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Floor Debate
April 07, 2016

[LB176 LB235 LB400 LB400A LB465 LB465A LB467 LB467A LB505 LB505A LB580
LB605 LB683 LB686 LB716 LB721 LB722 LB722A LB742 LB744 LB746 LB746A LB754
LB754A LB756 LB774 LB774A LB803 LB821 LB824 LB829 LB830 LB835 LB837 LB843
LB851A LB851 LB867 LB867A LB874 LB877 LB881 LB884 LB886 LB886A LB887 LB889
LB889A LB891 LB894 LB895 LB899 LB902 LB908 LB908A LB909 LB913 LB914 LB919
LB919A LB924 LB930 LB934 LB934A LB935 LB938 LB938A LB942 LB947 LB948 LB952
LB958 LB960 LB960A LB973 LB977 LB977A LB978 LB1000 LB1002 LB1010 LB1011
LB1012 LB1022 LB1033 LB1038 LB1038A LB1039 LB1050 LB1066 LB1067A LB1067
LB1075 LB1080 LB1083 LB1083A LB1086 LB1093 LB1093A LB1094 LB1098A LB1098
LB1101 LB1105 LB1105A LB1106 LB1110A LB1110 LR601 LR611 LR620 LR621 LR622]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR SARAH CORDRAY OF THE LUTHER MEMORIAL CHURCH IN SYRACUSE, NEBRASKA, SENATOR WATERMEIER'S DISTRICT. PLEASE RISE.

PASTOR CORDRAY: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR CORDRAY. I CALL TO ORDER THE FIFTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

PRESIDENT FOLEY: THANK YOU, SIR. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, I HAVE MOTIONS TO BE PRINTED FROM THE SPEAKER WITH RESPECT TO FINAL READING BILLS (RE: LB400, LB400A, LB465, LB465A,

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LB467, LB467A, LB505, LB505A, LB683, LB722, LB722A, LB754, LB754A, LB803, LB830, LB867, LB867A, LB919, LB919A, LB934, LB934A, LB960, LB960A, LB977, LB977A, LB1022, LB1033, LB1105, LB1105A, LB686, LB744, LB746, LB746A, LB774, LB774A, LB835, LB843, LB874, LB886, LB886A, LB935, LB938, LB938A, LB1000, LB1012, LB1038, LB1038A, LB1066, LB1098, LB1098A, LB1110, LB1110A, LB889, LB889A, AND LB1067). I ALSO HAVE THE REPORT OF REGISTERED LOBBYISTS FOR THE JOURNAL, AS REQUIRED BY STATE LAW; AND AGENCY REPORTS RECEIVED, AVAILABLE ON THE LEGISLATIVE WEB SITE FOR MEMBER REVIEW. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1517-1518.) [LB400 LB400A LB465 LB465A LB467 LB467A LB505 LB505A LB683 LB722 LB722A LB754 LB754A LB803 LB830 LB867 LB867A LB919 LB919A LB934 LB934A LB960 LB960A LB977 LB977A LB1022 LB1033 LB1105 LB1105A LB686 LB744 LB746 LB746A LB774 LB774A LB835 LB843 LB874 LB886 LB886A LB935 LB938 LB938A LB1000 LB1012 LB1038 LB1038A LB1066 LB1098 LB1098A LB1110 LB1110A LB889 LB889A LB1067]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR611. PROCEEDING NOW TO THE AGENDA FOR THE DAY, SELECT FILE, 2016 COMMITTEE PRIORITY BILL, MR. CLERK. [LR611]

CLERK: MR. PRESIDENT, LB958. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER240, LEGISLATIVE JOURNAL PAGE 1433.) [LB958]

PRESIDENT FOLEY: SENATOR HANSEN. [LB958]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB958. [LB958]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB958]

CLERK: MR. PRESIDENT. SENATOR GLOOR, AM2617, BUT I HAVE A NOTE YOU WISH TO WITHDRAW THAT AMENDMENT, SENATOR. [LB958]

PRESIDENT FOLEY: THAT AMENDMENT IS WITHDRAWN. [LB958]

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CLERK: SENATOR GLOOR WOULD MOVE TO AMEND WITH AM2814. (LEGISLATIVE JOURNAL PAGE 1378.) [LB958]

PRESIDENT FOLEY: SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON AM2814. [LB958]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, MEMBERS. THIS, AS YOU'LL RECALL, LB958 IS THE THIRD PART OF THE TRILOGY OF BILLS THAT HAVE COME THROUGH EDUCATION AND REVENUE RELATED TO TAXES, FUNDING FOR EDUCATION, PROPERTY TAX RELIEF. THIS BILL, THE REVENUE COMMITTEE, WE HAD A GOOD, EDUCATIONAL, SPIRITED DEBATE LAST THURSDAY. AND THE WAY WE ENDED THAT DEBATE WAS A FLOOR AMENDMENT THAT REDUCED THE AMOUNT OF AG PROPERTY TAX CREDIT FROM \$30 MILLION TO \$20 MILLION WITH A COMMITMENT FROM ME THAT I WOULD STRIKE LANGUAGE RELATED TO THE COMMUNITY COLLEGES, WHICH WAS THE SECOND PART OF WHAT LB958 WAS LOOKING AT. AM2814, FILED WITHIN HOURS AFTER WE FINISHED THAT DISCUSSION ON THURSDAY, STRIKES THAT LANGUAGE AND ALL REFERENCES TO THAT LANGUAGE, SECTIONS 1 AND 2, WHICH RELATED TO COMMUNITY COLLEGES. THAT'S FULFILLING THE PROMISE. NOT KNOWING WHAT ELSE MAY BE GOING ON IN DISCUSSIONS WITH THIS AMENDMENT AND THIS BILL TODAY, I WOULD REMIND THE BODY OF A COUPLE OF THINGS I TRIED TO POINT OUT LAST WEEK ON THIS BILL, ESPECIALLY IN COUNTER TO SOME OF THE COMMENTS THAT HAVE BEEN MADE IN THE DISCUSSIONS ON THE OTHER BILLS YESTERDAY, THAT BEING WE MOVE BACK INTO THIS BILL. THIS ISN'T A BILL THAT WAS SOMETHING WE FINALLY DECIDED WE HAD TO DO SOMETHING, REFERENCES MADE. A LOT OF WORK AND A LOT OF EFFORT WENT INTO WHAT NOW IS LB958, AND IT IS A SMALL, SMALL PART OF HOW THE AMENDMENT...EXCUSE ME, HOW THE ORIGINAL BILL, THE GREEN COPY, STARTED OUT. WHAT WE'RE GOING TO BE LEFT WITH IS AG PROPERTY TAX CREDIT. AND THROUGH ALL THE DISCUSSIONS THAT THE COMMITTEE HAD, THE LEARNINGS, THE PRESENTATIONS BY SPEAKERS, THE ONE THING THAT WAS BROUGHT TO US WAS THE BEST WAY TO GET PROPERTY TAX RELIEF TO TAXPAYERS WAS TO PROVIDE IT AS DIRECTLY AS YOU COULD, NOT THROUGH FORMULAS, NOT THROUGH TRYING TO CRACK DOWN EXPENSES RELATED TO LEVYING ENTITIES, BUT TO TRY AND GET THOSE DOLLARS DIRECTLY BACK TO TAXPAYERS. AND THAT'S WHERE PROPERTY TAX CREDIT COMES IN. QUESTIONABLE TAX POLICY? NOT AT ALL. PROPERTY TAX CREDIT WAS FIRST BROUGHT FORWARD IN THE LEGISLATIVE SESSION JUST BEFORE I CAME DOWN HERE, BROUGHT FORWARD BY THEN-GOVERNOR HEINEMAN AND THE LEGISLATURE THAT INSTITUTED IT. OUR TAX MODERNIZATION COMMITTEE

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ADDED TO IT. WE ADDED TO IT LAST YEAR. EXPERTS THAT TALKED TO US RECOMMENDED IT. AND THAT ULTIMATELY IS WHAT LB958 WILL DO FOR AG, WHICH IS WHERE WE FELT THERE WAS THE LARGEST CHALLENGE RELATED TO THE INCREASED VALUATIONS OF AG LAND PROPERTY. IT'S BEEN REDUCED FROM THE \$30 MILLION WE ASKED FOR TO \$20 MILLION TO GET PEOPLE COMFORTABLE WITH THE BUDGET IMPACT. AND AGAIN, WHAT THE AMENDMENT DOES IS, AS PROMISED, STRIKES REFERENCES TO COMMUNITY COLLEGES. I THINK WHAT WE'RE LEFT WITH IS A GOOD BILL. IT'S A START. WE TALK ABOUT BUNTS AND SINGLES, AND I THINK THIS FITS INTO THAT CATEGORY. AND I WILL TRY AND AVOID USING ANY MORE BASEBALL ANALOGIES, IF AT ALL POSSIBLE. THANK YOU, MEMBERS, AND I WOULD URGE YOUR GREEN VOTE, GREEN LIGHT ON BOTH THE AMENDMENT AND LB958. THANK YOU. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. (DOCTOR OF THE DAY INTRODUCED.) DEBATE IS NOW OPEN ON LB958 AND THE PENDING AMENDMENT. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB958]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD LIKE TO ASK SENATOR GLOOR A QUESTION OR TWO. [LB958]

PRESIDENT FOLEY: SENATOR GLOOR, WOULD YOU YIELD, PLEASE? [LB958]

SENATOR GLOOR: CERTAINLY. [LB958]

SENATOR CHAMBERS: SENATOR GLOOR, DID YOU AND I HAVE A BRIEF DISCUSSION BEFORE THE SESSION...BEFORE ACTIVITIES STARTED? [LB958]

SENATOR GLOOR: WE DID, SIR. [LB958]

SENATOR CHAMBERS: DID YOU MAKE, WHILE YOU WERE TALKING, A REFERENCE TO BASEBALL? [LB958]

SENATOR GLOOR: UNFORTUNATELY, I DID, YES. [LB958]

SENATOR CHAMBERS: WHEN YOU AND I TALKED, DID EITHER OF US MAKE A REFERENCE TO BASEBALL? [LB958]

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SENATOR GLOOR: WELL, YOU CERTAINLY DIDN'T. IT MAY HAVE SLIPPED INTO MY CONVERSATION THOUGH. [LB958]

SENATOR CHAMBERS: NOW, BEFORE YOU CAME HERE TODAY, WERE YOU THINKING ABOUT MAKING THAT REFERENCE TO BASEBALL? [LB958]

SENATOR GLOOR: I'M SURE I WAS. MY SUBCONSCIOUS HAS A WAY OF SURPRISING ME AT TIMES, SO I'M POSITIVE IT WAS IN THE BACK OF MY MIND SOMEWHERE. [LB958]

SENATOR CHAMBERS: AT ONE POINT DID YOU CONSCIOUSLY SETTLE ON MAKING THAT REFERENCE TO BASEBALL? [LB958]

SENATOR GLOOR: THE MINUTE A MICROPHONE WAS IN FRONT OF ME. [LB958]

SENATOR CHAMBERS: IS THERE ANY WAY, WITHOUT YOUR HAVING TOLD ME, THAT I COULD KNOW YOU WERE GOING TO MAKE A REFERENCE TO BASEBALL? [LB958]

SENATOR GLOOR: WELL, YOU SURPRISE ME, SENATOR. THERE ARE TIMES I THINK THAT YOU READ MINDS, SO I'M CONFUSED ON HOW BEST TO ANSWER THAT. [LB958]

SENATOR CHAMBERS: THANK YOU. AND, MR. PRESIDENT, I'M GOING TO TURN ON MY LIGHT BECAUSE I MAY NEED IT ALSO. I HAVE BEFORE ME, BROTHERS AND SISTERS, FRIENDS, ENEMIES, AND NEUTRALS, A POEM THAT I INTEND TO READ. IT'S CALLED CASEY AT THE BAT, AND IT DEALS WITH BASEBALL: THE OUTLOOK WASN'T BRILLIANT FOR THE MUDVILLE NINE THAT DAY: THE SCORE STOOD FOUR TO TWO, WITH BUT ONE INNING MORE TO PLAY, AND THEN WHEN COONEY DIED AT FIRST, AND BARROWS DID THE SAME, A PALL-LIKE SILENCE FELL UPON THE PATRONS OF THAT GAME. A STRAGGLING FEW GOT UP TO GO IN DEEP DESPAIR. THE REST CLUNG TO HOPE WHICH SPRINGS ETERNAL IN THE HUMAN BREAST; THEY THOUGHT, "IF ONLY CASEY COULD BUT GET A WHACK AT THAT-- WE'D PUT UP EVEN MONEY NOW, WITH CASEY AT THE BAT." BUT FLYNN PRECEDED CASEY, AS DID ALSO JIMMY BLAKE, AND THE FORMER WAS A HOODOO, WHILE THE LATTER WAS A CAKE; SO UPON THAT STRICKEN MULTITUDE GRIM MELANCHOLY SAT, FOR THERE SEEMED BUT LITTLE CHANCE OF CASEY GETTING TO THE BAT. BUT FLYNN LET DRIVE A SINGLE, TO THE

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WONDERMENT OF ALL, AND BLAKE, THE MUCH DESPISED, TORE THE COVER OFF THAT BALL; AND WHEN THE DUST HAD LIFTED, AND MEN SAW WHAT HAD OCCURRED, THERE WAS JIMMY SAFE AT SECOND AND FLYNN A-HUGGING THIRD. THEN FROM FIVE THOUSAND THROATS AND MORE THERE ROSE A LUSTY YELL; IT RUMBLED THROUGH THE VALLEY AND IT RATTLED IN THE DELL; IT POUNDED ON THE MOUNTAIN AND RECOILED UPON THE FLAT, FOR CASEY, MIGHTY CASEY, WAS ADVANCING TO THE BAT. THERE WAS EASE IN CASEY'S MANNER AS HE STEPPED INTO HIS PLACE; THERE WAS PRIDE IN CASEY'S BEARING AND A SMILE LIT CASEY'S FACE. AND WHEN, RESPONDING TO THE CHEERS, HE LIGHTLY DOFFED HIS HAT, NO STRANGER IN THE CROWD COULD DOUBT 'T WAS CASEY AT THE BAT. TEN THOUSAND EYES WERE ON HIM AS HE RUBBED HIS HANDS WITH DIRT; FIVE THOUSAND TONGUES APPLAUDED WHEN HE WIPED THEM ON HIS SHIRT; THEN WHILE THE WRITHING PITCHER GROUND THE BALL INTO HIS HIP, DEFIANCE FLASHED IN CASEY'S EYE, A SNEER CURLED CASEY'S LIP. AND NOW THE LEATHER-COVERED SPHERE CAME HURTLING THROUGH THE AIR, AND CASEY STOOD A-WATCHING IT IN HAUGHTY GRANDEUR THERE. CLOSE BY THE STURDY BATSMAN THE BALL UNHEEDED SPED--"THAT AIN'T MY STYLE," SAID CASEY. "STRIKE ONE!" THE UMPIRE SAID. FROM THE BENCHES, BLACK WITH PEOPLE...I GUESS ONLY BLACK PEOPLE WERE THERE. BUT ANYWAY: FROM THE BENCHES, BLACK WITH PEOPLE, THERE WENT UP A MUFFLED ROAR,... [LB958]

PRESIDENT FOLEY: ONE MINUTE. [LB958]

SENATOR CHAMBERS: ...LIKE THE BEATING OF THE STORM-WAVES ON A STERN AND DISTANT SHORE; "KILL HIM! KILL THE UMPIRE!" SHOUTED SOMEONE ON THE STAND; AND IT'S LIKELY THEY'D HAVE KILLED HIM HAD NOT CASEY RAISED HIS HAND. WITH A SMILE OF CHRISTIAN CHARITY GREAT CASEY'S VISAGE SHONE; HE STILLED THE RISING TUMULT; HE BADE THE GAME GO ON; HE SIGNALLED TO THE PITCHER, AND ONCE MORE THE DUN SPHERE FLEW; BUT CASEY STILL IGNORED IT AND THE UMPIRE SAID, "STRIKE TWO!" AND I'LL STOP AT THIS POINT, MR. PRESIDENT, UNTIL I'M RECOGNIZED. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) CONTINUING DEBATE, SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB958]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT. NOT TO INTERRUPT SENATOR CHAMBERS, I'LL MAKE YOU A DEAL, SENATOR CHAMBERS. I'LL YIELD MY TIME TO YOU IF YOU YIELD YOUR TIME TO ME. ALL RIGHT, I YIELD MY TIME TO SENATOR CHAMBERS. [LB958]

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PRESIDENT FOLEY: SENATOR CHAMBERS, 5:00. [LB958]

SENATOR CHAMBERS: THANK YOU. FRAUD...NO, I'M READING THIS. "FRAUD!" CRIED THE MADDENED THOUSANDS, AND ECHO ANSWERED 'FRAUD!' BUT ONE SCORNFUL LOOK FROM CASEY AND THE AUDIENCE WAS AWED. THEY SAW HIS FACE GROW STERN AND COLD, THEY SAW HIS MUSCLES STRAIN, AND THEY KNEW THAT CASEY WOULDN'T LET THAT BALL GO BY AGAIN. THE SNEER IS GONE FROM CASEY'S LIP, HIS TEETH ARE CLENCHED IN HATE, HE POUNDS WITH CRUEL VIOLENCE HIS BAT UPON THE PLATE; AND NOW THE PITCHER HOLDS THE BALL, AND NOW HE LETS IT GO, AND NOW THE AIR IS SHATTERED BY THE FORCE OF CASEY'S BLOW. OH, SOMEWHERE IN THIS FAVOURED LAND THE SUN IS SHINING BRIGHT, THE BAND IS PLAYING SOMEWHERE, AND SOMEWHERE HEARTS ARE LIGHT; AND SOMEWHERE MEN ARE LAUGHING, AND SOMEWHERE CHILDREN SHOUT, BUT THERE IS NO JOY IN MUDVILLE--MIGHTY CASEY HAS STRUCK OUT." I READ SENATOR GLOOR'S MIND, BUT IT LEADS ME RIGHT INTO A COMMENT I'M GOING TO MAKE, AND YOU MIGHT GET A NOTION OF WHAT IT'S ABOUT FROM THE HANDOUT I GAVE. WHO WILL STRIKE OUT, THE SPEAKER OR ME? IS IT EVEN THAT KIND OF A CONTEST? I HAVE OFTEN SAID THAT WHEN NATIONS ARE AT WAR, AT THE AMBASSADORIAL OR DIPLOMATIC LEVEL THEY HAVE PEOPLE WHO CONTINUE TO TALK BECAUSE, NOT ONLY WILL THEY NOT ALWAYS BE AT WAR, BUT THEY MAY BE ABLE TO STRIKE AN ACCORD. I AND THE SPEAKER OFTEN HAVE CONFERENCES, BUT THEY'RE BETWEEN HIM AND ME. I SHALL NOT TELL YOU WHAT THE SUBJECT OF OUR CONFERENCE WAS THIS MORNING. IF WE WANTED EVERYBODY TO KNOW, WE WOULD HAVE GIVEN IT ON CNN, GOOD MORNING AMERICA, OR SATURDAY NIGHT LIVE. SO WE WILL CONTINUE TO TALK AND OBVIOUSLY WE DISCUSS THINGS THAT PERTAIN TO THE LEGISLATURE. HE, AS THE SPEAKER, IS THE CAPTAIN OF A SHIP AND NOT ALL OF THE CREW MEMBERS WORK IN HARMONY TOGETHER. THERE ARE SHOALS, THERE ARE ROCKS, THERE ARE RAGING SEAS, BUT THE CAPTAIN HAS NO EXCUSE THAT CAN BE GIVEN IF THAT SHIP IS NOT PILOTED SAFELY TO ITS DESTINATION. SO NOBODY SHOULD BE SURPRISED AT ANYTHING THE CAPTAIN SEES NECESSARY TO DO. ANY STRATAGEM THAT MIGHT WORK, ANY SCHEME, AS IT MIGHT BE LABELED BY SOME WHO ARE NOT THOUGHTFUL, THAT MAY BRING HIM SUCCESS HAS TO BE EMPLOYED. AND SUCH BEING THE CASE, ANYBODY WHO IS THOUGHTFUL AND HAPPENS TO BE A MEMBER OF THE CREW ON THAT SHIP SHOULD ANTICIPATE THAT DAYS AND TIMES WILL COME WHEN THE CAPTAIN MUST STEP OUTSIDE OF WHAT TRADITIONALLY AND ORDINARILY IS DONE WHEN THE CIRCUMSTANCES ARE NOT TRADITIONAL AND ORDINARY. SOMETIMES THERE MIGHT BE A RECALCITRANT CREW MEMBER WHO REQUIRES THAT THE CAPTAIN BECOME INNOVATIVE, RESOURCEFUL, AND ABLE TO CREATE

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NEW GUARDS, NEW CONTINGENCIES TO PROTECT THE WELFARE OF THE SHIP AND CREW IN ORDER TO MAKE IT SAFELY TO PORT. SO DON'T BE SURPRISED BY ANYTHING THAT MAY HAPPEN THIS MORNING OR MAY NOT HAPPEN THIS MORNING. [LB958]

PRESIDENT FOLEY: ONE MINUTE. [LB958]

SENATOR CHAMBERS: IF YOU LOOK AT THE SPEAKER NOW, YOU CAN SEE HOW CALM HE IS. HE'S NOT EVEN PAYING ATTENTION TO ME. ON OTHER OCCASIONS HE MIGHT BE SITTING THERE, HIS FACE FLUSHED, ABOUT TO BURST. BUT TODAY HE'S CALM, AND WE'LL JUST HAVE TO SEE WHAT HAPPENS THE REST OF THE DAY. THANK YOU, MR. PRESIDENT. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS, AND YOU ARE NEXT IN THE QUEUE. [LB958]

SENATOR CHAMBERS: AT THIS POINT I WOULD YIELD MY TIME TO SENATOR SCHUMACHER. [LB958]

PRESIDENT FOLEY: SENATOR SCHUMACHER, 5:00. [LB958]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WHY IS IT, WHEN YOU DESCRIBE THAT, I SAW YOU AT THE END OF A PLANK ON THE BOAT AND THEN THE BOAT FLIPPED OVER IN THE WATER? IS THAT BECAUSE YOU CARRY SOME WEIGHT OR...? [LB958]

SENATOR CHAMBERS: (LAUGHTER) NO COMMENT. [LB958]

SENATOR SCHUMACHER: THANK YOU FOR YIELDING TIME, SENATOR CHAMBERS. I WANTED TO COMMENT BRIEFLY ON THIS PARTICULAR AMENDMENT, WHICH I DO SUPPORT. WE STRUGGLED WITH THE BILL AS IT FIRST CAME OUT WITH ALL KINDS OF RESTRICTIONS ON LOCAL GOVERNMENTS, PERCENTAGES THEY COULD INCREASE AND PERCENTAGES THEY COULDN'T INCREASE AND THINGS WHERE ONE SHOES SIMPLY DID NOT FIT ALL. AND IT BECAME PRETTY CLEAR IN THE PROCESS THAT IN RESPONSE TO THE TREMENDOUS INCREASE IN AG VALUATION AND WEALTH, THE MANY LOCAL SCHOOL AND OTHER GOVERNMENTAL DISTRICTS DID NOT RESPOND ALIKE. SOME RESPONDED APPROPRIATE WITH SELF-RESTRAINT ON THEIR SPENDING INCREASES AND

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LOWERING THEIR LEVIES, SO THE TAX BILLS WERE NOT QUITE AS DRAMATIC. SOME TOOK ADVANTAGE OF THE PICNIC AND CLAIMED THEY WERE NOT RAISING TAXES WHEN THEY MEANT THEY WERE NOT RAISING THE LEVY AND YET COLLECTING TONS AND TONS MORE TAXES TO FUND EVERY WISH LIST GOING. BUT BECAUSE YOU COULDN'T MAKE A UNIFORM RULE FROM THE TOP WITHOUT REALLY DOING DAMAGE TO THE ONES WHO ARE BEHAVING THEMSELVES, THAT BECAME VERY UNPRACTICAL TO TRY TO ENFORCE SOME TYPE OF PERCENTAGE LIMITATIONS. BUT ONE GROUP STOOD OUT AS BEING REALLY, REALLY HIGH IN THEIR INCREASE IN SPENDING. AND THERE MAY BE A NUMBER OF REASONS, AND THOSE REASONS MAY BE LEGITIMATE IN SOME CASES, BUT THOSE WERE THE COMMUNITY COLLEGES. AND AS WE WOUND UP THE END OF THIS PROCESS, I THINK THEY WERE SINGLED OUT IN A RATHER ROUGH MECHANISM TO SEND A MESSAGE. I KNOW I WAS HEARING THINGS FROM THE CENTRAL COMMUNITY COLLEGE AREA THAT ADMINISTRATORS WERE TELLING BOARD MEMBERS, OUR OBLIGATION IS TO GROW THE INSTITUTION, WE DON'T HAVE TO CARE ABOUT THE TAXPAYERS, SEEING EXTRAVAGANT EXPENSES FOR THINGS LIKE GARBAGE CANS. WE'RE SEEING A BATTLE ACROSS THE BOARD BETWEEN THE SIX COMMUNITY COLLEGES, EACH TO BUILD THEIR OWN SUPER-DUPER DISTANCE LEARNING THINGS. WHY ON EARTH DO YOU NEED SIX COMPETING DISTANCE-LEARNING, EXPENSIVE OPERATIONS IN THIS STATE TO TEACH ACCOUNTING 101 WHEN YOU ALREADY HAVE THE UNIVERSITY AND YOU ALREADY HAVE THE THREE OTHER STATE COLLEGES IS BEYOND ME. MAYBE THERE'S SOME FINANCIAL INCENTIVES THAT WE CREATED AND CAUSED IN ORDER TO CAUSE THEM TO DO THAT BUT, NEVERTHELESS, THAT WAS THERE, AND THEN MOST RECENTLY AN ACCREDITATION STUDY SUPPOSEDLY DONE WHERE THE ACCREDITING AGENCY ASKED ADMINISTRATION WHETHER OR NOT THEY HAD ANY PROBLEM WITH TAXES, PARTICULARLY PROPERTY TAXES, AND THE RESPONSE WAS, NO, THERE'S NO PROBLEM WITH TAXES. SO THIS IS A MESSAGE ACROSS THE BOW, A BIG SHOT ACROSS THE BOW TO THE COMMUNITY COLLEGES: I THINK YOU'RE GOING TO BE LOOKED AT CLOSELY. I THINK YOUR SPENDING HABITS ARE GOING TO BE LOOKED AT CLOSELY. I THINK THE LEGISLATURE IS GOING TO HAVE TO LOOK AT WHAT WE ASSIGN YOU TO DO. CAN YOU WORK MAGIC WITH WORKPLACE DEVELOPMENT OR IS THERE SOMEWHERE ELSE WE SHOULD FOCUS FOR THAT EDUCATION? ARE YOU DOING IT EFFICIENTLY? DO YOU NEED THESE SEPARATE SILOS OF EACH ONE DOING SOMETHING SEPARATELY AND INEFFICIENTLY? AND SHOULD YOU HAVE RESTRAINTS ON YOUR SPENDING... [LB958]

PRESIDENT FOLEY: ONE MINUTE. [LB958]

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SENATOR SCHUMACHER: ...BECAUSE CLEARLY THERE IS A PROBLEM WITH ATTITUDE AND THERE'S A PROBLEM WITH RESPONSIVENESS TO THE TAXPAYERS. MAYBE IT'S STRUCTURAL BECAUSE WE HAVE THESE BIG BOARDS WHO ARE NOT NECESSARILY CLOSE TO THE PEOPLE GOVERNING THE THINGS WITH A LOT OF AGRICULTURAL LAND AND RESOURCES TO DRAW FROM AND MAYBE THEY'VE JUST DISCONNECTED. THIS IS AN EFFORT, A MESSAGE THAT THEY BETTER CONNECT. THANK YOU. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON AM2814. HE WAIVES THE OPPORTUNITY. MEMBERS, THE QUESTION IS THE ADOPTION OF AM2814. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB958]

CLERK: 36 AYES, 0 NAYS ON ADOPTION OF SENATOR GLOOR'S AMENDMENT. [LB958]

PRESIDENT FOLEY: AM2814 IS ADOPTED. MR. CLERK. [LB958]

CLERK: MR. PRESIDENT, SENATOR DAVIS WOULD MOVE TO AMEND WITH AM2813. (LEGISLATIVE JOURNAL PAGE 1378.) [LB958]

PRESIDENT FOLEY: SENATOR DAVIS, YOU'RE RECOGNIZED TO OPEN ON AM2813. [LB958]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I APPRECIATED THE DEBATE THE OTHER DAY WITH REGARD TO THE PROPERTY TAX RELIEF PIECE. AS SENATOR GLOOR HAS SAID MANY TIMES, THE COMMITTEE WORKED AWFULLY HARD TO TRY TO FIND AND FIX THE PROBLEMS THAT WE PERCEIVED TO BE OUT THERE. AND IT'S A VERY, VERY CHALLENGING THING BECAUSE ULTIMATELY, IF WE IMPOSE LIMITATIONS ON TAXING AUTHORITY, IT REDUCES THE ABILITY OF THE LOCAL TAXING DISTRICTS TO FUNCTION. THAT SAID, IN ALL THE WORK THAT WE DID, IN THE PROCESS THAT WE UNDERTOOK, WE DID DETERMINE THAT THE COMMUNITY COLLEGES WERE REALLY SIGNIFICANT OUTLIERS IN TERMS OF THE PROPERTY TAX ASKING INCREASES THAT HAD TAKEN PLACE OVER TEN YEARS. OVER THAT TEN-YEAR PERIOD--AND I DON'T HAVE MY FIGURES HERE, BUT I DO RECALL THE NUMBERS--THE PROPERTY TAX ASKING FOR THE COMMUNITY COLLEGES IN THE STATE OF NEBRASKA WENT FROM \$90 MILLION TO \$205 MILLION, AND SOME OF THEM WERE JUST ABSOLUTELY ASTRONOMICAL

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INCREASES: SOUTHEAST IN TEN YEARS IN PROPERTY TAX ASKING WENT FROM \$20 MILLION TO \$40 MILLION; NORTHEAST WENT FROM \$10 MILLION TO \$30 MILLION; MID-PLAINS FROM \$6.25 (MILLION) TO \$14.5 (MILLION); CENTRAL FROM \$18 (MILLION) TO \$51 MILLION. COLLEAGUES, THIS IS MONEY THAT'S TAKEN RIGHT OUT OF THE TAXPAYERS IN THESE DISTRICTS, AND IT'S UNSUSTAINABLE. I THINK SENATOR SCHUMACHER MADE REFERENCE TO THIS THE OTHER DAY, BUT WHAT YOU HAVE DONE IN LARGE PART IS YOU ARE IMPOSING THE ABILITY TO TRAIN WORKERS FOR MANUFACTURING AND OTHER INDUSTRIES, NURSING, THOSE KIND OF THINGS, AND YOU'RE IMPOSING A LOT OF THAT BURDEN ON AGRICULTURAL PEOPLE. SO THAT IS SOMETHING THAT THE STATE IS GOING TO HAVE TO REDRESS. NOW, RECOGNIZING THAT A COMPROMISE WAS MADE LAST WEEK, I WENT BACK AND LOOKED AT THE LEVYING AUTHORITY OF SOME OF THESE DISTRICTS AND I FOUND THAT A LOT OF THE LEVIES ARE NOT AS HIGH AS YOU MIGHT THINK. BUT THE LEVY CAP IS AT 11.25. SO MY AMENDMENT SIMPLY REDUCES THAT LEVYING AUTHORITY TO 10.25 MILLS. IT'S NOT GOING TO AFFECT ANY PARTICULAR COMMUNITY COLLEGE. RIGHT NOW WESTERN IS THE HIGHEST AND THEIR LEVY IS AT 10.05, SO THERE'S STILL SOME ROOM TO MOVE THERE. BUT THIS WOULD SEND A MESSAGE TO THE COMMUNITY COLLEGES THAT WE'RE NOT GOING TO SIT BACK AND JUST, "KATY, BAR THE DOOR," WHATEVER THEY WANT THEY CAN HAVE. IT'S TIME THAT THE STATE STARTED REINING IN THE SPENDING OF THE COMMUNITY COLLEGES. YOU'VE HEARD ME IN HERE OVER AND OVER TALK ABOUT THE COMMUNITY COLLEGES. MY COLLEAGUES ON THE EDUCATION COMMITTEE, WHEN I SERVED THERE, HEARD ME TALK ABOUT IT. I INTRODUCED BILL AFTER BILL AFTER BILL BECAUSE IT IS REALLY THE NUMBER ONE ISSUE OF COMPLAINT THAT I HEAR FROM MY CONSTITUENTS. I HAVE PIECES OF GROUND IN THREE OF THOSE COMMUNITY COLLEGES. SO WHEN I HEAR THE COMPLAINTS, IT ISN'T JUST FROM WESTERN, IT ISN'T JUST FROM MID-PLAINS, IT'S FROM ALL THREE. I'VE GOT LANDOWNERS THAT ARE JUST COMPLETELY DISSATISFIED WITH WHAT THEY'RE GETTING. I'VE SEEN EFFORTS ON THE PART OF THE COMMUNITY COLLEGES, LAUDABLE EFFORTS IN MANY RESPECTS, TO DOUBLE DOWN, TRY TO GET SOME CLASSES OUT TO THESE REMOTE LOCATIONS. BUT REALLY IT'S MORE ABOUT PROPERTY TAX RELIEF. WE NEED THAT IN THE STATE OF NEBRASKA. THIS AMENDMENT IS A SIMPLE AMENDMENT, AS I SAID. IT SIMPLY LOWERS THE LEVY CAP FROM 11.25 MILLS TO 10.25 MILLS. AGAIN, THAT LEVY ISN'T GOING TO AFFECT ANY COMMUNITY COLLEGE AT THIS POINT. SO I'M NOT GOING TO TAKE A LOT OF YOUR TIME. I JUST WOULD URGE THE BODY TO CONSIDER WHAT I'M SAYING. YOU'VE HEARD FROM THE CONSTITUENTS IN NEBRASKA THAT THEY WANT PROPERTY TAX RELIEF. LET'S BE COURAGEOUS AND LET'S SEND A MESSAGE TO THE

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COMMUNITY COLLEGES THAT ENOUGH IS ENOUGH, ADOPT THIS AMENDMENT AND THEN MOVE THE BILL. THANK YOU, MR. PRESIDENT. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB958]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. SENATOR DAVIS AND I HAVE BEEN TALKING ABOUT HIS FRUSTRATIONS OVER THE COMMUNITY COLLEGES, STRIKING THE LANGUAGE TO THE COMMUNITY COLLEGES, WHICH WAS THE AGREEMENT AND COMPROMISE WE REACHED. BUT I WAS ALSO AWARE--HE HAD THE DECENCY TO SIT DOWN AND VISIT WITH AND WAS AWARE--THAT HE WOULD BE INTRODUCING THIS AMENDMENT. I CANNOT SUPPORT IT BECAUSE OUR COMPROMISE WAS, IN FACT, TO STRIKE LANGUAGE TO THE COMMUNITY COLLEGES. BUT I'M ALSO EMPATHETIC WITH THE ARGUMENT SENATOR DAVIS MAKES. I DON'T WANT TO ENDANGER LB958, WHICH IS THE BIGGER ISSUE, THE BIGGER BILL, THE MORE IMPORTANT BILL AND THE ONE THAT PROVIDES PROPERTY TAX RELIEF. SENATOR DAVIS WANTS TO SEND A MESSAGE. I THINK A MESSAGE HAS BEEN SENT. AND IF THE COMMUNITY COLLEGES AREN'T HEARING THE MESSAGE, I WOULD BE AMAZED BECAUSE I'VE HAD ENOUGH CONVERSATIONS TO KNOW THEY UNDERSTAND AND, IN FACT, HAVE BEEN WORKING FOR THE PAST YEAR, YEAR AND A HALF, ON ISSUES AROUND THEIR FUNDING AND FUNDING MODELS. I EXPECT THAT WILL COME BACK AND, IN FACT, IT SHOULD COME BACK WITH SOME SORT OF RECOMMENDATION TO THIS BODY NEXT YEAR. I'M SURE THEY'RE LISTENING. IF THEY ARE NOT COMING BACK TO THIS BODY BEFORE NEXT YEAR, THEY CAN EXPECT AM2813 TO SHOW UP AGAIN, I'M SURE. BUT, NONETHELESS, I CANNOT SUPPORT AM2813. IF ADOPTED, AM2813 I'M AFRAID WOULD ENDANGER LB958 AND LB958 IS AN IMPORTANT BILL AND DOESN'T NEED TO BE--AND WE DON'T WANT IT TO BE--ENDANGERED. THANK YOU. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB958]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. SENATOR DAVIS DOES RAISE SOME VERY GOOD POINTS, AND REALLY, KIND OF PHILOSOPHICALLY, IT'S REALLY HARD TO SYMPATHIZE WITH PEOPLE WHO ARE MAKING A GREAT DEAL OF INCOME WHEN THEY COMPLAIN ABOUT INCOME TAX RATES AND IT'S REALLY HARD TO SYMPATHIZE WITH FOLKS WHO'S GOTTEN VERY WEALTHY OVER PROPERTY TAX OR PROPERTY VALUES COMPLAINING

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ABOUT PROPERTY TAX RATES. BUT ONE THING I THINK THAT SENATOR DAVIS SAID THAT MAKES SOME SENSE, AND THAT IS WHAT WE HAVE DONE HERE, BECAUSE LARGELY THESE COMMUNITY COLLEGES ARE FUNDED BY THE AG TAXPAYER, IS SHIFTED THE BURDEN OF THE COST OF EDUCATING AND TRAINING MANUFACTURING AND VARIOUS SOCIAL SERVICES EMPLOYEES TO THE AG SECTOR. AND THAT PROBABLY IS AN UNFAIR SHIFT AND ONE THAT OCCURRED KIND OF IN THE MIDDLE OF THE NIGHT WHEN WE ALL WERE SLEEPING AND LIFE WENT ON AND, FOR A BIT, WHEN GRAIN PRICES WERE HIGH, WAS EASY FOR EVERYONE TO SWALLOW AND JUST BLOW OFF. BUT SENATOR DAVIS RAISES AN EXCELLENT POINT THAT IF WE ARE GOING TO TELL THE COMMUNITY COLLEGES THAT THEY, INSTEAD OF THE BUSINESSES, THEY ARE RESPONSIBLE FOR PROVIDING THIS SUBSIDY TO BUSINESS BY SUBSIDIZING THE TRAINING AND THE SKILLS OF THE WORKERS, THEN SHOULD THAT BURDEN BE CARRIED BY THE AG SECTOR AS MUCH AS IT APPARENTLY IS BEING DONE BECAUSE OF THESE TERRIFIC INCREASES IN PROPERTY TAX ASSESSMENTS FROM THE AG SECTOR? AND ON THIS ONE I'M SYMPATHETIC. I DON'T THINK I CAN SUPPORT SENATOR DAVIS' AMENDMENT SIMPLY BECAUSE OF THE SITUATION THAT WE HAVE HERE WITH LB958 AND NEEDING TO MOVE THE BILL THROUGH AND AT LEAST CLOSE SOME OF THE ARGUMENT ON THIS ISSUE KNOWING THAT IT MAY VERY WELL BE THE END OF THIS TYPE OF PROPERTY TAX RELIEF MECHANISM BECAUSE WE'RE RUNNING OUT OF MONEY. BUT NEVERTHELESS, I AM VERY SYMPATHETIC TO THE THEME THAT SENATOR DAVIS RAISES. I THINK HE IS RIGHT ON. WE NEED TO EXAMINE THIS PORTION OF OUR POLICY AND THIS PARTICULAR FUNDING MECHANISM FOR AFFECTING WORKPLACE, WORK SKILL EDUCATION. IT MAY, INDEED, IN THIS PARTICULAR INSTANCE BE UNFAIR TO THE AG SECTOR. AND THANK YOU, SENATOR DAVIS, FOR CALLING THIS TO OUR ATTENTION AND SHOOTING ANOTHER SHOT ACROSS THE BOW TO THESE BOARDS, WHO ARE, I THINK, DISCONNECTED FROM THE PUBLIC AND DISCONNECTED FROM THE PEOPLE WHO ARE PAYING THE VAST MAJORITY OF THEIR FUNDING. AND THE NUMBERS THAT YOU CITED ARE SIMPLY ASTOUNDING THAT THAT COULD HAVE HAPPENED AND THOSE BOARDS NOT FEEL THAT THEY WERE CAUSING ANY PROPERTY TAX CONSTERNATION IN THE PROCESS OF JUST ASSESSING THAT KIND OF TAX. THANK YOU. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON AM2813. [LB958]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WANT TO APPRECIATE THE TIME THAT I'VE BEEN GIVEN HERE TO TALK ABOUT THIS BILL, AND I APPRECIATE

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SENATOR SCHUMACHER'S COMMENT. I UNDERSTAND WHERE SENATOR GLOOR IS COMING FROM. AS I SAID, THIS ISN'T GOING TO HURT ANYONE, BUT IT DOES SEND A MESSAGE. BUT WHAT I AM GOING TO ASK MY COLLEAGUES HERE ON THE FLOOR IS--I DON'T THINK THIS AMENDMENT IS GOING TO PASS, I GET THAT, BUT SENATOR SCHUMACHER SAID IT WELL AND I'M GOING TO REPEAT IT--LET'S GET BACK HERE NEXT YEAR AND DECIDE WE'RE GOING TO LOOK AT THIS PROPERTY TAX PROBLEM THAT THE COMMUNITY COLLEGES HAVE AND FIND A FIX BECAUSE WE CAN'T GO ON LIKE THIS. COLLEAGUES, IT'S UP TO US TO REGULATE A BODY THAT IS NOT MANAGING ITS FUNDS. IF THEY CAN'T CONSERVE THEIR RESOURCES, STOP THE BUILDING, LISTEN TO THIS BODY, THEN WE'RE GOING TO HAVE TO DO IT. I'VE INTRODUCED BILLS YEAR AFTER YEAR ON THIS AND I DID ONE THIS YEAR. IT DIDN'T GET OUT OF COMMITTEE. HARD TO TALK ABOUT A BILL WHEN IT DOESN'T GET OUT OF COMMITTEE, BUT THIS IS A DISCUSSION THAT WE HAVE TO HAVE WITH REGARD TO THE COMMUNITY COLLEGES. CAN NEBRASKA REALLY AFFORD ALL THESE COLLEGES, ALL THIS DUPLICATION OF PROGRAMMING, WHEN WE DON'T HAVE THE RESOURCES TO DO IT? WE CAN'T EXPECT TO GET BLOOD FROM A TURNIP AND THAT'S REALLY WHERE WE ARE IN THE AG SECTOR TODAY. SO I WOULD AGAIN URGE YOU TO VOTE GREEN ON THE AMENDMENT AND THANK YOU FOR YOUR TIME. [LB958]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON AM2813. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. SENATOR DAVIS REQUESTS A ROLL CALL VOTE. MR. CLERK, PLEASE CALL THE ROLL. [LB958]

CLERK: (ROLL CALL VOTE TAKEN.) 8 AYES, 18 NAYS, MR. PRESIDENT. [LB958]

PRESIDENT FOLEY: THE AMENDMENT IS NOT ADOPTED. [LB958]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB958]

PRESIDENT FOLEY: SENATOR HANSEN. [LB958]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB958 TO E&R FOR ENGROSSING. [LB958]

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PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB958 ADVANCES. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB958]

SPEAKER HADLEY: I THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I HAVE LOOKED INTO MY CRYSTAL BALL AND I CAN TELL YOU, WE'RE GOING TO HAVE LUNCH TODAY. AND I'M MAKING A SPECIAL INVITATION FOR A SPECIAL GUEST. SENATOR CHAMBERS, IF YOU WOULD LIKE TO JOIN US FOR LUNCH TODAY, I WOULD BE HAPPY TO HAVE YOU JOIN US. ANYWAY, AS INDICATED TO THE BODY EARLIER IN THE SESSION, TODAY IS THE LAST DAY TO DO SELECT FILE AND AMEND ANY BILLS ON FINAL READING. YOU HAVE BEFORE YOU ON THE AGENDA ALL THE PRIORITY BILLS ON SELECT FILE, AND THE FINAL READING BILLS THAT HAVE MOTIONS TO RETURN TO SELECT FILE FOR A SPECIFIC AMENDMENT. WE WILL WORK THROUGH THE AGENDA AND GET AS MUCH DONE AS WE CAN. AS YOU KNOW, IN ORDER TO READ ALL THE BILLS BY NEXT WEDNESDAY, WE WILL NEED TO GET EVERYTHING DONE TODAY BACK FROM THE BILL DRAFTERS BEFORE WE ADJOURN. THIS WILL ALLOW TUESDAY TO BE OUR CONSTITUTIONALLY REQUIRED LAYOVER DAY PRIOR TO THE FINAL READING. AT SOME POINT TODAY WE WILL NEED TO LEAVE SELECT FILE AND ALLOW THE BILL DRAFTERS TO COMPLETE THEIR WORK. I'LL MAKE A DECISION THEN WHETHER OR NOT WE STAND AT EASE OR MOVE TO THE FINAL DIVISION OF FINAL READING. I HOPE AND THAT I WOULD ASK YOU TO BE HERE FOR THAT PART OF THE DAY. THIS IS A TRYING TIME FOR ALL OF US, BUT WE STILL HAVE WORK TO COMPLETE. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. CONTINUING WITH THE AGENDA. MR. CLERK.

CLERK: MR. PRESIDENT, LB1094. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST. (ER226, LEGISLATIVE JOURNAL PAGE 1244.) [LB1094]

PRESIDENT FOLEY: SENATOR HANSEN. [LB1094]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1094. [LB1094]

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PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB1094]

CLERK: SENATOR SEILER WOULD MOVE TO AMEND WITH AM2845. (LEGISLATIVE JOURNAL PAGE 1488.) [LB1094]

PRESIDENT FOLEY: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON AM2845. [LB1094]

SENATOR SEILER: THANK YOU, MR. LIEUTENANT GOVERNOR. MEMBERS, WE HAVE JUST ANOTHER LITTLE THREE-POINT CLEANUP BILL. ONE, THE FIRST PART OF THIS BILL IS JUST A CLARIFICATION THAT THIS BILL ONLY APPLIES TO SENTENCING AFTER THE ADOPTION OF THIS BILL AND, CLEARLY, THAT ANYTHING TRYING TO GO BACKWARDS IS EX POST FACTO IN VIOLATION OF THE CONSTITUTION. NUMBER TWO IS A DEFINITION OF "CUSTODIAL SANCTION" AND MAKES IT CLEAR WHAT THIS MEANS BY "CUSTODIAL SANCTION." AND THREE WOULD CLARIFY CHANGE ARE INTENDED TO BE CURRENT INMATE PROBATIONERS, PAROLEES, AND ANYONE SENTENCED AFTER THE BILL TAKES EFFECT. AND I ASK YOU FOR THE AFFIRMATIVE GREEN VOTE ON THESE THREE POINTS OF CLEANUP. [LB1094]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. DEBATE IS NOW OPEN ON AM2845. SENATOR COASH, YOU'RE RECOGNIZED. [LB1094]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WANT TO SPEND A LITTLE BIT OF TIME TALKING ABOUT THIS SELECT FILE AMENDMENT. SENATOR SEILER COVERED A FEW OF THESE POINTS. I'M GOING TO COVER A FEW MORE. THERE HAVE BEEN SOME QUESTIONS RAISED ABOUT TWO ISSUES THAT DID NOT NEED TO BE ADDRESSED IN THE SELECT FILE AMENDMENT BUT SHOULD BE CLARIFIED FOR THE RECORD. FIRST, SOME MEMBERS OF LAW ENFORCEMENT HAVE ASKED WHY THE DEFINITION OF "ABSCONDING SUPERVISION" WAS INCLUDED IN LB1094. IF THAT LANGUAGE HAD NOT...IF THE LANGUAGE IS NOT ADDED, A PROBATIONER COULD MAKE THE ARGUMENT THAT ABSCONDING IS SO-CALLED A NONCRIMINAL VIOLATION, WHICH WOULD MAKE IT DIFFICULT TO REVOKE PROBATION FOR A PROBATIONER WHO COMPLETELY IGNORES HIS OR HER PROBATION OFFICER FOR TWO WEEKS OR MORE. THE SAME REASON APPLIES FOR ADDING THE DEFINITION OF "ABSCONDING PAROLE SUPERVISION." THE PROBATION OFFICER IS STILL

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REQUIRED TO ARREST A PROBATIONER IF THE PROBATION OFFICER THINKS THE PROBATIONER HAS VIOLATED A CONDITION OF PROBATION AND WILL LEAVE THE JURISDICTION OR HURT SOMEONE. THE LANGUAGE REGARDING ARREST OF A PROBATIONER IS THE SAME AS THE CURRENT STATUTORY LANGUAGE. IT IS JUST BEING MOVED FROM SECTION 29-2266 INTO TWO SEPARATE SECTIONS, ONE FOR MISDEMEANOR PROBATIONERS AND ONE FOR FELONY PROBATIONERS. THAT WAS A QUESTION THAT CAME UP BY PROBATION AND WE'VE TALKED WITH THEM. WE'VE CLEARED IT UP. I JUST WANTED TO MAKE IT CLEAR ON THE RECORD AS WELL. SECOND, THERE HAVE BEEN SOME QUESTIONS ABOUT WHAT THE PHRASE "SHALL NOT BE SUBJECT TO POST-RELEASE SUPERVISION" MEANS IN PRACTICE. POST-RELEASE SUPERVISION SHOULD NOT BE IMPOSED UPON A PERSON WHO WAS SENTENCED TO POST-RELEASE SUPERVISION BUT IS NOT SUBJECT TO POST-RELEASE SUPERVISION, WHICH WILL HAPPEN IN CERTAIN CASES. THIS NEW LANGUAGE, "SHALL NOT BE SUBJECT TO POST-RELEASE SUPERVISION," WAS ADDED IN LB605 AND IS NOW CLARIFIED IN LB1094. THE CHANGES MADE IN LB1094 TO SECTION 28-105 ARE NOT INTENDED TO CREATE ANY NEW PENALTIES OR TO ENHANCE ANY EXISTING PENALTIES. HERE'S AN EXAMPLE. IF A PERSON COMMITTED A CLASS III FELONY BACK IN SEPTEMBER, AFTER LB605 TOOK EFFECT, AND WAS SENTENCED TO PRISON AND POST-RELEASE SUPERVISION, IF THAT PERSON COMMITS A NEW CLASS II FELONY, THEY'RE SENTENCED TO PRISON TO SERVE BOTH SENTENCES CONCURRENTLY, THEY'RE NOW NOT SUBJECT TO POST-RELEASE SUPERVISION. SO WHAT WOULD HAPPEN TO THEM WHEN IT IS TIME FOR THEIR RELEASE BECOMES THE QUESTION. THE INTENTION IS THAT THEY'LL BE RELEASED ON PAROLE, NOT ON POST-RELEASE SUPERVISION. TO INCREASE THE LIKELIHOOD OF PAROLE ELIGIBILITY AND SUCCESS ON PAROLE, PROBATION SHOULD STILL WORK WITH THE DEPARTMENT OF CORRECTIONS AND PAROLE WITH THE ACTIVE PARTICIPATION OF THE INMATE ON A TRANSITION OR REENTRY PLAN. WHAT WE NEED TO KEEP IN MIND, COLLEAGUES, IS THAT THEY COULD END UP...THESE OFFENDERS COULD END UP BEING RELEASED WITHOUT ANY FORM OF SUPERVISION. ONE GOAL OF LB605 WAS TO ENSURE, TO THE EXTENT POSSIBLE, A PERIOD OF SUPERVISION FOLLOWING RELEASE FROM PRISON, EITHER ON PAROLE OR POST-RELEASE SUPERVISION. ADDITIONALLY, A GOAL OF LB1094 IS TO ELIMINATE THE OVERLAP BETWEEN PAROLE AND POST-RELEASE SUPERVISION AS MUCH AS POSSIBLE. COLLEAGUES, THIS IS AN IMPORTANT BILL. AND I WOULD ENCOURAGE YOU TO REVIEW THE REPORT FROM THE DEPARTMENT OF CORRECTIONS, PAROLE BOARD ABOUT THE NUMBER OF OFFENDERS BEING RELEASED WITHOUT ANY POST-RELEASE SUPERVISION: 47.2 PERCENT OF THE INMATES THAT HAVE BEEN RELEASED HAVE... [LB1094 LB605]

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PRESIDENT FOLEY: ONE MINUTE. [LB1094]

SENATOR COASH: ...BEEN RELEASED AS A JAM-OUT SITUATION. NO ONE IS WATCHING THEM WHEN THEY LEAVE. THAT INCREASES THE LIKELIHOOD THAT THEY WILL BE RETURNED TO PRISON FOR A VIOLATION. THE WORK OF THE CSG COMMITTEE AND THE JUDICIARY COMMITTEE IS TRYING TO ADDRESS THIS ISSUE. LB1094 IS A PART OF THAT EFFORT. TO ENSURE THE CONTINUED SUCCESS OF THIS JUSTICE REINVESTMENT INITIATIVE, I WOULD ASK FOR YOUR SUPPORT OF AM2845 AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB1094]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. (VISITORS INTRODUCED.) SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON AM2845. AND HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB1094]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SEILER'S AMENDMENT. [LB1094]

PRESIDENT FOLEY: AM2845 IS ADOPTED. MR. CLERK. [LB1094]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB1094]

PRESIDENT FOLEY: SENATOR HANSEN. [LB1094]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1094 TO E&R FOR ENGROSSING. [LB1094]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB1094 ADVANCES. PROCEEDING TO THE NEXT BILL, LB947. MR. CLERK. [LB1094 LB947]

CLERK: MR. PRESIDENT, LB947. I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL, SENATOR. (ER229, LEGISLATIVE JOURNAL PAGE 1245.) [LB947]

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PRESIDENT FOLEY: SENATOR HANSEN. [LB947]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB947. [LB947]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB947]

CLERK: SENATOR MELLO, I HAVE A NOTE WITH RESPECT TO AM2741 YOU WISH TO WITHDRAW. [LB947]

SENATOR MELLO: CORRECT. [LB947]

PRESIDENT FOLEY: THAT AMENDMENT IS WITHDRAWN. [LB947]

CLERK: SENATOR MELLO WOULD MOVE TO AMEND WITH AM2899. (LEGISLATIVE JOURNAL PAGE 1514.) [LB947]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM2899. [LB947]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, AM2899 IS AN AMENDMENT THAT ADDRESSES TWO CONCERNS EXPRESSED ABOUT LB947 ON GENERAL FILE AND THEN ONE THAT WE HEARD EARLIER THIS WEEK: FIRST, THAT PROFESSIONAL COMMERCIAL LICENSES SHOULD BE LIMITED TO THE TIME FRAME OF WORK AUTHORIZATION. IT WAS AN ISSUE SENATOR MURANTE BROUGHT ON GENERAL FILE THAT WE SAID WE WOULD ADDRESS ON SELECT FILE. AND THE SECOND IS THAT WE SHOULD BE VERY CAREFUL TO ENSURE THAT LB947 ONLY APPLIES TO PROFESSIONAL AND COMMERCIAL LICENSES FOR WORK-AUTHORIZED NEBRASKANS AND NOT ANY OTHER PUBLIC BENEFITS. WITH REGARD TO THE FIRST ISSUE, AM2899 EXPLICITLY TIES THE VALIDITY OF THE INDIVIDUAL'S PROFESSIONAL OR COMMERCIAL LICENSES TO A PERIOD OF TIME IN WHICH THAT PERSON'S EMPLOYMENT DOCUMENT IS VALID. THIS LANGUAGE APPLIES TO BOTH LICENSING AND CREDENTIALING SECTIONS OF THE BILL TO ENSURE THAT THESE SECTIONS ARE IN CONFORMITY. AM2899 ALSO ADDRESSES THE ISSUES RAISED BY THE NEBRASKA DEPARTMENT OF LABOR, WHICH WAS A LETTER THEY SENT EARLIER THIS WEEK. SPECIFICALLY,

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THEY'RE CONCERNED THAT LB947 MAY UNINTENTIONALLY MAKE THIS POPULATION ELIGIBLE FOR MORE THAN JUST PROFESSIONAL OR COMMERCIAL LICENSES. TO BE VERY CLEAR, IN THE INITIAL GREEN COPY BILL OF LB947, IN ALL OF MY STATEMENTS AND CONVERSATIONS IN THE COMMITTEE AND ON GENERAL FILE RELATED TO THIS BILL I HAVE CONSISTENTLY AFFIRMED THAT THE NARROW INTENT OF THIS BILL IS TO ENSURE THAT WORK-AUTHORIZED RESIDENTS, INCLUDING DACA RECIPIENTS AND SIMILARLY SITUATED IMMIGRANTS WITH FEDERALLY AUTHORIZED LAWFUL PRESENCE, ARE ABLE TO OBTAIN PROFESSIONAL AND COMMERCIAL LICENSES. THIS BILL IS NECESSARY BECAUSE STATE LAW CURRENTLY PROHIBITS THIS GROUP FROM OBTAINING SUCH LICENSES. THE TEXT OF THE BILL PLAINLY CONVEYS THIS INTENT BY CAREFULLY DEFINING CATEGORIES OF WHO IS ELIGIBLE FOR PROFESSIONAL AND COMMERCIAL LICENSES, AND WHAT DOCUMENTS APPLICANTS MUST SUBMIT TO DEMONSTRATE THEIR ELIGIBILITY. THE LANGUAGE OF THIS BILL ALSO UNMISTAKABLY PROVIDES THAT THIS GROUP IS ONLY ABLE TO OBTAIN PROFESSIONAL AND COMMERCIAL LICENSES AND NOTHING MORE OR NO OTHER FURTHER PUBLIC BENEFITS. SO WHILE I BELIEVE THAT THIS PARTICULAR AMENDMENT LANGUAGE IS UNNECESSARY DUE TO THE CLARITY IN THE BILL'S INTENT AND THE BILL'S TEXT, I'VE INCLUDED IT TO...I'VE INCLUDED THIS LANGUAGE TO ACCOMMODATE THE DEPARTMENT OF LABOR'S CONCERNS THAT THEY MADE EARLIER THIS WEEK AND TO MAKE IT UNEQUIVOCAL THAT LB947 SHALL ONLY APPLY TO PROFESSIONAL OR COMMERCIAL LICENSES TO THIS WORK-AUTHORIZED POPULATION. WITH THAT, MR. PRESIDENT, I URGE THE BODY TO ADOPT AM2899. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON AM2899. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB947]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND THANK YOU, MEMBERS OF THE BODY. I APPRECIATE SENATOR MELLO AND HIS AMENDMENT TO PROVIDE ADDITIONAL CLARIFICATION WITH REGARD TO THE ISSUE OF PROFESSIONAL AND LICENSES FOR DACA STUDENTS AND THOSE WITH A DEFERRED ACTION STATUS AT THIS POINT CONFERRED TO THEM. I DID WANT TO CLARIFY SOME OF THE DISCUSSION THAT SENATOR MELLO AND I HAD WHEN THIS BILL WAS ON GENERAL FILE AND EXPRESS THAT...ONE OF THE REASONS WHY I HAVE SOME CHALLENGES AND COMPLICATIONS WITH THE UTILIZATION AND AWARDED BLANKETLY OF THE COMMERCIAL AND PROFESSIONAL LICENSES FOR DACA YOUTH. AND WHAT I'VE PROVIDED, AND IT'S COMING AROUND FOR A NUMBER OF YOU, JUST SHOWS THE PATHWAY THAT AN INTERNATIONAL STUDENT HAS TO

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UNDERGO SHOULD THEY, IN THIS EXAMPLE, WANT TO BE A DENTIST AND PRACTICE IN THE STATE OF NEBRASKA. BY COMPARISON, WE HAVE A PATHWAY IN WHICH AN INDIVIDUAL WHO DOES NOT HAVE A LEGAL STATUS OR THE DACA DEFERRED ACTION STATUS WOULD HAVE THE SAME PATHWAY BY COMPARISON. ON THE LEFT YOU CAN SAY AND UNDERSTAND CLEARLY THAT AN INDIVIDUAL STUDENT WHO WISHES TO GO TO SCHOOL IN NEBRASKA, WISHES TO PRACTICE DENTISTRY IN NEBRASKA FACES A SIGNIFICANT NUMBER OF HURDLES, EVERYTHING FROM INTERNATIONAL AND OUT-OF-STATE TUITION CHALLENGES; THE VAGARIES OF THE FEDERAL IMMIGRATION PROCESS WHEN IT COMES TO APPLYING TO STUDENT VISAS; THE RESTRICTIONS THAT ARE PLACED UPON THEM FOR EMPLOYMENT WHEN THEY HAVE A STUDENT VISA--FOR EXAMPLE, AN INTERNATIONAL STUDENT STUDYING ON A STUDENT VISA HAS RESTRICTIONS ON THE NUMBER OF HOURS THAT THEY CAN WORK TO FUND THEIR OWN EDUCATION; THE CHALLENGES THAT THEY FACE WHEN THEY GET THEIR PROFESSIONAL DEGREE; AND THE ABSOLUTE UNCERTAINTY THAT THEY WILL EVER BE GRANTED A LICENSE TO PRACTICE THAT PROFESSIONAL DEGREE, EVEN IF TRAINED THROUGHOUT THE ENTIRETY OF THEIR CAREER AT THE UNIVERSITY OF NEBRASKA. EVEN THEN, ONCE RECEIVING THAT PROFESSIONAL LICENSURE UNDER THE LEGAL SYSTEM THAT IS CURRENTLY ESTABLISHED, THOSE INDIVIDUALS HAVE LICENSES WHICH IN SOME CASES REQUIRE THEM TO RETURN TO THEIR COUNTRY OF ORIGIN FOR A PERIOD OF TIME TO REAPPLY. ON THE OTHER HAND, THE PATHWAY FOR THE DACA YOUTH AND THOSE OF OTHER DEFERRED ACTION STATUS IS MUCH SMOOTHER AND MUCH LESS EXPENSIVE. THEY HAVE THE BENEFIT OF IN-STATE TUITION. THEY HAVE THE BENEFIT OF BEING CONSIDERED A NEBRASKA RESIDENT FOR RESIDENCY PURPOSES. AND NOW WE ARE CONTINUING TO REMOVE THE OTHER OBSTACLES THAT FACE ALL OF THE OTHER LEGAL, INTERNATIONAL STUDENTS WITH REGARD TO CERTAINTY OF THEIR PROFESSIONAL LICENSURE. WHEN IT COMES TO SIMPLY A MATTER OF EQUITY AND FAIRNESS IN FOLLOWING THE LAWS, I DO SEE CHALLENGES, HAVING WORKED WITH INTERNATIONAL STUDENTS WHO IS CAME TO THE UNITED STATES UNDER STUDENT VISAS, WHO STUDIED, WHO APPLIED FOR PROGRAMS AS AN INTERNATIONAL STUDENT, DID NOT RECEIVE ACCEPTANCE, EVEN THOUGH THEY WERE MORE THAN QUALIFIED, BECAUSE THEY DIDN'T MEET THE QUOTAS FOR INTERNATIONAL STUDENTS, OR COMPLETED THEIR COURSE OF STUDY AND, BECAUSE THEY DIDN'T MAKE IT THROUGH THE H-1B LOTTERY VISA PROCESS, WERE NOT ELIGIBLE TO WORK IN THE STATE OF NEBRASKA. THERE'S ALSO A DOLLAR AND CENTS FIGURE. IF WE LOOK AT AN INDIVIDUAL STUDENT, SAY AN INTERNATIONAL STUDENT FROM CANADA, IN THIS EXAMPLE THEIR TOTAL COSTS COME TO CLOSE TO HALF A MILLION DOLLARS, \$447,710, FOR THEIR EDUCATIONAL EXPENSES TO BE ABLE TO

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PRACTICE, IN THIS EXAMPLE, AS A DENTIST IN THE STATE OF NEBRASKA. BY CONTRAST, THOSE WITHOUT, WHO DID NOT IMMIGRATE VIA THE LEGAL CHANNELS, HAVE \$212,000, LESS THAN HALF THE COSTS ASSOCIATED. AND WHAT WE'RE TALKING ABOUT NOW IS GIVING THEM ABSOLUTE CERTAINTY FOR THEIR LICENSURE... [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR KUEHN: ...AS OPPOSED TO...THANK YOU, MR. PRESIDENT...AS OPPOSED TO THE LEGAL PROCESS WHICH HAS A SIGNIFICANT DEGREE OF UNCERTAINTY AND ADDITIONAL RESTRICTIONS. I THINK THIS IS AN IMPORTANT POLICY CHOICE THAT WE NEED TO RECOGNIZE AS LAWMAKERS THAT WE ARE MAKING AS WE MOVE FORWARD. IT'S NOT ABOUT INSENSITIVITY TO THE YOUTH THAT ARE HERE. IT'S ABOUT FOLLOWING THE CLEARLY ESTABLISHED RULES AND ASSUMING THAT EVERYONE, WHETHER THEY...ESPECIALLY THOSE WHO HAVE GONE THROUGH THE LEGAL CHANNELS, DO NOT GET TREATED UNFAIRLY IN THE PROCESS OF EDUCATION AND PROFESSIONAL LICENSURE. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR KUEHN. MR. CLERK. [LB947]

CLERK: MR. PRESIDENT, SENATOR MURANTE WOULD MOVE TO AMEND WITH AM2842. (LEGISLATIVE JOURNAL PAGE 1519.) [LB947]

PRESIDENT FOLEY: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB947]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. THE ROOT OF AM2899 WAS A DISCUSSION BETWEEN SENATOR MELLO AND MYSELF ON GENERAL FILE REGARDING THE POSSIBILITY OF SOMEONE WHO HAS LEGAL PRESENCE IN THE UNITED STATES DUE TO AN EXECUTIVE ORDER, LOSING THAT LEGAL PRESENCE BECAUSE A NEW PRESIDENT IN JANUARY COULD RESCIND THAT EXECUTIVE ORDER, BECAUSE, AS WE ALL KNOW, ANYTHING...ANY LAW WHICH IS CREATED BY EXECUTIVE ORDER CAN BE UNDONE BY EXECUTIVE ORDER. AND WE ARE IN THE MIDST OF A PRESIDENTIAL ELECTION, WHICH CREATED SOME CONCERNS ON MY PART THAT WE WOULD BE GRANTING LICENSES TO PEOPLE WHO CURRENTLY HAVE LEGAL PRESENCE IN THE UNITED STATES BUT THAT LEGAL PRESENCE MAY ONLY LAST FOR A FEW MORE MONTHS, UNTIL A NEW PRESIDENT IS SWORN INTO OFFICE, AT WHICH

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TIME THOSE LICENSES WOULD REMAIN VALID BUT THEIR LEGAL PRESENCE WOULD NOT BE VALID. AND IN REVIEWING LB947, IN ORDER TO RECEIVE A COMMERCIAL LICENSE UNDER THIS BILL, PURSUANT TO STATE LAW, SOMEONE WHO IS A DACA RECIPIENT WOULD NEED TO JUMP THROUGH A COUPLE OF HOOPS AND THEY WOULD HAVE TO DEMONSTRATE THAT THEY ARE WHO THEY SAY THEY ARE. AND IN ORDER TO DO THAT THE BILL LAYS OUT A COUPLE OF DIFFERENT FORMS THAT A DACA RECIPIENT COULD SUBMIT FOR THE PURPOSES OF DEMONSTRATING THEIR STATUS, EXCUSE ME, THEIR LEGAL PRESENCE, AND I'LL READ FROM THE BILL: "AN UNEXPIRED EMPLOYMENT AUTHORIZATION DOCUMENT ISSUED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, FORM I-766 OR FORM I-688B." IN REVIEWING THAT PARTICULAR SECTION, WE FOUND THAT FORM I-688B HAS BEEN RENDERED OBSOLETE AND IS NO LONGER ISSUED BY THE FEDERAL GOVERNMENT. ACCORDINGLY, IN OUR VIEW, IT DOESN'T HAVE ANY PLACE IN THIS BILL. AND I'LL READ FROM AN INTEROFFICE MEMORANDUM OF THE UNITED STATES CITIZEN AND IMMIGRATION SERVICES, DATED AUGUST 18, 2006: BEGINNING SEPTEMBER 1, 2006, THE USCIC WILL REDUCE THE NEED FOR LOCALLY PRODUCED EADs IN ORDER TO REACH A GOAL OF TOTAL ELIMINATION OF FORM I-688B ISSUANCE BY OCTOBER 1, 2006. IN ORDER TO ATTAIN THIS OBJECTIVE, HEADQUARTERS, FIELD OFFICES, AND SERVICE CENTERS WILL WORK IN UNISON TO SUCCESSFULLY COMPLETE THE NUMEROUS STAGES IN THE PROCESS. THIS INITIATIVE AFFECTS BOTH LOCALLY PRODUCED INTERIM EADs AND "NONINTERIM" EADs, AN EAD BEING AN EMPLOYMENT AUTHORIZATION DOCUMENT. SO IF YOU WERE TO GOOGLE RIGHT NOW FORM I-688B, YOU WOULD FIND THAT IT IS LISTED UNDER THE OBSOLETE DOCUMENTS ON THE FEDERAL GOVERNMENT'S PAGE. IN MY VIEW, IT SHOULD BE STRICKEN FROM THIS BILL. I DON'T PARTICULARLY CARE MUCH FOR LB947, BUT I DO THINK THIS IS AN AMENDMENT THAT WOULD IMPROVE THE BILL AND I ENCOURAGE YOUR ADOPTION OF IT. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE BILL AND THE PENDING AMENDMENT. SENATOR CHAMBERS, YOU'RE RECOGNIZED. HE WAIVES THE OPPORTUNITY AT THIS POINT. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB947]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I..COMING HERE EVERY DAY, I LOOK AT WHAT THE NEW PROGRESSIVE PUSH IS, WHAT MY FRIENDS TO MY POLITICAL LEFT ARE TRYING TO DO TODAY, BE IT MEDICAID EXPANSION, BE IT GAY RIGHTS, BE IT, OH, DEATH PENALTY LAST YEAR. AND IT'S ONE THING AFTER ANOTHER AFTER ANOTHER AFTER ANOTHER. AND I THINK THEY HOPE

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THEY CAN WEAR US DOWN, AND THEY DO. THEY DO. IT'S TOUGH TO KEEP PEOPLE TOGETHER ON THESE THINGS. AND, YOU KNOW, EVERY DAY I COME IN, I HAVE TO FIGURE A NEW WAY TO STOP A NEW IDEA TO EXPAND GOVERNMENT AND STOP GOVERNMENT CONTROL OF OUR LIVES, IN THIS CASE, REWARD LAWLESSNESS AND REWARD AN ADMINISTRATION THAT'S DONE EVERYTHING TO IGNORE THE RULE OF LAW AND THEN PUSH THAT DOWN ONTO US TO DEAL WITH THE CONSEQUENCES. AND HERE WE ARE AGAIN. NOW, LET'S LOOK AT WHAT THE FEDERAL GOVERNMENT DOES. THERE ARE FEDERAL...THE FEDERAL GOVERNMENT GIVES NO BENEFITS AT ALL TO ANYONE WHO'S ILLEGAL. YOU CANNOT GET ANY KIND OF PROFESSIONAL LICENSE ON A FEDERAL LEVEL IF YOU ARE NOT LEGAL, AND THAT ISN'T LEGAL PRESENCE. THAT IS A LEGAL CITIZEN OR YOU HAVE DOCUMENTED LEGAL STATUS, LIKE A GREEN CARD. IT DOES NOT RECOGNIZE LEGAL PRESENCE. THAT'S JUST A EXECUTIVE MEMO BY JANET "INCOMPETANO" WHEN SHE USED TO BE DIRECTOR OF HOMELAND SECURITY. THAT'S ALL THAT IS. WE PASSED A BILL LAST NIGHT...LAST YEAR ON A MEMO FROM A CABINET MEMBER. SO IF YOU'RE A FEDERAL...TRYING TO GET A FEDERAL LICENSE, YOU CAN'T DO IT. AND CONGRESS ISN'T GOING TO CHANGE THAT AND THE PRESIDENT CAN'T...I GUESS HE REALIZED HE CAN'T DO ANYTHING ABOUT IT. SO THAT'S THE WAY IT IS. SO WE'VE GOT SOME BRAINIACS IN OUR BODY THAT SAY, WELL, THAT'S OKAY. HAVE THEM COME TO NEBRASKA. WE'LL JUST GIVE THEM ANY KIND OF LICENSE THEY WANT. NOW, LET'S NOT BE UNSYMPATHETIC. THESE ARE...QUITE A FEW OF THESE PEOPLE HAVE BEEN BROUGHT HERE WHEN THEY WERE YOUNG. THEY'RE NOT EXACTLY WHAT WE WOULD CALL HARDENED CRIMINALS, AND NO ONE IS SAYING THAT THEY ARE. WHAT WE ARE SAYING IS THERE'S SOMETHING CALLED THE RULE OF LAW. AND IF WE WANT TO FIX THIS PROBLEM, IT NEEDS TO BE FIXED AT THE FEDERAL LEVEL INSTEAD OF PUSHING IT DOWN TO US AND SAYING, WELL, WE'VE GIVEN THESE PEOPLE SOME TEMPORARY LEGAL STATUS WITH DACA, AND NOW YOU HAVE TO TREAT THEM LIKE THEY'RE REGULAR CITIZENS. WELL, NO, WE DON'T. AND I WOULD THINK THE MAJORITY OF PEOPLE IN THE STATE WOULD SAY, HOLD ON JUST A MINUTE. LET'S DO THIS THING THE RIGHT WAY. LET CONGRESS FIX THE PROBLEM THAT THE PRESIDENT STARTED AND THE PRESIDENT CAUSED. LET THE FEDERAL GOVERNMENT FIX THE PROBLEM AND WE CAN RESPOND WHEN THE FEDERAL GOVERNMENT DOES THEIR JOB CORRECTLY. SO IF YOU LOOK AT WHAT I HANDED OUT TO YOU, STATES THAT CURRENTLY GRANT DACA RECIPIENTS PROFESSIONAL LICENSES: CALIFORNIA, IT ALLOWS CALIFORNIANS TO APPLY FOR 40 DIFFERENT PROFESSIONAL LICENSES--THAT'S FAR FEWER THAN WHAT WE'RE PROPOSING HERE;... [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

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SENATOR KINTNER: ...NEW YORK, 53 TYPES; FLORIDA HAD A LAW TO ALLOW ADMISSION TO THE BAR FOR ONE INDIVIDUAL; NEVADA, YOU CAN GET A TEACHING LICENSE. THAT'S IT. THIS WOULD BE THE MOST LIBERAL LAW, THE MOST EXPANSIVE LAW IN THE ENTIRE COUNTRY. WE WOULD LITERALLY HAVE LIBERAL STATES LIKE ILLINOIS SAYING, HEY, LOOK AT NEBRASKA. WE NEED TO BE LIKE THEM. THIS IS ANOTHER THING THAT'S TRYING TO BE IMPOSED UPON THE PEOPLE OF THIS STATE, AND I DON'T THINK IT'S RIGHT FOR A STATE. I THINK WE NEED TO LET THE FEDERAL GOVERNMENT DO THEIR JOB AND FIX THE PROBLEM THAT THEY CAUSED. WHEN THAT HAPPENS, IT MAKES OUR LIFE A LOT EASIER. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR MELLO, YOU'RE RECOGNIZED. [LB947]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I SPOKE WITH SENATOR MURANTE AND I RISE IN SUPPORT OF AM2842. IT DOES CLARIFY AND CLEAN UP AN OBSOLETE FEDERAL FORM THAT ONLY, I THINK, HELPS IMPROVE THE EXISTING STATUTE, EXISTING BILL. I DO HAVE, OBVIOUSLY, A BIT OF DISAGREEMENT WITH SENATOR KINTNER, MAYBE HIS PERSPECTIVE ON THIS. FIRST OFF, WHAT SENATOR KINTNER DID NOT TELL YOU IS THAT NEBRASKA HAS A VERY UNIQUE LAW, LB403, WHICH IS THE MOST RESTRICTIVE LAW WHEN IT COMES TO DEALING WITH PUBLIC BENEFITS IN THOSE INDIVIDUALS WHO DO NOT MEET CERTAIN CRITERIA AS U.S. CITIZENS IN THE COUNTRY. SO THAT'S THE ONE THING SENATOR KINTNER DIDN'T JUST TELL YOU WHEN HE DECIDED TO GET LOUD AND VERY VERBOSE IN REGARDS TO HIS DISLIKE OF THE FEDERAL GOVERNMENT, HIS DISLIKE OF PRESIDENT OBAMA, AND HIS DISLIKE OF LB947. BECAUSE OF LB403 IS WHY WE NEED LB947. A NUMBER OF OTHER STATES, AS WE'VE RESEARCHED, DON'T HAVE THE SAME RESTRICTIONS THAT NEBRASKA DOES WHEN IT COMES TO WORK-AUTHORIZED INDIVIDUALS. SO, YES, SENATOR KINTNER, SOME STATES HAVE PASSED LAWS TO BE VERY CLEAR OF WHAT KIND OF POPULATIONS THEY WANT TO ALLOW TO GET PROFESSIONAL LICENSE, BUT MOST STATES DON'T HAVE THAT SAME REQUIREMENT THAT NEBRASKA DOES. AND I FIND IT OFFENSIVE EVERY TIME MEMBERS GET ON THE FLOOR TO TRY TO TAG AND LABEL BILLS OR AGENDAS TO TRY TO MAKE A POINT BECAUSE THEY CAN'T ARGUE AGAINST THE BILL. WHAT SENATOR KINTNER DIDN'T TELL YOU IS THAT REPUBLICAN MAYOR JEAN STOTHERT CAME OUT IN SUPPORT OF LB947 THIS WEEK. THIS IS A BIPARTISAN ISSUE BECAUSE IT'S A WORK FORCE ISSUE. WE ARE RAISING THESE CHILDREN. WE ARE INVESTING IN THESE CHILDREN IN OUR PUBLIC SCHOOLS. AND THE FEDERAL GOVERNMENT, WHETHER YOU AGREE OR DISAGREE, HAS GIVEN THEM

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WORK AUTHORIZATION TO GO TO COLLEGE, THEY CAN JOIN THE MILITARY, AND THEY CAN WORK IN THE STATE OF NEBRASKA. WHAT LB947 IS SAYING, IF THEY NEED A PROFESSIONAL OR OCCUPATIONAL LICENSE TO CHOOSE THEIR CAREER PATH TO WORK IN THE STATE OF NEBRASKA, THAT WE'RE GOING TO GIVE THEM...WE WILL GIVE THAT TO THEM AS LONG AS THEY HAVE THE WORK AUTHORIZATION. THIS IS NOT SOME LIBERAL CONSPIRACY, AS SENATOR KINTNER WANTS YOU TO BELIEVE. COLLEAGUES, THIS IS A VERY COMMON-SENSE MEASURE TO ADDRESS WORK FORCE CHALLENGES IN OUR STATE. YES, GOOD PEOPLE CAN DISAGREE ON AN ISSUE LIKE THIS, BUT, COLLEAGUES, THIS IS NOT OPENING UP ANY PUBLIC BENEFITS TO ANYONE WHO DOESN'T DESERVE THEM. THE FEDERAL GOVERNMENT HAS GIVEN RECOGNITION TO THIS POPULATION AND OTHER IMMIGRANT POPULATIONS TO BE ABLE TO STAY AND WORK IN THE STATE OF NEBRASKA, PAY TAXES, CONTRIBUTE TO OUR SOCIETY AND OUR ECONOMY, AND LB947 IS SIMPLY RECOGNIZING THAT, AND IT CUTS ACROSS THE POLITICAL SPECTRUM. SO DON'T FALL VICTIM TO THIS RHETORIC, THIS HYPERBOLE IN REGARDS TO WHY LB947 IS SOMETHING THAT IT'S NOT. WHAT ALSO IS A BIT FRUSTRATING AND A BIT DISAPPOINTING IS THERE ARE SOME BEHIND THE GLASS TRYING TO TELL YOU THAT AM2899 DOESN'T ADDRESS THE DEPARTMENT OF LABOR'S ISSUES. IT DOES. IT DOES IT, AND THE ORIGINAL BILL ADDRESSED THEIR ISSUES. AND, FOR WHATEVER REASON, THIS IS A TACTIC THAT'S USED BY THE ADMINISTRATION TO COME AT THE LAST MINUTE TO TRY TO MUDDY THE WATERS. NOWHERE IN THE BILL, AS THE GREEN COPY STATED, AND ASK THE JUDICIARY COMMITTEE MEMBERS WHO HEARD THE TESTIMONY ON THIS WHERE THERE WAS NO OPPOSITION FROM ANY OF THE EXECUTIVE BRANCH AGENCIES OR ANYONE ELSE, FOR THAT MATTER, THERE WAS NO PROBLEMS WITH THE LANGUAGE BECAUSE IT DOESN'T OPEN UP ANY OTHER PUBLIC BENEFITS BESIDES COMMERCIAL AND PROFESSIONAL LICENSES. WE WENT THE EXTRA STEP TO ADDRESS THEIR CONCERN THAT IS ALREADY ADDRESSED IN THE GREEN COPY OF THE BILL, BECAUSE WE WANTED TO TRY TO PLAY NICE WITH THE EXECUTIVE BRANCH ON THIS ISSUE, EVEN THOUGH I KNOW THE GOVERNOR DOESN'T SUPPORT THE BILL. [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR MELLO: SO, COLLEAGUES, DON'T BE INFLUENCED BY THE MISINFORMATION YOU'RE GOING TO GET OUTSIDE THE GLASS ON THE AMENDMENT, AM2899, OR THE UNDERLYING BILL. SENATOR MURANTE'S AMENDMENT IS FINE BECAUSE IT CLARIFIES THE BILL. IT TAKES AN OBSOLETE FORM OUT THAT EVERYONE AGREES JUST MAKES THE BILL BETTER. AM2899 MEETS WHAT SENATOR MURANTE ASKED IT TO DO ON GENERAL FILE, WHICH

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ENSURES LICENSES CAN ONLY BE USED DURING THE PERIOD OF THE VALID WORK AUTHORIZATION, AND IT FURTHER CLARIFIES EVEN MORE THAT THIS BILL ONLY APPLIES TO PROFESSIONAL AND COMMERCIAL LICENSE, WHICH WE KNOW THERE'S WELL OVER 170 COMMERCIAL AND PROFESSIONAL LICENSES IN THE STATE TO BE ABLE TO PRACTICE YOUR TRADE OR PROFESSION. IT'S A COMMON-SENSE, BIPARTISAN BILL, COLLEAGUES, THAT WILL ENHANCE OUR STATE'S ECONOMY, ENHANCE OUR STATE'S WORK FORCE, AND IT'S THE RIGHT THING TO DO FOR THE FUTURE OF OUR STATE. SO I'D URGE YOU TO ADOPT BOTH OF THESE AMENDMENTS AND MOVE LB947 TO FINAL READING. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB947]

SENATOR JOHNSON: THANK YOU, LIEUTENANT GOVERNOR. IN MY DISTRICT, THE LARGEST COMMUNITY THAT I HAVE, THE LARGEST CITY, 75 PERCENT, AT LEAST, OF THE RESIDENTS WITHIN THAT CITY ARE NOT NATIVE TO SCHUYLER. THEY'RE NOT NATIVE TO NEBRASKA. THEY'RE NOT NATIVE TO THE UNITED STATES. I THINK IN THE SCHOOL SYSTEM IT'S 80 PERCENT OR MORE ARE IN THAT SAME SITUATION. THEY HAVE COME TO THE UNITED STATES UNDER DIFFERENT SITUATIONS. I'VE HEARD FROM A LOT OF THEM. I HEARD FROM A LOT OF THEM LAST YEAR THAT...WHEN WE WERE DEALING WITH THE DREAMERS. AND THEY'VE COME AGAIN WITH QUESTIONS. AND I HAVE QUESTIONS. I WOULD LIKE TO ASK IF SENATOR MURANTE WOULD YIELD TO A QUESTION. [LB947]

PRESIDENT FOLEY: SENATOR MURANTE, WOULD YOU YIELD, PLEASE? [LB947]

SENATOR MURANTE: YES, I WOULD. [LB947]

SENATOR JOHNSON: THANK YOU. WHAT WOULD HAVE TO HAPPEN OR WHAT WOULD BE THE PROCESS FOR, LET'S JUST CALL IT, THE DREAMERS TO BE SOMEDAY ELIGIBLE TO BE ABLE TO GET WHAT WE'RE ASKING FOR HERE OR WHAT THEY'RE ASKING FOR HERE FOR A PROFESSIONAL LICENSE? IS IT GOING TO HAVE TO BE SOMETHING STATEWIDE, CHANGE OF PHILOSOPHY, FEDERAL, OR WHAT'S GOING TO HAVE TO CHANGE? OR ARE THEY GOING TO BE STRUGGLING WITH THIS THE REST OF THEIR LIVES? [LB947]

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SENATOR MURANTE: I'M NOT SURE I FOLLOW THE QUESTION. ARE YOU ASKING WHAT IT WOULD TAKE FOR THEM TO BE CITIZENS OR WHAT IT WOULD TAKE FOR THEM TO GET LICENSES UNDER THE BILL? [LB947]

SENATOR JOHNSON: WELL, I KNOW...I THINK I UNDERSTAND THE CITIZENSHIP PART OF IT. BUT IS THERE SOMETHING ELSE IN BETWEEN THERE, RESIDENCY OR SOMETHING ELSE, THAT WOULD...(INAUDIBLE) IN THERE SO THIS IS WHAT THEY COULD DO IN ORDER TO QUALIFY? OR WHAT OTHER CHANGES WOULD HAVE TO BE MADE JUST TO QUALIFY FOR PROFESSIONAL LICENSE? [LB947]

SENATOR MURANTE: THAT'S A BROAD QUESTION, SENATOR JOHNSON. THERE ARE A LOT OF THINGS THAT COULD BE DONE, I THINK. IF YOU'RE LOOKING FROM THE PERSPECTIVE OF TRYING TO NARROW LB947 OR TO EXPAND IT, IT JUST DEPENDS ON WHICH ROUTE YOU WANT TO GO WITH IT. [LB947]

SENATOR JOHNSON: SO FOR ME TO BE...IF THIS DOES...I'M NOT SURE WHERE I'M AT ON VOTING YET, BUT LET'S SAY THIS DOES NOT PASS, BECAUSE I KNOW WHERE THE GOVERNOR IS AT ON IT. LAST YEAR I VOTED ON THE OPPOSITE SIDE OF THE GOVERNOR, AND I THINK I SURVIVED THAT ALL RIGHT. BUT TO BE ABLE TO GO BACK AND EXPLAIN TO THEM WHY THIS DID NOT PASS AGAIN, A WAY FOR ME TO GIVE SOME KIND OF A IDEA OF WHAT THEY MIGHT HAVE TO DO. IT MIGHT HAVE TO BE MOVE OUT OF NEBRASKA, IS WHAT I'M HEARING. SO, NO, JUST KIND OF CURIOUS. I'LL HAVE TO GO ON MY OWN AND FIGURE OUT WHAT IT'S GOING TO TAKE FOR THEM TO BE ABLE TO GET A PROFESSIONAL LICENSE IN NEBRASKA OR LET'S SAY EVEN IN THE UNITED STATES. THANK YOU, SENATOR MURANTE. THANK YOU. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB947]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WOULD LIKE TO ASK SENATOR KINTNER A QUESTION OR TWO IF HE'S STILL ON THE PREMISES. [LB947]

PRESIDENT FOLEY: SENATOR KINTNER, WOULD YOU YIELD, PLEASE? [LB947]

SENATOR KINTNER: YES. GO AHEAD. [LB947]

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SENATOR CHAMBERS: SENATOR KINTNER, I LISTENED TO YOU VERY CAREFULLY, AND YOU SAID THIS SHOULD NOT BE IMPOSED ON THE PEOPLE OF THIS STATE. WHAT WOULD BE IMPOSED AND ON WHAT PEOPLE OF THE STATE WOULD IT BE IMPOSED? [LB947]

SENATOR KINTNER: WELL, WHAT THIS IS DOING IS THIS IS PUTTING INTO STATUTE LAWLESSNESS. IT IS...IT IS...IT IS... [LB947]

SENATOR CHAMBERS: I'D LIKE YOU NOT TO TAKE ALL... [LB947]

SENATOR KINTNER: ...FORCING US TO DEAL WITH A FAILED... [LB947]

SENATOR CHAMBERS: I'D LIKE YOU NOT TO TAKE ALL MY TIME. [LB947]

SENATOR KINTNER: OKAY. [LB947]

SENATOR CHAMBERS: PRECISELY WHAT IS BEING IMPOSED ON THE PEOPLE OF THIS STATE? TO MAKE IT CLEAR, WHAT ARE THE PEOPLE OF THIS STATE REQUIRED TO DO IF THIS BILL PASSES THAT COULD BE CONSIDERED AN IMPOSITION? [LB947]

SENATOR KINTNER: WHAT IT'S FORCING THEM TO DO IS RECOGNIZE ILLEGAL ALIENS AS LEGAL. [LB947]

SENATOR CHAMBERS: THESE...I'M NOT EVEN GOING TO GET INTO THAT. BUT THERE IS NOTHING YOU CAN MENTION THAT PEOPLE IN YOUR DISTRICT WOULD HAVE TO DO IF THIS BILL IS PASSED, IS THERE? [LB947]

SENATOR KINTNER: WELL, IF YOU ARE HERE LEGALLY AND YOU'VE DONE EVERYTHING RIGHT... [LB947]

SENATOR CHAMBERS: OKAY. [LB947]

SENATOR KINTNER: ...AND SOMEONE JUMPS AHEAD OF YOU AND SAYS, I'M ILLEGAL, I'LL DO IT TOO,... [LB947]

SENATOR CHAMBERS: OKAY. [LB947]

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SENATOR KINTNER: ...WHY WOULD YOU WANT TO DO IT LEGALLY IF YOU COULD DO IT ILLEGALLY? [LB947]

SENATOR CHAMBERS: ALL RIGHT. THANK YOU. [LB947]

SENATOR KINTNER: OKAY. [LB947]

SENATOR CHAMBERS: I'LL ASK YOU ANOTHER QUESTION. [LB947]

SENATOR KINTNER: ALL RIGHT. [LB947]

SENATOR CHAMBERS: YOU HAD TALKED ABOUT OBEYING THE LAW AND THAT EVERYBODY SHOULD HAVE TO FOLLOW THE LAW. YOU SAID THAT, DIDN'T YOU? [LB947]

SENATOR KINTNER: YES, EVERYONE SHOULD FOLLOW THE LAW. [LB947]

SENATOR CHAMBERS: WELL, WHEN THE GOVERNOR AND THE ATTORNEY GENERAL HAD BEEN TOLD THAT IF THEY IMPORT SODIUM THIOPENTAL INTO THIS COUNTRY IT WOULD BE A VIOLATION OF FEDERAL LAW, YET THEY CONTINUED TO DO IT, DID YOU THINK THE GOVERNOR AND THE ATTORNEY GENERAL WERE RIGHT IN DOING THAT IN VIOLATION OF FEDERAL LAW? [LB947]

SENATOR KINTNER: WELL, THAT WASN'T IN VIOLATION OF FEDERAL LAW. THAT WAS A STATUTE. IT WAS LEGAL UNDER THE LAST ADMINISTRATION,... [LB947]

SENATOR CHAMBERS: NO, NO. [LB947]

SENATOR KINTNER: ...AND NOW THEY'VE CHANGED THE RULES. [LB947]

SENATOR CHAMBERS: NO, NO. IT WAS A COURT ORDER FROM THE WASHINGTON, D.C., APPELLATE COURT, WHICH IS JUST BELOW THE U.S. SUPREME COURT, AND IT COVERED THE FDA AND, IN TURN, COVERED EVERY STATE. SODIUM THIOPENTAL COULD NOT BE LEGALLY IMPORTED INTO THIS COUNTRY BY ANY STATE, ANY INDIVIDUAL, ANY ENTITY BECAUSE IT WAS PROHIBITED BY THE FDA. NOW, THAT WASN'T A STATUTE. THAT WAS A FEDERAL LAW. THE GOVERNOR KNEW IT. THE ATTORNEY GENERAL KNEW IT. DO YOU THINK THEY WERE IN

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VIOLATION OF THE LAW AND THAT IT WAS ALL RIGHT FOR THEM TO IGNORE THAT? [LB947]

SENATOR KINTNER: FIRST OF ALL, THAT HASN'T BEEN APPEALED ALL THE WAY OUT, I DON'T BELIEVE IT. [LB947]

SENATOR CHAMBERS: ALL RIGHT. THANK YOU. [LB947]

SENATOR KINTNER: OKAY. [LB947]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, HE SPEAKETH WITHOUT KNOWLEDGE AND HE SPEAKETH LOUDER THAN ANYBODY ELSE. SOMETIMES IT'S BETTER TO REMAIN SILENT AND LET PEOPLE THINK YOU ARE A FOOL THAN TO SHOUT IT FROM THE HOUSETOPS, HEY, I'M STUCK ON STUPID. THE U.S. ATTORNEY FINALLY TOLD THE ATTORNEY GENERAL: IF YOU BRING THOSE DRUGS HERE, THAT IS A VIOLATION OF FEDERAL LAW. THEY HAD BEEN TOLD THIS BY LETTER REPEATEDLY. BUT SENATOR KINTNER, SO LOCKED IN TO WHATEVER THE GOVERNOR SAYS, MAYBE BECAUSE HIS WIFE WORKS THERE, AND HE HAS MENTIONED THAT FACT HIMSELF, THAT HE BRINGS ALL KIND OF IDIOCIES ON THIS FLOOR. AND THIS THAT HE'S TALKING IS IDIOTIC. THIS DOESN'T IMPOSE ANYTHING ON THE PEOPLE OF NEBRASKA. HE COULD NOT MENTION ONE PERSON IN HIS DISTRICT OR IN THIS STATE WHO WOULD BE DENIED ONE OF THESE LICENSES BECAUSE ONE OF THESE YOUNG PEOPLE, WHO MET EVERY ACADEMIC AND OTHER REQUIREMENT, OBTAINED SUCH A LICENSE. [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR CHAMBERS: HE'S LIKE A BROOK. HE BABBLES AND THAT'S ALL HE DOES. I FEEL SORRY FOR HIS STAFF. THEY GOT TO RUN OVER HERE EVERY TIME SOMETHING IS SAID AND THEN THEY HAVE TO SAY FOOLISH THINGS AND MAKE THEMSELVES LOOK STUPID. THEY SHOULD KNOW WHAT FEDERAL LAW IS, BUT THEY DON'T, OBVIOUSLY, OR THAT'S A PART OF THEIR JOB DESCRIPTION. NOBODY IS GOING TO BE HARMED IF THIS BILL PASSES. AND I NOTICE HOW BOLD THE GOVERNOR AND SENATOR KINTNER ARE WHEN WE'RE TALKING ABOUT CHILDREN. CHILDREN, YOUNG PEOPLE WHO HAVE DONE NOTHING WRONG AND WHO HAVE BEEN ACCEPTED INTO THESE SCHOOLS. THEY HAVE COMPLETED THE COURSE OF STUDY. AND ONE WAS SO EXCELLENT THAT A LICENSE HAD BEEN ISSUED BY HHS. THE ONLY REASON IT WAS RESCINDED WAS

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BECAUSE OF THE LAW NOT ALLOWING THAT KIND OF LICENSE TO BE ISSUED TO THIS PARTICULAR PERSON. NOT A... [LB947]

PRESIDENT FOLEY: TIME, SENATOR. [LB947]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANKS, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB947]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, YOU JUST DRIVEL ON. IT DOESN'T MATTER IF IT'S INCONSISTENT. IF YOU SAY IT SMOOTH ENOUGH, MAYBE SOMEONE BELIEVES IT. I MEAN I HARDLY WOULD THINK YOU'RE A "MR. LAW AND ORDER." DIDN'T YOU VOTE IN 2006 FOR IN-STATE TUITION FOR ILLEGAL ALIENS? THAT WAS AGAINST THE LAW AT THE TIME. SO TO THINK THAT YOU'RE THE PARAGON OF LAWLESS...OF LAWFUL BEHAVIOR AND LAWFUL THOUGHT AND LAWFUL ACTIONS DOESN'T STAND THE TEST. YOU KNOW, I...I WOULD ALSO SAY THAT ONCE WE DO THIS, AS YOU'VE SEEN, THE LETTER THAT YOU RECEIVED YESTERDAY, THIS OPENS UP. ONCE YOU ARE GAINFULLY EMPLOYED IN AN OCCUPATION, IT GIVES YOU MUCH STRONGER STANDING TO GET BENEFITS FROM THE GOVERNMENT: UNEMPLOYMENT AND OTHER THINGS, EVEN THOUGH WE SPECIFICALLY OUTLAW IT. THIS IS ONE MORE CHIP, ONE MORE BRICK KNOCKED OUT OF THE WALL THAT WE'VE SET UP TO PROTECT THE TAXPAYER. AND TO SAY THAT WE CAN JUST DO THIS WITHOUT ANY CONSEQUENCES, WE CAN JUST DO IT BECAUSE WE'RE A BUNCH OF NICE PEOPLE HERE, YOU'VE GOT TO LOOK AT THE IMPLICATIONS OF WHAT WE'RE DOING. AND THERE ARE PRETTY STRONG IMPLICATIONS TO DOING THIS, AND THAT'S PROBABLY ONE OF THE REASONS...I CAN'T SAY FOR SURE...IT'S PROBABLY ONE OF THE REASONS THE OTHER STATES HAVEN'T DONE THIS. AND WE'RE SITTING HERE TRYING TO BLAZE A WAY FORWARD. WE'RE GOING TO TRY TO STAMPEDE THE GOVERNOR, STICK IT DOWN HIS THROAT, FORCE IT ON THE TAXPAYERS OF THIS STATE, AND IT DOESN'T WORK VERY WELL WHEN WE DO THAT. WE CAUSE ALL KINDS OF PROBLEMS WHEN WE DO THAT AND IT NEVER TURNS OUT WELL FOR THE TAXPAYER. SO I GUESS TO FURTHER ANSWER SENATOR CHAMBERS' LAST QUESTION IS, HOW DOES IT HURT THE PEOPLE, WELL, IF THESE PEOPLE NOW HAVE LEGAL JOBS, AND WE'VE GIVEN THEM LICENSES, AND THAT MAKES A STRONGER ARGUMENT FOR BREAKING DOWN THE WALL AND GETTING GOVERNMENT BENEFITS, WHATEVER THOSE MAY BE, THEN I THINK THE TAXPAYERS HAVE LOST THAT. SO THAT HURTS THE PEOPLE IN

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MY DISTRICT, YOUR DISTRICT, AND EVERY OTHER DISTRICT ALSO. BUT I DO HOPE THE FEDERAL GOVERNMENT WILL DO THE RIGHT THING AND SET UP A WAY, A LEGAL WAY, FOR THESE PEOPLE TO WORK AND STAY IN THIS COUNTRY IN A WAY THAT MAKES SOME SENSE, A WAY THAT'S DONE BY CONGRESS AND SIGNED BY THE PRESIDENT. ONCE THAT HAPPENS, IT BECOMES MUCH EASIER FOR US TO DO WHAT WE NEED TO, JUST LIKE ON THE MEDICAL MARIJUANA. IT MAKES IT MUCH EASIER IF THEY WOULD TAKE IT FROM A SCHEDULE I TO A SCHEDULE II AND DO SOME RESEARCH. IT WOULD BE MUCH EASIER FOR US TO DEAL WITH THAT ISSUE HERE. ONCE AGAIN, EVERY DAY WE COME IN HERE, THE FEDERAL GOVERNMENT HAS DONE SOMETHING DUMB AND THEN WE'RE FORCED TO TRY TO FIGURE OUT HOW TO DEAL WITH IT. AND WITH THAT, MR. PRESIDENT, I THINK I MENTIONED SENATOR CHAMBERS HERE, SO I WILL YIELD HIM THE REMAINDER OF MY TIME TO RESPOND. THANK YOU. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR CHAMBERS, 1:39. [LB947]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I DON'T KNOW WHAT KIND OF DISTRICT SENATOR KINTNER COMES FROM. I DON'T KNOW WHAT KIND. BUT THE PEOPLE IN MY DISTRICT ARE NOT OPPOSED TO THIS. THERE IS NO COST ON THE TAXPAYERS FOR ONE OF THESE YOUNG PEOPLE TO OBTAIN A LICENSE AFTER HAVING MET ALL OF THE OTHER REQUIREMENTS. AND FOR HIM TO SAY THAT THIS IS SOMETHING FORCED ON THE TAXPAYERS, TAXPAYERS ARE NOT EVEN IMPLICATED. HE'S LIKE A SONG THAT THEY HAD CALLED POOR "JOHNNY ONE NOTE." THAT'S ALL HE COULD SAY. EVERY ISSUE THAT COMES UP, HE SAYS THE EXACT SAME THING. AND HE THINKS THAT BY SAYING IT LOUDER... [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR CHAMBERS: ...IT MAKES IT LESS INCORRECT. BUT JEB BUSH THOUGHT THAT BY PUTTING AN EXCLAMATION POINT AFTER HIS NAME, IT WOULD MAKE PEOPLE COME TO HIM. BUT THEN WHAT THEY SAID ON "LIVE SATURDAY NIGHT" (SIC), IF YOU DON'T LIKE BROCCOLI, SAYING BROCCOLI! DOESN'T MAKE YOU LIKE IT ANY MORE. SO IF YOU DON'T LIKE JEB, SAYING JEB! DOESN'T MAKE ANY DIFFERENCE. SO SENATOR KINTNER THINKS IF HE HOLLERS, THIS IS GOING TO PUT A BURDEN ON THE TAXPAYERS, IT MAKES IT TRUE WHEN IT'S PATENTLY FALSE. SO THE ONLY REASON I'M RESPONDING TO THAT IS SO NOBODY WHO'S LISTENING WILL THINK ALL OF US ARE AS IGNORANT AS THE STATEMENTS THAT

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WERE MADE, BY VIRTUE OF OUR BEING SILENT, AND THEY WOULD THINK THAT SILENCE GIVES CONSENT. THANK YOU, THOUGH, SENATOR KINTNER, FOR THE TIME. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB947]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT, GOOD MORNING, COLLEAGUES, AND HELLO, NEBRASKA. WOULD SENATOR MELLO YIELD TO A QUESTION, PLEASE? [LB947]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD, PLEASE? [LB947]

SENATOR MELLO: OF COURSE. [LB947]

SENATOR CRAIGHEAD: THANK YOU. SENATOR MELLO, ON PAGE 2, LINE 2, AND ON PAGE 3, LINE 11 OF THE BILL, YOU REFER TO ONE OF THE TYPES OF FORM I-797 USED BY UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES. COULD YOU DESCRIBE FOR US WHAT THAT IS, PLEASE? [LB947]

SENATOR MELLO: SENATOR CRAIGHEAD, I'D HAVE TO GET SOME MORE DETAILS SPECIFICALLY ON THAT DOCUMENT. IT'S PART OF THE REAL I.D. ACT, WHICH IS UNIFORM THROUGHOUT NEBRASKA STATUTE IN REGARDS TO DOCUMENTATION THAT IS ALLOWED FOR INDIVIDUALS TO ACQUIRE AN I.D. THROUGH THE REAL...THE FEDERAL REAL I.D. ACT. [LB947]

SENATOR CRAIGHEAD: THANK YOU, SENATOR. COLLEAGUES, I JUST HAD THE PAGES PASS OUT A SHEET FROM USCIS. IT GIVES A BRIEF DESCRIPTION OF ALL THE I-797 FORMS. AS LB947 IS WRITTEN, A PERSON COULD SHOW ANY OF OUR DEPARTMENTS AN I-797C, WHICH INCLUDES A REJECTION LETTER, TO RECEIVE A PROFESSIONAL LICENSE. I-797C ALSO INCLUDES A REOPENING OF THE INDIVIDUAL'S CASE, MEANING USCIS COULD SEND THIS LETTER TO REOPEN A CASE BECAUSE A PERSON IS NOT PROPERLY QUALIFIED, AND THAT PERSON COULD USE THE FORM TO GET A PROFESSIONAL LICENSE. IMMIGRATION LAW, AS WE ALL KNOW, IS EXTREMELY COMPLEX, AND IF DONE WRONG HAS EXTREME UNINTENDED CONSEQUENCES. AS WE HAVE SEEN ALREADY WITH THIS BILL, IT HAS A LOT OF FLAWS AND HAS NOT BEEN PROPERLY VETTED FOR PASSAGE. WHILE THIS BILL HAS VERY GOOD INTENTIONS, IT IS CLEAR THAT IT IS

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MUCH BROADER THAN THE INTRODUCER INTENDED. UNFORTUNATELY, WITH TIME RUNNING OUT IN THIS SESSION, THERE IS NOT ENOUGH TIME TO PROPERLY FIX THE PROBLEMS WITHIN THE BILL. THANK YOU, AND I'LL YIELD MY TIME BACK TO THE CHAIR. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SENATOR McCOY, YOU'RE RECOGNIZED. [LB947]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS. WOULD SENATOR MELLO YIELD TO A COUPLE QUESTIONS, PLEASE? [LB947]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD, PLEASE? [LB947]

SENATOR MELLO: OF COURSE. [LB947]

SENATOR McCOY: THANK YOU, SENATOR MELLO. AND I KNOW YOU AND I HAVE HAD A CONVERSATION OFF THE MICROPHONE. AND IT'S JUST FOR THE BENEFIT OF THE RECORD, IF YOU COULD, I'D LIKE US TO TALK ABOUT WHO THESE...THE ABILITY TO HAVE THESE PROFESSIONAL LICENSES WOULD BE GRANTED TO AND WHO THEY WOULDN'T. I THINK...AND I WANT TO MAKE SURE I UNDERSTAND, FOR ONE, AND MAKE SURE I'VE CLARIFIED IN MY OWN MIND. WOULD IT BE CORRECT, SENATOR MELLO, THAT ANY INDIVIDUAL THAT PRESIDENT OBAMA OR THE OBAMA ADMINISTRATION WOULD PUT INTO A DEFERRED ACTION STATUS WOULD BE ABLE TO UTILIZE LB947 IF IT WERE TO GO FORWARD? IS THAT CORRECT? [LB947]

SENATOR MELLO: MY UNDERSTANDING, THE WAY THIS IS, IT'S DEFERRED ACTION RIGHT NOW FOR YOUTH AND/OR INDIVIDUALS WITH DEFERRED ACTION FOR OTHER HUMANITARIAN REASONS, IS THE WAY THE FEDERAL GOVERNMENT LISTED (INAUDIBLE)... [LB947]

SENATOR McCOY: SO IF THERE IS A...THANK YOU. I DIDN'T MEAN TO STEP OVER YOUR LAST COUPLE OF WORDS THERE. SO IF PRESIDENT OBAMA, TOWARDS THE END OF HIS ADMINISTRATION, SENATOR MELLO, HERE IN A FEW MONTHS OR A LITTLE BIT LATER ON THIS YEAR OR BEGINNING OF NEXT, BE PRIOR TO THE END OF HIS ADMINISTRATION, IF HE WERE TO GRANT ANY ADDITIONAL OR AUTHORIZE ANY ADDITIONAL EXECUTIVE ORDERS AND EXPAND WHAT'S CONSIDERED OR THE FOLKS, THE INDIVIDUALS, WHO WOULD BE PART OF A

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DEFERRED ACTION PROGRAM OR BE ELIGIBLE FOR DEFERRED ACTION STATUS, THAT WOULD...THEY WOULD THEN AUTOMATICALLY FALL WITHIN THE GROUPS THAT WOULD APPLY TO LB947 IF THIS WERE TO BECOME LAW. [LB947]

SENATOR MELLO: ACTUALLY, I THINK, SENATOR McCOY, YOU'RE CORRECT IN THE SENSE THAT ANY PRESIDENT, FROM RONALD REAGAN, WHO DID A NUMBER OF DEFERRED ACTION EXECUTIVE ORDERS, TO THE CURRENT PRESIDENT, WHO HAS DONE A DEFERRED ACTION EXECUTIVE ORDER, WOULD QUALIFY UNDER THE EXECUTIVE ORDER TO BE ABLE TO QUALIFY FOR A WORK AUTHORIZATION PERMIT, THUS, WITH LB947, ALSO QUALIFY FOR A STATE PROFESSIONAL OR COMMERCIAL LICENSE. [LB947]

SENATOR McCOY: SO EVEN THOUGH PRIMARILY THE DISCUSSION ON THIS LEGISLATION, SENATOR, HAS BEEN ON THOSE WHO HAVE DEFERRED ACTION STATUS UNDER DAPA AND DACA, ANY...THERE ARE OTHER...AND YOU AND I HAD A CONVERSATION OFF THE MIKE ABOUT ASYLUM, THOSE WHO FALL UNDER AN ASYLUM PROGRAM, THOSE ALSO, THOSE INDIVIDUALS ALSO ARE ELIGIBLE TO BENEFIT FROM LB947, CORRECT? [LB947]

SENATOR MELLO: SENATOR McCOY, AS WE DISCUSSED, ANYONE WHO WOULD QUALIFY FOR THE REAL I.D. ACT, AS SENATOR CRAIGHEAD JUST ASKED. THE FEDERAL ACT PASSED, I BELIEVE, IN 2005 THAT PROVIDES THE VERIFICATION PROCESS AND THE IDENTIFICATION PROCESS AT THE FEDERAL LEVEL. I CAN READ THROUGH THAT LIST. I READ IT ON GENERAL FILE. THERE'S A NUMBER OF DIFFERENT IMMIGRANT SUBSETS WHO WOULD QUALIFY FOR PROFESSIONAL AND COMMERCIAL LICENSES BASED ON THEM QUALIFYING FOR THE REAL I.D. ACT. AND, YES, IT DOES SAY INDIVIDUALS WITH A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES, ASSUMING THEY GET ASYLUM, WOULD QUALIFY THEN FOR LB947 ALSO. [LB947]

SENATOR McCOY: AND HOW I UNDERSTAND THAT WORKS, SENATOR MELLO, IS THAT SUCH AN INDIVIDUAL WOULD BE ABLE TO KEEP A LICENSE THEY RECEIVED HERE IN NEBRASKA UNDER LB947 FOR AS LONG AS FOUR YEARS IF THEN THEY WERE DENIED ASYLUM AND DEPORTED. IS THAT YOUR UNDERSTANDING OF THAT AS WELL? [LB947]

SENATOR MELLO: UNDER THE BILL, UNDER THE BILL, SENATOR McCOY, WITH THE ADOPTION OF AM2899, THEY WOULD ONLY HAVE THEIR PROFESSIONAL LICENSE AS LONG AS THEY HAVE THEIR WORK AUTHORIZATION. SO... [LB947]

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PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR MELLO: ...THE INDIVIDUAL WHO HAS ASYLUM FOR FOUR YEARS OR PENDING THEIR ASYLUM, THE FEDERAL GOVERNMENT HAS GIVEN THAT TO THEM. THEY WOULD HAVE THEIR WORK AUTHORIZATION, ASSUMING THE SAME PERIOD OF TIME. THEY WOULD QUALIFY, WITH AM2899, A PROFESSIONAL OR COMMERCIAL LICENSE FOR THAT SAME PERIOD OF TIME. [LB947]

SENATOR McCOY: THAT...THIS IS A SEGMENT OF THE CONVERSATION, SENATOR. AND THANK YOU, SENATOR MELLO. I APPRECIATE YOUR INDULGENCE, AS I WANTED TO CLARIFY A COUPLE OF THESE QUESTIONS THAT I HAD HAD REMAINING FROM GENERAL FILE DISCUSSION ON LB947. COLLEAGUES, I THINK WE REALLY NEED TO TAKE A VERY LONG LOOK AT...OR A VERY SERIOUS LOOK, MIGHT BE A BETTER WAY TO PHRASE THAT, AT THIS LEGISLATION OF POTENTIAL UNINTENDED CONSEQUENCES HERE. IF PRESIDENT OBAMA WERE TO AUTHORIZE ADDITIONAL EXECUTIVE ORDERS AND EXPAND THESE PROGRAMS, THEY'RE ALL GOING TO FALL UNDER THIS LEGISLATION. THAT COULD BE FAR BEYOND WHAT WE'RE ACTUALLY TALKING ABOUT HERE TODAY. [LB947]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR McCOY. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB947]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING TO ALL THE GREAT FOLKS OF NEBRASKA. I STAND IN SUPPORT OF LB947 AND BOTH OF THE AMENDMENTS, AND PART OF THE REASON WHY IS WHAT YOU SAW IN THIS CHAMBER YESTERDAY. I FOUND IT VERY IRONIC THAT YESTERDAY WHEN WE WERE TALKING ABOUT LB1067, THE LEARNING COMMUNITY AND THE POVERTY ISSUES, THAT IN THE BALCONY WERE 88 STUDENTS FROM MY DISTRICT FROM PERSHING ELEMENTARY SCHOOL IN LEXINGTON. LEXINGTON SCHOOL SYSTEM HAS 72 PERCENT POVERTY. THAT MEANT OF THOSE 88 KIDS, LIKELY 65, 66 OF THEM LIVE IN POVERTY. IF YOU LOOKED AT THEM, YOU ALSO SAW A VERY DIVERSE POPULATION, BECAUSE LEXINGTON, MUCH LIKE SENATOR JOHNSON TALKED ABOUT SCHUYLER, IS AN EXTREMELY DIVERSE COMMUNITY. THIRTY-TWO DIFFERENT LANGUAGES ARE SPOKEN IN THE LEXINGTON SCHOOL SYSTEM. HARD TO BELIEVE BUT IT'S TRUE. THERE ARE OVER 150 DACA YOUTH IN LEXINGTON THAT ARE PURSUING THEIR HIGH SCHOOL EDUCATION AT THIS POINT AND WILL BE PURSUING OTHER EDUCATION AS IT MOVES FORWARD. I WANT TO BRING EVERYBODY UP TO DATE. SO IF YOU HAVEN'T READ THE COMMITTEE STATEMENT ON LB947, YOU THINK

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ABOUT THAT JUST A LITTLE BIT. IT WAS VOTED OUT OF COMMITTEE UNANIMOUSLY. BUT MAYBE MORE IMPORTANTLY, THERE WERE 25 PEOPLE THAT TESTIFIED IN FAVOR OF THE BILL, LB947. A COUPLE OF THOSE WERE ACTUALLY CONSTITUENTS OF MINE FROM THE LEXINGTON COMMUNITY. THERE WAS NO OPPOSITION TESTIMONY, NONE. SO WHOEVER IS OUTSIDE THE GLASS CALLING YOU OUT TO TALK ABOUT THIS HAD THEIR OPPORTUNITY TO COME AND BE HEARD AT A HEARING, SO WE WOULD HAVE THE OPPORTUNITY TO HEAR WHY THEY WOULD BE OPPOSED TO THIS BILL. NONE OF THEM WERE THERE. I THINK THAT'S QUITE TELLING. YOU KNOW, I'VE TALKED ABOUT AT TIMES AND EVERYBODY, WHEN WE GATHER, TALKS ABOUT THE DIFFICULT HEARINGS THAT WE OFTEN HAVE IN JUDICIARY. I WOULD TELL YOU THIS HEARING WAS ONE OF A HEARING OF HEARING VERY POSITIVE STORIES OF YOUNG PEOPLE THAT ARE IN OUR STATE, EXCITED TO BE IN OUR STATE, PURSUING EDUCATION IN OUR STATE, AND THEN FINDING OUT THAT AFTER THEY HAVE MET THE REQUIREMENTS, THE EDUCATIONAL REQUIREMENTS, OF BEING A CPA, OF BEING A LAWYER, OF BEING A CNA, THEY FAIL TO BE ABLE TO GET AND QUALIFY FOR THE LICENSING REQUIREMENT. ALSO REMEMBER THAT THIS BILL IS BEING SUPPORTED BY THE NEBRASKA CATTLEMEN, A RURAL GROUP THAT IS ACROSS OUR ENTIRE STATE. THE LINCOLN CHAMBER, THE OMAHA CHAMBER, AND, OF COURSE, THE STATE CHAMBER ALSO SUPPORT THIS LEGISLATION. IN RURAL NEBRASKA AND, ACTUALLY, ACROSS OUR WHOLE STATE... [LB947 LB1067]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR WILLIAMS: ...WE HAVE A WORK FORCE ISSUE. WE ESPECIALLY HAVE A WORK FORCE ISSUE IN SOME OF THE PROFESSIONS. IN THE COMMUNITIES THAT I SERVE WE NEED LAWYERS, WE NEED CPAs, WE NEED DOCTORS, WE NEED CNAs, WE NEED NURSES. AND THAT'S WHAT WE'RE TALKING ABOUT HERE, IS WORK FORCE DEVELOPMENT. WE CAN COUCH THIS BILL IN A LOT OF DIFFERENT TERMS, BUT IT'S WHAT'S RIGHT FOR THESE YOUTH, AND IT'S ALSO WHAT'S RIGHT FOR OUR STATE IN BEING SURE THAT WE CREATE A BETTER WORK FORCE AND A WORK FORCE THAT WE NEED TODAY. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB947]

SENATOR KRIST: GOOD MORNING, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES AND NEBRASKA. I WON'T BE ON THE MIKE VERY MUCH TODAY BECAUSE I NEED A VOICE TO COMMUNICATE WITH MY FAMILY WHEN I GO

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HOME. BUT I WANTED TO GET UP AND SUPPORT AM2842, AM2899, AND THE UNDERLYING LB947. I AM ON THE JUDICIARY COMMITTEE AND I LISTENED TO A YOUNG GROUP OF EMPOWERED INDIVIDUALS WHO CAME IN, NOT "THOSE PEOPLE," INDIVIDUALS WHO CAME IN. AND THEY WERE ALL EMPOWERING FOR ME, BECAUSE NOT ONLY DO THEY HAVE TO DO WHAT EVERYONE ELSE DOES, BUT THEY HAVE AN EXTRA HURDLE. LITTLE NEWS FLASH FOR SENATOR KINTNER AND OTHERS: LISTENING TO THE BEACON OF REPUBLICANISM ON MY WAY IN THIS MORNING, KFAB, WHICH REACHES ALL OVER THE MIDWEST--I'VE ACTUALLY BEEN SITTING IN A FISHING BOAT LISTENING TO KFAB IN MINNESOTA--GARY SADLEMYER, JIM ROSE DECLARED HILLARY CLINTON THE WINNER. AND SO I DON'T THINK YOU HAVE TO WORRY ABOUT ANOTHER PRESIDENT COMING IN AND CHANGING THEIR MIND, BECAUSE SHE'S PRETTY CONSISTENT. AND THAT'S STRAIGHT FROM GARY'S MOUTH. BUT BESIDES THAT, I WANT YOU TO THINK VERY CLEARLY AND VERY CONCISELY ABOUT THIS, AND I MADE THIS COMMENT ON GENERAL FILE AND I WILL MAKE IT AGAIN. THE ADMINISTRATION AND THE GOVERNOR HAS ALREADY ADMITTED PUBLICLY-- AND IF YOU DON'T FOLLOW ME OR YOU DON'T BELIEVE ME, GO OUT IN THE ROTUNDA AND ASK MRS. KINTNER AND SHE'LL TELL YOU--THERE ARE PROFESSIONAL LICENSES THAT ARE BEING GRANTED TO FOLKS IN THIS STATE IN THIS CATEGORY. IF WE START DENYING OTHER LICENSES AND CERTIFICATIONS TO A SPECIAL GROUP OF PEOPLE OR DIFFERENT GROUP OF PEOPLE, WE ARE IN VIOLATION OF THE CONSTITUTION OF THE STATE OF NEBRASKA. ARTICLE I, SECTION 3, DUE PROCESS OF LAW, EQUAL PROTECTION: NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR DENIED EQUAL PROTECTION UNDER THE LAW. YOU CANNOT ADMIT THAT YOU ARE DOING THIS IN CERTAIN CATEGORIES, IN REAL ESTATE, IN BANKING, IN INSURANCE, AND NOT DOING IT FOR THOSE LICENSURES THAT ARE GRANTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. IT IS A VIOLATION OF OUR CONSTITUTION. I DON'T KNOW WHAT ELSE WE CAN SAY. SENATOR SCHEER TOLD ME WHEN I WAS ON THE MIKE LAST TIME ON GENERAL FILE ON THIS TOPIC THAT 60 PERCENT OF A PUBLIC EDUCATION IS FUNDED BY US. SO WE'VE INVESTED IN THESE YOUTH IN THE STATE OF NEBRASKA, AND THEY'RE EDUCATED, AND THEY'RE QUALIFIED, AND WE'RE DENYING A LICENSE TO SOME AND GIVING THE LICENSE TO OTHERS. SENATOR SEILER SAID ON GENERAL FILE THIS STATE SPENDS MILLIONS OF DOLLARS A YEAR TRYING TO ATTRACT PEOPLE TO COME HERE WITH THE QUALIFICATIONS TO EARN MONEY, PAY TAXES, AND CONTRIBUTE TO OUR SOCIETY. THESE FOLKS ARE HERE. THESE YOUNG ADULTS ARE HERE, EDUCATED IN OUR SCHOOLS. WE DON'T HAVE TO PAY A DIME TO ATTRACT THEM. WE JUST NEED TO KEEP THE BRAIN TRUST THAT EXISTS...
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PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR KRIST: ...HERE IN THE STATE. THANK YOU, MR. PRESIDENT. THIS IS A NO-BRAINER FOR ME. AND IF WE TAKE IT TO A FILIBUSTER I THINK IT'S A SHAME, BUT WE'LL SEE HOW IT GOES THE REST OF THE DAY. AND AS LONG AS MY VOICE HOLDS OUT, I WILL BE HERE TO PUNCH A GREEN BUTTON. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB947]

SENATOR BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR. AND GOOD MORNING, COLLEAGUES AND THOSE WHO ARE WATCHING. THIS PARTICULAR SUBJECT, AS YOU KNOW, IS ONE VERY FAMILIAR TO ME BECAUSE MY PARENTS BOTH CAME HERE IN 1950 LEGALLY. IT DOESN'T MATTER FROM WHAT PART OF THE WORLD YOU COME FROM. THERE IS A LEGAL PROCESS TO ENTER THIS COUNTRY. AND WE DO HAVE EXCEPTIONS, AND THOSE SEEKING ASYLUM, POLITICAL, FOR WOMEN IN HARM'S WAY, THERE'S A LIST OF EXCEPTIONS. AND I DO RECALL WHEN WE DEBATED THIS FOR THE DACA GROUP, I DO UNDERSTAND IT'S ONE SPECIFIC GROUP OF INDIVIDUALS THAT WE BELIEVE THERE'S A CERTAIN NUMBER, I DON'T KNOW IF WE EVER FOUND WHAT THAT EXACT NUMBER IS YET, AND A CERTAIN PERIOD OF YEARS WHERE THEY ARE HERE UNDER SPECIAL PREFERENCE OR STATUS, BUT THEY ARE NOT HERE AS LEGAL CITIZENS. AND I THINK THAT CAN BE VERY CUMBERSOME FOR THEM AND FOR OTHERS. AND MY BIGGEST CONCERN IS THAT THE REASON MANY PEOPLE CHOOSE TO IMMIGRATE HERE IS BECAUSE HISTORICALLY WE HAVE BEEN A NATION OF LAW AND ORDER. AND WE HAVE, I BELIEVE, OVER--I PULLED IT UP THIS MORNING--THERE'S MORE THAN 4.4 MILLION PEOPLE WHO ARE ON THE LEGAL IMMIGRANT VISA AWAITING TO IMMIGRATE TO OUR COUNTRY, AND THAT'S AN ANNUAL TALLY. AND THE NUMBERS ARE MIND-BOGGLING. AND I HAVE SPOKEN WITH INDIVIDUALS WHO HAVE IMMIGRATED HERE FROM OTHER COUNTRIES, AND THEY HAVE SOME OF THE SAME STRUGGLES AND SOME NEW STRUGGLES THAT THE COMMUNITY OF IMMIGRANTS, YOU KNOW, I KNOW HAVE OVER THE YEARS. AND SO WHEN I SEE THIS, I WANT TO MAKE SURE THAT WE ARE, YOU KNOW, IF THIS SHOULD MOVE FORWARD, THAT THOUGH THEY'RE HERE UNDER SPECIAL CIRCUMSTANCES, THAT THEY HAVE THE SAME SET OF STANDARDS THAT LEGAL ONES DO. YOU KNOW, DO THEY KNOW AND UNDERSTAND OUR CITIZENSHIP TEST? WOULD THEY...AND SENATOR KRIST, YOU KNOW, I APPLAUD HIM FOR WANTING THAT TO BE A PART OF CURRICULUM THAT INDIVIDUALS SHOULD BE ABLE TO KNOW THAT TO TRULY BE ON THE SAME

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STANDARD THAT OUR CITIZENS HAVE. AND I AM CONCERNED, AS WE CHANGE OUR LAWS, WHAT WILL THAT AFFECT. HOW WILL THAT AFFECT THOSE WHO ARE IN LINE WAITING TO COME HERE LEGALLY WHO MAY ALSO BE PROFESSIONALS OF ANOTHER FIELD AND THAT COULD ALSO BE HERE? AND I HAVE MET MANY OF THE YOUTH AND I DO APPLAUD THOSE WHO HAVE ACHIEVED, AND THEY HAVE THE BENEFIT. THEY BENEFITED FROM OUR EDUCATION, ABSOLUTELY. AND AS WE MOVE FORWARD ON THIS, I DO THINK THAT WE NEED TO CONSIDER TRULY THOSE WHO ARE WAITING TO IMMIGRATE UNDER OUR TRADITIONAL, LAWFUL PROCESS. AND PERHAPS THERE IS A... [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR BRASCH: ...TIME LINE IN HERE THAT WE ARE SAYING SPECIFICALLY TO DACA AND THAT THIS BILL PERHAPS SUNSETS AT A CERTAIN PERIOD OF TIME, THAT WE HAVE THE PROCESS THAT WE HAVE NOW MAYBE IMPROVED BY THAT DATE. SO THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB947]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I'VE LISTENED VERY CAREFULLY. I'D JUST LIKE TO ASK SENATOR BRASCH ONE QUESTION. [LB947]

PRESIDENT FOLEY: SENATOR BRASCH, WOULD YOU YIELD, PLEASE? [LB947]

SENATOR BRASCH: YES, I WILL YIELD. [LB947]

SENATOR CHAMBERS: SENATOR BRASCH, HOW MANY MEMBERS COMPRISE THE U.S. HOUSE OF REPRESENTATIVES? [LB947]

SENATOR BRASCH: I'M NOT CERTAIN. [LB947]

SENATOR CHAMBERS: ARE YOU A CITIZEN OF AMERICA? [LB947]

SENATOR BRASCH: YES, AND IT'S ON THAT TEST, ISN'T IT? [LB947]

SENATOR CHAMBERS: THANK YOU. [LB947]

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SENATOR BRASCH: THANK YOU. [LB947]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, DOES THAT MAKE MY POINT? THEY TALK ABOUT ALL THIS THAT YOU PUT ON THESE KIDS WHO ARE JUST TRYING TO GET A LICENSE, THIS...I'D LIKE TO ASK SENATOR CRAIGHEAD A QUESTION IF SHE WOULD ANSWER. [LB947]

PRESIDENT FOLEY: SENATOR CRAIGHEAD, WOULD YOU YIELD, PLEASE? [LB947]

SENATOR CRAIGHEAD: CERTAINLY. [LB947]

SENATOR CHAMBERS: SENATOR CRAIGHEAD, SINCE YOU READ FROM A DOCUMENT, IS IT CONFIDENTIAL AS TO WHO COMPILED THAT DOCUMENT THAT YOU READ? WHO WROTE THE LETTER THAT YOU READ, IF YOU DON'T MIND SHARING? [LB947]

SENATOR CRAIGHEAD: I DID. [LB947]

SENATOR CHAMBERS: YOU DID. DID YOU REFER TO ANYTHING ELSE FROM THE GOVERNOR'S OFFICE, BECAUSE THE LANGUAGE IS VERY SIMILAR TO OTHER POSITIONS IN OPPOSITION TO LEGISLATION FROM THE GOVERNOR'S OFFICE? BUT YOU DIDN'T REFER TO ANY OTHER DOCUMENT WHEN YOU WROTE THAT? [LB947]

SENATOR CRAIGHEAD: YOU KNOW, I'VE OWNED BUSINESSES, AND I DO KNOW ABOUT THESE FORMS. [LB947]

SENATOR CHAMBERS: OKAY, THANK YOU. [LB947]

SENATOR CRAIGHEAD: AND I DO HAVE A BRAIN IN MY HEAD. [LB947]

SENATOR CHAMBERS: RIGHT, BUT THAT STYLE...I LISTEN TO YOU VERY CAREFULLY WHENEVER YOU SPEAK, AND THAT'S NOT THE STYLE WITH WHICH YOU SPEAK. BUT PEOPLE OFTEN WRITE DIFFERENTLY FROM THE WAY THEY SPEAK. BUT THAT'S ALL I'LL ASK. MY TIME IS SHORT. THIS IS ANOTHER EXAMPLE OF WHAT I'VE BEEN SAYING. THE GOVERNOR, THE ATTORNEY GENERAL, PROSECUTORS WAIT UNTIL THE LAST MINUTE. THEY DO NOT COME TO THE HEARINGS. THEN THEY CALL PEOPLE OUT INTO THE ROTUNDA AND TAKE OVER

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THE LEGISLATING THAT WE ARE SUPPOSED TO DO. AND THAT'S WHY THEY HAVE NO RESPECT FOR US, JUST AS I'VE SAID, AND IT'S DOCUMENTED HERE. I'M GOING TO USE A WORD THAT WAS IN SENATOR CRAIGHEAD'S DOCUMENT VETTING. THEY DON'T VET AMERICANS IN THIS FASHION WHEN THEY'RE TRYING TO GET A LICENSE. NOBODY STANDS ON THIS FLOOR AND GOES THROUGH ALL OF THIS TO SEE WHAT ARE THE REQUIREMENTS TO OBTAIN ANY OF THESE TYPES OF LICENSES? WE'RE NOT TALKING ABOUT ANYBODY GETTING TOP SECURITY CLEARANCE IN ORDER THAT THEY MIGHT HAVE ACCESS TO ATOMIC SECRETS. WE'RE TALKING ABOUT PEOPLE HAVING A LICENSE WHICH THEY ARE ENTITLED TO BASED ON THEIR ACADEMIC STANDING. AND IT TROUBLES ME THAT THERE IS SO MUCH INTOLERANCE SHOWN HERE EVERY TIME WE'RE TRYING TO DO SOMETHING FOR A GROUP. SENATOR KINTNER SAID THAT PEOPLE WILL LOOK AT US AND SAY--THEN THESE WERE HIS WORDS--"WE'RE NICE PEOPLE DOING THIS. WE ARE NICE PEOPLE." I ASSURE HIM THAT HE DOESN'T HAVE TO WORRY ABOUT BEING INCLUDED IN THAT WORD "WE" WHEN YOU ADD "NICE" TO IT. SO I ASSURE SENATOR KINTNER, NOBODY WILL THINK HE IS A NICE PERSON, SO JUST TO PUT HIS MIND AT EASE SINCE THAT BOTHERED HIM. I WILL NEVER STAND ON THIS FLOOR AND SPEAK AGAINST PEOPLE, ESPECIALLY YOUNG PEOPLE, HAVING THE OPPORTUNITY TO MAKE USE OF THE TALENTS THAT THEY HAVE AND THE EDUCATION WHICH THEY HAVE ACQUIRED. AND I WOULD GET THE IMPRESSION FROM WHAT SENATOR BRASCH ALWAYS SAYS THAT THEY WOULD BE PEOPLE WHO CAME OVER HERE ON THE MAYFLOWER, BECAUSE IN MOST INSTANCES IT TAKES MORE THAN ONE OR TWO GENERATIONS TO DEVELOP SUCH A SENSE OF INTOLERANCE, EXCLUSION, AND SOMEHOW BEING BETTER THAN OTHER PEOPLE. SO I DON'T BELIEVE SHE'S REALLY TELLING US THE TRUTH, HOW SHORT A TIME IT WAS AGO THAT THEY CAME OVER HERE ON THE BOAT, OR THEY'RE VERY FAST LEARNERS OR THESE NEGATIVE QUALITIES ARE VERY INFECTIOUS. AND I MEAN EVERY WORD THAT I'M SAYING. [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR CHAMBERS: THE INTOLERANCE, THE MEANSPIRITEDNESS SHOWN HERE IS ALMOST BEYOND MY COMPREHENSION. BUT I'VE BEEN ON THIS FLOOR FOR SO LONG THAT I'M ACCUSTOMED TO HEARING IT. BUT THAT DOESN'T MEAN IT'S ANY LESS OBJECTIONABLE AND NAUSEATING. I AM IN FAVOR OF THE AMENDMENTS, I'M IN FAVOR OF THE BILL, AND I'M IN FAVOR OF ACCORDING HUMANITY TO THESE YOUNG PEOPLE WE'RE TALKING ABOUT. AND THE TERM "THOSE PEOPLE" SHOULD NOT BE USED IN THE WAY IT'S BEEN USED HERE, BECAUSE MY PEOPLE HAVE BEEN REFERRED TO THAT. A LOT OF THESE PEOPLE HAVEN'T. SO MAYBE THEY'RE INTOLERANT WITHOUT INTENDING IT. BUT ONCE

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THEY BECOME AWARE OF IT, THEY SHOULD CEASE. THANK YOU, MR. PRESIDENT.
[LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GARRETT,
YOU'RE RECOGNIZED. [LB947]

SENATOR GARRETT: THANK YOU, MR. LIEUTENANT GOVERNOR. GOOD MORNING,
NEBRASKA. GOOD MORNING, COLLEAGUES. I RISE TODAY IN SUPPORT OF LB947
AND THE AMENDMENTS. COLLEAGUES, IT DEFIES LOGIC HOW ANYONE COULD
OPPOSE THIS. YOU KNOW, I CAME IN, ONE OF MY BIG CAMPAIGN THEMES WHEN I
CAME INTO THIS WORK WAS JOBS, JOBS, JOBS. IT'S ALL ABOUT ECONOMIC
DEVELOPMENT. AT THE END OF THE DAY PEOPLE, MORE THAN ANYTHING ELSE,
THEY NEED A JOB TO BE ABLE TO SUPPORT THEIR FAMILIES, SUPPORT
THEMSELVES. WHETHER YOU LIKE IT OR NOT, THE DACA RECIPIENTS, THEY
HAVE STATUS. THEY'VE GOT SOCIAL SECURITY CARDS. THEY PAY TAXES. IN THE
COMMITTEE HEARING, NOT ONE SINGLE ORGANIZATION, NOT ONE SINGLE
INDIVIDUAL ROSE IN OPPOSITION TO THIS. THE FACT THAT THE NEBRASKA
CATTLEMEN, THE STATE CHAMBER OF COMMERCE AND ALL THE STATE...THE
CHAMBERS OF COMMERCE ARE IN SUPPORT OF THIS MAKE IT A NO-BRAINER.
THERE'S NOT TOO MANY THINGS IN HERE THAT ARE A NO-BRAINER.
COLLEAGUES, THIS IS A NO-BRAINER. I'M GOING TO KEEP IT SHORT AND SWEET
BECAUSE WE HAVE OTHER THINGS TO GET TO TODAY, BUT I HIGHLY ENCOURAGE
YOU TO VOTE YES ON THE AMENDMENTS AND YES ON THE BILL. THANK YOU,
MR. LIEUTENANT GOVERNOR. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR SMITH, YOU'RE
RECOGNIZED. [LB947]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING,
COLLEAGUES. I JUST WANT TO SPEAK VERY BRIEFLY, AS DID SENATOR GARRETT.
YOU KNOW, THIS IS SOMETHING I STRUGGLE WITH, AND I DON'T THINK THERE'S
ANYONE HERE THAT BELIEVE THAT WE...THAT OUR...THE IMMIGRATION SYSTEM
IN OUR COUNTRY IS FUNCTIONING PROPERLY. I THINK EVERYONE
UNDERSTANDS IT. CHANGES NEED TO BE MADE. IN THIS PARTICULAR CASE, WE
HAVE FEDERAL LAWS THAT ARE ON THE BOOKS AND THAT WE ARE OPERATING
UNDER, AND AS STATES, WE HAVE TO MANAGE UNDER THOSE LAWS THAT ARE
IMPOSED ON US BY THE FEDERAL GOVERNMENT. IN THIS PARTICULAR CASE, I
SEE THIS AS A PIECE OF LEGISLATION THAT IS WORKING TO TRY TO MANAGE
UNDER THE LAWS THAT ARE ON THE BOOKS. WE HAVE INDIVIDUALS THAT HAVE

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A LAWFUL STATUS IN OUR STATE. THEY HAVE BEEN EDUCATED IN OUR STATE. THEY ARE IN PROFESSIONS THAT WE HAVE NEEDS FOR THEM IN OUR STATE. WE WANT TO GROW OUR STATE. WE WANT TO NOT ONLY CREATE JOBS, BUT WE WANT TO CREATE MORE PEOPLE IN THE PIPELINE TO WORK THOSE JOBS. AND THIS IS A VERY DIFFICULT ONE BECAUSE WE HAVE TWO SIDES OF AN ARGUMENT. ONE IS WHETHER WE HAVE A BROKEN IMMIGRATION SYSTEM, WHICH I BELIEVE THAT WE DO. BUT ON THE OTHER HAND, HOW DO WE MANAGE THE LAWS THAT ARE ON THE BOOKS, AND HOW DO WE GROW OUR ECONOMY, HOW DO WE CREATE JOBS, AND HOW DO WE CREATE AND PUT MORE PEOPLE INTO THE PIPELINE TO WORK THOSE JOBS? I HAVE A LONG LIST OF PROFESSIONS THAT REQUIRE LICENSING, AND JUST GOING THROUGH THOSE, I SEE SO MANY THAT WE HAVE NEEDS IN OUR STATE FOR PEOPLE TO PERFORM THESE JOBS. AND SO I STRUGGLE TERRIBLY WITH THAT BECAUSE OF THE TWO SIDES OF THIS ARGUMENT. AND SO I'M INTERESTED TO SEE WHERE THE VOTES GO ON THIS. I'M INCLINED TO SUPPORT THIS BECAUSE, AGAIN, THESE INDIVIDUALS HAVE LAWFUL STATUS. THEY HAVE THE EDUCATION THAT WE NEED IN OUR STATE. AND I SEE THIS AS OUR STATE'S RESPONSIBILITY TO MANAGE THE LAWS THAT HAVE BEEN IMPOSED UPON US AT THE FEDERAL LEVEL. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SENATOR GROENE, YOU'RE RECOGNIZED. [LB947]

SENATOR GROENE: THANK YOU. I RISE IN OPPOSITION TO LB947 AND THE AMENDMENTS. I'LL PROBABLY VOTE FOR AM2842, THOUGH, TO MAKE THE BILL BETTER IF IT PASSES. SOME OF US HAVE TO BE PRAGMATISTS. SOME OF US HAVE TO LOOK AT THE BIGGER PICTURE, KEEP OUR COMPASSION IN CHECK FOR THE GREATER GOOD. HAVE YOU EVER HAD A LEAK, HOT WATER HEATER OR SINK? HAVE YOU HAD...BEEN INVOLVED IN AGRICULTURE AND HAD LIVESTOCK GET OUT? DO YOU KNOW WHAT THE FIRST THING YOU DO? YOU PLUG THE HOLE, YOU FIX THE FENCE, AND THEN YOU TEND TO THE PROBLEM. YOU MOP UP THE LEAK. YOU ROUND UP THE LIVESTOCK. WE NEED TO FIX IMMIGRATION. THAT IS WHAT A LOT OF COMPASSIONATE CONSERVATIVES WANT TO DO. WE WANT TO CONTROL THE BORDERS, GO BACK TO THE LEGAL IMMIGRATION SYSTEM WE HAD BEFORE. AND WHEN WE DO THAT, THEN WE CAN ADDRESS THESE ISSUES. BY CHANNELING THE WATER SOMEWHERE ELSE, BY CHASING THE CATTLE DOWN THE FENCE TO GREENER PASTURES THAT GOT OUT YOU ACCENTUATE THE PROBLEM. THE HOLE IN THE FENCE GETS BIGGER. THE LEAK GETS BIGGER. SO AS A PRAGMATIST WHO LOVES THIS COUNTRY AND WANTS OUR RULE OF LAW DEFENDED AND PROTECTED AND FOLLOWED, I CAN HAVE NO CHOICE BUT

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TO BE AGAINST LB947. IT'S EASY TO BE COMPASSIONATE AS THE BOAT SINKS. IT'S EASY TO BE OVER CAPACITY ON THE LIFEBOAT AND SAY LET'S PULL THE NEXT FIVE PEOPLE IN, AS THE WHOLE THING SINKS. YOU'VE GOT TO BE A PRAGMATIST TO PROTECT THE GREATER GOOD. WHO'S THE TRUE COMPASSIONATE, THE ONE WHO PROTECTS THE LIFEBOAT, MAKES SURE THE BOAT DON'T SINK, OR THE ONE WHO LETS HIS HEART LEAD HIM INTO DISASTER? WE HAVE A GOOD IMMIGRATION SYSTEM. THEY'VE POINTED OUT LEXINGTON. A LOT OF THOSE KIDS UP THERE CAME HERE WITH PARENTS LEGALLY. WE HAVE A GOOD IMMIGRATION SYSTEM. NO OTHER COUNTRY WOULD DO THIS. ON THE FIRST ROUND, ON GENERAL FILE, I HEARD SOME VERY EDUCATED PEOPLE STAND UP, SAID, WE'VE GOT TO THIS, THIS IS A NO-BRAINER; IF WE DON'T DO IT THEY'LL GO TO IOWA, THEY'LL GO TO KANSAS. WELL, I'M GOING TO HAVE TO BELIEVE SENATOR KINTNER'S HANDOUT. THEY COULD GO TO CALIFORNIA. THEY COULD GO TO NEW YORK. THEY COULDN'T GO TO FLORIDA UNLESS THEY WERE ONE INDIVIDUAL WITH THE BAR, BECOME A LAWYER; NEVADA IF YOU WERE A TEACHER IN CERTAIN TRADES. THEY COULD ALL GO THERE. IF WE DO THIS THEY'LL ALL COME HERE--MAYBE THAT'S WHAT YOU WANT--BECAUSE WE'D BE THE ONLY STATE THAT DOES IT. SO WE'LL HAVE EVERYBODY COME HERE. AND THEN WE'LL HAVE A DISASTER IF WE GET THE RIGHT PRESIDENT AND DACA IS OVERTURNED. PRAGMATISM, IT WORKS. IT MAINTAINS FREEDOM. IT PROTECTS THE LIFEBOAT. IT DOES THE MAINTENANCE ON THE FENCE. LET'S FIX THE HOLE IN THE FENCE AND THEN LET'S CLEAN UP THE MESS. AND YOU'RE GOING TO...SOMEBODY IS GOING TO SAY, OH, YOU'RE COMPARING THEM TO LIVESTOCK. NO, I'M GIVING AN EXAMPLE OF LIFE. IT'S EASY TO BE COMPASSIONATE WITH OTHER PEOPLE'S MONEY, WITH OTHER PEOPLE'S...TO PUT OTHER PEOPLE IN COMPETITION WHO...YOUNG PEOPLE WHO WORKED HARD TO GET THAT LICENSE, TO SET UP A PRACTICE. [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR GROENE: IT'S EASY TO DO THAT. IT'S EASY TO BE A SECULAR HUMANIST AND DO YOUR GOOD WORKS WITH SOMEBODY ELSE'S MONEY AND WITH SOMEBODY ELSE'S FREEDOMS. SOMEBODY HAS GOT TO BE MATURE AND DO THE RIGHT THING AND BE A PRAGMATIST, AND THERE'S A FEW OF US ON THIS FLOOR THAT WILL DO THAT. ARE WE MEANSPIRITED? NO. WE DO THE GREATER GOOD. WE KEEP THE SHIP IN LINE. WE KEEP IT ON COURSE. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. (VISITORS INTRODUCED.)
CONTINUING DEBATE, SENATOR KINTNER, YOU'RE RECOGNIZED. [LB947]

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SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, THIS IS NOT A FILIBUSTER. PEOPLE ARE GOING TO SAY WHAT THEY'RE GOING TO SAY. WE'RE GOING TO MOVE ON TO A VOTE. JUST WANTED TO LET YOU KNOW, WE DO NOT INTEND TO TAKE THIS FOUR HOURS. BUT THERE'S JUST PASSIONS ON THIS, AND THAT'S FAIR ENOUGH. THERE'S ALWAYS PASSIONS WHEN YOU'RE TALKING ABOUT PEOPLE PUT IN A POSITION THAT THEY DID NOT CAUSE. I GOT THAT. THAT'S FAIR. BUT I SEEM TO REMEMBER LAST YEAR WHEN WE WERE TOLD WE'VE GOT TO GIVE DRIVER'S LICENSE TO THESE ILLEGAL IMMIGRANTS UNDER THE DACA PROGRAM BECAUSE THEY'RE DOCTORS AND THEY'RE PROFESSIONALS AND THEY CAN'T GET TO THEIR OTHER JOBS. WELL, SURE AS HECK, WE JAM IT DOWN THE GOVERNOR'S THROAT. WE OVERRIDE THE GOVERNOR'S VETO. WE GIVE DRIVER'S LICENSES TO ILLEGAL ALIENS UNDER THE DACA PROGRAM. AND NOW WE'RE TOLD THEY CAN'T GET LICENSES. DOES THAT MEAN SOMEBODY LIED? ARE YOU TRYING TO TELL ME WE HAVE 49 POLITICIANS IN A ROOM AND SOMEBODY LIED? WELL, GOSH DARN. WHO'D EVER THINK THAT WOULD HAPPEN? I DO REMEMBER THEM SAYING, WE'VE GOT THESE KIDS, THEY'RE IN MED SCHOOL. THEY'RE DOCTORS, THEY'RE ALL KIND OF PROFESSIONALS, AND THEY CAN'T GET TO THEIR JOB. I DON'T THINK ANYBODY CAN DENY THAT THAT WAS ONE OF THE ARGUMENTS THAT WE USE TO STUFF THIS DOWN THE THROATS OF THE PEOPLE OF THIS STATE, TO SMASH THE GOVERNOR OVER THE HEAD WITH, BECAUSE THEY CAN'T GET TO THEIR JOB. WELL, YOU KNOW WHAT? WHAT ARE WE BEING TOLD HERE THAT'S NOT TRUE? WE'RE GOING TO FIND OUT THE REAL CONSEQUENCES OF THIS PROBABLY NEXT YEAR, WHAT IT REALLY MEANS, WHAT THE REAL IMPLICATIONS ARE, BECAUSE THEY NEVER TELL US THE FULL TRUTH ON THESE THINGS. IT'S TOUGH TO SAY THEY LIE, I GUESS, BECAUSE MAYBE THEY JUST DON'T TELL YOU EVERYTHING. OR MAYBE THEY TRULY DON'T KNOW WHAT THE BILL IS GOING TO DO. THEY'RE IN SUCH A RUSH TO IMPLEMENT THE OBAMA PROGRESSIVE AGENDA THAT THEY REALLY, EVEN THE PROPONENTS OF THIS, DON'T TOTALLY UNDERSTAND IT. I THINK THAT'S PROBABLY TRUE, BECAUSE SOMETIMES WE'RE IN A RUSH TO DO THESE THINGS. SO I WOULD CAUTION MY FELLOW SENATORS, DON'T JUMP INTO SOMETHING WE DON'T KNOW THE CONSEQUENCES OF. WE DID THAT LAST YEAR AND HERE WE ARE AGAIN. BY THE WAY, IF WE DO THIS, IF WE GIVE THEM THESE PROFESSIONAL LICENSES, WHAT ARE THEY GOING TO COME BACK FOR NEXT YEAR? WELL, IF WE GET A REPUBLICAN PRESIDENT, HOPEFULLY NOTHING, BECAUSE THIS WHOLE THING GOES AWAY. BUT IF WE HAVE TO CONTINUE THE DACA PROGRAM, WHAT ARE THEY GOING TO COME BACK FOR NEXT YEAR? NOW, WE GAVE THEM DRIVER'S LICENSES. NOW WE GAVE THEM PROFESSIONAL LICENSES. WHAT DO WE HAVE TO GIVE THEM NEXT YEAR? UNEMPLOYMENT? IF THEY GET HURT, DO WE HAVE TO GIVE THEM WORKER'S COMP NOW?

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REMEMBER, WE DON'T GIVE ANY BENEFITS TO ILLEGAL ALIENS. WHAT IF THEY GET HURT ON THE JOB? HOW ARE WE GOING TO HANDLE WORKER'S COMP? THEY'RE GOING TO COME BACK NEXT YEAR AND THEY'RE GOING TO SAY, NOW THEY'RE WORKING, NOW WE HAVE TO GIVE THEM WORKER'S COMP, NOW WE HAVE TO GIVE THEM UNEMPLOYMENT. AND THEY'RE GOING TO COME BACK, AND THEY'RE GOING TO COME BACK, AND PRETTY SOON WE'VE GIVEN THEM THE EQUIVALENT OF A GREEN CARD, EVEN THOUGH THEY DON'T QUALIFY FOR A GREEN CARD. THEY GET ALL THE BENEFITS OF HAVING A GREEN CARD IN OUR STATE,... [LB947]

PRESIDENT FOLEY: ONE MINUTE. [LB947]

SENATOR KINTNER: ...BUT THEY'RE NOT GOING TO HAVE THE GREEN CARD. BUT WHY WOULD THEY WANT A GREEN CARD WHEN YOU'RE GOING TO GIVE THEM EVERYTHING? THAT'S WHERE I SEE THIS GOING. THERE'S PEOPLE SITTING THERE GOING, OH, I'M NOT GOING TO DO THAT. I THINK THERE WERE PEOPLE LAST YEAR WHO SAID DRIVER'S LICENSES, THAT'S IT. I'M SURE THEY SAID THAT TO THEMSELVES. WE'LL JUST DO THIS. WE'LL JUST POUND THE GOVERNOR OVER THE HEAD ONE TIME ON DRIVER'S LICENSES, THAT'S IT. I WONDER IF THOSE SAME PEOPLE ARE THINKING, WELL, WE'LL JUST POUND HIM ON THE HEAD ONE MORE TIME? I DON'T THINK THIS EVER STOPS. I THINK THEY KEEP PUSHING IT AND PUSHING IT AND PUSHING IT. THE CAMEL'S NOSE IS UNDER THE TENT. I SAY KICK THE CAMEL IN THE NOSE, GET HIM OUT FROM UNDER THE TENT. LET'S PROTECT THE TAXPAYERS. THANK YOU VERY MUCH, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON AM2842. [LB947]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. REMINDER, AM2842 IS A FRIENDLY AMENDMENT TO SENATOR MELLO'S BILL, WHICH HAS BEEN ACCEPTED BY SENATOR MELLO. IT DOES ONE, SIMPLE THING. IT STRIKES AN OBSOLETE FORM FROM THE BILL, A FORM WHICH HASN'T BEEN USED IN NEARLY A DECADE AS A FORM WHICH COULD BE USED TO VERIFY ONE'S PRESENCE. SO I WOULD ENCOURAGE YOUR SUPPORT OF AM2842, ALTHOUGH I RISE WITH CONTINUED OPPOSITION TO LB947. BUT IN MY VIEW, WITH THIS BILL (SIC) WE DO MAKE LB947 A LITTLE BIT BETTER. THANK YOU, MR. PRESIDENT. [LB947]

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PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON AM2842. THE QUESTION IS THE ADOPTION OF THE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB947]

CLERK: 32 AYES, 0 NAYS ON THE ADOPTION OF SENATOR MURANTE'S AMENDMENT. [LB947]

PRESIDENT FOLEY: AM2842 IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON AM2899. [LB947]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, ONCE AGAIN, AM2899 ADDRESSES TWO ISSUES THAT WERE RAISED ON GENERAL FILE AND ONE THAT WAS RAISED EARLIER THIS WEEK FROM THE DEPARTMENT OF LABOR: THE FIRST IN THE SENSE THAT AN INDIVIDUAL WHO HAS WORK AUTHORIZATION THROUGH THE FEDERAL GOVERNMENT, THAT THEIR PROFESSIONAL OCCUPATIONAL LICENSE WILL ONLY BE AS LONG IN TIME FRAME AS THEIR WORK AUTHORIZATION PERMIT; AND THE SECOND COMPONENT IS ADDITIONAL LANGUAGE TO CLARIFY AND TO ACCENTUATE WHAT, FOR WHATEVER REASON, THE EXECUTIVE BRANCH DOESN'T AGREE WITH THAT'S IN THE GREEN COPY OF THE BILL, THAT THIS BILL ONLY REFERS TO PROFESSIONAL AND COMMERCIAL LICENSES. SO THIS OTHER LANGUAGE INCLUDED ADDRESSES THE DEPARTMENT OF LABOR'S CONCERNS THAT, FOR WHATEVER REASON, THEY BELIEVE THE BILL WILL OPEN UP ANY OTHER PUBLIC BENEFIT. WHILE IT'S VERY CLEAR IT DOES NOT, THE ADDITIONAL LANGUAGE ONLY ACCENTUATES THE INTENT IN THE INITIAL GREEN COPY OF THE BILL THAT THIS ONLY APPLIES TO PROFESSIONAL AND COMMERCIAL LICENSES. WITH THAT, COLLEAGUES, I'D URGE YOU TO ADVANCE...OR ADOPT AM2899 AND ADVANCE LB947 TO FINAL READING. THANK YOU, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. THE QUESTION IS THE ADOPTION OF AM2899. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB947]

CLERK: 28 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB947]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. [LB947]

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CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB947]

PRESIDENT FOLEY: SENATOR HANSEN. [LB947]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB947 TO E&R FOR ENGROSSING. [LB947]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB947 ADVANCES. PROCEEDING TO THE NEXT BILL. MR. CLERK. [LB947]

CLERK: LB884. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS, FIRST OF ALL. (ER237, LEGISLATIVE JOURNAL PAGE 1334.) [LB884]

PRESIDENT FOLEY: SENATOR HANSEN. [LB884]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB884. [LB884]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB884]

CLERK: MR. PRESIDENT, SENATOR KINTNER HAS AM2819. [LB884]

PRESIDENT FOLEY: SENATOR KINTNER, YOU'RE RECOGNIZED TO OPEN ON AM2819. [LB884]

SENATOR KINTNER: MR. PRESIDENT, I WISH TO WITHDRAW THAT AMENDMENT. [LB884]

PRESIDENT FOLEY: THE AMENDMENT IS WITHDRAWN. [LB884]

CLERK: MR. PRESIDENT, THE NEXT AMENDMENT, SENATOR SCHEER, I HAVE AM2828 WITH A NOTE YOU WISH TO WITHDRAW. [LB884]

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SENATOR SCHEER: CORRECT. [LB884]

PRESIDENT FOLEY: THE AMENDMENT IS WITHDRAWN. [LB884]

CLERK: SENATOR SCHEER, I HAVE I BELIEVE...AND I HAVE A SIMILAR NOTE, WITH RESPECT TO FA117, TO WITHDRAW. [LB884]

PRESIDENT FOLEY: WITHDRAWN. [LB884]

CLERK: MR. PRESIDENT, SENATOR SCHEER WOULD MOVE AMEND WITH AM2893. (LEGISLATIVE JOURNAL PAGE 1508.) [LB884]

PRESIDENT FOLEY: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON AM2893. [LB884]

SENATOR SCHEER: THANK YOU, LIEUTENANT GOVERNOR. WE PULLED THE TWO JUST TO MAKE ONE, MAKE IT EASIER. THE AMENDMENT TO LB884 IS A WHITE-COPY AMENDMENT THAT MAKES A FEW SMALL CHANGES FROM WHAT WE PASSED ON GENERAL FILE. THE DEPARTMENT OF REVENUE HAD RAISED A COUPLE QUESTIONS IN REGARDS TO THE LANGUAGE. FIRST CHANGE REDEFINES THE TERM "PROGRAM AREA." IN LB884 WE CREATED THE TERM "PROGRAM AREA" TO DEFINE THE AREA WHICH A FACILITY CAN COLLECT THROWBACK TAX. UNDER AM2893 THE TERM "PROGRAM AREA" IS COMPLETELY REMOVED FROM THE CONVENTION CENTER FACILITY FINANCING ACT. THIS ACT COVERS ONLY THE CENTURYLINK AND PINNACLE BANK AREA IN LINCOLN. THE ACT HAS SINCE LAPSED AND ALL APPLICATIONS ARE NO LONGER BEING ACCEPTED. THE DEPARTMENT OF REVENUE WAS CONCERNED THAT BY CHANGING THE LANGUAGE TO THE NEW TERM "PROGRAM AREA" AND THEN ALLOWING THE CENTURYLINK AND PINNACLE AREA TO SUBMIT NEW MAPS WOULD HAVE GIVEN THE IMPRESSION THAT SOME COMMUNITIES IN THE STATE...ACCEPTING APPLICATIONS UNDER THE ACT AGAIN. FOR THAT REASON, AM2893 REMOVES THE TERM "PROGRAM AREA" FROM THE CONVENTION ACT. INSTEAD, IT SIMPLY AMENDS THE DISTANCE A FACILITY CAN MEET THE DISTANCE THAT WOULD HAVE BEEN ALLOWED UNDER THE PROGRAM AREA, 600 YARDS, WITH THE EXCEPTION OF THE CARVE OUT TO AVOID UNBILLABLE AREAS. THE PROGRAM AREA STILL REMAINS FOR THE SPORTS FACILITY FINANCING ACT, WHICH INCLUDES ANY FUTURE POTENTIAL AS WELL AS RALSTON. THE NEXT CHANGE REMOVES LANGUAGE THAT WOULD HAVE CHANGED SALES TAX RETURNS TO FACILITIES UNDER THE CONVENTION FINANCING ASSISTANCE ACT TO

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QUARTERLY FROM YEARLY. DEPARTMENT REQUESTED THIS CHANGE BECAUSE OMAHA AND LINCOLN REQUIRE AND REQUESTED THE...HAVE NOT...HAVE REQUESTED THE CHANGE TO QUARTERLY RECEIPTS. THEREFORE, THE ONLY THING ACCOMPLISHED BY LEAVING THE LANGUAGE IS INCREASING THE FISCAL NOTE. THE NEW LANGUAGE WOULD BRING THE FISCAL NOTE BACK DOWN TO WHERE IT WAS COMING OUT OF COMMITTEE. THE LAST CHANGE REQUESTED BY THE REVENUE DEPARTMENT IS A SIMPLE CORRECTION OF LANGUAGE REGARDING WHEN THE OWNER OF AN AFFORDABLE HOUSING PROTECTION...PROJECT CAN FILE FOR AFFORDABLE HOUSING CREDITS, THE CHANGE ON PAGE 17, LINE 31. THE DEPARTMENT WAS CONCERNED THE OLD LANGUAGE WAS NOT CLEAR REGARDING THE INDIVIDUALS FILING AMENDED RETURNS SHOULD BE TREATED. AND ANOTHER CHANGE WAS REGARDING THE PROVISION OF THE CITIES OF THE PRIMARY CLASS TO SPEND 10 PERCENT OF THEIR THROWBACK DOLLARS ON LOW-INCOME HOUSING. LANGUAGE IN THE BILL STATED THE PRIMARY CLASS MAY USE THE 10 PERCENT ON LOW-INCOME HOUSING. CHANGES...IT SAID "SHALL." THIS AMENDMENT CHANGES IT TO "MAY," AS WELL AS WITH THE APPROVAL OF THE CITY COUNCIL TO FURTHER CLARIFY. THEREFORE, THE LANGUAGE WOULD BE: THE CITY MAY DETERMINE BY THE CONSENT OF THE CITY COUNCIL. YOU'LL ALSO NOTICE THAT...WITHDRAWN THE OTHER TWO AMENDMENTS, WHICH ARE INCORPORATED. THERE WAS ONE FINAL CHANGE THAT WAS JUST BROUGHT TO US YESTERDAY THAT REQUIRED THE CITY OF OMAHA AND LINCOLN TO RESUBMIT MAPS UNDER THE NEW AREA, EXTENDED OUT 60 TO THE...THAT WILL HAVE IT EXTENDED TO THE DEPARTMENT OF REVENUE UNDER WHICH THEY HAVE SUBMITTED THESE MAPS. THERE IS NO BOARD SO, THEREFORE, IT WOULD BE APPROVED BY THE REVENUE DEPARTMENT. THE CCFFAA HAS LAPSED SO THAT THE BOARD NO LONGER EXISTS, SO THEY'LL SIMPLY BE SUBMITTING THEM TO THE DEPARTMENT OF REVENUE. I ALSO WANTED TO CLARIFY ONE THING ON THE...FOR THE RECORD, THAT THE SPORTS ARENA FACILITY ACT ON PAGE 10, LINES 7 THROUGH 11, THAT THE INTENT IS THAT THE FACILITIES SHOULD HAVE AN ADDITIONAL 48 MONTHS AFTER THE OPERATIVE DATE OF THIS ACT AS WELL. WITH THAT, I WOULD ENCOURAGE YOUR SUPPORT OF AM2893. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB884]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON LB884 AND THE PENDING AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2893. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB884]

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ASSISTANT CLERK: 30 AYES, 1 NAY ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB884]

PRESIDENT FOLEY: AM2893 IS ADOPTED. MR. CLERK. [LB884]

ASSISTANT CLERK: I HAVE NOTHING FURTHER ON THE BILL. [LB884]

PRESIDENT FOLEY: SENATOR HANSEN. [LB884]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB884 TO E&R FOR ENGROSSING. [LB884]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB884 ADVANCES. PROCEEDING TO THE NEXT BILL, MR. CLERK. [LB884]

ASSISTANT CLERK: MR. PRESIDENT, ON LB821 THERE ARE E&R AMENDMENTS. (ER239, LEGISLATIVE JOURNAL PAGE 1430.) [LB821]

PRESIDENT FOLEY: SENATOR HANSEN. [LB821]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB821. [LB821]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB821]

ASSISTANT CLERK: NOTHING FURTHER ON THE BILL. [LB821]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB821]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I WOULD LIKE TO ASK SENATOR LARSON A QUESTION. [LB821]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB821]

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SENATOR LARSON: YES. [LB821]

SENATOR CHAMBERS: SENATOR LARSON, HOW ARE YOU FEELING RIGHT NOW?
[LB821]

SENATOR LARSON: GOOD. [LB821]

SENATOR CHAMBERS: GLAD TO HEAR IT. THANK YOU. [LB821]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HANSEN.
[LB821]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB821 TO E&R FOR
ENGROSSING. [LB821]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE THE
BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB821
ADVANCES. PROCEEDING ON THE AGENDA TO SELECT FILE, 2016 COMMITTEE
PRIORITY BILLS, MR. CLERK. [LB821]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB824. THERE ARE E&R
AMENDMENTS. (ER230, LEGISLATIVE JOURNAL PAGE 1310.) [LB824]

PRESIDENT FOLEY: SENATOR HANSEN. [LB824]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS
TO LB824. [LB824]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R
AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE
E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB824]

ASSISTANT CLERK: SENATOR KEN HAAR WOULD OFFER AM2720. (LEGISLATIVE
JOURNAL PAGE 1204.) [LB824]

PRESIDENT FOLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED TO OPEN ON
AM2720. [LB824]

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SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, AM2720 IS AN AMENDMENT THAT WAS WORKED OUT THROUGH PROBABLY HUNDREDS OF HOURS BETWEEN SENATOR McCOLLISTER AND A LOT OF VARIOUS PEOPLE. WHAT WE'RE GOING TO DO TODAY IS TO TALK ABOUT WHAT AM2720 IS AND WHAT IT ISN'T. FIRST OF ALL, THERE IS NO FISCAL NOTE. THERE IS NO PRODUCTION TAX CREDIT, NO STATE PRODUCTION TAX CREDIT INVOLVED. IT PRESERVES LOCAL CONTROL. AND ALL OF THE FOLLOWING GROUPS CAME IN NEUTRAL ON AM2720: NPPD; OPPD; LES; NMPP, THE NEBRASKA MUNICIPAL POWER POOL; THE PRB, THE POWER REVIEW BOARD; AND THE LEAGUE OF MUNICIPALITIES WHICH REPRESENTS MANY OF, IN FACT THE MAJORITY OF, THE MUNICIPAL PUBLIC POWER DISTRICTS IN NEBRASKA. SO WHAT I'D LIKE TO DO IS I'D LIKE YOU TO LOOK AT THE HANDOUT THAT'S COMING AROUND. AND THIS WILL BE MY TESTIMONY AND THEN WE'LL GO FROM THERE. FIRST OF ALL, ON THE FRONT COVER THERE ARE THREE NUMBERS. THE FIRST IS A BIG, RED THREE. NEBRASKA IS NUMBER THREE IN TERMS OF WIND DEVELOPMENT. THE SECOND NUMBER IS A BIG ZERO. THAT'S THE AMOUNT OF ELECTRICITY THAT NEBRASKA EXPORTS CURRENTLY, EVEN THOUGH WE'RE NUMBER THREE IN TERMS OF WIND POTENTIAL. AND THE LITTLE 23 AT THE BOTTOM IS WHERE WE ARE IN THE RANKING OF STATES IN TERMS OF DEVELOPING OUR WIND POTENTIAL. WE'RE 23rd. SO THOSE ARE THREE IMPORTANT NUMBERS: 3, 0, 23. THEN THE NEXT PAGE I'D LIKE YOU TO LOOK AT IS CALLED: REGULATORY HURDLES FOR WIND IN NEBRASKA. THIS COMES FROM THE BRATTLE REPORT, A REPORT THAT WAS SUPPORTED THAT NEBRASKA PASSED SEVERAL YEARS AGO. IT WAS INTRODUCED BY CURRENT SENATORS DAVIS, BRASCH, HAAR, SCHILZ, SMITH, SEILER, AND SULLIVAN. IT WAS A \$200,000 STUDY AND WHAT IT SHOWED IS NEBRASKA, WITH ALL OF THESE HURDLES TO WIND DEVELOPMENT, AS COMPARED TO KANSAS AND OKLAHOMA. AND THE STATEMENT AT THE BOTTOM: WHILE EACH OF THE REQUIREMENTS ABOVE MAY NOT INHIBIT RENEWABLE ENERGY DEVELOPMENT FOR EXPORT PURPOSES, COLLECTIVELY THEY HAVE CREATED A LESS ATTRACTIVE ENVIRONMENT FOR NEW RENEWABLE RESOURCES IN NEBRASKA. AND WHAT AM2720 DOES IS TO PUT...TO REMOVE THE HURDLES AND PUT NEBRASKA ON A LEVEL PLAYING FIELD WITH KANSAS AND OKLAHOMA. THE THIRD PAGE, THIS BRINGS REAL PROPERTY TAX RELIEF. AND HERE'S SOME APPROXIMATE VALUES OF A NUMBER OF COUNTIES, AND THESE AREN'T ALL OF THEM: HOLT, \$2.5 MILLION PER YEAR IN PROPERTY TAX REVENUES; CUSTER COUNTY, \$1 MILLION PER YEAR; KNOX, \$800,000 PER YEAR; BOONE, \$800,000 PER YEAR; RICHARDSON, \$400,000 PER YEAR; JEFFERSON, \$360,000 PER YEAR; GAGE RIGHT NOW, CURRENTLY, AND THEY'RE GOING TO HAVE MORE TURBINES DEVELOPED IN GAGE COUNTY, \$135,000 PER YEAR. SO IF YOU LOOK BACK AT HOLT COUNTY OVER 20 YEARS, WHICH IS A MINIMUM

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EXPECTED LIFE FOR A WIND TURBINE, OVER 20 YEARS THAT'S \$50 MILLION IN PROPERTY TAX REVENUE, NEW PROPERTY TAX REVENUE. SO HERE WE'RE TALKING ABOUT THE POTENTIAL FOR REAL PROPERTY TAX RELIEF. AND THEN THE FINAL PAGE OF MY FOUR-PAGE HANDOUT SAYS: LAST CHANCE. AND THE REASON FOR THIS IS THAT RIGHT NOW WIND GETS A FEDERAL PRODUCTION TAX CREDIT AND IT WAS RE-UPPED IN H.R.2029, THE FEDERAL CONSOLIDATED TAX AND SPENDING PACKAGE. BUT EVERY YEAR THAT WE WAIT, THE PERCENT OF THE FEDERAL PRODUCTION TAX CREDIT DECREASES. SO IT REALLY IS KIND OF A LAST CHANCE TO GET ON BOARD FOR THAT FULL PRODUCTION TAX CREDIT. AND THAT'S ONE OF THE REASONS, BESIDES THE FACT THAT WE HAVE SUCH GREAT WIND POTENTIAL, THAT WIND DEVELOPMENT COMPANIES ARE INTERESTED. THEY'RE BRINGING DEVELOPMENT AND NEW PROPERTY TAXES TO NEBRASKA. WE NEED TO GIVE AGRICULTURE THE ABILITY TO FARM THE WIND, TO BRING NEW PROPERTY TAX CREDITS TO NEBRASKA. THANK YOU VERY MUCH. [LB824]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. MR. CLERK. [LB824]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR HUGHES WOULD MOVE TO RECOMMIT LB824 TO COMMITTEE. [LB824]

PRESIDENT FOLEY: SENATOR HUGHES, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB824]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I'M ON THE NATURAL RESOURCES COMMITTEE. I WAS ONE OF THE FOUR WHO DID NOT VOTE TO PUT THIS OUT OF COMMITTEE. AND I WANT TO GIVE YOU A COUPLE OF INSIGHTS AS TO WHY I FELT IT WAS IMPORTANT THAT THIS BILL WAS NOT READY FOR PRIME TIME. THIS IS NOT JUST A BILL ABOUT GENERATION OF ELECTRICITY, BUT THE OTHER CRITICAL FACT IS ABOUT TRANSMISSION OF ELECTRICITY. AND THE PLACEMENT OF THESE WIND FARMS IS PROBABLY MORE CONTINGENT UPON GETTING THE ELECTRICITY OUT OF AN AREA, NOT NECESSARILY WHERE THE WIND IS BEST, AND THAT'S SOMETHING THAT I HAVE CONCERN WITH. I WILL TALK A LITTLE BIT MORE ABOUT SOME OTHER ISSUES THAT I HAVE ABOUT THE PLACEMENT OF THESE WINDMILLS AT A LATER DATE, BUT I WOULD LIKE TO YIELD THE BALANCE OF MY TIME TO SPEAKER HADLEY. [LB824]

PRESIDENT FOLEY: SPEAKER HADLEY, YOU'RE YIELDED 8...ALMOST 9:00. [LB824]

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SPEAKER HADLEY: MR. PRESIDENT, I'M NOT GOING TO SPEAK ON THE CONTENT OF THIS AMENDMENT. I THINK THAT'S SOMETHING FOR YOU TO WEIGH, WHETHER THIS IS AN APPROPRIATE AMENDMENT OR NOT. BUT I DO WANT TO SPEAK A LITTLE BIT ON THE PROCESS. YOU KNOW, WE'VE HAD IN THE PAST THE PULLING OF BILLS FROM COMMITTEES. I WILL HAVE TO ADMIT THIS WAS A VERY UNIQUE WAY OF DOING THAT, BY STRIPPING THE ORIGINAL CONTENT OF THE BILL, PUTTING IN ANOTHER BILL, AND THEN BRINGING THE ORIGINAL CONTENT OF THE BILL BACK AS AN AMENDMENT. SO THE BILL HAD THE PRIORITY ON IT. SO ALL I'M SAYING, AND I'M NOT MAKING A JUDGMENT ON IT, BUT I THINK THAT'S SOMETHING THAT YOU NEED TO LOOK AT, BECAUSE EFFECTIVELY THAT IS WHAT IS HAPPENING AT THIS POINT IN TIME. AGAIN, I'M NOT SPEAKING TO WHETHER IT'S A GOOD AMENDMENT OR A BAD AMENDMENT. THAT'S NOT MY JOB HERE. BUT I THINK YOU...WE HAVE HAD MOTIONS TO PULL IN THE PAST AND YOU JUST HAVE TO THINK ABOUT WEIGHING THAT. THANK YOU, MR. PRESIDENT. [LB824]

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. SENATOR KRIST, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB824]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND GOOD MORNING AGAIN, COLLEAGUES. WE HAVE SOME STUDY RESOLUTIONS THAT ARE GOING TO REQUIRE SOME ACTION FROM THE EXECUTIVE BOARD AND THE ASSIGNMENT OF MEMBERS TO BE ON THOSE COMMITTEES: LB1083, ADOPT THE NEXT GENERATION BUSINESS GROWTH ACT; LB1093, CREATE THE BIOSCIENCE STEERING COMMITTEE; LR547, PROVIDE STATE-TRIBAL RELATIONS COMMITTEE OF THE LEGISLATURE CONDUCT A STUDY EXAMINING THE POLICY TOOLS; AND THEN LR601, WHICH IS A REVIEW OF PRESENT FACILITIES AND DETERMINE NEEDS FOR OPTIONS IN DEVELOPING A REGIONAL CERTIFIED CRIME LAB. EACH ONE OF THESE HAS MEMBERS THAT WILL BE APPOINTED AT-LARGE. YOU WILL BE RECEIVING AN E-MAIL DETAILING THE NUMBER OF MEMBERS AND THESE NUMBERS AND CONTENT. I NEED TO HAVE YOUR LETTERS INTO MY OFFICE, ADDRESSED TO ME, NO LATER THAN TUESDAY, APRIL 12, AT 5:00, SO THAT YOUR EXEC BOARD CAN MEET AND DETERMINE WHO THOSE INDIVIDUALS WILL BE BY WEDNESDAY AND LET YOU KNOW. AND THIS IS IN ANTICIPATION OBVIOUSLY OF THE GOVERNOR SIGNING LB1083, LB1093, AND LR547 AND LR601. THANK YOU FOR YOUR ATTENTION. AND THANK YOU FOR YOUR COURTESY, LIEUTENANT GOVERNOR.

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PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB824, THE PENDING AMENDMENT, AND THE PENDING MOTION. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AS VICE CHAIR OF NATURAL RESOURCES, I WANT TO POINT OUT A FEW FACTS ALSO IN A HANDOUT THAT WAS PASSED OUT RECENTLY BY SENATOR McCOLLISTER. I'M GIVING THE BILL CHRONOLOGY. HE INDICATES IN HERE THAT MEMBERS WHO VOTED TO ADVANCE LB824 WITH AM2611 THOUGHT THE ENTIRE BODY SHOULD BE AFFORDED THE DEBATE AND DECISION-MAKING ROLE. THAT IS NOT TRUE. I VOTED TO ADVANCE LB824 OUT OF COMMITTEE WITH THE LANGUAGE THAT'S STRIPPED OUT, SENATOR HAAR'S AMENDMENT, AM2720, AND THAT'S THE ONLY REASON I VOTED TO SEND IT OUT. I WOULD NOT HAVE SUPPORTED THIS BILL AND I WILL NOT SUPPORT THIS BILL IF THIS IS ATTACHED. AND IF THIS IS HOW WE WANT TO CONDUCT BUSINESS HERE, WAITING TO THE SECOND ROUND FOR SELECT FILE TO PUT ON LARGE AMENDMENTS THAT ARE COMPLICATED AND HAVE A HUGE IMPACT FOR NEBRASKA AND ITS PUBLIC POWER, THEN WE'LL START A WHOLE NEW GAME HERE. THIS BILL HAS VERY LARGE RAMIFICATIONS FOR PUBLIC POWER IN THIS STATE, AND I DON'T THINK IT SHOULD BE ADDRESSED IN A SHORT FASHION, THE WAY WE'RE GOING TO TRY TO DO IT. IN ORDER TO SAVE EVERYONE TIME, I WOULD HOPE THAT WE WOULD SEND THIS BILL BACK TO COMMITTEE AND WE WILL WORK ON SOMETHING THIS NEXT SUMMER TO BRING OUT SOMETHING THAT IS MORE LIMITED AND DOES NOT JUST OPEN UP DEVELOPMENT TO ANY AREA WHERE THEY FEEL THAT THEY CAN STICK A WIND GENERATOR. THERE ARE PRODUCTION TAX CREDITS INVOLVED, AND I THINK SENATOR HAAR MAYBE CLARIFIED THERE ARE NO STATE PRODUCTION TAX CREDITS. BUT THIS WHOLE PREMISE IS BASED ON FEDERAL TAX CREDITS TO THE TUNE OF BILLIONS OF DOLLARS A YEAR. AND AS YOU CAN SEE FROM THE HANDOUT THAT I GAVE YOU WHAT WARREN BUFFETT THINKS OF WIND GENERATION, I WILL JUST READ JUST A SHORT, SHORT LITTLE ARTICLE THAT WAS IN U.S. NEWS. "DESPITE BEING FAMOUS FOR TOUTING THE IDEA THAT THE RICH DON'T PAY THEIR FAIR SHARE OF TAXES, INVESTOR WARREN BUFFET SEEMS TO BE PERFECTLY FINE WITH RECEIVING TAX BREAKS FOR MAKING INVESTMENTS IN BIG WIND. 'I WILL DO ANYTHING THAT IS BASICALLY COVERED BY THE LAW TO REDUCE BERKSHIRE'S TAX RATE,' BUFFET TOLD AN AUDIENCE IN OMAHA... 'FOR EXAMPLE, ON WIND ENERGY, WE GET A TAX CREDIT IF WE BUILD A LOT OF WIND FARMS. THAT'S THE ONLY REASON TO BUILD THEM. THEY DON'T MAKE SENSE WITHOUT THE TAX CREDIT.'" SO AS YOU CAN SEE, THIS IS A BIG ISSUE, AND IT WILL HAVE A VERY LARGE IMPACT ON NPPD AND OUR PUBLIC POWER SYSTEM, THEREFORE, I URGE YOU TO VOTE AFFIRMATIVE IN

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RECOMMITTING THIS BACK TO COMMITTEE. THANK YOU, MR. PRESIDENT.
[LB824]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR McCOLLISTER,
YOU'RE RECOGNIZED. [LB824]

SENATOR McCOLLISTER: THANK YOU, MR. LIEUTENANT GOVERNOR. MEMBERS OF THE BODY, I RISE IN SUPPORT OF AM2720 AND AGAINST MO286 AND FOR THE BILL, LB824. A LOT OF TIME HAS BEEN SPENT BY OUR GOVERNOR AND BY MY COLLEAGUES ON THE REVENUE AND EDUCATION COMMITTEES TO FIND WAYS TO REDUCE PROPERTY TAX BURDEN ON PROPERTY TAX OWNERS. AS WE ALL KNOW THERE ARE NO EASY ANSWERS IN SOLVING THIS ISSUE, ESPECIALLY SINCE THE DATE DOES NOT SET, COLLECT, OR SPEND LOCAL PROPERTY TAXES, YET WE ARE CHARGED WITH FINDING A SOLUTION. I BELIEVE AM2720 REPRESENTS PART OF THE SOLUTION. IT INVOLVES POLICY BASED ON A REPORT COMMISSIONED BY THE LEGISLATURE KNOWN AS THE BRATTLE REPORT. AND IT SEEKS TO REDUCE SOME OF THE IDENTIFIED REGULATORY BARRIERS THAT DO EXIST IN OUR STATE. BY ADDRESSING THESE BARRIERS NEBRASKA CAN INCENT SIGNIFICANT NEW ECONOMIC ACTIVITY IN OUR STATE, WHICH WILL INVOLVE HUNDREDS OF MILLION DOLLARS IN INVESTMENT, NEW JOBS IN RURAL NEBRASKA, AND SIGNIFICANT NEW LOCAL PROPERTY TAX REVENUE. THIS LEGISLATION IS SENDING A VERY POSITIVE MESSAGE TO COMPANIES LOOKING TO LOCATE IN THE STATE AND WILL UTILIZE NEBRASKA'S SIGNIFICANT WIND RESOURCES. IT ISN'T A MATTER OF IF THE INVESTMENT--HUNDREDS OF MILLIONS OF DOLLARS--WILL OCCUR, BUT IT'S WHERE IT WILL OCCUR. MANY OF US IN THE LEGISLATURE WANT IT TO OCCUR IN NEBRASKA. THE POLICY HAS THE SUPPORT OF THE NEBRASKA WIND COALITION, BERKSHIRE HATHAWAY ENERGY, NextEra, TRADEWIND ENERGY, CHERRY COUNTY WIND ENERGY ASSOCIATION, THE NORTHEAST NEBRASKA PUBLIC POWER DISTRICT, THE NEBRASKA FARMERS UNION, AND THE CENTER FOR RURAL AFFAIRS. FOUR OF US ON THE NATURAL RESOURCES COMMITTEE SUPPORTED THIS LEGISLATION; FOUR OF US DID NOT. I RESPECT THE DECISION OF EACH AND EVERY OTHER MEMBER OF THE COMMITTEE, BUT I ALSO RESPECT MY COLLEAGUES IN THE ENTIRE BODY WHO WANT TO FIND WAYS TO REDUCE PROPERTY TAXES. THIS IS WHY I ASK FOR YOUR SUPPORT FOR AM2720 AND LB824. TO MY FRIENDS IN AGRICULTURE, I KNOW YOUR PROPERTY TAXES ARE TOO HIGH. ALL PROPERTY TAXES ARE TOO HIGH, AND I THINK MOST OF US WOULD ARGUE THAT WE PAY TOO MUCH IN PROPERTY TAXES. I ALSO KNOW THE BEST TAX RELIEF IS NOT ACHIEVED THROUGH A TAX SHIFT BUT, INSTEAD, INVOLVES SPENDING RELIEF AND THE CREATION OF NEW JOBS, INVESTMENT, AND TAX REVENUE. AM2720

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ADDRESSES THESE SOLUTIONS. AM2720, IF ADOPTED, WILL CREATE NEW TAX REVENUE, ESPECIALLY IN RURAL NEBRASKA. IT DOES NOT TAKE AWAY LOCAL CONTROL. IT HAS NO FISCAL IMPACT. IT WILL NOT ADVERSELY IMPACT PUBLIC POWER; IN FACT, PUBLIC POWER COMPANIES IN NEBRASKA--OPPD, NPPD--HAVE COME IN NEUTRAL ON THIS BILL. PLEASE REMEMBER THAT. IT SIMPLY REMOVES BARRIERS THAT DO NOT EXIST IN OTHER STATES. MOST IMPORTANTLY, IT WILL HELP US FIND WAYS TO BRING TAX RELIEF TO RURAL NEBRASKA. AND TO MY URBAN COLLEAGUES, ECONOMIC DEVELOPMENT, NO MATTER WHERE IT OCCURS, HELPS OUR ENTIRE STATE. RENEWABLE ENERGY IS IMPORTANT AND NOT JUST TO INDUSTRY BUT TO OTHER JOB CREATORS AS WELL. LET ME GIVE AN EXAMPLE OF A 200-MEGAWATT PROJECT, WHAT IT CAN DO FOR NEBRASKA:... [LB824]

PRESIDENT FOLEY: ONE MINUTE. [LB824]

SENATOR McCOLLISTER: ...\$350 MILLION IN NEW INVESTMENT; \$700,000 IN ANNUAL NAMEPLATE CAPACITY TAX; \$500,000 IN ANNUAL PROPERTY TAX; AND \$2.4 MILLION IN ANNUAL PAYMENTS TO LANDOWNERS. SENATORS, I KNOW THERE ARE LANDOWNERS WHO HAVE ONE OR MORE TURBINES ON THEIR PROPERTY. THEY FARM AROUND THE TURBINE. THE ANNUAL LEASE PAYMENTS ON ONE TURBINE ALONE PAYS THE TOTAL PROPERTY TAX ON THEIR FARM. THERE ARE MORE EXAMPLES LIKE THIS. YOU SHOULD KNOW THAT MANY OF THE LEASES ARE NOW ON 40-YEAR LEASES. CAN YOU IMAGINE WHAT THIS TYPE OF LEASE DOES IN TERMS OF HELPING PEOPLE STAY ON THE FARM? IT HAS SIGNIFICANT IMPACT. YOUNG PEOPLE WHO HAVE GONE TO COMMUNITY COLLEGE ARE COMING OUT WITH A JOB OFFER AND ARE ABLE TO MOVE BACK TO THEIR LOCAL FARMING COMMUNITIES... [LB824]

PRESIDENT FOLEY: TIME, SENATOR. [LB824]

SENATOR McCOLLISTER: ...AND START AT \$50,000 A YEAR... [LB824]

PRESIDENT FOLEY: TIME, SENATOR. [LB824]

SENATOR McCOLLISTER: ...SALARY. [LB824]

PRESIDENT FOLEY: THAT'S TIME, SENATOR. [LB824]

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SENATOR McCOLLISTER: THANK YOU. [LB824]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB824]

SENATOR JOHNSON: THANK YOU, MR. LIEUTENANT GOVERNOR. FIRST OF ALL, I WANT TO COMMENT THAT I'M ON THE NATURAL RESOURCES COMMITTEE, BEEN ON IT FOR FOUR YEARS. I SUPPORT RENEWABLE ENERGY. THERE'S A TRANSITION PERIOD HERE THAT, AND NOT TRANSMISSION, BUT TRANSITION PERIOD HERE THAT WE NEED TO GO THROUGH. I THINK WHAT WE HAVE IN PLACE IS SUFFICIENT IN THAT WE HAVE PUBLIC POWER. BUT I WANT TO TALK A LITTLE BIT ABOUT WHAT WENT ON IN THAT COMMITTEE. IT WAS IN COMMITTEE, AMONGST NEGOTIATIONS AT LEAST, FOR MANY DAYS. WE DID NOT GET A BILL, FINAL BILL TO US UNTIL AFTER MARCH 1, WHICH INCLUDED 12 AMENDMENTS TO IT. WE HAD A CHANCE TO READ...IT DID NOT GET ME TO WHERE I WANTED TO BE. BUT I WANT TO TALK A LITTLE BIT ABOUT WHERE I CAME FROM ON IT. I'M GOING TO TALK ABOUT THE PROCESS AND A LITTLE BIT OF WHAT SPEAKER HADLEY TALKED ABOUT, AND THEN IN MY NEXT TIME ON THE MIKE I WILL TALK ABOUT LOCAL SITUATION. I WAS ONE OF THE FOUR...IT WAS FIVE, WHAT I WOULD SAY, OUT-STATE SENATORS ON THE COMMITTEE. THERE IS FIVE OUT-STATE SENATORS ON THE COMMITTEE. FOUR OF US VOTED AGAINST LB824, WHICH INCLUDED WHAT IS NOW THE AMENDMENT, AM2720. WE VOTED AGAINST THAT, FOUR OF THE FIVE. THE FIFTH ONE HAS HIS OWN REASONS FOR THE WAY HE VOTED. IT DID NOT COME OUT OF COMMITTEE. WE EXECED ON IT AGAIN AND INSERTED LB914 WHICH I THINK IS A GOOD BILL, AND WE VOTED ON THAT. I, TOO, LIKE THAT PART OF IT, SO I VOTED FOR IT. THEN WE WERE VOTING ON THE PRIORITY BILL, THE DESIGNATION, LB824, WHICH DID NOT INCLUDE THE WIND POWER SECTION OF IT, AND WE VOTED ON THAT. AND WHEN I VOTED, I THINK I WAS THE LAST TO VOTE. AND I ASKED A QUESTION: IS THIS AN ATTEMPT TO MAKE AN END RUN IN ORDER TO GET THE ORIGINAL LB824 BACK ON THE FLOOR? AND THE CHAIRMAN SAID IT COULD BE, BUT IT WOULDN'T BE BY HIM, AND THAT WAS THE ONLY COMMENT. AT THAT POINT I CHANGED MY VOTE TO NO. IT IS AN END RUN TO MOVE AROUND THE COMMITTEE. IT NEEDS TO HAVE MORE STUDY ON IT. IT CAN COME BACK NEXT YEAR. I THINK THIS GOES TOO FAR WITH TOO MANY SHORTCUTS GETTING TO THIS POINT. I DO SUBMIT COMMITTING IT BACK TO COMMITTEE. IT'S NOT NECESSARILY A BILL OR AMENDMENT THAT WOULD...WELL, IT DOES KILL THE BILL BECAUSE WE'RE IN THE LAST COUPLE DAYS, THREE DAYS. BUT IT NEEDS TO GO BACK TO THE COMMITTEE. THAT'S ALL I'LL SAY AT THIS POINT. I HOPE TO HAVE ANOTHER OPPORTUNITY. THANK YOU, MR. PRESIDENT. [LB824 LB914]

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PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. SO NOW YOU'VE HEARD FROM THREE MEMBERS OF THE COMMITTEE THAT HAVE BEEN OPPOSED TO THIS AND WANT AND THINK IT SHOULD BE RECOMMITTED. NOW YOU'RE GOING TO HEAR FOUR AND YOU'LL HEAR MORE. SENATOR JOHNSON GAVE YOU A LOT OF HISTORY OF THAT. LB824, IN ITS ORIGINAL CONTENT, COMPLETELY GUTS THE DEREGULATION OF POWER AND IT ALLOWS FOR WIND ENERGY TO COME IN UNREGULATED AND PUT UP WIND TOWERS. NOW YOU HAVE TO KNOW THAT THEY CAN ALREADY DO IT. THE LAW ALREADY ALLOWS FOR THAT IF THEY FOLLOW THE REGULATIONS AND IF THEY HAVE A POWER PURCHASE AGREEMENT. THE PROBLEM IS THEY CAN'T GET POWER PURCHASE AGREEMENTS BECAUSE OUR POWER GRID IS SATURATED. BUT IT CAN BE DONE. IT CAN ALREADY BE DONE. NOW WHY AREN'T THEY DOING IT? ONE, THE POWER PURCHASE AGREEMENT; TWO, ALL THE TAX CREDITS. AN INDIVIDUAL, I DON'T REMEMBER WHERE HE WAS FROM, BUT HE TESTIFIED AND SAID WIND ENERGY DOES NOT PAY FOR ITSELF WITHOUT THE TAX CREDITS. WE HAVE TO HAVE THE TAX CREDITS TO MAKE IT WORK. THAT'S WHY YOU DON'T SEE WIND ENERGY IN NEBRASKA. SO FOUR OF US VOTED AGAINST THIS. THE ORIGINAL CONTENT OF LB824 DID NOT ADVANCE. HAD I KNOWN THAT THIS WAS GOING TO HAPPEN, I WOULDN'T ADVANCED LB824 WITH NEW INFORMATION, WHICH IS NOW... WHICH WE HAVEN'T EVEN TALKED ABOUT. IT'S TO INCREASE THE PER DIEM RATE FOR ONE INDIVIDUAL ON THE POWER REVIEW BOARD. THAT'S WHAT LB824 REALLY IS. IT WAS SENATOR SCHILZ ASKED THAT THIS BE DONE SO WE COULD RETAIN THE PRIORITY BILL DESIGNATION, WHICH REMAINS WITH THAT BILL NUMBER. AND THEN THERE WAS AN UNOFFICIAL TALLY TAKEN IN OUR COMMITTEE IF WE DID THIS, IF EVERYBODY WOULD AGREE TO IT, AND EVERYBODY AGREED TO IT, TO INCLUDE SENATOR McCOLLISTER. AND NOW SENATOR McCOLLISTER IS AGREEING TO THIS BIG CHANGE TO MAKE THE BILL...PUT THE BILL BACK IN ITS ORIGINAL CONTENT. THAT'S WHAT'S HAPPENING. AND LIKE EVERYBODY HAS SAID, THIS IS AN END RUN TO GET THIS BACK ON THE FLOOR, WHICH I COMPLETELY DISAGREE WITH. SO I WAS IN AGREEMENT TO GET LB824 WITH THE NEW INFORMATION OUT THERE, BUT I AM OPPOSED TO IT. I AM OPPOSED TO THIS AMENDMENT, I AM IN FAVOR OF THE RECOMMIT MOTION, AND I WILL YIELD THE REST OF MY TIME TO SENATOR LINDSTROM. [LB824]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR LINDSTROM, YOU'RE YIELDED 1:20. [LB824]

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SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR SCHNOOR. I, TOO, SIT ON THE NATURAL RESOURCES COMMITTEE. I WAS ONE OF THE FOUR VOTES THAT VOTED IN FAVOR OF LB824 AS IT STOOD. I DO BELIEVE IN IT. I DO BELIEVE IN THE DEREGULATION. I DO BELIEVE IN THE PROSPECTS OF PROPERTY TAX RELIEF. I DO BELIEVE THAT IT IS A GOOD BILL AND THAT WE SHOULD MOVE IN THIS DIRECTION. BUT I DO NOT BELIEVE THAT IT SHOULD BE TAKING PLACE THE WAY THAT IT IS BEING DONE. I AM GOING TO BE IN FAVOR OF THE RECOMMIT TO COMMITTEE. IT'S TOO BIG OF A DEAL TO HAVE THE COMMITTEE SPLIT IN A 4-4 NUMBER. AND AS AN URBAN SENATOR, THIS IS SOMETHING THAT DOESN'T AFFECT ME, IT WILL NOT BE IN MY BACKYARD. I WILL SIDE WITH SENATOR FRIESEN AND SENATOR HUGHES ON THIS BECAUSE IT DOES AFFECT THEM AND IT DOES AFFECT THE LAND AND THEIR CONSTITUENTS MORE THAN IT WOULD AFFECT MY CONSTITUENTS. SO AS MUCH AS I BELIEVE IN LB824 AND THE POTENTIAL ECONOMIC ASPECTS OF IT, AT THIS POINT I CANNOT SUPPORT LB824 MOVING FORWARD AND I ASK THAT YOU VOTE TO RECOMMIT TO COMMITTEE. THANK YOU, MR. PRESIDENT. [LB824]

SPEAKER HADLEY: THANK YOU, SENATOR SCHNOOR AND SENATOR LINDSTROM. THOSE IN THE QUEUE ARE SENATORS SCHILZ, HUGHES, BLOOMFIELD, FRIESEN, AND SULLIVAN AND OTHERS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. HAVING SERVED ON THE NATURAL RESOURCES COMMITTEE FOR MY FULL EIGHT YEARS IN THE LEGISLATURE, I WAS HERE THE FIRST YEAR WE HAD LEGISLATION TO DEAL WITH RENEWABLE ENERGY, WHICH WAS LB1048. LB1048 CHANGED MANY OF THE THINGS THAT WE LOOK AT WHEN WE TALK ABOUT POWER GENERATION AND WHO CAN DO THAT IN THE STATE OF NEBRASKA. AT THAT TIME IT WAS UNDERSTOOD THAT AT SOME POINT PRIVATE DEVELOPERS WOULD COME IN AND WOULD BE ABLE TO COME IN AND DEVELOP THEIR PROJECTS HERE IN NEBRASKA FOR EXPORT. WE HAVE TO REMEMBER THAT ALL OF THIS THAT WE'RE TALKING ABOUT TODAY IS FOR ENERGY EXPORTS. AND WHEN YOU HEAR SENATOR SCHNOOR TALK ABOUT THE DEREGULATION OF POWER IN NEBRASKA, THAT'S NOT NECESSARILY THE CASE. IT DOESN'T. LET'S RUN THROUGH WHAT'S HAPPENED. LB1048 WAS PASSED THE FIRST YEAR I WAS HERE. IT TOOK HOURS AND HOURS AND HOURS OF NEGOTIATION TO GET THAT THROUGH. WE HEARD ABOUT POWER PURCHASE AGREEMENTS. WELL, IN THE LAW, LB1048, TO GET IT PASSED WE HAD TO AGREE THAT IN ORDER TO GET A PROJECT DONE YOU HAD TO HAVE A POWER PURCHASE AGREEMENT IN PLACE. THE PROBLEM WITH THAT IS, IN ORDER TO GET A POWER PURCHASE AGREEMENT, YOU HAVE TO UNDERSTAND HOW MUCH THE POWER IS WORTH

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AND WHAT IT COSTS. HOW DO YOU DO THAT? WELL, YOU FIGURE OUT AND YOU BUILD THE PROJECT BECAUSE, WITHOUT KNOWING WHERE THE PROJECT IS GOING TO BE PLACED, WITHOUT KNOWING WHAT THE TRANSMISSION COSTS ARE GOING TO BE, WITHOUT KNOWING ANYTHING, YOU CAN'T SET UP A POWER PURCHASE AGREEMENT, SO YOU CAN'T GET FINANCING, SO YOU CAN'T BUILD THE PROJECT. THAT'S ONE OF THE INHERENT PROBLEMS WITH LB1048 AS IT WAS PUT IN THERE. THIS REMOVES THAT. WE HAVE TO ALSO LOOK AT HOW POWER IS SOLD. AND SINCE LB1048, WHEN THAT CAME INTO PLACE, POWER IS NOW SOLD MUCH DIFFERENTLY THAN IT WAS THEN. ALL POWER TODAY GOES INTO THE SOUTHWEST POWER POOL AND IS MARKETED BY THAT POOL. SO THERE'S NO LONGER REALLY... YOU CAN PUT IT DOWN TO HAVE A POWER PURCHASE AGREEMENT WITH SOMEONE, AND MOST DO WHEN THEY CAN PUT IT TOGETHER. BUT THE PROBLEM IS TO FIGURE OUT WHAT THAT POWER PURCHASE AGREEMENT SHOULD BE AND WHAT IT SHOULD COST. YOU'RE PUTTING THE CART BEFORE THE HORSE. A FEW YEARS AGO SENATOR HADLEY, SENATOR LATHROP, SENATOR MELLO INTRODUCED LB104 AND LB204...OR LB102, I CAN'T REMEMBER. BUT THOSE PUT WIND PROJECTS INTO THE NEBRASKA ADVANTAGE ACT TO BE ABLE TO DO THAT. THAT WAS A HARD-FOUGHT THING AS WELL. SO NOW IT HELPS BOTH C-BEDS AND REGULAR EXPORT PROJECTS THAT ARE OUT THERE. THAT WAS A GOOD THING. LB1115, WHICH SENATOR DAVIS INTRODUCED, AS YOU'VE ALL HEARD OF AS THE BRATTLE REPORT, TOLD US WHAT WE NEEDED TO DO AND WHAT WE COULD DO WITH THE RESOURCES THAT WE HAVE IN PLACE. THE BRATTLE REPORT IS WHAT HAS COME TO US AS AM2720. THOSE WERE THE RECOMMENDATIONS OF THE BRATTLE REPORT. THOSE RECOMMENDATIONS THAT WERE IN THERE PUTS US ON AN EVEN KEEL WITH THE OTHER STATES AROUND US. WHY IS THERE NOTHING BEING DONE IN NEBRASKA WHEN THERE ARE BILLIONS OF DOLLARS BEING SPENT EVERYWHERE ELSE? BECAUSE OF WHAT'S CONTAINED IN LB1048. IT DOESN'T GO FAR ENOUGH TO GET US THE DEVELOPMENT. SO IF YOU'RE GOING TO STAND HERE AND YOU'RE GOING TO TALK ABOUT PROPERTY TAX RELIEF, IF YOU'RE GOING TO STAND HERE AND YOU'RE GOING TO TALK ABOUT RURAL ECONOMIC DEVELOPMENT, IF YOU'RE GOING TO STAND HERE AND TALK ABOUT JOBS AND EVERYTHING ELSE, THIS BILL, THIS AMENDMENT... [LB824]

SPEAKER HADLEY: ONE MINUTE. [LB824]

SENATOR SCHILZ: ...GETS YOU THERE. AND WE COULD TALK ABOUT PROCESS ALL DAY LONG. IT WAS A 4-4 VOTE IN THE COMMITTEE, DEADLOCKED. IF WE HAD NINE MEMBERS WE'D KNOW EXACTLY WHAT SHOULD HAPPEN. BUT WE DON'T. WE HAVE EIGHT MEMBERS. SO HAVING SERVED ON THE NATURAL

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RESOURCES COMMITTEE MY WHOLE TIME HERE IN THE LEGISLATURE, HAVING BEEN THROUGH EVERYTHING THAT HAS BEEN DEVELOPED ON WIND ENERGY POLICY IN THE STATE OF NEBRASKA, AND UNDERSTANDING THE CHANGES THAT HAVE HAPPENED IN ELECTRICAL GENERATION AND POWER SALES AROUND THE NATION, THIS AMENDMENT FIXES ALL THOSE PROBLEMS THAT WE HAVE. NOW SOME HAVE OFFERED, HEY, IF WE WAIT UNTIL NEXT YEAR, WE CAN WORK ON THIS. [LB824]

SPEAKER HADLEY: TIME, SENATOR. [LB824]

SENATOR SCHILZ: THANK YOU. [LB824]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. (VISITORS INTRODUCED.) THOSE IN THE QUEUE ARE SENATORS HUGHES, BLOOMFIELD, FRIESEN, SULLIVAN, WATERMEIER, AND OTHERS. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB824]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'M NOT OPPOSED TO RENEWABLE ENERGY. I THINK IT'S SOMETHING WE NEED TO LOOK AT, BUT I...FOR MY CONCERN WHEN IT COMES TO POWER, ELECTRICITY, IT'S GOT TO BE RELIABILITY FIRST, COST TO THE CONSUMER, AND THEN POTENTIAL GENERATION. THE RELIABILITY OF RENEWABLES JUST IS NOT THERE YET. AND FORCING MORE AND MORE RENEWABLES ONTO THE MARKET AND COSTING US JOBS IN OUR CURRENT COAL AND NUCLEAR POWER GENERATION IS NOT RIGHT. ONE OF THE REASONS THAT I AM OPPOSED TO THIS IS BECAUSE OF THE LOCATIONS. IF YOU LOOK AT THE PROPOSED WINDFARMS AND A MAP OF NEBRASKA WHERE WIND GENERATION IS OPTIMAL, THEY DON'T MATCH UP VERY WELL, AND THAT'S BECAUSE OF TRANSMISSION. IF YOU GENERATE THE POWER, YOU NEED TO BE ABLE TO GET IT TO THE CONSUMER. AND THE PRIME GENERATING SPACES IN WESTERN AND NORTHERN NEBRASKA AREN'T WHERE VERY MANY OF THE PROPOSED SITES ARE. NOW THERE ARE GROUPS IN NORTHERN AND WESTERN NEBRASKA THAT HAVE FORMED ORGANIZATIONS OF LANDOWNERS THAT ARE CERTAINLY WANTING TO ENCOURAGE WIND DEVELOPMENT IN THEIR AREAS. I REALLY DON'T WANT TO STAND IN THE WAY OF THAT, BUT THERE ARE OTHER AREAS OF THE STATE WHERE YOU HAVE HOMEOWNERS AND SMALL BUSINESSES THAT ARE GOING TO HAVE WINDMILLS IN THEIR TERRITORY. ONE OF THE THINGS THAT I'VE LEARNED ABOUT ON...BEING ON NATURAL RESOURCES COMMITTEE THE PAST COUPLE YEARS IS ABOUT OIL AND GAS. AND IF THERE'S AN OIL WELL ON A PROPERTY, THEY HAVE

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A THING WHAT IS CALLED CORRELATIVE RIGHTS, AND THAT IS BASED ON WHERE THE OIL WELL IS, BUT WHERE THE POOL OF OIL IS UNDER THE SURFACE AND WHERE THE PROPERTY LINES LAND OVER THAT POOL. SO YOU MAY HAVE OIL UNDER YOUR PROPERTY THAT'S BEING SUCKED OUT BY AN OIL WELL ON THE NEIGHBOR'S AND, DUE TO THE FACT THAT YOU HAVE CORRELATIVE RIGHTS, YOU WILL GET SOME OF THOSE ROYALTIES FROM THAT PRODUCTION. WE DON'T HAVE ANYTHING LIKE THAT FOR WIND THAT IF MY NEIGHBOR HAS A WINDMILL ON HIS PROPERTY, HE'S RECEIVING THE TAX BENEFIT, THE PRODUCTION CREDITS. AND IF I DIDN'T SIGN A LEASE, I DON'T GET ANYTHING, BUT YET I HAVE TO LOOK AT IT, I HAVE TO HEAR IT. IF WE COULD...AND ONE OF THE THINGS THAT I WOULD LIKE TO BRING IT BACK AND WORK ON NEXT YEAR, AND WE'VE WORKED ON IT, AS SENATOR SCHILZ HAS SAID, FOR EIGHT YEARS, I THINK WE CAN WORK ON IT ONE MORE YEAR TO MAKE SURE WE GET IT RIGHT, IS TO FIND AN OPPORTUNITY TO PLACE THESE WINDFARMS IN AREAS WHERE EVERYONE CAN BENEFIT. IF IT'S IN A RELATIVELY SUBURBAN OR RURAL POPULATED AREA THAT, REGARDLESS, WITHIN A REASONABLE AMOUNT OF DISTANCE, IF YOU SIGN OFF OR YOU WANT A PIECE OF THE ROYALTIES, YOU HAVE THAT OPPORTUNITY. THAT'S MY CONCERN BECAUSE WE HEARD FROM A LOT OF INDIVIDUAL PEOPLE WHO HAD SAID, MY NEIGHBOR RIGHT ACROSS THE ROAD LEASED HIS PROPERTY FOR A WINDMILL AND ZONING REQUIRES A MINIMAL SETBACK... [LB824]

SPEAKER HADLEY: ONE MINUTE. [LB824]

SENATOR HUGHES: AND THAT IS A PROBLEM FOR ME IN MY HOME. THAT'S WHY I MOVED TO THE COUNTRY, TO GET AWAY FROM THE HUSTLE AND BUSTLE AND NOISES. SO THAT'S REALLY THE CRUX OF MY CONCERN IS HOW DO WE MAKE THIS, THESE WINDFARMS THAT WE DO NEED, WE WILL HAVE EVENTUALLY, MORE FRIENDLY TO THE NEIGHBORS. AND IF YOU'RE IN NORTHERN OR WESTERN NEBRASKA AND YOU HAVE SECTIONS, SQUARE MILES TO PUT THESE IN WHERE IT'S NOT GOING TO AFFECT ANY OF THE NEIGHBORS, BY ALL MEANS; OR IF ALL OF THE NEIGHBORS HAVE SIGNED OFF AND AGREED TO EVERYBODY PARTICIPATE, I CERTAINLY DON'T WANT TO STAND IN THE WAY. BUT THE WAY THIS IS WRITTEN NOW, I CAN'T SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB824]

SPEAKER HADLEY: THANK YOU, SENATOR HUGHES. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I'M GETTING TO WHERE I KIND OF ENJOY THIS PROCESS. AT THE RISK OF SOUNDING KIND OF LIKE JOHNNY ONE NOTE, I'VE FIGURED OUT A WAY TO GET THE HELMET REPEAL BILL PASSED NEXT YEAR. WE INTRODUCE IT. WE GET THE GUY THAT INTRODUCED IT, THE GUY OR GAL, TO PRIORITIZE IT. WE SEND IT TO COMMITTEE. THEY STRIP IT OUT AND PUT IN SOMETHING EVERYBODY LOVES. IT COMES TO THE FLOOR, PASSES NICELY. WE WAIT TILL SELECT OR MAYBE WE EVEN WAIT TILL FINAL READING, STICK ON AN AMENDMENT, TAKES 25 VOTES TO PASS IT. VIOLA! WE'VE GOT MOTORCYCLE HELMET REPEAL. AS MUCH AS I'D LIKE TO SEE THAT HAPPEN, COLLEAGUES, EVERYONE KNOWS I WON'T BE BACK NEXT YEAR. BUT I CAUTION YOU, BE VERY CAREFUL THE PROCESSES THAT YOU'VE SET IN MOTION. I'M NOT OPPOSED TO WIND ENERGY. I'M NOT SURE THAT I'M IN LOVE WITH THIS PARTICULAR WAY OF GETTING TO IT. THERE'S ABSOLUTELY NO WAY I CAN SUPPORT THE PROCESS THEY'RE GOING THROUGH TO GET YOU THERE BECAUSE, IF YOU USE IT TODAY, YOU WILL SEE IT REPEATEDLY TOMORROW AND NEXT YEAR. THINK OF WHAT YOU'RE DOING, THINK OF THE FIGHT YOU HAVE TO FIGHT IN YEARS FORWARD, AND EITHER RECOMMIT THIS TO COMMITTEE, WHICH WOULD BE MY PREFERENCE, OR JUST VOTE THE AMENDMENT DOWN AND LET THE ONE GUY GET HIS PAY RAISE, HOWEVER YOU WANT TO DO IT. BUT TO SEE THE BODY PASS THIS AMENDMENT, THIS END RUN, WOULD BE IN MY MIND COUNTERPRODUCTIVE TO THE LEGISLATIVE PROCESS. THANK YOU, MR. PRESIDENT. [LB824]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. MR. CLERK FOR ANNOUNCEMENTS. [LB824]

CLERK: MR. PRESIDENT, JUST ONE ITEM. SENATOR HANSEN OFFERS A NEW RESOLUTION, LR620. THAT WILL BE LAID OVER. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGE 1520.) [LR620]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS FRIESEN, SULLIVAN, WATERMEIER, DAVIS, BRASCH, JOHNSON, AND OTHERS. WE WILL NOW STAND AT EASE UNTIL 12:25 WHERE WE WILL START WITH SENATOR FRIESEN. [LB824]

EASE

SENATOR SCHEER PRESIDING

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SENATOR SCHEER: BEING 12:25, WE WILL RETURN TO LB...WHAT NUMBER? LB824. FIRST IN THE QUEUE TO SPEAK IS SENATOR WATERMEIER. SENATOR WATERMEIER, YOU'RE RECOGNIZED. SENATOR WATERMEIER, YOU'RE RECOGNIZED. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB824]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. UNFORTUNATELY NONE OF THE MEMBERS ARE HERE. I HAD SOME QUESTIONS THAT I WANTED TO ASK. BUT I'M GOING TO TALK A LITTLE BIT ABOUT DEVELOPMENTS IN CERTAIN PARTS OF THE STATE, WHY I THINK THIS IS SUCH AN IMPORTANT BILL AND WHY WE NEED TO GO FORWARD WITH IT. BECAUSE, LIKE IT OR NOT, THE WAY ENERGY IS BEING USED AND DEVELOPED IN THIS STATE IS CHANGING, IN THE NATION IT'S CHANGING, AND WE PROBABLY ARE NOT GOING TO SEE THE KIND OF INVESTMENT IN CARBON-BASED ENERGY THAT WE HAVE BEFORE. THAT'S PARTLY DUE TO GOVERNMENT SUBSIDIES, I UNDERSTAND THAT. THOSE ARE SUBSIDIES THAT WERE PUT FORWARD BY CONGRESS, REPUBLICANS AND DEMOCRATS IN WASHINGTON, WHO THOUGHT SOMETHING SHOULD BE DONE TO INCENTIVIZE THE DEVELOPMENT OF ALTERNATIVE ENERGIES. THAT PIECE OF TAX CREDIT LEGISLATION HAS BEEN RENEWED BY CONGRESS. THEY OBVIOUSLY HAVE A FEELING THAT THIS IS AN IMPORTANT TOOL AND WE NEED TO BE INCENTIVIZING THE DEVELOPMENT OF WIND AND SOLAR ENERGY FOR PURPOSES OF OUR NATION. I AGREE WITH THAT. THERE ARE COSTS ASSOCIATED WITH CARBON-BASED ENERGY THAT I THINK ARE NOT REFLECTED IN THE PRICE. THOSE ARE ECONOMIC DAMAGES THAT ARE GOING TO BE CAUSED BY GLOBAL WARMING, WHICH IS A REALITY AND IT'S A REALITY IN OUR STATE THAT I THINK REVISITING OF THE YEAR 2012 SHOULD MAKE EVERYONE THINK TWICE ABOUT CONTINUING TO GO DOWN THE CARBON-BASED PATH. WE HAVE A GOLDEN OPPORTUNITY AND ONCE IN A LIFETIME OPPORTUNITY, ONCE IN A...NOT EVEN ONCE IN A GENERATION, ONCE IN A LIFETIME OPPORTUNITY TO DO SOMETHING IN RURAL NEBRASKA WHICH WILL HAVE SIGNIFICANT ECONOMIC DEVELOPMENT POTENTIAL AND THE OPPORTUNITY TO LOWER PROPERTY TAXES, WHICH AS YOU ALL KNOW IS ONE OF MY PRIMARY OBJECTIVES IN THE LEGISLATURE AND IT'S ONE OF THE OBJECTIVES OF ALL THE RURAL SENATORS HERE. I DON'T WANT TO COMMENT ON THE PROCESS THAT TOOK PLACE TO PUT THIS OUT. I'M GLAD THAT IT IS OUT BECAUSE I THINK IT'S IMPORTANT TO TALK ABOUT. MOST OF YOU KNOW THAT I HAVE CHERRY COUNTY IN MY DISTRICT AND THAT A GROUP OF LANDOWNERS WENT TOGETHER IN CHERRY COUNTY MANY YEARS AGO. I'M NOT ONE OF THOSE MEMBERS BUT I REPRESENT THEM AND HAVE LISTENED TO WHAT THEY HAD TO SAY AND SUPPORT THEIR GOALS AND THEIR OBJECTIVES. IT'S OVER 400,000 ACRES OF LAND. IT'S AN INTERESTING MODEL. IT'S A MODEL IN WHICH ALL THE

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MEMBERS SHARE EQUALLY IN SOME PHASE OF THE DEVELOPMENT. SO IF A PROJECT IS DEVELOPED ON ONE INDIVIDUAL'S PROPERTY, SOMEONE TEN MILES AWAY WILL SHARE SOME OF THE...PART OF THAT PROFIT. AND ONE OF THE OBJECTIVES THAT THEY HAD EARLY ON IN CHERRY COUNTY WAS TO SPLIT THE PROPERTY TAX REVENUES AMONG ALL THE SCHOOL DISTRICTS OF THE COUNTY. A LAUDABLE GOAL WHICH I THINK WOULD HAVE BEEN SOMETHING THAT MAYBE SHOULD HAVE MOVED FORWARD, BUT IT DIDN'T AND MAYBE IT'S PROBABLY TOO LATE AT THIS POINT TO DO THAT. I KNOW IN SENATOR SCHILZ'S DISTRICT WE'VE GOT BANNER COUNTY AND KIMBALL COUNTY WHERE THERE IS A DRIVING NEED AND GOOD ORGANIZATION PUT TOGETHER TO TRY TO DEVELOP THAT. THESE ARE PARTS OF THE STATE THAT ARE LOSING POPULATION, CONTINUE TO LOSE POPULATION, AND PARTS OF THE STATE WHERE THE PROPERTY TAX BURDEN IS BECOMING MORE AND MORE ONEROUS ON EVERYONE. SO WE NEED AN ALTERNATIVE AND THIS IS A GREAT ALTERNATIVE. A WIND TURBINE IS WORTH \$2 MILLION. IT'S GOING TO GENERATE, YOU KNOW, WHATEVER \$2 MILLION IS VERSUS THE LEVY. IT'S GOING TO PUT THAT MONEY INTO THE DISTRICT. THAT IS NOT INSIGNIFICANT. MULTIPLY THAT TIMES A HUNDRED AND WHAT DO YOU HAVE? A \$200 MILLION INVESTMENT. I HAVE SEEN INTEREST NOW IN CERTAIN PARTS OF MY DISTRICT FROM... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR DAVIS: ...REAS WHO'D LIKE TO SEE THEIR OWN...THANK YOU, MR. PRESIDENT...THEIR OWN ALTERNATIVE ENERGY DEVELOPED. SO IT'S A COMING PIECE. AND THE MODEL OF...NPPD'S MODEL WHICH WORKED SO WELL FOR ALL THOSE YEARS, NOW THAT WE'RE IN THE SOUTHWEST POWER POOL DOES NOT WORK ANYMORE. I THINK I SAID THIS AT ANOTHER POINT EARLIER BUT, YOU KNOW, IN TEXAS, WHERE ALTERNATIVE ENERGY HAS BECOME SUCH A PROMINENT PIECE, THE CUSTOMERS ARE IN SOME PARTS OF TEXAS ABLE TO USE ENERGY DURING OFF-PEAK HOURS FOR FREE. THAT IS A BENEFIT FOR EVERYONE. SO THE FEDERAL GOVERNMENT HAS INCENTIVIZED THIS. NEBRASKA CAN PARTICIPATE AND GAIN OR WE CAN SAY, NO, WE'RE NOT GOING TO DO THAT, WE DON'T LIKE THE LOOK OF THOSE TURBINES. WHY WOULD WE WANT TO DO THAT WHEN ALL OF OUR NEIGHBORING STATES ARE WORKING HARD TO DEVELOP AN ENERGY PORTFOLIO OF RENEWABLES WHICH REDUCE PROPERTY TAXES, WHICH PROVIDE JOBS TO RURAL PARTS OF THE STATE, AND GIVE ECONOMIC... [LB824]

SENATOR SCHEER: TIME, SENATOR. [LB824]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR DAVIS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB824]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES, WHETHER YOU'RE SITTING IN YOUR OFFICE LISTENING OR YOU'RE HAVING DINNER AND LISTENING IN. AND I SEE SENATOR CHAMBERS ISN'T HERE, BUT I KNOW HE'S LISTENING. I WANT TO THANK SENATOR CHAMBERS FOR ASKING ME THE QUESTION ABOUT A CITIZENSHIP TEST. AND I'LL BE THE FIRST TO ADMIT IT HAS BEEN 45 YEARS, 1971, SINCE I HAVE LOOKED AT THE QUESTIONS, TAKEN A CIVICS CLASS. AND PULLING THE QUESTIONS UP, I'VE...I'M UP TO SPEED AGAIN AND REALLY EXCITED THAT I AM. AND I THINK EVERYONE SHOULD TAKE THE CITIZENSHIP TEST, WHETHER YOU'RE A CITIZEN OR NOT, WHEN YOU DO APPLY FOR A DRIVER'S LICENSE, BECAUSE THERE IS GOOD CONTENT THERE. AND DOING A LITTLE FACT CHECKING, LOOKING BACK TO 1971, THERE WERE 100 U.S. SENATORS THEN AND 435 REPRESENTATIVES, JUST LIKE WHEN I TOOK MY CLASSES WAY BACK WHEN. SENATOR CHAMBERS HAS MADE LIGHT OF HIS MEMORY ON THE FLOOR FROM TIME TO TIME, AND I'M NOT GOING TO MAKE LIGHT OF MINE BUT I THINK THERE ARE IMPORTANT QUESTIONS THERE. AND ACTUALLY, OUT OF THE HUNDRED QUESTIONS DURING THE INTERVIEW PROCESS, APPLICANTS ARE ASKED UP TO TEN QUESTIONS AND NEED TO BE ABLE TO ANSWER AT LEAST SIX CORRECTLY. BUT WHEN I WAS REVIEWING IT, BACK TO THIS BILL, I SAW SOMETHING THAT FOR ALL BILLS, AND ESPECIALLY THIS ONE HERE, IS, WHAT IS THE RULE OF LAW? AND IT MEANS THAT EVERYONE MUST FOLLOW THE LAW, LEADERS MUST OBEY THE LAW, GOVERNMENT MUST OBEY THE LAW, AND NO ONE IS ABOVE THE LAW. WHETHER YOU'RE GIVEN SPECIAL PERMISSION, AN EXCEPTION, YOU MUST OBEY THE LAWS. AND PART OF THIS BRINGS ME BACK TO OUR COMMITTEE PROCESS. I HAVE SPOKEN ONGOING ABOUT SUPPORTING ALL FORMS OF ENERGY. WE HAVE A NUCLEAR POWER PLANT IN MY DISTRICT, IN FORT CALHOUN. WE HAVE METHANE. WE HAVE SOLAR AND WE HAVE A WILL TO PUT IN WIND ENERGY IN BURT COUNTY. BUT I DO NOT SUPPORT THIS BILL. NOT FOLLOWING THE COMMITTEE PROCESS, I FIND THAT VERY DISAPPOINTING, AND I BELIEVE THAT THAT'S NOT HOW WE MAKE GOOD PUBLIC POLICY. THERE IS AN OCCASION WHERE WE HAVE SOMETHING IN COMMITTEE THAT WAS PASSED BY COMMITTEE BUT DIDN'T MAKE IT TO THE FLOOR, SO WE AMEND IT INTO A BILL. SO I DO REGRET THAT SENATOR McCOLLISTER, ON LB824, IS PUTTING ON AM2720. IT'S DIFFICULT...OR HAAR'S AMENDMENT, PUTTING AM2720 INTO THIS, BECAUSE I BELIEVE IT WILL SEE ITS TIME ON THE FLOOR AT SOME POINT AND AT THAT

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POINT I WILL SUPPORT IT. I UNDERSTAND HE'S...SENATOR HAAR IS TERM LIMITED. BUT WHEN WE LOOK AT BILLS, WHETHER IT'S REVENUE COMMITTEE, GOVERNMENT, NATURAL RESOURCES, OR THE LAW OF THE LAND, OUR COMMITTEE PROCESS IS IMPORTANT, AS IS OUR CHAIRMANSHIP AND THE RULE BOOK THAT KEEPS... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR BRASCH: ...OUR ORDER HERE. AND AGAIN, I SUPPORT AND WILL REITERATE, GO BACK TO, IF YOU HAVEN'T HAD CIVICS FOR A WHILE, PULL UP THE CITIZENSHIP QUESTIONS. THEY'RE GREAT QUESTIONS TO BRING UP AT THE FAMILY DINNER TABLE. AND I COMMEND ALL THOSE IMMIGRANTS WHO HAVE STUDIED, TAKEN THE TEST, AND PASSED IT. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR BRASCH. WAITING IN THE QUEUE TO SPEAK: SENATOR GROENE, McCOLLISTER, KEN HAAR, SCHUMACHER, AND OTHERS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB824]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. IT'S KIND IRONIC, RECOMMIT TO COMMITTEE, WHICH I SUPPORT. THAT'S EXACTLY WHAT THE COMMITTEE DID. THEY DID NOT PASS IT OUT OF COMMITTEE. THEY BASICALLY SAID, BRING IT BACK, FIX IT, BRING IT BACK TO THE COMMITTEE NEXT YEAR. THAT'S HOW THE SYSTEM WORKS. ANOTHER IRONIC THING, IF THE PEOPLE ARE TRYING TO READ THIS, IF THEY READ THE ORIGINAL LANGUAGE, INTRODUCED LANGUAGE, IT IS AM2720, AND VERY CONFUSING. AND I AGREE WITH...I SPEAK RULE OF LAW A LOT. IT'S THE SAME THING HERE, FOLKS. IS ANY ISSUE THAT IMPORTANT THAT YOU BEND THE RULES AND GO THROUGH THE BACK DOOR BECAUSE YOU REALLY WANT SOMETHING DONE? WHERE DOES IT STOP? I DON'T SEE IT STOPPING. I SEE IT GETTING WORSE. IT'S ONE THING TO BE SAYING YOU'RE FIXING A MAJOR PROBLEM IN OUR STATE THAT NEEDS TO BE FIXED. FOLKS, THE SYSTEM WORKS. OPPD HAS THEIR 30 PERCENT. THEY'VE WORKED WITH PRIVATE WINDFARMS AND TO CONTRACT THE WIND THEY PRODUCE. NPPD HAS DONE IT UP AROUND THE BROKEN BOW AREA. LINCOLN PUBLIC POWER HAS DONE THE SAME THING. THE NEW CONTRACTS THAT NPPD HAS INTRODUCED ALLOWS ALL OF THE "RURALS" AND ALL OF THEIR CUSTOMERS TO TAKE UP TO 10 PERCENT RENEWABLE ENERGY OUTSIDE THE CONTRACT. THE SYSTEM IS WORKING. WHAT WILL NOT WORK IS AN UNRELIABLE ENERGY SOURCE, TAKING THAT OUT OF THE HANDS OF THE MANAGERS THAT WE HAVE IN OUR POWER SYSTEM IN

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NEBRASKA AND SAYING, NO, YOU WILL USE THIS FIRST. TWO WEEKS AGO, ON THAT HIGH WINDY SPRING WEEK, 43 PERCENT OF ALL THE POWER IN NEBRASKA WAS WIND, WAS RENEWABLE. WE'D ALMOST REACHED THE CRISIS POINT WHERE MY POWER PLANT, THE 35th LARGEST IN THE NATION OF CARBON-BASED FUEL, WAS THE FIRST TIME ANYBODY CAN REMEMBER, WAS RUNNING ON MINIMUM WITH THE PILOT LIGHT ON. THAT IS NOT EFFICIENT. IT DRIVES UP COST. IT TAKES THE MANAGEMENT DECISIONS OUT OF THE PEOPLE WE ENTRUST IN OUR PUBLIC POWER SYSTEM. THIS IS BAD, BAD LEGISLATION. AND SELLING IT ON PROPERTY TAX RELIEF? SOUNDS LIKE CIGARETTES. ANYWAY...BUT WE NEED TO DO THE RIGHT THING. WE NEED TO LET THE EXPERTS HANDLE THIS. YOU HAVE A POWER REVIEW BOARD. IF YOU GOT AN END USER, THEY WILL GIVE YOU A PERMIT. IF YOU GO TO ONE OF THE POWER DISTRICTS, NOW YOU HAVE AN OPEN DOOR. ALL OF THE 34 RURAL DISTRICTS, YOU CAN GO TO THEM AND SAY, HEY, WE CAN SUPPLY THAT 10 PERCENT THAT YOU CAN GET OFF THE GRID, OFF THE...OUTSIDE THE CONTRACT. LET IT WORK. LET THE SYSTEM WORK. WE ARE GOING TO ALLOW PEOPLE, AS SENATOR HUGHES SAID, THE NOT EFFICIENT BECAUSE OF WHERE THEY'RE LOCATED WITH THE TRANSMISSION LINES, TO FORCE THE SOUTHWEST POWER POOL TO TAKE THEIR POWER. THE ONES OUT WEST, WHERE I'M FROM, YOU'RE LOOKING TO THE WEST, YOU'RE LOOKING AT THE FRONT RANGE. THEY'RE BLOATED WITH WIND ENERGY ALREADY. THAT IS WHY THEY CAN'T GET A CONTRACT, AN EXPORT CONTRACT, WITH ANYBODY. THE SYSTEM IS BLOATED ALREADY. [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR GROENE: THANK YOU, MR. SPEAKER. I WOULD...AND ALSO I HAD A HANDOUT SHOWING WHAT'S GOING ON IN THE RAILROAD. YOU TALK ABOUT AN EMPLOYER IN THIS STATE, THE UNION PACIFIC, I'VE GOT THE LARGEST RAIL YARD IN THE WORLD AND WE HAUL COAL. I'M HONEST ABOUT MY SELF-INTEREST, WHERE MY INTEREST IS, AND WHY I STAND IN THIS...AGAINST THIS ALSO. THEY ARE LAYING OFF FOLKS BY THE HUNDREDS. THE POWER PLANT IS DOWN TO MINIMUM AT SOME DAYS. YOU'RE DESTROYING A SOLID EMPLOYER IF YOU SUPPORT THIS KIND OF STUFF. AND I UNDERSTAND IT'S ALL INTERLOCAL. IF YOU BELIEVE GLOBAL WARMING AND THIS IS THE ANSWER, I UNDERSTAND WHERE YOU'RE COMING FROM. I LIKE COAL. I LIKE THE FACT WE HAUL IT. I LIKE THE FACT THAT WE'RE CLOSE TO IT AT WYOMING. THANK YOU, MR. SPEAKER. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR GROENE. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB824]

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SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I RISE TO OPPOSE THE MOTION TO RECOMMIT LB824 TO THE COMMITTEE. LB824 WITH AM2720 RESTORES THE ORIGINAL LANGUAGE OF THE BILL. YOU CAN ARGUE WITH THE PROCESS, BUT HERE IT IS, AND I URGE YOU TO OPPOSE THE MOTION. FIRST, THIS LEGISLATION HAS A LARGER IMPACT AND SCOPE THAN ISSUES TYPICALLY CONSIDERED BY THE NATURAL RESOURCES COMMITTEE. IT IMPACTS THE NUMBER ONE ISSUE IN THIS STATE: TAX RELIEF. ITS TIMING IS IMPORTANT THAT THERE ARE MORE RFPs FROM PUBLIC UTILITIES RIGHT NOW THAN EVER BEFORE. THE COMPANIES, MANY OF WHICH YOU ARE AWARE, ARE GOING TO INVEST HUNDREDS OF MILLIONS OF DOLLARS SOMEWHERE, AND WE WANT IT TO BE IN NEBRASKA. COLLEAGUES, THIS IS ABOUT JOBS, INVESTMENTS, STABILITY, AND SIGNIFICANT NEW TAX REVENUE. THE LANDOWNER LEASE PAYMENTS ALONE CAN IN MANY CASES PAY THE PROPERTY TAXES ON A FARM. SECOND, THE MESSAGE WE SEND TO COMPANIES IS CRITICAL. NOT ONLY ARE THOSE RENEWABLE COMPANIES LOOKING TO NEBRASKA, BUT THEY ARE INTERESTED IN NEBRASKA'S CRITICAL WIND RESOURCES, WHICH IS THIRD IN THE COUNTRY. THEY'RE LOOKING TO EXPAND SOMEWHERE IN THIS COUNTRY. LET'S MAKE IT IN NEBRASKA AND SHOW THEM THAT NEBRASKA IS OPEN FOR BUSINESS. THIRD, IT'S ABOUT PROPERTY TAX RELIEF. THIS IS THE NUMBER ONE ISSUE WE SPEND MANY HOURS ON TALKING ABOUT: \$2.4 MILLION IN LOCAL TAX RELIEF FROM ONE 200-MEGAWATT PROJECT, AND ANOTHER \$2.4 MILLION IN 20- TO 40-YEAR LONG-TERM LEASE PAYMENTS TO LANDOWNERS IS SIGNIFICANT. FOLKS, THIS IS REAL PROPERTY TAX RELIEF. DO WE REALLY WANT TO SEND THE MESSAGE THAT WE ARE NOT INTERESTED? BASED ON THE LETTERS I HAVE RECEIVED, THERE ARE LOTS OF COMPANIES THAT WANT THIS SIGNIFICANT PROPERTY TAX RELIEF OPPORTUNITY AND THE JOBS THAT COME WITH IT. FOURTH, LB824 WITH AM2720 HAS NO FISCAL IMPACT. IT SIMPLY ADDRESSES THE RED TAPE THAT DOESN'T EXIST IN OTHER STATES. IT DOESN'T IMPACT LOCAL CONTROL. IT DOESN'T MANDATE ANYTHING. AND MOST IMPORTANTLY, PUBLIC POWER HELPED SHAPE THIS LANGUAGE AND THEY ARE NEUTRAL ON THE BILL, LET ME REPEAT, NEUTRAL ON THE BILL. AND IF YOU DON'T BELIEVE THAT STATEMENT, GO BEYOND THE GLASS AND TALK TO THE REPRESENTATIVES THAT ARE IN THE LOBBY NOW. PLEASE DO THAT IF YOU DON'T BELIEVE THAT FACT. FIFTH, SENATOR WATERMEIER SAID IT BEST-- NEBRASKA NO LONGER HAS BOUNDARIES WHEN IT COMES TO ENERGY. WE ARE PART OF THE SOUTHWEST POWER POOL AND, AS A PART OF THAT, WE HAVE AN INCREDIBLE OPPORTUNITY TO ATTRACT SIGNIFICANT INVESTMENT JOBS, TAX RELIEF TO OUR STATE. AND FINALLY, TO MY COLLEAGUES ON THE COMMITTEE WHO OPPOSE THIS BILL, I RESPECT YOUR DECISION. BUT I CANNOT SUPPORT THE FACT THAT YOU WILL NOT ALLOW THIS SIGNIFICANT SUBJECT MATTER TO BE

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DISCUSSED BY THE ENTIRE BODY. RENEWABLE ENERGY IS VIABLE. LOOK TO WHAT BERKSHIRE ENERGY AND OTHERS HAVE DONE IN ALL THE STATES AROUND US. THE GOVERNOR OF IOWA IS TOUTING 24,000 JOBS AS A RESULT OF RENEWABLE ENERGY IN IOWA. TAX CREDITS TO INCENT BEHAVIOR? LOOK AT ETHANOL, ETHANOL. I WOULD ARGUE THAT ETHANOL HAS BEEN GREAT FOR NEBRASKA. IT GOES WAY BEYOND WHAT IT DID FOR AGRICULTURE. IT IMPACTED JOBS, INVESTMENT, AND BROUGHT NEW REVENUE TO COMMUNITIES ALL ACROSS NEBRASKA. [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR McCOLLISTER: IT'S BEEN GOOD FOR THE STATE. RENEWABLE ENERGY IS NO DIFFERENT. IN FACT, I WOULD REMIND YOU THAT RENEWABLE ENERGY AS WIND AND SOLAR DOES NOT CONSUME WATER AND IS CLEAN ENERGY. FOLKS, I URGE YOU TO OPPOSE THE MOTION TO RETURN THIS BILL. THIS BILL IS ABOUT TAX RELIEF. IT'S THAT MESSAGE. IT'S ABOUT JOBS AND MORE MONEY FOR RURAL NEBRASKA. PLEASE VOTE AGAINST THE MOTION TO RECOMMIT THE BILL TO COMMITTEE. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR McCOLLISTER. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB824]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, THIS IS ABOUT WIND FOR EXPORT. AND GOING BACK TO LB1048, WHICH WAS PASSED A NUMBER OF YEARS AGO: IT'S THE POLICY OF THE STATE TO ENCOURAGE AND ALLOW OPPORTUNITIES FOR PRIVATE DEVELOPERS TO DEVELOP, OWN, AND OPERATE RENEWABLE ENERGY FACILITIES INTENDED PRIMARILY FOR EXPORT. THAT WAS A STATEMENT OF THE LEGISLATURE. AND THEN I'D LIKE TO READ TO YOU FROM THE TRANSCRIPT OF THE HEARING ON LB824. THIS IS FROM TOM KENT, WHO REPRESENTED NPPD, AND HE SAID: I WOULD LIKE TO THANK SENATOR McCOLLISTER FOR HIS LEADERSHIP--AND I WOULD, TOO--IN HELPING BRING THE PARTIES TOGETHER OVER THE LAST SEVERAL DAYS TO REACH AN AGREEMENT. IF ONE ASSUMES ADDITIONAL RENEWABLE ENERGY PROJECTS WILL BE DEVELOPED IN THE SPP FOOTPRINT, THE DESIRE FOR NEBRASKA TO SHARE IN THAT DEVELOPMENT IS UNDERSTANDABLE. RURAL NEBRASKA WOULD BENEFIT FROM PROPERTY TAX PAYMENTS THAT COULD RESULT FROM THESE PROJECTS. AND ONCE AGAIN I'D LIKE TO REMIND YOU THAT LB1048, THE ORIGINAL WIND FOR EXPORT, WAS DEVELOPED WITH PUBLIC POWER. AND NOW, AT THIS POINT, NPPD, OPPD, LES, THE NEBRASKA MUNICIPAL POWER POOL, THE POWER REVIEW

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BOARD, AND THE LEAGUE OF NEBRASKA MUNICIPALITIES ALL CAME IN NEUTRAL. AND IN THE TESTIMONY THEY THANKED SENATOR McCOLLISTER FOR HIS HELP IN BRINGING THE PARTIES TOGETHER. THIS IS A SOLUTION. THERE ARE A COUPLE THINGS THAT KILL IDEAS. ONE OF THEM IS A FISCAL NOTE AND THE OTHER IS STUDY IT TO DEATH. THIS HAS BEEN STUDIED AND STUDIED AND, AS YOU HEARD FROM THE TESTIMONY AND LOOKING AT THE...PUBLIC POWER'S VIEWPOINT, THIS...WE'VE ARRIVED. THERE'S NO NEED TO STUDY THIS FURTHER. IF THERE'S A COUNTY THAT DOES NOT WANT WIND TURBINES, IT'S LOCAL CONTROL. EVERY COUNTY HAS THAT ABILITY. AND IT WAS STATED EARLIER THAT THIS JUST GETS RID OF ALL REGULATIONS. WELL, THE SHEET I HANDED OUT, AND I HAVE ALL THE DETAILS SHOULD SOMEONE WANT TO DISCUSS IT WITH ME, THE COMMERCIAL WIND FACILITY LOCATED IN NEBRASKA REQUIRES 52 GOVERNMENTAL PERMIT REVIEWS. AND AS YOU CAN SEE--TWO, FOUR, SIX--EIGHT OF THESE ARE FEDERAL, THEN REALLY IMPORTANT WITH THE SOUTHWEST POWER POOL AND ANY PROJECT MUST NEGOTIATE WITH SPP AND SPP WILL GUARANTEE THE RELIABILITY. THEY'RE NOT GOING TO OVEREXTEND TRANSMISSION. THEN THE NEBRASKA STATE AGENCIES--TWO, FOUR, SIX, EIGHT--NINE OF THEM, INCLUDING GAME AND PARKS COMMISSION, NEBRASKA COUNTIES--THERE ARE THREE OF THEM--AND SO...AND MOST IMPORTANTLY, MOST IMPORTANTLY, IS IT HAS TO BE NEGOTIATED WITH THE LANDOWNER. SO TO SAY THAT WE'RE JUST GETTING RID OF OTHER...YOU KNOW, ANY REGULATION IS SIMPLY NOT THE CASE. WE ARE PUTTING THIS ON A LEVEL PLAYING FIELD WITH THE OTHER STATES AROUND US THAT DO WIND EXPORT. IT'S REALLY TIME THIS YEAR TO DECIDE WHETHER WE'RE A PLAYER OR NOT, AND THE DEVELOPERS ARE WAITING TO HEAR OUR ANSWER TO THAT. [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR HAAR: THANK YOU. THE PRODUCTION...THE FEDERAL PRODUCTION TAX CREDIT THIS YEAR IS 100 PERCENT OF A CERTAIN AMOUNT. THAT GOES DOWN TO 80 PERCENT THE FOLLOWING YEAR, AND THEN 60 AND 40 AND 20 AND 0 IN FIVE YEARS. SO WAITING ISN'T GOING TO WORK. THE DEVELOPERS WILL GO ELSEWHERE, AS WILL THE PROPERTY TAX AND THE INVESTMENT. I ENCOURAGE YOU TO VOTE NO ON RECOMMIT TO COMMITTEE. IT'S TIME TO LEVEL THE PLAYING FIELD AND BRING INVESTMENT AND PROPERTY TAX MONEY TO NEBRASKA. THANK YOU. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR HAAR. WAITING TO SPEAK: SENATOR SCHUMACHER, BLOOMFIELD, SCHILZ, WATERMEIER, AND OTHERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB824]

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SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I DO HAVE SOME REAL PROBLEMS WITH THE WAY THIS BILL IS SHAPING UP BEFORE US AND THE MECHANISM USED TO GET IT HERE. LET'S TALK ABOUT THE MERITS OF SOME OF THIS AND SOME OF THE QUESTIONS THAT I'M STILL OPEN TO LISTEN TO ANSWERS TO, BUT I'M BECOMING HIGHLY SKEPTICAL. FIRST OF ALL, WIND IS INHERENTLY UNRELIABLE AS A SOURCE OF ENERGY AND IT DOES REQUIRE A CONSIDERABLE AMOUNT OF REDUNDANT RESOURCES SITTING AND STANDING BY ON IDLE FOR WHEN THE WIND DOESN'T BLOW. UNRELIABLE SOURCE, NOBODY CAN QUESTION THAT. SECONDLY, WIND IS NEVER NEAR WHERE IT NEEDS. THE BIG FIELDS AND OPEN AREAS WHERE THE WIND IS GENERATED NEED LONG AND EXPENSIVE AND SECURITY-VULNERABLE TRANSMISSION LINES TO GET THE POWER TO WHERE IT'S NEEDED WITH SOME POWER LOSS OVER THOSE LINES. STANDING ALONE, WIND WOULD NEVER APPEAR TO BE A VIABLE ENERGY SOURCE. THIRD, IF WE INVEST, AS OUR GOVERNMENT HAS INVESTED IN AND NOW WE ARE ENCOURAGED TO INVEST IN MORE, IN THE WIND INDUSTRY, IT WILL ACT AS A DETERRENT, JUST AS OIL DOES TO ANY ALTERNATIVE FORMS OF ENERGY, A DETERRENT TO THE DEVELOPMENT OF REAL ENERGY SOLUTIONS, BECAUSE PEOPLE WILL EXPECT TO GET A RETURN ON THEIR INVESTMENT AND WILL DO EVERYTHING THEY CAN TO BOGEYMAN THE NEW ENERGY OF THE FUTURE, WHICH UNDOUBTEDLY, BEYOND ANY QUESTION, HAS TO BE, WITH AN 11 BILLION POPULATION FIGURE ON THE HORIZON, NUCLEAR, NUCLEAR IN THE FORM OF FUSION, NUCLEAR IN THE FORM OF THORIUM ENERGY, NUCLEAR IN THE FORM OF LOW-ENERGY NUCLEAR REACTIONS, NONE OF WHICH ARE BEING PURSUED BY OUR TWO PUBLIC...MAJOR PUBLIC POWER COMPANIES WHO HAVE A RESPONSIBILITY TO PURSUE IT, NOR THE UNIVERSITY OF NEBRASKA WHO HAS TOTALLY BEEN RECALCITRANT IN THAT TYPE OF RESEARCH. FOURTH, GOVERNMENT INVOLVEMENT IN THE WIND ENERGY, THE IDEA THAT THIS IS GOING TO SAVE PROPERTY TAX MONEY I'M BEGINNING TO REALLY QUESTION BECAUSE I THINK THIS THING IS ELIGIBLE FOR OUR TAX PROGRAM, SUCH AS NEBRASKA ADVANTAGE, WHICH, IF SET UP IN THE RIGHT CORPORATE ENVIRONMENT, WILL ENABLE THE USE OF THIS MECHANISM TO TAKE CREDITS AGAINST SUCH THINGS AS THE STATE WITHHOLDING TAX OF THE EMPLOYEES. AND IF WE SEE A TOTAL PICTURE OF THAT, IT COULD BE THAT THIS IS ACTUALLY A NEGATIVE TAX SITUATION. IN ADDITION, THE STRUCTURE OF WIND AND THE GOVERNMENT INTERFERENCE IN THE DEVELOPMENT OF IT WOULD TEND TO DISSUADE WHERE IT MIGHT HAVE A PURPOSE. AND THAT IS A LOT OF ENERGY ON SITE WHICH DOESN'T HAVE TO BE CONSISTENT, WHICH CAN BE USED AS CARBON PUMPS, WHICH IS A TERRIBLY INEFFICIENT THING, BUT WHEN YOU'VE GOT LARGE AMOUNTS OF FREE ENERGY THAT YOU DON'T HAVE TO HAVE A DISTRIBUTION SYSTEM FOR, MAY VERY WELL

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BE A WAY TO PUMP CARBON DIOXIDE OUT OF THE ENVIRONMENT, STRIP OFF THE OXYGEN, AND HAVE BLACK POWDER THAT YOU CAN THEN BURY SOMEPLACE. THAT WOULD BE A FUTURISTIC THING, AS WOULD THE NUCLEAR THING BE. INSTEAD OF BEHIND THE POWER CURVE WITH WIND, LET'S GET AHEAD OF THE POWER CURVE WITH SOME OF THESE NEW IDEAS WHICH HAVE GREAT POTENTIAL. AND LASTLY, I HAVE GREAT QUESTIONS ABOUT THIS PROCEDURAL MATTER AS TO HOW IT GOT BEFORE US. I'LL LISTEN SOME ON THE TAX MATTER AND HOW THIS IS NOT GOING TO BE MORE THAN OFFSET BY OUR ADVANTAGE ACT AND OTHER TYPE OF SUBSIDIES. BUT BY AND LARGE, WIND IN THE FORM THAT IT IS BEING PROMOTED HERE AND ACROSS THE COUNTRY IS NOT AN ENERGY ANSWER AND MAY, IN FACT, DETER THE DEVELOPMENT OF AN ENERGY ANSWER. WITH THAT, I YIELD THE BALANCE OF MY TIME TO SENATOR HUGHES. [LB824]

SENATOR SCHEER: SENATOR HUGHES, YOU'RE YIELDED 1:00. [LB824]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHUMACHER. COLLEAGUES, IF YOU HAVE YOUR LIGHT ON, I WOULD ASK YOU TO THINK ABOUT TURNING THAT OFF SO WE CAN GET TO A VOTE ON THIS RECOMMIT TO COMMITTEE TO SEE WHERE WE'RE AT. WE HAVE SEVERAL BILLS LEFT TO DEAL WITH YET TODAY AND THERE ARE IMPORTANT THINGS THAT WE NEED TO DO. AND IF THE VOTES ARE NOT HERE TO GO TO CLOTURE, LET'S FISH AND NOT CUT BAIT. THANK YOU. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR HUGHES AND SENATOR SCHUMACHER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I REMIND YOU AGAIN, IF YOU GO THROUGH THIS PROCESS, IT WILL COME BACK TO BITE YOU. SENATOR McCOLLISTER JUST LAID OUT THE BIGGEST OXYMORON I THINK I'VE EVER HEARD: I RESPECT THE COMMITTEE PROCESS; IT DIDN'T WORK IN MY FAVOR; I'M GOING TO DO AN END RUN AROUND IT. COLLEAGUES, THAT'S NOT THE WAY WE DO BUSINESS HERE. THIS IS MORE THE WAY WE DO BUSINESS. I KNOW SENATOR WATERMEIER IS ON THE OPPOSITE SIDE OF THIS ISSUE THAT I AM. I'M GOING TO YIELD HIM THE REMAINDER OF MY TIME. [LB824]

SENATOR SCHEER: SENATOR WATERMEIER, 4:10. [LB824]

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SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR BLOOMFIELD. I APPRECIATE THAT. I WAS LATE WALKING IN AT THE NOONHOUR HERE. I GOT LATE ON MY THIRD IN PLACE. I'M GOING TO TAKE YOU ON A LITTLE JOURNEY, IF I CAN DO IT IN FOUR MINUTES, ON WHERE I'VE BEEN AT ON WIND OVER...SINCE I'VE BEEN IN THE BODY. WHEN I CAME HERE, THERE WERE SO MANY EASY WAYS TO GET OUT OF SUPPORTING WIND. FIRST ONE WAS THE WIND DOESN'T BLOW WHEN YOU NEED IT AND WHERE YOU NEED IT. AND IMMEDIATELY YOU THINK ABOUT THE TRANSMISSION COST. OBVIOUSLY, IF YOU'VE GOT WIND BLOWING OUT IN WESTERN NEBRASKA AND YOU NEED IT IN EASTERN NEBRASKA, THE TRANSMISSION COSTS ARE JUST ASTRONOMICAL. I'VE ALWAYS BEEN A HUGE SUPPORTER OF THE NUCLEAR POWER INDUSTRY. AND IT IS DISAPPOINTING THAT WE CAN'T SEEM TO GET OFF CENTER ON THAT. BUT YOU KNOW WHAT, THAT ARGUMENT IS OUT OF OUR HANDS REALLY. THAT'S AT THE FEDERAL LEVEL. AND WE REALLY DO NEED TO STAY ON THE HIGH END OF WHAT WE'RE TALKING ABOUT HERE TODAY. I CAME INTO THIS BODY WITH NOT JUST ONE MISSION OF REDUCING PROPERTY TAXES BUT ON THE OVERALL MISSION OF TALKING ABOUT GROWING NEBRASKA, REDUCING REGULATION, AND INDIRECTLY GROWING JOBS BECAUSE OF THOSE TWO THINGS. AND IT'S JUST VERY DIFFICULT FOR ME, AND ALMOST HYPOCRITICAL FOR ME, TO SAY I CAN'T SUPPORT WIND ENERGY BECAUSE I DON'T WANT A WINDMILL IN MY BACKYARD. WE NEED TO LOOK AT THE TOTAL PICTURE. WIND ENERGY IN NEBRASKA IS A SMALL PIECE OF THE PUZZLE ON THE OVERALL ENERGY POLICY OF THE COUNTRY. AND I COULD TALK ABOUT DETAILS AS FAR AS WHAT--I BELIEVE SENATOR McCOLLISTER HAD MENTIONED MY NAME--ABOUT HOW NEBRASKA HAS REALLY ONLY GOT ONE BOUNDARY LEFT. WHEN PUBLIC POWER WAS DEVELOPED IN THE '30s, '40s, AND '50s, IT WAS VERY ESSENTIAL THAT WE HAD THE BOUNDARY IN THE STATE OF NEBRASKA. THE ONLY BOUNDARY THAT EXISTS TODAY IN THE STATE OF NEBRASKA, AS FAR AS THAT STATE LINE, IS THE BOUNDARY OF REGULATIONS. FROM MY HOUSE I CAN SEE WINDMILLS OVER THE HORIZON IN KANSAS. WHEN I VISIT MY FAMILY IN WESTERN NEBRASKA, WE SEE WINDMILLS ON THE HORIZON JUST INTO COLORADO AND IN WESTERN KANSAS. MAKE NO MISTAKE ABOUT IT, FOLKS, THIS IS A REGULATION ISSUE IN NEBRASKA. WE'VE CHOSE NOT TO RECOGNIZE THE FACT THAT WE ARE BURDENING, BURDENING THE IDEA OF NEW BUSINESSES COMING TO INVEST IN BIOFUELS AND RENEWABLES IN NEBRASKA. WHAT REALLY TURNED ME OVER WAS A COUPLE OF YEARS AGO WHEN I HAD TO REALLY SERIOUSLY THINK ABOUT MY POSITION ON WIND WAS WE LOST A CONTRACT, A POTENTIAL CONTRACT WITH GOOGLE. AND WHAT'S REALLY CHANGED FOR ME IN MY HEART WAS I COULDN'T STAND BACK AND SAY, PSYCHOLOGICALLY, I DON'T WANT A WINDMILL IN MY BACKYARD, I DON'T LIKE THE TRANSMISSION IDEA OF

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IT, I DON'T LIKE THE WACKY IDEAS THAT THE ENVIRONMENTALISTS WOULD COME UP WITH AND SAY WE'RE GOING TO STORE ENERGY, WIND ENERGY THAT'S DEVELOPED, AND STORE IT UNDERGROUND IN COMPRESSED AIR. THAT'S FINE. WE CAN TALK ABOUT THAT IN THE FUTURE. BUT KEEP IN MIND, COLLEAGUES, WE DON'T WANT TO RECOMMIT THIS TO COMMITTEE. AND I APPRECIATE THE POLICY PROCESS THAT WE FOLLOWED HERE UPSETS SOME OF US. BUT IF THIS BILL DEALT WITH SOMETHING TO DO WITH I.T., SOMETHING THAT WE COULDN'T SEE, WE'D BE BENDING OVER BACKWARDS TO GET THIS OUT ON THE FLOOR. IT ALL DEALS WITH THE FACT THAT IT'S A WINDMILL AND, SUBSEQUENTLY, BECAUSE OF OUR REGULATIONS IN NEBRASKA. I'M AGAINST THIS MOTION TO RECOMMIT TO THIS COMMITTEE. THIS IS WHERE THIS DISCUSSION NEEDS TO BE, RIGHT HERE ON THE FLOOR,... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR WATERMEIER: ...IN FRONT OF OUR COLLEAGUES, IN FRONT OF THE LOBBY, IN FRONT OF THE PUBLIC. WE HAVE OTHER ENERGY POLICIES AT THE FEDERAL LEVEL THAT AFFECT NEBRASKA. WE HAVE ETHANOL, CELLULOSIC ETHANOL, BIOFUELS, AND SOYBEAN FUELS. IT IS ALMOST SILLY, IT IS ALMOST HYPOCRITICAL FOR ME AS A SENATOR TO STAND UP HERE AND SAY WE SHOULDN'T BE CONSIDERING WIND ENERGY. WE SHOULDN'T BE PUTTING THE BIG PICTURE OF OUR POLICY IN NEBRASKA AT RISK TO NOT LOOK AT THIS. WE HAVE COMPANIES LOOKING INTO NEBRASKA. WE HAVE NOT ONLY COMPANIES, WE HAVE CUSTOMERS THAT ARE COMING TO NEBRASKA AND SAYING, I WANT TO BE A PART OF THE BIOFUEL WAVE, I'M NOT GOING TO COME TO NEBRASKA UNLESS THERE IS A CERTAIN AMOUNT OF ENERGY BEING PRODUCED. AND I UNDERSTAND THAT PUBLIC POWER HAS DONE THAT, THEY'VE DONE THE BEST THEY CAN. WE CAN DO BETTER. WHAT REALLY TURNED ME AROUND ON WIND WAS A... [LB824]

SENATOR SCHEER: TIME, SENATOR. [LB824]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHEER. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR WATERMEIER AND SENATOR BLOOMFIELD. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND THANK YOU TO EVERYONE, BECAUSE SENATOR WATERMEIER IS RIGHT. THIS IS THE PLACE TO HAVE THIS

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DISCUSSION. AND SO THE FACT THAT IT'S OUT HERE I WON'T APOLOGIZE FOR. I THANK SENATOR HAAR FOR BRINGING THIS BECAUSE I'VE BEEN HERE THROUGH THIS WHOLE DEBATE. I'VE WATCHED IT COME AROUND. I SAW US LOSE THE DEVELOPMENT THAT COULD HAVE COME FROM THIS. IN FACT, WHEN WE TALKED ABOUT PUTTING IT INTO THE...PUTTING THIS STUFF INTO NEBRASKA ADVANTAGE, WE TALKED ABOUT OPPORTUNITIES LIKE THIS. DOES IT DEREGULATE? YES, IT DOES. AND IS THAT A BAD THING? WE KEEP TALKING ABOUT HOW WE'RE REGULATED TO DEATH. THIS BRINGS PRIVATE DEVELOPERS IN, PRIVATE MONEY INTO OUR STATE. DO WE NOT WANT ECONOMIC DEVELOPMENT TO GO ON? DO WE NOT NEED IT? FROM THE TALK THAT I'VE HEARD THE LAST FEW DAYS ON TAX POLICY, ON PROPERTY TAXES, WE NEED IT PRETTY BAD. ALL OF OUR TAXES ARE TOO HIGH. SO THERE'S TWO WAYS TO DO IT. YOU CAN CUT SPENDING, WHICH NEEDS TO HAPPEN, ABSOLUTELY, AND YOU CAN DEVELOP AND YOU CAN GROW. BOTH OF THOSE WORK AND BOTH OF THOSE NEED TO HAPPEN. I INTRODUCED LB176 THIS YEAR, AND I LOOK AT THIS ISSUE AS A LOT THE SAME. ARE WE GOING TO TELL OUR NEIGHBORS THAT THEY CAN'T DO SOMETHING THAT THEY THINK MAKES SENSE ON THEIR PROPERTY? I DON'T WANT TO DO THAT. I'M FOR ECONOMIC DEVELOPMENT. I'M FOR THE FREE MARKET. I'M FOR PEOPLE BEING ABLE TO DO WHAT THEY FEEL IS RIGHT AND CORRECT WITH THE PROPERTY THAT THEY OWN. I THINK THAT'S A GOOD THING. SO HONESTLY, FOLKS, ASK YOURSELF, WHAT OTHER BILL THIS YEAR HAS COME BEFORE YOU ON THE FLOOR THAT HAS OFFERED THIS TYPE OF TAX RELIEF? NOW WE CAN SAY WE GAVE PROPERTY TAX RELIEF BUT SOMEBODY ELSE IS PAYING THAT. THERE'S NO GROWTH IN THAT. THAT'S JUST TAKING FROM ONE HAND AND PUTTING IT INTO THE OTHER. THIS IS NEW DEVELOPMENT, NEW GROWTH, AND IT'S REAL. SENATOR GROENE TALKED ABOUT GERALD GENTLEMAN STATION AND HOW THAT'S NOT OPERATING AT FULL CAPACITY. GUYS, WE HAVEN'T EVEN PASSED THE BILL YET. LET'S THINK ABOUT THAT. WE HAVEN'T PASSED THE BILL AND IT'S STILL HAPPENING. WHAT THAT TELLS ME IS THAT THE SHIP HAS SAILED. WE WEREN'T ON BOARD. [LB824 LB176]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR SCHILZ: AND NOW, BECAUSE OF THE SYSTEM THAT WE HAVE, IT'S NOT FLEXIBLE ENOUGH TO LET US DO WHAT WE NEED TO DO. THIS IS NOT A BATTLE AGAINST COAL. THIS IS NOT SOME CRAZY, IN MY MIND ANYWAY, NOT SOME CRAZY ENVIRONMENTALIST THING THAT NEEDS TO HAPPEN. THIS IS CALLED ECONOMIC DEVELOPMENT. THIS IS CALLED RURAL ECONOMIC DEVELOPMENT. AND I WILL NEVER APOLOGIZE FOR PROMOTING THAT AND WORKING TOWARDS THAT THROUGHOUT MY CAREER HERE IN THE LEGISLATURE. THIS BILL WILL

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GIVE US PROPERTY TAX RELIEF. SO I ASK YOU TO VOTE DOWN THE RECOMMIT TO COMMITTEE. AND THEN MOVE FORWARD AND DO WHAT WE NEED TO DO SO THAT WE CAN SEE WHERE WE'RE AT. FOLKS, I ASK THAT YOU MOVE THIS FORWARD. IT'S GOOD FOR THE STATE OF NEBRASKA. IT'S GOOD FOR LANDOWNERS. IT'S GOOD FOR PROPERTY TAX RELIEF. TWO THOUSAND MEGAWATT PROJECT IN BANNER COUNTY IS WHAT THE WIND SAYS IT CAN DO OUT THERE. THAT'S 70 MILES AWAY FROM CHUGWATER, WYOMING. CHUGWATER, WYOMING, IS WORKING ON A MASSIVE... [LB824]

SENATOR SCHEER: TIME, SENATOR. [LB824]

SENATOR SCHILZ: THANK YOU. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR SCHILZ. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB824]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I'LL CONTINUE ON WITH A LITTLE BIT ABOUT MY JOURNEY FROM WIND AND HOW I HAVE COME TO THIS POINT. AND I WAS GETTING TO THE POINT OF OUR CUSTOMER BASE. WE DON'T WANT TO THINK ABOUT JUST CREATING ENERGY WITH THINKING ABOUT WHO OUR CUSTOMER BASE IS. THERE'S MANY THINGS THAT I'D LIKE TO DISAGREE WITH AND WHY WE DO NEED TO THINK ABOUT WIND ENERGY, BUT THAT SHIP HAS SAILED. OUR CUSTOMERS THAT WE ARE WANTING TO COME TO NEBRASKA, THAT ARE GOING TO BE INDIRECT USERS OF OUR ENERGY, ARE DEMANDING A CERTAIN AMOUNT, AND MORE AND MORE AND MORE RENEWABLE FUELS, WHETHER THAT IS ETHANOL, CELLULOSIC ETHANOL, BIOFUELS, SOYBEAN, WHATEVER IT IS, OR WIND ENERGY. I AM TOTALLY AGAINST THE IDEA OF RECOMMITTING THIS TO THE COMMITTEE. AND IF YOU THINK BACK TO WHAT I SAID A FEW MINUTES AGO HERE, NOT ONE TIME DID I SAY PROPERTY TAX RELIEF YET. MY WHOLE BASIS OF THIS HAS BEEN ON LESS REGULATION, FRIENDLY TO THE BUSINESS ENVIRONMENT, AND NO FISCAL NOTE. NOW SENATOR SCHUMACHER BRINGS UP A GOOD POINT ABOUT THE FISCAL NOTE, THE POTENTIAL LIABILITY TO THE STATE THROUGH THE ADVANTAGE ACT. WE HAD DECIDED THAT BEFORE, THAT WE WERE WILLING TO INVEST IN ENERGY, DIRECTLY, WIND ENERGY. THAT IS A FAIR DEBATE TO HAVE, BUT A SEPARATE DEBATE ABOUT THIS BILL. I WENT THROUGH LAST NIGHT A LITTLE BIT THROUGH OUR WHOLE ENTIRE COMMITTEE STRUCTURE AND TRIED TO DECIDE WHAT COMMITTEE IN THE LEGISLATURE WOULD BE OPPOSED TO DE...NOT DEREGULATING BUT REDUCING REGULATIONS THAT WE HAVE IN NEBRASKA. GO

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THROUGH THE LIST: OUR AG COMMITTEE, EVEN OUR NATURAL RESOURCES, THE APPROPRIATIONS, BUSINESS AND LABOR. I COULDN'T COME UP WITH AN ARGUMENT, I COULDN'T COME UP WITH AN ENVIRONMENT, I COULDN'T COME UP WITH A GROUP THAT WOULD THINK NEGATIVELY ABOUT THIS ISSUE. I JUST CANNOT STAND HERE IN GOOD FAITH TO THE CITIZENS OF NEBRASKA AND SAY WE'RE GOING TO IGNORE WHAT'S GOING ON AROUND THE BORDERS OF THE STATE OF NEBRASKA. OUR CUSTOMERS ARE DEMANDING IT. THE GLOBAL MARKET THAT WE THINK IN AND OPERATE EVERY DAY IS DEMANDING IT. THAT WAS THE SHIFT THAT I CAME TO THAT I WAS NOT AT FOUR YEARS AGO. I WAS SIMPLY STUCK WITH THE IDEA THAT WIND DOESN'T BLOW WHEN YOU WANT IT, WIND DOESN'T BLOW WHERE YOU WANT IT, IT'S EXPENSIVE TO TRANSMIT IT. BUT THAT, MY FRIENDS, IS A POLICY ISSUE THAT WE ARE PAST. WE ARE PAST THAT AT THE FEDERAL LEVEL AND ALL WE ARE DOING IS BEING OBSTRUCTIONISTS AT THE STATE LEVEL. THINK ABOUT WHAT WE REALLY WANT TO DO HERE. I HAVE YET TO TALK ABOUT THE PROPERTY TAX ADVANTAGE OF THIS BILL, AND I DO BELIEVE THAT IT EXISTS. WE ARE LIKE 5 OR 10 PERCENT IN NEBRASKA OF WHAT IOWA HAS PRODUCED FOR JOBS AND DOLLAR INVESTMENT. WE HAVE A BORDER HERE THAT IS A BOUNDARY. WE NEED TO RECOGNIZE THAT. THE ONLY REASON YOU CAN COME UP WITH TO MAYBE NOT ADVANCE THIS BILL THE WAY IT IS, IS PROCEDURALLY. IF YOU DON'T LIKE THE PROCEDURE THAT THIS AMENDMENT IS GOING THROUGH, I CAN APPRECIATE THAT. WE'RE LATE IN THE SESSION. WE'RE AT THE 11:30 HOUR. BUT I BELIEVE THIS IS ONE OF THE MOST IMPORTANT DECISIONS THAT WE WILL MAKE IN THE STATE OF NEBRASKA, NO FISCAL NOTE. DO YOU OR DO YOU NOT WANT TO GROW NEBRASKA? DO YOU WANT TO RECOGNIZE THE FACT OF HOW TO GROW NEBRASKA? I WOULD OPPOSE AND REQUEST THAT YOU VOTE NO ON THE RECOMMIT TO COMMITTEE AND WE HAVE A GOOD DISCUSSION ABOUT THE AMENDMENT FROM SENATOR HAAR AND SENATOR McCOLLISTER'S LB824. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR WATERMEIER. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB824]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I THINK SENATOR WATERMEIER DID AN EXCELLENT JOB OF SORT OF LAYING OUT THE FACTS HERE AND WHY THIS BILL IS SO IMPORTANT TO NEBRASKA AND WHY IT JUST DOESN'T MAKE SENSE TO RECOMMIT IT TO COMMITTEE. IN FACT, IT MAKES SENSE TO GET THE BILL MOVED BECAUSE, AS SENATOR WATERMEIER SAID, THIS IS A DEREGULATORY BILL AND THAT IS GOING TO BE GOOD FOR BUSINESS. AND SENATOR HAAR HANDED OUT THIS SHEET WITH...SENATOR HAAR IS ALWAYS

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REALLY GOOD AT HIS HANDOUTS, YOU KNOW, SO HE HANDED OUT THIS SHEET WHICH TALKS ABOUT THE REGULATORY HURDLES FOR WIND IN NEBRASKA AS COMPARED TO KANSAS AND OKLAHOMA. AND EVERYBODY HAS GOT THAT ONE. IT'S THE ONE WITH THE 3-0 ON THE FRONT. AND I JUST THINK THAT IF YOU TURN TO THE SECOND PAGE OF THAT AND YOU GO THROUGH THAT, YOU'LL REALLY SEE WHAT THIS REGULATORY PROCESS HAS DONE TO WIND DEVELOPMENT IN THIS STATE. SO, YOU KNOW, NEBRASKA AND KANSAS AND OKLAHOMA ARE THE THREE MODELS SENATOR HAAR USED HERE. IN FACT, NEBRASKA HAS A NUMBER OF REGULATORY RULES AND KANSAS AND OKLAHOMA ONLY HAVE TWO THAT ARE LISTED ON THIS SHEET. SO WHERE ARE YOU GOING TO GO IF YOU'RE GOING TO DEVELOP YOUR PROJECT? YOU'RE GOING TO GO TO A STATE THAT SAYS, COME ON IN, WE'D LOVE TO HAVE YOU DEVELOP HERE, WE'D LOVE THE JOBS, WE'D LOVE THE INCOME, WE'D LOVE THE PROPERTY TAX RELIEF. OR DO YOU WANT TO GO TO A STATE THAT SAYS, WELL, YOU'RE GOING TO HAVE TO MEET ALL THESE RULES AND REGULATIONS HERE FOR US TO COME HERE? IT'S NOT GOING TO HAPPEN IN NEBRASKA, FOLKS, IT'S JUST NOT GOING TO. THE FEDERAL GOVERNMENT HAS INCENTIVES IN PLACE, AND THOSE INCENTIVES ARE DIMINISHING EVERY YEAR. SO THE TIME IS RIPE FOR US TO TAKE ADVANTAGE OF THIS. WE HAVE THE RESOURCE. WE HAVE A GREAT POTENTIAL. WE NEED TO TAKE THE REGULATORY PART OF THIS OUT SO THAT WE CAN DO ECONOMIC DEVELOPMENT THE WAY IT SHOULD BE DONE. AND I THINK SENATOR WATERMEIER MADE REFERENCE TO THE GOOGLE PIECE, BUT I DON'T REMEMBER IF IT WAS GOOGLE OR FACEBOOK, BUT, YOU KNOW, A FEW YEARS AGO ONE OF THOSE ENTITIES WAS TALKING ABOUT LOCATING IN KEARNEY, I BELIEVE, WITH A DISTRIBUTION PIECE AND THEY DIDN'T WANT TO GO THERE BECAUSE NEBRASKA WASN'T GREEN ENOUGH. THAT IS THE FUTURE IN THIS...IN THE ECONOMIC DEVELOPMENT...THE ECONOMIC SITUATION OF THIS COUNTRY. BUSINESSES TODAY WANT TO BE VIEWED AS GREEN, AS SUSTAINABLE. THAT IS THE MANTRA TODAY AND WE'RE GOING TO SEE THAT CONTINUE AND GO FURTHER AND FURTHER AS PEOPLE BECOME MORE AND MORE CONCERNED ABOUT GLOBAL WARMING. SO I THINK I JUST WANT TO SAY A FEW OTHER THINGS ABOUT IT. AINSWORTH, ONE OF THE FIRST PROJECTS DONE BACK IN 2005, WAS DONE ON A FRIEND OF MINE, "SID" SALZMAN. MANY OF YOU MAY HAVE KNOWN "SID," WHO PASSED AWAY NOT TOO LONG AGO, GREAT ENVIRONMENTALIST, VERY CONCERNED ABOUT HIS GRASSES, GREAT RANCHER, SAW THAT THIS WAS MAYBE A GOOD THING AND THE PROJECT WAS DEVELOPED ON HIS RANCH. AND YOU MOVE RIGHT ON THROUGH THAT, AND YOU END UP WITH...AT THAT POINT WE HAD ABOUT...JUST ABOUT ZERO--THAT WAS 2005--IN INVESTMENT, TODAY ABOUT \$3 BILLION OF INVESTMENT IN NEBRASKA AND MAYBE THE POTENTIAL FOR ANOTHER \$30 BILLION IF WE PASS THIS BILL. WHY

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IN THE WORLD WOULD WE EVEN CONSIDER NOT DOING THIS? IT MAKES NO SENSE. I URGE YOU TO VOTE AGAINST THE RECOMMIT MOTION AND TO MOVE ON TO DISCUSSION OF THE BILL. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR DAVIS. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB824]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WOULD I HAVE WISHED THAT THIS BILL HAD COME OUT THE NORMAL WAY, OUT OF OUR NATURAL RESOURCES COMMITTEE? ABSOLUTELY, I WOULD. AS YOU KNOW, WE WERE DEADLOCKED 4-4. SO DOESN'T THE BODY ITSELF DESERVE AT LEAST SOME DISCUSSION ABOUT THIS? I WONDER IF SPEAKER HADLEY WOULD ANSWER A FEW QUESTIONS. [LB824]

SENATOR SCHEER: SENATOR HADLEY, WILL YOU YIELD? [LB824]

SPEAKER HADLEY: YES. [LB824]

SENATOR McCOLLISTER: SENATOR, DID WE DISCUSS THE UNUSUAL PROCESS THAT WE EMPLOYED... [LB824]

SPEAKER HADLEY: YES. [LB824]

SENATOR McCOLLISTER: ...WITH THIS BILL? [LB824]

SPEAKER HADLEY: YES. [LB824]

SENATOR McCOLLISTER: IS THE PROCESS AGAINST THE RULES IN ANY WAY? [LB824]

SPEAKER HADLEY: NO. [LB824]

SENATOR McCOLLISTER: HAVE SIMILAR KINDS OF ACTIVITIES OCCURRED OVER THE YEARS IN THIS BODY? [LB824]

SPEAKER HADLEY: YOU KNOW, WE...I WAS THINKING THE OTHER DAY, SENATOR McCOLLISTER, I'VE NEVER SEEN ONE QUITE LIKE THIS. AND I HAVE NOT SEEN A

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PULL FROM COMMITTEE SINCE I'VE BEEN HERE, BUT PEOPLE HAVE TALKED IN THE PAST THAT IT HAS BEEN DONE. [LB824]

SENATOR McCOLLISTER: AND DO YOU ANTICIPATE UTILIZING DIFFERENT...OTHER UNUSUAL RULES DURING THE COURSE OF THIS PARTICULAR SESSION? [LB824]

SPEAKER HADLEY: YES. [LB824]

SENATOR McCOLLISTER: SO THIS IS WITHIN THE RULES AND I HAVE EVERY RIGHT TO...OR SENATOR HAAR HAS EVERY RIGHT TO UTILIZE IT. IS THAT CORRECT? [LB824]

SPEAKER HADLEY: THAT IS CORRECT. [LB824]

SENATOR McCOLLISTER: OKAY. THANK YOU VERY MUCH, SPEAKER. I WONDER IF SENATOR FRIESEN WOULD ANSWER A QUESTION. [LB824]

SENATOR SCHEER: SENATOR FRIESEN, WOULD YOU PLEASE YIELD? [LB824]

SENATOR FRIESEN: YES, I WOULD. [LB824]

SENATOR McCOLLISTER: SENATOR, WERE YOU INVOLVED IN THE COMMITTEE PROCESS ON LB824 THIS WINTER? [LB824]

SENATOR FRIESEN: YES, THAT WAS PRETTY OBVIOUS. [LB824]

SENATOR McCOLLISTER: OKAY. ARE YOU PHILOSOPHICALLY AGAINST WIND ENERGY? [LB824]

SENATOR FRIESEN: NOT PHILOSOPHICALLY. [LB824]

SENATOR McCOLLISTER: SO WHAT IS YOUR...BESIDES THE PROCESS, WHAT'S YOUR PRIMARY OBJECTION TO MOVING THIS BILL FORWARD? [LB824]

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SENATOR FRIESEN: I THINK THE REMOVAL OF TOO MUCH OF THE REGULATORY AUTHORITY AND INSTABILITY THAT IT COULD CAUSE TO THE GRID AND THE FACT THAT, NPPD, WE NEED...WE SHOULD COME UP WITH A PLAN. SO WHEN NPPD IS GOING TO BE DAMAGED BY THIS, WE NEED TO COME UP WITH A PLAN THAT WE CAN STABILIZE THAT BECAUSE WE HAVE PUBLIC POWER. [LB824]

SENATOR McCOLLISTER: THANK YOU. ARE YOU AWARE THAT NPPD HAS COME OUT NEUTRAL ON THIS BILL? [LB824]

SENATOR FRIESEN: YES, I AM. [LB824]

SENATOR McCOLLISTER: WOULDN'T THEY HAVE CONSIDERED THOSE KINDS OF FACTORS IF...WHEN THEY CAME TO THEIR DECISION ABOUT THIS BILL? [LB824]

SENATOR FRIESEN: THEY ARE PUBLIC POWER. WHAT, ARE THEY SUPPOSED TO OPPOSE SOMETHING? IT WOULD LOOK LIKE THEY'RE IN THEIR SELF-INTEREST. WE OWN THEM. I DON'T KNOW HOW ELSE THEY COULD HAVE COME. [LB824]

SENATOR McCOLLISTER: THANK YOU. THANK YOU. SENATOR HUGHES, WOULD YOU ANSWER A QUESTION? [LB824]

SENATOR SCHEER: SENATOR HUGHES, WOULD YOU PLEASE YIELD? [LB824]

SENATOR HUGHES: OF COURSE. [LB824]

SENATOR McCOLLISTER: ARE YOU PHILOSOPHICALLY OPPOSED TO WIND ENERGY? [LB824]

SENATOR HUGHES: NO. [LB824]

SENATOR McCOLLISTER: THANK YOU VERY MUCH. SENATOR GROENE INDICATED THAT IN THE PREVIOUS PROCESS, THAT UTILITY COMPANIES, THOSE PEOPLE WILLING TO CONSTRUCT WIND TOWERS, WOULD GO OUT AND GET A PURCHASE CONTRACT FROM SOMEONE TO SELL THE ENERGY TO. THAT STILL EXISTS. THAT STILL EXISTS. NO WIND DEVELOPER IS GOING TO BUILD A PROJECT UNLESS THEY HAVE A PLACE TO SELL THE ELECTRICITY, SO I THINK THAT'S REALLY NOT AN ISSUE AT ALL. YOU SHOULD KNOW THAT THIS BILL WENT THROUGH ABOUT

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20 DIFFERENT DRAFTS, WORKING WITH THE PUBLIC UTILITIES AND THE OTHER PEOPLE ON THE COMMITTEE. WE ASKED SENATOR HUGHES AND SENATOR FRIESEN FOR ANY SUGGESTIONS THEY MAY WANT TO MAKE, TO MAKE THIS BILL BETTER IN THEIR VIEW. [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR McCOLLISTER: AND WE REALLY DIDN'T REACH ANY CONSENSUS ON THAT AT ALL. LASTLY, LET'S TALK ABOUT FREE ENTERPRISE. WE LIKE FREE ENTERPRISE IN THIS STATE. THE GOVERNOR LIKES FREE ENTERPRISE. I PARTICULARLY LIKE FREE ENTERPRISE. WHY WOULDN'T WE REDUCE THE REGULATIONS IN NEBRASKA TO MAKE THAT WORK? DEREGULATIONS ARE KILLING NEBRASKA WHEN IT COMES TO OUR PUBLIC UTILITIES AND WIND DEVELOPMENT AND WE NEED TO MOVE THIS BILL FORWARD. IF IT'S A GOOD BILL NEXT YEAR, IT'S A BETTER BILL NOW. SO LET'S MOVE THIS BILL AND PLEASE REJECT THE MOTION TO RECOMMIT THE BILL BACK TO THE COMMITTEE AND ADOPT THE HAAR AM2720 AND MOVE LB824 FORWARD. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR HADLEY, HUGHES, FRIESEN, AND McCOLLISTER. AND I APOLOGIZE, SENATOR McCOLLISTER. THAT WAS YOUR THIRD TIME. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB824]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I STAND IN SUPPORT OF SENATOR McCOLLISTER'S BILL, SENATOR HAAR'S BILL, AM2720, AND AGAINST THIS RECOMMIT TO COMMITTEE. I WANT TO THANK SENATOR McCOLLISTER FOR HIS COMMENTS ON THE MIKE JUST A MINUTE AGO AS TO THE SEQUENCE OF WHERE THESE THINGS HAVE COME FROM AND THE LEGALITY, IF WE CAN USE THAT TERM, TO THE PROCESS THAT'S BEING USED. FOR MY FRIENDS SENATOR HUGHES, SENATOR FRIESEN, IN OUR COMMITTEE WORK, JUST A REMINDER AGAIN THAT SENATOR McCOLLISTER WAS NOT THE ONE WHO BROUGHT THIS FORWARD TODAY. HE WAS IN OUR COMMITTEE. WE WERE BOTH ON THE TYING SIDE OF SUPPORTING THIS WITH FOUR OF OUR VOTES, AND OTHERS OPPOSED THAT FROM COMING OUT. WHAT REALLY MOVES ME ON THIS WHOLE ISSUE IS I'VE BEEN HERE NOW FOR THE LAST FOUR YEARS. AND WHEN MY DEAR FRIEND SENATOR HAAR STOOD AND TALKED ABOUT WHERE HE'S BEEN OVER HIS LAST EIGHT YEARS, IF I'M FORTUNATE ENOUGH AND WORK HARD ENOUGH IN THIS NEXT CAMPAIGN, I HOPE TO BE BACK AND I WONDER WHERE I'LL BE IN FOUR MORE YEARS, DEBATING THIS SAME TOPIC IN THE SAME WAY, TRYING TO GET

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SOMETHING DONE TO DEAL WITH THE WIND ISSUES THAT ARE BEFORE US. SENATOR WATERMEIER DID AN EXCELLENT JOB OUTLINING AND SUMMARIZING THE FEELINGS THAT MANY OF US HAVE, AND I THANK HIM FOR THAT. SENATOR DAVIS ADDED TO THE SAME. WHEN I THINK OF LB947 THAT WE DEALT WITH THIS MORNING, PROFESSIONAL AND COMMERCIAL LICENSES, THAT TO ME ALL TRANSLATES INTO ONE THING AND THAT'S HUMAN POTENTIAL, THE DIFFERENCE IT WILL MAKE IN OUR STATE TO HAVE THOSE WORKERS FULLY CERTIFIED, FULLY LICENSED, EDUCATED IN OUR STATE, AND CONTRIBUTING TO THE GREATNESS OF NEBRASKA IN OUR FUTURE. AS I LOOK AT THAT HUMAN POTENTIAL, WE CANNOT ALSO WASTE POWER POTENTIAL AND FINANCIAL POTENTIAL THAT IS SITTING THERE BEFORE US. I'LL GIVE YOU TWO EXAMPLES OF SOMETHING THAT HAPPENED TO ME WITHIN THE LAST NINE, TEN MONTHS, AND WHAT I SAW ON SOME TRAVELS THAT I WAS ON. LAST SUMMER MY WIFE AND I HAD THE GOOD FORTUNE TO BE ON A CRUISE IN THE BALTIC SEA. WE WERE ON THE NORTHERN COAST OF GERMANY AND WE HAD A DAY TRIP DOWN TO BERLIN, WHICH WE'D NEVER BEEN TO. AS WE LANDED ON THAT COAST AND TOOK THIS BUS TOUR, WHICH WAS TAKING THREE HOURS TO GET TO BERLIN, FOR THE FIRST 90 MINUTES, HALF THAT TRIP, WE WERE NEVER OUT OF SIGHT OF WINDMILLS OR WINDFARMS AND SOLAR COMPLEXES THAT WERE USED IN NORTHERN GERMANY, IN THAT STATE. AND THEY PRODUCE OVER 130 PERCENT OF THE POWER THEY NEEDED IN THEIR STATE. THEY SOLD THAT THROUGHOUT THE REGION. AND IT WAS A TREMENDOUS IMPACT TO SEE HOW MUCH WAS USED AND HOW THOSE WINDMILLS WORKED. TWO WEEKS AGO I WAS IN NORTHERN ILLINOIS WITH A FAMILY FUNERAL. IN THAT NORTH-CENTRAL PART OF ILLINOIS, WHICH I HADN'T BEEN TO IN QUITE A WHILE, I SAW AT LEAST 150 WINDMILLS ON A TRAVEL OF OVER AN HOUR TO GET TO A MAIN LINE WHERE WE HAD TO TAKE A DIFFERENT ROUTE TO GO TO SOUTHERN...DOWN TO CENTRAL ILLINOIS. AND THERE WERE...THOSE WERE ALL NEW PROJECTS, ALL NEW WINDMILLS, ALL NEW WINDFARMS. NORTHERN ILLINOIS, WHICH DOESN'T HAVE THE WIND POWER WE HAVE IN NEBRASKA, WAS CAPITALIZING FOR THEIR PEOPLE,... [LB824 LB947]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR KOLOWSKI: ...FOR THEIR TAXES, FOR THEIR FINANCIAL GAIN IN A TREMENDOUS WAY IN USING THE POTENTIAL THEY HAD TO CAPTURE THE WIND POWER AND UTILIZE THAT. I HOPE IN ANOTHER FOUR YEARS, IF I'M HERE, THAT WE HAVE MADE...THAT WE WILL HAVE MADE PROGRESS ACROSS THE BOARD ON THIS POTENTIAL FINANCIAL AND POWER FOR OUR STATE OF NEBRASKA. WE CAN DO BETTER, AND I HOPE WE WILL. THANK YOU VERY MUCH. [LB824]

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SENATOR SCHEER: THANK YOU, SENATOR KOLOWSKI. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, IS THE NEW NORMAL GOING TO BE FOUR AND FOUR ON A COMMITTEE MEANS THE IDEA IS PASSED ON TO THE FLOOR? THAT'S WHERE YOU'RE HEADED. AGAIN, BE VERY, VERY CAUTIOUS OF WHERE YOU GO. SENATOR McCOLLISTER SAID HE IS ALL IN FAVOR OF NOT HAVING AS MANY RULES AND REGULATIONS. I WISH HE WOULD STAY CONSISTENT ON THAT WHEN IT COMES TO PERSONAL FREEDOMS. SENATOR SCHUMACHER EXPLAINED VERY WELL WHY WIND POWER IS NOT VIABLE AND WHY THE FUTURE LIES IN NUCLEAR, POSSIBLY SOLAR. THINK ABOUT WHAT THESE TOWERING HULKS ARE GOING TO LOOK LIKE IN 30 YEARS WHEN THEY'RE NO LONGER USED. SENATOR SCHUMACHER DID SUCH A GOOD JOB, I'M GOING TO YIELD THE REST OF MY TIME TO HIM. [LB824]

SENATOR SCHEER: SENATOR SCHUMACHER, YOU'RE YIELDED 3:40. [LB824]

SENATOR SCHUMACHER: WELL, THANK YOU, SENATOR BLOOMFIELD. I HADN'T PUT MY BUTTON ON. I WASN'T PLANNING TO TALK AGAIN. BUT SEEING AS HOW THERE'S THREE MINUTES, THERE'S THREE MINUTES. I WAS SITTING THERE STEWING IN MY FRUSTRATION ABOUT ENERGY, ABOUT HOW WE DO BUSINESS HERE. CLEARLY WIND IS...THE ONLY REASON THERE IS INTEREST IN WIND IS BECAUSE THE GOVERNMENT IS PUMPING SOME MONEY IN IT. THERE'S NO REASON THAT THE ROTUNDA IS FILLED WITH LOBBYISTS TALKING ABOUT WIND. IT ISN'T THE MERIT OF THE ENERGY IT PRODUCES. IT'S BECAUSE THERE'S GOVERNMENT INCENTIVES, AND RATHER SHORTSIGHTED GOVERNMENT INCENTIVES THAT ARE JUST WRAPPED UP IN MAYBE FEAR OF CARBON, MAYBE JUST BECAUSE YOU LIKE TO SEE PINWHEELS ON THE PRAIRIE. BUT THERE'S GOT TO BE SOME WAY, PEOPLE, THAT WE CAN TAKE THE LARGE CAPITAL INVESTMENT THAT'S SITTING OUT THERE IN THAT LOBBY, FUNDING THAT LOBBY. THE POWER OF THE STATE, THE FACT THAT WE'VE GOT TWO PUBLIC POWER COMPANIES WHICH ARE SIGNIFICANT IN SIZE IN THE CONTEXT OF THE WORLD, A UNIVERSITY THAT'S SUPPOSED TO BE ABLE TO KNOW HOW TO DO SOMETHING, EVEN THOUGH I'M BEGINNING TO WONDER ON MANY ISSUES, AND PUT THEM TOGETHER TO, INSTEAD OF BEING A FOLLOWERSHIP POSITION, A LEADERSHIP POSITION IN THE AREAS OF NUCLEAR ENERGY. AND, NO, LET'S NOT JUST SAY, OH, WELL, THAT'S THE FEDERAL GOVERNMENT, WE CAN'T DO IT. BALONEY! WE CAN DO IT, BUT ONLY IF WE SUMMON THE SPIRIT. AND I'M REALLY FRUSTRATED WITH PUBLIC POWER RIGHT NOW. SEEMS TO ME THEY'VE JUST BECOME A BIG BUREAUCRACY THAT IS INTENT ON JUST MAINTAINING A

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COUPLE OF OLD NUCLEAR PLANTS AND RUNNING SOME COAL PLANTS AND JUST FIGHTING THE FEDERAL BUREAUCRACY. WHAT HAPPENED TO THE SPIRIT OF NORRIS? WHAT HAPPENED TO THE IDEA THAT WE COULD USE THAT MECHANISM AS A VEHICLE TO PARTNER WITH PRIVATE CAPITAL AND ACTUALLY DO SOMETHING? YOU KNOW, WE'RE NOT GOING TO BE THE SILICON VALLEY, WE'RE NOT GOING TO BE THE WINDMILL VALLEY, WE'RE NOT GOING TO BE BIOMED CENTER LIKE BOSTON. BUT THERE'S JUST AN ACCIDENTAL OUTSIDE CHANCE, IF WE HAVE A LITTLE SPIRIT OF THE GAMBLER, THAT WE COULD BE AN ENERGY CENTER. DARN, I WISH THERE WAS MORE TIME TO THINK ABOUT THIS THING. I MIGHT ACCIDENTALLY VOTE AGAINST THE MOTION TO RECOMMIT JUST TO STIR THE POT A LITTLE BIT--PROBABLY WON'T WORK. WIND IS A BAD IDEA BUT, BY GOSH, ENERGY IS A GOOD IDEA. [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR SCHUMACHER: SO HOW CAN WE FLIP THIS, PARLAY IT, LEVERAGE IT AND THE RESOURCES THAT WE HAVE, TREMENDOUS CAPITAL RESOURCES IN THIS STATE? TWO SIGNIFICANT POWER GENERATION FACILITIES THAT SHOULD KNOW SOMETHING ABOUT ELECTRICITY, A UNIVERSITY THAT NEEDS TO GET MAYBE CATTLE-PRODDED A BIT INTO THE TWENTY-FIRST CENTURY IN SOME OF THESE AREAS AND FOCUS A LITTLE BIT MORE ON LEADERSHIP RATHER THAN JUST...AND I'M NOT CRITICIZING UNMC. I THINK THAT THE CAPITAL INTERESTS OF OMAHA HAVE PRODDED THAT ONE ON INTO AN AREA THAT AT LEAST IT BEGINS TO TAKE SIGNIFICANT OR AT LEAST RECOGNIZABLE CREDIBILITY. YOU KNOW, THERE IS AN IDEA HERE, NOT SURE WHERE IT GOES, BUT IT WOULD BE NICE IF WE COULD DO SOMETHING WITH IT. THANK YOU. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER AND SENATOR BLOOMFIELD. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB824]

SENATOR PANSING BROOKS: QUESTION. [LB824]

SENATOR SCHEER: DO I SEE FIVE HANDS? THE QUESTION HAS BEEN CALLED. I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. OKAY. ALL RIGHT. WE ARE GOING BACK TO THE CEASE DEBATE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB824]

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CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB824]

SENATOR SCHEER: DEBATE DOES CEASE. SENATOR HUGHES, YOU'RE WELCOME TO CLOSE ON YOUR MOTION TO RECOMMIT. [LB824]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, I WILL BE BRIEF. AS I ANSWERED SENATOR McCOLLISTER'S QUESTION, I LIKE WIND, I LIKE RENEWABLES. BUT THE PROCESS, THE REASON I BROUGHT THIS WAS WHEN SENATOR HAAR TRIED TO NEGATE THE PROCESS THAT WE GO THROUGH IN THIS BODY. AND I THINK THAT'S A VERY RADICAL THING TO DO. I THINK IT SENDS A VERY BAD MESSAGE THAT, IF YOU DON'T GET YOUR WAY IN THE COMMITTEE, YOU CAN CIRCUMVENT THAT AND MOVE IT OUT. SO WITH THAT, I WOULD URGE YOU TO VOTE IN FAVOR OF THE RECOMMIT. THANK YOU. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR HUGHES. SENATOR McCOLLISTER, FOR WHAT DO YOU RISE? THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. PLEASE RECORD. [LB824]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB824]

SENATOR SCHEER: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. ALL 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. SENATOR SCHNOOR, CRAWFORD, MURANTE, KINTNER, CRAIGHEAD, THE HOUSE IS UNDER CALL. SENATOR MURANTE, CRAWFORD, KINTNER, THE HOUSE IS UNDER CALL. SENATOR KINTNER, THE HOUSE IS UNDER CALL. SENATOR MURANTE, THE HOUSE IS UNDER CALL. SENATOR CRAWFORD, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE FLOOR. SENATOR CRAWFORD, SENATOR MURANTE, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE FLOOR. SENATOR CRAWFORD, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE FLOOR. SENATOR CRAWFORD, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE FLOOR. SENATOR McCOLLISTER, SENATOR CRAWFORD SEEMS TO NOT BE AVAILABLE. WOULD YOU...COULD WE PROCEED? SENATOR McCOLLISTER, MAY WE PROCEED WITHOUT SENATOR CRAWFORD? [LB824]

SENATOR McCOLLISTER: YES. [LB824]

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SENATOR SCHEER: THERE'S BEEN A REQUEST FOR ROLL CALL IN REVERSE ORDER. MR. CLERK. [LB824]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1521.) 12 AYES, 21 NAYS, MR. PRESIDENT, TO RECOMMIT THE BILL. [LB824]

SENATOR SCHEER: MOTION FAILS. RETURNING TO AM2720, SENATOR BRASCH, YOU ARE RECOGNIZED. RAISE THE CALL. [LB824]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. I STAND UNSATISFIED WITH THE WAY THIS HAS BEEN BROUGHT TO THE FLOOR. THE BILL ITSELF, I WAS A COSIGNER, AND I DO SUPPORT ALL FORMS OF ENERGY. BURT COUNTY HAS A SMALL GROUP OF FARMERS THAT ARE AGES 40 AND UNDER THAT ARE TRYING VERY HARD. IT'S A 12-MEGAWATT FARM. THEY'VE DONE EVERYTHING POSSIBLE UNDER THE SUN TO TRY TO VISIT, WORK WITH OTHERS, TRY TO GET THEIR SMALL WIND ENERGY PROJECT UP AND RUNNING. AND I'M SUPPORTIVE OF THAT. WHAT I'M HEARING IN THIS BODY TODAY IS THERE ARE MULTITUDES OF CONVERSATIONS GOING ON. SOME ARE, I BELIEVE, BLATANTLY AGAINST WIND ENERGY. THERE'S OTHERS WHO ARE...HAVE MIXED FEELINGS. AND THEN THERE ARE OTHERS, LIKE SENATOR WATERMEIER AND MYSELF, WHO REALIZE THAT ALL FORMS OF ENERGY ARE A PART OF ECONOMIC DEVELOPMENT. HE HAD MENTIONED THAT FACEBOOK WENT TO IOWA. I KNOW YAHOO! IN NEBRASKA HAS SPOKEN WITH BURT COUNTY WIND IN CONSIDERATION OF MOVING TOWARDS SOME RENEWABLES, AND WIND ENERGY WAS ONE OF THEM. BUT IS IT RIGHT TO BRING IT OUT OF COMMITTEE ONTO THE FLOOR? IT'S INTERESTING, AS THE LAST GROUP OF FIVE OR SIX OF US, AS OUR NEXT SENIOR CLASS MOVES ON, WE'VE BEEN TOLD MANY THINGS. AND I BELIEVE SENATOR CHAMBERS POINTED ONE OUT ABOUT CALLING THE QUESTION. ON MY FIRST YEAR, AND I KNOW THE CLERK HAS SEEN MANY FIRST YEARS, BUT ONE OF THE OLDER CLASSMEN WHISPERED TO ME TO CALL THE QUESTION AND I DID AND THE WHOLE ROOM THUNDERED BECAUSE IT WASN'T GIVEN ENOUGH DEBATE AND THAT WAS TABOO. BUT I THINK IT WAS NOTHING AGAINST ME BECAUSE I THINK WITH BEING NEW THAT THEY THINK YOU'RE NEW SO THERE IS AN ELEMENT OF FORGIVENESS. BUT NOW THERE IS A NEW NORMAL HERE. I THINK IT'S BECAUSE OF TERM LIMITS. SUPPORT THE BILL BUT NOT THE PROCESS, I'M NOT SURE HOW THAT WORKS OUT AND THAT'S WHY I HAVE BEEN PRESENT, NOT VOTING. BUT I AGREE WITH EVERY ARGUMENT MADE ON THE FLOOR ABOUT ALL THE RIGHT REASONS TO MOVE THIS FORWARD. I WILL SUPPORT IT NEXT YEAR. I WAS WONDERING IF SENATOR HUGHES WOULD YIELD TO A QUESTION. [LB824]

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SENATOR SCHEER: SENATOR HUGHES, WOULD YOU YIELD, PLEASE? [LB824]

SENATOR HUGHES: OF COURSE. [LB824]

SENATOR BRASCH: IF THIS BILL COMES BACK TO NATURAL RESOURCES...ARE YOU ON THAT COMMITTEE? [LB824]

SENATOR HUGHES: I AM CURRENTLY ON THAT COMMITTEE, YES. [LB824]

SENATOR BRASCH: YES. IF YOU ARE ON IT NEXT YEAR, WOULD YOU BE IN FAVOR OF MOVING IT TO THE FLOOR? [LB824]

SENATOR HUGHES: IN THE CORRECT FORM, YES, I WOULD. [LB824]

SENATOR BRASCH: IN THE CORRECT FORM. SENATOR FRIESEN, WOULD YOU YIELD TO A QUESTION? [LB824]

SENATOR SCHEER: SENATOR FRIESEN, WOULD YOU PLEASE YIELD? [LB824]

SENATOR FRIESEN: YES, I WOULD. [LB824]

SENATOR BRASCH: IF THIS BILL IN THE CORRECT FORM COMES BEFORE THE NATURAL RESOURCES COMMITTEE NEXT YEAR AND YOU ARE ON THAT COMMITTEE NEXT YEAR, IN ITS CORRECT FORM, WOULD YOU BE IN FAVOR OF ADVANCING IT OUT OF COMMITTEE? [LB824]

SENATOR FRIESEN: YES. [LB824]

SENATOR BRASCH: DO YOU BELIEVE THERE IS OTHERS THAT IN YOUR CONVERSATION... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR BRASCH: ...BECAUSE I'VE SEEN EVERYONE TALK WITH EVERYONE THAT THE PROBLEM TODAY IS NOT THE BILL BUT THE WAY IT MOVED TO THE FLOOR. AM I CORRECT? [LB824]

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SENATOR FRIESEN: THERE'S OTHER PROBLEMS WITH THE BILL IN THAT IT JUST OPENS UP TOTAL REGULATION AND IT DOES NOT HAVE ANY CONTROL AS TO WHERE THAT GOES. [LB824]

SENATOR BRASCH: AND WITH AMENDMENTS THAT WOULD BETTER DEFINE THAT, THAT WOULD BE A BETTER BILL? [LB824]

SENATOR FRIESEN: YES, I BELIEVE THE POWER REVIEW BOARD SHOULD HAVE MORE OF A PART IN THIS. [LB824]

SENATOR BRASCH: VERY GOOD. I HAVE NO OTHER QUESTIONS. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR FRIESEN, SENATOR HUGHES, AND SENATOR BRASCH. MR. CLERK. [LB824]

CLERK: MR. PRESIDENT, SENATOR FRIESEN WOULD MOVE TO AMEND SENATOR HAAR'S AMENDMENT. SENATOR, AM2854. (LEGISLATIVE JOURNAL PAGE 1522.) [LB824]

SENATOR SCHEER: SENATOR FRIESEN, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT, AM2854. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHAT WE'RE DOING WITH THIS BILL, IF WE WANT TO TALK ABOUT RENEWABLE ENERGY, THAT'S ONE THING. BUT WHEN WE...IF WE WANT TO START LOOKING AT OUR WHOLE ENERGY PICTURE LIKE WE SHOULD BE LOOKING AT INSTEAD OF JUST LOOKING AT ONE SEGMENT, I FELT THAT WE NEEDED TO LOOK AT ALL THE ALTERNATIVES OF ELECTRICAL GENERATION. SO WITH A MASSIVE INPUT OF WIND GENERATION, WE ARE GOING TO CAUSE INSTABILITY ON THE GRID, WHICH THEN WOULD REQUIRE NATURAL GAS-GENERATING FACILITIES TO MAKE UP THAT CYCLING EFFECT THAT WIND HAS. AND SO WHEN WE LOOK AT GENERATING ELECTRICITY, I THOUGHT WE SHOULD LEVEL THE PLAYING FIELD THEN. IF WE'RE GOING TO DO THIS FOR WIND, I THINK WE NEED TO OPEN UP THIS CONVERSATION ABOUT NATURAL GAS GENERATION, BECAUSE IF WE WANT TO TALK RIGHT NOW ABOUT THE CHEAPEST FORM OF ENERGY, IT WOULD BE NATURAL GAS. AND IF YOU WANT TO DEBATE WHETHER OR NOT WE SHOULD HAVE THREE FORMS OF GENERATION TO GENERATE ONE KILOWATT, I THINK WE SHOULD START TO

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NARROW THIS DOWN TO FIND OUT WHAT DIRECTION WE'RE GOING TO GO IN. THE NEBRASKA DEPARTMENT OF ENERGY IS WORKING ON A COMPREHENSIVE ENERGY PLAN FOR THE STATE AND IT WILL BE DONE SOMETIME THIS NEXT SUMMER. AND HOPEFULLY, THAT WILL ADDRESS WHERE WE'RE HEADED AS A STATE IN A COMPREHENSIVE WAY THAT COVERS ALL FORMS OF ENERGY. SO SIMPLY SAYING RIGHT NOW THAT WHEN WE HAVE PRIVATELY DEVELOPED RENEWABLE ENERGY AND THEN IT LISTS ELECTRICITY USING SOLAR, WIND, AND IT WILL SAY NATURAL GAS. SO IT'S JUST ADDING ANOTHER TOOL. IF WE WANT TO HAVE THIS UNLIMITED DEVELOPMENT, LET'S OPEN IT UP TO ALL THE PLAYERS. WE'VE HAD PEOPLE COME IN TO THE NATURAL RESOURCES ADVOCATING THAT WE OPEN UP GENERATION TO ANYONE TO COME IN TO THIS STATE AND COMPETE WITH OUR PUBLIC POWER. AND IF WE'RE GOING TO DO THIS WITH WIND, LET'S DO IT WITH NATURAL GAS. LET'S OPEN IT UP. LET'S SEE WHO'S THE MOST COMPETITIVE, SEE WHO GETS THE MOST BANG FOR THE BUCK IN THEIR SUBSIDIES, AND LET'S SEE WHO PROVIDES US WITH THE CHEAPEST FORM OF POWER IN THE STATE. AND I THINK YOU WILL FIND RIGHT NOW THAT NATURAL GAS WILL PROBABLY BE THE CHEAPEST FORM AND IT WILL BE THE MOST RELIABLE FORM. SO WHAT WE DO WHEN WE HAVE WIND GENERATION, WE INTRODUCE A VARIABLE GENERATION. AND SO NOW WE WILL HAVE THREE SOURCES OF GENERATION TO GENERATE ONE KILOWATT. AND IF YOU CAN EXPLAIN ME TO HOW THAT'S EFFICIENT, I'M WILLING TO LISTEN. BUT WHEN WE DO THIS, WE ARE GOING TO INCREASE THE COST OF OUR ELECTRICITY. AND WE'RE NOT GOING TO HAVE CHEAPER ELECTRICITY WHEN WE HAVE THREE GENERATING SOURCES GENERATING ONE KILOWATT. WE'LL HAVE OUR BASE LOAD, WHICH WILL BE COAL. I DON'T CARE HOW MUCH WIND DEVELOPMENT YOU WANT TO THROW IN THERE, YOU WILL NOT HAVE ENOUGH GENERATING CAPACITY TO GENERATE OUR NEEDS. SO WE'RE GOING TO HAVE COAL AS A BASE LOAD. AND THEN WE'RE GOING TO THROW IN THE NATURAL GAS GENERATION THAT COAL-FIRED POWER PLANTS CANNOT RAMP UP AND DOWN QUICKLY. THEY TAKE ABOUT 24 HOURS' NOTICE BEFORE THEY'RE ABLE TO EITHER LOWER THEIR GENERATING CAPACITY OR RAISE IT UP. SO WHEN THE WIND STOPS BLOWING, WHAT THEY DO IS USE NATURAL GAS-GENERATING STATIONS. AND THOSE WILL RAMP UP AND TAKE UP THAT VARIABLE LOAD UNTIL THE WIND STARTS BLOWING AGAIN. OR IF THE FORECAST LOOKS DIFFERENT, THEY WILL RAMP UP THEIR COAL-FIRED POWER PLANTS BECAUSE THAT'S THE CHEAPEST SOURCE OF ENERGY. COAL AND...OR WIND AND ALL OF THEM WOULD BE FAIRLY STABLE NOW WITH THE TAX SUBSIDIES THAT ARE GOING TO BE GIVEN TO WIND. SO WHAT THE WIND ENERGY WILL DO IS EVERYBODY BIDS INTO THE SOUTHWEST POWER POOL. AND SINCE WIND RECEIVES SUCH A HUGE SUBSIDY, THEY WILL BID IT ALWAYS IN AT THE CHEAPEST COST SO THAT THEY ARE PICKED. AND THE

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SOUTHWEST POWER POOL DOESN'T CARE WHAT KIND OF ELECTRICITY THEY BUY. THEY WILL PICK THE CHEAPEST SOURCE OF GENERATION. AND SO WHAT YOU'VE ACTUALLY HAD IN IOWA IS THEY WILL BID IT BELOW COST. THEY DON'T CARE IF THEY'RE GENERATING ELECTRICITY OR NOT. ALL THEY CARE ABOUT IS COLLECTING THEIR TAX CREDITS. THEY COULD CARE LESS IF THEY'RE GENERATING. THEY JUST NEED TO HAVE THE TURBINE SPINNING. THEY DON'T CARE ABOUT THE COST. WHAT THAT DOES IS IT SHUTS DOWN OUR COAL-FIRED POWER PLANTS. WHEN YOU HAVE THEM OPERATING AT 40 OR 50 PERCENT CAPACITY, THEY ARE OBVIOUSLY VERY INEFFICIENT AND IT WILL RAISE THEIR COSTS. AND SINCE WE'RE A PUBLIC POWER STATE, THEY WILL PASS THOSE COSTS ALONG TO US IN TRANSMISSION FACILITIES, WHICH THEY OWN, BECAUSE THEY CANNOT LOSE MONEY. THEY HAVE TO MAINTAIN THEIR OPERATING CAPITAL, AND THAT'S THE PROCESS THAT WILL BE USED. SO ALL I'M ASKING FOR HERE IS THAT WE OPEN IT UP. IF WE'RE GOING TO DO THIS, LET'S...WE WANT TO HAVE A COMPREHENSIVE DISCUSSION ON WIND GENERATION, LET'S OPEN IT UP TO NATURAL GAS AND ANY OTHER FORMS THAT MIGHT BE OUT THERE. WE NEED TO LOOK AT THE WHOLE COMPREHENSIVE PACKAGE. IF WE'RE GOING TO DESIGN THIS ON THE FLOOR--LET'S DO IT ON THE FLOOR INSTEAD OF IN COMMITTEE--LET'S COME UP WITH A COMPREHENSIVE PACKAGE FOR NEBRASKA THAT ADDRESSES OUR POWER NEEDS INTO THE FUTURE. AND RIGHT NOW, IF YOU WANT TO TALK THE FUTURE, YOU SHOULD BE TALKING NUCLEAR ENERGY. I WILL AGREE WITH SENATOR SCHUMACHER. IT IS THE ONLY ZERO CARBON-BASED ELECTRICAL GENERATION THAT THERE IS. IT'S RELIABLE AND IT'S CHEAP. AND UNTIL WE COME UP WITH A COMPREHENSIVE PLAN TO DECIDE ON WHERE WE'RE HEADED, I THINK WE NEED TO WAIT. SO LET'S HAVE THE DISCUSSION. LET'S OPEN IT UP. THERE'S A FEW MORE AMENDMENTS TO COME. WE'LL TALK ABOUT SOME OTHER ISSUES I HAVE WITH THE BILL AS WE GET MOVED ALONG AND I'M READY FOR THE DISCUSSION. WE HAVE SOME TIME. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR FRIESEN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. KIND OF IRONIC, NOT ONE WORD HAS BEEN MENTIONED ABOUT LB824. THE INTRODUCER, SENATOR McCOLLISTER, HASN'T EVEN TALKED ABOUT THE CONTENT OF LB824, NOT A SINGLE PEEP, NOTHING. THE AGREEMENT WAS MADE IN THE COMMITTEE. AS LB824 FAILED TO ADVANCE, THE ORIGINAL CONTENT OF THE BILL, IT WAS AGREED UPON BY EVERYBODY TO CHANGE THE CONTENT OF THE BILL. AND NOW NOBODY IS TALKING ABOUT IT, NOBODY. SO, OBVIOUSLY, THAT

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AGREEMENT MEANT NOTHING AND THAT THERE WAS A PLAN AFOOT THE WHOLE TIME TO DO WHAT IS BEING DONE. IT WAS MENTIONED SEVERAL TIMES THAT OPPD IS NEUTRAL, AND THAT IS TRUE. BUT THEY HAVE NOT BEEN...DEFINITELY HAVE NOT BEEN SPEAKING AS A PROPONENT. I THINK THAT NEEDS TO BE FACTORED IN AS WELL. AND THEN THEY TESTIFIED NEUTRAL. THE CONTENT OF THIS BILL HAS NOW CHANGED THREE TIMES OR IT WILL SHOULD SENATOR HAAR'S AMENDMENT GET ADOPTED, AND I WOULD ASK YOU NOT TO. BUT SHOULD THAT GET ADOPTED, THE CONTENT OF THIS BILL HAS CHANGED THREE TIMES, NOT JUST AMENDED. IT HAS BEEN TOTALLY CHANGED, 100 PERCENT DIFFERENT. IS THAT THE WAY WE SHOULD DO BUSINESS NOW? THERE'S BEEN A LOT OF TALK ABOUT PROPERTY TAX RELIEF, HOW THIS WILL GENERATE GREAT PROPERTY TAX RELIEF. WELL, IT IS TRUE FOR THE OWNER OF THAT PARCEL OF PROPERTY THAT THIS SITS ON THAT THEY WILL GET PROPERTY TAX RELIEF. I CAN'T DENY THAT. I THOUGHT I HEARD SENATOR WATERMEIER SAY THAT WIND ENERGY IS THE BIGGEST ISSUE WE FACE IN NEBRASKA. IF I HEARD THAT CORRECTLY, I WOULD HAVE TO DISAGREE. YOU KNOW THE BIGGEST ISSUE THAT I HAVE HEARD IS PROPERTY TAXES. AND THAT IS ONE OF THE SELLING POINTS SENATOR McCOLLISTER IS GIVING YOU. AND, YES, IT DOES GIVE RELIEF TO A LIMITED NUMBER OF PEOPLE, VERY LIMITED. [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR SCHNOOR: THANK YOU. THEY TALKED ABOUT THE PHILOSOPHICAL THOUGHTS BEHIND THIS. NEXT YEAR, WHAT WOULD PEOPLE BE IN FAVOR OF OR OPPOSED TO? AND AT THIS POINT IN TIME I WILL ALWAYS BE OPPOSED TO WIND ENERGY. WHY? FROM A SIMPLE BUSINESS STANDPOINT. IT WILL NOT PAY FOR ITSELF. SO IF IT WILL NOT PAY FOR ITSELF, WHY WOULD WE EVEN THINK OF DISCUSSING IT HERE? A WINDMILL DOES NOT PRODUCE ENOUGH ENERGY AND THERE'S NOT ENOUGH RETURN ON THE INVESTMENT TO PAY FOR ITSELF. WILL THAT CHANGE IN TIME AS TECHNOLOGY CHANGES? I BELIEVE IT WILL. WE'LL HAVE TO WAIT AND SEE, BUT WE DON'T KNOW FOR SURE. BUT UNTIL THAT TIME, I WILL ALWAYS BE OPPOSED. [LB824]

SENATOR SCHEER: TIME, SENATOR. [LB824]

SENATOR SCHNOOR: THANK YOU. [LB824]

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SENATOR SCHEER: THANK YOU, SENATOR SCHNOOR. SENATOR JOHNSON, YOU'RE RECOGNIZED. SENATOR JOHNSON. SENATOR JOHNSON WAIVES. SENATOR GROENE, YOU'RE RECOGNIZED. [LB824]

SENATOR GROENE: TO ADDRESS A COUPLE THINGS I HEARD ON THE FLOOR, I KEEP GOING OUT IN THE LOBBY AND ASK THE EXPERTS OUT THERE QUESTIONS, AND THEY ANSWER THEM. IF YOU ARE LESS THAN 80 MEGAWATTS, YOU CAN NOW GO TO THE FEDERAL PROCESS AND YOU GET APPROVED. NOBODY HAS BEEN TURNED DOWN IF YOU'RE A SMALL PROJECT. AND THE LOCAL UTILITY HAS TO TAKE...BUY YOUR OUTPUT. YOU HAVE TO DO IT. THE BURT COUNTY DEAL...SYSTEM THAT CAME, SENATOR BRASCH TALKED ABOUT, THEY WERE HERE LAST TIME BECAUSE THEY WANTED THE TAX INCENTIVES. THIS HERE DOES NOT AFFECT THEM BECAUSE THEY'RE UNDER 80. THEY CAN NOW BUILD IT AND THEY CAN NOW FORCE THE LOCAL UTILITY TO TAKE THEIR POWER. WITH THE 10 PERCENT THAT THEY CAN BUY NOW WITH THEIR CONTRACT WITH NPPD, BURT COUNTY POWER, COUNTY POWER, THEY CAN GO THROUGH THEM AND TALK TO THEM AND SUPPLY THAT 10 PERCENT IF THEY WISH. SO CAN THE NORTHEAST PUBLIC POWER UP THERE THAT BUYS THEIRS FROM KENTUCKY, THE COAL-GENERATED POWER. THEY LEFT THE SYSTEM. THEY CAN STILL, WITHIN THIS SYSTEM, THE PRESENT SYSTEM, BUY WITH A CONTRACT. AND IF THEY SHOW UP AT THE POWER REVIEW BOARD WITH A CONTRACT THAT IT'S GOING TO BE BOUGHT, THEY WILL BE APPROVED. THE SYSTEM WORKS. SENATOR McCOLLISTER MADE THIS COMMENT THAT THEY STILL HAVE TO HAVE A BUYER. NO, TAKE THE "STILL" OUT OF THERE--THEY WILL HAVE A BUYER. THEY CAN FORCE THE SOUTHWEST PUBLIC POWER POOL TO TAKE THEIR POWER. AND IT DOES COST NEBRASKA, BECAUSE IF IT GOES INTO THE POWER GRID AND IT'S USED, A BILL IS SPLIT UP AND PRORATED TO EACH OF THE MEMBERS OF THE SOUTHWEST POWER POOL AND THEY PAY FOR IT. TAKE THE "SHALL" OUT OF IT. THIS IS A "MUST" BUY IT IF YOU PASS THIS. THEY TAKE ANY TYPE OF AUTHORITY AWAY FROM NPPD AND OUR PUBLIC POWER SYSTEM TO DECIDE IF THEY WANT IT OR NOT OR NEED IT, DON'T SAY WANT, THEY NEED. WE'VE ALL AGREED THAT IT'S A GOOD MIX TO USE WIND AND RENEWABLE ENERGY IN THE MIX. WHAT THIS DOES, IT'S BAD POLICY NATIONWIDE, FORCES THEM TO TAKE IT. AND YOU KNOW WHY IT'S THE LOWEST COST? THEY KEEP SAYING IT HAS NO INPUT COSTS, NO COAL TO BURN OR NUCLEAR ENERGY TO BURN. THE REASON IT'S THE CHEAPEST IS BECAUSE OF THE FEDERAL GRANTS. THEY CAN ACTUALLY COME INTO THE POOL BELOW THEIR COST, BELOW COST. THEY CAN ACTUALLY PAY SOUTHWEST PUBLIC POWER DISTRICT SOMETHING TO TAKE THEIR POWER, BECAUSE IF THEY'RE GETTING 50 CENTS A KILOWATT THEY CAN PAY SOUTHWEST PUBLIC POWER 10 CENTS AND MAKE 40 CENTS ON THE

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FEDERAL GRANT. WHAT HAPPENS WHEN THAT GOES AWAY, FOLKS? AND IT WILL GO AWAY. AND THEY'RE TALKING ABOUT FREE ENTERPRISE, DEREGULATE. THIS IS NOT DEREGULATION. THIS IS PICKING ONE SUPPLIER AND GIVING THEM SPECIAL TREATMENT OVER OTHER SUPPLIERS OF POWER. THIS DEREGULATES WIND AND SOLAR. AND IT'S COMPETING WITH FOSSIL FUEL AND NUCLEAR THAT HAS REGULATIONS. DON'T TELL ME ABOUT DEREGULATIONS. YOU ARE REGULATING BY DEREGULATING. YOU ARE REWARDING ONE SUPPLIER OF POWER OVER ANOTHER. DEREGULATION MEANS YOU PUT EVERYBODY BACK ON THE SAME PLAYING FIELD. THIS DOES NOT DO THAT. IT'S A MESS. LANCASTER COUNTY, WATCH HOW THEY VOTE, FOLKS,... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR GROENE: ...CITIZENS OF LANCASTER COUNTY, HOW THOSE SENATORS VOTE. YOUR ZONING BOARD SAID YOU DON'T WANT ANY WINDMILLS IN YOUR COUNTY. BUT THEY THINK IT'S OKAY FOR MY COUNTY AND OTHER COUNTIES, BECAUSE THAT GREAT FLYOVER COUNTRY IS JUST THEIR BACKYARD, THEIR PROPERTY, AND THEY'RE GOING TO MANAGE IT FOR US OUT THERE, BUT NOT IN THEIR COUNTY. SHOULD WE ALSO DEREGULATE ZONING THEN IF YOU WANT TO GET RID OF REGULATIONS? LANCASTER COUNTY CAN'T REGULATE WINDMILL ZONING. LET'S TAKE IT ALL AWAY. LET'S PUT THEM RIGHT IN LINCOLN, MEMORIAL PARK IN OMAHA. LET'S PUT THEM THERE, THE WINDMILLS. THANK YOU. [LB824]

SENATOR COASH PRESIDING

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB824]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, WE'LL START WHERE WE LEFT OFF, AND LANCASTER COUNTY MADE DECISIONS SAYING...THAT DO NOT ALLOW WIND DEVELOPMENT. IT'S LOCAL CONTROL. HALL COUNTY, WHATEVER COUNTY HAS THE ABILITY TO PASS WIND REGULATIONS. WE'RE NOT FORCING WIND ON ANYBODY WITH THIS. IT'S GOT TO BE REALLY CLEAR. THIS DOES NOT FORCE ANYTHING. LOCAL CONTROL IS STILL A CORNERSTONE IN WIND DEVELOPMENT. NOW IT WAS TALKED ABOUT THAT SPP COULD FORCE NEBRASKA PUBLIC POWER DISTRICT TO BUY POWER. NOT TRUE. IT'S JUST NOT TRUE. IT'S NOT UNDERSTANDING THE ISSUE, AND THAT'S PART OF THE PROBLEM HERE. WHAT SPP WILL REGULATE IS THE POWER THAT GOES INTO THE

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MARKETPLACE. NPPD CAN RUN ITS POWER PLANT HOWEVER THEY WANT, SUPPLYING THEIR WHOLESALE AND RETAIL CUSTOMERS HOWEVER THEY WANT. SENATOR FRIESEN SAID AT ONE POINT THAT, GEE, PUBLIC POWER HAD TO COME IN NEUTRAL BECAUSE THEY'RE PUBLIC POWER. WELL, I'VE DANCED WITH PUBLIC POWER FOR EIGHT YEARS AND THEY'VE BEEN A PART OF DEVELOPING THIS CURRENT PLAN. THERE HAVE BEEN TIMES WHEN THEY'VE COME IN OPPOSED TO PLANS. THEY WORK... YOU KNOW, THEY REPRESENT. THEY HAVE A VERY STRONG LOBBY AND THEY REPRESENT THE INTERESTS OF PUBLIC POWER. AND I'D LIKE TO GO BACK AND READ FROM THE TRANSCRIPT WHERE TOM KENT FROM NEBRASKA PUBLIC POWER SAID, I'D LIKE TO THANK SENATOR McCOLLISTER FOR HIS LEADERSHIP IN HELPING BRING THE PARTIES TOGETHER OVER THE LAST SEVERAL DAYS TO REACH AN AGREEMENT. IF PUBLIC POWER SEES A PROBLEM, THEY HAVE LOBBYISTS AND THOSE LOBBYISTS ARE NOT SILENT. AND THEY DON'T ALWAYS COME IN NEUTRAL, I CAN TELL YOU THAT. PEOPLE SAY THE WIND DOESN'T ALWAYS BLOW AND THE SUN DOESN'T ALWAYS SHINE. WELL, ACTUALLY, THE WIND DOES ALWAYS BLOW SOMEWHERE AND THE SUN, I LOOKED AT A DIAGRAM OF THE SOLAR SYSTEM AND THE SUN ALWAYS SHINES, NOT NECESSARILY RIGHT HERE. BUT OTHER STATES ARE SHOWING HOW THEY CAN INTEGRATE WIND AND SOLAR INTO THEIR GRID AND AT A LOWER COST NOW THAN WHAT NEBRASKA RATEPAYERS ARE PAYING. SO, YEAH, IT TAKES SOME NEW PROCEDURES. IT TAKES SOME NEW WAYS OF DOING THINGS, BUT IT DOES WORK. AND BY THE WAY, NUCLEAR POWER PLANTS DON'T WORK ALL THE TIME EITHER. LOOK AT FORT CALHOUN. THAT WAS OFF-LINE FOR THREE YEARS, I BELIEVE. SO I THINK NUCLEAR IS AN IMPORTANT PART OF THE EQUATION, BUT THESE DAYS INVESTORS, PRIVATE INVESTORS, ARE UNWILLING TO PUT THEIR MONEY INTO NUCLEAR PLANTS. AND PART OF THE BIG REASON IS BECAUSE INSURERS, THE BIG INSURERS OF THIS WORLD, ARE GETTING MORE AND MORE LEERY OF INSURING NUCLEAR POWER PLANTS WHEN YOU SEE WHAT HAPPENED IN JAPAN. I THINK IT IS PART OF THE SOLUTION, BUT IT'S NOT GOING AHEAD QUICKLY. SOMEBODY TALKED ABOUT THE TRANSMISSION. WELL, GUESS WHAT? THE POWER THAT GETS GENERATED AT SUTHERLAND NEEDS TRANSMISSION TO GET THAT POWER OUT AROUND THE STATE. NUCLEAR NEEDS TRANSMISSION TO WORK. [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR HAAR: THANK YOU. SOME DAY WE MAY GET TO VERY SMALL UNITS, WHETHER IT'S FISSION OR FUSION OR SUN OR WHATEVER, YOU KNOW, WIND AND SOLAR BACKED UP BY MASS STORAGE, THAT WE WON'T NEEDS TRANSMISSION. BUT RIGHT NOW IT DOESN'T MATTER WHETHER SUTHERLAND

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GENERATES IT OR A NUCLEAR PLANT GENERATES IT OR WIND OR WHATEVER. IT NEEDS TRANSMISSION TO MAKE IT WORK. FINALLY, THE NEBRASKA ADVANTAGE TAX IS FOR SALES TAX ONLY AND SO IT IN NO WAY CUTS INTO THE PROPERTY TAX THAT'S GENERATED BY WIND TURBINES. SO WITH THAT, I'LL WAIT AND WE'LL TALK SOME MORE. THANK YOU. [LB824]

SENATOR COASH: THANK YOU, SENATOR HAAR. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, AS WE SIT HERE AND LOOK AT THE AMENDMENT THAT SENATOR FRIESEN HAS PUT UP THERE, I THINK IT, AS I LOOK AT IT, IT SHOULD BE CLEAR TO EVERYONE THAT THIS IS NOT A FRIENDLY AMENDMENT. AND AS SUCH, IT NEEDS TO BE VOTED DOWN. SO THERE'S THAT. AND I WILL SAY WE'VE BEEN GOING AROUND AND DOING SOME VOTE COUNTING HERE OFF OF THE LAST VOTE. AND IF EVERYBODY STICKS WHERE THEY SAY THEY ARE, WE BELIEVE WE HAVE THE VOTES FOR CLOTURE. WE'D, YOU KNOW, WE'D BE HAPPY TO MOVE THAT UP A LITTLE BIT AND TAKE THAT VOTE IF EVERYBODY WANTS. BUT I THINK THAT IT'S IMPORTANT TO UNDERSTAND THAT, YOU KNOW, THE EFFECTS THAT EVERYBODY IS WORRYING ABOUT HAPPENING TO THE PUBLIC POWER IF THERE'S WIND DEVELOPMENT HERE IN THE STATE OF NEBRASKA OR, FOR THAT MATTER, ANY RENEWABLE DEVELOPMENT, I THINK IT SERVES US WELL TO UNDERSTAND THAT THE THINGS THAT THEY'RE WORRIED ABOUT ARE ALREADY HAPPENING. AND THE OCCURRENCE OF THAT, SOME OF IT, IS DIRECTLY BECAUSE OF ALL THE DEVELOPMENT THAT HAS GONE ON WHEREVER ELSE. OTHER PARTS OF IT ARE PROBLEMS THAT HAVE NOTHING TO DO WITH THE ENERGY PRODUCED. IT HAS TO DO WITH MOVING THE ENERGY FROM ONE PLACE TO THE OTHER, CONGESTION. THAT'S WHY A LOT OF TIMES NEBRASKA AND THEIR POWER, THEIR ELECTRICITY, TAKES THE LAST SEAT TO GET SOLD BECAUSE IT'S SO HARD TO GET THE ENERGY TO WHERE THAT IS. SO THAT MEANS WE NEED MORE TRANSMISSION. WELL, LET'S TALK ABOUT THAT FOR A MINUTE. IF WE HAVE TRANSMISSION, WHO'S GOING TO PAY FOR THAT? SENATOR GROENE WAS RIGHT ABOUT THAT. IT'S SPLIT BETWEEN THE SOUTHWEST POWER POOL. BUT I'M GOING TO TELL YOU, IF YOU CAN FIND PARTNERS SUCH AS PRIVATE DEVELOPERS THAT WANT TO DO RENEWABLE ENERGY AND GET THEM TO PARTNER ON TRANSMISSION, THAT CHEAPENS IT UP FOR EVERYONE. IT COULD ALLEVIATE SOME OF THAT CONGESTION AND IT COULD GIVE US THE OPPORTUNITY TO MOVE MORE OF OUR CONVENTIONALLY PRODUCED POWER WHERE YOU CAN GET A BETTER PRICE FOR IT. SO BE VERY CAREFUL ABOUT WHAT YOU TALK ABOUT WHEN YOU TALK ABOUT ELECTRICITY SALES AND

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MARKETING AS IT IS IN THE SOUTHWEST POWER POOL. BUT WE NEED TO REMEMBER, STATE OF NEBRASKA DOESN'T ONLY JUST DEAL WITH THE SOUTHWEST POWER POOL. STATE OF NEBRASKA, ON THE VERY WESTERN EDGE, IS...GETS INTO WAPA. SO WE HAVE OPPORTUNITIES TO GO WEST, WE HAVE OPPORTUNITIES TO GO SOUTH, WHICH A LOT OF STATES DON'T HAVE BECAUSE THE SPLIT IN THE GRID IS RIGHT THERE IN THE WESTERN PART OF THE STATE, EAST-WEST GRID. MORE OPPORTUNITIES... [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR SCHILZ: ...FOR FOLKS. SO WHAT I WOULD ASK IS THAT WE PLEASE VOTE DOWN SENATOR FRIESEN'S AMENDMENT, AND THEN WE MOVE FORWARD. WE DON'T WANT TO TAKE UP A LOT MORE TIME. I THINK THAT IT SHOULD BE NOTED THAT WE VERY MUCH APPRECIATE THE FACT THAT WE ARE ABLE TO HAVE THIS DISCUSSION ON THE FLOOR AND WE APPRECIATE THE SUPPORT THAT'S BEEN SHOWN SO FAR. AND WHEN WE DO COME UP FOR A VOTE HERE, I WOULD ASK THAT EVERYBODY SHOW THAT STRENGTH BY VOTING NO ON THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR SCHILZ. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. SENATOR McCOLLISTER WAIVES. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AND, SENATOR SCHILZ, I WILL...EVENTUALLY HERE WE WILL HAVE TO MAKE A DECISION. THERE'S JUST A FEW OTHER THINGS THAT I THINK EVERYBODY, UNLESS YOU'VE ALREADY PROMISED YOUR VOTE AND YOUR MIND IS MADE UP, BUT I THOUGHT WE WERE GOING TO HAVE A DISCUSSION ON THE MERITS OF WIND. AND NOW SUDDENLY IT'S JUST LET'S MOVE IT FORWARD; WE'RE RUNNING OUT OF TIME. WE REALLY DON'T WANT TO TALK ABOUT THE ISSUES; WE JUST WANT TO TALK ABOUT THE ECONOMIC DEVELOPMENT ASPECT OF THIS. AND I WILL...YOU KNOW, IT IS VERY SELECTIVE PROPERTY TAX RELIEF. AND I DON'T HAVE A DOG IN THIS FIGHT. THERE WILL BE NO WIND FARMS IN MY AREA. WITH CENTER PIVOTS AND IRRIGATED FARM GROUND THE WAY IT IS, THERE WILL BE NO WIND FARMS. I'M NOT CONCERNED ABOUT LOOKING OUT MY WINDOW TO SEE THEM. BUT I AM CONCERNED ABOUT THOSE OTHER INNOCENT CITIZENS THAT WILL HAVE TO PUT UP WITH THIS. BUT FIRST OF ALL, I WILL TALK ABOUT...A LITTLE BIT ABOUT GEORGE TAYLOR. AS A Ph.D., HE DID AN ARTICLE ABOUT "THE HIDDEN COSTS OF WIND ELECTRICITY," AND WHY THE FULL COST OF WIND GENERATION IS

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UNLIKELY TO MATCH THE COST OF NATURAL GAS, COAL, OR NUCLEAR GENERATION. AND IT'S A VERY DETAILED STUDY AND HE GOES THROUGH AND TALKS ABOUT THE WIND PORTION OF WHAT WE COULD BE DOING. AND HE TALKS ABOUT CONSERVATIVE ESTIMATES SHOWS, IF YOU BACK OUT TWO OF THE SUBSIDIES, THEY REVEAL THAT THE FULL COST OF WIND ELECTRICITY IS NEARLY TWICE WHAT THE ENERGY INFORMATION ADMINISTRATION REPORTED IN ITS RECENT ANNUAL ENERGY OUTLOOK, THREE TIMES THE COST OF NATURAL GAS-FIRED ELECTRICITY, 40 TO 50 PERCENT HIGHER THAN THE EIA'S ESTIMATES FOR THE COST OF NUCLEAR OR COAL GENERATION ELECTRICITY FROM NEW GENERATION FACILITIES. AND HE GOES THROUGH A VERY DETAILED PROCESS OF ANALYZING THE COST OF WIND ENERGY. AND SO, YOU KNOW, WHEN WE WERE...THE COMMITTEE WAS MEETING, NUMEROUS PEOPLE MET. THEY WERE TESTIFYING AND AKSAMIT ENTERPRISES (SIC--RESOURCE MANAGEMENT) CAME, AND HE WANTED TO DEVELOP NATURAL GAS. HE PROMISED NATURAL GAS GENERATION AND HE WOULD BRING IN A 10-YEAR GUARANTEED PRICE, I BELIEVE, FOR 30 PERCENT UNDER THE COST OF WHAT WE'RE CURRENTLY DOING THAT. AND SO, TO ME, IF WE WANT TO LOOK AT SOMETHING THAT IS STABLE, RELIABLE, AND CHEAP, MAYBE WE SHOULD BE LOOKING AT THAT. HE SAID WIND GENERATION ALSO IMPOSES INEFFICIENCIES ON PRIMARY FOSSIL PLANTS. IT REQUIRES ADDITIONAL RESERVES IN ORDER TO MAINTAIN SYSTEM RELIABILITY. WIND CANNOT SAVE 100 PERCENT OF THE FUEL THAT WOULD OTHERWISE HAVE BEEN CONSUMED. THIS SHORTFALL HAS BEEN COUNTED IN MOST COST OF ELECTRICITY TABLES, ALTHOUGH HAS NOT BEEN REPORTED AS A COST INTERMITTENCY IN THE STUDIES ON WIND GENERATION. WHILE THE "LEVELIZED" COSTS ARE NOT NECESSARILY ACCURATE ESTIMATES FOR A WHOLESALE PRICE OF ELECTRICITY, THEY ARE DESIGNED TO ENABLE THE COST OF VARIOUS OPTIONS TO BE COMPARED OVER THEIR RESPECTIVE LIFETIMES. AND SO WHEN WE'RE TALKING ABOUT THE LEVELIZED COST, THAT'S...IT GIVES OPERATING PLANT LIFETIME, LIKE YOU'D HAVE COAL, YOU'D HAVE A LIFE SPAN THAT IT'S EXPECTED TO LAST, AND WIND GENERATION, THAT'S HOW LONG THEY'RE SUPPOSED TO LAST. BECAUSE THE LOCATIONS ARE REMOTE FROM THE MAJOR CITIES WHERE ELECTRICITY IS NEEDED, WIND ALSO REQUIRES NEW LONG-DISTANCE TRANSMISSION LINES WHICH WERE RARELY NECESSARY BEFORE. SO THE PLACES WHERE WE SHOULD PUT WIND FARMS, UP IN CHERRY COUNTY AND SOME OF THOSE PLACES, IF YOU LOOK AT SOUTHWEST POWER POOL AND HOW IT'S SITUATED NOW WITH SURPLUS GENERATION,...

[LB824]

SENATOR COASH: ONE MINUTE. [LB824]

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SENATOR FRIESEN: ...WE CURRENTLY HAVE APPROXIMATELY 25 PERCENT SURPLUS GENERATION IN THE SOUTHWEST POWER POOL WITH THAT. NEBRASKA HAS 25 PERCENT SURPLUS GENERATION. AND SO THAT'S WHY WE'RE NOT HAVING NEW DEVELOPMENT COME IN. THEY CAN'T SELL THEIR POWER. AND THIS ISN'T ABOUT THE EXPORT OF ELECTRICITY. WE ARE IN A BOTTLENECK. THE REASON WE CAN'T GET ELECTRICITY OUT OF THIS STATE IS BECAUSE OF TRANSMISSION LINES. WE CAN'T GET THE ELECTRICITY WHERE IT NEEDS TO BE. AND SO THEREFORE, WHEN WE WILL...ALL WE WILL DO IS DUMP IT ON OUR GRID AND THE BOTTLENECK WILL NOT ALLOW US TO EXPORT ANY MORE THAN WE CURRENTLY ARE WITHOUT NEW GENERATION. SO THESE WINDFARMS CAN COME IN. IN A MATTER OF MAYBE 18 MONTHS THEY COULD BUILD AND IT TAKES ABOUT SIX TO EIGHT YEARS TO GET A NEW TRANSMISSION LINE BUILT THAT CAN HANDLE THIS CAPACITY. AND SO THE WIND GENERATION IS GOING TO BE LOCATED WHEREVER IT'S MORE CONVENIENT TO HOOK INTO A TRANSMISSION LINE RATHER THAN IN THE BEST LOCATION FOR WIND GENERATION. [LB824 LB824]

SENATOR COASH: TIME, SENATOR. TIME. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. (VISITORS INTRODUCED.)
SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THIS IS ABOUT ENERGY. IT'S ALSO ABOUT A STATE THAT HAS A LOT OF AG GOING FOR IT, LITTLE INSURANCE IN OMAHA, MAYBE A MED CENTER, IN DESPERATE NEED TO DEFINE ITSELF INTO THE TWENTY-FIRST CENTURY. CLEARLY, WE WILL NOT DEFINE OURSELVES AS BEING THE STATE OF THE WINDMILL, EVEN THOUGH THAT WAS AN OLD SYMBOL OF OUR STATE. HOW CAN WE TAKE WHAT APPARENTLY IS A REAL WANT BY SOME ECONOMIC FORCES TO HAVE THIS BILL PASSED, AND COUPLE WHAT HAS TO BE SUBSTANTIAL WEALTH OF THOSE FORCES WITH OUR PUBLIC POWER COMPANIES, WITH MAYBE SOME OF OUR CASH RESERVE, WITH SOME OF OUR PENSION FUNDS OR ABILITY TO ORGANIZE OUR WASTED CAPITAL THAT'S SITTING OUT THERE AT 1 PERCENT INTEREST? HOW CAN WE TAKE WHAT WE KNOW ARE THREE NUCLEAR PHENOMENA AND TRY TO DEVELOP THOSE TO BE THE NUCLEAR STATE? WE KNOW LOCKHEED MARTIN, A HIGHLY CREDIBLE ORGANIZATION, CLAIMS THAT IT'S MAKING GREAT PROGRESS ON HOT FUSION. WE KNOW A 40-YEAR-OLD

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TECHNOLOGY IN THORIUM REACTORS THAT WE DIDN'T DEVELOP BECAUSE URANIUM PRODUCED PLUTONIUM, WHICH WAS FUN TO BOMB THE RUSSIANS WITH, BUT THAT TECHNOLOGY EXISTS. WE KNOW THERE'S THIS ODD PHENOMENA WHERE YOU MIX SOME COMMON CHEMICALS TOGETHER AND IT GLOWS FAR HOTTER AND FAR LONGER THAN CAN BE EXPLAINED BY ANY CHEMICAL PROCESS. WE HAVE TWO PUBLIC POWER COMPANIES THAT ARE OF GENERATION CAPACITY OF SIGNIFICANCE WHO ARE NOW JUST WANDERING IN THE DARK, TRYING TO BE GOVERNMENT-LIKE ADMINISTRATIVE BODIES RUNNING SOME OLD POWER PLANTS. HOW CAN WE FIND OURSELVES THE WILL TO PUT IT ALL TOGETHER, KNOWING THAT THE OBJECT OF THIS BILL, SOME PINWHEELS ON THE PRAIRIE, IS JUST REALLY KIND OF A TAX GIMMICK? AND, YES, I THINK YOU CAN USE THE ADVANTAGE ACT IF YOU GIMMICK IT RIGHT, BECAUSE YOU CAN TAKE THE STATE WITHHOLDING OF YOUR EMPLOYEES AND KEEP THAT UNDER THE ADVANTAGE ACT. AT LEAST THAT'S THE WAY I UNDERSTAND HOW THE THING WORKS. IT'S NOT JUST CONFINED TO SALES TAX. BUT HOW CAN WE PUT IT TOGETHER? IT'S A DARN SHAME THAT WE'RE HERE ON THE FLOOR OF THE LEGISLATURE TRYING TO FIGURE OUT WHAT IS RIGHT IN THE BIG SCHEME OF THINGS AND THAT WE DON'T HAVE BETTER FORUMS TO DISCUSS THESE THINGS WITH OUR SUBSTANTIAL CAPITAL PARTNERS IN OMAHA, WITH OUR PENSION FUNDS, WITH OUR PRIVATE INVESTORS. HOW DOES IT WORK? I THINK I'M GOING TO PLACE A BET. I THINK I'M GOING TO BET MY CLOTURE VOTE THAT WE CAN MAKE IT WORK AND THAT THE FOLKS IN OMAHA WHO CONTROL SUBSTANTIAL CAPITAL IN THIS STATE ARE IN THE GAME OF ENERGY FOR MORE THAN A TAX WRITE-OFF. I'M GOING TO VOTE FOR CLOTURE. THANK YOU. [LB824]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB824]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I'VE NEVER HEARD QUITE A CLOSING AS THAT, AS "PROFESSOR" SCHUMACHER ENDED UP. I MIGHT USE THAT SOMETIME. I JUST WANTED TO ADDRESS A COUPLE THINGS HERE. AS I CAME TO THIS ENERGY DISCUSSION AMONGST MYSELF IN THE LAST FOUR YEARS, I REFLECTED A LITTLE BIT ABOUT SOME TRAVEL THAT I HAD. I TRAVELED TO BRAZIL 30 YEARS AGO AND IT WAS SO INTERESTING TO ME. THEIR ENERGY POLICY AT THAT TIME WAS VERY CLEAR. THEY WERE NOT ABOUT TO IMPORT ONE DROP OF OIL IN THE WHOLE ENTIRE COUNTRY OF BRAZIL IF THEY COULD AVOID IT. THEY HAVE A SMALL OIL SUPPLY, BUT WHAT THEY WERE BOUND AND DETERMINED TO DO, THEY CHANGED THEIR ENERGY POLICY SO THAT ETHANOL WAS THEIR MAIN DRIVER. THEY DERIVE ETHANOL THROUGH SUGARCANE--EVEN MORE LUCRATIVE, MORE REFINED THAN CORN-BASED

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ETHANOL IN NEBRASKA. BUT IT WAS INTERESTING WHEN I TRAVEL AROUND THE COUNTRY, THEY TALKED ABOUT THERE WAS A FEW ETHANOL PUMPS AND THERE WAS GASOLINE PUMPS. ETHANOL TO THEM WAS 100 PERCENT ETHANOL, WHERE WE THINK OF TODAY IN ETHANOL IN NEBRASKA IT'S EITHER 10, 15, OR 20 PERCENT, AND 85 IF YOU'VE AN E-85 VEHICLE. THAT WAS A POLICY DECISION THAT THEY MADE, I THINK IT WAS IN THE '70s. THEY LIVED BY IT. THEY MADE IT WORK. AND THAT WAS SO IMPRESSIVE TO ME. I CAME BACK TO NEBRASKA. I WAS HIGHLY INVOLVED IN THE CORN GROWERS AT THAT TIME THROUGH ETHANOL, AND IT WAS A BATTLE, A TOTAL BATTLE. I WAS IN D.C.; IT WAS A BATTLE TO GET US TO 10 PERCENT. IT WAS A BATTLE WITH THE RFS, THE FUEL STANDARD ISSUES. BUT ALL OF THESE DISCUSSIONS ARE GOOD TO HAVE BECAUSE THEY'RE TALKING ABOUT WHAT ARE PRIORITIES FOR US IN NEBRASKA, WHAT ARE PRIORITIES FOR US IN THE UNITED STATES. AND ENERGY IS SUCH A PRIORITY FOR US. ANOTHER EXAMPLE OF ENERGY THAT'S TOTALLY DIFFERENT, IN THE EUROPEAN UNION, I BELIEVE IT'S FRANCE OR SPAIN, 98 PERCENT OF THEIR POWER IS GENERATED BY NUCLEAR POWER. THEY'VE MADE A POLICY THAT THAT'S WHAT THEY'RE GOING TO FOLLOW. AND IF YOU THINK ABOUT THE GREEN REVOLUTION, YOU WOULD NOT BELIEVE THAT NUCLEAR POWER WOULD THRIVE IN EUROPE. IT'S MY UNDERSTANDING IT STILL DOES. THIS IS A DECISION THAT WE HAVE TO COME TO IN NEBRASKA, BUT THE FEDS HAVE A PART OF WHAT WE'RE DECIDING. THIS IS A BIG DECISION. AND WHAT SENATOR SCHNOOR MENTIONED TO ME EARLIER WAS THAT I SAID THAT THIS WAS THE BIGGEST DECISION. I HOPE I DIDN'T SAY THAT. IF I DID, I APOLOGIZE. THIS IS ONE OF THE BIGGEST DECISIONS THAT WE NEED TO MAKE IN THE STATE OF NEBRASKA. OUR ENERGY POLICY IS REFLECTIVE OF WHAT WE BELIEVE IN OUR PRIORITIES. AND PERSONALLY, I CAME TO THE CONCLUSION TWO YEARS AGO THAT THE CUSTOMER IS WAY MORE INVOLVED IN THAT DECISION THAN I EVER GAVE IT CREDIT FOR. WE ARE LOSING PEOPLE THAT WON'T COME TO NEBRASKA TO INVEST BECAUSE WE AREN'T THAT INVESTED IN RENEWABLES. NOW I'VE ALSO HEARD ANOTHER DISCUSSION ON FLOOR A LITTLE BIT ABOUT LOCAL CONTROL. AND I'M NOT EXACTLY SURE HOW IT WORKS, BUT I'M ASSUMING THAT THE ZONING ISSUES TAKE CARE OF THE LOCAL CONTROL OF WHERE THE WINDMILLS ARE BUILT. I THINK I'M GOING TO REFER THE REST OF MY TIME TO SENATOR DAVIS, IF HE'S IN THE BUILDING. WELL, SENATOR DAVIS COULD BE ALLOWED TO HAVE MY TIME. I'D YIELD MY TIME TO SENATOR DAVIS. [LB824]

SENATOR COASH: SENATOR DAVIS, 2:00. [LB824]

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SENATOR DAVIS: THANK YOU, SENATOR WATERMEIER. APPRECIATE YOU GIVING ME A LITTLE TIME HERE TO TALK ABOUT THIS ISSUE. AND YOU MADE SUCH GOOD POINTS ALL DAY, EVERYTHING THAT YOU'VE SAID. THIS IS REALLY AN INCREDIBLY PRO BUSINESS APPROACH BY TAKING THESE REGULATIONS OFF AND LETTING THE MARKET WORK THE WAY IT SHOULD BE ABLE TO DO SO THAT NEBRASKA, WHICH IS KIND OF THE SAUDI ARABIA OF THE NORTHERN PLAINS IN TERMS OF WIND, HAS A CHANCE TO DEVELOP IT. IT'S A GREAT OPPORTUNITY FOR US. BUT I HAVE, IN MY VISITS AROUND THE FLOOR TODAY, I HAVE HEARD FROM PEOPLE WHO SAY, WELL, YOU KNOW, I'M GETTING A FEW PEOPLE WHO SAY I DON'T REALLY WANT WIND DEVELOPMENT IN MY COUNTY. I DON'T WANT WIND DEVELOPMENT NEXT TO MY HOME. I DON'T WANT WIND DEVELOPMENT HERE OR THERE. FOLKS, THAT IS NOT A DECISION THAT THIS LEGISLATURE SHOULD BE MAKING, BECAUSE THERE ARE PARTS OF THE STATE THAT WANT THIS DEVELOPMENT VERY MUCH AND THEY'RE GOING TO PROACTIVELY DEVELOP IT. BUT THIS IS A LOCAL ZONING DECISION, PURE AND SIMPLE. IF YOU DON'T WANT THAT IN YOUR COUNTY, THEN YOU GO TO YOUR COUNTY BOARD AND YOU GO TO YOUR ZONING BOARD AND YOU SAY, YOU KNOW, WE NEED TO DO SOMETHING TO RESTRICT HOW CLOSELY THESE FARMS...THESE WINDFARMS ARE TO... [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR DAVIS: ...MY RESIDENCE. THANK YOU, MR. PRESIDENT. AND THAT'S THE WAY IT'S DONE. IT WAS DONE HERE IN LANCASTER COUNTY LAST YEAR. I DIDN'T THINK...I WAS UNSATISFIED WITH THE RESULTS BUT I RECOGNIZE THE PROCESS THAT THEY WENT THROUGH WAS A GOOD ONE BECAUSE EVERYBODY GOT A LITTLE BIT OF A PIECE OF SOMETHING. THAT'S THE WAY DECISIONS ARE MADE. THE LEGISLATURE SHOULD HAVE NOTHING TO DO WITH A DECISION THAT REALLY IS A LOCAL ONE, AND THAT'S WHAT WE'RE GOING TO DO IF WE CAN TAKE THESE REGULATIONS OFF AND MOVE FORWARD. SO SOME QUESTIONS CAME ABOUT, ABOUT THE BILL FROM A SENATOR HERE ABOUT HOW IS THE BILL DIFFERENT...THE AMENDMENT DIFFERENT FROM THE BILL. YES, SOMEWHAT, AND THOSE CHANGES CAME ABOUT BY DISCUSSIONS WITH PUBLIC POWER, WHO HAD CONCERNS ABOUT ONE THING OR ANOTHER. SO I THINK I'VE TRIED TO ANSWER THAT... [LB824]

SENATOR COASH: TIME. [LB824]

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SENATOR DAVIS: ...LOCAL ISSUE. THANK YOU, MR. PRESIDENT. PLEASE MOVE THE BILL. [LB824]

SENATOR COASH: THANK YOU, SENATOR DAVIS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR KEN HAAR WOULD YIELD TO A QUESTION OR TWO. [LB824]

SENATOR COASH: SENATOR HAAR, WILL YOU YIELD? [LB824]

SENATOR HAAR: YES. [LB824]

SENATOR BLOOMFIELD: THANK YOU, SENATOR HAAR. IF WE GET THESE WINDMILLS BUILT AND WE HAVE TO BUILD GENERATION THROUGH TRANSMISSION LINES, IS EMINENT DOMAIN GOING TO BE IN PLAY TO GET THAT TRANSMISSION LINE ACROSS PRIVATE PROPERTY THAT DOESN'T NECESSARILY WANT THEM? [LB824]

SENATOR HAAR: IT'S VERY CLEAR, AND THAT'S ONE OF THE THINGS THAT'S CLARIFIED IN AM2720 IS THAT ONLY PUBLIC POWER HAS THE RIGHT OF EMINENT DOMAIN. THESE PRIVATE DEVELOPERS DOES NOT. AND IN FACT, IT KIND OF GOES BACK TO SPP. WHEN A WIND DEVELOPER WANTS TO DEVELOP A WINDFARM, THEY HAVE TO GO THROUGH SPP UNLESS IT'S A REALLY SMALL ONE, THAT 80...BUT EVEN THERE I THINK THEY HAVE TO GO THROUGH SPP. SPP IS THE GATEKEEPER. THEY ARE DEPENDED ON AND, IN FACT, THEY'RE CHARGED WITH DEPENDABILITY, SO THEY ARE NOT GOING TO BUILD, ALLOW FOR SOMETHING TO BE BUILT WHERE THE TRANSMISSION CAN'T BE HANDLED. [LB824]

SENATOR BLOOMFIELD: SO IF NPPD HAS TO BUILD A TRANSMISSION LINE, THEY CAN, IN FACT, USE EMINENT DOMAIN. [LB824]

SENATOR HAAR: YES, THEY CAN. [LB824]

SENATOR BLOOMFIELD: THANK YOU. [LB824]

SENATOR HAAR: YEAH. YEAH. [LB824]

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SENATOR BLOOMFIELD: THANK YOU, SENATOR. I HAVE ANOTHER QUESTION FOR YOU, SENATOR HAAR. THESE CONTRACTS WHEN SIGNED, DO ANY OF THEM HAVE CONFIDENTIALITY CLAUSES IN THEM? [LB824]

SENATOR HAAR: THE...TELL ME WHICH CONTRACTS, WITH SPP OR THE OWNER? -- [LB824]

SENATOR BLOOMFIELD: THE CONTRACTS WITH THE OWNER, THE LANDOWNER, TO BUILD THE TOWER ON IT. IS THERE CONFIDENTIALITY CLAUSES HIDDEN AWAY IN THOSE? [LB824]

SENATOR HAAR: THAT I DON'T KNOW. AND... [LB824]

SENATOR BLOOMFIELD: OKAY. [LB824]

SENATOR HAAR: ...WELL, YOU KNOW, THE THING THAT FARMERS UNION HAS BEEN WORKING WITH, FARMERS WHO WANT TO FARM THE WIND FOR YEARS, IS GET A GOOD LAWYER BECAUSE THIS IS A CONTRACT JUST LIKE IF YOU HAVE OIL DEVELOPED ON YOUR LAND OR WHATEVER. YOU HAVE TO GET A GOOD LAWYER. AND ONE OF THE BEST WAYS TO DO THIS IS TO FORM ORGANIZATIONS LIKE THEY'VE DONE IN CHERRY COUNTY WHERE A WHOLE GROUP OF PEOPLE GETS TOGETHER AND THEY DEVELOP CONTRACTS WITH A LAWYER--REALLY IMPORTANT. [LB824]

SENATOR BLOOMFIELD: OKAY. THANK YOU, I'VE GOT AN AMENDMENT DROPPED IN THERE NOW THAT WILL MAKE IT NECESSARY TO ANSWER THAT QUESTION ABOUT CONFIDENTIALITY CLAUSES. WE SAW THOSE WHEN WE WERE FIGHTING LB176 AND WE FINALLY GOT IT CLEAR THAT THERE COULDN'T BE ANY. AND I WOULD LIKE TO SEE US DO THE SAME THING WITH THIS, IF IT'S GOING TO FORWARD. SO THANK YOU, SENATOR HAAR. [LB824 LB176]

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. SENATOR FRIESEN, THERE ARE NO OTHER LIGHTS ON. WOULD YOU LIKE TO USE THIS OPPORTUNITY TO CLOSE? [LB824]

SENATOR FRIESEN: NOT YET. [LB824]

SENATOR COASH: YOU'RE RECOGNIZED. [LB824]

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SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. CONTINUING BACK WITH THE REPORT, WHY HAS THE FULL COST OF WIND ENERGY, WIND GENERATION NOT BEEN REPORTED? WE CAN IDENTIFY THREE REASONS WITH REGARD TO THE FAILURE TO REPORT THE COSTS OF CAPITAL OPERATIONS AND MAINTENANCE OF THE FOSSIL PLANTS THAT MUST BE PAIRED WITH WIND, AND THE REASON APPEARS TO BE THE FORCE OF HABIT. SINCE ALL PREVIOUS FACILITIES WERE ABLE TO OPERATE INDEPENDENTLY, THE AUTHORS OF THE COSTS OF ELECTRICITY REPORTS NEVER HAD TO CONSIDER THE COSTS THAT ONE TECHNOLOGY MIGHT IMPOSE ON ANOTHER TECHNOLOGY WHICH WAS REQUIRED TO OPERATE IN PARALLEL, AND THAT'S WHAT YOU'RE HAVING WHEN YOU ADD...YOU HAVE THREE GENERATING PLANTS GENERATING THAT SAME KILOWATT. SO WITH RESPECT TO THE EXTRA FUEL CONSUMPTION THAT WIND IMPOSES ON FOSSIL PLANTS, THE FAILURE TO REPORT STEMS FROM A LACK OF CREDIBLE INFORMATION. REGULATORS HAVE NOT BEEN ABLE...HAVE NOT REQUIRED UTILITIES OR REGIONAL SYSTEM OPERATORS TO CALCULATE AND REPORT AND HOW MUCH FOSSIL FUEL WIND HAS SAVED. RESEARCH PAPERS HAVE REPORTED CERTAIN RESULTS BASED ON WIND GENERATION MODELS, BUT FEW HAVE USED THE ACTUAL WIND GENERATION DATA AND NONE HAVE TAKEN ALL THESE FACTORS INTO ACCOUNT. SO WHEN YOU LOOK AT THIS, YOU KNOW, IF WE'RE THINKING ABOUT GLOBAL WARMING OR THE EMISSIONS OF CO2 EMISSIONS IN THE AIR, WIND GENERATION IS NOT GOING TO CHANGE THAT. THOSE COAL-FIRED POWER PLANTS WILL CONTINUE TO OPERATE, CONTINUE TO BURN COAL BECAUSE THEY CAN'T SHUT DOWN. WHEN A COAL FACILITY SHUTS DOWN, IT'S HARD ON THE EQUIPMENT, IT'S HARD ON THE PLANT, AND SO THEY DON'T LIKE TO SHUT OFF TURBINES. SO THEY WILL KEEP THEIR SMOKESTACK GOING. THEY WILL KEEP HEAT IN THE BOILER BECAUSE IT TAKES TOO LONG TO CRANK BACK UP. SO WE'RE NOT SAVING ON FOSSIL FUELS, WE'RE NOT PUTTING LESS CO2 IN THE AIR. THOSE PLANTS ARE STILL GOING TO BE OPERATING IN THE BACKGROUND, IN JUST MORE INEFFICIENT MANNER. WHEN YOU TALKED ABOUT THE BRATTLE REPORT THAT SENATOR McCOLLISTER TALKED ABOUT, THERE'S QUITE A FEW THINGS THAT IT TALKS ABOUT IN THERE. AND IT MENTIONS, YOU KNOW, THAT NEBRASKA IS A PUBLIC POWER STATE AND THEY DO PROVIDE A CONSISTENT, LOW-COST ENERGY FOR US, THE RATEPAYER. BASICALLY WHAT LB824 DOES THEN WILL GUT THE REGULATORY AUTHORITY HELD BY THE NEBRASKA POWER REVIEW BOARD WHEN DEALING WITH PRIVATELY OWNED RENEWABLE GENERATION FACILITIES. THIS AUTHORITY IS BEING CONSTRUED AS HOLDING UNNECESSARY REGULATORY HOOPS THAT NEITHER PROTECT NEBRASKANS NOR CREATE NEBRASKA'S ECONOMIC DEVELOPMENT, WHICH IS ABSOLUTELY FALSE. THE NEBRASKA POWER REVIEW BOARD NOT ONLY ENSURES RELIABLE ELECTRIC POWER GENERATION; IT PROVIDES THE SAME OR

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SIMILAR REGULATORY AUTHORITY THAT IS COMMONLY EXERCISED BY STATE POWER REGULATORY BOARDS ACROSS THE UNITED STATES. WE ARE NOT STOPPING WIND GENERATION. THERE IS NO DEMAND FOR IT. QUOTING THE BRATTLE REPORT: THE BROADER REGIONAL MARKET FOR ADDITIONAL RENEWABLE GENERATION IS CURRENTLY SATURATED WHERE ZERO GIGAWATTS ARE NEEDED IN THE SOUTHWEST POWER POOL FOR WIND GENERATION THROUGH 2025. WE FIND THAT OTHER PERMITTING REQUIREMENTS IN NEBRASKA ARE NO MORE DIFFICULT THAN IN NEIGHBORING STATES AND THE DEVELOPERS GENERALLY ARE VERY POSITIVE IN THEIR FEEDBACK ON THEIR WORKING EXPERIENCE WITH THE POWER REVIEW BOARD. THE REPORT STATES THAT THE PERCEIVED REGULATORY ISSUES ARE DUE TO DEVELOPERS' LIMITED EXPERIENCE WITH THE POWER REVIEW BOARD, NOT UNNECESSARY REGULATORY TAPE. THERE IS A DIFFERENCE HERE. ACCORDING TO THE REPORT, WE HAVE 2,000 MEGAWATTS OF CAPACITY LEFT ON OUR GRID. THE NEBRASKA ENERGY WEB SITE SHOWS THAT THERE ARE 810... [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR FRIESEN: ...MEGAWATTS BEING GENERATED, AND AS OF TODAY 686 MEGAWATTS ARE UNDER CONSTRUCTION. WE ARE NOT STOPPING GENERATING CAPACITY. CURRENTLY, THERE'S ANOTHER 4,716 MEGAWATTS PROPOSED AND AWAITING A POWER PURCHASE AGREEMENT. AND WHEN SENATOR McCOLLISTER SAYS THAT THESE WIND GENERATION FACILITIES WON'T BE BUILT WITHOUT A POWER PURCHASE AGREEMENT, IT IS ABSOLUTELY FALSE. IF I'M WARREN BUFFET AND I'VE GOT THE BILLIONS OF DOLLARS IN CASH THAT HE HAS, HE WILL BUILD WIND GENERATION FACILITIES AND HE DOESN'T HAVE TO ASK A BANKER FOR A LOAN. HE WANTS THE TAX CREDITS. SO, YES, THIS IS ECONOMIC DEVELOPMENT. IT'S ECONOMIC DEVELOPMENT FOR WARREN BUFFETT. WE ARE GOING TO PROVIDE SOME EXCELLENT TAX CREDITS SO HE DOESN'T HAVE TO PAY TAXES. AND THAT'S A REALLY GOOD REASON TO CONTINUE WITH THIS. [LB824]

SENATOR COASH: TIME, SENATOR. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I DON'T THINK SENATOR FRIESEN WAS QUITE DONE THERE, SO I'M GOING TO YIELD MY TIME TO SENATOR FRIESEN. [LB824]

SENATOR COASH: SENATOR FRIESEN, 5:00. [LB824]

SENATOR FRIESEN: THANK YOU, SENATOR BLOOMFIELD. SO ACCORDING TO THE BRATTLE REPORT, THE COMMISSION INDICATED WE HAD ROOM FOR ONLY 2,000 MEGAWATTS AND THERE'S ALREADY 4,716 MEGAWATTS SITTING IN LINE, WAITING TO GET BUILT IF THEY CAN JUST FIND A PLACE TO SELL THE POWER. NOBODY WANTS IT. THEY CAN'T SELL IT. WHY WOULDN'T THE SOUTHWEST POWER POOL CONTRACT WITH THEM IF IT'S SUCH A CHEAP FORM OF ELECTRICITY? WHY DOESN'T ANYBODY SIGN CONTRACTS? IT'S A SIMPLE PROCESS. THE POWER REVIEW BOARD IS GOOD AT IT. WE'VE STILL GOT SOME DEVELOPMENT HAPPENING CURRENTLY. A POTENTIALLY SIGNIFICANT PORTION OF THIS COST WOULD LIKELY HAVE TO BE BORNE BY NEBRASKA UTILITIES AND THEIR CUSTOMERS. WE'RE TALKING ABOUT INFRASTRUCTURE UPGRADES. IN ADDITION TO THE UPGRADES THAT ARE ALREADY IN DEVELOPMENT, THERE'S GOING TO BE CONSIDERABLE MORE UPGRADES NEEDED BECAUSE WE ARE IN A SITUATION WHERE WE'RE A BOTTLENECK IN MOVING ELECTRICITY TO ANY OTHER AREAS. SO WE HAVE TO GET SOME GENERATION. IF WE'RE GOING TO PUT IN MORE GENERATION, IF IT'S ACTUALLY GOING TO MOVE ELECTRICITY ANYWHERE, WE NEED TO UPGRADE SOME LINES. SO WHAT THIS WILL DO WITHOUT A POWER PURCHASE AGREEMENT, THEY'RE JUST GOING TO DUMP IT ON OUR GRID AND IT WILL BE A LITTLE BIT LIKE RAISING CORN. IF I RAISE TOO MUCH CORN, THE PRICE GOES DOWN. AND AS THE PRICE GOES DOWN, WE HAVE FARMERS GO INTO BANKRUPTCY AND WE HAVE LESS CORN RAISED DOWN THE ROAD. AND LOW PRICES ARE THE CURE FOR LOW PRICES. WE PUT PEOPLE OUT OF BUSINESS. AND SO WHEN WE GENERATE TOO MUCH ELECTRICITY, WE ARE GOING TO BE DUMPING THIS ONTO OUR GRID AND THAT WILL IMPACT OUR COST OF ELECTRICITY. SO CURRENTLY A MAJORITY OWNER OF PRAIRIE BREEZE, THEY'RE A WINDFARM IN ANTELOPE, BOONE, AND MADISON COUNTIES OPERATED BY INVENERGY, MAJORITY OWNERSHIP BELONGING TO SUNEDISON. COMPANY OWNS 90 PERCENT OF INTEREST IN ALL THREE PRAIRIE BREEZE WINDFARMS. THEY'RE EXPECTED TO FILE FOR BANKRUPTCY PROTECTION IN THE COMING WEEKS. THE WALL STREET JOURNAL IS REPORTING THAT SUNEDISON, WHICH ANNOUNCED THE PURCHASE OF THE MAJORITY OWNERSHIP FROM INVENERGY JUST NINE MONTHS AGO, IS PREPARING A CHAPTER 11 FILING AND IS IN TALKS WITH TWO CREDITOR GROUPS TO OBTAIN LOANS TO FUND ITS OPERATIONS DURING THAT PROCESS. SO HERE WE HAVE OUR FIRST WINDFARM

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ALREADY IN BANKRUPTCY. I SUPPOSE THEY'VE COLLECTED THEIR TAX CREDITS AND NOW THEY WANT TO WALK AWAY. SO WHEN WE LOOK AT WHAT WE'RE DOING HERE, LET'S TALK ABOUT COMPREHENSIVE ENERGY DEVELOPMENT IN THE STATE. LET'S LOOK AT THE RAMIFICATIONS OF WHAT WE'RE DOING. IN THE SHORT TERM, THEY'RE VERY EASY TO SEE. IN THE LONGER TERM, IT'S VERY DIFFICULT TO ANTICIPATE WHAT CAN HAPPEN. WE DON'T KNOW WHAT OTHER ENERGY GENERATING SOURCES MIGHT COME UP, IF NATURAL GAS PRICES WILL STAY CHEAP, IF THE CLEAN POWER PLAN WILL BE APPROVED OR WHETHER THE COURTS WILL THROW IT OUT. WE HAVE NO CLUE OVER THAT. AND YET, WE'RE GOING TO OPEN THIS UP AND THESE COMPANIES WILL COME IN AND GET THEIR ENERGY PLANS STARTED. ONCE THEY EITHER START SIGNING A FEW CONTRACTS OR MOVING A LITTLE DIRT, THEY ARE CONSIDERED READY... [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR FRIESEN: ...FOR THE TAX CREDITS. THANK YOU, MR. PRESIDENT. AND SO WHAT THEY WILL DO IS START TO SIGN A FEW CONTRACTS WITH SOME LANDOWNERS. AND I'LL GO THROUGH SOME OF THAT LATER. I'VE GOT A COUPLE CONTRACTS HERE THAT ARE KIND OF INTERESTING. BUT ONCE THEY'VE STARTED CONSTRUCTION, WHICH MEANS THAT MAYBE THEY JUST PUT IN AN ORDER FOR A COUPLE WINDMILLS DOWN THE ROAD, THEY'RE CONSIDERED UNDER CONSTRUCTION. SO WE WILL...AT THAT POINT, THEIR CLOCK STARTS TICKING AND THEY'RE GOING TO BE BRINGING IN THE TAX CREDITS. AND SO NOW WHEN WE SEE WINDFARMS ALREADY PREPARING TO DECLARE BANKRUPTCY, MAYBE THERE WILL BE MORE TO FOLLOW, MAYBE NOT. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB824]

SENATOR PANSING BROOKS: QUESTION. [LB824]

SENATOR COASH: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB824]

CLERK: 25 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB824]

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SENATOR COASH: DEBATE DOES CEASE. SENATOR FRIESEN, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AGAIN, ALL I'M DOING HERE IS ASKING YOU TO INCLUDE NATURAL GAS IN THIS PROCESS. WE WANTED TO HAVE A DISCUSSION ON ENERGY IN NEBRASKA. LET'S HAVE THAT DISCUSSION. THIS IS IN A WONDERFUL PLACE TO DO IT. I'M NOT HEARING MUCH ENGAGEMENT ON THE NATURAL GAS PORTION OF IT, SO I'M A LITTLE DISAPPOINTED THAT MAYBE WE DON'T WANT TO INCLUDE THAT IN OUR GENERATING CAPACITY. SO ANOTHER THING YOU'RE DOING WHEN YOU ELIMINATE THE POWER REVIEW BOARD, YOU'RE REMOVING THE RATEPAYERS' PROTECTION IN THE PROCESS FOR NEW CONSTRUCTION, POWER GENERATION, AND TRANSMISSION, WHILE ALLOWING THESE NEW FACILITIES TO COMPETE DIRECTLY WITH OUR PUBLIC UTILITIES ON A REGIONAL BASIS, RESULTING IN HIGHER RATES FOR NEBRASKANS. FOR INSTANCE, THE REMOVAL OF THE REQUIRED PPA COULD RESULT IN STRANDED COSTS OR FACILITIES THAT HAVE NO OUT-OF-STATE PLACE TO SELL THEIR POWER, WHICH IS CURRENTLY WHERE WE'RE AT BECAUSE NO ONE CAN GET A POWER PURCHASE AGREEMENT. NO ONE NEEDS ELECTRICITY. I'VE STATED IN THE PAST, WE'RE 25 PERCENT SURPLUS CURRENTLY AND I DON'T THINK THAT ADDING ANOTHER 50,000 MEGAWATTS OR SO IS GOING TO HELP THAT MATTER ANY. NO RATIONAL BUSINESS OWNER STARTS A BUSINESS WITHOUT FIRST HAVING A MARKET FOR THEIR PRODUCT, AND THAT IS WHAT THE PPA IS REQUIRING--AN ASSURANCE THAT BUSINESSES WILL SUCCEED AND NOT BECOME A BURDEN AS IN THE STRANDED ASSETS. AND AGAIN, THE BRATTLE REPORT STATED THERE IS NO NEED FOR ADDITIONAL WIND POWER GENERATION IN THIS SPP THROUGH 2025. THAT'S A FEW YEARS DOWN THE ROAD. THE MARKET IS SATURATED. WHERE THEN WILL THESE FACILITIES TURN TO SELL THEIR HEAVILY SUBSIDIZED POWER, AND WHO IS THAT GOING TO HURT THE MOST? THOSE ARE THE QUESTIONS I CONTINUE TO ASK AND NPPD HAS NOT BEEN ABLE TO ANSWER THAT QUESTION. OUR LONGSTANDING PUBLIC POWER INDUSTRY AND THEIR CUSTOMERS, THAT'S WHO WILL PAY FOR THIS, AND IT'S NOT A GOOD PLAN. THE POWER REVIEW BOARD ENSURES THE FOLLOWING: THAT THE NEW FACILITIES HAVE A PUBLIC BENEFIT. THAT'S SIMPLE. IF THEY'RE NEEDED, THEY WOULD GET BUILT. THE OTHER REQUIREMENT IS THERE'S AN INTENT OF THE PPA...OF A PPA FOR AN OUT-OF-STATE PURCHASE FOR AT LEAST 90 PERCENT OF THEIR POWER OUTPUT. THEY'VE NOT BEEN ABLE TO SELL THIS POWER BECAUSE OF THE BOTTLENECK IN TRANSMISSION FACILITIES AND THE LACK OF NEED. WE ARE AT 25 PERCENT SURPLUS. THERE'S A 10 PERCENT OPTION FOR NEBRASKA SUPPLIERS. IF SOMEBODY WANTS TO PURCHASE POWER, THEY'RE MORE THAN HAPPY TO SELL IT TO THEM. BUT THERE'S AGAIN, NO ONE CAN GET A POWER

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PURCHASE AGREEMENT. AGREEMENTS EXIST FOR THE TRANSMISSION WITH THE APPROPRIATE PROVIDER, SO THEY...THAT'S PART OF THEIR JOB IS TO MAKE SURE THAT THERE'S...THAT TRANSMISSION FACILITY AND THE GENERATOR, THEY WORK TOGETHER. THEY PROVIDE THE THIRD-PARTY DEMONSTRATION OF NO SUBSTANTIAL RISK OF STRANDED ASSETS OWNED BY THE NEBRASKA CONSUMER-OWNED ELECTRIC UTILITIES. AND THEY MAKE SURE ALL OF THE PERMITS AND EVERYTHING ELSE REQUIRED IS DONE. AND THEY MAKE SURE THAT A DECOMMISSIONING PLAN IS IN PLACE, AND I THINK THE CURRENT STATUTES OR OUR CURRENT...THE AMENDMENT DOES ADDRESS THAT. BUT AGAIN, WHEN YOU SEE COMPANIES START TO DECLARE BANKRUPTCY, THEN I START TO QUESTION WHETHER DECOMMISSIONING PLANS WILL BE FULLY FUNDED OR IF THEY MAY IN SOME WAY BE ABLE TO DECLARE BANKRUPTCY BEFORE THEY'RE FULLY FUNDED AND CAN WALK AWAY FROM THEIR RESPONSIBILITY ON THE DECOMMISSIONING. ALL THIS POWER REVIEW BOARD IS BASICALLY REQUIRING SOUND BUSINESS PRACTICES. OTHER STATES HAVE SIMILAR REGULATORY AUTHORITY, AS STATED IN THE BRATTLE REPORT. AND THIS BILL, ALL IT DOES IS REMOVE THE MAJORITY OF THOSE IMPORTANT SAFEGUARDS THAT PROTECT THE RATEPAYER AND THE POWER GENERATORS OF NEBRASKA. [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR FRIESEN: SO WHEN WE LOOK AT THE LONG-TERM PICTURE OF WHERE WE'RE HEADED WITH OUR GENERATING CAPACITY, I STILL THINK WE NEED TO HAVE THE DISCUSSION. DO WE OPEN IT UP TO NATURAL GAS, WHICH IS ALL MY AMENDMENT DOES? IT DOESN'T CHANGE ANYTHING ON THE WIND END OF IT. IT'S JUST GOING TO, IF WE NEED THE POWER, HERE WE HAVE A CHANCE TO MAYBE HAVE SOME STABLE, CHEAP ELECTRICITY GENERATED. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. (VISITORS INTRODUCED.) MEMBERS, YOU'VE HEARD THE CLOSING TO AM2854. THE QUESTION BEFORE THE BODY IS, SHALL AM2854 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. 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; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB824]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB824]

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SENATOR COASH: THE HOUSE IS UNDER CALL. MEMBERS, PLEASE RECORD YOUR PRESENCE. UNEXCUSED MEMBERS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHILZ, PLEASE CHECK IN. SENATOR BOLZ, PLEASE CHECK IN. SENATOR McCOLLISTER, PLEASE CHECK IN. SENATORS CHAMBERS, HADLEY, AND KOLTERMAN, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR MURANTE, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR MURANTE, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. MEMBERS, THE QUESTION BEFORE THE BODY IS, SHALL AM2854 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB824]

CLERK: 11 AYES, 22 NAYS, MR. PRESIDENT. [LB824]

SENATOR COASH: AM2854 IS ADOPTED. RAISE THE CALL. NEXT ITEM, MR. CLERK. [LB824]

CLERK: IS NOT ADOPTED. [LB824]

SENATOR COASH: THE AMENDMENT IS NOT ADOPTED. RAISE THE CALL. [LB824]

CLERK: MR. PRESIDENT, SENATOR FRIESEN, I HAVE AM2855 IN FRONT OF ME. (LEGISLATIVE JOURNAL PAGE 1522.) [LB824]

SENATOR COASH: SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON AM2855. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHAT AM2855 DOES IS IT PUTS BACK INTO STATUTE WHAT THE POWER REVIEW BOARD LOOKS AT WHEN THEY WOULD APPROVE NEW GENERATION FACILITIES AND WHETHER...THIS WOULD BE WHETHER IT'S ANY OF THE WIND OR ANY KINDS OF GENERATION. THIS LANGUAGE WAS STRUCK IN THE AMENDMENT. AND WHAT IT DOES IS IT LETS THE POWER REVIEW BOARD LOOK AT STRANDED ASSETS IN A...OF A TRANSMISSION...OF A GENERATION OR TRANSMISSION FACILITY OWNED BY AN ELECTRIC SUPPLIER. AND SO IT JUST...IT LOOKS AT THAT AND DECIDES WHETHER OR NOT THERE'S ANY HARM GOING TO COME BY THAT FROM HAVING THESE STRANDED ASSETS. AND I WILL EXPLAIN A LITTLE BIT WHAT THE

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STRANDED ASSETS ARE AGAIN. AND IT TALKS ABOUT WHEN YOU, ON A WINDY DAY, THE SOUTHWEST POWER POOL, I THINK EVERYONE HAS BEEN CORRECT IN TALKING ABOUT THE BORDERS ARE GONE. THE SOUTHWEST POWER POOL DOES DECIDE WHERE THE ELECTRICAL GENERATION COMES FROM. SO ON A WINDY DAY, YOU HAVE THE SOUTHWEST POWER POOL WILL PICK THE CHEAPEST ELECTRICITY BEING GENERATED AT THE TIME, AND SO THEY'RE GOING TO...THE WIND ENERGY WILL ALWAYS BID IN AT THE LOWEST COST BECAUSE ALL THEY CARE ABOUT, AGAIN, IS THE TAX CREDITS. SO THEY WILL BID IT IN AT THE LOWEST COST. AND THE MORE WIND ENERGY WE ADD, THE MORE OUR COAL-FIRED POWER PLANTS WILL SHUT DOWN. AND SO AS THEY SHUT DOWN, GERALD GENTLEMAN, FOR INSTANCE, COULD SHUT ONE OF ITS TURBINES DOWN, AND SO WHEN IT DOES THAT, IT LOSES A REVENUE STREAM. AND EVEN THOUGH THEY MAY BE GENERATING AT BELOW THE COST OF PRODUCTION, IT KEEPS THEIR LOSSES TO A MINIMUM. BUT ONCE THEY SHUT THAT DOWN, THEIR EXPENSES CONTINUE AS THEY WERE AND THERE'S ABSOLUTELY NO GENERATION. SO THEIR ACTUAL COSTS INCREASE RATHER RAPIDLY. YOU STILL HAVE TO HAVE ALL THE EMPLOYEES THERE WORKING. YOU'RE STILL BURNING COAL. YOU'RE STILL KEEPING THE PLANT HOT BECAUSE YOU MAY BE NEEDED IN THE NEXT 24 TO 48 HOURS. SO IT INCREASES THEIR COST EXPONENTIALLY BECAUSE NOW THEY'RE GENERATING NO ELECTRICITY. THEY CANNOT EVEN MAKE ANY REVENUE. THEIR EMPLOYEES ARE ON STANDBY. THEY KEEP THE PLANT RUNNING. AND THEY JUST KEEP OPERATING AND PUTTING COAL IN, KEEPING THE PLANT HOT SO THEY'RE READY TO GO. SO AS WE ADD MORE WIND GENERATION UNREGULATED AND IT GETS DUMPED ONTO OUR LOCAL GRID, THERE WILL BE LESS AND LESS DEMAND FROM THE COAL-FIRED POWER PLANTS. AND AT SOME POINT, THERE'S NUMEROUS FACILITIES AROUND, GRAND ISLAND HAS A POWER GENERATION STATION, HASTINGS HAS A POWER GENERATING STATION, WE HAVE NUMEROUS ONES WITH NPPD, THERE'S OPPD, THERE'S NUMEROUS FACILITIES AND SOME OF THE SMALLER ONES WILL PROBABLY JUST SHUT DOWN FOR SEVERAL MONTHS. AND SO THEN YOU'VE GOT EMPLOYEES THAT ARE EITHER STILL GOING TO BE PAID OR THEY'RE GOING TO TAKE THEM OFF THE...THEY'LL PROBABLY JUST KEEP PAYING THEM BECAUSE YOU DON'T WANT TO LOSE A WELL-TRAINED EMPLOYEE. SO YOU'LL HAVE A POWER PLANT THAT'S SHUT DOWN, NOT GENERATING ELECTRICITY BECAUSE WE HAVE SUCH A SURPLUS. THEY WILL JUST SHUT DOWN AND WAIT UNTIL THEIR LOAD IS NEEDED AGAIN. AND MAYBE IN A COUPLE OF MONTHS, WHEN THE DEMAND FOR ELECTRICITY FROM IRRIGATION OR SOME OF THOSE COMES ON-LINE AND WE HIT OUR PEAK LOAD FOR THE SUMMER, THOSE PLANTS WILL START UP AND START GENERATING AGAIN. SO THIS IS WHAT YOU CALL THE STRANDED ASSETS--THOSE COSTS THAT CANNOT BE RECOVERED BY ANYBODY

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BECAUSE WE ALLOW EXCESS GENERATION TO COME IN. AND SO WHAT IT DOES IS JUST RAISES THE COST OF THOSE KILOWATTS THAT WE PURCHASE. THEY WILL PASS THAT ALONG. SINCE NPPD OWNS ALL OF THE TRANSMISSION FACILITIES, THOSE STRANDED COSTS ARE GOING TO BE PUSHED OFF ONTO US. AND WE SAW THAT RECENTLY WITH OPPD WHERE THEY RAISED THE MINIMUM CHARGE TO AN ELECTRICAL CUSTOMER BECAUSE IT COSTS THEM SO MUCH JUST TO PUT IN A LINE OF SERVICE. THEY'RE STARTING TO UNBUNDLE THEIR RATES. SO WHAT THEY'RE DOING IS THEY'RE PUTTING MORE OF THE COSTS ON THE TRANSMISSION FACILITIES THAT THEY OWN IN ORDER TO RECOUP THE COSTS OF THESE STRANDED ASSETS. AND SO WHAT THE POWER REVIEW BOARD'S JOB IS, IS TO MAKE SURE THAT THESE STRANDED ASSETS ARE LOOKED OUT FOR. WE DON'T WANT PUBLIC POWER DECLARING BANKRUPTCY. WE HAVE TO HAVE A PLAN GOING FORWARD WHERE WE DON'T HAVE TO ADDRESS THIS. AND SO BY PUTTING THIS STATUTE BACK IN, ALL IT IS, IS ASKING THE POWER REVIEW BOARD TO MAKE SURE THAT WE AREN'T PUTTING TOO MUCH SURPLUS POWER IN PLACE THAT WE WILL HURT OUR PUBLIC POWER INDUSTRY WITH UNLIMITED, UNRELIABLE WIND GENERATION. THAT'S BASICALLY WHAT THIS LANGUAGE WOULD DO. YOU KNOW, IT DOESN'T SAY THAT THEY WOULD DENY THE PERMIT. IT JUST SAYS THEY WOULD LOOK AT IT AND THEY WOULD MAKE A RECOMMENDATION. SO ALL IT'S DOING IS PUTTING THE STATUTES BACK IN THERE SO THAT THEY WILL LOOK AT THIS ISSUE AND MAKE SURE THAT WHAT'S HAPPENING, THE APPLICATION THAT'S BEING PUT BEFORE THEM DOES NOT HURT THE CURRENT GENERATING FACILITIES WE HAVE. AND AT SOME POINT, WHEN WE GET TOO MUCH WIND GENERATION, THERE WILL ALSO BE SURPLUS POWER FROM THOSE, TOO. SO THERE YOU'LL HAVE SOME WIND-GENERATING FACILITIES THAT ARE ALSO SHUT DOWN BECAUSE THAT POWER IS NOT NEEDED. AND MAYBE THAT'S WHY WE SAW THE BANKRUPTCY THERE OF THE INVENERGY IN THEIR WIND-GENERATING FACILITY. SO ALL WE'RE DOING, IF WE WANT TO PLAY THIS GAME, WE JUST KEEP THROWING MORE TAX SUBSIDIES AT THIS GENERATING SOURCE THAT WE REALLY DON'T NEED BECAUSE THERE'S ALREADY WIND-GENERATING FACILITIES GOING BANKRUPT. ARE WE JUST GOING TO CONTRIBUTE TO THAT? WE PUT IN...IF WE WOULD BUILD ALL OF THE CAPACITY THAT IS CURRENTLY ON-LINE THAT COULD BE PUT IN PLACE, I WOULD GUARANTEE THAT THAT ELECTRICITY CANNOT ALL BE USED. MAYBE IN SUMMER FOR A COUPLE MONTHS WE'LL HIT THAT PEAK LOAD, BUT AFTER THAT WE WILL HAVE PLENTY OF SURPLUS POWER AND THEN WE'LL SEE THE DAMAGE THAT WE'VE DONE, AND IT WILL BE TOO LATE TO BACK OUT. AND THEY'LL JUST KEEP COLLECTING THOSE TAX CREDITS AND WARREN BUFFET WILL KEEP BEING ABLE TO PAY LESS TAXES THAN HIS SECRETARY. THANK YOU, MR. PRESIDENT.
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SENATOR COASH: THANK YOU, SENATOR FRIESEN. MEMBERS, YOU'VE HEARD THE OPENING TO AM2855. FLOOR IS NOW OPEN FOR DISCUSSION. (VISITORS INTRODUCED.) SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR FRIESEN WOULD YIELD TO A COUPLE QUESTIONS. [LB824]

SENATOR COASH: SENATOR FRIESEN, WILL YOU YIELD? [LB824]

SENATOR FRIESEN: YES, I WOULD. [LB824]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. IN ONE OF YOUR TIMES ON THE MIKE, YOU WERE TALKING ABOUT THE WINDFARMS THAT ARE LOOKING AT BANKRUPTCY NOW. WOULD YOU GO INTO THAT JUST A LITTLE BIT MORE? AND IF THEY ARE SUCCESSFUL IN THEIR BANKRUPTCY CLAIM, WHAT'S GOING TO HAPPEN WITH THE GENERATORS' WINDMILLS THAT ARE THERE? [LB824]

SENATOR FRIESEN: WELL, SENATOR BLOOMFIELD, I CAN'T ANSWER THAT QUESTION REALLY. WHEN THEY DECLARE BANKRUPTCY, I'M ASSUMING THAT WE'D HAVE TO MAKE AN ASSUMPTION THAT THEIR DECOMMISSIONING PLAN WAS IN PLACE OR SOMEONE WOULD COME IN AND PURCHASE THESE. IF THEY'VE COLLECTED THE TAX CREDITS, I DON'T THINK THEY'D BE ELIGIBLE FOR A NEW ROUND OF FEDERAL PRODUCTION TAX CREDITS. SO I DON'T THINK ANYBODY WOULD COME IN AND NECESSARILY WANT TO PURCHASE THEM SINCE THERE'S ALREADY SURPLUS POWER OUT THERE. I CAN'T ANSWER THAT QUESTION, BUT... [LB824]

SENATOR BLOOMFIELD: OKAY. SO IT'S POSSIBLE WE'LL BE LOOKING AT...DO YOU KNOW HOW MANY WINDMILLS THERE ARE INVOLVED IN THAT, ROUGHLY? [LB824]

SENATOR FRIESEN: NO, I DON'T. [LB824]

SENATOR BLOOMFIELD: OKAY. [LB824]

SENATOR FRIESEN: IT DOESN'T GIVE ME A NUMBER. IT JUST TALKS ABOUT THE PRAIRIE BREEZE AND THERE'S THREE PRAIRIE BREEZE WINDFARMS IN ANTELOPE, BOONE, AND MADISON COUNTIES. [LB824]

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SENATOR BLOOMFIELD: OKAY. SO ALREADY WE'RE SEEING THE POSSIBILITY OF ABANDONED WINDMILLS. WONDERFUL. COLLEAGUES, I WAS AT A MEETING, OH, BEFORE I CAME DOWN HERE, JUST BEFORE I CAME DOWN, OF ALL THE WONDERFUL THINGS THAT WINDFARMS WERE GOING TO DO. WE CAN'T TRANSMIT IT, THEY TOLD US, TO CHICAGO. IT'S TOO FAR. WE LOSE TOO MUCH ON THE TRANSMISSION LINES. BUT WHAT YOU WILL SEE WITHIN FIVE YEARS IS RAIL CAR-SIZE BATTERIES AND WE WILL HAVE WINDMILLS BUILT ALL ALONG ALL THE RAILWAYS IN NEBRASKA WITH SITINGS. AND THEY'LL PULL THESE CARS WITH FULL-SIZE, RAIL CAR-SIZE BATTERY ON IT AND HOOK THEM UP TO THE WINDFARMS THAT ARE GOING TO BE ALONG THE RAILROAD TRACKS, AND WE'RE GOING TO GENERATE ALL THIS POWER. WE'RE GOING TO PUT IT IN THESE BATTERIES AND WE'RE GOING TO PULL IT TO CHICAGO BECAUSE THAT WOULD BE CHEAPER THAN WHAT WE LOSE BY RUNNING IT OVER THE TRANSMISSION LINES. HAVEN'T SEEN A SINGLE BATTERY IN NEBRASKA YET THAT WOULD CARRY THAT KIND OF POWER. WE ALSO HAD AN OUTFIT COME IN AND SAID, WE'RE GOING TO BUILD THIS WONDERFUL WINDFARM BETWEEN HOSKINS AND WINSIDE; ALL THE FARMERS ARE GOING TO BE WEALTHY; YOU BETTER SIGN ON QUICK. I DIDN'T SIGN ON. WE'VE GOT ONE OF THE BEST LOCATIONS IN NEBRASKA. NOTHING HAS BEEN BUILT. THE GUYS THAT SIGNED LEASES OR TIED UP THEIR LAND ARE STILL SITTING THERE WAITING FOR THE FIRST SPADE OF DIRT TO BE TURNED. I TALK TO PEOPLE. THEY TELL ME IT TAKES ABOUT 20 YEARS FOR A WINDMILL TO GENERATE ENOUGH TO PAY FOR ITSELF. THE LIFE EXPECTANCY OF THE WINDMILL? ABOUT 20 YEARS. [LB824]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR BLOOMFIELD: WHAT A WONDERFUL INVESTMENT. WE OUGHT TO DO MORE OF IT. SOUNDS A LITTLE TO ME LIKE THE PEOPLE THAT WERE BUYING WATERMELONS FOR 33.5 CENTS APIECE, HAULING THEM TO MINNEAPOLIS IN THE WINTER AND SELLING THREE FOR \$1. THEY DECIDED THEY NEEDED A BIGGER TRUCK; IT WASN'T WORKING. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR BLOOMFIELD. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB824]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I WANT YOU ALL TO SMACK YOUR HEAD HERE BECAUSE WHAT I'M SAYING IS WE HAVE TO TAKE

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AWAY THE PROTECTIONISM THAT'S IN PLACE RIGHT NOW TO MAKE THIS A LEVEL PLAYING FIELD WITH OTHER STATES IN OUR AREA. AND I SAY THIS WITH TONGUE IN CHEEK, SO I AM SURE THAT IF WE CONTINUE PROTECTING WITH THE PROTECTIONISM, THAT KANSAS AND OKLAHOMA AND TEXAS AND NEW MEXICO AND MISSOURI AND ARKANSAS AND LOUISIANA, WHO ARE ALL IN THE SOUTHWEST POWER POOL, WILL SET UP A BARRIER AROUND NEBRASKA AND SAY WE'RE NOT GOING TO GENERATE ANY MORE WIND; WE'RE GOING TO PROTECT NEBRASKA. WELL, THAT AIN'T GOING TO HAPPEN. WIND IS BEING DEVELOPED. AGAIN, THESE ARE THE OTHER PLACES IN SOUTHWEST POWER POOL: KANSAS, MISSOURI, ARKANSAS, OKLAHOMA, TEXAS, LOUISIANA, NEW MEXICO, AND I BELIEVE WE'RE ADDING SOUTH DAKOTA OR THEY MAY HAVE BEEN ADDED ALREADY. SO, YOU KNOW, THE CAT IS OUT OF THE BAG AND WE'RE NOT GOING TO BE ABLE TO PUT IT BACK AND PROTECT PUBLIC POWER BY JUST GOING ON AS WE HAVE BEEN WITH ALL THESE BARRIERS. I THINK IN A CAPITALISTIC SOCIETY, WE LEAVE THESE KINDS OF DECISIONS UP TO AN INVESTOR. SOME PEOPLE HAVE SAID, WELL, WE GOT A GUARANTEE THAT THEY HAVE A PPA, A POWER PURCHASE AGREEMENT. I THINK THAT'S UP TO THE INVESTORS. IN FACT, THERE ARE SOME WIND PLACES IN SOUTHWEST POWER POOL THAT DON'T HAVE A PPA. AND YOU WHAT? YOU KNOW WHO MADE THOSE DECISIONS WAS THE INVESTORS IN THOSE PROJECTS. WE'RE NOT ASKING NEBRASKA TAXPAYERS TO SHORE UP THE INVESTORS AND THE DECISIONS THEY MAKE. THE PUBLIC SERVICE...THE POWER REVIEW BOARD IS NOT THE SAME IN NEBRASKA AS PUBLIC SERVICE COMMISSION IN OTHER STATES. PUBLIC SERVICE COMMISSIONS IN MOST OTHER STATES SET RATES, AND THAT DOES NOT HAPPEN WITH THE POWER REVIEW BOARD IN NEBRASKA. THEY DO SOME INITIAL KINDS OF PERMITS AND SO ON, BUT THEY DON'T SET RATES. AND AGAIN, I WOULD LIKE TO READ WHAT THE PERSON FROM PUBLIC POWER SAID: I WOULD LIKE TO THANK SENATOR McCOLLISTER FOR HIS LEADERSHIP IN HELPING BRING THE PARTIES TOGETHER OVER THE LAST SEVERAL DAYS TO REACH AN AGREEMENT, TO REACH AN AGREEMENT. JUST TO MAKE IT REAL CLEAR, THERE IS NO SUCH THING AS PRIVATE EMINENT DOMAIN IN NEBRASKA. IF A WINDFARM WANTS TO CONNECT TO THE GRID, AND THEY HAVE TO GET ALL THOSE KINDS OF APPROVALS FROM THE SOUTHWEST POWER POOL, THEY HAVE TO WORK WITH PRIVATE LAND DEVELOPERS TO BUILD THAT CONNECTION TO THE GRID. AND THEN--AND THIS IS STILL IN PLACE, IT'S CALLED THE RIGHT OF FIRST REFUSAL-- PUBLIC POWER COULD TAKE THAT AND BUY THAT CONNECTION TO THE GRID IF THEY WANTED TO. SO REALLY, THERE'S NOTHING THAT SAYS THAT PRIVATE DEVELOPERS CAN'T BUILD TRANSMISSION. BUT ANYTIME THEY DO, AND THEY'D HAVE TO WORK WITH PRIVATE LANDOWNERS BECAUSE THEY DON'T

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HAVE EMINENT DOMAIN, BUT ANYTIME A PRIVATE DEVELOPER IN NEBRASKA BUILDS ANY TRANSMISSION, PUBLIC POWER CAN... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR HAAR: ...CAN BUY THEM OUT. THAT'S CALLED THE RIGHT OF FIRST REFUSAL. SO AGAIN, I WOULD SAY THAT IF THIS IS SUCH A GREAT HINDRANCE TO PUBLIC POWER, WHY DID HE SAY, I'D LIKE TO THANK SENATOR McCOLLISTER FOR HIS LEADERSHIP IN HELPING BRING THE PARTIES TOGETHER OVER THE LAST SEVERAL DAYS TO REACH AN AGREEMENT? AND THAT WAS AN OFFICIAL REPRESENTATIVE FROM NEBRASKA PUBLIC POWER. THANK YOU VERY MUCH. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR HAAR. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHNOOR: THANKS, MR. PRESIDENT. YOU KNOW, NEBRASKA IS PRETTY UNIQUE BEING A PUBLIC POWER STATE, BEING A UNICAMERAL. WE DO THINGS DIFFERENT. YOU KNOW, WE'RE THE ONLY TWO (SIC) STATES THAT HAVE THOSE TWO ENTITIES, AND IT'S IRONIC HOW WELL IT WORKS. SO WE HAVE SOMETHING THAT WORKS VERY WELL. WE HAVE A SATURATED POWER GRID. BUT WE'RE WILLING TO START DEREGULATING TO LET OTHERS IN. I DON'T...I JUST FLAT-OUT DON'T UNDERSTAND IT. THE GENTLEMAN THAT TESTIFIED SAID WIND ENERGY IN NEBRASKA DOES NOT WORK AT PRESENT DESIGN. THAT'S WHY YOU DON'T SEE IT HERE. IT DOESN'T WORK BECAUSE IT DOESN'T PAY FOR ITSELF. WHY WOULD WE WANT TO CONSIDER DOING THIS? I JUST DON'T GET IT. I DON'T UNDERSTAND. I JUST FLAT-OUT DON'T UNDERSTAND. BUT AGREEMENTS ARE MADE, DEALS ARE CUT, VOTES ARE TRADED. IT'S UNFORTUNATE BUT THAT'S THE WAY IT WORKS AROUND HERE. WHEN YOU CAN'T FOLLOW THE NORMAL PROCESS AND THEN YOU'RE TOLD THAT IF WE CHANGE THE CONTENTS OF THE BILL, WE PUT NEW CONTENTS IN IT, WE'LL LEAVE IT ALONE BECAUSE THAT'S WHAT WE WERE TOLD. HAD I KNOWN THERE WAS A HIDDEN AGENDA I WOULD HAVE NEVER VOTED TO PASS LB824. SO THAT'S A SAD WAY THAT WE DO BUSINESS AROUND HERE. BUT I'M FROM THE GOVERNMENT AND I'M HERE TO HELP. SO, IS THIS SOMETHING WE WANT DO? DO WE WANT TO START PROMOTING COMPANIES THAT THE ONLY WAY THEY CAN OPERATE, THE ONLY WAY THEY CAN MAKE A LIVING, THE ONLY WAY THAT IT WILL PAY FOR ITSELF IS IF THEY GET OUR MONEY, OUR TAX MONEY, BECAUSE THAT'S WHAT THIS IS GOING TO

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TURN INTO. YOU KNOW, WE JUST HAVE TO...WHY CAN'T WE LOOK AT THIS IN A COMMON... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR SCHNOOR: THANK YOU...JUST PURE COMMON SENSE THAT WITH TODAY'S TECHNOLOGY THIS DOESN'T WORK? WILL IT WORK IN THE FUTURE? I BELIEVE IT WILL. SO LET'S CONTINUE THE DEBATE. WE HAVE TILL 3:45 AND THEN I GUESS WE'LL SEE WHAT'S GOING TO HAPPEN. I WAS HOPING, HOPING IT WOULDN'T TAKE THIS LONG. I WAS HOPING THAT IT WOULD GET RECOMMITTED. I'M SAD TO SEE THAT THIS PRACTICE HAS TAKEN PLACE AND THAT PEOPLE DID NOT AGREE OR STICK TO THEIR AGREEMENT. [LB824]

SENATOR SCHEER: TIME, SENATOR. [LB824]

SENATOR SCHNOOR: THANK YOU. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR SCHNOOR. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB824]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. APPARENTLY, WE ARE GOING THE DISTANCE ON THIS BILL, AND I WANT TO THANK MY COLLEAGUES FOR STICKING AROUND AND VOTING ON THIS IMPORTANT MATTER. I'D LIKE TO REMIND YOU A COUPLE OF THINGS. FIRST OFF, THIS WORK PRODUCT CAME ABOUT AS A MATTER OF NEGOTIATION BETWEEN ALL THE PUBLIC UTILITIES IN THE STATE, THE WIND ENERGY DEVELOPERS, TIM TEXEL FROM THE POWER REVIEW BOARD. EVERYBODY SIGNED OFF ON THE DRAFT THAT WE ARE NOW WORKING WITH. IT'S A GOOD PRODUCT AND I THINK WE SHOULD MOVE FORWARD. AND IN ADDITION, THE RURAL ELECTRIC ASSOCIATION AGREED TO THE TEXT AS WELL. I THINK WE SHOULD CHAT ABOUT A FEW OF THE FABLES THAT SOME OF THE OPPONENTS ARE SPINNING WITH REGARD TO THE BILL. WHAT THE BILL ESSENTIALLY DOES IS REMOVES THE BURDENSOME REGULATIONS THAT WE'VE HAD IN NEBRASKA LAW. WHAT ARE SOME OF THOSE REGULATIONS? STRANDED ASSETS, EMINENT DOMAIN. THOSE ISSUES WERE IN PLACE AND IT RETARDED ENERGY DEVELOPMENT IN THE STATE, AND THAT'S THE REASON THAT WE SEE SO MUCH ENERGY DEVELOPMENT IN KANSAS, COLORADO, IOWA, WYOMING. THOSE STATES DON'T HAVE THE BURDENSOME REGULATIONS THAT WE HAVE. AND, OF COURSE, THOSE REGULATIONS CAME ABOUT BECAUSE WE ARE IN FACT A PUBLIC POWER

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STATE AND THOSE REGULATIONS KIND OF SHIELDED THEM FROM COMPETITION OF ANY KIND. MY GOOD COLLEAGUE, SENATOR FRIESEN, INDICATED THAT THE POWER REVIEW BOARD IS OUT OF THE PICTURE. THAT IS ABSOLUTELY NOT TRUE. TIM TEXEL IS BEYOND THE GLASS DOORS. HE'S THERE; GO ASK HIM. HE AGREED TO THE TEXT OF THIS BILL AND WANTS TO MOVE IT FORWARD. GAME AND PARKS IS ALSO PART OF THE PROCESS. THEY COVER THE ENVIRONMENTAL ASPECTS OF THE BILL. IN FACT, THERE'S 51 VARIOUS REGULATIONS THAT IF THIS BILL WERE TO PASS WILL STILL BE COMPLIED WITH. SO TO SAY THAT THIS COMPLETELY REMOVES ALL REGULATIONS, NO, IT DOESN'T. IT SIMPLY REMOVES THE ONES THAT RETARD DEVELOPMENT. ONE OF...SENATOR FRIESEN ALSO INDICATED THE SPECTER OF THE PUBLIC UTILITIES GOING BANKRUPT. THAT'S ABSOLUTELY NOT TRUE. THE COAL-FIRED PLANTS THAT WE HAVE IN NEBRASKA, SOME OF THE MOST EFFICIENT IN THE COUNTRY, AND THEY'RE GOING TO GENERATE POWER FOR DECADES TO COME. SO TO RAISE THE SPECTER OF UTILITIES GOING BANKRUPT IS SIMPLY LUDICROUS. I'D LIKE TO ALSO SAY A COUPLE PERSONAL WORDS ABOUT SENATOR KEN HAAR. IT'S BEEN HIS LIFE'S WORK IN THIS BODY WITH REGARD TO ENERGY, CONSERVATION, AND THIS BILL IS THE CULMINATION OF HIS WORK. AND I THINK WE'D LIKE TO SEE HIM LEAVE THIS BODY HAVING ACCOMPLISHED THIS BILL AND SEEING THIS BILL GO INTO LAW. WIND ENERGY WILL BE DEVELOPED SOMEWHERE. LET'S BRING THAT WIND DEVELOPMENT INTO NEBRASKA WHERE WE CAN HELP FARMERS MAKE SOME MONEY, REDUCE PROPERTY TAXES, AND IMPROVE THE OVERALL ECONOMY OF THE STATE. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR McCOLLISTER. SENATOR GROENE, YOU'RE RECOGNIZED. SENATOR GROENE. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB824]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. LAST TIME I HAD MY LIGHT ON, I WAIVED ON IT BECAUSE I THOUGHT WE WERE MAYBE GOING TO COME TO A VOTE HERE BEFORE TOO LONG. BUT IT LOOKS LIKE WE'RE GOING THE DISTANCE, SO I'LL COMMENT ON WHAT I WAS GOING TO DO BACK THEN. ONE THING THAT I THOUGHT ABOUT EARLIER, AND THIS WENT BACK WHEN WE WERE TALKING ABOUT THE PROCESS. I HAPPENED TO WALK BY A CONVERSATION WITH THE PROPONENTS OF THE NEW LB824 THAT HAD LB914 IN IT INSTEAD OF WIND POWER AND GOT IN ON THE TAIL END OF THAT WHEN THEY SAID, WELL, LET'S NOT INTRODUCE IT TILL SELECT. IT WAS READY THEN TO GO ON GENERAL. AT THIS POINT, PROBABLY GLAD THEY DIDN'T PUT IT ON GENERAL BECAUSE WE WOULD HAVE TAKEN ANOTHER TWO HOURS. WE WOULD HAVE TAKEN SIX INSTEAD OF FOUR. SO MAYBE THERE'S SOME GOOD TO COME OUT OF

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THAT. I'LL TALK A LITTLE BIT ABOUT THE LANDOWNER ASSOCIATIONS. WE KNOW, WE HEARD IT IN THE COMMITTEE, THERE'S ONE OUT IN CHERRY COUNTY THAT APPEARS READY TO GO, IF THERE'S INTEREST OUT THERE, AND THIS MIGHT CREATE THAT. BUT IN MY DISTRICT, THE DISCUSSION ABOUT WIND POWER WENT BACK WAY BEFORE THERE WAS...LB824 WAS EVEN INTRODUCED OR WE EVEN KNEW...I EVEN KNEW ABOUT IT. A GROUP FROM SALINE COUNTY ORGANIZED, A GROUP OF LANDOWNERS. THEY GOT TOGETHER AND THEY WERE PRO WIND. AND SO THEY EACH PUT IN, I'M NOT SURE, I'LL JUST...I THINK IT WAS AROUND 50 CENTS PER ACRE FOR THEM TO GET TOGETHER, AND THEY HIRED LEGAL COUNSEL TO BE THEIR NEGOTIATOR AND WORK ON THAT. AND I USED TO LIVE IN SALINE COUNTY SO I KNEW SOME OF THE PEOPLE THAT WERE PROBABLY INVOLVED IN THAT. I DIDN'T MAKE IT TO THE FIRST MEETING THAT WAS HELD UP IN BUTLER COUNTY, BUT I DID ATTEND THE SECOND MEETING. AND AT THAT MEETING THERE WAS PEOPLE THERE FROM SALINE COUNTY THAT WERE TALKING ABOUT THEIR LANDOWNER ASSOCIATION AND MADE THEIR PRESENTATION. AND I THOUGHT IT WAS A VERY OPEN PRESENTATION, THE GOOD AND THE BAD. AND BEFORE TOO LONG THERE WAS A GROUP ORGANIZED IN BUTLER COUNTY. STARTED OFF, I THINK, WITH A TOWNSHIP BACK IN AUGUST OR SEPTEMBER. THEY DECIDED TO FORM AN ORGANIZATION. THEY DECIDED THEIR ORGANIZATION WAS GOING TO BE ANTIWIND. THEY FORMED, AND I BELIEVE IT'S CALLED, THE BOHEMIAN ALPS WIND WATCHERS. THEY'RE REAL ACTIVE. I ATTENDED MEETINGS AFTERWARDS. COUNTY COMMISSIONERS FROM BOTH BUTLER COUNTY AND SAUNDERS COUNTY ATTENDED THOSE MEETINGS, BECAUSE IT COULD BE COMING INTO SAUNDERS COUNTY. BUTLER COUNTY DOESN'T HAVE ANY ZONING AND THAT'S ONE OF THE THINGS THAT I WILL SAY TO THEM, THAT THEY NEED TO DO SOME WORK ON THAT. THEY ARE SCARED IT'S COMING IN. AND THAT'S WHERE THE MOMENTUM STARTED GOING AND THEY FOUND A LOT OF REASONS WHY WIND POWER OR LB824 WAS NOT GOOD FOR THEM. AND THEY'VE CONTINUED TO BE ACTIVE AND RECEIVED E-MAILS QUITE REGULARLY FROM THAT GROUP AND KIND OF WONDER WHY IT'S TAKEN SO LONG. WELL, I TOLD THEM THERE WAS JUST A LOT OF AMENDMENTS AND TRYING TO COME TOGETHER. AND, YEAH, THEY DID COME TOGETHER. YOU CAN SAY, OH, THEY'RE ALL ON BOARD, ALL IN AGREEMENT BUT HESITANT, I THINK, WHAT I FEEL FROM THEM, HESITANT TO BE ON BOARD ON THIS. THEY CAN WORK WITH IT. I DON'T THINK IT'S REALLY WHAT THEY WANT. SENATOR McCOLLISTER GAVE A LOT, TOO, I KNOW, AND THAT'S WHAT HAPPENS WHEN YOU BUILD CONSENSUS. PROBABLY NOBODY COMES OUT OF IT, YOU KNOW, FEELING REAL GOOD. SO THEY PUT IN SAFETY REGULATIONS IN THEIR TOWNSHIPS, SOMEWHAT LIKE WHAT LANCASTER COUNTY DID, AND THEY PUT THOSE IN PLACE. THEIR LEGAL COUNSEL, THE LAST I KNEW, WAS NOT REAL

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SURE WHETHER THIS WOULD STAND UP IN COURT, BUT RIGHT NOW IT'S HOLDING. I'LL PROBABLY HAVE TO TELL, WHETHER THIS PASSES OR NOT, TO THOSE PEOPLE IN BUTLER COUNTY, I DON'T THINK A DEVELOPER IS PROBABLY GOING TO COME THERE WITH THEIR GROUP IN PLACE AND WITH THEIR SAFETY REGULATIONS THAT ARE IN PLACE. SO THAT'S KIND OF WHERE I'VE BEEN ON THIS. LISTENING IN ON THAT, I THINK WIND POWER IN A PROPER SETTING...
[LB824 LB914]

SENATOR SCHEER: TIME, SENATOR. [LB824]

SENATOR JOHNSON: THANK YOU. [LB824]

SENATOR SCHEER: THANK YOU, SENATOR JOHNSON. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB824]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. THIS IS THE FIRST TIME I HAVE SPOKEN ON LB824 AND THE UNDERLYING SERIES OF AMENDMENTS DURING THIS DEBATE. I DID WANT TO WEIGH IN ON JUST A FEW ISSUES SO THAT SOME OF MY COLLEAGUES CAN MAYBE UNDERSTAND A LITTLE BIT MORE ABOUT WHAT WE'RE TALKING ABOUT WITH REGARD TO THE PUBLIC POWER SYSTEM. PRIOR TO MY SERVICE IN THE LEGISLATURE, I SERVED ON THE BOARD OF SOUTHERN PUBLIC POWER DISTRICT, WHICH IS THE LARGEST OF THE RURAL DISTRICTS, SERVES SEVEN COUNTIES IN SOUTH-CENTRAL NEBRASKA. ITS HEADQUARTERS ARE IN GRAND ISLAND, NEBRASKA, WHERE I WAS A MEMBER OF THEIR BOARD OF DIRECTORS. AND I AM AN UNAPOLOGETIC SUPPORTER AND FAN OF PUBLIC POWER. WHEN WE TALK ABOUT THE DIFFERENCES BETWEEN MARKET FORCES AND PRIVATE INVESTMENT AND PUBLIC POWER AND WHAT IS AND WHAT ISN'T, IN NEBRASKA IT IS CERTAINLY COMPLICATED BY THE FACT THAT WE ARE THE ONLY PUBLIC POWER STATE, AND THAT WHILE JOINING THE SOUTHWEST POWER POOL MEANS THE GRID LINES AROUND OUR STATE HAVE EVAPORATED, THE REALITY IS THE OWNERSHIP OF THE ELECTRICAL UTILITY SYSTEM WITHIN THE STATE OF NEBRASKA HAS NOT AND IT REMAINS UNDER PUBLIC OWNERSHIP. SO RECOGNIZE, COLLEAGUES, THAT WHEN WE TALK ABOUT OUTSIDE PRIVATE INVESTMENT OR EVEN LOCAL PRIVATE INVESTMENT IN GENERATION FACILITIES, REGARDLESS OF THEIR SOURCE, WHETHER THEY BE WIND, WHETHER THEY BE COAL, WHETHER THEY BE NEW NATURAL GAS TURBINES BY PRIVATE GENERATION, WHAT WE'RE TALKING ABOUT IS WE'RE TALKING ABOUT COMPETITION WITH A PUBLICLY OWNED ASSET. THAT'S AN ASSET THAT IS OWNED BY THE INDIVIDUAL

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RATEPAYERS. BECAUSE NEBRASKA'S PUBLIC POWER SYSTEM, ALSO THE RESULT OF FORMER SENATOR NORRIS, IS SO UNIQUE, MOST NEBRASKANS DON'T REALLY HAVE AN UNDERSTANDING OF THE BUSINESS SIDE OF PUBLIC POWER OR THE BUSINESS NATURE OF THE UTILITY. PUBLIC POWER WORKS IN NEBRASKA, ESPECIALLY IN RURAL NEBRASKA, BECAUSE IT TAKES THE PROFIT MOTIVE AND IT REMOVES THE INCENTIVE FOR PAYBACK AND RETURN ON INVESTMENT, ESPECIALLY IN RURAL AREAS, AND ENSURES THAT THE NEEDS OF THE RATEPAYERS ARE PROTECTED, FIRST AND FOREMOST. NOW IF YOU LIVE IN AN URBAN AREA WHERE YOU ARE RIPE FOR THE PICKING FOR A PRIVATE ENERGY COMPANY AND YOU MAKE SENSE IN TERMS OF YOUR RATES FOR RETURN ON INVESTMENT AND PAYING BACK TAXPAYERS, GREAT. IF YOU LIVE IN MY PART OF THE STATE YOU ARE NOT SUCH RIPE AND PROFITABLE AND IT IS THE MEMBER OWNERSHIP, THE OWNERSHIP OF THE UTILITY RATEPAYERS, THAT IS CRITICAL TO PROVIDING LOW-COST, HIGH-RELIABLE ENERGY INFRASTRUCTURE IN THE STATE OF NEBRASKA. WHAT HASN'T ENTERED INTO THIS DISCUSSION ABOUT GENERATION SOURCES IS ANOTHER UNIQUE FACTOR OF NEBRASKA'S PUBLIC POWER SYSTEM, ESPECIALLY IN RURAL AREAS, WHICH HAS TO DO WITH LOAD MANAGEMENT. WHEN NEBRASKA JOINED THE SOUTHWEST POWER POOL, AND I WAS ON THE BOARD OF SOUTHERN WHICH HAS A SIGNIFICANT COMPONENT, ABOUT ONE-THIRD OF ITS TOTAL LOAD, AT THE TIME I LEFT THE BOARD, SOUTHERN REPRESENTED ABOUT 11 PERCENT OF NPPD'S TOTAL WHOLESALE GENERATION, AND ABOUT A THIRD OF OUR LOAD WAS FOR IRRIGATION. SO BASICALLY, A 90-DAY PERIOD OF TIME DURING THE IRRIGATION SEASON CONSUMED ONE-THIRD OF OUR ELECTRICAL CONSUMPTION, WHICH, IF YOU DID THE MATH, WAS A LITTLE BIT UNDER 4 PERCENT OF NPPD'S TOTAL WHOLESALE LOAD. THREE-QUARTERS OF THAT LOAD WAS UNDER LOAD MANAGEMENT, WHICH MEANT THAT WHEN LOAD INCREASED AND DEMAND INCREASED DUE TO HIGH ELECTRICAL USE IN THE SUMMER, THOSE IRRIGATION WELLS WERE SHUT OFF. WHEN YOU TALK TO OTHER UTILITIES AND OTHER MEMBERS OF THE SOUTHWEST POWER POOL, THEY HAVE NO CONCEPT OF WHAT YOU'RE TALKING ABOUT, BECAUSE THAT LOAD MANAGEMENT, WHICH SAVES ON INVESTMENT IN INFRASTRUCTURE,... [LB824]

SENATOR SCHEER: ONE MINUTE. [LB824]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT,...INCREASES RELIABILITY, AND DECREASES COST, IS A UNIQUE COMPONENT OF NEBRASKA'S UNIQUE PUBLIC POWER SYSTEM. SO AS WE'RE CONTEMPLATING LOOKING AT OTHER ALTERNATIVES, FOR GENERATION THAT POTENTIALLY JEOPARDIZE THAT STABILITY, THAT COST, AND THAT INVESTMENT, ESPECIALLY IN THE RURAL

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AREAS, WE'RE TALKING ABOUT MORE THAN JUST ADDING A NEW GENERATION SOURCE THAT IS ELIGIBLE FOR TAX CREDITS OR ECONOMIC DEVELOPMENT. HAS A VERY SIGNIFICANT RIPPLE EFFECT ON IRRIGATION, ON AGRICULTURE, AND ON RURAL USE OF ELECTRICITY. AND IT'S FOR THAT REASON THAT I STAND IN OPPOSITION TO AM2720 AND, IF ADOPTED, WILL STAND IN OPPOSITION TO LB824. THIS IS A POLICY DECISION THAT AFFECTS MUCH MORE THAN SIMPLY WHETHER OR NOT YOU'RE PRO WIND. IT LOOKS AT ALL ASPECTS OF NEBRASKA'S UNIQUE PUBLIC POWER SYSTEM, WHICH, AS ANY SYSTEM, CAN STAND TO HAVE IMPROVEMENTS BUT STILL IS OWNED BY EVERY NEBRASKAN. AND WE'RE MAKING THESE DECISIONS NOT JUST FOR WIND DEVELOPERS OR PRIVATE INTERESTS OR OUR OWN UNIQUE PERSPECTIVE BUT THE ENTIRE STATE AS A WHOLE. AND I ENCOURAGE YOU TO THINK CAREFULLY TO OPPOSE AM2720, NOT INCLUDE IT IN LB824,... [LB824]

SENATOR COASH PRESIDING

SENATOR COASH: TIME, SENATOR. [LB824]

SENATOR KUEHN: ...AND LET'S MOVE FORWARD AS A BODY. THANK YOU, MR. SENATOR...MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR KUEHN. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I'LL TRY AND ADDRESS SOME OF THE COMMENTS THAT I JUST RECENTLY HEARD. AND, YEAH, WE TALKED ABOUT BRINGING ALL THE PARTIES TOGETHER AND, YES, WE DID BRING A LOT...OR SENATOR McCOLLISTER DID BRING A LOT OF PEOPLE TOGETHER, BUT I GUESS THE ONLY ONES THAT WERE LEFT OUT WERE THE PEOPLE OF NEBRASKA. THOSE WERE NOT INCLUDED IN THE NEGOTIATIONS. WHEN YOU LOOK AT OTHER STATES, AND IOWA ESPECIALLY HAS DEVELOPED A TREMENDOUS AMOUNT OF WIND POWER, AND WHAT THEY'VE DONE IS THROWN THEIR OWN PRODUCTION TAX CREDITS AT IT. SO THEY HAVE THE FEDERAL PRODUCTION TAX CREDIT AND AN IOWA TAX CREDIT. SO, YES, THEY WILL HAVE MORE WIND ENERGY DEVELOPMENT. ARE WE GOING TO START THROWING TAX CREDITS AT THINGS THAT ARE NOT ECONOMICALLY VIABLE IN THE LONG TERM? AND THEN WHEN WE SEE THE BANKRUPTCIES WE'RE GOING TO GO, OH GOSH, I WISH WE'D HAVE PICKED SOME OTHER ECONOMICALLY VIABLE ALTERNATIVE TO DOING SOMETHING. WHEN WE'RE TALKING ABOUT CHANGING FUNDAMENTALLY OUR

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POWER STRUCTURE IN THIS STATE AND HOW WE GO ABOUT APPROVING WIND ENERGY OR OTHER SOURCES OF ENERGY, IF YOU WANT TO REMOVE THE BURDENSOME REGULATIONS, I CAN COME UP WITH A LONG, LONG LIST OF BURDENSOME REGULATIONS. SENATOR HAAR AND SENATOR BLOOMFIELD I THINK WERE TALKING A LITTLE BIT ABOUT EMINENT DOMAIN, AND I THINK PART OF THE CONVERSATION WAS CORRECT IN THAT PRIVATE COMPANIES CANNOT USE EMINENT DOMAIN. BUT ALL THEY NEED TO DO THEN IS ASK NPPD TO USE THAT AUTHORITY. NPPD WILL EXERCISE THAT AUTHORITY OF EMINENT DOMAIN AND THEN THEY WILL BUILD THE POWER LINE. SO, THEORETICALLY, THE PRIVATE COMPANY CAN'T DO IT, BUT IN A TECHNICAL MANNER THAT'S EXACTLY HOW IT WOULD HAPPEN. THOSE GENERATING FACILITIES WOULD GET A POWER LINE BUILT AND WE WILL PAY FOR IT AT OUR COST. SO BACK IN...LET'S SEE HERE. THE NEBRASKA RENEWABLE ENERGY EXPORT STUDY WHICH WAS DONE AT THE REQUEST OF THE LEGISLATURE, IT WAS LB1115, WAS PASSED IN 2014, AND IT ASSOCIATED THE NEBRASKA POWER REVIEW BOARD. AND THERE WAS A REQUEST FOR A PROPOSAL TO STUDY ELECTRICITY HERE. AND IT SPECIFIED IN THE RFP THE OBJECTIVE OF THIS REPORT WAS TO IDENTIFY THE OPPORTUNITIES AND CHALLENGES THAT IMPACT THE CAPABILITY, DESIRABILITY OF DEVELOPING 5,000 TO 10,000 MEGAWATTS OF RENEWABLE GENERATION CAPACITY IN NEBRASKA. AND YOU NOTICE THEY JUST SAID RENEWABLE GENERATION. THEY DIDN'T TALK ABOUT THE SOLAR PORTION OR WIND. THEY DIDN'T SEPARATE THOSE TWO. THERE COULD...BIOGAS GENERATION ALSO COULD BE PART OF THAT MIX. SO THEY WERE GOING TO STUDY THIS FOR EXPORT PURPOSES AND TO PROVIDE OPTIONS FOR THE NEBRASKA LEGISLATURE THAT THEY CONSIDER FOR MEETING THAT POLICY OBJECTIVE. THE SCOPE SPECIFICALLY INCLUDES THE REVIEW OF CURRENT STATE, REGIONAL, AND NATIONAL TRANSMISSION INFRASTRUCTURE POLICY; THE IDENTIFICATION OF FUTURE NEEDS OF TRANSMISSION INFRASTRUCTURE POLICY; THE ASSESSMENT OF MARKET AVAILABILITY, OPPORTUNITIES, AND BARRIERS TO THE CONSTRUCTION OF GENERATING FACILITIES USING RENEWABLE SOURCES IN NEBRASKA, PRIMARILY DESIGNED TO EXPORT ELECTRICITY OUTSIDE THE STATE OF NEBRASKA; AND ANALYZING THE IMPLICATIONS ON RATES AND SERVICE TO NEBRASKA ELECTRICITY CONSUMERS AND UTILITIES. THE RFP SPECIFIED THAT DETAILED MODELING OF THE ELECTRIC POWER SYSTEM IN AND AROUND NEBRASKA WAS OUTSIDE THE SCOPE OF THIS STUDY. SO IN THE ANALYSIS WE FOCUS ON WIND GENERATION CAPACITY AS PRIMARY RENEWABLE RESOURCES TO BE DEVELOPED IN NEBRASKA FOR EXPORT, DUE TO THE HIGH QUALITY OF THE RESOURCES IN THE STATE. WHILE SOLAR GENERATION CAPABILITY IS GROWING QUICKLY IN MANY REGIONS OF THE COUNTRY,... [LB824]

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SENATOR COASH: ONE MINUTE. [LB824]

SENATOR FRIESEN: ...THE HIGHEST QUALITY RESOURCES ARE LOCATED IN STATES TO THE SOUTH AND WEST OF NEBRASKA. FOR THAT REASON, WE HAVE NOT SPECIFICALLY EVALUATED THE CHALLENGES TO BUILDING LARGE-SCALE SOLAR FACILITIES IN NEBRASKA FOR EXPORT MARKETS, AND ASSUMING THOSE CHALLENGES WOULD DIFFER FROM THOSE IDENTIFIED IN WIND GENERATION. TO IDENTIFY THE CHALLENGES TO RENEWABLE GENERATION DEVELOPMENT IN NEBRASKA AND TO PROVIDE POTENTIAL SOLUTIONS FOR CONSIDERATION, WE COMPLETED THE FOLLOWING STEPS. WE REVIEWED THE TRANSMISSION PLANNING PROCESS UTILIZED FOR EXPANDING THE GRID AND THE CAPABILITIES OF THE EXISTING TRANSMISSION SYSTEM IN AND AROUND NEBRASKA. WE ANALYZED THE SUPPLY AND DEMAND BALANCES FOR RENEWABLE GENERATION IN THE REGION, WITH PARTICULAR EMPHASIS ON THE COMPETITIVE LANDSCAPE IN AND AROUND NEBRASKA AND THE LIKELY TARGET EXPORT MARKETS. WE RESEARCHED THE POLICIES AND THE FINANCIAL INCENTIVES FOR RENEWABLE GENERATION DEVELOPMENT IN NEIGHBORING STATES. WE INTERVIEWED NUMEROUS STAKEHOLDERS, INCLUDING INDIVIDUALS REPRESENTING DEVELOPERS OF WIND GENERATION AND TRANSMISSION PROJECTS, THE NEBRASKA PUBLIC POWER UTILITIES, ENVIRONMENTAL REGULATORY AGENCIES, AND THE SOUTHWEST POWER POOL. BASED ON THESE ANALYSES AND THE OUTREACH EFFORTS, WE ARRIVED AT THE FOLLOWING FINDINGS. [LB824]

SENATOR COASH: TIME, SENATOR. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IS SENATOR KEN HAAR AVAILABLE FOR A QUESTION OR TWO? [LB824]

SENATOR COASH: SENATOR KEN HAAR, ARE YOU AVAILABLE FOR A QUESTION? [LB824]

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SENATOR BLOOMFIELD: I DON'T SEE HIM. HE LISTED THE STATES AROUND US THAT ARE IN THIS POWER POOL, AND I WAS WONDERING HOW MANY OF THOSE WERE EXPORTERS OF POWER. SENATOR HAAR IS COMING IN. [LB824]

SENATOR COASH: SENATOR HAAR, WILL YOU YIELD TO A QUESTION? [LB824]

SENATOR HAAR: YES. [LB824]

SENATOR BLOOMFIELD: THANK YOU, SENATOR HAAR. THE LIST OF STATES THAT YOU READ OFF THAT WERE INVOLVED IN THE SOUTHWEST POWER POOL, WOULD YOU GO THROUGH THOSE AGAIN? [LB824]

SENATOR HAAR: SURE. LET ME...AND I'M SORRY. I HAD TO LEAVE FOR A MINUTE. I'VE HAD A LOT OF COFFEE TODAY. [LB824]

SENATOR BLOOMFIELD: I UNDERSTAND. [LB824]

SENATOR HAAR: (LAUGHTER) AND I'M GETTING TO BE AN OLD MAN, SO... [LB824]

SENATOR BLOOMFIELD: THAT MIGHT BE TOO MUCH INFORMATION, SENATOR. [LB824]

SENATOR HAAR: (LAUGH) BUT EVERYBODY UNDERSTANDS IT. OKAY. [LB824]

SENATOR BLOOMFIELD: I WISH I COULD SAY THE SAME FOR YOUR BILL. [LB824]

SENATOR HAAR: (LAUGH) I DO TOO. I DO TOO. OKAY. WHAT I HAVE IS A MAP FROM LINCOLN ELECTRIC SYSTEM, DATED 2/19/15, SO IT WAS ABOUT A YEAR AGO AT A MEETING THEY GAVE AT THE NPA, THE NEBRASKA POWER ASSOCIATION. AND AT THAT TIME WE HAD NEBRASKA IS ALMOST TOTALLY IN; KANSAS IS TOTALLY IN; OKLAHOMA IS TOTALLY IN; A LITTLE BIT OF TEXAS, THE PANHANDLE; SOME OF NEW MEXICO; SOME OF ARKANSAS; SOME OF MISSOURI; AND SOME OF LOUISIANA. AND, AGAIN, MY LATEST KNOWLEDGE IS THAT SOUTH DAKOTA WILL BE JOINING THE SPP. [LB824]

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SENATOR BLOOMFIELD: OKAY. DO YOU KNOW HOW MANY OF THOSE ARE POWER EXPORTING STATES THAT EXPORT MORE THAN THEY IMPORT OR EXPORT AND DON'T IMPORT? [LB824]

SENATOR HAAR: YOU MEAN ON A GROSS AMOUNT OF... [LB824]

SENATOR BLOOMFIELD: YES. [LB824]

SENATOR HAAR: THAT INFORMATION I DON'T HAVE. [LB824]

SENATOR BLOOMFIELD: OKAY. THANK YOU. [LB824]

SENATOR HAAR: YEP. [LB824]

SENATOR BLOOMFIELD: DO YOU BELIEVE, SENATOR, THAT BECAUSE THE STATES AROUND US ARE DOING IT, IT'S A GOOD IDEA FOR US TO DO IT? [LB824]

SENATOR HAAR: I THINK THAT... [LB824]

SENATOR BLOOMFIELD: I'LL LET THAT GO. I WAS... [LB824]

SENATOR HAAR: OKAY. [LB824]

SENATOR BLOOMFIELD: I WAS JUST... [LB824]

SENATOR HAAR: OKAY. [LB824]

SENATOR BLOOMFIELD: ...GOING TO REMIND YOU THAT ALL THE STATES AROUND US, WITH THE POSSIBLE EXCEPTION OF MISSOURI, HAVE REPEALED THE MOTORCYCLE HELMET AS WELL. I THINK IT WOULD BE A GOOD IDEA. [LB824]

SENATOR HAAR: (LAUGH) I WILL VOTE FOR THAT NEXT YEAR, SENATOR BLOOMFIELD. [LB824]

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SENATOR BLOOMFIELD: YEAH, SO WILL I. I'LL PROBABLY INTRODUCE IT, TOO. SENATOR SCHNOOR, YOU MENTIONED PEOPLE THAT MADE DEALS AND DIDN'T FOLLOW THROUGH ON THEM. [LB824]

SENATOR COASH: SENATOR SCHNOOR, WOULD YOU YIELD? [LB824]

SENATOR SCHNOOR: YES, I WILL. [LB824]

SENATOR BLOOMFIELD: OKAY. I THINK YOU HEARD WHAT I SAID THERE, SENATOR. YOU MENTIONED THE IDEA THAT PEOPLE WOULD MAKE DEALS AND THEN CHANGE? [LB824]

SENATOR SCHNOOR: YES, I DID. [LB824]

SENATOR BLOOMFIELD: YOU'VE BEEN HERE GOING ON TWO YEARS NOW. HOPEFULLY, YOU'LL BE BACK FOR ANOTHER FOUR. SENATOR, GET USED TO IT. IT HAPPENS IN HERE. THE BEST ADVICE I CAN GIVE YOU IS WATCH AND LEARN. IF THEY DO THAT TO YOU ONCE, THEY WILL DO IT TO YOU AGAIN. [LB824]

SENATOR SCHNOOR: THANK YOU FOR THE ADVICE. [LB824]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD, SENATOR HAAR, AND SENATOR SCHNOOR. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHNOOR: THANK YOU. SENATOR McCOLLISTER, WILL YOU YIELD TO A QUESTION OR SEVERAL OF THEM... [LB824]

SENATOR COASH: SENATOR McCOLLISTER, WILL YOU YIELD? [LB824]

SENATOR McCOLLISTER: YES, I WILL. [LB824]

SENATOR SCHNOOR: ...OR ABOUT FIVE MINUTES OF CONVERSATION? YOU HAVE NEVER TALKED ABOUT THE CURRENT CONTENT OF LB824. HOW COME? [LB824]

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SENATOR McCOLLISTER: WELL, THAT BILL, I THINK YOU WILL RECALL, WAS PROPERLY VETTED BY ALL THE PUBLIC UTILITIES,... [LB824]

SENATOR SCHNOOR: NO, NO. [LB824]

SENATOR McCOLLISTER: ...THE MEMBERS OF THE COMMITTEE. [LB824]

SENATOR SCHNOOR: SENATOR, SENATOR McCOLLISTER, I'M NOT TALKING ABOUT THE UTILITY BILL. I'M TALKING ABOUT... [LB824]

SENATOR McCOLLISTER: OH. [LB824]

SENATOR SCHNOOR: ...LB824 DID NOT PASS IN...THE ORIGINAL LB824 DID NOT PASS, YOU KNOW, AGAINST YOUR WISHES. I SHOULD SAY, LET ME REPHRASE THAT. THE ORIGINAL LB824 DID NOT RECEIVE ENOUGH VOTES TO ADVANCE OUT OF COMMITTEE. WOULD YOU CONCUR WITH THAT? [LB824]

SENATOR McCOLLISTER: THAT'S TRUE. [LB824]

SENATOR SCHNOOR: OKAY. THANK YOU. AND THEN IT WAS AGREED UPON BY THE COMMITTEE TO RETAIN THE PRIORITY BILL DESIGNATION, REPLACE THE ENTIRE CONTENTS OF LB824 WITH NEW LANGUAGE THAT IS TOTALLY DIFFERENT. IT'S ABOUT PER DIEM FOR ONE INDIVIDUAL IN THE SOUTH...ON THE POWER REVIEW BOARD. IS THAT CORRECT? [LB824]

SENATOR McCOLLISTER: THAT'S ALSO TRUE. [LB824]

SENATOR SCHNOOR: HOW COME YOU'VE NEVER TALKED ABOUT THAT, THAT BILL THAT YOU'VE AGREED UPON? YOU'VE NEVER MENTIONED ONE WORD ABOUT IT. HOW COME? [LB824]

SENATOR McCOLLISTER: WELL, YOU MIGHT RECALL DURING OUR COMMITTEE MEETING THAT WE DID ALL OF THIS WORK, I DIDN'T SAY A SINGLE WORD, SENATOR. AND, YOU KNOW, WHATEVER TRANSPIRED, TRANSPIRED BETWEEN YOU AND SENATOR SCHILZ. SO, YOU KNOW, I HAVE NO EXPLANATION TO OFFER BECAUSE I WASN'T INVOLVED IN THE CONVERSATION. [LB824]

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SENATOR SCHNOOR: TRUE. NO, BUT I MEAN HERE ON THE FLOOR. THIS IS YOUR BILL. LB824 IS YOUR BILL AND THEN YOU'RE NOT MENTIONING A WORD ABOUT IT. HOW COME? [LB824]

SENATOR McCOLLISTER: WELL, LB824, AS I MENTIONED, IS A BILL THAT WE CONSTRUCTED WITH MANY PARTIES. WE HAVE NEUTRAL POSITIONS BY ALL THE PUBLIC UTILITIES. THE... [LB824]

SENATOR SCHNOOR: THAT'S NOT...SENATOR McCOLLISTER, THAT'S NOT WHAT I'M GETTING AT. THE CURRENT CONTENT OF LB824 TALKS ABOUT GIVING A...INCREASE OF A PER DIEM RATE FOR ONE INDIVIDUAL IN THE SOUTHWEST POWER POOL THAT I KNOW YOU DON'T AGREE WITH. YOU WERE RELUCTANT TO CHANGING THE LANGUAGE OF THAT, AND THAT I UNDERSTAND. BUT YET, YOU HAVE NOT MENTIONED ONE WORD ABOUT YOUR BILL. THE CURRENT LANGUAGE OF LB824, YOU HAVE NOT TALKED ABOUT IT ONCE. HOW COME? [LB824]

SENATOR McCOLLISTER: WELL, I THINK WHAT YOU'RE REFERRING TO, SENATOR SCHNOOR, IS THE COMPENSATION FOR THE SINGLE MEMBER OF THE POWER REVIEW BOARD. YOU KNOW, HE'S BEEN DOING A LOT OF WORK, INCURRING A LOT OF EXPENSE, AND SO THE BILL WAS INCLUDED IN LB824 AND CHANGED LB824. AND NOW, AS WE ALL KNOW, THE LANGUAGE HAS BEEN AMENDED WITH THE HAAR AMENDMENT. [LB824]

SENATOR SCHNOOR: OKAY. [LB824]

SENATOR McCOLLISTER: SO I DON'T UNDERSTAND THE LACK OF UNDERSTANDING HERE. [LB824]

SENATOR SCHNOOR: YOU DON'T UNDERSTAND THE LACK OF UNDERSTANDING? (LAUGH) ARE YOU FOR THE ORIGINAL...THE CONTENT IN LB824 AS IT IS RIGHT NOW? ARE YOU NOT IN... [LB824]

SENATOR McCOLLISTER: NO, I'M IN FAVOR OF THE ORIGINAL LB824 AS IT STANDS RIGHT NOW. I'M ALSO IN FAVOR OF THE AMENDMENT, AM2720, BY SENATOR HAAR. AND I'M ALSO FOR PASSAGE OF THE BILL. [LB824]

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SENATOR SCHNOOR: ALL RIGHT. WELL, I SEE THIS IS GOING NOWHERE. I HAVE ANOTHER QUESTION FOR YOU. YOU TALKED ABOUT BURDENSOME REGULATION. YOU DIDN'T TALK ABOUT DEREGULATION. [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR SCHNOOR: THANK YOU. YOU TALKED ABOUT BURDENSOME REGULATION. AND I THINK WE COULD ALL AGREE THAT THERE'S BURDENSOME REGULATION ON EVERYBODY. BUT WHY, IF THIS REGULATION IS SO BURDENSOME, WHY DOES THIS NOT APPLY TO EVERYONE? WHY DO YOU ONLY WANT IT APPLIED TO WIND ENERGY? [LB824]

SENATOR McCOLLISTER: WELL, WE'RE TALKING, UNDER THE STATUTE, UNDER THE HAAR AMENDMENT, WE'RE TALKING ABOUT GETTING RID OF ALL THE REGULATIONS THAT PROTECT PUBLIC POWER. AND THOSE REGULATIONS INCLUDED EMINENT DOMAIN REGULATIONS, STRANDED ASSET REGULATIONS, AND THAT MADE IT IMPOSSIBLE FOR DEVELOPERS TO COME INTO THE STATE AND BE CERTAIN THAT THEY RECOVER THEIR COSTS. SO IT'S...THIS IS A GOOD DECONTROL PROGRAM, FOLLOWS WHAT THE GOVERNOR WANTS TO DO. WE'LL LOWER OUR PROPERTY TAXES. WE'LL BRING INCOME TO FARM FAMILIES IN NEBRASKA AND REDUCE...AND HELP THE COUNTIES IN WHICH THEY...THE WIND TOWERS ARE ERECTED. THIS IS A GOOD BILL ON ALL COUNTS AND DOESN'T COST THE STATE OF NEBRASKA, SENATOR SCHNOOR, A SINGLE PENNY. [LB824]

SENATOR COASH: TIME, SENATORS. [LB824]

SENATOR SCHNOOR: THANK YOU. [LB824]

SENATOR COASH: SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB824]

SENATOR McCOLLISTER: JUST A COUPLE OF COMMENTS AS WE MOVE ALONG: THE POWER REVIEW BOARD HAS NOTHING, NOTHING TO DO WITH THE GRID, NOTHING TO DO WITH THE GRID, AND WE SHOULD KNOW THAT. AND SENATOR FRIESEN SHOULD KNOW THAT AS WELL. AND PRIVATE DEVELOPERS PAY FOR ALL THE TRANSMISSION GRID UPGRADES. THEY'RE THE ONES THAT INCUR THAT COST. IT'S NOT THE STATE OF NEBRASKA. IT'S NOT THE PUBLIC POWER DISTRICTS. SO IN NO WAY DOES IMPROVEMENT OF THE GRID COST TAXPAYERS. SECONDLY, ALL THE POWER IS SOLD TO THE SOUTHWEST POWER POOL. IT'S

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SOLD THROUGH THAT POSITION AND WIND DEVELOPERS AND COAL-FIRED PLANTS, GAS-FIRED TURBINES, THEY NOMINATE THOSE FACILITIES INTO THE SOUTHWEST POWER POOL AND THEN THE PURCHASE ORDER, IN EFFECT, GOES OUT TO THOSE UTILITIES IF THEY HAVE THE LOWEST COST POWER. SO IT'S AN 11-STATE REGIONAL GRID, OR 11-STATE POOL, SO IN NO WAY SHOULD WE PROTECT OUR CITIZENS OR OUR PUBLIC UTILITIES FROM COMPETITION. IT'S...EVEN IF WE WANTED TO, WE CAN'T. AND YOU SHOULD KNOW THAT I SUPPORT PUBLIC POWER. WE MADE IT CLEAR FROM THE BEGINNING THAT THE PUBLIC POWER COMPANIES IN THE STATE WOULD BE... HAVE A SEAT AT THE TABLE. THEY APPROVED THE DRAFT OF THE AMENDMENT THAT WE'RE NOW LOOKING AT. AND I CAME OUT OF MUD. I WAS ON THAT UTILITY FOR 30 YEARS. I SUPPORT WHAT THEY DO AND I SUPPORT PUBLIC POWER AND IN NO WAY WOULD WANT TO HURT THEIR BUSINESS. SO WITH THAT, THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR McCOLLISTER. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I WILL CONTINUE ON WITH OUR STUDY THAT WAS LB1115 THAT WAS COMPLETED IN 2014. AND SO IT TALKS ABOUT THE BROADER REGIONAL MARKET FOR ADDITIONAL RENEWABLE GENERATION IS CURRENTLY SATURATED, BUT A NEW WAVE OF RENEWABLE GENERATION DEVELOPMENT WOULD LIKELY OCCUR IN THE REGION IF ECONOMIC DEVELOPMENT OPPORTUNITIES PRESENT THEMSELVES IN THE FORM OF HIGHER WHOLESALE ELECTRICITY PRICES OR IMPLEMENTATION OF MORE STRINGENT FEDERAL ENVIRONMENTAL REGULATIONS AND/OR THE RENEWAL OF THE FEDERAL TAX CREDITS. ADDITIONAL STATE RENEWABLE ENERGY MANDATES OR UTILITY RENEWABLE ENERGY TARGETS COULD ALSO LEAD TO A NEW WAVE OF DEVELOPMENT. BUT THERE AGAIN, IT TELLS US THE MARKET IS CURRENTLY SATURATED. THERE'S NO NEED FOR THIS. AND EVEN TODAY YET WE STILL HAVE NOT SEEN THE DEMAND. WE STILL ARE 25 OR MORE PERCENT SURPLUS IN THE SOUTHWEST POWER POOL AND IN NEBRASKA. THERE ARE CURRENTLY SEVERAL MARKET AND REGULATORY CHALLENGES THAT LIMIT THE EXPANSION OF...IN NEBRASKA OF RENEWABLE GENERATION CAPACITY INTENDED FOR EXPORT IN THE NEAR TERM AND LONGER TERM. WE FIND THAT THE MOST IMPORTANT NEAR-TERM BARRIERS ARE PRIMARILY COST DISADVANTAGE AND THE PERCEIVED PERMITTING REGULATORY RISKS INVOLVING NEIGHBORING STATES. SO THEN WE TALK ABOUT THE EXISTING TRANSMISSION SYSTEM, INCLUDING TRANSMISSION ADDITIONS ALREADY APPROVED OR UNDER CONSTRUCTION, WILL LIKELY ALLOW FOR THE

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INTEGRATION OF AT LEAST 2,000 MEGAWATTS OF ADDITIONAL RENEWABLE GENERATING RESOURCES INTO THE SOUTHWEST POWER POOL FOOTPRINT ONCE THE ALREADY APPROVED FACILITIES ARE PLACED INTO SERVICE OVER THE NEXT SEVERAL OF YEARS. AND THAT'S WHERE WE HAVE A LOT OF IT UNDER CONSTRUCTION. SO CURRENTLY THERE IS WIND GENERATION BEING DEVELOPED UNDER THE CURRENT HEAVILY REGULATORY BURDEN THAT WE PLACED ON THEM. THEY'RE STILL COMING HERE. THEY'RE STILL BUILDING. WE ESTIMATE THAT THE TOTAL INVESTMENT IN THE LOCAL, REGIONAL, AND INTERGENERATIONAL TRANSMISSION INFRASTRUCTURE NEEDED TO SUPPORT THE VERY AMBITIOUS TARGET OF 5,000 TO 10,000 MEGAWATTS OF RENEWABLE GENERATION IN NEBRASKA WILL LIKELY RANGE FROM \$1.5 BILLION TO \$4 BILLION, IN ADDITION TO TRANSMISSION UPGRADES CURRENTLY UNDER DEVELOPMENT. A POTENTIALLY SIGNIFICANT PORTION OF THIS COST WOULD LIKELY HAVE TO BE BORNE BY NEBRASKA UTILITIES AND THEIR CUSTOMERS. THAT'S A LOT OF MONEY FOR TRANSMISSION FACILITY UPGRADES TO HANDLE ALL THIS DEVELOPMENT. DEPENDS ON THE EXTENT TO WHICH NEW LINES ARE DEVELOPED THROUGH THE REGIONAL PLANNING PROCESS. SOME OF THESE COSTS WOULD BE OFFSET BY BENEFITS OF REDUCED TRANSMISSION CONGESTION THAT INCREASE THE VALUE OF ALL POWER AND SALES BY NEBRASKA, AS RIGHT NOW WE ARE IN THAT BOTTLENECK. BUT, AGAIN, I WILL TALK IT TAKES SIX TO EIGHT YEARS TO COME UP WITH A TRANSMISSION LINE, WHEN YOU GO THROUGH THE PROCESS OF THE PERMITTING AND THE EMINENT DOMAIN, THE BATTLES FOR LAND RIGHTS. THOSE ALL TAKE A LOT OF TIME AND PLANNING, SO THOSE DON'T HAPPEN OVERNIGHT. TO ADDRESS THE LONG-TERM TRANSMISSION EXPANSION AND THE COST ALLOCATION CHALLENGES, NEBRASKA WILL NEED TO EXPLORE HOW BEST TO TAKE ADVANTAGE OF REGIONAL PLANNING AND COST ALLOCATION PROCESSES OF THE SPP. ADDITIONALLY, WE NEED TO EVALUATE OTHER OPTIONS TO CONSTRUCT THE NECESSARY TRANSMISSION TO MINIMIZE ANY ADVERSE IMPACTS ON THE STATE'S ELECTRICITY CUSTOMERS. SO IN OTHER WORDS, WE REALLY NEED TO GET DOWN AND STUDY. YOU KNOW, IF WE'RE LOOKING AT A POTENTIAL \$1.5 TO \$4 BILLION COST OF UPGRADING TRANSMISSION LINES, WHO'S GOING TO BEAR THAT BURDEN? THE SOUTHWEST POWER POOL WILL PICK UP SOME OF THAT TAB IF THEY DETERMINE IT'S A BENEFIT TO THE WHOLE SOUTHWEST POWER POOL REGION. SO THEN THEY START TO... [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR FRIESEN: ...THEN THEY, AT THAT POINT, THEY ASSIGN A PERCENTAGE OF THE COST TO NEBRASKA, AND THE SOUTHWEST POWER POOL PICKS UP THE

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REST OF THE COST. BUT WHEN THEY DO THAT, IT STILL RAISES THE COST OF OUR ELECTRICITY OVER THE WHOLE SOUTHWEST POWER POOL BECAUSE THOSE COSTS HAVE TO BE ABSORBED BY THE POOL. NOW IF THEY DETERMINE THOSE ADVANTAGES THAT THAT POWER LINE CREATES ARE MORE IN THE BENEFIT OF NEBRASKA, THEN THEY DO NOT PARTICIPATE IN THAT AND THEN WE WOULD BEAR THE FULL COST OF UPGRADING THOSE TRANSMISSION LINES. SO AGAIN, IT IS A CHALLENGE WHEN WE'RE TALKING ABOUT THIS KIND OF DEVELOPMENT AND WHAT THOSE COSTS MIGHT BE. AND WE DON'T REALLY EXPLORE THAT BECAUSE THAT'S NOT REALLY...NPPD REALLY DOESN'T CARE. THEY ARE IN THE BUSINESS OF BUILDING TRANSMISSION LINES. THEY'LL GLADLY BUILD THEM AND IT'S US, THE CUSTOMER, THAT PAYS FOR THEM. THAT'S NOT A PROBLEM. THEY JUST PASS THEIR COSTS ALONG, AND WE WILL PAY FOR THEM. AND IN THE LONG TERM, WE HAVE STILL NOT ADDRESSED... [LB824]

SENATOR COASH: TIME, SENATOR. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR SEILER, FOR WHAT PURPOSE DO YOU RISE? [LB824]

SENATOR SEILER: I RISE FOR PERSONAL PRIVILEGE, PLEASE. THE TESTS ON MY GRANDSON JUST CAME BACK AND THEY WERE NORMAL: CT, ALL OF THEM WERE NORMAL. THANK YOU FOR YOUR PRAYERS.

SENATOR COASH: THANK YOU, SENATOR SEILER. MR. CLERK, YOU HAVE SOME ITEMS?

ASSISTANT CLERK: MR. PRESIDENT, I DO. A COMMUNICATION FROM THE GOVERNOR. (READ RE: LB742, LB837, LB877, LB881, LB887, LB894, LB895, LB899, LB902, LB908, LB908A, LB909, LB913, LB924, LB942, LB948, LB952, LB973, LB978, LB1002, LB1010, LB1011, LB1039, LB1050, LB1075, LB1080, LB1083, LB1083A, LB1086, LB1093, LB1093A, AND LB1101.) A REPORT FROM ENROLLMENT AND REVIEW THAT LB958 AND LB1067 ARE CORRECTLY ENGROSSED. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 1523-1524.) [LB742 LB837 LB877 LB881 LB887 LB894 LB895 LB899 LB902 LB908 LB908A LB909 LB913 LB924 LB942 LB948 LB952 LB973 LB978 LB1002 LB1010 LB1011 LB1039 LB1050 LB1075 LB1080 LB1083 LB1083A LB1086 LB1093 LB1093A LB1101 LB958 LB1067]

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SENATOR COASH: SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB824]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, AGAIN, NEBRASKANS. AS I STATED EARLIER, FOR ME, THIS IS MORE OF A BIG-PICTURE PROCESS AND HOW I HAD...COMING FROM WIND ENERGY OVER THE LAST FOUR YEARS, I REALLY WAS AN OPPONENT TO WIND WHEN I WALKED INTO THIS BODY AND EVEN BEFORE THAT. I DIDN'T WANT A WINDMILL IN MY BACKYARD. I DIDN'T LIKE THE IDEA THAT WIND IS NOT GENERATED WHEN YOU NEED IT AND WHERE YOU NEED IT. BUT THE REALITY OF THE WORLD THAT WE LIVE IN TODAY IS OUR CUSTOMERS HAVE A LOT OF DECISION MAKING ABOUT HOW THEIR POWER IS PRODUCED. THAT'S NOT ANY DIFFERENT THAN THE FOOD THAT THEY PRODUCE. THAT'S NOT ANY DIFFERENT THAN THE CAR THEY DRIVE. THEY ARE INVOLVED IN OUR PROCESS EVERY DAY. I'VE BEEN A PAST ORGANIC PRODUCER OF AGRICULTURE PRODUCTS AND I GOT INTO THAT BUSINESS AND OUT SINCE I'VE BEEN ELECTED. BUT I WAS IN THAT BUSINESS FOR THAT REASON, ABOUT THAT'S WHAT'S CUSTOMER DRIVEN. A LOT OF THINGS I DO IN MY BUSINESS ARE THAT WAY. SO THE WAY I CAME FULL CIRCLE ON THIS BILL WAS I FINALLY HAD A RECOGNITION OF WHAT THE CUSTOMER DEMANDS. THAT ONE OF THE ISSUES. AND THE OTHER ISSUE IS...AND THOSE INVOLVED IN PUBLIC POWER ALL OF THEIR LIFE ARE MUCH BETTER VERSED ON IT THAN I AM, BUT I COME BACK TO THE FACT THAT THE STATE BORDERS THAT WE HAVE ARE NOT THE SAME THAT THEY WERE IN THE '40s AND '50s. PUBLIC POWER HAS A PLACE IN THIS STATE AND I WILL ALWAYS RECOGNIZE THAT. BUT THE GENERATION OF THAT POWER IS MUCH DIFFERENT TODAY THAN I THINK IS WHAT'S PORTRAYED ON THE FLOOR. WE HANDED OVER THE TITLE, THE RIGHT, THE DECISION MAKING OF THAT, PART OF THAT PROCESS, A NUMBER OF YEARS AGO AND IT'S JUST DIFFERENT THAN WHAT WE THINK IT IS. THEY'RE INTERMIXED WITH COAL, NUCLEAR, AND RENEWABLES. SO THAT'S MY STORY. THAT'S HOW I GOT TO THE POINT WHERE I AM. SO TODAY I STAND BEFORE YOU AS POSSIBLY THE LAST PERSON TO VISIT HERE. I AM IN OPPOSITION TO SENATOR FRIESEN'S AM2855, BUT I'M GOING TO ASK YOU TO VOTE GREEN FOR CLOTURE WHEN THAT COMES UP, RED ON THE AM2855, GREEN ON SENATOR HAAR'S AM2720, AND THEN GREEN ON THE LEGISLATIVE BILL. I REALLY THINK WE'VE HAD A GOOD DISCUSSION TODAY. THIS IS THE FIRST STEP IN A LONG WAY THAT WE WILL HAVE AND I THINK WE'RE GOING TO BE DISCUSSING RENEWABLE FUELS AND INDIRECTLY HOW IT AFFECTS ENERGY POLICY. THIS WILL BE...GO ON...IF I'M HERE FOR ANOTHER FOUR YEARS, I'M SURE IT WILL CONTINUE FOR ANOTHER FOUR YEARS. SENATOR DAVIS AND I JUST HAD A SHORT CONVERSATION AND I'M GOING TO YIELD THE REST OF MY TIME TO SENATOR DAVIS. [LB824]

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SENATOR COASH: SENATOR DAVIS, YOU'VE BEEN YIELDED 2:00. [LB824]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. A COUPLE OF THINGS I WANTED TO SAY I THINK THAT REALLY ARE IMPORTANT HERE. AND I'M GOING START, FIRST OF ALL, WITH THE PRODUCTION TAX CREDIT WHICH IS THE FEDERAL SUBSIDY, IF YOU WANT TO CALL IT THAT, FOR WIND DEVELOPMENT AND ALTERNATIVE ENERGY. IT'S 2.3 CENTS. IT'S GOING DOWN AT 20 PERCENT PER YEAR. SO YOU CAN SEE THAT THERE IS REAL INCENTIVE TO GET PROJECTS STARTED NOW. WAIT ANOTHER YEAR, THE INCENTIVE IS NOT AS GREAT. LIKE IT OR NOT, COLLEAGUES, THIS IS GOING TO TAKE PLACE AND MAY TAKE PLACE IN KANSAS, OKLAHOMA, COLORADO, SOUTH DAKOTA. I DON'T KNOW WHERE IT'S GOING TO HAPPEN, BUT IT'S GOING TO HAPPEN SOMEWHERE BECAUSE THERE'S DEMAND AND THERE'S AN OPPORTUNITY. OPPORTUNITY PLUS DEMAND EQUALS A PROJECT. SO WE CAN STAND BY AND WRING OUR HANDS AND SAY WE DON'T WANT TO DO THIS, OR WE CAN TAKE THE PLUNGE, REMOVE THESE REGULATIONS, AND MOVE FORWARD WITH IT. IT'S A UNIQUE RESOURCE THAT WE HAVE. WE'RE, I THINK, NUMBER THREE--I THINK I SAID THIS EARLIER--IN THE NATION. [LB824]

SENATOR COASH: ONE MINUTE. [LB824]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. NUMBER 3 IN THE NATION WITH THE ABILITY, WAY DOWN AROUND 28 OR 29 IN PRODUCTION. WE HAVE A RESOURCE THAT IS EXCEPTIONAL. WIND BLOWS A LOT OF THE TIME. IT'S ECONOMIC DEVELOPMENT FOR RURAL NEBRASKA. SENATOR FRIESEN HAS MADE COMMENTS ABOUT THE POTENTIAL COST TO NPPD AND THE POWER COMPANIES. YOU KNOW THAT THEY TESTIFIED NEUTRAL FOR ONE REASON OR ANOTHER, BUT THERE ARE OTHER OPPORTUNITIES OUT THERE. SOMETHING CALLED THE CLEAN LINE, WHICH IS A PRIVATE DEVELOPMENT PROCESS THAT HAS BEEN DEVELOPED FOR TRANSMISSION, I'VE SAID ALL ALONG THAT WE NEED TO WORK WITH THEM IN SOME WAY SO THAT WE CAN EXPORT OUR RESOURCE TO CALIFORNIA, TO CHICAGO. AT A CONFERENCE NOT LONG AGO, AT THE WIND CONFERENCE I WAS TALKING TO SOMEONE. TURBINES ARE GETTING MORE AND MORE EFFICIENT ALL THE TIME. AND MORE AND MORE EFFICIENT TURBINES MEANS THAT THEY CAN PRODUCE JUST AS MUCH ELECTRICITY IN LESS WINDY AREAS. SO THE OPPORTUNITY HERE IS A WINDOW THAT'S FAST CLOSING. FINALLY, SENATOR FRIESEN WAS TALKING ABOUT LB1115 WHICH WAS THE BRATTLE REPORT. [LB824]

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SENATOR COASH: TIME, SENATOR. [LB824]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR DAVIS AND SENATOR WATERMEIER. MR. CLERK, YOU HAVE A MOTION. [LB824]

CLERK: MR. PRESIDENT, I DO. SENATOR McCOLLISTER WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB824]

SENATOR COASH: IT IS THE RULING OF THE CHAIR THERE HAS BEEN FULL AND FAIR DEBATE AFFORDED TO LB824. SENATOR McCOLLISTER. [LB824]

SENATOR McCOLLISTER: ROLL CALL VOTE AND CALL OF THE HOUSE, IN REGULAR ORDER. [LB824]

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. [LB824]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB824]

SENATOR COASH: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. ALL UNEXCUSED SENATORS PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR KINTNER, PLEASE CHECK IN. SENATOR HUGHES, PLEASE CHECK IN. SENATORS KUEHN, McCOY, AND CHAMBERS, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. THERE HAS BEEN A REQUEST FOR ROLL CALL VOTE. MR. CLERK, PLEASE READ THE ROLL. [LB824]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1524-1525.) 34 AYES, 8 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB824]

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SENATOR COASH: THE MOTION TO INVOKE CLOTURE IS ADOPTED. MEMBERS, THE NEXT VOTE IS ON AM2855. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB824]

CLERK: 12 AYES, 24 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB824]

SENATOR COASH: AM2855 IS NOT ADOPTED. THE NEXT VOTE IS ON AM2720. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB824]

CLERK: 32 AYES, 8 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR HAAR'S AMENDMENT. [LB824]

SENATOR COASH: AM2720 IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB824]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB824 TO ENROLLMENT AND REVIEW FOR ENGROSSING. [LB824]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB824 DOES ADVANCE. RAISE THE CALL. NEXT ITEM, MR. CLERK. [LB824]

CLERK: MR. PRESIDENT, SENATOR HANSEN, LB756, I HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER242, LEGISLATIVE JOURNAL PAGE 1455.) [LB756]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB756]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB756. [LB756]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB756]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB756]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB756]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB756 TO E&R FOR ENGROSSING. [LB756]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB756 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB756]

CLERK: MR. PRESIDENT, LB829. SENATOR, I HAVE E&R AMENDMENTS PENDING. (ER243, LEGISLATIVE JOURNAL PAGE 1455.) [LB829]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB829]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB829. [LB829]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB829]

CLERK: I HAVE NOTHING FURTHER ON LB829, SENATOR. [LB829]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB829]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB829 TO E&R FOR ENGROSSING. [LB829]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB829 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB829]

CLERK: LB851, SENATOR, I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER246, LEGISLATIVE JOURNAL PAGE 1455.) [LB851]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB851]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB851...SORRY. I MOVE WE ADOPT THE E&R AMENDMENTS TO LB851. [LB851]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB851]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB851]

SENATOR COASH: SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB851]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I'M OFFERING AM2898 TO... [LB851]

CLERK: SENATOR, SENATOR, I'M SORRY. WE'RE ON LB851. I THINK YOUR AMENDMENT IS TO THE A BILL. [LB851]

SENATOR McCOLLISTER: OH, I NEED TO WAIT FOR THE... [LB851]

CLERK: YES, SIR. [LB851]

SENATOR McCOLLISTER: SORRY. [LB851]

CLERK: NEXT BILL. [LB851]

SENATOR COASH: SEEING NO FURTHER DISCUSSION ON LB851, SENATOR HANSEN FOR A MOTION. [LB851]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB851 TO E&R FOR ENGROSSING. [LB851]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB851 DOES ADVANCES. NEXT ITEM, MR. CLERK. [LB851]

CLERK: MR. PRESIDENT, NO E&Rs. SENATOR McCOLLISTER, SENATOR, I'VE GOT TWO AMENDMENTS. DO YOU STILL NEED BOTH OF THEM, OR...? [LB851A]

SENATOR McCOLLISTER: YES. YES. [LB851A]

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CLERK: I'M SORRY, FORGIVE ME, YOUR AMENDMENT. SENATOR MELLO'S IS THE SECOND. SENATOR McCOLLISTER WOULD MOVE TO AMEND WITH AM2898. (LEGISLATIVE JOURNAL PAGE 1526.) [LB851A]

SENATOR COASH: SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN ON AM2898. [LB851A]

SENATOR McCOLLISTER: YES, THANK YOU, MR. PRESIDENT. THANK YOU, MR. CLERK. I'M OFFERING AM2898 TO LB851A TO STRIKE SECTION 2, LINES 10-17. LB851A APPROPRIATED, FOR FISCAL YEARS '16-17, AND '17-18, \$7,750 FROM THE GENERAL FUND TO THE BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES TO CARRY OUT THE COMPLIANCE RESPONSIBILITIES FOR LB851. MEMBERS, ON GENERAL FILE I ANTICIPATED THE ADOPTION OF A COMMITTEE AMENDMENT, AM2149 TO LB851, WHICH WOULD REDUCE OR ELIMINATE THIS FISCAL IMPACT. THIS OUTCOME HAS IN FACT BEEN REALIZED. AM2898 WOULD STRIKE THE GENERAL FUND APPROPRIATIONS TO THE BOARD OF TRUSTEES TO THE STATE OF NEBRASKA COLLEGES. I ASK FOR THE ADOPTION OF AM2898 TO LB851A. THANK YOU. [LB851A LB851]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO AM2898. (VISITORS INTRODUCED.) SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR McCOLLISTER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM2898 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB851A]

CLERK: 28 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF SENATOR McCOLLISTER'S AMENDMENT. [LB851A]

SENATOR COASH: AM2898 IS ADOPTED. [LB851A]

CLERK: MR. PRESIDENT, SENATOR MELLO WOULD MOVE TO AMEND WITH AM2915. (LEGISLATIVE JOURNAL PAGE 1526.) [LB851A]

SENATOR COASH: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON AM2915. [LB851A]

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SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM2915 IS A TECHNICAL CLARIFICATION AMENDMENT TO ACTUALLY LB1110A, BUT WE HAVE TO PUT IT ON LB851A BECAUSE LB1110A IS ON FINAL READING AND WILL LIKELY NOT BE ABLE TO BE PULLED BACK FROM FINAL READING. THIS SIMPLY CLARIFIES THAT THE CASH FUNDS WE HAVE APPROPRIATED IN THAT A BILL CAN BE APPROPRIATED FROM THE SECTOR PARTNERSHIP FUND THAT WAS CREATED IN THE DEPARTMENT OF LABOR. IT SIMPLY...IT'S SIMPLY CLARIFYING A TECHNICAL COMPONENT THAT WAS LEFT OUT INADVERTENTLY IN THE LB1110A BILL. I'D URGE THE BODY TO ADOPT AM2915. THANK YOU, MR. PRESIDENT. [LB851A LB1110A]

SENATOR COASH: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE OPENING TO AM2915. (VISITORS INTRODUCED.) SEEING NO ONE WISHING TO SPEAK ON AM2915, SENATOR MELLO IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL AM2915 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB851A]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT. [LB851A]

SENATOR COASH: AM2915 IS ADOPTED. [LB851A]

CLERK: SENATOR HANSEN, I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB851A]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB851A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB851A TO E&R FOR ENGROSSING. [LB851A]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB851A DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB851A]

CLERK: SENATOR, I HAVE LB930 AND I DO HAVE ENROLLMENT AND REVIEW AMENDMENTS PENDING. (ER244, LEGISLATIVE JOURNAL, PAGE 1456.) [LB930]

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SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB930]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB930. [LB930]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB930]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB930]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB930]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB930 TO E&R FOR ENGROSSING. [LB930]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB930 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB930]

CLERK: LB721 DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS, SENATOR. (ER248, LEGISLATIVE JOURNAL PAGE 1466.) [LB721]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB721]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB721. [LB721]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB721]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB721]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB721]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB721 TO E&R FOR ENGROSSING. [LB721]

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SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB721 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB721]

CLERK: MR. PRESIDENT, LB235, SENATOR, DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER245, LEGISLATIVE JOURNAL, PAGE 1466.) [LB235]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB235]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB235. [LB235]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB235]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB235]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB235]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB235 TO E&R FOR ENGROSSING. [LB235]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. LB235 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB235]

CLERK: LB580, SENATOR, DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER247, LEGISLATIVE JOURNAL, PAGE 1459.) [LB580]

SENATOR COASH: SENATOR HANSEN FOR A MOTION. [LB580]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE ENROLLMENT AND REVIEW AMENDMENTS TO LB580. [LB580]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. E&R AMENDMENTS ARE ADOPTED. [LB580]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB580]

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SENATOR COASH: SENATOR MURANTE, YOU ARE RECOGNIZED. [LB580]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. AS YOU ARE PROBABLY AWARE, I AM RISING IN SUPPORT OF LB580. BUT IN THE SPIRIT OF SENATOR BURKE HARR'S AIRING OF THE GRIEVANCES, I'D LIKE TO ADD A GRIEVANCE TO THE LIST SINCE APPARENTLY THIS IS "FESTIVUS." THERE'S BEEN A LOT OF TALK ABOUT HOW THE CONGRESSIONAL DISTRICT REDISTRICTING IS TO GOING TO OCCUR GOING FORWARD. AND A FRUSTRATION THAT I HAVE THAT PERHAPS THIS ACT, IF ENACTED, WHICH I BELIEVE IT WILL BE, CAN BE AMENDED GOING FORWARD, IS A DISCUSSION OF JUST HOW MUCH OF SARPY COUNTY WILL BE IN THE 1ST DISTRICT, JUST HOW MUCH WILL BE IN THE 2ND DISTRICT AFTER THE NEXT CENSUS AND IN THE NEXT REDISTRICTING PROCESS, WITHOUT ANY CONSIDERATION TO THE FACT THAT FOR THE LAST 20 YEARS SARPY COUNTY HAS BEEN DIVIDED ALMOST IN HALF WHEN IT COMES TO CONGRESSIONAL DISTRICT REPRESENTATION. AND I HOPE, IF NOTHING ELSE, WE CAN PUT INTO THE RECORD THAT THERE IS NOTHING WRITTEN ANYWHERE THAT SAYS THAT SARPY COUNTY HAS TO BE THE COUNTY THAT IS PERPETUALLY CUT IN HALF IN THE CONGRESSIONAL REDISTRICTING PROCESS. IT DOESN'T HAVE TO BE DONE, BUT IT IS DONE. AND NO OTHER COUNTY IN THE STATE OF NEBRASKA HAS SUCH A PERCENTAGE OF ITS CITIZENRY DIVIDED BETWEEN ONE CONSTITUENCY AND THE OTHER AS SARPY COUNTY HAS BEEN FOR 20 YEARS. SO IN THE EVENT THAT ANYONE READS THIS TRANSCRIPT IN 2021 DURING THE REDISTRICTING PROCESS AT THAT TIME, AND I WILL UNDOUBTEDLY...HOPEFULLY I WILL STILL BE ALIVE TO TALK ABOUT THE REDISTRICTING PROCESS IN 2021 AND TO AT LEAST HAVE SOME COMMENTARY FIVE YEARS FROM NOW. I WON'T BE IN THIS BODY BUT I WILL HOPEFULLY HAVE SOME INPUT IN HOW THOSE MAPS ARE DRAWN. I WOULD ENCOURAGE THE MEMBERS OF THIS LEGISLATURE AND THE MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION TO CONSIDER ALTERNATIVES TO CUTTING SARPY COUNTY IN HALF, WHETHER IT'S KEEPING SARPY COUNTY WHOLE AND PLACING IT ENTIRELY IN THE 1ST DISTRICT, OR KEEPING SARPY COUNTY WHOLE AND TAKING PORTIONS OF DOUGLAS COUNTY AND PUTTING IT IN THE 1ST DISTRICT. AT LEAST THAT CONVERSATION NEEDS TO OCCUR AND PERHAPS IT DOESN'T...WE DON'T NEED TO AUTOMATICALLY ENTER THE REDISTRICTING PROCESS IN 2021 THAT SARPY COUNTY IS THE CUTTING BOARD BY WHICH THE POPULATIONS WILL BE EQUALIZED. IT DOESN'T HAVE TO BE THAT WAY. IT'S A POLICY DISCUSSION THAT AT LEAST SHOULD OCCUR IN 2021 AND I HOPE THAT IT WILL. THANK YOU, MR. PRESIDENT. [LB580]

SENATOR SCHEER PRESIDING

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SENATOR SCHEER: THANK YOU, SENATOR MURANTE. SENATOR HANSEN FOR A MOTION. [LB580]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB580 TO E&R FOR ENGROSSING. [LB580]

SENATOR SCHEER: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED, NAY. THE BILL ADVANCES. SPEAKER HADLEY FOR AN ANNOUNCEMENT. [LB580]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, COLLEAGUES, I WOULD LIKE TO TELL YOU WHAT WE'RE GOING TO DO THE REST OF THE DAY SO THAT IT KEEPS YOU FROM WORRYING ABOUT IT. I CAN DO ENOUGH WORRYING FOR EVERYBODY. I AM MODIFYING TODAY'S AGENDA. FOLLOWING LB716, WE WILL TAKE UP LB1067A, WHICH IS THE A BILL THAT WE DISCUSSED LAST NIGHT. SO YOU CAN PUT THAT ON YOUR AGENDA. AFTER LB716, WE WILL BE TAKING UP LB1067A, THE A BILL. FOLLOWING LB1067A IT IS MY INTENTION TO ONLY TAKE UP LB1022 IN THE FOLLOWING DIVISION OF BILLS WITH FINAL READING MOTIONS TO RETURN TO SELECT FILE FOR A SPECIFIC AMENDMENT. I'VE TALKED TO THE INTRODUCERS AND THE PEOPLE WITH AMENDMENTS ON THOSE THREE BILLS AND WE WILL TAKE THOSE UP NEXT WEEK FOR FINAL...DURING FINAL READING. AFTER SPEAKING TO THE SENATORS WITH AMENDMENTS, I HAVE DECIDED WE WILL MOVE ON TO THE FINAL READING DIVISION AFTER WE COMPLETE LB1022. AND WE WILL DO THAT WHILE WE'RE WAITING FOR THE BILLS TO COME BACK FROM BILL DRAFTERS, SO WE'RE JUST NOT SITTING HERE DOING NOTHING. SO WE WILL BE DOING FINAL READING YET LATER THIS AFTERNOON. SO I HOPE YOU WILL STICK AROUND FOR THE FINAL READING AND THOSE ARE ON YOUR AGENDA. AND THOSE WILL BE THE BILLS THAT WE TALKED ABOUT THAT THE RULES WILL BE SUSPENDED SO THERE WILL BE NO MOTIONS OR AMENDMENTS PUT ON AND THEY WILL BE TREATED AS FINAL READING VOTES. THANK YOU.

SENATOR SCHEER: THANK YOU, SPEAKER HADLEY. MR. CLERK, NEXT ITEM.

CLERK: MR. PRESIDENT, LB1106, THE NEXT BILL. SENATOR, I HAVE E&R AMENDMENTS FIRST OF ALL. (ER251, LEGISLATIVE JOURNAL PAGE 1466.) [LB1106]

SENATOR SCHEER: SENATOR HANSEN FOR A MOTION. [LB1106]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1106. [LB1106]

SENATOR SCHEER: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED, NAY. THE E&Rs ARE ADOPTED. SENATOR... [LB1106]

CLERK: SENATOR GARRETT WOULD MOVE TO AMEND WITH AM2840, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGE 1527.) [LB1106]

SENATOR SCHEER: SENATOR GARRETT, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB1106]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. WE WORKED MIGHTILY ON THIS BILL WITH A LOT OF INPUT FROM THE ATTORNEY GENERAL'S OFFICE AND THE INSTITUTE FOR JUSTICE AND THE ACLU. AND WE FINALLY GOT THIS WHERE WE WANT IT. WE'VE CHANGED THE REPORTING REQUIREMENT TO...FROM A QUARTERLY REPORT TO AN ANNUAL REPORT THAT'S DUE TO THE STATE AUDITOR. AND IT GIVES SOME SPECIFICITY AND SOME FIDELITY AND IT LIMITS WHAT ACTUALLY HAS TO BE REPORTED TO MAKE IT EASIER FOR LAW ENFORCEMENT AND THE COUNTY ATTORNEYS TO DO THAT REPORTING. AND WE CONFERRED WITH THE STATE AUDITOR, AUDITOR JANSSEN, ON THAT AND GOT TO AN AGREEMENT ON THAT. WE ALSO CHANGED THE ANTICIRCUMVENTION CLAUSE. LAW ENFORCEMENT HAD A LOT OF CONCERNS ABOUT THAT. WE WENT FROM \$50,000 TO \$25,000. AGAIN, IF YOU WILL REMEMBER, THERE'S A...WE'VE BEEN KIND OF DOING AN END RUN WITH OUR CIVIL FORFEITURE. AND THIS BILL AGAIN DOES AWAY WITH CIVIL FORFEITURE AND REQUIRES THAT THERE BE A CRIMINAL CHARGE AND A CRIMINAL CONVICTION BEFORE FORFEITURE CAN ACTUALLY OCCUR. BUT ANYTHING \$25,000 IN CURRENCY OR LESS IS GOING TO HAVE TO BE KEPT IN THE STATE SYSTEM AND NOT GONE TO THE FEDS WITH THEIR EQUITABLE SHARING PROGRAM WHICH CIRCUMVENTS OUR CONSTITUTION. AND WE'VE IRONED THAT OUT IN THE AMENDMENT AND GOT THE LANGUAGE WHERE WE NEED IT TO BE AND WE DON'T HAVE THE END RUN. SO THIS IS A GOOD, SOLID BILL, COLLEAGUES. AND I SAID IT BEFORE AND I'LL SAY IT AGAIN, IT'S SCANDALOUS WHAT HAS BEEN GOING ON. WE'RE FORFEITING...NEBRASKANS ARE FORFEITING OVER \$4 MILLION A YEAR AND OVER \$2 MILLION OF THAT SHOULD BE GOING TO THE GENERAL EDUCATION FUND. SO, COLLEAGUES, THIS IS A SOLID, SOLID BILL AND I ENCOURAGE YOU TO VOTE FOR A GREEN VOTE ON AM2840 AND LB1106. THANK YOU. [LB1106]

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: MR. CLERK. [LB1106]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE AN AMENDMENT TO THE GARRETT AMENDMENT FROM SENATOR MELLO, AM2920. (LEGISLATIVE JOURNAL PAGE 1527.) [LB1106]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED. [LB1106]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AM2920 MODIFIES BOTH THE REPORTING REQUIREMENT AND THE ANTICIRCUMVENTION REQUIREMENT THAT'S CONTAINED IN THE NEW VERSION OF LB1106 WITH THE GARRETT AMENDMENT, AM2840. SENATOR GARRETT, SENATOR FRIESEN, SENATOR COASH, CHAMBERS, MYSELF, AND OTHERS HAD WORKED FROM GENERAL FILE TO SELECT FILE ON A COUPLE COMPONENTS THAT WERE STICKING POINTS ON GENERAL FILE OF THIS BILL TO TRY TO BUILD SOME COMPROMISE, IN NEGOTIATION WITH A NUMBER OF THE STAKEHOLDERS INVOLVED, INCLUDING THE ACLU OF NEBRASKA, LAW ENFORCEMENT, AND OTHER PROSECUTORS. WE WERE ABLE TO WORK THROUGH THAT COMPROMISE THROUGH THE LEADERSHIP OF SENATOR GARRETT, HIS STAFF, THE LEGAL COUNSEL OF THE JUDICIARY, AND OTHERS TO FINISH THAT AMENDMENT THIS MORNING TO ESSENTIALLY THE AGREEMENT AMONGST ALL THE INTERESTED PARTIES. AND REAL QUICK, THOSE TWO COMPONENTS ARE INCLUDED. AM2840, THE SENATOR GARRETT AMENDMENT THAT BECOMES THE BILL AND PROVIDES MORE TRANSPARENCY THROUGH REPORTING BY LAW ENFORCEMENT TO THE STATE AUDITOR, HOWEVER, AM2840 AS IT WAS DRAFTED REQUIRES REPORTING REQUIREMENTS NOT ONLY OF PROPERTY THAT IS SUBJECT TO FORFEITURE BUT ALSO PROPERTY THAT IS SEIZED AS EVIDENCE OF A CRIME REGARDLESS OF WHETHER OR NOT IT IS FORFEITED. AM2920 AS A COMPROMISE SIMPLY ENSURES THAT THE REPORTING REQUIRED OF LAW ENFORCEMENT WILL RESULT IN DATA THAT IS USEFUL. AM2920 SPECIFIES THE TYPE OF PROPERTY THAT IS TO BE INCLUDED IN THE REPORT. SUCH PROPERTY INCLUDES MONEY, SECURITIES, NEGOTIABLE INSTRUMENTS, FIREARMS, AND CONVEYANCES SUCH AS VEHICLES. THIS MODIFICATION IS INTENDED TO ADDRESS THE CONCERNS BROUGHT BY THE LINCOLN POLICE DEPARTMENT AND OTHER LAW ENFORCEMENT ENTITIES ABOUT THEIR ABILITY TO REPORT ALL OTHER SEIZED PROPERTY INCIDENT TO ARRESTS, SUCH AS BACKPACKS, CLOTHING, AND OTHER LOW-VALUE ITEMS THAT ARE NEVER SUBJECT TO FORFEITURE AND RATHER

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IRRELEVANT TO THE TYPE OF INFORMATION THAT WILL BE PROMULGATED TO THE STATE AUDITOR AND SUBSEQUENTLY TO THE LEGISLATURE. ADDITIONALLY, AM2920 THUS MAKES THE REPORTING REQUIREMENT FROM QUARTERLY TO ANNUALLY. SENATOR HILKEMANN HAD AN AMENDMENT THAT HE'S WITHDRAWN THAT DOES THAT AS WELL. AND I WANT TO THANK SENATOR HILKEMANN FOR ADDRESSING THAT ITEM THAT WAS BROUGHT FORWARD BY THE STATE AUDITOR. AM2920 THUS MAKES THE REPORTING REQUIREMENT LESS ONEROUS AND, THEREFORE, LESS COSTLY TO LAW ENFORCEMENT OFFICIALS BUT ALSO DOES NOT SACRIFICE ANY, ANY, COLLEAGUES, OF THE MEANINGFUL DATA FROM THE REPORTS. THE SECOND COMPONENT IS THE ANTICIRCUMVENTION REQUIREMENT ON PAGE 17 LINES 3-10 OF AM2840. IT CONTAINS THE ANTICIRCUMVENTION REQUIREMENT INTENDED TO LIMIT LOCAL LAW ENFORCEMENT'S ABILITY TO PARTICIPATE IN THE U.S. DEPARTMENT OF JUSTICE EQUITABLE SHARING PROGRAM. THE LANGUAGE USED IN THIS SUBSECTION MAY HAVE AN UNINTENDED EFFECT OF LIMITING OR EVEN ELIMINATING LOCAL LAW ENFORCEMENT'S ABILITY TO PARTICIPATE IN INTERGOVERNMENTAL LAW ENFORCEMENT TASK FORCES THAT INCLUDE FEDERAL AGENTS. LAW ENFORCEMENT'S ABILITY TO PARTICIPATE IN THESE TASK FORCES IS CRITICAL IN SHARING INFORMATION, PERSONNEL, AND RESOURCES TO STOP DRUG TRAFFICKING, HUMAN TRAFFICKING, CHILD PORNOGRAPHY RINGS, TERRORISM, CYBERCRIME, AND MANY OTHER CRIMES THAT ARE INTERSTATE IN NATURE. AM2920 ELIMINATES THIS LANGUAGE AND FOCUSES THE LANGUAGE INSTEAD ON LIMITING THE USE OF LOCAL LAW ENFORCEMENT OF SO-CALLED FEDERAL ADOPTION OF PROPERTY FOR THE PURPOSES OF FORFEITURE. AM2920 LIMITS FEDERAL ADOPTION WHEN THE PROPERTY SUBJECT TO FORFEITURE IS, ONE, WHEN THE PERSON OR PROPERTY IS SUBJECT TO FEDERAL PROSECUTION; SECOND, THE MONEY OR THE PROPERTY IS PHYSICALLY SEIZED BY A FEDERAL AGENT WHO IS EMPLOYED BY THE FEDERAL GOVERNMENT; OR C OR THIRD, WHEN THE MONEY AND/OR THE PROPERTY SEIZED EXCEEDS \$25,000 IN VALUE. THE LEGISLATURE CANNOT PREVENT FEDERAL AGENCIES FROM PURSUING LEGITIMATE CRIMINAL ACTIVITY. AND THIS AMENDMENT THAT'S BEEN WORKED OUT...I WANT TO REITERATE AND THANK SENATOR GARRETT AND HIS STAFF AS WELL AS THE LEGAL COUNSEL AND SENATOR SEILER WHO SPENT A GOOD PORTION OF THE MORNING TRYING TO HAMMER THIS OUT TO ENSURE WE KEEP THE INTENT OF THE BILL AND STILL ADDRESS THE ISSUE IN REGARDS TO THE ANTICIRCUMVENTION, THAT LAW ENFORCEMENT WILL STILL BE ABLE TO PARTNER WITH THE FEDERAL AUTHORITIES IN PROTECTING THE PUBLIC WHILE ENSURING THAT A VAST MAJORITY OF THE FORFEITURES ARE SUBJECT TO THIS NOW NEW STATE STATUTORY STRUCTURE ESTABLISHED BY AM2840 AND THE UNDERLYING BILL,

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LB1106. WITH THAT, COLLEAGUES, I'D URGE THE BODY TO ADOPT AM2920, AM2840, AND ADVANCE LB1106. THANK YOU, MR. PRESIDENT. [LB1106]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO, FOR YOUR OPENING ON YOUR AMENDMENT. SENATOR COASH, YOU'RE RECOGNIZED. [LB1106]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WANTED TO JUST TAKE A FEW MOMENTS TO KIND OF LET EVERYBODY KNOW WHERE WE ARE, WHERE WE'VE BEEN, AND MOST IMPORTANTLY TALK A LITTLE BIT ABOUT WHERE WE NEED TO GO. FIRST OF ALL, THERE'S BEEN A LOT OF HARD WORK THAT HAS GONE INTO THIS. CERTAINLY SENATOR GARRETT HAS BROUGHT A FRAMEWORK OF A BILL THAT THIS NEEDED TO HAPPEN. AND WE PASSED IN THE COMMITTEE AMENDMENT...THE COMMITTEE AMENDMENT WHICH BECAME THE BILL, THE MOST IMPORTANT PART OF THIS BILL, WHICH CANNOT BE LOST ON THIS DISCUSSION, WHICH MEANS...WHICH SAYS THAT IF THE GOVERNMENT IS GOING TO TAKE YOUR PROPERTY, THERE HAS TO BE A PROCESS BY WHICH YOU CAN GET IT BACK. AND MOST IMPORTANTLY, THERE'S GOT TO BE A CRIMINAL CONVICTION PRIOR TO THAT. THAT'S AN IMPORTANT PIECE. THAT'S ALREADY PART OF LB1106, AND FOR THAT, SENATOR GARRETT SHOULD BE APPLAUDED AND THIS BODY SHOULD BE APPLAUDED FOR INCLUDING THAT. THE PROVISIONS THAT WE ARE AMENDING NOW THROUGH SENATOR GARRETT'S AMENDMENT AND SENATOR MELLO'S AMENDMENT TO THAT AMENDMENT ARE ALSO IMPORTANT AND THEY DO REPRESENT SOME ADDITIONAL WORK THAT'S GONE IN TO THIS. ONE OF THE MAIN COMPONENTS HERE THAT'S IMPORTANT IS THAT IT'S...IN MY OPINION, IS THAT WE'VE GOT TO BE CAUTIOUS ABOUT WHEN WE TELL THE FEDERAL GOVERNMENT THEY CAN AND CAN'T COME IN. THEY OPERATE INDEPENDENTLY OF OUR STATE. AS I'VE TALKED WITH LAW ENFORCEMENT ON THIS, THEY DON'T USE FEDERAL FORFEITURE TO MAKE AN END RUN AROUND THE CONSTITUTION. OUR CURRENT STATE LAW, SINCE AN OPINION, WHICH IF YOU WANT TO LOOK IT UP IT'S CALLED THE FRANCO OPINION, IS WHAT HAS LED TO THE USE OF FEDERAL OVER STATE FORFEITURE AND IT HELD THAT IT'S UNCONSTITUTIONAL FOR THE STATE TO PROSECUTE A DEFENDANT FOR A DRUG CRIME AND SEEK FORFEITURE ASSETS UNDER 28-431. WE'RE TRYING TO ADDRESS THAT THROUGH THIS BILL. COLLEAGUES, MANY OF YOU WILL BE HERE NEXT YEAR. THERE IS STILL WORK TO BE DONE ON THIS ISSUE. WITH REGARD TO THE...THE TIMING OF THIS HAS BEEN SOMEWHAT UNFORTUNATE THAT IT IS IMPORTANT TO GET SOMETHING DONE THIS YEAR. I WILL TELL YOU THERE ARE GROUPS OUT THERE THAT WERE ALL ON BOARD, OFF BOARD, GETTING THERE, JUMPING ON, JUMPING OFF. AND AT THE END OF THE DAY, THERE IS A LOT OF FOLKS WHO

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WOULD JUST AS SOON THIS BILL GO AWAY AND THAT WE START FRESH, AND I DON'T...I UNDERSTAND THEIR POINT. BUT I HAVE TRUST IN THOSE THAT WILL BE HERE TO CONTINUE TO WORK ON THIS ISSUE AND THAT THIS...AND THAT WE ARE ABLE TO MOVE FORWARD DESPITE THAT. BUT I WANTED TO MAKE IT CLEAR ON THE RECORD THAT THERE IS STILL WORK TO BE DONE HERE. AND I'M SPEAKING MAINLY TO THOSE WHO WILL STILL BE HERE NEXT YEAR. SENATOR GARRETT I HOPE WILL BE HERE AND I HOPE HE'LL CONTINUE TO WORK ON THIS ISSUE AND I HOPE THERE ARE SOME OTHER SENATORS WHO WILL TAKE AN ACTIVE ROLE IN SUPPORTING HIM IN THIS EFFORT. WITH THAT, I WOULD URGE YOUR ADOPTION OF THE TWO AMENDMENTS IN FRONT OF US. THEY ARE HELPFUL. THEY DO CLARIFY SOME THINGS THAT NEEDED TO BE CLARIFIED AND ALLOW ALL PARTIES TO MOVE FORWARD IN A WAY THAT IS PRODUCTIVE, KNOWING THAT THERE IS STILL WORK TO BE DONE. THANK YOU, MR. PRESIDENT. [LB1106]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB1106]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I RISE TO...I WILL BE SUPPORTING AM2920 AND THE UNDERLYING BILL HERE TODAY. SENATOR KOLOWSKI AND I, YOU MAY HAVE NOTICED, WE WERE ABOUT AN HOUR LATE TODAY FOR THE SESSION. WE WERE OUT AT THE NEBRASKA...AT OUR NEW CRIME LAB OUT AT AIR PARK GETTING A TOUR WITH A NUMBER OF UNIVERSITY AND OFFICIALS IN THAT AREA FROM IT. AND IF YOU HAVE NOT HAD AN OPPORTUNITY TO SEE THAT CRIME LAB, YOU CAN BE VERY PROUD OF WHAT HAS BEEN PUT TOGETHER FOR THE STATE OF NEBRASKA. WE SAW IT IS A WONDERFULLY ACCREDITED FACILITY. WE LEARNED A LOT...I'D NEVER BEEN IN A CRIME LAB BEFORE. SENATOR KOLOWSKI'S SON IS A FORENSICS SPECIALIST AND HE'S BEEN IN MANY OTHERS. BUT IT WAS A WONDERFUL EXPERIENCE. ONE OF THE THINGS THAT COLONEL RICE SHOWED TO ME WAS SOME OF THESE...HE SAID THIS IS THE TYPE OF DEVICE THAT WE ARE GETTING WITH DRUG FORFEITURE MONEY. AND HE ALSO MENTIONED AND THERE'S BEEN SOME THINGS SAID HERE ON THE FLOOR ABOUT OUR HIGHWAY PATROL AND SO FORTH. AND HE SAID I WANT TO TELL YOU HOW WE TRAIN OUR OFFICERS. AND HE SAID, YOU KNOW, THERE ARE ALWAYS THE EXCEPTIONS. BUT HE SAID OUR OFFICERS DO AN OUTSTANDING JOB ON THESE FORFEITURE AREAS. AND HE JUST WANTED TO ASSURE US THAT, IN SPITE OF SOME OF THE THINGS THAT ARE SAID, THAT THE PROGRAM IS WORKING WELL. OF COURSE, THEY WOULD RATHER AS SOON THAT SOME OF THIS DIDN'T HAPPEN BUT IT'S GOING TO HAPPEN. AND I JUST WANTED TO LET YOU KNOW THAT THE STATE DOES SOME

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THINGS WELL AND CERTAINLY OUR CRIME LAB, I THINK, IS DOING WELL. AND WANT...THEY'RE PART OF OUR WORK WITH LR601 AND WE'LL LOOK FORWARD MORE TO THAT IN THE FUTURE. THANK YOU VERY MUCH. [LB1106 LR601]

SPEAKER HADLEY: THANK YOU, SENATOR HILKEMANN. SENATOR SEILER, YOU'RE RECOGNIZED. SENATOR SEILER, YOU'RE RECOGNIZED. [LB1106]

SENATOR SEILER: THANK YOU, MR. SPEAKER. MEMBERS OF THE UNICAMERAL, I THINK WHAT'S INTERESTING IN THIS IS THE AMOUNT OF FACTS THAT WERE SPREAD OUT. SENATOR GARRETT DID A MARVELOUS JOB OF KEEPING HIS EYE ON THE BALL AND STARTED IN 1999 WITH THE FRANCO CASE, WHICH HELD BY THE NEBRASKA SUPREME COURT THAT THIS WAS PLAIN DOUBLE JEOPARDY AND COULD NOT BE DONE, FORFEITURE COULD NOT BE DONE. AT THAT TIME THEY HAD, FIRST, THE CRIMINAL SETTING AND THEN A CIVIL SETTING AND THEY HAD THE SAME PREPONDERANCE OF THE EVIDENCE RULE. AND THE SUPREME COURT OF NEBRASKA SAID, NOPE, THAT'S CLEARLY DOUBLE JEOPARDY. SO WORKING...STARTING AT THAT LEVEL, THEN THE U.S. DISTRICT...U.S. ATTORNEY GENERAL STARTED DANCING CIRCLES ABOUT WHERE SHE WAS. FIRST, SHE WAS FOR SPLITTING THE PROCEEDS WITH THE STATES, THEN SHE DECIDED, NO, SHE WAS GOING TO KEEP ALL THE MONEY HERSELF. AND NOW SHE'S A COUPLE DAYS AGO ANNOUNCED, WELL, MAYBE SHE WILL RETHINK THAT. SO WE HAD THAT GOING ON. WE'VE HAD GOOD COMMUNICATIONS WITH COREY O'BRIEN OF THE ATTORNEY GENERAL'S OFFICE, AND THE REPRESENTATIVES FROM THE POLICE OFFICERS AND THE COUNTY ATTORNEYS. AND THEY ALL WORKED TOGETHER FOR A SOLUTION. AND IT JUST GOES TO SHOW WHEN THEY'RE ALL WORKING TOWARD A SOLUTION, EVEN THOUGH THEY JUMP ON AND JUMP OFF, YOU CAN REACH THAT, AND WE HAVE REACHED IT WITH THIS CASE. THANK YOU VERY MUCH AND GIVE SENATOR GARRETT A GREAT BOOST BY PASSING THIS WITH A GREEN VOTE BECAUSE HE WORKED HARD AT THE RESOLUTION. THANK YOU. [LB1106]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB1106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON AGAIN, NEBRASKA. I JUST WANT TO STAND IN SUPPORT OF BOTH THESE AMENDMENTS AND KIND OF RECOGNIZE SENATOR MELLO TOO. I KNOW THERE WAS ELEVENTH HOUR WORK WITH THIS WITH LAW ENFORCEMENT AND THIS IS AN IMPORTANT BILL AS I KIND OF GOT DUG INTO IT THE LAST MINUTE. I'M

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SURPRISED WE ARE TO THIS POINT AND THIS NEEDS TO HAPPEN. BUT I ALSO WANT TO RECOGNIZE SENATOR GARRETT, SENATOR EBKE, SENATOR COASH, AND THE OTHERS, PANSING BROOKS, THAT HAVE WORKED ON THIS BILL AS WELL. AND JUST PUT ON THE RECORD, TOO, THAT I'LL BE HERE NEXT YEAR, HOPEFULLY IF REELECTED, AND I WANT TO MAKE THIS SORT OF AN ISSUE FOR ME AS WELL TO MAKE SURE WE GET THIS TAKEN CARE OF RIGHT. SO THANK YOU, SENATOR GARRETT. [LB1106]

SPEAKER HADLEY: THANK YOU, SENATOR WATERMEIER. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB1106]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND AS I MENTIONED, THIS CLEANUP AMENDMENT ADDRESSES TWO COMPROMISE COMPONENTS THAT WE WERE ALL COMING TO AN AGREEMENT ON IN REGARD TO THE REPORTING REQUIREMENT, AS WELL AS TIGHTENING THE ANTICIRCUMVENTION COMPONENT OF THE GARRETT AMENDMENT, AM2840. SIMILAR TO WHAT SENATOR WATERMEIER SAID, I WON'T BE HERE NEXT YEAR BUT I CAN'T SAY ENOUGH IN REGARDS TO THE HARD WORK AND LEADERSHIP SENATOR GARRETT AND HIS STAFF PUT INTO THIS BILL, THE MEMBERS OF THE JUDICIARY COMMITTEE WHO GOT THIS BILL TO WHERE WE'RE AT TODAY, AS WELL AS THE JUDICIARY COMMITTEE STAFF, AS WELL AS ALL OF THE STAKEHOLDERS ON THIS BILL FROM ACLU OF NEBRASKA, THE LAW ENFORCEMENT, PROSECUTORS ACROSS THE STATE TO CREATE A NEW STRUCTURE THAT REALLY PROTECTS INDIVIDUALS' CONSTITUTIONAL RIGHTS IN REGARDS TO THEIR MOVEMENT FORWARD WHEN IT COMES TO FORFEITURES IN A PROCESS THAT TRIES TO ENSURE JUSTICE ALONG THE WAY, BOTH AT THE STATE LEVEL AND IF THEY GET TRANSITIONED TO THE FEDERAL LEVEL. SO WITH THAT, COLLEAGUES, I'D URGE THE BODY TO ADOPT AM2920, AM2840, AND MOVE THE UNDERLYING BILL TO FINAL READING. THANK YOU, MR. PRESIDENT. [LB1106]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. YOU'VE HEARD THE CLOSING ON AM2920. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1106]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR MELLO'S AMENDMENT TO SENATOR GARRETT'S AMENDMENT. [LB1106]

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SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE ON AM2840. [LB1106]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. I'D LIKE TO THANK EVERYONE THAT'S BEEN INVOLVED WITH THIS AS WELL. THIS IS A RIGHTEOUS BILL. AND, SENATOR HILKEMANN, I MENTIONED...YOU MENTIONED MEETING WITH COLONEL RICE FROM THE STATE PATROL AND TOURING THE CRIME LAB. I SAID DURING TESTIMONY BEFORE THE JUDICIARY COMMITTEE THAT THE STATE PATROL HAS DONE A GREAT JOB. THEY HAVE USED A LOT OF THE FORFEITED FUNDS FOR BUILDING A NEW CRIME LAB, WHICH WAS AN ABSOLUTE NECESSITY. AND MY WHOLE POINT IS THAT WE AS A LEGISLATURE, WE NEED TO MAKE SURE THE STATE PATROL AND LAW ENFORCEMENT HAVE THE THINGS THAT THEY NEED TO DO THEIR JOB. AND YOU KNOW, WE OUGHT NOT HAVE THEM HAVE TO GET CREATIVE IN HOW TO FUND THESE THINGS. WE REALLY...LAW ENFORCEMENT HAS BEEN GETTING A LOT OF...DOING A LOT OF POSITIVE THINGS WITH THE FORFEITED FUNDS, BUT WE DO HAVE...WE ARE A NATION OF LAWS AND WE HAVE A CONSTITUTION. AND SO WE NEED TO BE EVER MINDFUL OF SUPPORTING LAW ENFORCEMENT AND EVERYTHING. BUT THIS BASICALLY RESTORES SUPPORT FOR OUR CONSTITUTION AND OUR LAWS. AND I HIGHLY ENCOURAGE YOU TO VOTE FOR THE AMENDMENT AND THE UNDERLYING BILL, LB1106. THANK YOU, MR. SPEAKER. [LB1106]

SPEAKER HADLEY: THANK YOU, SENATOR GARRETT. YOU HEARD THE CLOSING ON AM2840. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1106]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR GARRETT'S AMENDMENT. [LB1106]

SPEAKER HADLEY: SENATOR HANSEN FOR MOTION. [LB1106]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1106 TO E&R FOR ENGROSSING. [LB1106]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1106 ADVANCES. MR. CLERK, NEXT ITEM ON THE AGENDA. [LB1106]

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CLERK: MR. PRESIDENT, LB716. I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL, SENATOR. (ER250, LEGISLATIVE JOURNAL PAGE 1468.) [LB716]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB716]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE ENROLLMENT AND REVIEW AMENDMENTS TO LB716. [LB716]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB716]

CLERK: SENATOR COASH, I HAVE AM2360 WITH A NOTE YOU WISH TO WITHDRAW THAT, SENATOR. MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND WITH AM2852. (LEGISLATIVE JOURNAL PAGE 1478.) [LB716]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB716]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES AM2852 IS AN AMENDMENT THAT DEALS WITH THE PORTION OF LB716 REGARDING SIDE PATHS. AND AS SENATOR KOLOWSKI TALKED ABOUT ON GENERAL FILE, SIDE PATHS ARE BIKE TRAILS THAT RUN PARALLEL TO A HIGHWAY. IT WAS SURPRISING TO ME WHEN I LEARNED, THROUGH LB716, THAT IT WAS ILLEGAL, UNLAWFUL FOR A RIDER TO RIDE ON THE STREET WHEN THERE IS A SIDE PATH NEXT TO THEM. AND IT WAS SURPRISING TO ME BECAUSE IN MY EXPERIENCE THERE HAVE BEEN...I'VE SEEN A LOT OF RIDERS ON A HIGHWAY WITH A SIDE PATH THAT THEY COULD USE RIGHT NEXT TO THEM. I DIDN'T KNOW IT WAS ILLEGAL. SO I DID A LITTLE BIT OF RESEARCH AND I ASKED...I TALKED WITH LAW ENFORCEMENT. I TALKED TO THE CRIME COMMISSION. I TRIED TO GET INFORMAL DATA, FORMAL DATA, AND HERE WAS THE CONCLUSION THAT I CAME TO BASED ON THE FEEDBACK I RECEIVED. AND THE FEEDBACK WAS THIS: THIS LAW ISN'T BEING ENFORCED. LAW ENFORCEMENT IS NOT OUT THERE PULLING OVER CYCLISTS AND SAYING, EXCUSE ME, CYCLIST, THERE IS A SIDE PATH OVER THERE AND YOU'RE REQUIRED BY LAW TO USE THAT. IT IS JUST NOT BEING ENFORCED, WHICH I FIND UNFORTUNATE, BECAUSE I SEE A LOT OF MONEY BEING PUT INTO BIKE TRAILS. I SEE A LOT OF EFFORT...MY COMMUNITY RIGHT HERE IN LINCOLN HAS PUT A LOT OF MONEY AND EFFORT INTO BIKE TRAILS.

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AND IT FRUSTRATES ME WHEN I SEE A RIDER NOT USING THEM, BECAUSE CITIZENS WHO ARE ASKED TO PAY FOR THAT ARE TOLD THAT IF YOU BUILD IT THEY WILL COME. AND, UNFORTUNATELY, IT HASN'T ALWAYS BEEN THE CASE, NOT ONLY HERE IN MY COMMUNITY BUT ALSO THE COMMUNITY WHERE I GREW UP IN THE SANDHILLS. THERE'S A TRAIL CALLED THE COWBOY TRAIL AND IT'S NOW A BIKE TRAIL. IT USED TO BE A RAILROAD LINE AND IT RUNS PARALLEL TO HIGHWAY 20. AND AS YOU GO DOWN HIGHWAY 20, YOU CAN LOOK OFF TO YOUR RIGHT OR TO YOUR LEFT, DEPENDING ON WHETHER YOU'RE GOING EAST OR YOU'RE GOING WEST, AND YOU CAN SEE THIS TRAIL. IT'S NOT THAT FAR OFF THE ROAD. AND YET YOU'LL SEE CYCLISTS ON THE HIGHWAY. SENATOR HILKEMANN HAS BEEN A GREAT EDUCATOR ON THIS ISSUE BECAUSE WHEN I SHARED THIS HE SHARED WITH ME THE REASONS THAT THE CYCLISTS DON'T USE THAT TRAIL. IT'S BECAUSE THE TRAIL IS NOT CONDUCIVE TO THE TIRES AND THERE CAN BE SOME SAFETY ISSUES. AND SO MOST CYCLISTS CHOOSE TO USE THE HIGHWAY INSTEAD, WHICH, BY THE WAY, AS THE LAW STANDS TODAY, IS ILLEGAL. HOWEVER, WHETHER LAW ENFORCEMENT KNOWS AND DOESN'T CARE OR DOESN'T KNOW, THEY'RE NOT ENFORCING IT. NOBODY IS GETTING TICKETED, NOBODY IS GETTING A TRAFFIC INFRACTION FOR VIOLATING THAT PARTICULAR LAW. I BELIEVE THAT THE ANSWER IS NOT WHAT SENATOR KOLOWSKI HAS PUT INTO HIS BILL, WHICH IS TO JUST REMOVE THE REQUIREMENT. BUT IF THE...I BELIEVE THE ANSWER IS FIX THE TRAILS. MAKE THE TRAILS RIGHT SO THAT THEY ARE SAFE, THEY DON'T POP TIRES AND CYCLISTS CAN RIDE ON THEM SAFELY. IF I THOUGHT THIS PROVISION WAS BEING ENFORCED, I WOULD BE MORE ADAMANT ABOUT ADOPTING THIS AMENDMENT. BUT AS IT STANDS NOW, I COULDN'T FIND ONE LAW ENFORCEMENT AGENCY THAT EVEN KNEW IT WAS AGAINST THE LAW, LET ALONE HAD WRITTEN ANY TICKETS FOR VIOLATING THE LAW. SO WITH THAT, MR. PRESIDENT, I WILL WITHDRAW AM2852. THANK YOU, MR. PRESIDENT. [LB716]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION. MR. CLERK. [LB716]

CLERK: MR. PRESIDENT, SENATOR BLOOMFIELD WOULD OFFER AM2914. (LEGISLATIVE JOURNAL PAGE 1528.) [LB716]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB716]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THIS IS PRETTY SIMPLE AND SENATOR KOLOWSKI HAS AGREED THAT IT'S A FRIENDLY AMENDMENT. IT

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ADDRESSES AN ISSUE THAT HAS COME UP QUITE FIGURATIVELY BY ACCIDENT. CURRENTLY, IF A CHILD IS ON A BIKE IN AN INTERSECTION AND GETS HIT, IT'S PROBABLY THE CHILD'S FAULT, BECAUSE THEY'RE NOT TREATED AS A PEDESTRIAN ONCE THEY'RE IN THAT CROSSWALK. SO WHAT THIS AMENDMENT SAYS...AND IT GOES IN ON PAGE 4, BEGINNING WITH "A" IN LINE 3, THROUGH THE PERIOD IN LINE 6, AND INSERT, "A BICYCLIST RIDING A BICYCLE ON A SIDEWALK OR ACROSS A ROADWAY OR SHOULDER IN A CROSSWALK SHALL HAVE ALL THE RIGHTS AND DUTIES APPLICABLE TO A PEDESTRIAN UNDER THE SAME CIRCUMSTANCES BUT SHALL YIELD THE RIGHT-OF-WAY TO PEDESTRIANS." THAT'S THE AMENDMENT. IT'S PRETTY CLEAN-CUT, PRETTY SIMPLE, AND ANSWERS THE QUESTION THAT HAS BEEN HANGING THERE. I DON'T BELIEVE THERE WILL BE A LOT OF ARGUMENT WITH THIS AMENDMENT. AND TO THAT POINT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR KOLOWSKI. [LB716]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE YIELDED 8:25. [LB716]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. AND ALSO THANK YOU, SENATOR BLOOMFIELD, FOR THIS AMENDMENT. I THINK IT HELPS CLARIFY THE SAFETY AND SECURITY THAT WE'RE TRYING TO STRESS IN THIS. AND BEING LATE IN THE DAY AS IT IS, IF THIS SATISFIES SENATOR BLOOMFIELD, THEN I ACCEPT HIS AMENDMENT AND WE CAN MOVE ON. THANK YOU VERY MUCH. [LB716]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR KOLOWSKI. (VISITORS AND DOCTOR OF THE DAY INTRODUCED.) SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB716]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. JUST TWO COMMENTS, HAVING DONE A LOT OF RIDING. PEOPLE HAVE THIS FALSE NOTION A LOT OF TIMES THAT THE SIDEWALK IS WHERE A BIKER SHOULD BE RIDING. AND ACTUALLY A BIKER SHOULD NOT BE ON A SIDEWALK. A SIDEWALK IS FOR PEDESTRIANS. AND I'VE CERTAINLY HAD MANY PEOPLE HONK AT ME WHEN I'M GOING BY AND I'VE BEEN...I'VE HAD MY IQ DEMONSTRATED MANY TIMES TOWARD ME. BUT ANYWAY, SO I WAS GLAD FOR THE CONVERSATION THAT SENATOR COASH HAD. THAT WAS KIND OF WHAT I HAD MY LIGHT ON EARLIER ON. I'M FINE WITH THE AMENDMENT. THIS IS ONE OF THOSE TOUCHY AREAS WHEN YOU GET THE YOUNG CHILDREN WHEN THEY HAVE TO CROSS A WALK

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WHEN YOU ARE SHARING IT. I THINK IT'S A GOOD AMENDMENT AND THANK YOU FOR BRINGING IT, SENATOR. [LB716]

SPEAKER HADLEY: THANK YOU, SENATOR HILKEMANN. SEEING NO ONE ELSE IN THE QUEUE, SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB716]

SENATOR BLOOMFIELD: THAT'S ABOUT ALL THE LOVE I CAN STAND AT ONE TIME. (LAUGHTER) [LB716]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING. ALL THOSE IN FAVOR OF THE ADOPTION OF AM2914 VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB716]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR BLOOMFIELD'S AMENDMENT. [LB716]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK. [LB716]

CLERK: SENATOR BLOOMFIELD, I NOW HAVE, SENATOR, AM2841. (LEGISLATIVE JOURNAL PAGE 1489.) [LB716]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB716]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I ENJOYED THE LOVE WHILE IT LASTED. I THINK THAT'S PROBABLY GONE NOW. MY NEXT AMENDMENT TO ME IS A SAFETY ISSUE AND IT SIMPLY SAYS, ANY PERSON WHO IS YOUNGER THAN 16 YEARS OF AGE SHALL DISMOUNT AND WALK HIS OR HER BICYCLE WHEN CROSSING A HIGHWAY BY ANY ROUTE, INCLUDING BUT NOT LIMITED TO A BIKE PATH OR A CROSSWALK. WHAT I AM INTENDING TO DO HERE, COLLEAGUES, IS TO KEEP LITTLE JOHNNY FROM GETTING RUN OVER, EVEN THOUGH NOW WE'VE HUNG THE LIABILITY ON THE CAR DRIVER. AND WHY I WENT WITH THE AGE UNDER 16 IS BECAUSE AT 16 LITTLE JOHNNY CAN GET A DRIVER'S LICENSE. HE SHOULD BE AWARE OF SOME OF THE RULES OF THE ROAD AND HE SHOULD BE ALERT ENOUGH TO LOOK AND SEE IF THERE IS A CAR COMING, SOMEBODY WAITING TO MAKE THAT TURN. BUT WHEN LITTLE JOHNNY OR JONI IS EIGHT, THEY DON'T ALWAYS STOP AND LOOK. YOU CAN TELL THEM

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THEY SHOULD, BUT THEY'RE NOT GOING TO. I KNOW SENATOR KOLOWSKI HAS SOME ISSUES WITH THIS. TO ME, IT'S A SAFETY THING. LET'S PROTECT OUR KIDS. I DON'T INTEND TO TAKE A WHOLE LOT OF TIME ON THIS. EVERYBODY IS GETTING READY TO GO HOME. I DON'T BLAME THEM. I'D LIKED TO HAVE ALREADY BEEN THERE. BUT I THINK THIS IS A GOOD AMENDMENT, AS WELL. SENATOR KOLOWSKI HAS A DIFFERENT IDEA. HE THINKS IT DOESN'T APPLY. I BELIEVE IT DOES. YOU GUYS WILL DECIDE. I'LL YIELD THE REMAINDER OF MY TIME AGAIN TO SENATOR KOLOWSKI. [LB716]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE YIELDED 7:57. [LB716]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. I APPRECIATE THAT. ON THIS PARTICULAR AMENDMENT, I WOULD SIMPLY PUT ON THE HAT OF EITHER MY BROTHER OR ONE OF HIS SONS, ALL IN LAW ENFORCEMENT, AND THE DIFFICULTY OF TRYING TO ENFORCE SOMETHING LIKE THIS IS, HOW OLD IS THAT YOUNG MAN OR THAT YOUNG LADY ON THAT BIKE? DO THEY HAVE AN AGE SIGN THAT THEY'RE CARRYING ON THEM OR SOMETHING OF THIS NATURE? IT'S ALMOST IMPOSSIBLE. FIFTEEN-YEAR-OLDS COME IN ALL DIFFERENT SIZES, SHAPES, AND QUANDARIES WHEN YOU'RE THAT PARTICULAR AGE AND I THINK THE ENFORCEABILITY BECOMES VERY DIFFICULT. I LIKE WHAT YOU'RE SAYING AS FAR AS THE SAFETY AND SECURITY, TRYING TO MAKE THE ROADS SAFER AND ALL THE REST, BUT I THINK IT'S A VERY DIFFICULT ISSUE TO TRY TO ENFORCE AND TRY TO UPHOLD BEYOND THAT. ANY LAW ENFORCEMENT OFFICER COMING UPON AN ACCIDENT SCENE PUTS THEIR ACCIDENT PROTOCOLS INTO PLACE, AS THEY LOOK AT THE PARTICULAR ISSUE THAT TOOK PLACE AND TRYING TO FIND OUT WHO'S AT FAULT. AND I'M SURE IF THEY NEED TO LOOK AT AGE, THEY COULD FIND OUT FROM THE YOUNG PERSON THAT MIGHT HAVE BEEN HIT BY A VEHICLE OR SOMETHING OF THAT NATURE. BUT IT'S VERY DIFFICULT TO TRY TO SEE THIS BE ENFORCED. THANK YOU. [LB716]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON AM2841. THANK YOU, SENATOR BLOOMFIELD AND SENATOR KOLOWSKI. SENATOR GROENE, YOU'RE RECOGNIZED. [LB716]

SENATOR GROENE: THANK YOU, MR. HADLEY. I STAND IN SUPPORT OF SENATOR BLOOMFIELD'S AMENDMENT. SAFETY, IT'S ALL IMPORTANT. I'M JUST CURIOUS WHY WE HAVE ANY BIKE LAWS AT ALL. I'VE NEVER SEEN ANY OF THEM ENFORCED. ON MY TRIP YESTERDAY MORNING RIGHT AT DAWN, AT NORMAL

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AND 48TH THERE'S CONSTRUCTION. A MAN ON A BICYCLE WITH NO LIGHT ON IT JUMPED OFF THE STREET, DROVE AROUND THE CONSTRUCTION. WE HAD A RED LIGHT. HE SWERVED BACK ONTO THE CROSSWALK AND CROSSED. HAD NO HELMET, HAD NO LIGHT. SENATOR KOLOWSKI WOULD YOU...MAYBE YOU DON'T KNOW THIS, BUT I'D LIKE TO ASK YOU A QUESTION. [LB716]

SPEAKER HADLEY: SENATOR KOLOWSKI, WILL YOU YIELD FOR A QUESTION? [LB716]

SENATOR KOLOWSKI: YES, ABSOLUTELY. [LB716]

SENATOR GROENE: SENATOR KOLOWSKI, DO YOU KNOW THE STATISTICS IN THE STATE OF NEBRASKA OR THE CITY OF OMAHA OR THE CITY OF LINCOLN HOW MANY CITATIONS HAVE BEEN GIVEN TO INDIVIDUALS ON BICYCLES IN THE LAST YEAR? [LB716]

SENATOR KOLOWSKI: NO, SIR, I DON'T. [LB716]

SENATOR GROENE: DO YOU THINK THERE'S BEEN ANY? [LB716]

SENATOR KOLOWSKI: OH, I'M SURE THERE MIGHT HAVE BEEN SOME, BUT I HAVE NO IDEA WHAT THE RANGE OF WHAT THOSE WOULD BE IN ANY ONE OF THE METRO AREAS. [LB716]

SENATOR GROENE: THANK YOU. THANK YOU, SIR. I DON'T BELIEVE IT'S ENFORCED, AS SENATOR COASH SAID. I DON'T EVEN KNOW IF OUR POLICE FORCES EVEN KNOW THERE'S LAWS ON BICYCLISTS. THEY SEEM TO HAVE A SPECIAL CLASS OF SAVING THE UNIVERSE FOR NOT BURNING ANY FOSSIL FUELS. BUT I...AND I SEEN ANOTHER FELLOW THIS MORNING ON 40TH AND NORMAL JUST ZIP RIGHT THROUGH THE CROSSWALK, MADE A RIGHT TURN AND ZIPPED THROUGH THE OTHER CROSSWALK RIGHT IN FRONT OF ME AS I WAS HEADING WEST. IF ANYBODY IN A VEHICLE DID THAT, THEY WOULD BE RECKLESS DRIVING AND THEY WOULD BE STOPPED AND SOMEBODY WOULD BE ON THEIR CELL PHONE CALLING IN THAT THERE'S A RECKLESS DRIVER OUT THERE. I'M JUST CONCERNED THAT WE DON'T ENFORCE ANYTHING THE WAY IT IS. AND BICYCLES ARE BECOMING MORE PREVALENT AS A MODE OF TRANSPORTATION WITH THE GENERATIONS COMING AND THE COST OF FUEL. SO MAYBE WE CAN SEND A MESSAGE TO THE YOUNGER FOLKS THAT FOLLOW SOME

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RULES. AND I SUPPORT SENATOR BLOOMFIELD'S AMENDMENT. HE'S ALWAYS A KIND, GENTLE MAN LOOKING AFTER OUR YOUTH, SO SUPPORT HIM ON THIS AMENDMENT. THANK YOU. [LB716]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB716]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I RISE TO SPEAK AGAINST AM2841 AND ITS FOR THE WORD "SHALL," MEANING THAT EVERY...SO A YOUNG PERSON COMES UP, THERE'S NOT A CAR COMING. THEY LOOK ACROSS THE ROAD. I WOULD SAY THAT THERE WOULD BE...THEY WILL BE SAFER GETTING...STAYING ON THAT BIKE AND JUST GOING ACROSS RATHER THAN TAKING...THERE MAY BE SLOWING DOWN AND THERE MAY BE A CAR COMING. I JUST FIND THAT I DON'T LIKE THAT TERM "SHALL." I UNDERSTAND WHAT YOU'RE TRYING TO DO AND I CAN APPRECIATE THAT. THAT'S THE TROUBLE I HAVE WITH THAT PARTICULAR AMENDMENT AND, THEREFORE, I WON'T SUPPORT IT. AS TO SENATOR GROENE, YOUR COMMENTS, I'M PART OF A COUPLE OF RIDING CLUBS IN OMAHA AND I HAVE NEVER BEEN CITED. COULD HAVE I BEEN CITED DOWN THE LINE? I SUPPOSE THAT THERE ARE A FEW THINGS MAYBE OVER THE YEARS I COULD HAVE BEEN, BUT FOR THE MOST PART...A LOT OF TIMES THE LEADER OF OUR RIDES A LOT OF TIMES SAID, BE VERY CAREFUL. MAKE CERTAIN YOU'RE STAYING AS FAR TO THE RIGHT BECAUSE, HE SAID, EVEN ON THE COUNTY ROADS A LOT OF TIME, THERE'S A LOT OF BIKERS BEING CITED NOW IF THEY'RE OUT...IF YOU'RE MORE THAN THREE FEET AWAY FROM THE...MORE THAN...THE RULE IS YOU'RE SUPPOSED TO STAY AS FAR TO THE RIGHT AS PRACTICAL. YOU'RE NOT SUPPOSED TO RIDE IN THESE BIG PELOTONS, THINGS OF THAT SORT OF A THING. AND THEY HAVE BEEN CITING THEM UP THERE. AGAIN, I CAN'T SAY THAT I HAVE PERSONAL EXPERIENCE WITH THAT. I CAN TELL YOU THERE ARE MANY TIMES IN MY RIDING I WISH I COULD CITE A LOT OF DRIVERS WHO ARE SUPPOSED TO GIVE CYCLISTS THREE FEET. AND, SENATOR WILLIAMS, I SEE YOU'RE SMILING THERE A LOT OF TIMES. SOMETIMES I THINK MAYBE THEY GAVE ME THREE-QUARTERS OF AN INCH AND YOU CAN ALMOST FEEL THE CAR GO BY AS YOU GO THERE. AND FREQUENTLY THAT HAPPENS TO CYCLISTS THAT WE ARE HIT. BUT IT IS A...THERE'S A LOT OF THINGS THAT...THE THING WE HAVE TO CALL COURTESY IN USING THE ROAD. AND A LOT OF PEOPLE DON'T LIKE CYCLISTS. I UNDERSTAND THAT. AND, SENATOR, YOU ARE ABSOLUTELY RIGHT, WE HAVE PEOPLE WHO WILL GO AROUND AREAS LIKE THAT. AND WE DON'T LIKE IT OR WHATEVER, BUT THEY HAVE TO GET FROM POINT A TO POINT B AND SOMETIMES THAT'S THE ROUTE THAT WE NEED TO GO. BUT AT EITHER RATE, I AM GOING TO OPPOSE AM2841. I UNDERSTAND THE SPIRIT OF THE LAW. I DO NOT

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THINK IT'S ENFORCEABLE NOR IS IT PRACTICABLE, AND WOULD URGE THIS BODY TO DEFEAT AM2841. [LB716]

SPEAKER HADLEY: THANK YOU, SENATOR HILKEMANN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB716]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. "SHALL" IS A WORD THAT MEANS YOU WILL DO IT. THAT'S WHAT THE WORD MEANS. THAT'S WHAT IT'S IN THIS AMENDMENT FOR. THAT'S WHY WHEN LITTLE JOHNNY LEAVES HOME, MOTHER CAN SAY, JOHNNY, YOU HAVE TO STOP AT THOSE LIGHTS. YOU HAVE TO STOP AT THOSE INTERSECTIONS, LOOK, THEN WALK ACROSS. YOU'RE RIGHT, SENATOR HILKEMANN, 16-, 17-YEAR-OLD KID, YEAH, HE'S GOING TO LOOK UP AND DOWN THERE. I DON'T THINK WE WANT TO MAKE A 8-YEAR-OLD GOING TO THE 3RD GRADE TRY TO DECIDE WHILE ON THE MOVE THAT, YEAH, THERE'S ENOUGH ROOM THERE FOR ME TO GET ACROSS BEFORE THAT CAR GETS HERE. I DON'T LIKE TELLING PEOPLE WHAT TO DO, BUT I DON'T LIKE KIDS GETTING RUN OVER ON BICYCLES EITHER. I THINK THIS IS VERY, VERY LIMITED. AND AS FAR AS, WELL, THE POLICE WON'T BE ABLE TO TELL WHO'S 16 VERSUS WHO'S 15, MAYBE NOT. I'M NOT LOOKING FOR A BUNCH OF ARRESTS HERE. THIS IS NOT A REVENUE ENHANCER. THIS IS A KIDS SAFETY ISSUE. AND THE COP WILL BE ABLE TO TELL THE DIFFERENCE BETWEEN A 18-YEAR-OLD AND AN 8-YEAR-OLD. MR. PRESIDENT, I SAID I DON'T INTEND TO TAKE THIS TO A LONG FIGHT. IF NOBODY ELSE IS SPEAKING THAT CAN BE MY CLOSE. [LB716]

SPEAKER HADLEY: SENATOR SCHUMACHER IS IN THE QUEUE. SENATOR SCHUMACHER. [LB716]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. MEMBERS OF THE BODY, JUST A QUICK NOTATION. SENATOR HILKEMANN SAID THAT HE DIDN'T LIKE THE WORD "SHALL," THAT "MAY" WOULD BE BETTER. SENATOR BLOOMFIELD, I THINK YOU MADE YOUR POINT. MAYBE THAT WILL FIT IN THE NEXT MOTORCYCLE HELMET BILL. THANK YOU. [LB716]

SPEAKER HADLEY: SENATOR BLOOMFIELD WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2841. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. FOR WHAT PURPOSE DO YOU RISE? [LB716]

SENATOR BLOOMFIELD: (INAUDIBLE), HOPE SPRINGS ETERNAL. I'D LIKE A CALL OF THE HOUSE. [LB716]

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SPEAKER HADLEY: THERE'S BEEN A REQUEST TO PUT THE HOUSE UNDER CALL. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB716]

ASSISTANT CLERK: 25 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB716]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. ALL MEMBERS PLEASE RETURN TO THE FLOOR. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR FOX, SENATOR McCOLLISTER, SENATOR WATERMEIER, SENATOR SCHEER, SENATOR MORFELD, SENATOR RIEPE, SENATOR BURKE HARR, SENATOR SMITH, SENATOR McCOY, SENATOR COASH, SENATOR SCHILZ, SENATOR LARSON, SENATOR KINTNER, SENATOR CHAMBERS, AND SENATOR GROENE, THE HOUSE IS UNDER CALL. SENATOR BURKE HARR, SENATOR CHAMBERS. MR. CLERK, THERE'S BEEN A REQUEST FOR ROLL CALL VOTE IN REGULAR ORDER. MEMBERS, WE'RE VOTING ON AM2841. MR. CLERK. [LB716]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1528.) THE VOTE IS 10 AYES, 27 NAYS, MR. PRESIDENT. [LB716]

SPEAKER HADLEY: THE AMENDMENT FAILS. SEEING NOTHING ELSE ON THE BILL, SENATOR HANSEN FOR A MOTION. [LB716]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB716 TO E&R FOR ENGROSSING. [LB716]

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES AND I RAISE THE CALL. MR. CLERK, THE NEXT ITEM. [LB716]

CLERK: MR. PRESIDENT, LB1067A. SENATOR SULLIVAN, I HAVE AM2889 WITH A NOTE YOU WISH TO WITHDRAW. [LB1067A]

SENATOR SULLIVAN: CORRECT. [LB1067A]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION. [LB1067A]

CLERK: SENATOR MELLO, I HAD A MOTION TO INDEFINITELY POSTPONE, BUT I HAVE A NOTE YOU WISH TO WITHDRAW, SENATOR? [LB1067A]

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SENATOR MELLO: THAT'S CORRECT. [LB1067A]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION. [LB1067A]

CLERK: SENATOR CHAMBERS, I HAVE FA120, FA121, AND FA122, AND I HAVE A SIMILAR NOTE TO WITHDRAW. [LB1067A]

SENATOR CHAMBERS: YES, YES, YES, YES. [LB1067A]

CLERK: THANK YOU. [LB1067A]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION, OBJECTION, OBJECTION. (LAUGHTER) [LB1067A]

CLERK: SENATOR HANSEN, I HAVE NOTHING FURTHER ON THE BILL. [LB1067A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1067A]

SENATOR HANSEN: YES, MR. PRESIDENT. I MOVE THAT LB1067A ADVANCE TO ENROLLMENT AND REVIEW FOR ENGROSSING. [LB1067A]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1067A ADVANCES. MR. CLERK. [LB1067A]

CLERK: WELL, MR. PRESIDENT, WE'RE ON FINAL READING. SENATOR GROENE WOULD MOVE TO RETURN LB1022 TO SELECT FILE FOR SPECIFIC AMENDMENT, THAT AMENDMENT BEING AM2676. (LEGISLATIVE JOURNAL PAGE 1204.) [LB1022]

SPEAKER HADLEY: SENATOR GROENE, YOU MAY OPEN ON YOUR AMENDMENT. [LB1022]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. SENATOR WATERMEIER AND I SAT DOWN AND DISCUSSED LB1022 AND...THE PERFORMANCE AUDIT BILL. IT'S A GOOD BILL. IT GIVES IT MORE TEETH, THE PERFORMANCE AUDIT MORE TEETH TO GET MORE INFORMATION THEN WHEN THEY AUDIT THE ADVANTAGE ACT AND THE ECONOMIC DEVELOPMENT PROGRAMS WE HAVE. I AGREED TO WITHDRAW IT WITH THE UNDERSTANDING THAT I'M GOING TO BRING A BILL

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NEXT YEAR TO TAKE THE SUNSET DATES BACK TO WHAT THEY WERE IN THE ORIGINAL BILL, TO 2018. AND I HOPE AT THAT TIME IT IS SENT TO THE RIGHT COMMITTEE, REVENUE, BECAUSE THIS IS A REVENUE ISSUE. MY CONCERN WITH--I GUESS AFTER WATCHING THE WINDMILL BILL AND STUFF--I GUESS COMMITTEES AND DOING THINGS THROUGH THE COMMITTEE PROCESS REALLY IS LOSING FAVOR IN THIS BODY, BUT I STILL BELIEVE IN IT. I WOULD HOPE WHEN I BRING THAT IT GOES TO THE REVENUE COMMITTEE AND IT COMES TO THE FLOOR AND SENATOR WATERMEIER WOULD HELP ME WORK TO GET IT DONE AND SENATOR KRIST. I VISITED WITH HIM ALSO. THIS ISN'T PERTINENT. MOVING THOSE SUNSET DATES WAS NOT PERTINENT TO WHAT NEEDED TO BE DONE BY THE PERFORMANCE AUDIT. IN FRONT OF ME I HAVE THE NEBRASKA ADVANTAGE ACT SUMMARY DESCRIPTION, THE LATEST ONE. AND SOME OF US GOT A LITTLE FIRED UP WHEN WE HEARD THE STATE CHAMBER OF COMMERCE WORRIED ABOUT AN EXTRA \$10 MILLION TO PROPERTY TAX RELIEF FOR AGRICULTURE. WELL, LET ME GIVE YOU SOME NUMBERS. IN 2014, THE ADVANTAGE ACT GAVE TO BUSINESS DIRECT SALES TAX USE REFUNDS OF \$20 MILLION; 2015 IT WAS \$38 MILLION; 2016 IT WAS \$42 MILLION; PROJECTED IN '17 TO BE \$45 MILLION; \$66 MILLION IN '18; \$69 MILLION....THAT'S JUST THE SALES TAX PORTION. THE INCOME TAX CREDIT...THEY EVEN GET A REFUND ON THE INCOME TAXES THEY WITHHOLD FROM THEIR EMPLOYEES. IN '14 THE CREDIT WAS \$45 MILLION; \$58 MILLION IN '15; \$62 MILLION IN '16; PROJECTED TO BE \$68 MILLION. NO, WE'RE NOT DONE. CUMULATIVE TAX CREDIT BALANCE THAT'S OUT THERE IS \$367 MILLION IN '14; \$413 MILLION IN '15, \$471 MILLION IN '16; \$537 MILLION IN '17. I'M PRO BUSINESS, FOLKS. TALK ABOUT GREED, AND YOU PICK ON FARMERS. THEY DON'T WANT TO GIVE PROPERTY TAX RELIEF BECAUSE THEY DON'T WANT A CORPORATE INCOME TAX FOR ANYBODY. WELL, DECIDE, FOLKS. YOU EITHER SPLIT THIS UP AMONGST YOU LIKE THE FARMERS ARE IN THEIR PROPERTY TAX RELIEF OR YOU GIVE IT TO A FEW. THIS THING NEEDS TO BE REVISITED. I AGREE WE NEED ECONOMIC INCENTIVES, BUT THIS THING NEEDS TO BE REVISITED. IT NEEDS MORE TRANSPARENCY. AND WE NEED TO FIND OUT IF WE'RE GETTING THE BANG FOR OUR BUCK. I'M HOPING SENATOR WATERMEIER'S PERFORMANCE AUDIT WILL DO A GOOD JOB, PUT IT IN PLAIN LANGUAGE THAT WE CAN LOOK AT THIS. I KNOW SENATOR HARR IS LOOKING AT MAKING SOME CHANGES TO THE BILL. BUT WE NEED TO PUT THEIR FEET TO THE FIRE. AND BY SNEAKING...I SHOULDN'T SAY SNEAKING, BUT THROUGH A PERFORMANCE AUDIT BILL THAT DIDN'T GO THROUGH REVENUE, MAKE A MAJOR CHANGE IN A MAJOR TAX PROGRAM BY ADDING TWO MORE YEARS, THREE MORE YEARS TO THE SUNSET, THAT'S NOT THE CORRECT WAY TO DO IT. THE SUNSET IS THERE FOR A REASON, SO THIS BODY REVISITS THESE PROGRAMS AND SEE IF THEY NEED TO BE TWEAKED, THERE NEED TO BE MORE TRANSPARENCY, IF WE'RE GETTING OUR

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BANG FOR THE BUCK. SO I'LL BRING THAT BILL NEXT YEAR AND WE'LL SEE IF IT GOES ANYWHERE, HOW STRONG THE LOBBY IS. OR IF IT'S A GOOD PROGRAM, THEY SHOULD WANT TRANSPARENCY TO PROVE THAT WE'RE GETTING THE BANG FOR OUR MONEY. BUT THOSE NUMBERS I THREW OUT THERE DWARFS ANYTHING THE LARGEST INDUSTRY IN OUR STATE BY FAR IS GETTING IN TAX RELIEF. IT DWARFS IT. SO YOU WONDER WHY SOME OF THE PEOPLE IN AG GOT REALLY UPSET WHEN THAT CHAMBER OUT THERE AND THEIR LOBBY ARGUED ABOUT \$10 MILLION. THIS MONEY GOES AWAY FROM OUR SCHOOLS, TOO. THIS MONEY GOES AWAY FROM OPERATING A BUDGET WE HAVE HERE, TOO. IT IS TAXES UNCOLLECTED. THEY EVEN TAKE THE SALES TAXES FROM THE CITIES. THEY DON'T, WE GAVE IT TO THEM. I'M NOT GOING TO CRITICIZE BUSINESS, NEVER DO. IF YOU'RE A GOOD BUSINESSMAN, YOU TAKE WHAT'S PRESENTED TO YOU. BUT THEN I HEAR SOME FOLKS ARE LEAVING BECAUSE THEY'RE AFRAID OF A SUNSET. TAX FOUNDATION SAYS WE'RE ONE OF THE HIGHEST--I THINK WE'RE THIRD OR FOURTH, SOMETHING--MAYBE I'M OVEREXAGGERATING, BUT WE'RE IN THE TOP TEN OR SO ON BUSINESS INCENTIVES. PUTTING AMENDMENTS IN EXEC COMMITTEE HEARINGS THAT SHOULD BE IN REVENUE NEEDS TO CHANGE. HOPEFULLY, WE GET NEW MEMBERS HERE NEXT YEAR, WE GO BACK TO THE COMMITTEE PROCESS AND DON'T DO WHAT WE DID WITH THAT WINDMILL BILL OR WE DO THIS ANYMORE. AND I'M NOT BLAMING ANYBODY. SENATOR KRIST SAID HE REGRETTED WHAT HAPPENED AND HE CHANGED HIS VOTE LAST TIME. BUT I WILL BRING THAT BILL. BUT THE HEART OF WHAT SENATOR WATERMEIER WANTS TO DO IN HIS BILL IS GOOD. IT PUTS TRANSPARENCY INTO THE SYSTEM AND IT'S GOING TO HELP HIM AND HIS PERFORMANCE AUDIT DO A LOT BETTER JOB. SO THANK YOU. AND, MR. PRESIDENT, I WITHDRAW THE AMENDMENT. [LB1022]

SPEAKER HADLEY: WITHDRAWN WITHOUT OBJECTION. MR. CLERK, WE WILL NOW MOVE TO FINAL READING. MEMBERS SHALL RETURN TO THEIR SEATS IN PREPARATION FOR FINAL READING. MR. CLERK, THE FIRST BILL IS LB686. [LB1022 LB686]

ASSISTANT CLERK: (READ LB686 ON FINAL READING.) [LB686]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB686 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB686]

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ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1529-1530.) VOTE IS 45 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB686]

SPEAKER HADLEY: LB686 PASSES. WE WILL NOW PROCEED TO LB744. [LB686 LB744]

ASSISTANT CLERK: (READ LB744 ON FINAL READING.) [LB744]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB744 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB744]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1530-1531.) VOTE IS 46 AYES, 0 NAYS, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB744]

SPEAKER HADLEY: LB744 PASSES. WE NOW PROCEED TO LB835. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB744 LB835]

ASSISTANT CLERK: (READ TITLE OF LB835.) [LB835]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB835 PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB835]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1531.) VOTE IS 46 AYES, 0 NAYS, 3 EXCUSED AND NOT VOTING. [LB835]

SPEAKER HADLEY: LB835 PASSES. WE WILL NOW PROCEED TO LB843. [LB835 LB843]

ASSISTANT CLERK: (READ LB843 ON FINAL READING.) [LB843]

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SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB843 PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB843]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1532.) VOTE IS 42 AYES, 0 NAYS, 3 PRESENT AND NOT VOTING, 4 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB843]

SPEAKER HADLEY: LB843 PASSES. WE WILL NOW PROCEED TO LB874. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB843 LB874]

ASSISTANT CLERK: 40 AYES, 2 NAYS TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB874]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB874]

ASSISTANT CLERK: (READ TITLE OF LB874.) [LB874]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB874 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB874]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1533.) VOTE IS 45 AYES, 0 NAYS, 4 EXCUSED AND NOT VOTING. [LB874]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THIS...OH, THE BILL PASSES. GOT A LITTLE AHEAD THERE. MR. CLERK, LB1000. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB874 LB1000]

ASSISTANT CLERK: 37 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING. [LB1000]

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SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1000]

ASSISTANT CLERK: (READ TITLE OF LB1000.) [LB1000]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1000 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1000]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1534.) VOTE IS 45 AYES, 0 NAYS, 4 EXCUSED AND NOT VOTING. [LB1000]

SPEAKER HADLEY: LB1000 PASSES. WE WILL NOW PROCEED TO LB1012. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1000 LB1012]

ASSISTANT CLERK: 40 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB1012]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1012]

ASSISTANT CLERK: (READ TITLE OF LB1012.) [LB1012]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1012 PASS? ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1012]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1535.) VOTE IS 45 AYES, 0 NAYS, 4 EXCUSED AND NOT VOTING. [LB1012]

SPEAKER HADLEY: LB1012 PASSES. MR. CLERK, THE NEXT ITEM IS LB1066. THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1012 LB1066]

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ASSISTANT CLERK: 38 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB1066]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1066]

ASSISTANT CLERK: (READ TITLE OF LB1066.) [LB1066]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1066 PASS? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1066]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1536.) VOTE IS 44 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 4 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1066]

SPEAKER HADLEY: LB1066 PASSES. WE WILL NOW PROCEED TO LB1098. [LB1066 LB1098]

ASSISTANT CLERK: (READ LB1098 ON FINAL READING.) [LB1098]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1098 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1098]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1537.) VOTE IS 40 AYES, 0 NAYS, 5 PRESENT AND NOT VOTING, 4 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1098]

SPEAKER HADLEY: LB1098 PASSES. WE WILL NOW PROCEED TO LB1098A. [LB1098 LB1098A]

ASSISTANT CLERK: (READ LB1098A ON FINAL READING.) [LB1098A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1098A PASS? ALL THOSE IN

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FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1098A]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1537-1538.) VOTE IS 40 AYES, 0 NAYS, 5 PRESENT AND NOT VOTING, 4 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1098A]

SPEAKER HADLEY: LB1098A PASSES. WE WILL NOW PROCEED TO LB1110E. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1098A LB1110]

ASSISTANT CLERK: 40 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB1110]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1110]

ASSISTANT CLERK: (READ TITLE OF LB1110.) [LB1110]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1110 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1110]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1538-1539.) VOTE IS 44 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 4 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1110]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH...LB1110 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MR. CLERK. [LB1110]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB1110A, SENATOR MELLO WOULD MOVE TO RETURN THE BILL TO SELECT FILE FOR SPECIFIC AMENDMENT, THAT BEING STRIKE THE ENACTING CLAUSE. (FA123, LEGISLATIVE JOURNAL PAGE 1539.) [LB1110A]

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SPEAKER HADLEY: SENATOR MELLO, YOU ARE RECOGNIZED TO OPEN. [LB1110A]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AS WE WIND UP TODAY, ON DAY 57, I GET TO I THINK GIVE EVERYONE HERE AFTER THOSE FINAL READING VOTES SOME GOOD NEWS. EARLIER TODAY WE ADOPTED AN AMENDMENT ON SENATOR McCOLLISTER'S LB851 THAT ADDRESSED A CONCERN THAT WAS BROUGHT FORWARD FROM THE EXECUTIVE BRANCH ON THE A BILL ON LB1110A. IT WAS A SMALL OVERSIGHT IN REGARDS TO...TECHNICAL IN NATURE OF THE APPROPRIATION, THE CASH FUNDS THAT WE APPROPRIATED TO THE DEPARTMENT OF LABOR. AND BY ADDRESSING THAT CONCERN IN LB851, IN TALKING WITH THE LEGISLATIVE FISCAL OFFICE, THEN THE SPEAKER'S OFFICE, I GET TO GIVE YOU THE GREAT PLEASURE OF KILLING LB1110A ON FINAL READING. I WILL BE WITHDRAWING THIS MOTION TO RETURN TO SELECT FILE FOR SPECIFIC AMENDMENT AND INSTEAD ASK ALL OF YOU, NO DOUBT WITH JOY, TO VOTE RED ON FINAL READING TO KILL LB1110A. THANK YOU, MR. PRESIDENT. WITH THAT, I WITHDRAW THE MOTION TO RETURN TO SELECT FILE. [LB1110A LB851]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION. MR. CLERK. [LB1110A]

ASSISTANT CLERK: (READ LB1110A ON FINAL READING.) [LB1110A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1110A PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1110A]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1539-1540.) VOTE IS 0 AYES, 44 NAYS, 1 PRESENT AND NOT VOTING, 4 EXCUSED AND NOT VOTING ON THE FINAL PASSAGE OF THE BILL, MR. PRESIDENT. [LB1110A]

SPEAKER HADLEY: LB1110A DOES NOT PASS. COLLEAGUES, WE WILL NOW RETURN TO LB824, WHICH WE HAD EARLIER BECAUSE OF A CONCERN WITH THE A BILL WHICH WE WILL TAKE UP NOW. MR. CLERK. [LB1110A LB824]

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ASSISTANT CLERK: MR. PRESIDENT, SENATOR McCOLLISTER WOULD MOVE TO RETURN LB824 TO SELECT FILE FOR SPECIFIC AMENDMENT, THAT AMENDMENT BEING AM2921. (LEGISLATIVE JOURNAL PAGE 1540.) [LB824]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU ARE RECOGNIZED TO OPEN. [LB824]

SENATOR McCOLLISTER: THANK YOU. THANK YOU, MR. PRESIDENT. IT'S COME TO OUR ATTENTION THAT SOME ENABLING LANGUAGE WAS OMITTED FROM THE TEXT OF THE BILL. THE AMENDMENT IS TO SIMPLY ENSURE THE NEBRASKA POWER REVIEW BOARD HAS THE LEGISLATIVE AUTHORITY IT NEEDS TO EXPEND THE ADDITIONAL FUNDS FOR COMPENSATION TO THE SOUTHWEST POWER POOL REPRESENTATIVE FOR HIS OR HER WORK ON THE SPP REGIONAL COMMITTEE. THE STATUTORY AUTHORITY NEEDED FOR LB914 OF THE BILL UNFORTUNATELY WAS OMITTED FROM THE TEXT OF LB824. YOU WILL RECALL THAT THE ADDITIONAL COMPENSATION IS PAID THROUGH THE ASSESSMENT OF PUBLIC POWER, WHICH GOES INTO THE POWER REVIEW BOARD CASH FUND, AND THE ASSESSMENT STRONGLY IS SUPPORTED BY THE PUBLIC POWER ENTITIES IN NEBRASKA. THERE'S NO GENERAL FUND IMPACT AND IT'S RELATED TO A DRAFTING ERROR. THANK YOU, MR. PRESIDENT. [LB824 LB914]

SPEAKER HADLEY: THANK YOU FOR YOUR MOTION. SEEING NO ONE IN THE QUEUE, YOU ARE RECOGNIZED TO CLOSE. SENATOR McCOLLISTER WAIVES CLOSING. THE QUESTION IS RETURNING TO SELECT FILE. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB824]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE MOTION TO RETURN THE BILL, MR. PRESIDENT. [LB824]

SPEAKER HADLEY: THE BILL IS RETURNED TO SELECT FILE. MR. CLERK. [LB824]

ASSISTANT CLERK: SENATOR McCOLLISTER, AM2921. [LB824]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB824]

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SENATOR McCOLLISTER: THIS ACHIEVES EXACTLY WHAT WE JUST SPOKE ABOUT, SO I'D URGE YOUR ADOPTION OF AM2921 TO LB824. THANK YOU, MR. PRESIDENT. [LB824]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR McCOLLISTER, YOU ARE RECOGNIZED TO CLOSE. SENATOR McCOLLISTER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2921. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB824]

ASSISTANT CLERK: 34 AYES, 3 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB824]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. SENATOR HANSEN FOR A MOTION. [LB824]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB824 TO E&R FOR ENGROSSING. [LB824]

SPEAKER HADLEY: THE QUESTION IS ADVANCEMENT OF LB824 TO E&R FOR ENGROSSING. ALL IN FAVOR SAY AYE. OPPOSED, NAY. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB686, LB744, LB835, LB843, LB874, LB1000, LB1012, LB1066, LB1098, LB1098A, LB1110E. MR. CLERK. [LB686 LB744 LB835 LB843 LB874 LB1000 LB1012 LB1066 LB1098 LB1098A LB1110]

CLERK: MR. PRESIDENT, SOME ITEMS. I HAVE A COMMUNICATION FROM THE GOVERNOR TO THE CLERK. (READ RE LB891.) SENATOR GARRETT OFFERS LR621, LR622. I HAVE AMENDMENTS TO LB824 FROM SENATOR FRIESEN TO BE PRINTED. I HAVE A MOTION FROM THE SPEAKER TO BE PRINTED (RE: LB1094, LB884, LB821, LB756, LB829, LB851, LB851A, LB930, LB721, LB235, LB580, LB1106, AND LB716). AND MOTIONS FROM SENATOR KINTNER ON LB580 AND LB716. THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1541-1544.) [LB891 LR621 LR622 LB824 LB1094 LB884 LB821 LB756 LB829 LB851 LB851A LB930 LB721 LB235 LB580 LB1106 LB716]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL NOW STAND AT EASE. WE MUST MAINTAIN A QUORUM. THE BILLS ARE NOT EXPECTED BACK UNTIL AT LEAST 7:30.

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EASE

SPEAKER HADLEY: I WOULD LIKE TO ASK THE SENATORS TO PLEASE RETURN TO THE CHAMBER. MR. CLERK. MR. CLERK FOR AN ANNOUNCEMENT.

ASSISTANT CLERK: MR. PRESIDENT, THE BILLS THAT WERE READ ON FINAL READING TODAY HAVE BEEN PRESENTED TO THE GOVERNOR AT 5:51 P.M. (RE LB686, LB744, LB835, LB843, LB874, LB1000, LB1012, LB1066, LB1098, LB1098A, AND LB1110.) YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB235, LB580, LB716, LB721, LB756, LB821, LB824, LB829, LB851, LB851A, LB884, LB930, LB947, LB1067A, LB1094, LB1106, ALL AS CORRECTLY ENGROSSED. (LEGISLATIVE JOURNAL PAGES 1544-1546.) [LB686 LB744 LB835 LB843 LB874 LB1000 LB1012 LB1066 LB1098 LB1098A LB1110 LB235 LB580 LB716 LB721 LB756 LB821 LB824 LB829 LB851 LB851A LB884 LB930 LB947 LB1067A LB1094 LB1106]

AND FINALLY, MR. PRESIDENT, A PRIORITY MOTION: SENATOR MURANTE WOULD MOVE TO ADJOURN...

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING...ONE MINUTE. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WE'RE ADJOURNED.