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Floor Debate
January 30, 2018

[LB17 LB100 LB104 LB130 LB135 LB146 LB157 LB160 LB177 LB295 LB299 LB304
LB347 LB350 LB360 LB389 LB399 LB578 LB589 LB669 LB697 LB710 LB732 LB743
LB744 LB757 LB758 LB774 LB776 LB840 LB847 LB848 LB850 LB857 LB878 LB1084
LB1123 LR304 LR305]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventeenth day of the One Hundred Fifth Legislature, Second Session. Our chaplain today is Senator Williams. Would you please rise?

SENATOR WILLIAMS: Good morning, everyone. This weekend was a special weekend for one of the members of this Legislature. Roy Baker and his wife, Paula, celebrated their 50th wedding anniversary. And I was thinking about the faith and trust that it takes to engage in a relationship for 50 years, and each one of us can think about our relationship with God as it relates to faith and trust. But today I would like each one of us to think a little bit about what faith and trust means in this body itself. That we have great obstacles in front of us. The budget issues that we've talked about, the tax issues that we are continuing conversations about. But if we are willing to engage in faithfulness and trustfulness, we can turn those obstacles into opportunities. With that spirit, would you join me in prayer? (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Williams. I call to order the seventeenth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SPEAKER SCHEER: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections this morning.

SPEAKER SCHEER: Thank you. And are there any messages, reports, or announcements?

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CLERK: Mr. President, your Committee on Enrollment and Review reports LB17, LB100, LB130, LB135, LB146, LB160, LB177, LB304, LB347, LB350, LB399, and LB669 all reported correctly engrossed. Priority bill designations: Banking, Commerce and Insurance Committee has selected LB743; Senator Morfeld, LB757; Senator Briese, LB1084. A Reference report, a rereferral of two bills, Mr. President. Hearing notices, a series of hearing notices from the Health and Human Services Committee, those signed by Senator Riepe. New resolution, LR304, introduced by Senator Lowe, that will be laid over at this time. That's all that I have, Mr. President. (Legislative Journal pages 461-464.) [LB17 LB100 LB130 LB135 LB146 LB160 LB177 LB304 LB347 LB350 LB399 LB669 LB743 LB757 LB1084 LR304]

SPEAKER SCHEER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President. LB758, introduced last year by Senator Hughes. (Read title.) The bill has been discussed this year, first on January 24, then again on January 25. Committee amendments are pending. There is an amendment to the committee amendments that is pending. When the Legislature left the issue, Mr. President, Senator Chambers had a priority motion pending with respect to the bill, and that is to bracket LB758 until April 18, 2018. [LB758]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Hughes, would you please give us a short reintroduction to the bill? [LB758]

SENATOR HUGHES: Thank you, Mr. President and members. As you will recall, we left off debate on LB758 by discussing the committee amendment AM1573 which would replace the bill. The bill as amended will resolve some of the issues surrounding streamflow augmentation projects and their effect on the communities within which they are located. AM1573 would authorize NRDs or entities formed under a interlocal cooperative agreement to make payments in lieu of taxes to the counties where they purchase land to develop a streamflow augmentation project. It would also authorize payments for any year in which the joint entity or NRD owned the land including years prior to this bill. As is the case of N-CORPE, for example, the intent is to allow Lincoln County to retain the taxes that N-CORPE has already paid, including those paid in 2014 and 2015 that are presently pending on appeal. This bill would allow N-CORPE and the

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affected counties to resolve their litigation on the tax question. This bill also has some notice and reporting requirements before moving forward with an augmentation project to get public input. Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Hughes. Senator Chambers, would you like to give us a quick update on the opposition? [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I am dealing with Senator Hughes's bill because of the way he led an attack against my bill on the prairie dogs and that bad legislation in that particular law that allows private persons to be hired by the county board to go onto other people's land without a warrant, without any judicial proceedings, and begin to spread poison. There is no requirement in the law relative to how much of this person's land can be subject to the poison. There is no requirement that the poisoner have any training whatsoever. If this poisoner happens to trample crops which are growing, there is no liability. This person cannot be charged with trespass since he or she is there under the auspices of the county. There is one county that has that horrendous law on the books for its purposes and is using it to threaten people. There are 93 counties, several of them have prairie dogs. One county out of 93 has misused this bill, only one county. I'd like to ask Senator Stinner a question if he will yield. [LB758]

SPEAKER SCHEER: Senator Chambers, this is just a reintroduction (inaudible). [LB758]

SENATOR CHAMBERS: Okay. I'll let that go then. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Reminding colleagues, that if you were in the queue on Friday, we did not bring the queue back across, so if anyone is wishing to speak, you need to pop your light on. Senator Chambers, you're recognized. [LB758]

SENATOR CHAMBERS: Mr. President, so I'm clear, am I opening on my motion? [LB758]

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SPEAKER SCHEER: No, you've already opened. You were just reinforcing of the opposition to the bill. So you are now in your first...there's no carry-forward, so you still have this and one other at the mike. And then you'll have your close. So you have three left. [LB758]

SENATOR CHAMBERS: Tell me again. I have how many times to speak before I close?
[LB758]

SPEAKER SCHEER: You have this and two others, including the close. [LB758]

SENATOR CHAMBERS: Thank you. I just want to be clear on where I am. Members of the Legislature, as I stated the other day, the Kennedy father, the father of John Kennedy, Robert Kennedy, said, don't get mad, get even. And then I was given the correct version of something I tried to say the other day. The correct version is: forgive your enemies but don't forget their names or remember their names, which is two ways of saying the same thing. I'm going to go ahead and read into the record an article that dealt with that bill that was killed. Why would I do what I'm doing on this bill? Because I think there are things in this bill before us that are not good, just like there were bad things in that prairie dog bill. That got onto the books and remains there, a cancer on the laws of this state. Senator Hughes could have stayed out of that. He had not read the law itself, but he had some neighbors who had problems with prairie dogs. What needs to be made clear, people can do on their own property whatever they want to do. They can poison, but if that poison drifts to somebody else's property, then that property owner has an action against the poisoner on his or her own property. There is a weed killer that the states are now starting to agree with the EPA on. It can now be sprayed. And when it's sprayed, it's in liquid form. When it dries, then it can be blown by the wind onto other people's property. The ones who are told to use this herbicide are those who are growing the kind of crops that were genetically engineered to withstand the negative effects of this herbicide on their crops. So you have somebody who is using this particular herbicide on his or her land and his or her land is growing crops which have been genetically engineered to withstand the deleterious effects of this particular herbicide. But other crop growers are not growing crops that have been genetically engineered, and this herbicide when it dries is being wafted by the wind onto their land and their crops are suffering. Now, I know the body is not listening to what I say, but there are people out there who are contacting me and they are thanking me for the kind of teaching that I give on

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these various subjects which are not dealt with by the Legislature. So I'm discharging a duty to the public at large while discharging my duty as a member of the Legislature. That herbicide is not going to be banned in Nebraska as it has been in other states, but the company...there are three of them. Dow is one of them, a couple others that are well known... [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...are recommending that those who apply this herbicide get special training, and those without the training should not be using it, but there is no way to enforce that. Bad laws get on the books in Nebraska because we have bone-headed activity in the Legislature. The Attorney General, the Governor will tell members of the Legislature, let this go because it's good for agriculture, but this is a product that is harming agriculture. And the only ones who are aware of it are those whose crops are being affected by it. And if they came to the Legislature, the Legislature is not going to listen to them, they won't listen to me. And Jesus said on such things, they won't listen, though one came back from the dead. Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. (Doctor of the day introduced.) Senator Chambers, you're recognized. [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, having been trained in the law but also having watched television...you watch Perry Mason. Somebody before the Judiciary Committee mentioned Matlock, who was a pale parody of Perry Mason. You're aware that when a trial starts, each side is allowed to make an opening statement to lay out kind of what the terrain will be. The trial consists of each side putting...offering credible, probative, admissible evidence to uphold his or her position. If the other side feels that the evidence being offered does not meet those standards, that person enters an objection. If the judge agrees, the objection is sustained. The evidence that is offered is not allowed to be admitted. But if you have an inattentive attorney and that attorney does not object, that evidence which should be inadmissible will be allowed to be admitted. Then on appeal, that lawyer is not allowed to make reference to the fact, for the purpose of overturning a decision, that inadmissible evidence was offered. The objection was not made, the evidence was not offered over an objection, so that attempt to raise it on appeal for the

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first time is rejected. Now back to the trial. After the evidence has been offered and each side rests, then they are allowed to make a closing statement. I'm giving my opening statement in a way because I'm going to stay on Senator Hughes's bill all the rest of this morning and every time it comes up. This article is from the Lincoln Journal Star, January 24. "Repeal of Prairie Dog Plan Fails." Another attempt to repeal Nebraska's prairie dog management law failed Tuesday, four votes short of what was needed to advance the bill from first round consideration. The law allows counties in Nebraska to manage black tail prairie dogs against the will of property owners if needed. Some have said the law is an egregious violation of property rights. The bill, LB449, introduced by Omaha Senator Ernie Chambers and the issue have a long history in the Legislature. The law as it is now is overreaching and unnecessary, Chambers said, and can be set in motion by a vindictive neighbor bringing an unsupported complaint against an adjacent landowner with which he or she has a dispute. The county does not have to conduct an investigation before sending a notice and failure to respond can cost the landowner \$100 a day whether or not the county knows it was actually received, Chambers said. The person sent to get rid of the prairie dogs doesn't have to be trained and other animals can be injured or killed or land can be trampled, he said. Ultimately a lien can be put on a person's land or it can be foreclosed on, he said. Prairie dogs are indigenous to Nebraska and can benefit the land, Chambers said. There is already remedy for landowners to get rid of prairie dogs with the federal Animal and Plant Health Inspection Service with the U.S. Agriculture Department. Even Sheridan County officials who sought the bill turned to the federal service when it needed prairie dog management. Other than that, there are ways to keep the animals from crossing property lines. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...such as installing a heavy growth of the dense hedges. They will stay away because they will always seek an open area in order to see predators. I have to turn on my light. Quote, that's why they keep the grass chewed down to about a half inch so they can see everything, unquote, he said. Perches for raptors can also keep them away. Senator Lydia Brasch, Chairwoman of the Agriculture Committee reiterated, there is management through the federal government, Nebraska Game and Parks, and other multiple layers of control. Quote, basically, the bill's committee amendment is saying that it's protecting property rights, but it is also saying

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that there are controls to eliminate any predator rodent that threatens our livestock and our property, unquote. That's what the chairwoman said when she voted also to advance this bill. I'm going to wait until I'm recognized so that I won't be in the middle of a statement because now the antagonist is going to be discussed. That's Senator Hughes. Right now I am the protagonist. I am for what I'm doing. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: He's the anti. Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you are welcome and this is your close for your bracket motion. [LB758]

SENATOR CHAMBERS: This is my close? [LB758]

SPEAKER SCHEER: Yes, Senator. [LB758]

SENATOR CHAMBERS: I thought you said I could speak three times and then close. [LB758]

SPEAKER SCHEER: No, no, you had two and your close. [LB758]

SENATOR CHAMBERS: Okay. Well, I'll find additional ways. You know that... [LB758]

SPEAKER SCHEER: I'm sure you will. [LB758]

SENATOR CHAMBERS: ...where there's...my middle name is William. It can be short for Will...it can be long for Will. And Senator Williams is the plural of my middle name. Well, remember this, brothers and sisters, where there is a will, there is a way. Will is always here. Will shall always find a way. Continuing. Now to give play to Senator Dan Hughes, the one who made what I'm doing necessary from my point of view. Continuing with the article. Quote, Senator Dan Hughes of Venango, an opponent of the repeal, said he had neighbors of his property in western Nebraska who have small patches of land and aren't willing to control their

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prairie dogs. When the animals infringe on his property and destroy his crops, it becomes his problem. Quote, we need to have the ability to control a pest and that's what prairie dogs are. They are a pest, a very resilient pest, unquote, he said. Quote, they are very destructive, dot, dot, dot, dot. They take out my wheat crop, unquote. Chambers said he will bring the bill again. Quote, and we're going to discuss prairie dogs more this session, he said. And quoting Abraham Lincoln, which I shall do in another document I'll read this morning, the promise being made must be kept. I'd like to ask Senator Hughes a question if he will respond. [LB758]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR CHAMBERS: Senator Hughes, if this article is correct, you said you have neighbors with a small patch of land and there are prairie dogs on their land and their prairie dogs encroach on your land. That's what the article said. Is that correctly reporting what you stated? [LB758]

SENATOR HUGHES: That is correct. [LB758]

SENATOR CHAMBERS: Do you live in Sheridan County? [LB758]

SENATOR HUGHES: I do not. [LB758]

SENATOR CHAMBERS: What county do you live? [LB758]

SENATOR HUGHES: Chase County. [LB758]

SENATOR CHAMBERS: Have you requested that your county board take action under the black till prairie management bill so that they can do for you what they say needs to be done in Sheridan County? [LB758]

SENATOR HUGHES: I have not. [LB758]

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SENATOR CHAMBERS: Why have you not, if you don't mind me being so bold as to ask?
[LB758]

SENATOR HUGHES: Because I have addressed it myself. We have poisoned the dogs on my property and I visit with my neighbors and help them understand that if they do not control them, there is leverage available going through the county, and that has been sufficient. [LB758]

SENATOR CHAMBERS: So neighbor to neighbor discussion, as happened sometimes on the international scene, resulted in an accord being reached, which is satisfactory or at least works for both you and your neighbor. Is that correct? [LB758]

SENATOR HUGHES: Sometimes, yes. [LB758]

SENATOR CHAMBERS: Thank you. And Senator Hughes and all of us are aware that when you enter an agreement it works sometimes, but if there are glitches then you renew the discussion. Rather than have the Legislature in its silliness when I was not here, its inattentiveness when I was not here, its disrespect for due process when I was not here, enacted a law that was asked for by some people in Sheridan County and they did not even make use of it. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: And now here we are with you wanting to defend that law. It's not that law. You haven't even read it, so you don't know what we're talking about. You are acting against me. And since it's me against the world, because the world is against me, so to speak, I am not going to quit. I shall not blink first. As long as that bad legislation is on the books, I will be fighting to do something about it. I don't know what will happen next session, but I know what can be prevented from happening this session. I can prevent time being used the way you all want to use it. I shall take my time and borrow some of yours. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

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SENATOR CHAMBERS: Thank you, Mr. President. I would ask for a call of the house and a roll call vote. [LB758]

SPEAKER SCHEER: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB578]

CLERK: 18 ayes, 2 nays, to place the house under call. [LB578]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused Senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. The house is under call. Senator Stinner, Senator Blood, Senator Wayne, Senator Murante please return to the floor and record your presence. Senator Stinner, Senator Murante, please return to the floor. We are under call. We are all here and accounted for. The question before us is the adoption of a bracket of LB758 until April 18. There's been a request for a roll call vote in regular order. Mr. Clerk. [LB758]

CLERK: (Roll call vote taken, Legislative Journal page 464.) 0 ayes, 42 nays, Mr. President. [LB758]

SPEAKER SCHEER: The motion fails. I raise the call. Mr. Clerk. [LB758]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB758]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your reconsideration of the bracket motion. [LB758]

SENATOR CHAMBERS: Thank you. And, Mr. Chairman, while talking about this aspect of my assault on Senator Hughes's bill, I have not even begun to talk in length, in depth about his bill, so there are numerous amendments after I finish this phase that I'm going to offer to his bill and he's going to have to get a cloture vote. And he can probably get the 33 votes. That is not even

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something that I'm considering. I want to take my time as I promised that I would. And I handed something out this morning. And one of the reasons I handed it out, I had made some comments last week relative to remarks by Abraham Lincoln and I was challenged because I did not give the source, so I handed out an article that I had written for a local paper called The Omaha Star and this article was dated March 2, 2012. I wrote hundreds of articles for The Omaha Star before we parted ways due to some differences that became irreconcilable. The headline of this article or the title, "Abraham Lincoln Expounds on Role of Black Soldiers." I'm reading now. So-called Black History Month and so-called Presidents' Day encumber the month of February, so I shall combine elements of both for this column. More books have been written about Lincoln--nearly 15,000--than about all other presidents combined. If such a thing as a, quote, secular saint, unquote, exists, Lincoln is it. In the history, parenthesis, and mythology, closed parenthesis, of America, he towers above every other human being. This column is not designed to lionize him, but rather to report some of his actual words and, quote, philosophy, unquote, derived from a letter he wrote to one, quote, Honorable James C. Conkling, unquote, dated August 26, 1863. Lincoln was explaining why he could not attend, quote, a mass meeting of unconditional Union men at the capitol of Illinois, unquote, as well as his views on issues raised by this Conkling in his letter of invitation. The following excerpts are from The Collected Works of Abraham Lincoln, edited by Roy P. Basler, B-a-s-l-e-r, the multivolume set, which I possess, then in parenthesis, along with numerous other books about Lincoln, closed parenthesis. Caption, "Differing Points of View." Quote--this is from what Lincoln wrote back--but to be plain, you are dissatisfied with me about the negro...uncapitalized. Quite likely there is a difference of opinion between you and myself upon that subject. I certainly wish that all men could be free, while I suppose you do not. You dislike the emancipation proclamation issued January 1, 1863, and perhaps would have it retracted. You say it is unconstitutional. I think differently. I think the constitution invests its commander-in-chief with the law of war, in time of war. Then in bracket, slaves being deemed property, closed bracket, is there any question that by the law of war property, both of enemies and friends, may be taken when needed? And is it not needed whenever taking it helps us and hurts the enemy? I know as fully as one can know the opinions of others that some of the commanders of our armies in the field who have given us our most important successes believe the emancipation policy and the use of colored troops constitutes the heaviest blow yet dealt to the rebellion. And that at least one of those important successes could not have been achieved were it not for the aid of black soldiers. Among commanders holding

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these views are some who never have had any affinity with what is called abolitionism, but who hold them purely as military opinions. Caption, "Promise Must Be Kept." You say you will not fight to free negroes. Some of them seem willing to fight for you, but no matter. Fight you, then, exclusively to save the Union. I thought that in your struggle for the Union to whatever extent the negroes should cease helping the enemy. To that extent it weakened the enemy in his resistance to you. Do you think differently? I thought that whatever negroes can do...can be got to do as soldiers leaves just so much less that white soldiers have to do in saving the Union. Does it appear otherwise to you? The negroes like other people act upon motive. Why should they do anything for us if we will do nothing for them? I repeat, why should they do anything for us--talking about white people--if we--talking about white people--will do nothing for them? Departing. That applies today. You all have issues that mean something to you. You want me to be as upset about your issues as you are, but they don't effect me some of them at all. Yet I get called on for assistance and I give it. I cannot look for this Legislature to do the right thing where we are concerned. Continuing. If they stake their lives for us, they must be prompted by the strongest motive, even the promise of freedom and the promise being made must be kept. The job was a great national one, and let none be banned who bore honorable part in it. And while those who have cleared the great river may well be proud, even that is not all. It is hard to say that anything has been more bravely and well done than at Antietam, Murfreesboro, Gettysburg, and in many fields of lesser note. Thanks to all. For the great republic, for the principle it lives by, and keeps alive, for man's vast future. Thanks to all. The printing here is kind of small. My eyes are old, but I'm going to struggle on through. Caption, "Black Soldiers Versus White Traders." Peace does not appear so distant as it did. I hope it will come soon, and come to stay, and so come as to be worth the keeping it in all future time. It will then have been proved that among free men there can be no successful appeal from the ballot to the bullet, and that they who take such appeal are sure to lose their case and pay the cost. And then there will be some black men who can remember that with silent tongue and clenched teeth and steady eye and well poised bayonet, they have helped mankind on that great consummation. While I feel there will be some white men unable to forget that with malignant heart and deceitful speech, they have strove--and Lincoln used the word "strove"--they have strove to hinder. [LB758]

SPEAKER SCHEER: One minute. [LB758]

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SENATOR CHAMBERS: He compared the work that black soldiers did dying for this country, the Union at the time, with the traitorous white people and traitorous white people today have more rights than black people ever have had. And you all think I ought to salute that rag, that flag as you all call it, which is the symbol of the land of the tree and the home of the slave? I'm far from through, brothers and sister, friends, enemies, and neutrals. Caption, "Observation Regarding Emancipation Proclamation." I will wait until I'm recognized, Mr. President, before I start, because I want to complete it. [LB578]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Chambers, you are recognized. [LB578]

SENATOR CHAMBERS: Thank you, Mr. President. The Thirteenth Amendment to the Constitution, not the Emancipation Proclamation, freed the slaves. Beyond question or dispute, the proclamation was issued as a military necessity to enable use of black troops in the Union army where they faced racism and discrimination, just as black people faced racism and discrimination during the world wars. When the Nazis and the Americans were fighting, Rommel was a German commander. I don't think Rommel he was a Nazi, but he was better than any American general. And if Rommel was a Nazi, I would say heil Hitler because Rommel believed that all men wearing the uniform of their country were soldiers on an equal footing and when they were captured they'd be treated as prisoners of war, not black people who were property like the United States. Not black people who were pariahs, as they were deemed by South Africa. And when South African troops were captured and the racists came to Rommel and he said, we in our country do not have anything to do with these people, so we do not want our white soldiers to be quartered with these black men. And Rommel looked at him, he said, you all wear the same uniform. You are all in the same army together. You are all prisoners of war. And you will all be treated as prisoners of war. And there will be no segregation based on race. But what the American generals were telling the French when they wanted to give the Croix de Guerre to black soldiers for having fought heroically, the American high command said, don't do that because that is not how we treat them in America. The Nazi said, no discrimination, at least in the military, where he had anything to say about it, towards soldiers. But America, who had sent black men to fight in Europe for white people, were telling those white people who were appreciative, do not honor them. I don't care how heroically they fought,

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because that's not the way they're treated in America and they'll come back with the wrong idea. And some came back and were lynched in uniform in America. My history is not yours. But you all made my history what it was. And I'm not going to be quiet on this floor. I'm going to get my pound of flesh and I'm going to speak for as many of those black people as I can. Lying, moldering in unmarked graves, lynched, many that were killed by extrajudicial means, not just by hanging, but by being burned alive, being having their genitals removed while they were alive and taken as souvenirs by these racist white people and put in pickle jars on their mantelpieces and some of them were recovered by historians. That's what white people did. Postcards were put out and sent around the country with black people hanging from trees, sometimes three. Women being hanged. Thirteen-year-old girls being hanged. If the Nazis did it, you all would have so much to say about that. This country did it and you don't want me to say anything about it? Look at my complexion. Do you think a Jew would stand up and let what the Nazis did go uncommented on? Or if somebody wanted to put the Iron Cross or swastika in front and honor it, that Jew would pledge allegiance to the swastika and the Iron Cross? [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: And I'm supposed to pledge allegiance to that rag? When they had that song written by Francis Scott Key, flying over the land of the free and the home of the brave, black people were not free. It was a slave country. And they certainly, these white people, were not brave. They would let black people fight and die for them with the promise of freedom, and then retract it. That's what George Washington did. And when the Revolutionary War was over, he backed off. The war of 1812 when the British were pressing the pants of America, Andrew Jackson made the same promise. And then when at the Battle of New Orleans in 1812, which was won, they had black people, Native Americans, pirates. They whipped the British, and Andrew Jackson withdrew the promise of freedom. Continuing this article. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Brasch, you are recognized.
[LB758]

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SENATOR BRASCH: Thank you, Mr. Speaker. Good morning, colleagues. Good morning, Nebraska and those who may be watching today and good morning to my colleague, Senator Chambers, as well. Senator Chambers, you can insult me, Lydia Brasch, all you want. Say what you will and I will listen. I will not take offense. But when you degrade and demean a flag of a country, our country, I do find it insulting. I do find it hurtful. I do take offense to that because that flag does not represent just me, but generations of individuals who fought for a better country. History shows terrible things, not just in America, but globally. I have friends who are Armenians who believe the Turks had genocide and we have...humanity has a lot to learn. America has a lot to learn, and that's what history can do. It can be a teacher. It can be a compass. It can keep us moving forward and away from the terror, the horror, and things that we did that humanity should not do. We are the human race, Senator Chambers. I believe that as a nation, we are seeing individuals step forward, women. We stand for women. And we stand for all races. And we continue as human beings, and again, I do find offense when this flag, when we have cemeteries across the nation of those who fought to keep us a free nation, and yes, Abraham Lincoln emancipated the African-Americans in our country, and we keep moving forward. I was once told that if you look down a drain and you look and you just keep looking and it's gone and I mean, that is gone. That history taught us something. But I would hope that we would realize that you have a little baby that watches you on the television every day, your fan club there. That there are individuals that sit in this balcony and they watch us make history. And they want to know how we are moving forward. There are many things we can do to make this generation better than the next, but to tear down the American flag, a country where my parents immigrated to legally, where we are looking at immigration problems, where individuals on their worst day of their lives believe that this country can offer them an opportunity, and it does, or we wouldn't have lines of people waiting to come here across Ellis Island and other means. We wouldn't have people who are coming here by illegal means thinking that this is a land that would harm them. But it is an opportunity to do better. I realize what you're doing. I realize you're running out the clock. You're going to hold up this session. You're going to make people pay. Make them pay, but our flag has paid the price... [LB578]

SPEAKER SCHEER: One minute. [LB758]

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SENATOR BRASCH: ...many times over. And again, offend me, but please, Senator Chambers, when you continue to offend the flag and a nation, when we have enemies abroad who would obliterate us in a heartbeat, I think this is not a time to be using the flag as your object of punishment. Thank you, Mr. Speaker, colleagues, and thank you, Senator Chambers. [LB758]

SPEAKER SCHEER: Thank you, Senator Brasch. Senator Chambers, you're recognized.
[LB758]

SENATOR CHAMBERS: Thank you. Members of the Legislature, Senator Brasch's chastisement was measured and nice. You have no idea of what people of your complexion say to me from secret all the time. I've been here 43 years. They used to attach these things on my door when I was on the third floor. Now when people see them they slide it under my door. They mail anonymous letters. They make insulting phone calls. I tell Cindy she's not hired to listen to that trash from white people. Don't talk to them. Hang up, let them talk to me. So she doesn't take messages. I'm the one who's elected and I'm going to conduct my business as I should. Your ancestors were not dragged over here in chains, drowned in what they call the middle passage in the ocean. That didn't happen with your people. You can say that it's nice. That is why I say you and no white person is in a position to speak for me and mine. You love America because of what it did for you. I hate that flag for what it did to us. People lionize Rosa Parks, and there's a Rosa Parks Parkway in Lincoln, but those white cops who placed her under arrest had American flags on their shoulder pads. Those alt-right people who marched through that place, Charlottesville or wherever it was, were carrying the American flag. Every time the Ku Klux Klan came to burn and lynch people, they had the American flag and the Christian cross. I say, curse upon all of it. Objects and symbols mean nothing to me. That rag of a flag is just material. That's all. And what it stands for as far as my people, it's bad. By the way, black men serving in the white army under the auspices of the American flag guarded Italian troops who had been taken captive. And when they were on the train going from I guess the seacoast where they landed to wherever the prison camp was, you know what the black soldiers were told? You ride in the segregated cars. Italians were considered white for their purposes of segregation. The Italians rode in the better cars for the white people and they were the ones who fought in the army to destroy this country, and the black men who had fought for this country and died for it and were now guarding the prisoners of war were made to ride in these segregated, unclean,

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filthy cars. And when they happened to pass through the South, black men were not allowed to enter the restaurants that the white prisoners of war went in because the restaurants were segregated. You're going to say you didn't know about it? When you don't know something, don't say anything. You cannot say more than you know, but people try to. You speak for white people here. You don't speak for me. And nobody's going to tell me what to say or how to say it. Continuing with that article that I was reading from. Lincoln explicitly declared his intention, quote, and I further declare and make known that such persons, parenthesis, black men, unquote (sic: parenthesis) of suitable condition will be received into the Armed Services of the United States, to garrison forts, positions, and other places and to man vessels of all sorts in said service, unquote. He several times acknowledged that black soldiers provided the balance of power that enabled the Union to crush the Confederacy. Principles of justice, humanity, and morality had nothing to do with it, but only self-preservation for the northern whites. The cynical, quote, thanks... [LB578]

SPEAKER SCHEER: One minute. [LB578]

SENATOR CHAMBERS: ...unquote, accorded black people can be found in the book Slavery by Another Name, by Douglas Blackmon. Let other black people read it and weep, then fight. [LB578]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no others in the queue, this is your third and last...it would be your close on the reconsideration motion, Senator Chambers. [LB578]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, you know why Senator Brasch can get expense money while the Legislature is in session? Because a black man ignored what white Attorneys General had written for years saying that when we're in session, you cannot get expenses. And I looked at the law, talked and worked with others and we got a bill passed. The Governor and nobody would do anything with it. The Governor vetoed it, we overrode his veto. Then I had to engineer a lawsuit which we won in the Supreme Court. And now whenever you all get those expenses in session, you got it because of me, not a white man, not a white woman, but a black man. And people like Senator Groene before he came down here acknowledged the benefits that those expenses allow for rural people who could not afford

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otherwise to be here. My enemies are benefiting from it. Had I not got that, some of them wouldn't be in this Chamber because they couldn't afford it. But those expenses...and that expense money is more than what some people's salary here will pay. That's what I did that helped you all. Did I get some of the crumbs off the table? Certainly. I don't deny that. You all need to know something. And I'm going to start at some point bringing examples of laws that I've gotten passed that benefit you all because I was willing to fight against Sprint putting a block on my phone down here in Lincoln. They found out there may have been as many as 14,000 people in Lincoln who had blocks on their phones so they couldn't receive long distance calls, and they didn't even know it. And the Lincoln Journal Star editorialized and put something like, "What Senator Chambers Hath Wrought." The reason you have the different preachers coming up every morning spouting prayers over you is because I filed a lawsuit to try to get rid of the chaplain. The district court agreed with me. The appellate court agreed. Then the Supreme Court--burger and the French fries--in a split decision, disagreed and said they could keep a chaplain and pay him. But they stopped having a chaplain. They opened it up to preachers from other denominations, even senators. But before I took action, Senator Brasch, there was a chaplain who was hired, he was on the payroll. You all don't know the history of even this place. And you going to tell me what I ought to think, how I ought to feel? I'm going to boast a little. Nebraska is a better place for my having been in this Legislature. We have a member of the Legislature, Senator Thibodeau, who has a sister on the Omaha city council who never could have gotten there if I hadn't fought for years to get district elections, because what they would do when it was at large is get a group of white men and they'd run them as a slate. They'd get all of their money together and support them and they got elected. After I got district elections objected to by those on the city council, objected to by white people in Omaha, vetoed more than once by the Governor, got it passed. Ironically, a guy named Steve Exon, who was the Governor's son, managed to get a seat on the city council by district, which he could have never gotten at large. Women were elected to the city council. People from south Omaha were elected to the city council. And black people were elected to the city council. I can find that little article and show you all what the Lincoln Journal Star thought of my getting district elections for the Omaha School Board, the Omaha City Council, the county board. That would be enough for a career for any person anywhere else, except me. [LB758]

SPEAKER SCHEER: One minute. [LB758]

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SENATOR CHAMBERS: Any one of those things, but it's not enough for me, because I'm not looking at individual items, I'm looking at a continuum of injustice and I have to fight it wherever I see it. And here I am, fighting for the property rights of white people and you all hate me so much, you're going to leave a bad law on the books. You call yourselves conservatives? That's a lie. You're conservatives as long as it doesn't take any effort. But we're going to stay on the prairie dog bill. What you can do is have Senator Hilgers conduct an emergency session for the Rules Committee and try to pass a rule against me. But if you do that, I am going to handout a 57-page poem that I wrote. It's been an ongoing struggle ever since I've been here for them to find rules to stop me. [LB758]

SPEAKER SCHEER: Time Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. The motion before us is a reconsideration motion of the bracket of LB758 to April 18. All those in favor please vote aye; all those opposed please vote nay. There's a request for a call of the house. The house...the question is, shall the house go under call? All those in favor please vote aye; all opposed vote nay. Please record. [LB758]

CLERK: 16 ayes, 1 nay, Mr. President, to place the house under call. [LB758]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside of the Chamber please return to the Chamber, record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Bostelman, Senator Stinner, Senator Harr, please return to the floor, the house is under call. Senator Smith, could you check in, please? We are all present and accounted for. The question before us is a reconsideration motion of the bracket of LB758 to April 18. There's been a request for a roll call vote in regular order. Mr. Clerk. [LB578]

CLERK: (Roll call vote taken, Legislative Journal page 465.) 1 aye, 40 nays, Mr. President, on the motion to reconsider. [LB758]

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SPEAKER SCHEER: The reconsideration motion fails. I raise the call. Going back to the bill, motion...going back to the amendment to the committee amendments, FA92. Senator Chambers. (Legislative Journal, pages 421, 436.) [LB758]

SENATOR CHAMBERS: I would ask that the Clerk read that amendment. [LB758]

CLERK: Senator, you amend the committee amendments on page one, line 7, after the word "may" insert "not". [LB758]

SENATOR CHAMBERS: Thank you. Members of the Legislature, now I'm talking about the amendment that is being offered to this bill that would strike all provisions and substitute this amendment, which is identified by the number AM1573. So that what I'm doing will be put into context, I'm going to read the language that precedes it. Starting in line 3 on page 1 of the amendment that is being offered, I presume by Senator Hughes: Any joint entity created pursuant to the Interlocal Cooperation Act or natural resources district that acquires title to private lands for the purpose of developing and operating a water augmentation project for streamflow enhancement, as authorized by Section 46-715 may agree to make voluntary payments. Well, between the words "may" and "agree," I put the word "not." They may "not" enter such an agreement. I don't want you all to think that I'm offering something that would help this bill based on where Senator Hughes wants to go with it. But it will do what I want done with it by rendering it a nullity. This bill is unnecessary, this bill is awakening a sleeping dog. Before I proceed, I'd like to ask Senator Hughes a question or two, since it's his bill. [LB758]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR CHAMBERS: Senator Hughes, if I have this incorrect, then correct me. This bill would allow a continuation of payments in lieu of property taxes and any such payment that had been made prior to when this bill takes affect would not be disturbed and whatever in lieu payments have been made would not be taken back. If I've misstated it, then correct me if you will. I think that's what I understand this to be about. [LB758]

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SENATOR HUGHES: That is correct, but it removes the necessity for the NRDs to have to challenge or to protest, make under protest the taxes that they are voluntarily paying. [LB758]

SENATOR CHAMBERS: Thank you. And that's all I would ask of you, so that it's clear for people what this amendment would do. And I've made it clear what mine would do. I don't think this bill is necessary. If those payments were constitutional then you don't need the bill. Just leave everything like it is. Let the payments continue to be made. And with having made that observation, I would like to ask Senator Hughes another question. [LB758]

SPEAKER SCHEER: Senator Hughes, will you please yield again? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR CHAMBERS: Senator Hughes, without this bill could those payments continue to be made? [LB758]

SENATOR HUGHES: Not legally. [LB758]

SENATOR CHAMBERS: That's not what I asked. Could those payments continue to be made? [LB758]

SENATOR HUGHES: Not legally. [LB758]

SENATOR CHAMBERS: Can they be made illegally? [LB758]

SENATOR HUGHES: The...and in your first question you said, can the taxes...in lieu of taxes be paid and I did not catch that. They are not being paid in lieu of, currently they're being paid as taxes. [LB758]

SENATOR CHAMBERS: And they are...these payments are defined and viewed as taxes, that's how they're designated? [LB758]

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SENATOR HUGHES: As property taxes, I believe so. [LB758]

SENATOR CHAMBERS: That are being paid by whom to whom? [LB758]

SENATOR HUGHES: By the NRDs that own the property to the county in which the property is located to be distributed to the taxing entities. [LB758]

SENATOR CHAMBERS: And what this bill will do then is give a different name to the same animal, is that correct? [LB758]

SENATOR HUGHES: It provides the "in lieu of" language that allows the NRDs to pay the taxes and not be doing it illegally. [LB758]

SENATOR CHAMBERS: So without this bill, those same payments would be made but they would be called taxes? Is that correct? [LB857]

SENATOR HUGHES: That's the way that it has happened in the past, this bill corrects that. [LB758]

SENATOR CHAMBERS: Has there been a lawsuit that declared that what is being done now is illegal? [LB758]

SENATOR HUGHES: There has been a protest filed by the NRDs because they learned that they were paying these taxes against the law. [LB758]

SENATOR CHAMBERS: Anybody can file a protest for anything with reference to these taxes, payments, or assessments. Is that correct? [LB758]

SENATOR HUGHES: I would have to check with my counsel and get back to you. [LB758]

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SENATOR CHAMBERS: Okay, that's not a trick question. Let me ask a different way. The fact that a protest is filed does not mean that what the protester is seeking will be granted. Would you agree with that? [LB758]

SENATOR HUGHES: Yes. [LB758]

SENATOR CHAMBERS: And if the protester was not satisfied with what was decided administratively--and I'm using these terms for ease of reference--then a lawsuit could be filed by the protester. Is that the posture of the issue as we're looking at it? [LB758]

SENATOR HUGHES: I think they would have the opportunity to appeal to a higher court. [LB758]

SENATOR CHAMBERS: And that higher court would resolve all of the issues that we're discussing now, is that the belief of those who support this bill? [LB758]

SENATOR HUGHES: I think it would go to appeals and then eventually to the Supreme Court and that would be the final ruling. My understanding. [LB758]

SENATOR CHAMBERS: A private person could have filed such a protest, is that true or false? [LB758]

SENATOR HUGHES: I'm not sure the standing if someone who was not paying the taxes could file a lawsuit. [LB758]

SENATOR CHAMBERS: Does a person who lives in that county pay taxes in that county? [LB758]

SENATOR HUGHES: Yes, if they own property. [LB758]

SENATOR CHAMBERS: Could that person bring a taxpayer lawsuit to say that money paid in taxes is being improperly spent? [LB758]

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SENATOR HUGHES: I believe so. [LB758]

SENATOR CHAMBERS: So a private person could bring a lawsuit. Now let's say that that person tried to file a protest and the entity that the protest is being made to would reject it on the basis of the person not having standing, that private person could appeal that rejection. Isn't that true? [LB758]

SENATOR HUGHES: You lost me along the way there. Could you state it a little plainer, please. [LB758]

SENATOR CHAMBERS: Okay. A private person, instead of an NRD making a protest...let me use the term "entity." Instead of a governing entity making a protest, a private person could make the same protest, isn't that true? [LB758]

SENATOR HUGHES: I would have to double-check it. It sounds good. You make it sound very good, Senator Chambers but I'm not... [LB758]

SENATOR CHAMBERS: Then let me make it theoretical so that I can continue. The private person makes the protest and the entity to which the protest is made says, we will not honor your protest because you don't have standing, that person could then challenge the denial of standing ruling in court. And if that were to go against the person at a lower level, eventually that might make its way to the Supreme Court. Here's the question that I'm asking these questions for the purpose of getting to, the Supreme Court if a final decision is taken would be the one to take that action. Would you agree? [LB758]

SENATOR HUGHES: They would be the highest court of the land. [LB758]

SENATOR CHAMBERS: And if--so that we can continue the discussion--it was ruled that these payments that are now denominated taxes could not be made while denominated taxes but if the true import... [LB758]

SPEAKER SCHEER: One minute. [LB758]

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SENATOR CHAMBERS: ...was to be in lieu of taxes and the court will look at what the animal is rather than what it's called and said that the payments could continue--I'm theorizing, I'm speculating--if that were the decision, then the payments could continue to be made. Would you agree, if the courts said they could continue to be made? [LB758]

SENATOR HUGHES: Whatever the court ruled would be the law. [LB758]

SENATOR CHAMBERS: Okay, thank you. Are you aware of final decision on this issue having been made by the Nebraska Supreme Court? [LB758]

SENATOR HUGHES: My understanding, it is still pending. [LB758]

SENATOR CHAMBERS: Thank you. I'm going to put on my light. Do I have about a minute left? [LB758]

SPEAKER SCHEER: You have eight seconds. [LB758]

SENATOR CHAMBERS: Oh, well, I'll put on my light. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Hughes. Senator Brasch, you're recognized. [LB758]

SENATOR BRASCH: Thank you Mr. Speaker and thank you, colleagues. I've had my light on for quite a while now and I do like the discussion that is happening at this point, the dialogue, but it's not about what I like or dislike. But I would like to ask if Senator Chambers will yield to a question. [LB758]

SPEAKER SCHEER: Senator Chambers, would you yield, please? [LB758]

SENATOR CHAMBERS: Yes. [LB758]

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SENATOR BRASCH: Senator Chambers, I was listening closely and I'm not sure if you think this or said this, but do you truly believe that I hate you? [LB758]

SENATOR CHAMBERS: Do I think you hate me? [LB758]

SENATOR BRASCH: Yes. [LB758]

SENATOR CHAMBERS: Well, I don't think I would label it that, but I think sometimes the feeling that you had might be described in that way by somebody. If I said that Senator Brasch hates me, that was not my intention. [LB758]

SENATOR BRASCH: Because I do not hate you and I don't believe there's a single senator in the body that feels the same...that hates you. I believe you have earned respect in this body, you've earned respect across the state. I speak with many individuals, rural, and I have not spoken to a single one that has ever implied or stated or said that they hate you. I want you to know that. And as far as contributions you've made over decades, I believe there are many. The reason I stood today, maybe it's because I am a first generation American, why I take great offense...it's more hurtful, if anything. You talked about my not understanding American history and black history. And I believe I've been privileged over six years working with you that I have heard many things, many atrocities and I am hoping that we are here today to change tomorrow, the present and the future. And I do believe that that is possible. As far as when you speak of my complexion, my parent's history was at one point my father was being loaded into a boxcar because of his complexion being more olive than others to go to a gas chamber. It was an act of a miracle that he did not go, but my prayers are with the families that did lose individuals to Hitler and Naziism. We have a horrible history globally, I believe, and an American history that I believe is worth preserving. You believe differently and I respect that, but please don't think that I would hate you or that colleagues in here...and as far as phone calls, I believe that those are terrible when they speak to Cynthia in a disrespectful, hateful manner. I'm hoping that in generations moving forward that will change... [LB758]

SPEAKER SCHEER: One minute. [LB758]

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SENATOR BRASCH: ...and perhaps your floor dialogues will change that. And if that's what it takes, proceed. But I did want to be on record for not hating Senator Chambers. I understand the per diem. I spoke with a Lincoln police officer and I believe you in the past had changed legislation that helped protect them in their line of duty, I was told. So there's a lot of attributes that people listening and watching today do recognize you for and do appreciate the many hours and decades you have spent here for making Nebraska a better place to live in and a nation strengthened by those who have had the opportunity to learn from you. And although I will not be learning from you a year from now, I think these lessons have been valuable. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR BRASCH: But I... [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR BRASCH: Thank you, Mr. Speaker and colleagues. [LB758]

SPEAKER SCHEER: Thank you, Senator Brasch. Senator Schumacher, you're recognized. [LB758]

SENATOR SCHUMACHER: Thank you, Mr. Speaker and members of the body. Would Senator Hughes yield to a few questions? [LB758]

SPEAKER SCHEER: Senator Hughes, would you please yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

SENATOR SCHUMACHER: Thank you, Senator Hughes. The amendment which becomes the bill has like four provisions in it. And I'm trying to ascertain the necessity for the various provisions. Starting at line 17 we have the number (2) that says: a joint entity or one of these resource districts that has a contract to acquire private land for this water augmentation, shall provide notice of its intent, estimate the amount of water that's going to be pumped, hold a public

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hearing, and ask the officials in the local county what they think. Wouldn't that happen without this law? [LB758]

SENATOR HUGHES: I don't think that it's clear in statute that that is the case. This would be clarification language that it would have to happen. [LB758]

SENATOR SCHUMACHER: But any one of these public bodies has got to publish an agenda, it's got to hold a public meeting, its records are all public, it seems like this is plowing ground...not that there's anything wrong with it, but it's plowing ground that's already been plowed under the Open Meetings Act and under a lot of different things. Number (3): any joint entity or natural resource district shall put together a nice report, presumably in a binder with a glossy cover, that talks about the details of the operation, the amount of water, how much land is leased, how much money was raised, if there are payments made out of its budget for taxes or in lieu of taxes, financial details, whether or not it's doing the job that it's supposed to do, the affect on ground water. Wouldn't all these things be part of the public record anyway and if somebody really were interested in them, instead of having a unfunded state mandate to put together this pretty book, could go in and find out this information? [LB758]

SENATOR HUGHES: I believe that the information is available. There are individuals who do not believe it, that it is available. This just clarifies in statute that it does have to be made available. But I agree with you, I think the information is available. [LB758]

SENATOR SCHUMACHER: So number (3) is basically feel good. It's not critical to the bill. Number (4), apparently these outfits enter into leases and the county assessor needs to get these leases. If they don't voluntarily do that, can't just the county assessor make a request for the leases? And even then, aren't most leases affecting land and real estate recorded in the register of deeds office anyway so that the assessor has got the information if they want it? [LB758]

SENATOR HUGHES: I believe if it is land owned by a public entity that they do have to record the leases. This, too, is in my opinion redundant, but it just spells it out more clearly. [LB758]

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SENATOR SCHUMACHER: Thank you, Senator Hughes. So, basically, what we whittled this down to is Section 1, that if there's much meat and not just foam or frosting, it would be in (Section) 1. [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR SCHUMACHER: And what does (Section) 1 do? (Section) 1 says that they may make a voluntary payment in lieu of tax; it's permissive. They don't have to do anything, they could blow the payment off if they want. And it puts a limitation on how much this payment can be, that it can't be more than what they would have had to pay in real property taxes. The Interlocal Cooperation Act is an extraordinarily powerful act. And I think maybe if the lawyers listening, you can at least think about this for a bit, there's nothing stopping one of these districts from entering into a interlocal agreement with the local county in which they agree to do a public-like thing, like maybe maintaining a road, building a bridge to one of these well sites, spraying the weeds in the ditch, whatever you do in the world that would cost the county some money. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR SCHUMACHER: One minute? [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR SCHUMACHER: Okay, thank you. [LB758]

SPEAKER SCHEER: Thank you, Senator Schumacher and Senator Hughes. Senator Chambers, you're recognized. [LB758]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator...I'm going to call him "Professor"...I'm not going to call him "Professor," "Swami" Schumacher may have been anticipating some of the amendments that I was going to offer, but here's why I'm glad he did it. Senator Hughes would have difficulty understanding if I had gone through this item

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number (3) on page 2 about this report, but he admitted to "Swami" Schumacher that that number (3) is not necessary. I believe had he been given the opportunity, he would have acknowledged that number (4) is not necessary either. So now my work on those two should be done. But I don't think it will be, so those amendments will be proposed. And those who are in their offices relaxing, thank me for that. But I have to call attention to what is happening because many times that which is not remarkable is not noted. What I'm doing this morning is not remarkable. I constantly take time on the floor. But they have to be made aware of what my taking time allows. Where do you think they are right now, all these empty chairs? And I'm not going to look around the room and tell on them because that's not what I'm doing this for. Do you think they're studying legislation? Do you think they're trying to sharpen their ability to do their job? No. They're taking the time to lollygag, to play, or whatever they do when they're not here. And this is the point I want to make. The oldest person here is also the one who spends more time here. I take it seriously what I'm doing. And your bill is going to have the opportunity to receive this treatment. And I'm sure that your colleagues will show no more interest in your bill and the discussion than you're showing in this bill. And here's where I fly under the radar. I can go through this discussion and when what I say is recorded and transcribed, what those who will respond to questions will say is recorded and transcribed, people if they read those things will wonder, well, how did they wind up making the decision that they made? Their decision makes no sense if they paid attention, which they don't do. I'm going to get some cases where the Nebraska Supreme Court discuss the importance of legislative history. If there's any question that arises about a bill and there may be some level of ambiguity or uncertainty, the language as it stands may go either way, then the court will resort to legislative history and acknowledge that that's what it's doing. It will make specific reference to the record giving the date, the bill, page number, I imagine, and the name of the individual who is discussing whatever the issue is that the court feels legislative history needs to be consulted in order to understand and find out what the Legislature meant. Sometimes... [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...it's impossible because what happens on the floor is so garbled. But there was a judge who said it's always clear what I'm talking about, because I speak and am conscious of the fact that we are compiling a legislative record. If it's a controversial issue or not,

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somebody may challenge it. And if the issues are raised on the floor and there is no objection to the way whoever is speaking lays out those issues, the court concludes that a majority of the Legislature agreed that this is what the language means, because nobody said otherwise. There was an abortion bill struck down. I was the only one who spoke against it. And I was quoted at the district court level, at the appellate court level, and at Supreme Court level by name. [LB758]

SPEAKER SCHEER: Time, Senator. [LB758]

SENATOR CHAMBERS: Thank you, Mr. President. [LB758]

SPEAKER SCHEER: Senator Chambers, you have one left, which would be your closing. Senator Groene, you're recognized. [LB758]

SENATOR GROENE: Thank you, Mr. President. If I haven't verbally, publicly thanked Senator Chambers for what he did for the state senators on their reimbursement of their expenses, I do now. I personally would not have ran if all I would have received is \$12,000 because rural senators have a long way and a lot of expenses, and it takes us two days out of the week to travel. We can't be back at work in an hour, we can't be back home in an hour. We live down here and we travel. So, Senator Chambers, I'm not your enemy. I have sided with you many times. I actually admire you because I have told people without Senator Chambers in this body the last 40-some years, I would not be able to stand up here and do what I do. This place would be run like school boards and city councils where decisions are made behind the scenes and everybody is tight-lipped, comes out and votes, and everybody gets along. No, I have told many people what Senator Chambers has done for this body. Am I trying to get him to vote for one of my bills? Yes. That's what we do here. But that's honesty. Senator Chambers knows I respect him and I'm not his enemy. We go toe-to-toe all the time. That's respect. So, but back to the bill, LB758, it is necessary for my district. This is all about my district, Lincoln County, and the schools and the local taxing entities. If we don't pass this, there's one line in this bill, Section 1, 10-13, that says: including any year prior to the effective date of this act, the amount of the payment in lieu of tax for any year shall not be more than the real property taxes that would have been paid on the land for such year. My taxing entities do not have the money laying around to reimburse the NRDs for those taxes that were paid voluntarily in the past, in good faith. They

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accepted them in good faith, the NRDs in good faith paid them. That is why I support this bill. We have bigger plans for N-CORPE on the property taxes. My LB1123 needs to come out of committee. It needs to allow NRDs involved in an augmentation project to sell the land, put it back into production. I have told my constituents LB1123 is an economic development bill because it puts land back into production. It's a tax-cut bill because it will allow the cost of the management to go away and to pay down the bonded indebtedness. It's a good government bill, smaller government bill, it's all rolled into one. It needs to pass. It needs to pass. There are times when this body has had to take on local government. Consolidation of k-8 schools, I could go on and on. But the local taxing becomes themselves personal property, where the boards think it's theirs. But they don't represent people, they represent the NRD. They don't represent the people, they represent the schools. That is a mentality that once in a while we have to send a message that a body represent people, citizens. You do not represent the board you are on or the entity you are on. Yes, the NRDs as a whole, as a conglomerate, are against my bill. We're taking power away. Government seeks and obsessed with power. [LB758 LB1123]

SPEAKER SCHEER: One minute. [LB758]

SENATOR GROENE: It is our duty as elected officials to limit that. To limit that when possible. LB1123 is one of those instances where we need to do that. Again, I thank Senator Chambers, and we will work on bills together and we will fight against bills. Prairie dog bill, I was torn between personal property rights of both individuals: the person who has the land with the prairie dogs and the ones that have been infested. It's one of those bills you struggle with in a free society. Thank you. [LB758]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Schumacher, you're recognized. [LB758]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. And I thank Senator Groene for the discussion that I had off the mike with him highlighting what I think this bill comes down to. The two, three, and four apparently are no big deal and already covered by law. But as I understand it, this NRD wrote some checks to the county that were treated as taxes, and those checks have been of course cashed or used, and it would be really hard for the county

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and the NRD and the community colleagues, fire departments, what not to cough that money back up to the NRD. And that's what this bill is about. And the meaningful sentences start at number eight on the first page: a payment in lieu of taxes may be made for any year in which the joint entity or the resource district owns the land, including any prior year to the effective date of this act. Supposedly even the part about making it in the future isn't really important. That I'm convinced can be done with an interlocal agreement in which they agree to do some cost-sharing or shuffle some money around. But it's this rebate that we're dealing with. So really what we're being asked to say is that taxing districts shall not have to refund to an NRD prior payments in lieu of taxes that have been made for one of these water projects. I think that's what we're talking about, and maybe if we get to the merits of that that's what the debate is about. Do we want to basically say, look, the county, the school districts, the other taxing districts do not have to refund an erroneous payment made heretofore by the NRD. And, you know, I almost begin to think as I talk here, and I wish Senator Hilgers or someone was here to kind of discuss this with me, that once you make a tax payment erroneously you can't ask for a refund. And I'm wondering if that applies...I know that's the case in a lot of taxes, I'm wondering now if that applies to these particular payments. But that's what we're talking about. The school districts and the county and what not apparently do not have the cash on hand to refund to the NRDs, and that's what the bill is about. I look forward to any further discussion. Thank you. [LB758]

SENATOR HOWARD PRESIDING

SENATOR HOWARD: Thank you, Senator Schumacher. Senator Chambers, you are recognized, and this is your close. I apologize, Senator Chambers. That was my bad. You have already spoken your three times and there's somebody else in the queue.

SENATOR CHAMBERS: Excuse me, Madam President, just so I'm clear where I am, how many times can I speak before I reach my close?

SENATOR HOWARD: All right, Senator Chambers. You are recognized to speak and you do still have a closing after this one.

SENATOR CHAMBERS: Okay. You said I can speak one more time, and then my closing?

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SENATOR HOWARD: Yes, sir.

SENATOR CHAMBERS: Thank you very much. (Singing) Down and down I go. Round and round I go in a spin, loving the spin I'm in. I love us to reach these junctures. Things that seem clear may not be so clear in reality. That's a lesson to be learned. When this bill came out here, Senator Hughes had offered the amendment that we're discussing now, that will virtually erase everything in the green copy and get to this that I described the first day pursuant to what Senator Groene had said as a grandfather provision. I had said at the outset what "Swami" Schumacher said, and you'll listen to him, you will accept what he tells you. I would like to ask, for the sake of the record, Senator Schumacher a question, if he will yield. [LB758]

SENATOR HOWARD: Senator Schumacher, would you yield to a question? [LB758]

SENATOR SCHUMACHER: Oh, yes. [LB758]

SENATOR CHAMBERS: Senator Schumacher, the amendment that I have before us is in line 7. And if it were adopted, it would not touch anything starting with the sentence in line 8 where it says: a payment in lieu of tax. My view was that's what we were talking about anyway. And when I was in a discussion with Senator Hughes earlier, he and I kind of got hung up on my use of that term, but what my amendment does in line 7, between "may" and "agree." After the word "may," I would insert "not." All that would do in effect is remove that sentence of which it is a part. But it would not touch anything pertaining to a payment in lieu of tax. In other words, if that first sentence were eliminated, which would be lines 3-7, or through 8, stopping with the word "located," that sentence could be eliminated without hurting what they're trying to do, would you agree? [LB758]

SENATOR SCHUMACHER: I think you're correct, Senator. [LB758]

SENATOR CHAMBERS: And then if we kept that part intact and dropped down to line 17 with what is in number 2, then go over to the next page, number 3, and then number 4, those provisions could be eliminated without harming what they say their intent is, would you agree or disagree? [LB758]

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SENATOR SCHUMACHER: It appears that two, three, and four are largely duplicated elsewhere in the law. [LB758]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I said members of the Legislature, that's all of you, wherever you are. One whom you respect has said what could be eliminated from all of this amendment to deal with what they're talking about. They're talking about a payment in lieu of taxes. And when that payment is made or agreed upon, it cannot be an amount more than what the property tax would be if property tax was being paid instead of this "in lieu of tax" payment. [LB758]

SENATOR HOWARD: One minute. [LB758]

SENATOR CHAMBERS: That's very easy to understand. But I've got to do it like pulling a hen's tooth, instead of saying on page 1 eliminate the sentence beginning in line 3 and concluding in line 8, I had to insert a negative word which would eliminate the effect of that sentence. I couldn't just say what I'm saying without the imprimatur of "Swami/professor/Senator/one-who-is-listened-to" Schumacher. [LB758]

SENATOR HOWARD: Time, Senator Chambers. [LB758]

SENATOR CHAMBERS: Thank you, Madam President. [LB758]

SENATOR HOWARD: Thank you, Senator Chambers and Senator Schumacher. Senator Friesen, you are recognized. [LB758]

SENATOR FRIESEN: Thank you, Madam President. Senator Hughes, would you yield to a question? [LB758]

SENATOR HOWARD: Senator Hughes, will you yield? [LB758]

SENATOR HUGHES: Of course. [LB758]

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SENATOR FRIESEN: Senator Hughes, you know, we've got other NRD districts out there that, with the integrated management plans that they're doing, they also do augmentation projects, but they're doing it by re-timing flows in water storage areas. Does this bill address any of those, or is that a separate issue? Because there's other lakes or reservoirs that could be used for re-timing streamflows, and you could call it an augmentation project. Does that impact any of those? [LB758]

SENATOR HUGHES: It does not. This LB758 is only for lands that are acquired for water augmentation projects, not re-timing projects. [LB758]

SENATOR FRIESEN: Okay. So, again, when we look at the amendment that's coming before us and it says they may not agree, so currently the way the language is written they may or may not agree to voluntarily pay tax, would that be correct? [LB758]

SENATOR HUGHES: That is the way it is written, but they are elected boards in a local jurisdiction. And quite frankly, anyone who would not agree to pay those property taxes will not be long in office in my opinion. [LB758]

SENATOR FRIESEN: And I thank you, Senator Hughes. I think that was kind of the premise of this is that, you know, they still may or may not agree. It gives them a choice. But in this case, whenever we're forcing multiple NRDs to enter into agreements in order to accomplish a goal, you're covering a lot of territory, a lot of acres are involved, a lot of square miles of territory and a lot of school districts are impacted by these projects. And so again, I think the intent of this back when they did it, they intended to hold those school districts whole and reimburse them the costs of their property taxes. Their intent wasn't to take that away from them. And so through this long process I guess I still...if we're going to down the road have these basin-wide plans, and there are impacts to those taxing entities, I do think we need to have a process in there that we can hold those whole. So I still look at it as a good bill, the biggest question probably is the reimbursement of those years of taxes, but, again, for those school districts to have to come up with those dollars right now would be a severe strain on their budget. So thank you, Madam President. [LB758]

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SENATOR HOWARD: Thank you, Senator Friesen and Senator Hughes. (Visitors introduced.)
Senator Groene, you are recognized. [LB758]

SENATOR GROENE: Thank you, Madam President. I would like to talk a little bit about a part of LB758 that basically is really a government bill on open meetings. A little history, an interlocal agreement like this...or interlocal agreements in the state of Nebraska usually haven't been this detailed or given that much power. We've had a few instances. Usually an interlocal agreement is, for example, 9/11 money, between the county and the city and how it's shared. One issue, \$1. This N-CORPE is huge. Huge budget, millions of dollars of budgets over from the occupation tax. The way it was formed when the land came, we were under a pressing time line with Kansas, was these four NRDs, one of them noticed this land was for sale. The interlocal agreement didn't exist. Things moved fast, each NRD had their separate meetings, promises were made in NRDs that they would pay the taxes. The meetings were held in Imperial, Nebraska, and other towns where Lincoln County residents weren't there. They had no input on this. After the land was purchased, they hurriedly created an interlocal agreement. Gossip was around the area that they would pay the taxes, that they might sell the land after they were done. They promised it was only going to be \$4 to \$5 an acre taxed to the farmers, all sorts of verbal promises were made. Nothing was in writing. This bill puts into statute Senator Hughes language. And by golly, the people need to be involved when these decisions are made. Maybe the interlocal agreement should exist before actions are taken by the local NRDs. Just by chance, how about a report? What are you doing with the tax dollars? Where are you spending the tax dollars? Senator Friesen made the point, when you get an interlocal agreement this big, there's people scattered in a big geographical area that need to know what's going on. They're not at those N-CORPE meetings. It goes back to their local NRD, they might attend it. There's no report. What did you do? How much water did you pump? The amount of land leased, and for what purposes did you lease the land? The amount of revenue gained from the land leased? the amount of any taxes paid? This is scattered information. Sure, it's available. Do a FOIA request. Go down to the courthouse, see if they paid the taxes. Why should the public have to do that? Senator Hughes's language is pertinent to open meetings, to transparency, to clarity. No, this isn't just anybody could do it and you can do it already and you can handshake. That's what happened here, handshakes. As Senator Schumacher said, oh, you can just go down and have an interlocal agreement with the county. Can you? An interlocal agreement. An interlocal can have an

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interlocal agreement with another entity. Boy, we're really getting complicated government here. This is clarity. This language needs to be in place. We have an instance here, hopefully doesn't happen again, hopefully we get our sustainable water management under control. The NRDs creating an interlocal agreement for augmentation. One instance that is not covered by statute and guess what? When rules aren't in place, there are no rules to follow. [LB758]

SENATOR HOWARD: One minute. [LB758]

SENATOR GROENE: Senator Hughes's bill puts a template there, here's some rules, folks. Remember, it's always about the people, transparency for the citizens, transparency for the taxpayer. What...who can disagree with that? Thank you. [LB758]

SENATOR HOWARD: Thank you, Senator Groene. Seeing no one else in the queue, Senator Chambers, you're recognized to close on your amendment. [LB758]

SENATOR CHAMBERS: Thank you, Madam President. Members of the Legislature, the way my amendment is drafted those of you who are interested in what this bill purports to do should not accept my amendment. I don't even need it because you're going to reject it and I'm going to make a motion to reconsider. Because I'm going to keep us on this bill all morning. Quoting Honest Abe, "the promise being made, must be kept." I said what I would do on this bill and I'm going to do it. The only reason I'm participating at all is to show that I have read the green copy of the bill, I read the amendment that Senator Hughes is offering, and I thought about both of them. Senator Brasch said she approves of or appreciates the kind of discussion going on now, and I presume she means that it's focusing on this bill specifically which is before us now. And I can understand her feeling, I can understand the feeling of any and everybody who might disagree with the way I have comported myself this morning. But with all due respect, what people think about what I do has as much impact on me as the sweat of a gnat has on the rock of Gibraltar. In other words, zilch, nada. Nothing is going to be achieved in terms of making me change my approach because somebody doesn't like it. Before this day is over, people will forget what happened on this floor, there will be no carry-over. Some people who watch us may contradict that by saying that I, Senator Chambers, may reap negative consequences based on what I'm doing. Can anybody make water wetter? Can water be made more wet? Wetness, wet is

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a part of the very essence of water. If you don't have wet, you don't have water. I think even if it's H₂O, I mean, even if it's ice, its component is H₂O. But be all of that as it may, I know what it is I'm dealing with in this Legislature. Senator Brasch is trying to make it appear that I may not be hated by people in this state when I know I am. Look at term limits, which they put into their constitution and admitted it was aimed at me. So what am I supposed to do, people throwing rocks at me, shooting AK-47s at me, those old-timers shooting at those M-1s they stole when they were in the army, and I'm supposed to say nobody dislikes me? Well, they think I'm a fool. But I really am not. And I will not behave and comport myself in the manner of a fool to get along with people who are not going to respect me anyway. [LB758]

SENATOR HOWARD: One minute. [LB758]

SENATOR CHAMBERS: I'm not doing what I'm doing to getting the respect of people in this Legislature except in the sense of wishing that they would pay enough attention so we would get rid of trash legislation already on the books and not put more there. But you're not going to listen to me stand up here and speak in a professorial way, as my fortunate colleague, Senator Schumacher, can do. When Senator Schumacher speaks, as that old commercial said: EF Hutton speaks, people listen. You all don't listen to me. But there are other people who do, so I must punish you. I must strike again and again. How many hammer blows do you think Noah struck when he was building the arc, and still they didn't believe? But then when the rains came, Noah said, I am vindicated. It is raining and it shall not stop until every one of you is drowned. [LB758]

SENATOR HOWARD: Time, Senator Chambers. [LB758]

SENATOR CHAMBERS: Sure is a good one, too. Thank you, Madam President. [LB758]

SENATOR HOWARD: Thank you, Senator Chambers. Members, you have heard the closing on...Senator Chambers. [LB758]

SENATOR CHAMBERS: I ask for call of the house and roll call vote. [LB758]

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SENATOR HOWARD: Members, 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. [LB758]

CLERK: 15 ayes, 2 nays to place the house under call. [LB758]

SENATOR HOWARD: The house is under call. Senators, please record your presence. Will those unexcused senators outside of the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. All members are present and accounted for. Mr. Clerk, call the roll. [LB758]

CLERK: (Roll call vote taken, Legislative Journal pages 465-466.) 0 ayes, 38 nays, Madam President, on the amendment. [LB758]

SENATOR HOWARD: The amendment fails. Items, Mr. Clerk. And I raise the call. [LB758]

CLERK: I do, thank you, Madam President. Series of hearing notices from the Judiciary Committee, as well as the Appropriations Committee, the Urban Affairs Committee, and the Agriculture Committee all signed by their respective chairs. I also have a confirmation report from the Judiciary Committee. Judiciary also reports LB697, LB774, LB878 to General File. LB710, General File with amendments. LB757, General File with amendments. Urban Affairs Committee has selected LB874 as its committee priority bill. Further reports from Judiciary, LB847, LB848 to General File; LB104 to General File with amendments. And LB776 to General File with amendments. (Legislative Journal pages 466-470.) [LB104 LB697 LB710 LB757 LB758 LB774 LB776 LB847 LB848 LB878]

Madam President, returning to LB758, Senator Chambers would move to reconsider the vote taken with respect to the amendment to the committee amendments. [LB758]

SENATOR HOWARD: Senator Chambers, you are recognized to open on your motion. [LB758]

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SENATOR CHAMBERS: Thank you, Madam President. What I am doing is preparing the way for the Legislature to perhaps redeem itself in my critical eyes. What I can try to do is get you to amend some bill by cutting all the information out of that bill and inserting my proposal to repeal that prairie dog bill that has become law. There is a way that I can get it before us again, but I would have to give up a priority designation. And if I were to prioritize that bill, and it would come before us again, and the body chose to repeat what they had done before, then I would have to make a promise which I would be even more determined to keep than I am in terms of what I am doing now. If I wasted a priority designation because the Legislature is too blind to see the damage being done to private property rights, then I would be disturbed to say the least. When Darth Vader said I detect a disturbance in the force, people took note. I wish Senator Harr were here, but since he's not, I'm going to ask Senator Williams a question if he would yield. [LB758]

SENATOR HOWARD: Senator Williams, would you yield? [LB758]

SENATOR WILLIAMS: I would be happy to. [LB758]

SENATOR CHAMBERS: Senator Williams, some people may not be aware of this fact, so I'm going to put a direct question to you. Do you have a law degree? [LB758]

SENATOR WILLIAMS: Yes, I do. [LB758]

SENATOR CHAMBERS: A did you study real property when you were in law school? [LB758]

SENATOR WILLIAMS: Yes, I did. [LB758]

SENATOR CHAMBERS: The answer to this question, I'll admit to you, I do not know. How high above a person's property does that person's right of ownership extend? In other words, the air space above the property that a person owns extends how far above the land itself, if you know? [LB758]

SENATOR WILLIAMS: I do not know the answer to that question. [LB758]

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SENATOR CHAMBERS: Thank you. And I admit it, I don't. I would like to ask Senator Schumacher a question, if he would respond. [LB758]

SENATOR HOWARD: Senator Schumacher, will you yield? [LB758]

SENATOR SCHUMACHER: Sure will. [LB758]

SENATOR CHAMBERS: Senator Schumacher, you not only have a law degree, but you have practiced law, correct? And this is for the record. [LB758]

SENATOR SCHUMACHER: Yeah, I practiced, but I've never gotten good at it. [LB758]

SENATOR CHAMBERS: You know what...there is air space above the property that a person would own. Do you have any idea based on law or anything else how high the air space above somebody's property goes that the person owns the property could claim ownership of? [LB758]

SENATOR SCHUMACHER: Well, they certainly can't shoot down airplanes going over it. [LB758]

SENATOR CHAMBERS: Right. So we know how high it doesn't go. [LB758]

SENATOR SCHUMACHER: Right. And you probably could build a very, very tall skyscraper on it. [LB758]

SENATOR CHAMBERS: Yes. [LB758]

SENATOR SCHUMACHER: So we know that it's somewhere between a very, very tall skyscraper and where the airplanes go. [LB758]

SENATOR CHAMBERS: Thank you. [LB758]

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SENATOR SCHUMACHER: Now, I'm bothered by the fact what if the airplane is flying low. Can I shoot it down then? [LB758]

SENATOR CHAMBERS: Well, you wouldn't be able to shoot an airplane down even if it landed on your property. Well, then you wouldn't shoot it down. But I don't know how low a plane could fly because there are rules that are established that determine how low legally an aircraft can fly, but I'm not getting into that. There's a point I want to make, and you helped me make it, so I thank you. Members of the Legislature, who else would wonder about how high the air space is that the owner of property controls? Who would ask a question like that on the floor of this or any other Legislature? Who would even care? I think about more things than what happens here. I have to restrict and constrict my thought patterns when I come to this Legislature and I have to keep reminding myself that my colleagues have not even read the bill that we're talking about. So if you don't think enough of it to read it, why should I think enough of it to take it seriously? Because some of it is trash and it will wind up in the law books. The Governor is not going to read it. He'd sign it. That's what happened with the bone-headed bill that Senator Louden got people to put on the books. And I've made up my mind that that is one piece of bad legislation I'm going to get off the books, or the whole Legislature is going to suffer with me. I'm not suffering when I stand up here all day. It gives me something to do with my time. Every now and then I will walk my own amendment up to the desk, because they say the new smoking is sitting down. Well, I don't sit down. But maybe standing up is a semi-sit down. So maybe standing up is like vaping the new cigarette, which is sitting. But I'm not going to get tired from what I'm doing. Some old birds just get tougher the older they are. I think that there are things that ought not to be in the statute books. Suppose this were going to be, this prairie dog bill, were going to be enacted to apply to urban areas. And they say there is noise pollution, and if your neighbor won't turn down the radio, you can go to the county and they can have somebody go in that house and destroy the radio. You would say that is preposterous. That is what you're doing with that craziness that you all have put on the bill. And when you are co-conspirators, you are as crazy as the one who brought it. You are crazier than the ones who asked for it, because you could stop it and you won't. But that is how I own you. I can make you so upset with me you will vote against your own best interests. You will vote against logic, you will vote against your so-called conservative principles. You respect private property only as long as Senator Chambers is not pushing for something that would have to do with respecting private property. Then you are

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such an ideologue that all the other considerations go out the window. I venture to say if somebody else brought the bill to repeal that prairie dog bill it would have been passed, we wouldn't have all this discussion. But I would have spoken in favor of it because I never know how deranged my colleagues are going to behave. Some of them defend what President Trump is doing right now. They have documented hundreds of lies that he has told, but if anybody stands up when that idiot talks tonight and says you lie, you've lied every time you open your mouth, a lie is likely to come out. You are an inveterate, pathological liar. You are a demented denier. You are a perfidious, prolific, perverse...I'm not going to tell you the third word right now. We'll save that for later, it's like dessert. But falsifier is the word, and you all know it's true. But you all get your hackles up and say, you shouldn't say about the President. And I am remembering the things you said about President Obama because he was a black man. [LB758]

SENATOR HOWARD: One minute. [LB758]

SENATOR CHAMBERS: He lifted this country out of some of the worst economic malaise that it has had, and they cannot acknowledge it. Then this idiot orange man is going to say everything positive happening with the stock market is because of him. Everything. Listen to him tonight how he takes credit for everything. There is a man from Puerto Rico who ran a half marathon backwards to point out the plight of the people in Puerto Rico, after that orange man that these conservatives on this floor follow and support have boasted about taking care of. He wanted to say racism had nothing to do with it. They are going to take care of Puerto Rico like they did the white locations in America like Houston, New Orleans, other places. And look at what's happening now in Puerto Rico because they're not white people. I know it and you all know it, and you don't want it even talked about. Senator Brasch is offended. That rag supposedly is the rag that flies over Puerto Rico. [LB758]

SENATOR HOWARD: Time, Senator Chambers. [LB758]

SENATOR CHAMBERS: Time...oh, thank you, Madam. [LB758]

SENATOR HOWARD: Thank you, Senator Chambers. (Visitors introduced.) Senator Pansing Brooks, you are recognized. [LB758]

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SENATOR PANSING BROOKS: Thank you, Madam Chair. I am rising because I just find all this so fascinating and interesting, to hear this ongoing diatribe about LB758. Senator Groene said this is about the people, and who can disagree with that? I'm relating it of another bill of import to me, which is the right to counsel for juveniles. Senator Hughes has fought against my right to counsel for juveniles and said that he had a constituent who called and said it's not really necessary. Well, I just had a constituent call to say to me that this is not really necessary. But what I'd like to talk is about respect in the body. A respect of knowledge, a respect of experience. I would say in response to Senator Groene's discussion about that this is about the people, and who can disagree about the people, that the right to counsel is about the constitution. And who can disagree with the constitution? We all believe in the right to vote; the right to bear arms; the right to protect conservative speech, Senator Halloran; the right to religion; the right against unreasonable search and seizures; the rights against excessive bail. But guess what? In there is also the right to counsel. But we're talking about children, they of course can't sue quite as easily the state when they aren't provided that access. And I guess the thing that I think is so interesting is that when most of the people who are farmers or have rural constituencies speak, I generally have a tendency to listen and try to care about what they think is important in their areas. I am trying to listen to Senator Hughes and Senator Groene and Senator Friesen on this issue, that they find so important. But on something that I know quite a bit about as a lawyer, as a mother, as somebody who has watched people try to navigate the criminal and juvenile justice systems, the right to counsel is something very serious and very important for some of the most vulnerable in our state. So again, the respect that I feel and the unwillingness to listen is quite aggravating to me. Yet, I'm supposed to listen and understand what those who are experiencing these issues through their NRDs in the western part of the state, what they feel. And I do have a tendency to want to listen and try to understand it. But, and that's a but, not an and, I resent the fact that when there are issues that other senators understand and have a particular knowledge of in this body, that there is not a mutual respect, there is not a willingness to listen and to understand what we're talking about. Oh, it's just the constitution. Yeah, it's the Constitution of the United States, it's the Constitution of Nebraska. So you can sit and tell us how passionate you are about how important this is, let me tell you that it does not hold a candle to children who are not able to be represented in the western part of our state by attorneys. [LB758]

SENATOR HOWARD: One minute. [LB758]

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SENATOR PANSING BROOKS: So if you can hear some aggravation in my voice, it is definitely there. I care about those kids and I care about listening to what you are talking about. And I do have an open mind, and you know that. And that open mind will affect my vote, but it will not affect my anger at an unwillingness to listen, a presumption and arrogance that you know more than I on an issue, and that you should not take a stance to protect some of our most vulnerable in our communities across this state. Thank you, Madam Chair. [LB758]

SENATOR HOWARD: Thank you, Senator Pansing Brooks. Senator Chambers, you are recognized. [LB758]

SENATOR CHAMBERS: Thank you, Madam President. Thank you, Senator Pansing Brooks. There's a term in the law, in loco parentis, which allows the state to stand in the place of the parent for the welfare of the child. It is not too bad there is not one, "in loco Legislature," so that some of us could stand in the place of the Legislature and do things that are needed for children unfortunate enough to grow up in rural areas. I look at the narrow-mindedness of the people who are sent here. I listen to the narrow-mindedness of what they say. I see the kind of bill where is they say the farmers, the ag sector, are having a problem and everybody should change everything for them. And they want everybody to do it. They're more non-ag people than ag people here, but you've been bedazzled. I see television commercials generally about what happens in urban areas affecting children, where there's drugs, homelessness, or any of the other problems that children have. Rural people are not there because they don't care, and I listen to them on this floor. They don't care about others. When Senator Halloran and others talk about worrying about free speech, they're not worried about free speech. They want to cut out free speech on the floor of this Legislature. And I'm glad Senator Halloran said he is not going to withdraw his bill, I want that travesty to come out here and have him defend it. And we're going to talk about free speech, and we're going to talk about the efforts of him and his ilk to limit free speech on the floor of this Legislature. Bring it out here. I hope Senator Groene sends it out here, and he as chair of the committee is going to answer some questions of mine, and members of that committee too. We're going to talk about free speech, and the place it should be freest is on floor of the Legislature. And you all want to cut debate. That is why I challenge it by what I am doing. And the only way you can stop me is to pass a rule that stops you too. And the public will be the better for it, because half the time you don't make sense because you don't even read the

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bill and don't understand and you're mimicking something a lobbyist gave you. And I watch you read statements on the floor of the Legislature that you didn't even write. You stand up there and you read it. But I'm going to read from an article this morning. Lincoln Journal Star, January 28th, "World remembers the Holocaust," subhead: event occurs amid rising signs of hatred in Europe, elsewhere. And while people are talking about the holocaust, I'm going to talk about what happened and is happening to black people. Why don't you have a memorial day for slavery, the harm done to black people? The holocaust is not memorialized because it was a good thing, but it was so evil. Slavery lasted far longer than the Holocaust, evil. The face of evil is not Adolf Hitler, not Adolf Eichmann, not Carlton Bruner (sic--Alois Brunner), not Muller, it is George Washington, Thomas Jefferson, Patrick Henry and all your other Presidents who were slaveholders. Members of Congress who were slaveholders, who said they owned human beings. They could kill those people, they could rape the women and it was not considered rape.

[LB758]

SENATOR HOWARD: One minute. [LB758]

SENATOR CHAMBERS: You could force a black woman to have sex, but if you had sex with an animal you would be punished. So we occupied a status in this country lower than animals. I'm going to read this article the next time I am recognized to show how people look at what befell Jews. You talk about six million Jews, there were millions of gypsies, homosexuals, other groups, communists who were also exterminated to the extent that such a thing could be done. Germany, they covered the waterfront. And as far as the homosexuals, a lot of the Waffen SS were gay. A lot of Germans in the Waffen SS, the military arm of the SS, were homosexual. They practiced it and people knew it and it was not hidden. [LB758]

SENATOR HOWARD: Time, Senator Chambers. [LB758]

SENATOR CHAMBERS: Thank you, Madam President. [LB758]

SENATOR HOWARD: Thank you, Senator Chambers. Senator Hansen, you are recognized.
[LB758]

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SENATOR HANSEN: Thank you, Madam President. I would like to ask Senator Chambers a question if he would yield. [LB758]

SENATOR HOWARD: Senator Chambers, would you yield? [LB758]

SENATOR CHAMBERS: Yes, I will. [LB758]

SENATOR HANSEN: All right, thank you, Senator Chambers. Senator Chambers, I was coming in and out of the room a little while ago, but I hear you engaged in discussion about whether or not there was laws on how low airplanes can fly. [LB758]

SENATOR CHAMBERS: Yes. [LB758]

SENATOR HANSEN: All right, thank you, Senator Chambers. I am going to...this popped into my mind when you said that. There is the United States v. Causby, 328 US 256, decided in 1946, which was the Supreme Court case about how low airplanes can fly and whether or not low-flying airplanes violated the Takings Clause of the Fifth Amendment. And the United States Supreme Court decided in a 5-2 opinion that, yes, that could be considered a violation of the Takings Clause. But defined to set a specific limit for how low-flying planes would qualify there. So that is at least one court case that I know of in that avenue. And if Senator Chambers would like the rest of my time, Madam Chair, I would yield the time to him. [LB758]

SENATOR HOWARD: Thank you, Senator Hansen and Senator Chambers. Senator Williams, you are recognized. [LB758]

SENATOR CHAMBERS: No, no. [LB758]

SENATOR HOWARD: Oh, I apologize, Senator Chambers. You are yielded 3:40. [LB758]

SENATOR CHAMBERS: That's right. And thank you, Senator Hansen. And thank you for putting that case into the record. I'm going to try to scamper through this article. Then I'll comment on it later. Warsaw, Poland. "Elderly Holocaust survivors wearing striped scarves that

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recall their uniforms as prisoners of Nazi Germany made a yearly pilgrimage to Auschwitz on Saturday," exactly "73 years after the Soviet army liberated the death camp and occupied Poland." And I want to throw something in here. There were black troops who liberated death camps, and the Jews had never seen a black person and they were referred to as black angels. You all have never heard that term before. But the Jews labeled them black angels. They had never seen a black man, and the first time they saw one he was liberating them from a death camp. But that means nothing to you all. Continuing. "On the date now commemorated as International Holocaust Remembrance Day, political leaders and Jewish officials warned that the Nazi genocide must never cease serving as a reminder of the evil of which humans are capable. In Warsaw, Poland, U.S. Secretary of State Rex Tillerson attended a solemn ceremony at a memorial to the Jews who died fighting the German forces in the Warsaw Ghetto Uprising of 1943." And I will talk a little bit about that. "Tillerson trailed two uniformed Polish military officers and readjusted a wreath underneath the monument, a hulking structure" located "in what was once the Warsaw Ghetto. The head of the Warsaw's Jewish community read a prayer, and Tillerson made brief remarks about the importance of not forgetting the horrors of the Holocaust." He ought to remind his boss that, the orange man. "'On this occasion, it reminds us that we can never, we can never to be indifferent to the face of evil,' Tillerson said." Then he should not be unmindful of the face of his boss, the president. Continuing. "In Germany and Austria, the nations that perpetrated the killing of six million Jews and millions of others..." Who are the others? Nobody cares. Nobody knows. They're the no-name people. They're the un-people. But "six million Jews and millions of others during World War II, far-right parties with their roots in the Nazi era are gaining strength" thanks to President Trump who says there's good people among them. [LB758]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: Continuing. "The anti-migrant, anti-Muslim AFD party won seats in the German parliament for the first time last year, while the nationalist anti-migrant Freedom Party is part of the coalition running the Austrian government. Both parties have members who have made anti-Semitic remarks." And I'll stop at this point. Thank you, Mr. President. [LB758]

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SPEAKER SCHEER: Thank you, Senator Hansen and Senator Chambers. Senator Williams, you are recognized. [LB758]

SENATOR WILLIAMS: Thank you, Mr. President, and good morning. We started this morning again by talking about faith and trust. And I would like to, now that he's here, say a special congratulations to Senator Roy Baker and his wife Paula on celebrating their 50th wedding anniversary this past weekend. If you hadn't seen...or haven't seen the pictures, you know, this guy was a pretty good looking young man at one point in time. Now he's a really good looking older man. Again, in thinking about faith and trust and thinking about what Senator Pansing Brooks said, I wish we would all take that to heed that there are areas that we all have expertise in and there are areas that we need help. And it is hard to have faith and trust in someone else's ability if you are not trustworthy or faithful yourself in your deliberations. That said, I would ask if Senator Chambers would yield to a question, please. [LB758]

SPEAKER SCHEER: Senator Chambers, would you yield, please? [LB758]

SENATOR CHAMBERS: Happily. [LB758]

SENATOR WILLIAMS: Earlier this morning you asked both Senator Schumacher and myself a question that related to real estate law and how much real estate or how much air you would own above the ground that you're on. And in that discussion, and in particular the discussion that you had with Senator Schumacher, there were comments made about shooting down a plane, and you probably couldn't do that. I was wondering if you were trying to turn what is a good piece of legislation into a gun bill. [LB758]

SENATOR CHAMBERS: All I will say is touche. But I will say no. [LB758]

SENATOR WILLIAMS: You're sure on that, though? We haven't turned into...then I have a follow-up question. Now, I know you are not a pilot, but you have ridden in airplanes and you have heard of when planes get ice on them, and the concept of icing. Now there again, I want to be sure that that doesn't relate into a comment that was made in the Judiciary Committee about

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three years ago of what your ice, I won't finish that statement, would be. So again, it's not a gun bill and it doesn't have to do with that, right? [LB758]

SENATOR CHAMBERS: Not even remotely or metaphorically. [LB758]

SENATOR WILLIAMS: Okay. Now, my final question is Friday is Groundhog's Day. Do you know if there's any relationship between a black-tailed prairie dog and the groundhog? [LB758]

SENATOR CHAMBERS: And a groundhog? [LB758]

SENATOR WILLIAMS: And the groundhog. [LB758]

SENATOR CHAMBERS: I hadn't reviewed that, but both of them I believe are considered rodents. And some people consider the groundhog a pest if he sees his shadow and predicts more winter, and he's never been correct. [LB758]

SENATOR WILLIAMS: And so a lot of what we're doing is deja vu all over again, my famous Yogi quote. [LB758]

SENATOR CHAMBERS: And also as Shakespeare wrote, much ado about nothing. [LB758]

SENATOR WILLIAMS: Both. And don't ever forget that it's every prairie dog you shake. And with that, I would yield the balance of my time to Senator Chambers. [LB758]

SPEAKER SCHEER: Senator Chambers, 1:20. And you are next in, so we will just run them back to back. [LB758]

SENATOR CHAMBERS: Say it again, Mr. Chair. I didn't... [LB758]

SPEAKER SCHEER: You have 1:20 plus 5:00. You are next in line, so we'll run it together. [LB758]

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SENATOR CHAMBERS: Thank you. Then I'm going to go ahead and finish this article. Meanwhile, "Israeli leaders angrily criticized pending legislation in Poland that would outlaw blaming Poles for the crimes of the Holocaust, with some accusing the Polish government of outright denial Saturday as the world marked International Holocaust Remembrance Day. Prime Minister Benjamin Netanyahu called the proposed law, 'baseless,'" and what Israel is doing to the Palestinians is neonaziism in full flower. The Israeli Supreme Court had to intervene to stop that government from doing certain racist things to people who came from the African continent and settled in Israel. And there were Israelis who were like Americans, who didn't want them around. And there were racist attitudes expressed toward them, and the supreme court has to intervene. With what the Israelis are doing to the Palestinians indicates they didn't learn anything from the Holocaust. They are producing a holocaust against Palestinians. They have outdoor prison camps, inclement weather, inadequate shelter. Maybe they learned something from the Nazis and decided instead of memorializing it in these yearly pilgrimages by duplicating it or replicating it against those they hate. The Israeli government hates Palestinians and there's no question about that. And they ought to be condemned more than anybody else because they want everybody to say I remember the Holocaust. People don't know anything about the Holocaust. They don't even know the difference between a concentration camp and a death camp. They don't know what a work camp was. They don't know that some of the big corporations who headquartered in the United States made money providing gas and other means of killing Jews during the so-called Holocaust. Is there a company called BASF? You ever heard of Zyklon B? And the company that made it still exists now and white Americans buy stock in it. And I listen to the racist comments of that orange man in the white house. You had a racist here named McCoy who set a bobblehead of President Barack Obama on a fence post and knocked it contemptuously down and he made numerous racist statements on the floor. And now he is working for some rich white guy down in the lower part of Nebraska. That is what I have seen in this Legislature. And people won't stand up on the floor and challenge any of that. When a white farmer was killed and nobody spoke, the State Patrol did...I was the one, who not only spoke, but got the State Patrol to change their methodology when they're dealing with somebody who is holed-up or there is a standoff. That was a white farmer, he was a racist. His literature that he had in his house proved it. But because he was a racist didn't mean his family was. And even if they were, he was not killed because he was a racist. If that was the case, the only ones left would be me and Senator Ebke and a couple of others that I have enough confidence in to identify. I listened to all this

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hypocrisy all the time. I listen to the trash that Senator Murante brings, and because he's a member of the Legislature I'm not supposed to say he is a racist through and through. And whatever you call him, "Uncle Tom Italian," that is what he is. Trying to stop people of color from voting. To do the dirty work of the white people, because he wants a higher office and he needs white people's votes. He probably would say he's white if you ask him, if I hadn't said what I said. You let a black person be on this floor and sell us out. You have an explanation by me of what an Uncle Tom is, and if it was a female what an Aunt Jemima is. I don't owe them protection and cover when they do things that hurt us as a group. And anybody who comes against my group, I'm going to deal with them directly. They have names, I'm going to call their name. And when Senator Murante sends that trash out here, we're going to go round and around. We're going to fight like scorpions in a bottle. And when Senator Halloran brings his junk up here about free speech, and I have watched them on this floor trying to do what they could to inhibit free speech. See, the freedom to speak includes the freedom not to speak. That's why kids cannot be made... [LB758]

SPEAKER SCHEER: One minute. [LB758]

SENATOR CHAMBERS: ...to stand up and say they honor that rag. There are people who want to, and there was a child in Texas who was expelled for not standing up to honor that rag. And that's supposed to stand for freedom and justice, and a child can be put out of school for not honoring the rag? And I'm going to read some of the comments to you all that I made when I spoke before on what was called the Riot Commission and talked about how these racists want to talk about what a great country this is and how bad Russia is. But if you express yourself, they tell you go to Russia because it's not acceptable in America. Crazy. Crazy. If I was as dull-witted as some of my colleagues, I wouldn't be as sensitive to all these terrible things that have to be discussed on this floor. But I'm going to discuss them. Do I have another chance, Mr. Speaker, if I turn on my light? Okay, then I won't turn it on. Thank you. [LB758]

SPEAKER SCHEER: Thank you, Senator Chambers. Mr. Clerk for a motion. [LB758]

CLERK: Mr. President, I do. A priority motion. Senator Hughes would move to invoke cloture pursuant to the Rule 7, Section 10.

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SPEAKER SCHEER: There has been a motion to invoke cloture. This will need 33 ayes. Senator Hughes.

SENATOR HUGHES: Mr. President, I would like a call of the house and a roll call vote in regular order, please.

SPEAKER SCHEER: There has been a request to place the house under call. The question is, shall the house go under call? As those in favor vote aye; all those opposed vote nay. Please record.

CLERK: 27 ayes, 0 nays to place the house under call.

SPEAKER 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 Linehan, would you check in, please? Senator Krist and Senator Riepe, the house is under call, please return to the floor. Senator Vargas, Senator Wishart. Senator Harr, would you check in, please? Senator Harr, thank you. Senator Riepe, Senator Lindstrom, please return to the floor, the house is under call. Senator Krist. Senator Krist, Senator Larson, please return to floor, the house is under call. Senator Larson, please return to the floor, the house is under call. Senator Hughes, Senator Larson seems to be lost. Would you like to go forward without him? I'm sorry, Senator Hughes?

SENATOR HUGHES: We can proceed.

SPEAKER SCHEER: Okay. There's been a request for a roll-call vote in regular order. Mr. Clerk, this is a cloture vote. It will take 33 affirmative votes.

CLERK: (Roll call vote taken.) 45 ayes, 1 nay, Mr. President, to invoke cloture.

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SPEAKER SCHEER: The motion is successful. Next item, we will remain under call for the series of votes, is the reconsideration motion of Senator Chambers FA92. Roll call vote, Mr. Clerk. (Legislative Journal page 471.)

CLERK: (Roll call vote taken.) 1 aye, 43 nays on the motion to reconsider.

SPEAKER SCHEER: The motion fails. Next item is the committee amendment AM1573 to LB758. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Record the vote, Mr. Clerk. [LB758]

CLERK: (Record vote taken.) 46 ayes, 1 nay on adoption of committee amendments. [LB758]

SPEAKER SCHEER: The committee amendments are adopted. The question before us is advancing to LB758 to E&R initial. All those in favor vote aye; all those opposed vote nay. There has been a request for a roll call vote. Mr. Clerk. [LB758]

CLERK: (Roll call vote taken.) 47 ayes, 0 nays on the advancement of the bill. [LB758]

SPEAKER SCHEER: LB758 does advance. I raise the call. Mr. Clerk. [LB758]

CLERK: I have items, Mr. President. The Executive Board reports LB744 to General File. Government Committee reports LB299 to General File with amendments. Health Committee reports LB360, LB732, LB840 to General File with amendments. All those were signed by their respective chairs. New resolution, LR305, Senator Bostelman, that will be laid over. Amendments to be printed: Senator Crawford to LB589, Senator Friesen to LB157, and Linehan to LB850. I also have a confirmation report from the Government Committee, Mr. President. Name adds: Senator Halloran to LB295, Kolterman LB299, Wayne to LB389. [LB157 LB295 LB299 LB360 LB389 LB589 LB732 LB744 LB840 LB850 LR305]

Mr. President, priority motion. Senator McCollister would move to adjourn until Wednesday, January 31, at 9:00 a.m.

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SPEAKER SCHEER: You have heard the motion for adjournment. All those in favor say aye.
Any opposed say nay. The ayes have it. We are adjourned.