting on the brink of financial disaster, which it is not yet, but there's a billion dollars apparently or more in debt that's sitting there in one form or another. So we can take an action proactively. We can do what we can with AM2739 to try to put some buffer between a threat of bankruptcy and the collective bargaining units. And we can say to the bondholders, don't worry, you can be assured that Omaha will pay its debts and Lincoln will pay its debts, and that probability will go from 99 percent to 100 percent. Grandma, individual investor--we're not talking bankers--75 percent individual investors or mutual funds held by investors, you are okay with Nebraska city and municipal debt. And it really becomes a scary situation if all of a sudden everyone is concerned that maybe they aren't okay. What is the fuss about? If we intend to pay our bills, these measures should be a piece of cake because we'll never have to worry about what happens if Omaha goes bankrupt and we'll never have to worry about who is in line in the bankruptcy court should Omaha file. These are measures that are much easier to take tonight, this year, than they will be should this thing compound out of control because the guesstimated interest on these pension funds is not really what they ever were calculated to be and they come up short. This is fairly serious business,... [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR SCHUMACHER: ...and we've got a very simple decision to make. Are we going to tell the people who loan our cities money, you're taking on the risk of not getting that money back, you are not first, you are in the same boat as every other unsecured creditor of the city? Pretty scary situation, but that's a value judgment. This

Floor Debate
April 02, 2014

bill lays it out before us. Some of the chickens of the age of leverage are coming home to roost as the sun sets tonight. Thank you. [LB788]

SENATOR COASH: Thank you, Senator Schumacher. Senator Avery, you're recognized. [LB788]

SENATOR AVERY: Thank you, Mr. President. I want to read a sentence from the statement of intent I found in my file: LB788 is a response to an element of uncertainty which has emerged nationally with regard to the priority of certain financial obligations of insolvent public entities that seek the protection of U.S. bankruptcy courts. Uncertainty--these are investments and we are actually talking about removing uncertainty in investments? Investors already enjoy tax-free status on these bonds. Now they want risk free too? I just don't understand why this is so important. If I'm an investor and I go for an investment in municipal bonds, I know they're going to be tax free and maybe that's what attracts me to it. But now we're asking to make them risk free too. What is the point of that? Because it seems to me if you're an investor, you already expect some risk. And we want to protect them from that? I don't think I can go there. Lincoln is opposed to this. The city of Omaha is opposed to this. It seems to me that we ought to be listening to what they are saying. Municipal bankruptcies, folks, are not a problem in Nebraska. Now we can talk about what's going on in Michigan and what's going on in other parts of the country. Municipal bankruptcies are simply not a problem. What are we fixing here? We're fixing a problem that doesn't exist? We are...we have a solution here in search of a problem. I think the bill is totally unnecessary. I think it benefits the investors but not the public. I'd really like to hear someone address that. Where is the public interest in this bill? I don't see any real need to remove risk from these investments. I'd love to have all of my investments risk free. Tax free and risk free, that's really great. But that's not what we ought to be doing here, folks. Both of the cities that would be affected by this don't think it's necessary. Lincoln's bond counsel does not think it is necessary and he is obligated to advise the city on matters like this. Our bond ratings remain strong without this law. It's totally unnecessary and I don't think it serves the public interest so I am going to vote no. Thank you, Mr. President. [LB788]

SENATOR COASH: Thank you, Senator Avery. Senator Smith, you are recognized. [LB788]

SENATOR SMITH: Thank you, Mr. President. And you know, colleagues, I was a little bit undecided on this bill and this amendment. I liked the bill. I wasn't quite so certain about the amendment. But the more I listen, the more I listen to Senator Schumacher, I think he's absolutely right. This is not a boring bill nor is it a boring amendment. And the more I listen, the more I like this. I don't think we have to wait to have a problem in order to have a bill and an amendment like this that protects those that own defined benefits in our metropolitan or primary class cities. The reason the cities oppose this--I heard Senator Avery behind me talking about the cities are in opposition to this, the city of

Floor Debate
April 02, 2014

Omaha and city of Lincoln--because they don't want to have to come to this body to talk about the potential for bankruptcy. This, I think, as Senator Schumacher said, it's a buffer. It's a buffer in the process. This creates certainty for our cities, our counties, our political subdivisions. It creates certainty in the capital markets for the repayment of bonds. It improves their access to those capital markets. So that's the underlying bill, LB788. I plan to vote and support that bill. And I'm quite confused by Senator Nordquist's opposition to the amendment because I cannot for the life of me see where this creates greater risk to collective bargaining and those that have defined benefit plans in our metropolitan and primary class cities. Because rather than these cities having direct access to bankruptcy proceedings, they would have to come to this body. That creates the buffer that Senator Schumacher was talking about. So once again, this creates more safety, more certainty for those employees in those cities. It does not create more risk. And so I would like for Senator Nordquist, when he is back on the microphone, to explain that to me a little bit more as to how this creates more risk for those employees. Senator Schumacher, I applaud you for bringing this bill forward and bringing this amendment forward. I plan to support the bill and the amendment. And any remaining time I have you're welcome to it, Senator Schumacher. [LB788]

SENATOR COASH: Senator Schumacher, 2 minutes 20 seconds. [LB788]

SENATOR SCHUMACHER: Thank you, Senator Smith. The evening is getting long and AM2739 was intended to remove an unfair advantage that the cities would have in negotiating with the various collective bargaining units. The collective bargaining units who apparently are sending signals into the body apparently don't agree, must want to be threatened with bankruptcy, with or without the provisions of LB788, and that's fine. So at this time, Mr. Speaker, I would ask to withdraw AM2739. If the various groups who would be benefited by this want to reconsider it, we can bring it back on Select File, but let's get to the meat of this issue and find out whether or not the body wants to stand in support of paying its bills, that longstanding Nebraska tradition that you do not borrow money and say, yeah, but I've got my fingers crossed. [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR SCHUMACHER: One reason municipalities can borrow money cheap and can...people who are very conservative will take low rates of interest to invest in them is because they feel they have what is called the full faith and credit of the city, not the fingers-crossed credit, not ending up in the boat of all other unsecured creditors. And that's a decision we can make--we're going to have to make--tonight or some other time, but better made tonight than after some city official gets into trouble for not disclosing to the investor that they may lose their money because the city won't stand behind it under these circumstances. So at this time I'd withdraw...ask to withdraw AM2739. [LB788]

Floor Debate
April 02, 2014

SENATOR COASH: AM2739 is withdrawn. We return to discussion on LB788. Senator Lathrop, you are recognized. [LB788]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to make a point about where we're at and the idea behind whether we should put the bondholders ahead of the pensioners. And here's the difficulty. And first, you ought to have some unease that we are allowing them to have a lien on taxes, okay? That should give you reason to pause. They...this bill will give them a lien on taxes instead of a general obligation bond. But when you put them ahead of the other obligations of the city, then what happens? How long does it take before your bond rating goes down? In fact, if they share in the risk with the pensioners and everybody else who's got an obligation with the city, then at some point the bond rating companies are going to say, you're a bad risk, I'm putting you down to a AA or an A plus instead of a AAA rating. But we're going to, by giving them a priority, delay that date, right? We're going to delay that date. And actually the bond rating companies ought to be telling us something about the financial strength of the city. And when it gets downgraded, when it needs to be downgraded, that should happen and it should alert the citizens, it should alert the people. It should be a call that you have too much debt. But it won't happen now because they'll be ahead of everybody; in fact, they have a lien on tax proceeds. That should give us reason to pause. And we are taking the canary out of the coal mine and setting him out in the fresh air because we won't see the AAA bond rating go down because the risk is getting too high or it's no longer a good risk; it'll stay up at a AAA because they're ahead of everybody else. And that's not where we need to be. I would encourage you to vote against LB788. Thank you. [LB788]

SENATOR COASH: Thank you, Senator Lathrop. Senator Davis, you are recognized. [LB788]

SENATOR DAVIS: Thank you, Mr. President. I want to talk a little bit about risk because I think that's what a lot of this is about, and a few points I want to make. You know, a few years ago we started seeing housing escalate in value, went up and up and up and up, and the reason that was happening is because they were...the lenders were taking loans, blending them, and passing them off as good investment opportunities. And so anybody could get a loan and that drove value for housing up. In about 2008, that all blew up and you know where we've been ever since. And that's an example of poor financial planning. The federal government should never have let that happen. It happened and it was a bad mistake and we're still paying for it. But I've been doing a little research here. I remember there was an article in the Omaha World-Herald on the 11th of May talking about the convention hotel in Omaha, which is a general obligation bond. So it was \$108 million investment for the city of Omaha, and where they are today is they made a little over \$1 million after they paid their expenses last year. However, their payments are going to start escalating and going up and going up so that in the year 2024 they're going to have \$11 million in payments. I see this kind of thing

Floor Debate
April 02, 2014

happening a lot of different places. City of Omaha has talked about the renovation of Crossroads and part of that's going to be tax increment financing and part of that is going to be bonds. And then now in Omaha they're going to build a new convention hotel and that's going to be tax increment financing, an additional 350 rooms. These are all bond projects. Some of them are revenue bonds, I recognize. This particular convention hotel in Omaha happens to be a general obligation bond though. So what we do when we shift risk is we make it somebody else who is going to have to pay the bill. What we've been doing in Nebraska for the last many, many years is paying as we go. I think that makes a lot of sense. And I just said to Senator Watermeier, let's just suppose that the Arch in Kearney had been a general obligation bond. We would see what would happen to the city of Kearney. But why should the pensioners pay the price for bad decisions made by city management that maybe is out of touch and maybe is chasing the next big thing when really they need to be paying attention to the real business of the town? I see too much of that all over the United States--sports stadiums, all kinds of attention-getting devices for the city that really are going to be the responsibility of the taxpayer. It's just not a good idea and I would urge the body not to pass the bill. Thank you. [LB788]

SENATOR COASH: Thank you, Senator Davis. Senator McCoy, you're recognized. [LB788]

SENATOR McCOY: Thank you, Mr. President and members. Well, I certainly supported Senator Schumacher's amendment that was just up and I'm going to go back to what I said earlier. This is a real issue. It may not be an issue here in Nebraska, thankfully, yet, but it certainly could be, and that issue being situation that's being faced in Sacramento or Stockton--I might have misspoke earlier when I said Sacramento--Detroit, a number of other cities across the country. It's a real problem. It's a problem for lenders; it's a problem, obviously, for taxpayers, first and foremost; and it affects lives in a real and substantive way. I would think that we tend to...I'd commend Senator Schumacher for what he's doing and for bringing this legislation to us and for Senator Wightman for prioritizing it. This is an issue that you wouldn't want to face when a problem was upon us. This is certainly one that we would want to think through and address before the storm clouds are on the horizon. That's kind of the hallmark of the way we do things around here and the way we do things in our private lives. We try to prepare for what lies ahead, what could lie ahead, good and bad. I don't think this issue is any different. Certainly, this is not a boring...well, it wasn't a boring amendment. This is certainly not a boring bill, to Senator Schumacher's point I think when he gave his introduction a while ago. It's a very, very important issue and one that is probably going to continue into another day, I would assume, as it should. A lot of people have a great deal of interest in this and not just in Omaha. I think we owe it to taxpayers across the state to ponder very carefully this issue. It's certainly one that provides, obviously, as we've heard tonight, some widely divergent viewpoints, and that's natural. But at some point we as a body are going to have to make a decision, as Senator Schumacher said a short time

Floor Debate
April 02, 2014

ago, and likely it isn't going to be tonight, how we proceed on this issue. And we don't have very many days left. But this is an issue, as I said, that I want to thank Senator Schumacher and Senator Wightman for putting a great deal of thought into and I'm sure the discussion will continue. I'm very interested to hear more about the issues that Senator Smith just outlined a minute ago. I think he opened up a line of discussion that we hadn't gone down yet, because this is an interesting policy decision we find ourselves discussing. Who is first in line when disaster strikes? And should cities in our state, whether they be in metropolitan class or primary class or any class, should they be able to proceed with bankruptcy... [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR McCOY: ...steps or should they not? Should any political subdivision have that ability or should we hold those political subdivisions accountable for their actions, be they a village board or a city council of a metropolitan-class city or anything in between? A very, very interesting discussion, one that's intriguing, one...in my case, I spent four years on the Banking, Commerce and Insurance Committee. I think we maybe briefly talked about this issue at one time or another but never to this extent. Important discussion, certainly, and one that I'm sure is going to continue. Thank you, Mr. President. [LB788]

SENATOR COASH: Thank you, Senator McCoy. Senator Wightman, you're recognized. [LB788]

SENATOR WIGHTMAN: Thank you, Mr. President. I was stopped a little bit in the middle of where I was. At that time I think I was saying that the city of Omaha probably has not much risk of going into a Chapter 9 bankruptcy, but I'm sure Omaha and all Nebraska cities do face a real risk of increasing interest rates and lower private bond ratings in the national bond market if the bill does not pass, if we do not clarify the law that general obligation bonds are secured by a statutory lien. For cities with significant unfunded defined benefit pension plan liabilities, not taking action will leave taxpayers on the hook to foot the bill for both unfunded pension liabilities and, I suggest, an increase in the cost of borrowing using general obligation bonds. Without access to reasonably priced new debt, cities will be hard pressed to finance required sewer systems, schools, roads, bridges, and public buildings, etcetera, to provide essential services and infrastructure. Now maybe that's not going to go up a lot initially, but I think as we go down the road it's going to go up more. Prudent policy would be to have the Legislature affirm the payment of priority of general obligation bonds to assure their priority, integrity, and marketability to individuals and institutional investors. I don't think there's any question that we'll see some increase in bond rates very soon if this bill does not pass. Senator Avery indicated that since they already had the lower interest rates that...or the tax-exempt interest that that would be sufficient, but I think bondholders are looking at both. I think they're looking at what their particular priority is and also looking

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

at what...the tax-free element of the bonds. So I do think that there's a real risk of bonds going up and I think it could happen immediately, even if it's only one-tenth or two-tenths of a percent, but it could surely be more than that. And as the city's financial position maybe grows a little weaker, I think we could see it going up even more rapidly. So I do think that's a cause for concern and I think...would urge you to support LB788. Thank you. [LB788]

SENATOR COASH: Thank you, Senator Wightman. Senator Nordquist, you're recognized. [LB788]

SENATOR NORDQUIST: Question. [LB788]

SENATOR COASH: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB788]

CLERK: 25 ayes, 5 nays to cease debate, Mr. President. [LB788]

SENATOR COASH: Debate does cease. Senator Schumacher, you're recognized to close on LB788. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the Legislature. This is a statement of how much we value our ability for our cities to loan money. It was earlier pointed out that somehow if this doesn't pass we have this canary that will signal when things are really getting bad. Well, you know what, when that canary makes that signal, if we let this get that far, what's going to happen? As a deteriorating financial situation happens, the debtor needs to borrow money to keep things afloat and people won't loan that money if they figure there is danger that they are giving their money away, so they'll require higher interest rates if they loan it at all. And so instead of that canary signaling a problem from which can be retreated, the canary signals death, because interest rates immediately spiral up, making the borrowing and refinancing improbable. Creditors run the other direction, credit ratings go down, and there is no way out. That's why you have first priorities on these kind of things, not for tomorrow when probably interest rates won't change much, but when a deteriorating situation befalls us. We are accepting an unacceptable situation if we do not say to bondholders, if these towns are in trouble and need money, rest assured you are first, the people of Nebraska pay their notes off. There will be a time, if this is a problem at all, that they will need money and need to refinance and those creditors better...or lenders better be lined up to do it. Not passing this opens the door to increased risk and increased insolvency in an uncertain time. Passing this makes no difference to the world at all if all is well. So this is a test of our risk taking. Do we want to kick the can down the road? Do we figure that's wise? Do we want to say to the investors, if we ever start slipping, you'd better run the other way from us and our cities because you're in the soup with everybody else?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

Do we want to say to the investor in Chadron, who never had a vote in the Omaha situation, you just lost your money? I know your financial adviser said that it was a good place to buy some bonds, that Omaha was sound, but guess what. You're in the soup with the people who were down there wheeling and dealing. This is a serious matter. It is a matter that we need to address and the sooner we address it the easier it is to address. No evil comes if this bill passes. If it does not pass, we could hasten a very, very serious situation three years, five years, ten years from now. We need to signal to the people that we are asking to loan our cities money that our cities are good for it, not trying to squirrel away from under paying their monies back. People will be really, really, really wondering in a deteriorating situation whether they shouldn't run from those cities. [LB788]

SENATOR COASH: One minute. [LB788]

SENATOR SCHUMACHER: So a serious measure, a measure that has considerable consequence, quite frankly, a measure that we need to deal with, and the earlier the better. And I would ask for your prudent and conservative vote for securing the bondholders and the people that we borrowed money from. Thank you. [LB788]

SENATOR COASH: Thank you...(microphone malfunction). [LB788]

SENATOR SCHUMACHER: (Microphone malfunction)...house, please. [LB788]

SENATOR COASH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB788]

CLERK: 31 ayes, 0 nays, Mr. President, to place the house under call. [LB788]

SENATOR COASH: The house is under call. Senators, please record your presence. Unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. [LB788]

SENATOR SCHUMACHER: And I'd ask for a roll call vote in reverse order. [LB788]

SENATOR COASH: Senator Campbell, please check in. Senator Larson, please return to the Chamber and record your presence. The house is under call. Senator Mello, please check in. All members are present or accounted for. Mr. Clerk, please read the roll in reverse order. [LB788]

CLERK: (Roll call vote taken, Legislative Journal pages 1379-1380.) 25 ayes, 16 nays, Mr. President, on the advancement. [LB788]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
April 02, 2014

SENATOR COASH: LB788 does advance. Items, Mr. Clerk? Raise the call. [LB788]

CLERK: Yes, Mr. President, thank you. Senator Nordquist, an amendment to LB276 and LB799; Senator Scheer to LB916. (Legislative Journal pages 1380-1386.) [LB276 LB799 LB916]

Mr. President, a priority motion: Speaker Adams would move to adjourn the body until Thursday, April 3, at 9:00 a.m.

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. We are adjourned.