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Floor Debate
March 07, 2018

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SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber for the thirty-eighth day of the One Hundred Fifth Legislative Session, Second Session. Our chaplain for today is Father Ryan Lewis from the Gross Catholic High School in Bellevue, Nebraska, Senator McDonnell's district. Please stand.

FATHER LEWIS: (Prayer offered.)

SPEAKER SCHEER: Thank you, Father Lewis. I call to order the thirty-eighth 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 corrections for the Journal?

CLERK: I have no corrections.

SPEAKER SCHEER: Any messages, reports, or announcements?

CLERK: Just an announcement, Mr. President: the Appropriations Committee will meet in room 2022 at 10:00 this morning; Appropriations at 10:00. That's all that I have.

SPEAKER SCHEER: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda. [LB697]

CLERK: Mr. President, LB697 is a bill by Senator Ebke relating to courts. (Read title.) Introduced on January 3 of this year; at that time referred to the Judiciary Committee; was advanced to General File. I have no amendments to the bill, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Ebke, you're welcome to open on LB697. [LB697]

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SENATOR EBKE: Thank you, Mr. Speaker, and we're going to start the day off on a positive note. We're going to move right along here. I won't promise, but I'm going to try. LB697 was brought at the recommendation of the Judicial Resources Commission. The commission was created by the Legislature in 1992 and is comprised of four judges appointed by the Nebraska Supreme Court: one district judge, one county judge, one from the separate juvenile courts, and one from the Nebraska Supreme Court, a member of the Nebraska State Bar Association from each of the six Supreme Court judicial districts prescribed in Article V, Section 5 of the Nebraska Constitution; and one citizen from each of the six Supreme Court judicial districts, and one additional at-large citizen representative. It is a large group. The commission is responsible for reviewing the state of our courts and determining such things as whether a judicial vacancy exists and whether it should be filled; whether a new judgeship should be created; whether a judgeship should be eliminated; whether the number of judicial districts should be changed or whether boundaries should be moved. The commission's determinations are based on an analysis of judicial workload statistics, whether litigants have adequate access to the courts, the judicial duties of the districts, and travel time involved within a district, and other facts as determined by the Supreme Court that are necessary to ensure efficiency and maximum service across the state. After a determination is made by the commission, an electronic report is submitted to the Legislature. This year the commission brought forth the recommendation reflected in LB697. LB697 would adjust judicial district boundaries to a few districts by moving some counties to different districts. The bill would move Clay and Nuckolls Counties from inclusion in the first judicial district to inclusion in the tenth judicial district. The bill would further move Otoe County from the second judicial district to the first judicial district. Making the change will help the courts balance workloads across the districts without the need of additional resources. I passed around copies of the map provided by the...of the two maps provided by the Judicial Resources Commission to members of the Judiciary Committee at the public hearing on LB697. The first page shows the current allocation of judges compared to the judges needed in each judicial district before the change is made by LB697 are implemented. As you can see, the map shows a deficiency in the number of judges in District 2 and a slight excess in the number of judges in Districts 1 and 10. The second page is a map of the expected workload balance if the changes in LB697 are approved. With the moves, you will note that the workload in District 2 is still high but is reduced and the workloads in the other districts is moved closer toward striking the balance. The bill was heard by the Judiciary Committee and was supported by the commission, the Bar Association, and the court administrator. All who testified have assured me that the district judges in counties affected by these changes are in agreement with the proposal. The bill advanced to General File on a Judiciary Committee vote of 7-0 with one member absent. For these reasons I ask for your green vote on LB697. [LB697]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Chambers, you're recognized. [LB697]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is a perfect bill for me to raise some questions or deal with issues in our court system, which it appears to me that no other senator is concerned about. I've said, down through the years, that the court being the third branch of government should not have to hustle money by court costs and court fees. We should not have checkbook or cash register justice. In the same way that the Legislature, that the executive branch are supported and funded from the General fund, the courts, more than either of those two branches, should be entitled to that type of funding if we have to make a choice. The courts are to be open to everybody. The constitution says that the...I'm paraphrasing...the doors to the courthouse are to be open to every person for any grievance he or she may have relative to whatever issues may arise. That means that Little Orphan Annie has to have as much access as Daddy Warbucks, the billionaire. The poorest person of the...that you all's Governor does not care about, meaning the physically disabled, the mentally challenged, the hungry, the shelterless, those who need medical care and cannot afford it, they are as entitled to access to the courts as the Governor who has no regard for them. But the court system responds to those who have money, status, and power. And the poor often are given short shrift. One thing I appreciated that the Catholic priest said this morning was that he wants God or you all to make special note of those who are on the peripheries. That means what you all now call in popular parlance the outliers, the unpeople, the nonpeople, the throwaway people, the jetsam and flotsam of society. We can answer those prayers if we choose to. But anyway, to show that the courts should be open to everybody I filed a lawsuit against God representing my constituents, not just in Nebraska, not just in my district, but all over the country and throughout the world. Floods, droughts, famine, disease, violence and threats of violence from that defendant whom I implored to straighten up and fly right. All of the legal experts said that my petition, my suit, if you will, would not be even seen by a judge. That because the law states, and it does, that anybody who files a petition in a lawsuit must serve notice on the defendant within 90 days of that filing, or by operation of law that lawsuit is thrown out without prejudice. Not only did a judge see my petition, there was a hearing in Douglas County county court and I argued my case. The judge took it under advisement. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: I had argued that since they talked about "in God they trust" they have a person swear on the Bible to God to tell the truth. The court has already taken judicial notice of God, and the traits of God are: omnipresent--being everywhere; omniscient--all knowing; omnipotent--all powerful; therefore this defendant not only has notice of my lawsuit but is present in this courtroom. I'll continue when I'm recognized. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. (Doctor of the day introduced.) Returning to LB697. Senator Chambers, you're recognized. [LB697]

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SENATOR CHAMBERS: Thank you, Mr. President. While I do these kinds of things and take time, I am discharging my duty as a member of the Legislature as I perceive it. Sometimes people who are aware of how hard I work will ask me why do I work so hard? I tell them I get paid for everything I do. They said, you don't get paid much. I said, I didn't say I get paid much, I get paid. So I'm doing what the taxpayers paid me for. I will continue. When the judge took my lawsuit under advisement, he then dismissed it ruling that not only had I not served the defendant, but I would never be able to serve the defendant, therefore he dismissed my lawsuit with prejudice. Well, that put the ball right where I wanted it. Right there the judge dropped his money purse. First of all, the statute that relates to the dismissal of a lawsuit for failure to serve the defendant indicates that no issues are to be dealt with by operation of law the lawsuit is dismissed, therefore the court should only make note of the fact that the lawsuit was dismissed pursuant to operation of the law without prejudice. Well, by the judge making a comment that I not only did not serve the defendant, but I would never be able to serve the defendant, that violated that statute. By dismissing it with prejudice, that violated the statute. I could have gotten a response from the appellate court on those two points alone. I filed my appeal with the state Supreme Court knowing that they would kick it down to the court of appeals. They had a review of what I filed. And the plea or prayer, if you will, that I made was that what the lower court ruled be set aside, what that appellate court ruled, and this was farther than anybody thought that lawsuit would go. It was ridiculed by people throughout the country, throughout the country, but it got me an invitation to Italy, all expenses paid, to a conference they were having that would call people from all over the world to discuss this idea of whether there even is a God in such things. I had interviews from people, literally, all over the world. Some people come from a European country; I couldn't speak their language, they couldn't speak English, but they had an interpreter. There was a large article in a German newspaper, which former Senator Carlson saw when he and his wife were vacationing in Austria, or one of those little countries over there, and my face appeared on the television set. They were shocked that the one who has so little esteem in this country was making news around the world, which is more than can be said about anybody who had ever been in this Legislature before. I can't say or sense because I'm still in the Legislature. A young guy came from Nova Scotia to interview me, and when I explained that the purpose of the lawsuit was to show that the doors of the courthouse should be open to everybody; he said, why did you not just say that? I said, if that's all I said... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...would you have come all the way from Nova Scotia to interview me? He said, well, you have a point. And I knew I had a point. What good is a song that is not heeded? What good is a book if no one will read it? So I got the notoriety that I wanted, raised the issue, got it all the way to the appellate court, and I will complete that part of it when I'm recognized. Thank you, Mr. President. [LB697]

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SPEAKER SCHEER: Thank you, Senator Chambers. And you are the only one in the queue. This is your third time at the mike. [LB697]

SENATOR CHAMBERS: Thank you. Although I never was a Boy Scout, I accept their admonition--be prepared. I am compiling a record this morning, and what I'm talking about now is like a preliminary, the main event is yet to come. And as always, I do not mind if nobody on the floor listens. Maybe what I say, if they listened, would go over most of their heads anyway, but not over everybody's head. What the appellate court did was to vacate the lower court's order because the judge had gone outside the statute. By vacating it, that meant that my dismissal was without prejudice, and such being the case, I could have filed the lawsuit again and again and again because it could never be dismissed with prejudice based on the statute. But the appellate court said that the courts do not resolve speculative matters. That's all right with me. I didn't expect them to stand up to God. They won't even stand up to big shots. But I had to make the point. And one reason I brought the lawsuit, not just because I have a grievance against God; I always say the devil is a heck of a cat. Well, God is even more of a heck of a cat because he made the devil, if the one you all say is there really is there. But if God is everything, and there's nothing before God, the only substance God would have with which to create would be part of himself, herself or themselves. So Satan is a part of God. You all are a part of God. These books are a part of God. Pantheism--God is everywhere. God is everything. Everything is God. Everywhere is God. Wherever "there" is, there is God. The "thereness" of there is explained by God. The "whereness" of where is explained by God. Going to Plato, the "chairness" of chair is explained by God. That's where everything came from, except me. I'm not arrogant. I have an independent separate and apart from all of that. But anyway, the point that I wanted to make in that case grew from what was happening in this silly Legislature. They would bring bills to allow a lawsuit against somebody who would question vegetables and fruit because they were defaming these vegetables and fruits that Nebraska farmers grew, and it impinged on their ability to make a living; they wanted a lawsuit. I said, that's silly. But you can file any lawsuit you want. They brought a bill when a lady or a man had spilled coffee on himself or herself, as the case was, and was scalded at a McDonald's, filed a lawsuit and recovered. The senators got angry at that, so they brought a bill. And I told them, you cannot bring any bill that will close the doors to the courthouse. A person can sue anybody, including God. So I had to prove that. But here's what I told the dumbbells sitting in the seats where you all are sitting. Even if they had a law that said you cannot bring a lawsuit against the Clerk of the Legislature, and I filed a lawsuit against... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...the Clerk of the Legislature, that issue would have to go to court. Any issue that is part of a lawsuit goes to court and gets the hearing to determine whether or not it falls under the province of that law that said this matter cannot be the subject of a lawsuit. That

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in itself is the subject of a lawsuit. That's what I have to contend with on the floor of this Legislature because people don't read, they don't think, and most of all they don't care. What underlines all these things, underlies, the lack of concern for people. You all talk about being pro life. You care about zygotes, fetuses, and embryos, but when the child passes out of the birth canal and is here walking and talking, maybe having seizures, maybe autistic, maybe blind, maybe unable to hear, you all don't care, and yet you pray every morning. That's why you hear what I'm giving you now because when you go to hell, I'm going to be... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: ...the master and I'm going to make you... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: ...listen to me throughout eternity. Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. Mr. Clerk for a motion. [LB697]

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB697. [LB697]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your motion. [LB697]

SENATOR CHAMBERS: Thank you. Mr. President, I'm not interested in killing this bill, and I'm really not killing time. I am using time. But I want to read the complaint. I want to read about a complaint that I'm going to file against former Nebraska Supreme Court Judge, Max Kelch. I read about it in the paper, so did everybody else on this floor, I presume. Everybody went to sleep at the switch. Nobody cares. You all in your hypocrisy in trying to be good "Repelicans" are talking about rolling back regulations. Yet on the most powerful court in this state, a judge misbehaved and not a whisper on this floor, because that's not important to you all. It is important to me. The reason a black man or any member of a minority group in a white legislature has to speak so much of the time is because if that one does not speak and raise those issues, they will not be raised. When you have 47 white people, if 46 of them don't want to do anything, the 47th one can do it. When that one gets tired you go right down the line. There will always be somebody on the floor of every legislature to speak for white people. See, white people's interest, they parallel, they overlap, they intersect, so white people are always looking after white people's interests. So when there is one black man or woman, that person, if he or she is going to be true to his or her, and you all use a word that describes something that doesn't

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exist--race, if that person's going to be true to his or her "kind," his or her "people" then he or she must speak and be determined not only to speak but to be heard. And if those on the floor won't hear, what difference does it make? If when Jesus talked and it became clear that he would feed hungry people, there would be a lot of people up close to him obviously because there were thousands involved. The miracle is that Jesus could speak and be heard without a megaphone, without a microphone, without an amplifier. And maybe Jesus did not speak orally at all. Maybe there is something in every body which can get this message without it having to pass through the air as sounds, which are picked up by your eardrums, vibrated and go through those bones in your ear into your brain, if you got a brain. So Jesus conveyed his message somehow to thousands. People who were hungry want to be sure that they have a chance to get some food before it runs out, so they might have been rushing, rushing, rushing trying to be sure that they were in line. But Jesus had a message that was for everybody...everybody. There might even have been some moochers and spongers and rich people like the Governor, these kind of people, it's possible for them to have too much money, but they can never have enough, trying to get a freebie. But Jesus didn't even turn them away. But he may have gotten a message to them because he knew how to personalize every message because he knew everybody there, and he gave the message--I know who you are; you don't belong here. Then they would kind of shamefacedly find a way to vacate the premises. That was the magic of Jesus. Jesus was a magician. He was not an illusionist. He was not one who distracts your attention with the left hand and then does the trick with the right hand. He was what he was if the story is true. And I'd like to believe that it's true, but those who say that they're in touch with Jesus today, some of them on this floor, give me every reason to believe not only is Jesus not existing now, Jesus never was. But the story is as good, it is as full of morals as the story of "Goldie Locks and the Three Bears", the "Three Little Pigs and the Big Bad Wolf", "Rumpelstiltskin and the Princess." You know what Rumpelstiltskin got in trouble by doing? Ignoring Aesop's admonition--nothing gets the duck in trouble but his bill. You all heard the story of the dog who had the bone, he was greedy. He looked over the bridge into the water, saw his own reflection, and in trying to get in a position to jump down and take the bone from the reflection in the water he dropped the real bone that he had. Greed was his undoing. Well, Rumpelstiltskin was prideful. So he knew how to spin straw into gold. He was speaking out loud because he thought nobody was listening. Today I brew. Tonight I bake. Tomorrow I shall the queen's child take. For guess as she may, she never can know that my name is Rumpelstiltskin, oh. He had made a deal that if his name could be discovered, then his secret would be revealed also. But when there's a wager the other person has to put up something by way of a stake, and that was the child. My secret for your child. I won't tell you who it was who heard Rumpelstiltskin and ran back and took the message. But that's what morals in these stories are about. That's as good as anything that you read in the "Bible." But anyway, this situation that I'm talking about should be of interest and concern to everybody in office because it relates to the functioning of the courts whose integrity can be no better, no more valid than the integrity of those who sit on that court. And when one of them has committed violations of an ethical nature so serious that he has to resign rather than face the

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music is something that we ought to discuss on this floor. And I don't want Senator Ebke to think that I'm critical of this bill or the necessity for it. But we will pass a law to change the geographical boundaries of a judicial district. What is there of value in the judicial district? The courthouse and those who sit in the courthouse and do justice supposedly should be more important than the boundaries. A judge can have influence outside of his or her courthouse, courtroom, judicial district, even state because those judges who are wise, who understand the law, will write opinions which are read all over the country in legal circles. Sometimes the media will even pick up these wise words and publish them, and that way a judge, who is doing the job the way he or she should, has an impact throughout this land. And in some cases there are people in Europe who will read certain American opinions of certain American judges because they respect those judges. They respect their knowledge of the law. They respect the love that these people have of the law, their understanding of what justice means. And all justice means is to give a person his or her due. What is that person entitled to? If that person is shoeless, coatless, necktieless, even shirtless, there is a certain intrinsic human dignity that every critter born of a man and a woman is... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...(inaudible) with. And that is what the courts and what justice are supposed to vindicate and protect. Does this Legislature care about that? Absolutely and positively not; because a tree is known by the fruit it bears. Jesus even said, will a man gather fruit from thorns or thistles? No, you know a tree by the fruit it bears. I'm doing what I do, not from nobility, not from a deep sense of justice and righteousness, I'm doing this because I'm paid to do it. And I believe when I accept employment, whether I'm paid much or little, I have to do the best that I can because I'm working based on what my principles tell me I should do in exchange for the money that I'm getting. If I agree to work for a penny a day, I have agreed, because of my principles, that I will work as hard... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: ...for that penny... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Senator Ebke, as maker of the bill, you're welcome to respond to the IPP motion. [LB697]

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SENATOR EBKE: Thank you, Mr. President. I rise obviously in opposition to the IPP motion. Let me just make a couple of comments here. First of all, I very much appreciate Senator Chambers' discussions of the concept of justice, and I think this is a good thing for us to have conversations about, and something that we should all be thinking about, you know, what is justice? What does it mean? What are our obligations as legislators to help to ensure that justice is served? I also appreciate his comments with respect to judicial ethics. That's something that we should all be concerned about. There are, of course, limits, I guess, to what we can do. Senator Chambers is much more adept at some of these things that many of us are, which doesn't mean that we aren't concerned about them. I also appreciate his comments about judicial access. And really that's a portion of what this bill does. If you take a look at the two maps that I handed out, you will see the current lines that are drawn. And if you take a look over to the right, over in the Otoe County area, the second judicial district. The second judicial district, based on the workload and so forth, currently has need of 5.18 judges. There are currently four judges assigned to the second judicial district. The purpose of this bill is to rearrange the districts in such a way as to mitigate that disparity a little bit. It doesn't fix it completely. We still aren't allocating any more funds for more judges. However, if you look at the new version, the map that says with LB697, the new district lines, you will see that with the newly drawn district lines, District 2, the judicial district of District 2 which include Sarpy and Cass County, will now have a judicial need of 4.57. So from 5.18 to 4.57 is well over 0.5 FTE, and it will have four judges. So it is still not overstaffed, but it is much more equally balanced. And as you look at the other judicial districts before and after, you see that in some places south-central Nebraska, District 10, as well as District 1, which my district, my legislative district falls within, the numbers become much more even. You have...you had previously a half a person here and a half person there that technically wasn't needed based on the membership. So what this does is it ensures that justice is more easily accessible for those in Judicial District 2. It will, in effect, result in fewer miles driven by those judges in Judicial District 1, which will then mean that they are able...better able to serve the whole of their district, the whole of their assignments. If you see on the second sheet, the one with LB697 you can see where judges are currently based, and so you can get a rough idea of which portions of their district they will serve. Those are the ones in red. So with that, Mr. President, I thank you, and again I oppose the IPP motion and encourage, when the time comes, to vote against it. Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Chambers, you're recognized. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President; and thank you, Senator Ebke. I'm not against the bill. I'm on the Judiciary Committee. If I was there when time came to vote it out, I would have voted it out. If I was there, I did vote to send it out here. We do have to make these adjustments from time to time. I just wish that the principles of justice that I'm trying to elucidate this morning would be found in every courthouse throughout the land. That is not the case. There was a play written by a man named Robert Bolt about Sir Thomas More, and he is the patron

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saint of lawyers. Thomas More had some admirable qualities. But in the same way that when you're mining for gold, you find a lot of rubble, and you have to break through a lot of that to find the gold. For some reason, with all of his wisdom, all of his knowledge, all of his apparently empathy, Thomas More believed in the Inquisition--one of the cruelest, most inhumane manifestation of human depravity that ever existed on the face of the earth. The Catholic Church, through the Inquisition, did things to people that the Nazis did not do; probably because the Nazis had not read about the Inquisition, or perhaps they thought they could improve on it with such things as lethal injection, which Nebraska adopted, which shows us that the Nazis were not all bad. The Nazis came up with something that these so-called sanctimonious Christians hadn't even thought of, so that's why you have lethal injection. So every time you hear somebody talk about that, give thanks to the Nazis. They're not all bad. What did your President say when those neo-Nazis, those white supremacists marched through Charlottesville with their torches terrifying and menacing people, and one of their number even drove a car into a crowd of demonstrators, counter demonstrators, and was killed and then your President, the pumpkin man, the serial sexual predator said there are good people on both sides. Something else that shows how good the Nazis are--they know how to play politics. In 1933, they didn't have enough numbers to take over the Reichstag. So guess who joined them? The conservatives. I've said conservatives are racist, they're backward, they're narrow-minded, they're bigoted, and they are hateful. The conservatives united with the Nazis and they formed a coalition that gave them control of the Reichstag, the equivalent of congresses, parliaments. That's what the Nazis counted on the conservatives. Trump calls himself a conservative. That's why he supports Nazis and white supremacists. Those are things that are matters of history. But I bet when these white people in Nebraska say you got to teach children history, that's not what they want the children taught. They don't want the children taught about the Dred Scott decision which said black men have no rights that white men need to respect. That will not be taught. And people get offended when I quote from a United States Supreme Court decision written by a chief justice who was a Roman Catholic, and they don't want me to quote it. In the same way that the Senate wanted to silence a woman, who during the hearings to confirm Jeff Sessions, wanted to quote from the wife of Dr. Martin Luther King, and the senator said... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...such comments are inappropriate because Martin Luther King's wife, having been in that part of the country and experienced what Jeff Sessions was about, had spoken against him when he was a senator before he became Attorney General, and she was silenced on the floor of the Senate. That's what they'd like to do with me, if they could. But I won't be silenced, and I won't be silent. And you all can pray if you want to that that scripture will be fulfilled that my tongue will cleave to the roof of my mouth and my right arm will lose her cunning; then I wouldn't be able to write, and I certainly wouldn't be able to speak. But since God only hears the prayer of a righteous man, I don't have to worry about anything, anybody on

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this floor prays. By the way, I forgot to tell you all, while I was monitoring the prayer this morning... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Returning to LB697, Senator Chambers, you're recognized. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. I told you all the other day that I am God's surrogate on the floor of the Legislature and he gives me messages to give to you all. Well, he told me to tell you all that the answer to that prayer that was prayed this morning is like the answer he gives to all of them--no, no. And although he uses language which I don't use, he wanted me to let you all know in no uncertain terms that it's time for the Legislature to straighten up and fly right and do the things that ought to be done, that you did not tell the truth when you ran for this office and made promises about how you were going to look out for the interest and the welfare of the people. You did not tell the truth when you said that you believed in justice, that you believe in carrying out the law, and you do not practice...sometimes I get messages...you do not practice justice and show mercy. That's the message that I was to give you. And now I've given it to you, and he told me I'm back on my own now. He trusts me to be on my own; gives me free range, just like the rules of the Legislature, to say what I think ought to be said, because it is the simple things of this world that God brings profound truths through, just like a dandelion. You all want to kill the dandelions, don't you? The dandelions talk. If you'd listen, you'd hear them say, I exist; I cast a shadow; don't kill me. But whenever human beings see something that is beautiful, the first thing they want do is kill it, make a rug out of it, put its antlers on a wall--taking life. The beauty of living things is the life within them. When you take the life, there's just a shell left. And if you leave it to nature, she will let it decay and go away so that there is no obvious evidence of a killing spirit in the two-legged creatures, who in their arrogance called themselves Homo sapiens, the wise ones...the wise ones. But as much hatred as there is today against the LGBTQ community, I'm going to offer a resolution so that in Nebraska no longer will the term "homo sapiens" be used. We will use in its place "hetero sapiens." We don't want anything that relates to "homo." When I was growing up, they had what they call homogenized milk, that homogenisation process...or pasteurization was where they heated it to kill all the bacteria and so forth. And the short for it was homo-milk. You couldn't call it that now. That's what happens when human beings are left to their own devices and they don't have people to try to remind them from time to time of what it is that we ought to do, what we're capable of doing. You don't need to worship and idolize people like Aristotle, Plato; all those prophets--Isaiah, Jeremiah. Jeremiah was more than a bull frog. Jeremiah was a prophet before

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he was a bull frog. But at any rate, when he was Jeremiah, he was a prophet. He was known as the weeping prophet, he was a cry baby. Read what Jeremiah put in his book and you'll see why I call him a cry baby. But all of those were acting in accord with their nature. I'm acting in accord with mine today. The dandelions act in accord with theirs. Every living thing does, but you all don't act in accord with yours because you have a brain and you can make choices and the choices you make generally are wrong. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: Did you say time? [LB697]

SPEAKER SCHEER: One minute, Senator. [LB697]

SENATOR CHAMBERS: Thank you. I'll take the minute. You have culpability because you, of all creatures, based on the arrogance of human beings can think, can make a choice. There's a left hand, there's a right hand. You can choose to take the left hand, take the right hand, or not make a choice, which in itself is a choice. But because you're free to decide what you're going to do, you are held responsible when you make a choice that hurts somebody else without justification, but those who are in the positions of greatest trust with the most power are often the ones who are most derelict in their duty. Those with money and power know this is the case, that's why they bribe them. That's why they blackmail them. That's why they threaten them. Because they can get privileges... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: ...for themselves and theirs. Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Krist, you're recognized. Senator Krist, you're recognized. [LB697]

SENATOR KRIST: Thank you, Mr. President; good morning, colleagues; good morning, Nebraska. I, as you know, sit on the Judiciary Committee and heard from the judges and from the commission when they came in with their findings in moving people around. And I just wanted to go on the record and say that I completely support LB697 for two very important reasons. One is without adding another judge, and I know we did that in the juvenile court system last year, but without adding another judge and trying to bring those ratios down so that there's adequate judgeships in the areas where they are required, this is, by far, a more fiscally conservative approach to making sure that those capabilities are out there throughout the state where they

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need to be. In the past, I think you've seen where a judge has been taken...or I have in my 10 years here, have watched a judge be taken out of one area completely and moved someplace else, and rhyme or reason was not described. Rhyme or reason was described to us within the committee, and, again, I support the move. And for all the reasons that have already been stated by Senator Ebke, but also because that access to justice, particularly affects the juveniles across the state. We only have a few dedicated juvenile court systems within the state, and the adequate amount of judges who may not have all that much experience dealing with juveniles, it allows for those districts around the state to potentially have one or two judges that spend time doing that by shuffling the docket in the right direction. I think that's very important for adequate representation, not just for the adults, but also for the juveniles. Just wanted to put it on the record. And with that I would yield the balance of my time to Senator Chambers. [LB697]

SPEAKER SCHEER: Senator Chambers, 2:20. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Krist. And I concur with everything Senator Krist said. He almost got me off on a tangent talking about the unfair way that our children are treated around this state. We have rural senators in here who want us to know that rural children are children created by a lesser god. They are children of lesser worth; that they are to be left to the tender mercies of cruel parents, of unjust ignorant judges, and that I'm wrong because I live in the city of Omaha to be concerned about what happens to children out there, as they refer to the hinterlands from which they hail. God, if God there be, have mercy on those children who are falsely...or let me say this, who are misrepresented by the people who come from that part of the state. That's why our work is so difficult here, not because the work itself is difficult, but we receive opposition from those who live among those children and think they're not entitled to representation in the courts because they know best. Listen to the way they talk on this floor. Would you want your child to be judged or left in the hands of some of these people on this floor who show so much disregard for the welfare of children? [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: The children are the ones who need the help the most because they are the most vulnerable and helpless. Horrible, unimaginable, almost unthinkable things happen in houses where children live with their biological parents, with stepparents, with foster parents. They're locked up in boxes. They are chained. They are allowed or forced to sleep in urine-soaked bed clothes. Starved. Grown children so emaciated they look like young juveniles. [LB697]

SPEAKER SCHEER: Time, Senator, but you're next in the queue. [LB697]

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SENATOR CHAMBERS: Thank you, Mr. President. I'm going to go ahead and read this letter that I wrote to the Chief Justice. It's directed to the Honorable Mike Heavican, Chief Justice, Nebraska Supreme Court regarding former Nebraska Supreme Court Judge Max Kelch's affair. Dear Mr. Chief Justice: Were this letter for your eyes only, it would be neither so lengthy nor detailed. But because it addresses a matter of considerable public interest and concern I'm sharing it with others who lack your judicial experience and broad knowledge and understanding of the relevant law. The questionable stratagem of a misbehaving judge who was under investigation for judicial misconduct being able to short-circuit public disclosure by simply resigning is analogous to a burgeoning practice in law enforcement currently being addressed by the Legislature. Officers facing termination resign and thereby do an end run around disclosure, including to the crime commission which rules on whether law enforcement certification is retained or revoked. They're doing an end run around disclosure of misdeeds and are able to procure employment with a different law enforcement agency which is unaware of their misdeeds. Both situations contravene the public good because the one undermines faith and the integrity of the judiciary, and by extension, the system of justice, while the other undermines public confidence in the trustworthiness and reliability of the system of law enforcement. Consequently, two essential pillars of social stability are compromised and weakened. And both situations must be rectified in order to advance and ensure the common good. If I don't have another time to speak, I'll take my closing, but I did turn on my light. Mr. Chief Justice, the judiciary must be better than that, and can begin by embracing the challenge articulated by Jesus--physician, heal thyself. While routinely pronouncing judgments on others throughout society, the judiciary must be willing to turn the search light of scrutiny on itself and undertake some self purification; not by means of shielding itself from transparency, but rather through self-policing which bears in mind the admonition of a renowned judge regarding the most effective antidote to judicial misconduct, which is sunshine is the best antiseptic. Uncannily similar to the Kelch affair is the case involving District Judge Bartu, which I detailed in a...what I call an "Ernie Gram," a copy of which I sent to you. Like former Supreme Court Judge Kelch, Bartu was facing charges of sexual harassment and misconduct toward court employees and was allowed to take a disability retirement and thereby escape from action against him by the Judicial Qualifications Commission. As noted in that "Ernie Gram" at page 2, Chief Justice C. Thomas White acknowledged in his deposition in a federal court case that it was best to let Bartu retire rather than keep this matter in the public eye. I suspect that similar reasoning obtained in the Kelch affair. Furthermore... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...in response to a complaint to the Bar Association challenging his fitness to retain his law license, my complaint, Bartu voluntarily surrendered his license. Mr. President, do I have another opportunity to speak? [LB697]

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SPEAKER SCHEER: Yes, you have one left. [LB697]

SENATOR CHAMBERS: Okay, then I'll stop and wait until I'm recognized. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Hansen, you're recognized.
[LB697]

SENATOR HANSEN: Thank you, Mr. President; and good morning, colleagues. Colleagues, I rise in support of LB697 and against the IPP motion; although I think that might be uniformly against the IPP motion. I just wanted to get up and kind of echo my voice as well as a fellow member of the Judiciary Committee. Hearing this process, this is a really thoughtful process to kind of make sure our judicial resources across the state are fully utilized. I know Senator Ebke passed out a couple of maps with her opening. And you can look at the needs across the state, and that's a formula I can't fully explain, but it looks at the varying workloads, caseloads, and resources that they have. You can see that there are kind of different needs and different avenues in different areas for what exactly is needed. I think doing these few things where we just move some counties from one district to another, and I believe we are actually going back closer to a prior map as population and workload and shifts trend. So I think that is very good and thoughtful approach to addressing kind of the needs of judicial work force and judicial work load. With that, Mr. President, if I have any time left, I would yield it to Senator Chambers.
[LB697]

SPEAKER SCHEER: 3:50, Senator Chambers. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Hansen. Continuing: At the outset I will note that the media have reported that Kelch informed the Governor that a complaint had indeed been filed against him, and so he resigned. Since no official word has been uttered regarding the specifics, I am writing to you. Having scoured the Nebraska Constitution, Nebraska statutes, and Nebraska Supreme Court rules, I have arrived at two conclusions which are set forth at the end of this letter along with some comments. Due to what may be characterized as self-serving provisions in the Nebraska Constitution which thwart transparency regarding judicial impropriety via creation of a virtually impregnable shield that prevents public disclosure of facts surrounding misconduct by misbehaving judges I must, quote, prosecute my case, unquote, in the, quote, court of public opinion, unquote. My guiding premise is that the public has the right to be informed of the facts surrounding actions by its servants whom their tax dollars pay. In a, perhaps, cynical nutshell, a wrong-doing judge is enabled per the Nebraska Constitution in complicity with the Judicial Qualification Commission chaired by the Chief Justice to evade public disclosure of misdeeds by, number one, resigning which short circuits the processing of charges by the Judicial Qualification Commission or, two, refusing to waive the

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cloak of secrecy, euphemistically labeled confidentiality, that enshrouds wrongdoing that is of sufficient seriousness to warrant discipline as enumerated in Article V, Section 30 of the Nebraska Constitution and Rule 5-123(d), reprimand, censure, suspension without pay for a definite period, not exceeding six months, or removal from office. Grounds for discipline: willful misconduct in office; willful disregard of or failure to perform his or her duties; habitual intemperance; conviction of a crime involving moral turpitude; disbarment; or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. I wrestle with the question of what constitutes the best approach likely to achieve the goal of... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...of procuring public disclosure of specific facts surrounding former Supreme Court Judge Kelch's wrongdoing and effectuating purification of the judiciary, akin to lancing a puss-filled boil and rescuing the reputation and dignity of the Nebraska Supreme Court from the charge of coverup. In the alternative, obtaining at least an official glimmer of the nature of the circumstances impelling Kelch to so expeditiously vacate the premises of the Nebraska Supreme Court. I'll wait until I'm recognized before I continue. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. And you're next in the queue, and this would be your close. [LB697]

SENATOR CHAMBERS: Thank you. As you all know, I must be prepared. Due to what...oh, I always read that, I have to make sure I'm sending the right message. Barring judicial jargon, being fully advised in the premises I have arrived at two conclusions. Number one, you are not likely sua sponte...that's a legal term that means voluntarily, your own motion, or on your own...you are not likely sua sponte to publicly disclose any facts about Kelch's departure despite the swirling speculation fuelled by newspaper reports offering nuggets of allegations which serve to tantalize and whet the public's appetite and generate even more speculation without authoritatively or definitively answering essential substantive questions as could be done by you. Number two, as in the past, for example, Bartu case, I'm again obliged to undertake the onerous thankless task of cleansing, purifying, and purging the Nebraska Bar rolls through initiation of disbarment proceedings against a rouge member by filing a grievance with the Counsel for Discipline of the Nebraska Supreme Court based on the indisputable premise that one who is unfit to retain a seat on the Nebraska Supreme Court is equally unfit to retain a license to practice before the very Supreme Court whose reputation he has sullied and besmirched by conduct prejudicial to the administration of justice that has brought the judicial office into disrepute. The case is open and shut. Having arrived at these inescapable conclusions, I see no legitimate purpose to be served by submitting to you a legal treatise in the vain attempt to get "blood out of a chief justice of the Supreme Court turnip." If on the other hand, the Counsel for

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Discipline should investigate and determine that my grievance has sufficient merit to warrant his filing of formal complaint against Kelch the court will formally and officially have the Kelch affair before it. Of course, Kelch could evade this particular disciplinary process regarding his suitability to retain his law license in a manner similar to his evasion of formal proceedings by the Judicial Qualifications Commission that is by resigning; he is free. And for the sake of his family, as he noted in resigning, and would be prudent to voluntarily surrender his license. Should disbarment proceedings go forward, there is no way that disclosure of underlying facts leading to his resignation can be shielded from public disclosure for they will provide the gravamen of the Counsel for Discipline's case. Three newspaper articles are included to show what exists in the public domain at this point. Subsequent to that, the World-Herald had talked to the Chief Justice; he acknowledged he received my letter. He stated also that Kelch did the right thing by resigning, that he could not give any details, but that he had forwarded my letter to the Counsel for Discipline. However, in exercising... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...due diligence, I'm working on the complaint...it's called a grievance when a citizen files a complaint against a lawyer...working on the grievance that I will file with the Counsel for Discipline so that this will be given to Kelch for certain. He is given the opportunity to respond. If he does respond, I will receive a copy of his response and I in turn will respond to that. Then the matter is before the Counsel for Discipline and if sufficient merit exists in the facts that I present and those he discovers through his examination of the judicial qualifications records, through which he had...to which he has access, he will file a formal complaint. There will be the appointment of a master who will look at it. If that one agrees that something should be done, it will be sent to the Supreme Court; they will review the record and... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: ...and in my opinion determine he should be disbarred. Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. The question before us is the IPP motion on LB697. All those in favor please vote aye; all those opposed vote nay. There's been a request for a roll call vote. Mr. Clerk. [LB697]

CLERK: (Roll call vote taken.) 0 ayes, 25 nays. [LB697]

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SPEAKER SCHEER: Motion fails. Mr. Clerk. [LB697]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB697]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your motion. [LB697]

SENATOR CHAMBERS: Thank you. Mr. President, there's a song which I shall not sing--I could have danced all night and still had time for more. Well, I'm not going to discourse for the entire morning. I picked a bill with which I agree, a bill whose subject matter makes my comments germane to the matter before us. I'm talking about the judiciary, I'm talking about justice, and I'm now going to involve the Office of the Attorney General's top prosecutor. As a member of the Judiciary Committee, down through the years, I have been known among the prosecutors as McDonald because I grill prosecutors like McDonald's grills hamburgers. They're not clever enough to think of that, but I'm trying to throw them a bone this morning. There is a former prosecutor from the city of Omaha named Marty Conboy. And we had some disputes early in his career. But as time went on, he came to an understanding and a realization of what it is that I'm trying to do. When I speak out vociferously for the members of my community, when I charge his office and the courts in Douglas County with racism directed against black people, and I collect a lot of articles which show him articles, give concrete cases, he knew that what I was saying was true, even though he was reluctant to draw the same conclusion as to what these facts indicated. After backing away somewhat from his negative attitude, I think he developed a respect for me, and if not me, for my knowledge. It was not a grudging respect. He and I respected each other. I'm not going to say that I'm responsible for it, but what Marty Conboy would do is hold, not seminars, but sessions with the Omaha police explaining the constitution, the laws, the rules and regulations that govern proper policing of a community. Even when you are policing a community comprising people you don't like, you have sworn an oath to uphold and enforce the law justly in a way that is fair. That racism, bigotry should not play a part in it. Leave all that stuff at home and in your church. That's what I'm throwing out, because that's what I used to tell Marty. And he would talk to the police. I don't know if what he said did any good, but I know it did no harm. And I genuinely believe that there were some officers amenable to being taught and their conduct was modified at least to some extent by what the city prosecutor explained to them. There were some charges the police would bring against people who would talk to me. I would discuss these cases with the city attorney and he would dismiss, not all of them, he would dismiss a lot of them, say that a ticket should not have been given. In most cases there was not probable cause to stop a person, and there was no foundation for filing a charge. But if these white cops, some of them can find an excuse to take a black person to jail, that white cop has done what he or she wanted because of the inconvenience, the embarrassment of being handcuffed and put in a police car in front of your friends, your neighbors and strangers is what gives them their jollies. And it goes on now, and I have to fight against it to the extent that I'm able. And I have to sometimes use this Legislature as my bully pulpit, something that I intend to

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do as long as I'm in the Legislature. But this is why I mentioned all of those things, Marty Conboy said in an interview that when I was out of the Legislature, prosecutors had an easy time of it before the Judiciary Committee. When I was there, they had to be prepared, they had to know what they were talking about or they would be embarrassed. They knew that. They're the ones who try to put people not only in prison but in the electric chair if they can, that's what it was in those days. And I felt that people who were that bold should certainly be able to answer questions from a black man who belongs to a race that they felt is inferior. But when a black man whom they deem inferior is their superior, what does that make them? And I grilled them, and I do it now. And I've dealt with them face to face and I always give them the opportunity to respond to whatever I have to say. So here's what came to my attention this morning. And this story was...it appeared with NET on their Web site...I guess that's where it was, I didn't hear it. But the reporter was Bill Kelly, senior producer/reporter, NET News. March 6, 2018. You know what the headline says? Nebraska Supreme Court Chambers. Well, the chambers they're referring to is where the judges hang out. Reading: The head of the Nebraska Attorney General's criminal bureau voluntarily requested a review of his alleged courtroom misconduct. I said, his courtroom misconduct. The head of the Attorney General's prosecutorial staff. This is what he does in advancing and upholding the law as he calls it and as they call it. And there are people on the Judiciary Committee who probably think I should not question these prosecutors and deal with them the way that I do. I cannot take their job. I cannot put them in jail. I cannot put them on trial. I cannot embarrass them in a courtroom. I cannot file false charges against them, and yet there are people who feel sorry for them because all I'm doing is asking them questions about what it is they do and the misdeeds that they perform. They know, for example, it's a common prosecutor's practice to overcharge a person, pile up so many charges that a guilty plea can be extracted. As for Senator Groene and his misguided stand on what Senator McCollister was trying to do with his phone bill legislation, there were recordings made of inmates to their lawyers and turned over to prosecutors. That's what happened and Groene thinks it's all right because he does not understand judicial ethics or any other ethics if you ask me because when he is so mean-spirited toward children, and I see him under the balcony, so I'm not talking behind his back. The only reason I'm talking behind his back is because he's facing the wall and his back is to me. But he can hear every word I say, and I say it when he's on the floor, and I do get outraged, defending prosecutors and judges when they...some of them...are the fountainhead of injustice. And who will speak against them? Not Senator Groene, not people on this floor. You ought to be glad there's somebody like me who vindicates the Legislature. Because if I'm quoted, they'll say a member of the Legislature and attaching your name to mine gives stature. I gain no stature by being connected to the Legislature. What politician gains stature from being connected to any lawmaking body whether it's the House of Representatives, the U.S. Senate... [LB697]

SPEAKER SCHEER: One minute. [LB697]

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SENATOR CHAMBERS: ...legislature in any state. A lot of them try to hide, and then they say I'm not a politician, I'm a statesman. I'm a politician, a practitioner of the art of politics is a politician. Not only am I practitioner of the art, I'm a master of it. And I'm not going to pretend to be something that I'm not or deny being something that I am. Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. And you are next in the queue. Senator Chambers, you are next in the queue. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. As I've said, I'm not going to take the whole morning. I'm tempted to. And as I always tell you, three of my favorite writers are Irish: Jonathan Swift...nobody is watching in anticipation. I have said them before so maybe I won't even tell you, but they know who they are, because if they're like people who are superstitious, they are listening up there somewhere on top of this building, I guess, or they could be stuck to the ceiling for all I know. But who's heard of a guy called Oscar Wilde, and another one, George Bernard Shaw, all of them Irish. And then there's one guy I'll throw in there, he happens to be an Irishman too. He's known as Bram Stoker, he wrote Dracula, but his real name was Abraham, Abraham Stoker, but he goes by Bram Stoker. And when you say Bram, that kind of goes along with writing about Dracula. Whoever heard of somebody called Abraham writing anything. The only thing that somebody famous named Abraham did was Abraham Lincoln who gave the Gettysburg Address and it was about anything and everything except somebody coming back from the dead to harass and hound people. He gave one of the most famous eulogies for all of the dead, all of the brave men living and dead who struggled here, have consecrated it far above our poor power to add to or detract. The world will little note nor long remember what we say here, but it will never forget what they did here. That applies to the Legislature. The world will little note or long remember what we say here. They don't even hear it the first time. And the only time they'll think about what we did here is when one of these idiotic laws comes crashing down on them and they're victimized by it, and I'm not talking about regulations, that some of these backward so-called conservatives, "Repelicans" are so anxious to do such as erasing safety standards relative to the speeding of semitrailer trucks on the highway or regulations inquiring into the sleep deficiencies and ailments that those who are engineers of trains may be subject to. Trump is erasing all that. So, when some truck driver is barrelling down the road in excess of the speed limit or faster than the conditions warrant and he hits an icy patch and the rig goes one way and the other part goes another way, sometimes when they jackknife they turn over and they find out some of these drivers have been on the road for hours and hours and hours without sleep. Trump wants to do away with that. That's not anything the government should be concerned about, even though they endanger the public. He's a fool. He's an inveterate liar. He disgusts me. But I cannot sweat the small stuff, he's not worthy of actually being angry about. But I'm not angry about him, but the damage that will be done to the public. One of these

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engineers was driving one of these trains going 20 miles over the limit when he took a curve, when he went around the curve, four passengers were thrown out of the car and killed. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: And numberless others were injured. And Trump said, no, we don't need to look at these engineers. We don't need to look at any of this equipment that might be self-regulating of speed on these trains. We're not going to have that. And the Republicans all go up in a shout. And that's why I'm glad these tariffs are coming and they're going to reign. What about all this grain that America and farmers in Nebraska sell to overseas countries? What about all that beef they're talking about selling to other countries? That will be cut off because Europe is not as stupid as your President. And what is going to happen to these farmers? They're going to come up here with a pitiful mouth and they voted to put the man in who is going to crush them. And I say step on them, Donald, and grind them under your foot. [LB697]

SPEAKER SCHEER: Time, Senator. Senator Chambers, you're next in the queue. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. I shouldn't let petty things like Donald Trump distract me; but it's because he holds a position that can cause great damage to this country. I don't love America. I hate America, America has been everything that is bad to me. Anyplace I go where I see an American flag, I say bad news for a black man. On fire trucks, patches on police officers, on the backs of these people who ride motorcycles, on courthouses, on statehouses, every place there is an American flag it is a symbol of oppression for black people, just like a swastika would be for a Jew. Love America--you all love it. And they used to say love it or leave it. People of my color were here longer than those who are telling me to love it or leave it. They don't even speak good English. How long has Melania Trump been here, and she still doesn't speak good English. And he hates immigrants except those that he married and who will tolerate him even though he's a self-confessed serial sexual molester, a predator. You know what I heard this morning, then I'm going to get back to what I stood up to talk about, well I'm always standing up. He said, they quoted him, everybody wants a job in the White House. Everybody wants a part of the Oval Office, everybody wants a piece of the West Wing, any job open ten of the best qualified people are seeking it; and a few hours after he said that, his top economic advisor resigned. And this morning they ran across the screen all of these top people who got out of the White House and the door is not being knocked in by people who want a job. He ought to go on out there and be honest and open it up on his tweet account, whatever they call it, and say all white racists, all white nationalists, all Nazis apply, and Steve Bannon come back, please come back, Steve. That's your President. Suppose Obama had done anything like this. Suppose he had done anything like this. I know what the racists would have said because they were saying it. And Trump is saying it now. But back to what I was going to talk about. By the

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way, for all the conservatives, I think Senator Halloran is a conservative. I think Senator Erdman is a conservative. Well, I'm not going to be like (inaudible), I'd have to call the names of almost everybody in this place. But all of them, Ricketts' Crickets are conservatives. I'm reading about one of your kind now. The announcement came after a surprising set of questions raised by the Nebraska Supreme Court during an appeal hearing of a murder conviction. At issue are statements by Deputy Attorney General Corey O'Brien during the closing statements in the 2017 murder trial in Richardson County. At one point during the oral arguments before the Supreme Court, Chief Justice Mike Heavican asked if the high court should refer the case to the State Counsel for Discipline that investigates ethical violations by attorneys. To investigate one of the top people in the Attorney General Office, Doug Peterson. Corey O'Brien, how can they condemn him when Doug Peterson is doing all he could to import illegal drugs? Illegal drugs. He advised the Governor to try to import illegal drugs. And the only way that they were stopped was when the U.S. Attorney finally told them, if you bring them in here you'll be prosecuted. The court had already banned giving an opinion that banned the importation of sodium thiopental which was used in executions. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: Did you say time? [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: So it was a banned drug, illegal to import it. The Attorney General and the Governor, the former Governor were trying to import it. Drug dealing, nothing happened to them because they were the ones who enforce the law. And when those who enforce the law violate it, they bring the whole law into contempt. Anyway, the Chief Justice asked should what Corey O'Brien did be referred to the Counsel for Discipline. Continuing: It is almost unheard of for Nebraska Supreme Court Justices to so publicly question whether the conduct of one of the state's most visible prosecuting attorneys crossed an ethical line. [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. [LB697]

SPEAKER SCHEER: And there are no others in the queue. This would be your close. Senator. [LB697]

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SENATOR CHAMBERS: So I guess that means I've got to offer another motion. I know my time is running. I should be able to finish this before I finish this next motion if it's necessary for me to make use of it. But I have got to get this into the record. I want there to be a permanent record of what Corey O'Brien, the top prosecutor in the state Attorney General's Office did. I question him when he comes before the committee. I question him very closely. Continuing: In response to an inquiry by NET News following the hearing, the Office of the Attorney General issued a written statement announcing that after, quote, Mr. O'Brien learned that the court had questioned if some of his statements possibly violated the Nebraska rules of professional conduct, unquote, he had voluntarily, quote, self reported the incident to the State Counsel for Discipline. The counsel is the body assigned by the Supreme Court to investigate infractions in the legal community. Digressing, that's why I'm filing my grievance against former Supreme Court Judge Kelch. Continuing: The statement added, quote, the Attorney General and Mr. O'Brien hold themselves to the highest level of ethical conduct. (Laugh) Excuse me. (Laugh) That's the funniest thing that I've read. I should have read this before I (laugh)...I should have read this before I came here and started reading it. Let me compose myself and read that again. The statement added, quote, the Attorney General and Mr. O'Brien hold themselves to the highest level of ethical conduct and want to get immediate resolution to the questions raised. It concluded, quote, the Attorney General has full faith in Mr. O'Brien in his professional conduct, unquote. You know, O'Brien is just like him. If the Attorney General, Doug Peterson, tries to bring illegal drugs into the country, why is it wrong for Corey to step across the line when he is giving a closing argument in a murder case? Yeah, their ethics are the same--absent...absent. During Tuesday's appeal of a Richardson County murder conviction, some justices openly questioned whether O'Brien's comments to the jury rose to the level of making the trial unfair and worthy of returning to the district court for a new trial. This is what judges of the Supreme Court said, and then the Attorney General said he has absolute confidence in Corey O'Brien. Look, birds of a feather flock together. When both of them come from a den of thieves, they both got the same, quote, ethical or unethical standards. If they both live in a nest of vipers and you disturb that nest, both of them... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...come out hissing. That's what vipers do. Am I calling these two men vipers? If I did, I apologize to the vipers. Continuing: Desiderio Hernandez was convicted of shooting his cousin, Joey Debella, D-e-b-e-l-l-a, during the summer of 2015. At the time, the men were at a home where drugs were often used and sold. Departing. They should have gotten the Attorney General to give them the drugs, like he was trying to get for the Governor, and maybe they wouldn't have been arrested in the first place. Continuing: Hernandez admitted to heavy use of methamphetamine at the time of the shooting and during later questioning by police. At the trial in Richardson County District Court, O'Brien was successful in getting a conviction. [LB697]

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SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: As head of the Attorney General's... [LB697]

SPEAKER SCHEER: Senator, time. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. The question before us is the reconsideration motion of the IPP motion. All those in favor please vote aye; all those opposed vote nay. Please record. [LB697]

CLERK: 1 aye, 23 nays, Mr. President, on the motion to reconsider. [LB697]

SPEAKER SCHEER: The motion fails. [LB697]

CLERK: Mr. President, I have another priority motion. Senator Chambers would move to recommit the bill to committee. [LB697]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Chambers, you are welcome to open. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. And I'm winding it down now. Continuing with this item from NET News: At the trial in Richardson County District Court, O'Brien was successful in getting a conviction. As head of the Attorney General's criminal bureau, O'Brien frequently assists counties in prosecuting complex cases. Departing: now if the one who is the instructor has no ethics, what happens in these county cases? He is infecting county attorneys throughout the state. County attorneys are not highly respected in this state. Some of the people who become county attorneys are incompetent in the law, and that's why I object so strongly when Senator Groene and others who don't know what they're talking about, don't know what happens in these courtrooms, want to praise prosecutors and judges and talk about they do their job correctly. And the one who assists these county attorneys around the state, the top prosecutor in the Attorney General's Office has questionable ethics. So questionable, that the Nebraska Supreme Court went outside of what it usually does and raised questions about him in the courtroom. That should be enough for the Attorney General to fire him. But since O'Brien and the Attorney General are the same, for him to take action against O'Brien would be to condemn himself. That's why when that guy Porter who is working for the President was charged with having committed domestic violence against two of his former wives, Trump couldn't do

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anything. And when those people such as Moore, down there in Alabama, or wherever it is, was accused of having improper sexual conduct with minor girls, Trump defended him and said, well, he said he didn't do it; because to condemn him would be Trump condemning himself, and Trump was a self-confessed serial molester. And he's your President. Look in the mirror, he looks like you all. He doesn't look like me. See I'm black. See that piece of paper? See that paper? That creates a contrast. See, I'm black. I'm b-l-a-c-k. When I look in the mirror looking back at me is a black man. When you look in a mirror you see reflected somebody who looks just like Donald Trump. I don't blame you all for being quiet and not saying anything. Let me continue. The case is under appeal, in part because of the statements made during closing arguments before the jury which Hernandez claims amounts to prosecutorial misconduct. While attorneys are given considerable latitude in making their arguments dramatic and persuasive, what is often referred to as, quote, the rough and tumble, unquote, of battle in the courtroom, courts tend to limit what is said during closing arguments to a summation of the evidence rather than an appeal to emotion. An appeal to emotion, that's what they do. Black man Ernie Chambers on trial; white prosecutor, look at him sitting there, black as the darkest midnight. His color reflects the blackness in his heart. That's why God gave him color like it is so you'll recognize what he is when you see him. Why when your ancestors and my ancestors enslaved his ancestors we were trying to civilize them. When we impregnated their young girls and older women, we were trying to uplift them to bring them closer to being like us. That's why it was not rape. We were carrying out the will of God. We're trying to salvage these savages. Look at him. Now your duty to white people in America and the flag, and the national anthem is to convict him. Do your duty. So since I said I'm black, the jury comes in and says, your honor, we don't want this to just be written, we want to say it loud and say it proud, the black man sitting at that table in that blue suit is guilty as sin. And the judge says wait a minute, wait...no, Your Honor, we heard the prosecutor and we believe him. The black man sitting there in that blue suit is as guilty as sin. The judge, (knocking), order in my court, listen to me. The black man sitting there with the suit, he's not the...he's not...the judge has to get himself together...he's not the defendant; he's the prosecutor. The defendant is the one sitting next to him with the beard. You convicted the wrong man. Judge says, (laugh), and you know what the jury to all these white people, they laugh, they say, well, Your Honor, I guess the joke is on all of us, huh? That's the way a black man views your so-called justice. Now, I don't know if that really happened or not, but it very well could. See white people say we all look alike. If you think that's the case, Senator Wayne sits right in front of me. When he's back in his seat, you look at him and look at me. Do we all look alike? Look around this Chamber, you all are the ones who all look all alike. If we had you all in a football stadium, it would look like a sea of pink or however you describe yourselves. You take what are called black people and put all of us in a stadium and it looks like God's flower garden, every shade, hue, and tint imaginable. And you all have the audacity to say we all look alike. There's a song that I'm not going to sing, am I'm blue, well, you would be too. Continuing: Amongst several examples listed by Hernandez in his appeal brief, trial transcripts recorded O'Brien speaking about the accused and witnesses he called, quote, I don't know that

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there are sufficient words in the dictionary or adjectives in the thesaurus to describe the selflessness...the senselessness, the heartless, the disgusting acts committed, not by just Mr. Hernandez, but also by the likes of John Hall, Brett Winters, and Dave McPherson. It honestly made me sick, and it makes me sick that the state had to present any of those witnesses before you. End of quote. This is not a summation of the evidence Kortus wrote in his brief, K-o-r-t-u-s. This was a personal attack designed to inflame the passion of the jury against Hernandez, unquote. In the Supreme Court session today, the Attorney General's Office was represented by Erin Tangeman, T-a-n-g-e-m-a-n, who at times struggled to defend her colleague's words, while arguing O'Brien's statements did not amount to, quote, intentional misconduct, she conceded the words selected had been, quote, unnecessary and over the top, unquote. You know why she said they wasn't wrong, that's the way they make fun of black people in Peterson's office. That's the kind of language they use toward black people and Latinos, Native Americans in the Attorney General's Office. So he's so accustomed to it, what he is came out when he was arguing before the Supreme Court. Douglas Peterson feels the same way. He uses that kind of language. So when O'Brien came before the Supreme Court judges, he looked up there and he saw if the complement of judges is complete, he saw seven white people, so they must feel like he feels, and he said to them what he says in their office, and you wonder why I have contempt for Douglas Peterson. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: He said that in a supreme court. The judges were embarrassed. It's not that they disagreed. He pulled the cover on all these white people in this racist state. That's what they're upset about, when one of you all are so out of it that you embarrass them. Remember, it was a Supreme Court Justice of the United States who said black men have no rights that white men are bound to respect, and they don't respect us today. I'll wait until I'm recognized and give me a chance to kind of calm down and recompose myself. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers, but you are next in the queue so you are recognized. [LB697]

SENATOR CHAMBERS: A woman had to go to the Supreme Court and try to defend O'Brien's racist, unethical, vicious comments that he made in court before a white jury who responded and did their duty as white people are supposed to do. You wonder why I'm upset with this state and these courts and these judges. That's what they say and that's what they do. You are more upset with what I'm saying about them than you are about what they said because they weren't talking about you...to put the shoe on the other foot. Suppose we had a jury of black people in a black court and a white guy was on trial. And I said--look at him. In Georgia they call them dirt eaters. All over the country they call them trailer trash. Look at him. They call him hillbillies, look at

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him. I don't even need to describe for you what he did, it's so horrible; but when you look at him and you remember what they are, you can imagine what he did, and your imagination is incapable of projecting something that he did. Now do your duty. And these black people who worship a white god, worship a white Jesus, and when the Holy Ghost takes shape, a white holy ghost, a white Mary, and none of them were white but...a white Mary, white nationalism, and they have adopted the religion of their oppressors as their religion, and one of the cardinal principles is forgive...forgive these people their debts as you want God to forgive you. So this jury comes back after the prosecutor tried to inflame them, make them hate this white guy. The judge says, a black judge, has the jury reached a verdict? And an old elderly black gentleman stands up, who they made the foreman, and in kind of a weak voice--yes, we have Your Honor. How does the jury find? Trembling hands, he's so old, he takes a piece of paper, he says, Your Honor, we the jury unanimously find the defendant not guilty. The judge is outraged. Not guilty? Did you hear the prosecutor? Your Honor, we heard the prosecutor, but we heard you first and you told us that we should listen to the evidence and if the ones who are trying to put this man in jail, if he cannot convince us that this man did it and convince us more than just how we might feel about him because the prosecutor said he's a hillbilly, that he's a dirt eater, that he's trailer trash, what you told us makes us...that ain't evidence and we have to go by the evidence. And the prosecutor said a lot of that, but he didn't produce the evidence that convinced us, so... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...we say he's not guilty. That's the way black people do. Forgive. And that's why we get walked on. And then this racist Corey O'Brien is defended by the head of the klavern. Look up klavern. That's what the Attorney General's Office is. That's what they call the place where these Ku Klux Klan people gather. And I probably owe the clan an apology based on how bad the Attorney General and Corey O'Brien are. Continuing: The Supreme Court Justices who spoke during the hearing... [LB697]

SPEAKER SCHEER: Time, Senator. And you're recognized. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. The Supreme Court Justices who spoke during the hearing seem to agree the prosecutor's approach crossed a line and were more focused on how to address his actions when issuing their opinion. More focus on how to address his actions. Justice William Cassel wondered aloud if the court needed to reverse the Hernandez verdict, quote, in order to get the attention of other prosecutors. That's what a judge of the Nebraska Supreme Court said: You must get the attention of these other racist prosecutors and should we reverse to get their attention and let them know that this is not what these courts in Nebraska are about. Continuing: I'll read that statement again without interpolating anything of mine. Justice William Cassel wondered aloud if the court needed to reverse the Hernandez

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verdict, quote, in order to get the attention of other prosecutors, unquote, who might engage in inappropriate theatrics. In briefs filed in the appeal, Robert Cortez, the attorney for Hernandez claims O'Brien inappropriately let loose with personal attacks on the accused and offered his own opinion rather than summarizing evidence. Cortez wrote the comments were extensive and argued--here is a high degree of probability that the remarks unduly influence the jury. That first word, there is a high degree of probability that the remarks unduly influenced the jury. If O'Brien was going to live up to the ethics of the profession, if he was going to honor the oath that he took when he became a lawyer in the first place, if he was going to rise to the higher standard that the profession puts on those lawyers who hold public office, he would have relied on the evidence. But he did not. Is that what he did because he was convinced the evidence on its own was not sufficient to obtain a conviction? So he appealed to the racism of those racist people in Richardson County. I had to get a judge disciplined out in Richardson County because of the sexual assaults he committed against court employees. And it was I who went after him. Not the white people who knew what he was doing; not the white people to whom these women complained, but a black man who became aware of it and was incensed. And I think while I'm on that subject, white women, all women need to realize that when women get jobs, based on something I heard on the news, women who have good jobs, especially in corporations, are more likely to get divorces. And you know why? Because they realize they can make it their own way. They don't have to submit to this fool who is a husband. They don't need his say-so to get interest anymore. They don't need his say-so to get credit. They can do it on their own. So why have that dead wood? He doesn't bathe, sits up on a couch all day drinking beer, urping and burping...a pig. You don't need him. Launch out on your own. Women are now older before they get married and they want the male to bring something to the table other than semen and sperm and mistreatment. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: You think that these men just started what they're doing to these women? It's just now coming out. They've always done it. But there is some women who said no more and that's what all women need to understand. You all are a majority. You don't just have to try to find a man who is least objectionable. Get women who are competent and run for these offices and you can win every office in this country, if there is not voter fraud, because you comprise a majority. But some of you are so conditioned, so spiritless that you vote for these men knowing that they're rotten. And they're gonna keep mistreating you as long as you let them. But I don't say you deserve the treatment. I say that we should not be surprised that people act in a way that is submissive and beaten down when that's the way they're treated. [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB697]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I suspect if we had to take a test on what Senator Chambers said this morning we would probably all flunk. But he is teaching one of those lessons again. In a term-limited legislature, you're gone before you realize you've arrived. And if you pass a piece of legislation, you as a body and you as a sponsor, the bureaucracy is going to know that they be here after you be gone. And that they pretty much can blow you off unless you just nail them down with perfect language, and even then you can blow you off. You can say, no solitary confinement in the penitentiary and they can come back and say, well, we're gonna call it not so nice confinement, and continue to do exactly what they were doing. You can pass regulations on social welfare programs, and just like molasses at 30 degrees below zero, they can just move so slow that you'll be gone and the new people will forget what it all meant to begin with. But you do have a tool that Senator Chambers has taught you and that is there is a whole string of these motions. You can burn up as much time on the microphone as you choose to do. And you using the microphone, which is, I think, as powerful as the buttons, make a case that at least makes them sweat and less inclined to blow you off. This microphone talks to the entire state. It is recorded for posterity and the record and makes them feel uncomfortable enough that maybe they will give you one iota of more respect than just blowing you off. Keep that in the back of your mind. It's a lesson that is being taught and I yield the rest of my time to Senator Chambers. [LB697]

SPEAKER SCHEER: 2:25, Senator Chambers. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. Members, I touched on Sir Thomas More and the fact that Robert Bolt wrote a play about him called "A Man for all Seasons." It was made into a movie and it won, I believe, an Academy Award. And the man who played Thomas More humanized him, elevated him to a level that the true Thomas More, the real Thomas More did not deserve. Any man who can support and justify the Spanish Inquisition is not worthy of being portrayed in the way that Bolt portrayed him in his play, or the Scofield, Paul Scofield portrayed him on the screen. There was a guy who played Cromwell, and he had one of those sneering looks, something like Senator Groene, you know, one side of the mouth turned up, eyes squinching, trying to sniff out everything and see everything in the corners. And there was a flunky named Richard Rich... [LB697]

SPEAKER SCHEER: One minute. [LB697]

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SENATOR CHAMBERS: ...who was trying to cheese up to Cromwell. And he knew Sir Thomas More, and kept trying to get Thomas More to hire him. Every time he saw Thomas More, he said, hire me, Sir Thomas, employ me, Sir Thomas. And Thomas More told him no, I will not. And told him instead of looking for employment of the kind he was seeking, be a teacher. He said, you would make a good teacher. And the young guy said no, that's not what I have in mind. He said, well, the students will appreciate you. God will reward you, and that's not a bad public. Mr. President, do I have one more chance to speak or must I close? [LB697]

SPEAKER SCHEER: No, you have a close. [LB697]

SENATOR CHAMBERS: Say it again. [LB697]

SPEAKER SCHEER: You still have your close. Thank you, Senator Schumacher and Senator Chambers. (Visitors introduced.) Senator Pansing Brooks, you are recognized. Not seeing her, Senator Chambers, you're welcome to close. [LB697]

SENATOR CHAMBERS: This is my closing? [LB697]

SPEAKER SCHEER: Yes, sir. [LB697]

SENATOR CHAMBERS: Okay. This person called Richard Rich was known by the members of Thomas More's family to be kind of an informer for Cromwell. So the family and a duke were at a family gathering and Richard Rich was there and Richard Rich made a stupid statement of the kind he was allowed to make in the movie and everybody just kind of looked him down, so he left. And Thomas More had a daughter, Margaret was her name, he called her Meg. She said, father, you should arrest that man. And Sir Thomas More, as portrayed by Scofield, said arrest him? Why, what has he done? She said, he's a bad man. Thomas More said, that is not a violation of the law. And so the duke said, you're gonna let him go? Not the duke, Margaret's boyfriend was there. He said, you're going to let him go? Thomas More said, yes, and go he should until and unless he violates the law. And the young man said, well, he has violated God's law. And Thomas More said, then let God arrest him. So then Tom was allowed to give this monologue...I wish I could remember it verbatim. But it was to the effect that the country of England was sewn thick with laws from border to border, coast to coast, and that these laws were for the purpose of protecting people and everybody is entitled to that. And so the young man said, you give the devil benefit of laws? And Thomas More said, what would you do? He said, I would cut down all the laws in England to pursue the devil. And More said words to the effect, and all the laws having been laid flat, what would you do when the devil turned upon you? Would you be able to withstand the winds that would then blow? He said, yes, I would give the devil benefit of law for my own safety's sake. And it would be a wonderful place in America if everybody were given

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the benefit of law, if not because you had principles and a sense of altruism and justice, but for your own safety sake. The one whose feet are tricked into a snare today may be a forerunner for you of what may happen to you tomorrow. So you should try to make sure that when somebody falls into the clutches of the law, they're treated in a way that you would want to be treated, the way you would want those who mean something to you should be treated...critic today, victim tomorrow. What did that guy say, they came for the union people? I didn't say anything because I wasn't a member of the union. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: They came for the Jews. I didn't say anything because I wasn't a Jew. Then when they came for me, there was nobody to help me because they had all been taken, words to that effect. When you see bad things befall your neighbor, you could be next. But it shouldn't take us that kind of reasoning to make us do the right thing. Our intelligence, if we have any, should take care of that. Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Question before us is the motion to recommit LB697 to committee. All those in favor please vote aye; all those opposed vote nay. Have you all voted that wish to? Record, Mr. Clerk. [LB697]

CLERK: 1 aye, 24 nays, Mr. President, on the motion to recommit the bill. [LB697]

SPEAKER SCHEER: The motion fails. [LB697]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB697]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your reconsideration. [LB697]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is the last motion I'll offer this morning and I doubt that my speaking on it will take us to the point where we will recess. But when those stomachs begin to growl and you begin to feel pangs of hunger, you might want to recess a little early. But if I had the wherewithal to prevent us from recessing at all, that's what I would do. Then the tiny bit of discomfort that you feel, I would tell you magnify that ten times and understand what people feel who not only will miss this lunch, but they miss breakfast today, yesterday, they didn't have a meal. They have no prospect for a meal the rest of this day, and tomorrow appears as bleak as the two days that preceded it in terms of being able to eat. People in America like you all, you don't even know what real hunger is. You

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snack all day. You overeat. So when somebody talks about people who have nothing to eat, you cannot relate to that. Just like Trump cannot relate to people who are poor, who cannot obtain medical treatment. The only thing I can do in using this bully pulpit is to take a little bit of your time. But the Speaker did hand us out a piece of paper yesterday that talked about the nights that will go late. So you all will have the opportunity to see if you can wear this old man out. He said we would go til about 9:00, and at the latest, 11:59. The reason we will stop at 11:59 p.m. is because if you go one minute past midnight, that constitutes another legislative day. And this Speaker, as every Speaker knows, you all are not about to spend one whole day in the Legislature, go into the night, go into the next day and spend time in the Legislature that other day. No. So to save a legislative day from being wasted, we will not go beyond 11:59 p.m. There was a vote that was to be taken in a legislature, and it's a matter of history, you can look it up, but I'm not going to tell you which legislature, and they were running out of time. The clock was approaching midnight. And they had legislative days they counted also. So a person broke that clock, the clock in the legislative chamber, and when a question was raised about it later in court, that the clock never got past midnight, the judge said, what those dumb legislators should have been aware of, but they weren't because they were legislators, not too smart, time is what a clock measures and time does not cease to move simply because the clock does not run. Time is what we look at, and you were here beyond midnight and you went into the next legislative day, so what you attempted to do, you attempted too late. But even a broken clock is right twice a day. That's why Senator Groene is not always wrong. At least twice in a session he'll be right. The possibility is there. Today, a bill was brought to us that relates to redistricting the state as far as judicial districts are concerned. That is done to try to equalize the workload as it might be called of the judges in their respective districts. If one district, because of the way the boundary lines are drawn, has an influx of people, then that judge is handling more work than was envisioned to be appropriate when those district boundaries were drawn. Those people who influx into that district came from somewhere. If you assume that they came from an adjoining district, then the adjoining district where that judge sits is going to have a judge doing less than it was envisioned that judge would do. So the judges get together. They have a commission and these people sit down and they look at what they call demographics, whatever that means, and they try to see what the population is. But also how many cases might be filed in a given court. And then on the basis of those factors that they consider, the districts are redrawn in the same way that legislative districts are redrawn every ten years. So the Judiciary Committee is assigned the job of doing that work. The Judiciary Committee does not draw the boundaries. But because the matter is submitted to the Judiciary Committee and a committee is empowered to amend any bill that comes before it, the Judiciary Committee, although I'm not aware of any having done it, could probably modify some of those boundaries if it chose to do so. But at any rate, the Judiciary Committee will advance a bill, as Senator Ebke and her committee did, and that is what is before us this morning and that is what gave me the opportunity to say what I've said. Judicial districts have to do with the evening out to the extent possible the workloads of the various judges based on how many judges there are. I want to mention, as I try to as often as I can, that people hate

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lawyers until they need one. Then they want the most competent lawyer available that they can afford. Justice is a matter of what you can afford. Lawyers charge for billable hours. How much work they do and then how much they charge you for each hour of that work. If you make a phone call, they write the percentage of an hour that that phone call took. If they write a letter, they bill for that. Every single thing that a lawyer does for you is noted and it becomes a part of the bill that you receive. If you have a lot of money, you're able to purchase more justice because you purchase the services of somebody who is better trained in the law. Justice should not be based on your status in society, the amount of money you have, or the fact that you don't have much money, or the fact that you have no money at all. Sometimes when courts make appointments, because people are indigent, they can't afford to hire a lawyer. Maybe there is no public defender in that area, or maybe the public defender is overworked, or maybe the public defender has no expertise because of the nature of the case, so a lawyer is appointed. Sometimes a very competent lawyer is appointed. Many times lawyers who don't have much work are the ones who...they importune the courts to hire them, give them work like Richard Rich. But at any rate, those lawyers, when they are hired, whether by the defendant who is wealthy, or being appointed by the court, or being on a salary like a public defender, are supposed to be able to provide a defense for anybody accused of a crime. And some people want to talk about victims and try to put victims into the equation when it comes to determining how a person is punished. And they do that because they don't understand the way the law does. They don't understand what the law does or what its purpose is. So they will say, think about the victims. The victims are not part of the evidence. The victims, let's say if somebody who was killed, so there are no living victims. The family members are not victims... [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: ...for the purposes of the criminal law. And what I'm going to have to do is talk again because I don't think I can say it all in one minute. Thank you, Mr. President. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers, and you're next to speak. [LB697]

SENATOR CHAMBERS: Thank you, Mr. President. I've said this before, but I have something I want to get to because I made a comment in the Judiciary Committee and I have to give context for those who are here. I pointed out that in England in the old days there were not as many men as there are now, and when the king got in one of the many battles that kings got into in those days, they would have to use the men and there was a system in merry old England, which was not so merry under some circumstances, where they had blood feuds. If somebody in family A did something to somebody in family B, then somebody in family B could take vengeance against family A. And because this resulted in a lessening of the number of men available for the

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king's purposes, that was taken away. There could be no more blood feuds. The law was going to be interpreted in such a way that when a crime was committed in England, the crime, not a civil action, the crime was committed against the crown, against the king. So all criminal actions were styled the state versus whoever it is because your crime was committed against the king. No more do you go out here and take the law into your own hands. If you did that, you were a criminal because you were acting against the interest of the king. And I explained that to the committee members one day and mentioned that this talk of letting victims' families give statements, I thought, was a perversion of justice. The whole matter was to be handled on the basis of evidence and the law prescribed what the punishment was, while legislators were prevailed on to allow these so-called witness statements. But let me...I told them, my colleagues, that every criminal action coming all the way down from England, his style, the state versus whoever it is, if you get a traffic ticket, it's the state versus whoever. And I told them that it's in the constitution. They don't believe me. And you all probably wouldn't either. So I'm taking your constitution and I'm going to Article V, Section 24. I read your constitution, interesting reading. You wonder why some of the stuff is even in it. A lot of surplusage, provisions that nobody pays attention to except people like me who read it, maybe somebody who teaches people about the constitution, people who are not interested in it. But this is what your constitution says in Article V, Section 24, its caption, "Style of Process." Quote, all process shall run in the name of, quote, the state of Nebraska, unquote, and all prosecutions shall be carried on in the name of, quote, the state of Nebraska, unquote. Not victim's family. Not even the name of the victim. The crime was committed against the laws of the state. And if you want some private vengeance or justice, as you call it, you go to the civil court and then at that point the defendant is named, as in the criminal case, but now the matter is brought in the name of the one filing the suit. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: If I want to talk about the universe, and I'm talking to somebody who says, well, Ernie, I don't want to talk about the Milky Way and all these constellations and stuff like that, what I want you to know is that I didn't agree with you about the world being round. I think the earth is flat. I say what? I think the earth is flat. Am I going to talk to him about the divine constellations of the heavens when he thinks the earth is flat? Wouldn't I be a fool to argue about something as basic and fundamental as that? That's why on the floor of this Legislature is so frustrating to me. But I can't walk away from the Legislature as I could on the street when I'm dealing with a fool. I have to deal with the foolishness that is spoken on this Legislature, the floor of this Legislature. I have to read this trash legislation. But I'm going to admit to you my limitation. I cannot read every stupid bill that comes before us. I'm not saying every bill is stupid... [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

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SENATOR CHAMBERS: ...every bill that is stupid...what did you say? [LB697]

SPEAKER SCHEER: Time, Senator. [LB697]

SENATOR CHAMBERS: Okay, I'll stop. [LB697]

SPEAKER SCHEER: Seeing no one else in the queue, would you like to close? [LB697]

SENATOR CHAMBERS: Mr. President, I would not like to close, but I shall. I want to show Senator Lowe...see, in Europe, I don't know why they do it, they have what they call the low countries. Well, he's sitting in the front seat and the Chamber does slope, so he's in the low area, he's in the low countries in the Legislature. I don't know if they call those gatherings of white people in Europe the Netherlands, "nether" has to do with the lower regions. That's where the devil hangs out. And he told me to tell you, see, God talks in one of my ears and the devil talks to me in the other one and he said that I should give you all a message. He said he wants equal time. I said, what are you talking about? He said, well, you going to be God's surrogate? I want you to be my surrogate too. I like intelligent people. That's why people who serve me are smart. I said okay. In the same way that a defense attorney defends even those who have committed the worst of crimes, I'll give you equal time. What do you want me to tell them? He said, tell them to stop referring to where they live as the Netherlands. I don't have any territory up there. I'm down here. I say down where? He said, actually there is no down here. There is no up there in the realm that I and the other one that you are surrogate for live. We don't have up and down. We don't have here and there. We have none of that. Those are the limited descriptions that we use so that limited human beings can understand and function. But tell them to stop calling their place the Netherlands because people will think that that means they're down here where I am and they're not. I said okay. So now I'm giving it to you all anybody who is listening. Stop using the term Netherlands unless you're talking about the nether regions. But the point I wanted to get to with this talk about lawyers is that everybody is entitled to a defense when he or she is charged with the commission of a crime. The state and its representatives are in a position to access the full panoply of all the powers of the state against any individual accused of a crime. The state can provide experts, a battery of lawyers, wrongdoing people like Corey O'Brien against one person. The example I give, something I would...Thomas More said, if I ask people who will defend Mother Theresa? All hands go up. Who will defend Martin Luther King? Some hands will go up. Not Donald Trump and his group because they hate all black people. Who will defend Mahatma Gandhi...or Mohandas Gandhi, as his name is? A lot of hands would go up, but not everybody would because he's an Indian from India and they don't like them because they're not white in complexion. Who will defend Abraham Lincoln? All the hands go up. So then I say, who will defend Jack the Ripper? Is there a lawyer in the house? And we're at a lawyers convention. Who, I said, who will defend Jack the Ripper? Not a hand goes up. The only reason

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what Jack the Ripper did was a crime is because the state made it so. If there was no law that made it a crime, it was not a crime. In England they had what they call common law crimes. In Nebraska, in this country, Nebraska for sure, nothing is a crime unless the specific provision of the Legislature says so. [LB697]

SPEAKER SCHEER: One minute. [LB697]

SENATOR CHAMBERS: So if the Legislature has committed a crime by criminalizing certain conduct, the Legislature is bound by the U.S. Constitution and the state constitution to lay out the rules according to which that game is played and all that a defense lawyer is required to do is to make sure that if you convict Jack the Ripper, if you can catch him, which they never did, in order to convict Jack the Ripper you have to cross every t and dot every i that the law put in place and said how the game is played. My job is to defend this person and vindicate the law, whatever he's accused of, I don't approve of it, if he did it, which I don't admit that he did. That's why defense lawyers do what they do. And that's why people who condemn defense lawyers, want the best one they can find when they've actually done something and they've got money. Thank you, Mr. President. I'm like Jesus right now...it is finished. [LB697]

SPEAKER SCHEER: Thank you, Senator Chambers. Question before us is the reconsideration motion to recommit to committee. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB697]

CLERK: 1 aye, 27 nays, Mr. President, on the motion to reconsider. [LB697]

SPEAKER SCHEER: The motion fails. Next item before us is the passage of LB697 to E&R Initial. Senator Ebke, would you like to close? [LB697]

SENATOR EBKE: Vote green. [LB697]

SPEAKER SCHEER: Thank you for the brevity. The question before us is the adoption of LB697 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB697]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB697. [LB697]

SPEAKER SCHEER: LB697 is advanced. Next item, Mr. Clerk. [LB697]

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CLERK: Mr. President, LB724 is a bill introduced by Senator Wayne. (Read title.) Introduced on January 3; referred to the General Affairs Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM1707, Legislative Journal page 536.) [LB724]

SPEAKER SCHEER: Senator Wayne, you're welcome to open. [LB724]

SENATOR WAYNE: Thank you, Mr. President. This morning I present to you LB724. LB724 modernizes the process we use to collect funds for the city. As we speak, hundreds of keno satellite locations are collecting keno proceeds which are kept in a keno drawer separate from the bar and restaurant drawers. This separation facilitates tracking of keno proceeds and audits. This will not change nor do I want to change that provision. Tonight those bars and restaurants will deposit their daily revenue from the food and beverage sales into their business bank accounts and will deposit the keno proceeds into a separate account that the lottery operator manages for the city. Sometimes this is even a separate bank. This bill will allow us to make the end of the day deposits more efficient and safe by allowing a process similar to the one that is already used in the Nebraska Lottery. At the end of the day, the satellite location deposit keno funds into their business accounts and the lottery operator then electronically withdraws the keno proceeds and moves them from...into the lottery operators or the city account. There is one more clean up provision in this bill. By regulation, the current deadline for satellite facilities to deposit keno funds into their account are within four business days. Smaller communities where a bar owner might have to travel to the nearest bank once a week, this means they can't set a schedule of going to the Monday or every Thursday to the bank. All we do is change it to five business days maximum which will allow for a consistent schedule for those owners. I won't get into the history of keno. I do have more to say on it, but looking at the time as far as the history and how we got here, the reason this is important is that we need to update our banking and modernization of the keno to allow this type of transaction to happen. Again, this is already used in Nebraska Lottery, so it's not new technology. It just allows keno operators to have the same technology that the Nebraska Lottery currently uses. LB724 advanced on unanimous vote and did not have any opponents. Additionally, I have been assured the committee amendment eliminates any fiscal concerns from the Department of Revenue and this bill will not have a fiscal impact. Thank you, Mr. Speaker. [LB724]

SPEAKER SCHEER: Thank you, Senator Wayne. Senator Larson, as Chair of the General Affairs, you are welcome to open on the committee amendment. [LB724]

SENATOR LARSON: Thank you, Mr. President. The committee amendment harmonizes language regarding the segregation of revenues by striking lottery so keno funds shall be segregated from all other revenue and not just lottery revenue. Specifics of the Department of

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Revenue will determine through its rules and regulations the recordkeeping and recording requirements for electronic transfers of keno revenues. They clarify the general business account, is to be nonsegregated, general business account, and finally the committee amendment strikes within a commercially reasonable time and leaves five business days as a time frame for when the keno revenues are to be transferred. I urge the body's support on AM1707 and LB724. Thank you, Mr. President. [LB724]

SPEAKER SCHEER: Thank you, Senator Larson. Seeing no one wishing to speak, Senator Larson, you're welcome to close. He waives closing. The question before us is the adoption of AM1707. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB724]

CLERK: 27 ayes, 0 nays on the adoption of committee amendments. [LB724]

SPEAKER SCHEER: AM1707 is adopted. Seeing no one wishing to speak, Senator Wayne closes on LB724. The question before us is advancement of LB724. All those in favor please vote aye; all those opposed vote nay. Have all those voted that wish to? Please record. [LB724]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB724. [LB724]

SPEAKER SCHEER: LB724 is advanced to E&R Initial. Next item, Mr. Clerk. [LB724]

CLERK: LB714 is a bill by Senator Howard. (Read title.) Introduced on January 3 of this year; at that time referred to the Judiciary Committee. There are committee amendments pending, Mr. President. (AM1754, Legislative Journal page 519.) [LB714]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Howard, you're welcome to open. [LB714]

SENATOR HOWARD: Thank you, Mr. President; good morning, colleagues. Today I'm here to bring you LB714, a bill that clarifies and sets out a procedure for judicial emancipation of a minor in Nebraska statute. I want to first thank the Speaker for his priority on this bill and the Judiciary Committee for their careful...their thoughtful contemplation of this piece of legislation and for their unanimous vote out of committee. Current statutes in Nebraska are silent related to procedures of emancipation of a minor and most guidance resides in case law. My bill provides a specific path and statute for the court to follow and allows a minor who is at least 16 years of age to file on their own behalf, which is currently not allowed. This isn't the first time that I've examined this subject. In 2016, I introduced LR523 which examined how juveniles interact with the child welfare system and are offered services in that gap year between when they're 18 and

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19. And that was when we discovered that there is no process in the state for a judicial emancipation. And this is actually been the subject of proposed legislation before. In 2007, then Senator Phil Erdman sought to create a specific process for judicial emancipation for minors who were 16 years of age. That bill failed to pass, but in consulting with an expert, current Senator Erdman, he indicated that it was not for lack of consensus, it was for lack of a priority in a short session...in a long session, I apologize. So there may be many reasons why a minor would...that would cause a minor to seek emancipation. And the basis for this bill came about when my office was contacted by a young woman who found herself in a difficult situation. And we passed out a handout so that you can see a face. She's here today if you do have any questions about her experience. But in the summer of 2015, Faith graduated from Duchesne Academy of the Sacred Heart and was gearing up to begin college at UNO. And what should have been a fun but challenging transition to adulthood instead became a year full of extreme caution. Like so many other college students, college represented freedom from her parents who had been physically, mentally, and emotionally abusive. She had planned for several years to cut them out of her life when she turned 18. And when she turned 18, she thought she was finally safe from them. She got independent status at university, moved into her house that her parents didn't have the address to, and blocked their numbers. But what she didn't realize was that even though she was fully independent, her parents still had full legal control over her until she was 19 years old. And I think the story that was most telling for me was she was 18 years old, she was working at a bread store. Her parents waited until she was closing by herself. She called the police and said, I don't want to go with them, and the police said, unfortunately, you have to because you're a minor. And so child protective services no longer really had any jurisdiction, she was 18. And she ended up being taken back to her parents' home. And then when she went to go file, she filed for some type of emancipation. They discovered that there is no statute in the state of Nebraska for this, and so she recruited the help of a really wonderful attorney, Aimee Melton, in the city of Omaha. She is on our city council and she's incredibly smart and capable. And she tried to work through emancipation for Faith. Instead of...they discovered that there was nothing in statute, but she ended up filing a civil suit against her parents until she turned 19. And while Faith's story has to do a little bit with the child welfare system, there are many who seek to emancipate who have been on their own for awhile supporting themselves and who don't have the backing of an adult when it comes to making certain decisions that you're not allowed to make when you're a minor. And that could be something as simple as opening a checking account or signing up for a loan to buy a car. So currently 21 states offer minors the ability to initiate proceedings for emancipation, usually set at a minimum age, 16 is what we would be considering. Some permit the court to appoint a guardian ad litem. But really a Nebraska statute, the only way that you can emancipate is if you get married, which is fascinating. So the bill before us, LB714, has three factors for a judge to consider: whether the minor is substantially able to support himself or herself without financial assistance, whether the minor is sufficiently mature and knowledgeable to manage his or her own affairs without the guidance of a parent or legal guardian, and whether emancipation is in the best interest of the minor. The minor has to be at least 16 years of age, married or living

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apart from his or her parents, and the emancipation procedure is set out in the amendment that Senator Ebke will introduce. I will tell you the green copy of the bill was all of our great ideas about emancipation and the white copy amendment really sets forth the procedure both for having emancipation petition would be filed, as well as in the unlikely event that a situation would change for a minor the opportunity for a rescission therein. We have passed out a handout that sort of outlines what's in the white copy amendment. I'm happy to try to answer any questions you may have about that process. But we did work with the Bar Association, who came in neutral, and we addressed all of the concerns with the bankers as well who also came in neutral. I would really like to thank the Speaker for his priority on this piece of legislation. It means a great deal to me, but it also means a great deal to my constituent, Faith. And I would like to thank the Judiciary Committee for their thoughtful consideration and unanimous vote out of committee. With that, I would urge the adoption of LB714. Thank you, Mr. President.
[LB714]

SPEAKER SCHEER: Thank you, Senator Howard. As the Clerk noted, there is a committee amendment from the Judiciary Committee. Senator Ebke, you're welcome to open. [LB714]

SENATOR EBKE: Thank you, Mr. Speaker. AM1754 to LB714 makes a number of changes related to the process and procedures for filing a petition for emancipation, most of which were brought forth at the recommendation of attorneys, judges and courts who will be working directly with these filings. The specifics of the amendment were explained by Senator Howard in detail in her opening. You can also see a written version on the back sheet...on the back of the sheet of paper that she handed out. LB714 is amended by AM1754; saw no opposition at public hearing. The bill advanced from the Judiciary Committee on a vote of 7-0 with one member absent. For these reasons I ask for your green vote on AM1754 to LB714. Thank you, Mr. President. [LB714]

SPEAKER SCHEER: Thank you, Senator Ebke. Seeing no one wishing to speak, Senator Ebke you're welcome to close. She waives closing. The question before us is the adoption of AM1754. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB714]

CLERK: 34 aye, 0 nays, Mr. President, on the adoption of committee amendments. [LB714]

SPEAKER SCHEER: AM1754 is adopted. Seeing no one wishing to speak, Senator Howard, you're welcome to close on LB714. [LB714]

SENATOR HOWARD: Thank you, Mr. President. As Senator Ebke recommended previously, I would urge you to vote green, but also this means quite a bit to my constituent, Faith, and so this

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is a really big day for her and I appreciate all of your support on LB714. Thank you, Mr. President. [LB714]

SPEAKER SCHEER: Thank you, Senator Howard. The question before us is advancement of LB714. All those in favor please vote aye; all those opposed vote nay. Have all vote that had wish to? Please record. [LB714]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB714]

SPEAKER SCHEER: LB714 does advance to E&R Initial. Next item, Mr. Clerk. [LB714]

CLERK: LB702 is a bill by Senator Kolterman. (Read title.) The bill was introduced on January 3 of this year; referred to the Health and Human Services Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM1887, Legislative Journal page 719.) [LB702]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Kolterman, you're welcome to open. [LB702]

SENATOR KOLTERMAN: Good morning, Mr. President, fellow colleagues. I'm here today to ask for your support of LB702 and AM1887. Thank you, Speaker Scheer, for prioritizing LB702. I introduced LB702 on behalf of the Department of Health and Human Services. LB702 is necessary to comply with the final rule issued by the U.S. Department of Health and Human Services Administration for Children and Families on December 20, 2016. The final rule mandated changes to the state's Child Support Enforcement programs. There are two areas where Nebraska's Child Support Enforcement is in conflict with the new regulations. First, in Nebraska, children covered under Medicaid and other needs-based healthcare programs are not considered to have healthcare coverage. And second, child support is not currently reduced when a parent is incarcerated. LB702 modifies Section 42-369 to clarify that children covered under Medicaid and other needs-based healthcare programs do, in fact, have healthcare coverage. This bill also updates Section 43-512.12 to require the state of Nebraska to notify individuals who will be incarcerated for more than 180 days of a right to have their child support reviewed and modified. It also updates Section 43-512.15 clarifying that incarceration may not be treated as voluntary unemployment. It is important to note that failing to comply with the mandated changes by October 1 of 2018 would subject the state of Nebraska to a loss of all federal Title IV-D and temporary assistance for needy families known as TANF funding, amounting to over \$81 million. Following conversations with the wonderful, intellectual, and happy Senator Howard, we discovered that the original language was inadequate and somewhat confusing. AM1887 includes the same wording found in the final rule to make sure Nebraska's Child Support

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Enforcement program complies with federal regulations. I do very much appreciate Senator Howard for working with me and my staff to improve this bill. And again, I thank Senator Scheer for prioritizing this important bill. Thank you, and I urge you to vote green on LB702 and AM1887. [LB702]

SPEAKER SCHEER: Thank you, Senator Kolterman. Senator Riepe as Chair of the Health and Human Services, you're welcome to introduce the committee amendment. [LB702]

SENATOR RIEPE: Thank you, Mr. President, colleagues, and Nebraskans, I want to echo Senator Kolterman's thank you to Speaker Scheer for making this a Speaker priority. LB702 is an important bill to update our state statutes to be in compliance with federal regulations. AM1887 was adopted by the Health and Human Services Committee on a 7-0 vote. AM1887 adjusts the language of LB702 to more accurately reflect the language of new federal regulations. AM1887 provides within 15 business days of learning a noncustodial parent will be incarcerated for more than 180 days, the Department of Health and Human Services will then send notice to both parents informing them of the right to request the review by the state, and if appropriate, adjust the order. The amendment also clarifies incarceration may not be treated as a voluntary unemployment in establishing and/or modifying support orders. As Senator Kolterman stated, if LB702 is not passed, the state risks \$81 million of annual IV-D child support and TANF funds. Title IV-D cases that receive Title IV-D funding allows the department to intervene on behalf of a child to ensure the child receives ongoing financial support from both parents. Again, LB702 is an important bill to update our state statutes to be in full compliance with federal regulations. I ask for your support of the committee amendment, AM1887, and the underlying bill, LB702. Thank you, Mr. President. [LB702]

SPEAKER SCHEER: Thank you, Senator Riepe. Senator Krist, you're recognized. [LB702]

SENATOR KRIST: Thank you, Mr. President; good morning, colleagues; good morning, Nebraska. I wonder if Senator Kolterman would yield to a question? [LB702]

SPEAKER SCHEER: Senator Kolterman, would you please yield? [LB702]

SENATOR KOLTERMAN: Yes, I will. [LB702]

SENATOR KRIST: Is it your understanding and the reason that the department brought this to you that they are not capable of doing what they need to do without a statutory change? [LB702]

SENATOR KOLTERMAN: Correct, that would be correct. [LB702]

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SENATOR KRIST: Why? [LB702]

SENATOR KOLTERMAN: Because it's federal monies that we're going after with the TANF. And the final rules were just promulgated last year. If we're going to continue to get them, we have to have this change in our statute to comply with the federal guidelines. [LB702]

SENATOR KRIST: And in essence, the change is what precisely? [LB702]

SENATOR KOLTERMAN: Well, what we're doing is...the final rules were mandated that change the Child Support Enforcement program. And so what we're doing is there are two areas of Child Support Enforcement, they are in conflict with the new regulation. First one is Nebraska children covered under Medicaid and other needs-based healthcare programs are not considered to have health coverage under the current situation. And the second, child support is not currently reduced when a parent gets incarcerated. So we're making those options available under the new language. [LB702]

SENATOR KRIST: Okay. Not today, but sometime when this bill gets moved on to Select, I think we need to have a conversation about the proper use of TANF, how the department is currently using TANF, and what the budget is moving forward. In my day in Health and Human Services, there were many questions about the legitimacy of how those funds were being used and the forced savings and use in other areas, I'm assuming that this administration, meaning Courtney Miller's administration and what she is overseeing, has changed some of those parameters that we are fully in federal compliance. But I think it would be interesting and necessary for the education of the people who will be here in the future to understand what TANF is and how important it actually is. Again, bumping up this hour of the morning, I don't think we can have this conversation legitimately, and I would ask you and Senator Howard and others, Senator Riepe, to be able to answer some of those questions as we move forward because TANF is an extremely important part of taking care of our children and families if used correctly, and if not being fined by the federal government for being used incorrectly. Thank you for your courtesy in answering the questions. I have nothing else. Thank you, Mr. Speaker. [LB702]

SPEAKER SCHEER: Thank you, Senator Krist and Senator Kolterman. Seeing no one else wishing to speak, Senator Riepe, you're welcome to close on AM1887. [LB702]

SENATOR RIEPE: Vote green. [LB702]

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SPEAKER SCHEER: Further closing, the question before us is adoption of AM1887. All those in favor please vote aye; all those opposed vote nay. Have you all voted that wish to? Please record. [LB702]

CLERK: 36 ayes, 0 nays on adoption of committee amendments. [LB702]

SPEAKER SCHEER: AM1887 is adopted. Seeing no one wishing to speak, Senator Kolterman, you're welcome to close. [LB702]

SENATOR KOLTERMAN: Thank you very much. Again, I'd like to encourage you to support this bill as amended. TANF is an important aspect of our health and human services. I couldn't agree more with Senator Krist that maybe people need to understand that a little better. There has also been a question, Senator Chambers had some concerns about the incarceration aspect. We will be talking to them. We appreciate your support on this. What this bill does is it brings us into federal compliance, and we do need that. So I'm more than happy to visit with you and be glad to do that either on the mike or off the mike. Thank you very much. [LB702]

SPEAKER SCHEER: Thank you, Senator Kolterman. The question before us is the advancement of LB702. All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record. [LB702]

CLERK: 38 ayes, 0 nays on the advancement of the bill, Mr. President. [LB702]

SPEAKER SCHEER: LB702 is advanced to E&R Initial. Mr. Clerk. [LB702]

CLERK: Mr. President, new resolution, LR339 by Senator Thibodeau, that will be laid over. Enrollment and Review reports LB44 as correctly engrossed. (Legislative Journal pages 856-857.) [LR339 LB44]

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

SPEAKER SCHEER: You've heard the motion to recess. All those in favor say aye. All those opposed say nay. The ayes have it. We are in recess.

RECESS

PRESIDENT FOLEY PRESIDING

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

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative resolutions: LR320, LR321, LR322, LR323, LR324, LR325, LR326, LR327, LR328, LR329, LR330, LR331, LR332, and LR333. Proceeding on the agenda, General File, 2018, committee priority bill. Mr. Clerk. (Legislative Journal page 858.) [LR320 LR321 LR322 LR323 LR324 LR325 LR326 LR327 LR328 LR329 LR330 LR331 LR332 LR333]

CLERK: Mr. President, if I might, Judiciary is having an Executive Session now in room 2022. LB861, a bill by Senator Watermeier. (Read title.) The bill was introduced on January 5 of this year. Referred to the Appropriations Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM1946, Legislative Journal page 693.) [LB861]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Watermeier, you're recognized to open on LB861. [LB861]

SENATOR WATERMEIER: Thank you, Mr. Lieutenant Governor. Fellow senators, LB861 would require the state to pay for counties prosecution costs arising from a single correctional institution incident if it exceeds the threshold amount for such county. LB861 was advanced from the Appropriations Committee on 7-0 and made as a Appropriations Committee priority bill, and thank you, Senator Stinner. The threshold amount is the amount of property tax revenue raised by a county from a levy of two and a half cents per hundred dollars of taxable valuation. The state would pay the prosecution costs that are to exceed the threshold amount. Under the bill costs of prosecution includes the cost of defense for indigent defendants, which would cover attorney fees and expert witnesses fees. A correctional institution incident is defined as an incident in which a crime is allegedly committed by one or more inmates confined in a state correctional institution. In the committee amendment, language is added to change crime to crimes or crimes...crime or crimes. As an example, it is my intent that the Mother's Day riot at TSCI be classified as one incident even though several crimes were committed such as arson and murder. The threshold would vary based on the valuation of the county where a state correctional institution is located. For example, in Johnson County, two and a half cents per hundred dollars of valuation would amount to approximately \$228,000. In Lancaster County, \$6.4 million; Douglas County, \$10.6 million, in York County, \$864,000, and Red Willow County, at two and a half cents is \$324,000. After the Mother's Day riot in May of 2015, the Department of

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Corrections worked with Johnson County and paid for the autopsies and some of the other claims. However, they have since made it clear that the state won't pay any more miscellaneous claims. It is the cost of prosecution that can get pricey, particularly the cost of defense. Counties cannot fail to prosecute a murderer just to save the money. The county must bear the cost even though since 2007, I am not aware of even one person, not one person in TSCI that has been charged with a crime who was originally from Johnson County. The public defender and the commission on public advocacy, which is created to help in situations such as this, will assist the county. The court can appoint up to two attorneys per defendant. If there are more than two co-defendants, for instance, this is where it gets costly for a county as the county will have to pay the fees of the additional attorneys. The Johnson County attorney stated that they will be strategically filing the cases in order to avoid additional costs, but some will include a number of co-defendants and they won't be able to avoid hiring some additional attorneys. To require Johnson County residents, for example, to pay more than \$228,000 per incident to defend inmates who are not from their county, is not fair and I feel should be responsibility of the state. This bill does not apply just to Johnson County. However, since there are...they are a smaller county and have a facility located there, it holds the most dangerous criminals from across the state, this seems to be the county most affected. So far Johnson County has spent several thousand dollars on costs of prosecution in defense from the Mother's Day riot. No one has been charged with killing either Shaun Collins or David Peacock yet. The investigation remains active. In the March riot, the counties costs so far are minimal. This case is in the very early stages and costs may increase substantially as it proceeds to trial. They have not received a bill from the court-appointed defense attorney for Eric Ramos in connection with the murder of Michael Galindo. No one else has yet been charged with Galindo's murder and the investigation into his and Damon Fitzgerald's murder is continuing. I look at LB861 as a catastrophic insurance policy. It will only kick in when the prosecution costs become an extreme hardship for the county residents. It may never kick in and I hope it never is needed. However, if we pass LB861, it will provide some peace of mind to county officials and residents that they have a state correctional facility within their borders. I would urge your support of LB861. Thank you, Mr. President. [LB861]

PRESIDENT FOLEY: Thank you, Senator Watermeier. As the Clerk noted, there are amendments from the Appropriations Committee. Senator Stinner, you're recognized to open on AM1946. [LB861]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, AM946 states that an incident involving one or more crimes will be identified as a single incident. The amendment puts in place a process for filing and payment of a claim as provided by the State Miscellaneous Claims Act. This amendment would also apply to any incident within a correctional institution retroactive to or after May 1, 2015. I would urge your green vote on AM1946 and the underlying LB861. Thank you, Mr. President. [LB861]

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PRESIDENT FOLEY: Thank you, Senator Stinner. Mr. Clerk. [LB861]

CLERK: Mr. President, Senator Harr would move to amend the committee amendments with AM2285. (Legislative Journal pages 858-859.) [LB861]

PRESIDENT FOLEY: Senator Harr, you're recognized to open on AM2285. [LB861]

SENATOR HARR: Thank you, Mr. President, members of the body. This is a very simple amendment. Currently in our statute, county attorneys are allowed if they have a conflict to go to the judge and ask for another party to be appointed as an acting county attorney if there is a conflict. Under statute it's unclear whether the Attorney General has the same authority or not. This bill allows the Attorney General, does not force the Attorney General, but allows them at their discretion if they believe they have a conflict, they can then go to a judge and ask that a conflict counsel be appointed. Thank you. [LB861]

PRESIDENT FOLEY: Thank you, Senator Harr. Debate is now open on LB861 with pending committee amendment and the Senator Harr amendment, AM2285. Is there any discussion? Senator Bolz. [LB861]

SENATOR BOLZ: Thank you, Mr. President. I'll be brief and I do support this bill. I think Senator Watermeier has done a great job on it, but I do think it is worth saying out loud and putting on the record that voting for this bill could have future fiscal impacts for people who are serving in this Legislature in the future, and that is making a commitment to keeping our word and following through on the potential consequences of this legislation. And so as an Appropriations Committee member, I just want to put on the record that by passing this, we are making choices about dedicating potential state resources to this purpose, which I support fully, and I urge your green vote for LB861. Thank you, Mr. President. [LB861]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Wayne. Oh, you waive the opportunity, Senator? [LB861]

SENATOR WAYNE: I don't want to waste the time, so I guess I'll take it. I was trying to hit my button. I generally support this bill. I just read a little bit ago trying to figure out more. I do have some concerns that I can talk to Senator Watermeier off the mike. I'm just thinking about...that's enough. I should have waived. (Laughter) I'm done. [LB861]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Williams. [LB861]

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SENATOR WILLIAMS: Thank you, Mr. President, and good afternoon, colleagues. And I do support the amendment and the underlying bill. I do have a question for Senator Harr on his amendment if he would yield. [LB861]

PRESIDENT FOLEY: Senator Harr, would you yield, please? [LB861]

SENATOR HARR: Yes. [LB861]

SENATOR WILLIAMS: Thank you, Senator Harr. I just would like you to track through for me since this is kind of new, I hadn't thought about it in advance of this, an example of when the AG might have the kind of conflict that you're talking about, and how then they would go through the process of hiring somebody else. [LB861]

SENATOR HARR: So the classic example I would give is probably closer to 30 years ago, there was an incident where the Attorney General himself was subject to a criminal investigation and it was up to the Attorney General to then prosecute himself, which didn't really seem to make sense. At that point the Supreme Court jumped in and said, hey, we're going to appoint conflict counsel and no one really objected at the time. They probably could have. The statute is unclear as to whether the Supreme Court had that authority or not. So what this bill is...what would happen there is just what happened in the previous case. The court at its discretion saying, yes, there is a conflict, could then appoint a conflict counsel and that could be another former prosecutor, it could be a county attorney, it could be a private attorney. [LB861]

SENATOR WILLIAMS: Under your amendment then, it would be up to the court to do that. It wouldn't be the AG themselves recognizing that they have a conflict and saying, hey, we got to stop here, and then entering into some agreement with separate counsel? [LB861]

SENATOR HARR: So, it would take the AG coming forward and saying, the Attorney General, I have a conflict. Going to the judge making the case that they have a conflict, the judge agreeing, and then the judge at that point would appoint a conflict counsel. [LB861]

SENATOR WILLIAMS: Thank you, Senator Harr. And with that further explanation, I certainly will support Senator Harr's amendment also. Thank you, Mr. President. [LB861]

PRESIDENT FOLEY: Thank you, Senator Williams and Senator Harr. Senator Chambers. [LB861]

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SENATOR CHAMBERS: Mr. President, I may as well say all that I'm going to say on this bill right now. I do support Senator Harr's amendment. It will make crystal clear a situation which right now is murky. There is nothing tricky about it, nothing...no slam at anybody. But it puts into law exactly how a process will be utilized where there is a conflict in the Attorney General's Office. But I'm looking at this committee amendment and I am not sure that this is wise policy. But since I have not really analyzed it, I'm not going to try to hold the bill up, will not ask a lot of questions, but on Select File, then I'm going to...if I haven't come to an understanding of it and agree with it, then I will raise my issues at that point. But having said that, I have nothing further on this bill. Thank you, Mr. President. [LB861]

PRESIDENT FOLEY: Thank you, Senator Chambers. Is there any further discussion on AM2285? Senator Groene. [LB861]

SENATOR GROENE: Senator Harr...thank you, President. Will you take a question? [LB861]

PRESIDENT FOLEY: Senator Harr, would you yield, please? [LB861]

SENATOR HARR: Yes. [LB861]

SENATOR GROENE: Does this relate to anything about what happened at the State Patrol this year? [LB861]

SENATOR HARR: So the answer is the bill was originally brought and I want to clarify. It's LB883. That's how the facts of this lacking in statute and the need for clarification came about, but yes. [LB861 LB883]

SENATOR GROENE: But you said earlier it was about 30 years ago, but that State Patrol or the chief of the State Patrol was just recently. [LB861]

SENATOR HARR: Well, the example I gave was regarding former Attorney General Paul Douglas. [LB861]

SENATOR GROENE: But if this would apply... [LB861]

SENATOR HARR: It could have. [LB861]

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SENATOR GROENE: ...the Attorney General wished to look into. Right now the Attorney General doesn't have the authority to do that? [LB861]

SENATOR HARR: It's unclear if they have that authority or not so this just clarifies the record because the county attorney already has all the...excuse me, the Attorney General in 84-204 shall have the same powers and prerogatives in each of the several counties of the state as the county attorney have in their respective counties. And then county attorneys in every county under 23-1205 already are allowed to do this. This just gives the Attorney General the same powers that county attorneys already have. [LB861]

SENATOR GROENE: So state officials, most of them of any importance or self-importance are here in Lancaster County so this would all be Lancaster County involved mostly, because that's where the crime would have taken place? [LB861]

SENATOR HARR: Not necessarily, but it could be, yes. [LB861]

SENATOR GROENE: Somebody has to identify where that happened? [LB861]

SENATOR HARR: When they...what? Sorry. [LB861]

SENATOR GROENE: Well, you say if a state official or employee is suspected of committing a crime and the Attorney General has requested, appointed, a defense counsel appear, where is it? In the district court in any county where the crime was alleged. So we're talking Lancaster County mostly. [LB861]

SENATOR HARR: Well, it could be Lancaster, it could be Douglas, it could be Buffalo. It could be any county. It's not limited to Lancaster. [LB861]

SENATOR GROENE: But there's no expense to that county. It all goes to the Attorney General. [LB861]

SENATOR HARR: Well, yeah, currently, yeah, it would be the Attorney General's Office that would pay that, if there was a conflict. If the Attorney General thought they had a conflict, brought it to a judge, the judge said, yes, you do have a conflict, then yes, it would be. [LB861]

SENATOR GROENE: Thank you. [LB861]

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SENATOR HARR: Okay. Thank you. [LB861]

PRESIDENT FOLEY: Thank you, Senators Groene and Harr. Seeing no further discussion, Senator Harr, you're recognized to close on AM2285. [LB861]

SENATOR HARR: So, thank you. I just want to clarify the record. This came out of LB883. I want to thank Senator Watermeier for allowing me to put this on the bill. Obviously, I support the bill and the underlying bill, LB861. And again, this is just clarifying whether what we already do...powers I think they already have. It clarifies that the Attorney General, in fact, does have that power and it does not force the Attorney General to do anything if they choose not to. But it's only if they believe they have a conflict. It gives them a way to go to a judge and clarify whether they have a conflict and then also if there is to appoint a third party. Thank you. [LB861]

PRESIDENT FOLEY: Thank you, Senator Harr. Members, you've the debate on Senator Harr's AM2285. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB861]

CLERK: 26 ayes, 1 nay on adoption of the amendment, Mr. President. [LB861]

PRESIDENT FOLEY: AM2285 is adopted. Proceeding now to further debate on LB861 with the committee amendment pending. Seeing no discussion, Senator Stinner, you're recognized to close on the committee amendment. He waives closing. The question for the body is the adoption of the committee amendment, AM1946. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB861]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB861]

PRESIDENT FOLEY: Committee amendment is adopted. Is there any further discussion on LB861? Senator Chambers. [LB861]

SENATOR CHAMBERS: Mr. President, since this bill is not controversial, I can make this observation and I'm not going to try to do anything about it. But I'm troubled by something that I see on every committee statement. It mentions verbal testimony. I think it would be better to say oral testimony. Then it's clear that the person actually spoke, if that's what this word refers to. That the person actually spoke during the hearing process, so I will talk to somebody about that and see if we can substitute the word "oral" for "verbal". That's all I have. [LB861]

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PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Watermeier waives close. The question for the body is the advance of LB861 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB861]

CLERK: 27 ayes, 0 nays on the advancement of the bill, Mr. President. [LB861]

PRESIDENT FOLEY: LB861 advances. Speaker Scheer. [LB861]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, just real quickly. Senator Stinner had sent out an e-mail about a briefing on the budget on Monday. Just to clarify, we will be starting at ten o'clock on Monday morning so that you don't have to get here earlier. We will use the nine to ten o'clock slot for their briefing. And according to Senator Stinner, that should be sufficient time to go through everything. Certainly if you have questions during the day, he and the staff will be here to answer any of the other Appropriations Committee members. But I just wanted to make sure that everyone knew that I'm not asking you to get up early. I know you're going to lose a little bit of sleep time this weekend, so when Monday comes, we're only going to start at ten o'clock, which will give us the nine to ten to work on the budget and make sure that everybody has a good understanding of what the Appropriations are trying to accomplish. So with that said, thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Proceeding on the agenda, General File, 2018, Senator priority bills. Mr. Clerk.

CLERK: Mr. President, LR269CA is a proposed constitutional amendment offered by Senator Schumacher. [LR269CA]

PRESIDENT FOLEY: Senator Schumacher, you're recognized to open on your CA. [LR269CA]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I want to start out by thanking an adventurous and daring Judiciary Committee for advancing this to the floor for our discussion. This discussion, this concept is about the long-range future of the state and the issues that we face. Some are uncomfortable. Some are difficult. Some would be easier just to avoid, but they are the core of our future. This is a very simple proposition. Some might call it economic development on steroids. The underlying rationale can be found at www.voiceofnebraska.com and we will cover much of that rationale here today. The proposition is simple. It proposes that we propose to the people a constitutional amendment. The people would vote on it. It would do nothing until the Legislature then used the authority in it to define it and to implement it. What it would definitely do is promote a statewide discussion about the

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trends and the possibilities and the consequences of our future. This is the language. Notwithstanding any provision of this Constitution and subject to the limitations of the laws and treaties of the United States, the Legislature may delegate complete or partial sovereignty to one area of the state not to exceed thirty-six square miles in area and a population density of ten persons per square mile for a period not to exceed ninety-nine years under such terms and conditions set by the Legislature at the time of the delegation. Essentially, granting autonomy to a small area of the state. A tiny fraction of a fraction. Now, who might that appeal to? It may very well appeal to a coalition of very well-to-do people or highly visible international organizations. Global businesses, seeking to do that which has not been done before. And that is, define their own existence and have the joys and the pains of autonomy for ninety-nine years. Let's look at the predicament that we are in. We look at our agricultural sector, started 75 years ago, longer with the advent of the tractor and the combustion engine and the combine that made us so efficient and increasingly efficient that much of our smaller communities began a constant process of vacating. Look at any graph and the vast majority of our communities are heading down in population no matter what we do. Look at our smaller communities. Because agriculture has gotten so very, very efficient, they are not an integral part of the food supply system as they were back in the days of blacksmiths and horses and buggies and cultivators and planters drawn by horses. We're told that community under 5,000 population is going to have a very difficult time making it. And ultimately, we'll have a number of residual houses, grain elevator, and propose, supposedly it may be a gas station, or if they're lucky, a gas station that sells beer. If we look at our bigger towns, the 20,000ish towns, the rate of population increase has been what, 4 or 5 percent per decade. They're basically hinged on cheap labor and cheap electricity in some manufacturing endeavor. That growth is not vibrant and they are struggling and will continue to struggle with issues as housing, work force retention, work force growth. So it's Omaha and Lincoln that have some growth potential and they, too, have a great deal of challenges and competition with similarly situated places nationwide. Times are tough on the Plains and we haven't even begun to address issues like the baby boomers who don't have sufficient savings. Then we have an area of the state, an area of the state that has inspired this language. Now it can't get into this in the constitutional amendment because our Supreme Court has said we're confined to a very narrow thing, we cannot get into multiple subjects. But I envision an area which has enormous potential for ninety-nine years from now. There is a plume of population--you can see this if go back to the old satellite photos--moving north out of Denver along the Interstate toward Cheyenne. Tremendous growth in that area. We have the Interstate-80 running from Cheyenne to the I-76, I-80 intersection in western Nebraska, west of Ogallala. And then we have I-76 heading back up to Denver. A very dynamic Interstate system. We have the Union Pacific Railroad, intercontinental railroad going right along that bottom of that triangle from the I-76 intersection all the way to Cheyenne. We have the Burlington right-of-way heading from that area to Denver International Airport. We have Lake McConaughy, which is a popular and large inland sea for summertime entertainment. We have numerous fiber optic lines extending in multiple directions for connectivity to the world. We have a Gigawatt of generation facilities and

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electric transmission facilities very near to that area. Enormous investment has gone into there and yet the probability is very high that unless we do something different from what is being done, that will not be developed, and not be developed certainly in a speed or with any magnificent process. I think that if we do something as proposed in this amendment, and offer an option to the people of this state, they will choose not to put all their eggs in the basket of the present metro on the eastern side of the state. But instead, they will prove and future Legislatures will look at the very distinct possibility of using this idea which is much patterned after Hong Kong, much patterned after District of Columbia, much patterned after Brasilia. [LR269CA]

PRESIDENT FOLEY: One minute. [LR269CA]

SENATOR SCHUMACHER: And in doing so, create a new metropolitan magnet located in the area around Lake McConaughy. It inspires imagination to have a brand-new state in virgin territory designed to 21st and 22nd century standards. I've waited a long time for this opportunity to talk about the deep future with the body. I encourage you to look at and the people to look at www.voiceofnebraska.com and see if we can have a good discussion this afternoon about the future of Nebraska, the future of liberty, and the value of nothing of imagination and of freedom. Thank you. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Schumacher. (Visitors introduced.) Continuing discussion. Senator Erdman. [LR269CA]

SENATOR ERDMAN: Thank you, Lieutenant Governor Foley. Interesting, interesting concept, Senator Schumacher. I'm listening to what you had to say and I was going to do an amendment and my amendment was going to be I want to secede the 11 counties in the Panhandle to Wyoming. I live closer to three state capitols than I do to Lincoln. If we could join Wyoming, we'd be the most populated part of the state. So it's interesting this concept. So you're going to do this thirty-six miles where sovereign nation, or whatever you want to call it, so Senator, would you yield to a question? [LR269CA]

PRESIDENT FOLEY: Senator Schumacher, would you yield, please? [LR269CA]

SENATOR SCHUMACHER: Yes, I will. [LR269CA]

SENATOR ERDMAN: Senator, what kind of governance will you have there? [LR269CA]

SENATOR SCHUMACHER: I won't have any governance at all because I'm out of here. But I would think that the Legislature would at a point require a massive investment in order to make

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this grant. I'm not talking hundreds of millions. I'm talking in the billions of dollars because autonomy for ninety-nine years is worth in the billions of dollars. I'm thinking \$50 billion, but I don't know what \$50 billion looks like and I don't know if that's realistic. But let's assume that you had ten large corporate entities, each pony up \$5 billion. And that's investment or commitment to that investment is what it took in order to get some future Legislature to do it. They would define what type of governance they had. [LR269CA]

SENATOR ERDMAN: Okay. So you said this is fashioned after the District of Columbia, is that what I heard you say? [LR269CA]

SENATOR SCHUMACHER: The concept of six miles by six miles of a new city that was created in a district fashion. That's kind of a District of Columbia. In some respects, it's more like Hong Kong. But it's a...District Columbia wasn't economics. That was politics, but Hong Kong is economics. [LR269CA]

SENATOR ERDMAN: Yeah, okay. I understand. So, you know, Senator Schumacher thinks outside the box. Maybe some of you have already figured that out. Senator Chambers talks about "Professor" Schumacher. So "Professor", as you thought about this, you said you've waited a long time for this. How long has this thought been in your mind, something of this nature? [LR269CA]

SENATOR SCHUMACHER: Actually it's been there probably for 10, 15 years. When I travel, I probably travel through 60 counties a year for the last 25 years. And every time I come at that intersection, I ask myself, why is there nothing here? And what could be here? And the key to it all is freedom. That's why we populated this state, some free land and freedom. So let's create freedom. It can't hurt anything. [LR269CA]

SENATOR ERDMAN: Okay. I appreciate your answers. I appreciate the discussion, but getting something like this past this body may be a little difficult. I wish you much success. Thank you. [LR269CA]

PRESIDENT FOLEY: Thank you, Senators Erdman and Schumacher. Senator Harr. [LR269CA]

SENATOR HARR: Well, thank you, Mr. President and members of the body. I think this is a worthy idea, worthy of conversation. I'm not sure if it's more like a reservation, if it's more Indian reservation, more like Hong Kong or more like, I don't know what. But the fact of the matter is if you are for lower taxes, this is probably a pretty good idea. I was just talking to Senator Riepe. My car is in the shop right now. I am renting...I have a rental car for going on three weeks for

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hail damage, but that's another story for another day. But that being said, my car is being rented from Ralston and not Omaha, just outside the jurisdiction. Why am I renting from Ralston instead of Omaha? Ralston doesn't have a tax on car rentals. So Enterprise Rent-A-Car, they'll pick you up in Omaha and you rent from Ralston. Right? So you create this "Schumackastand" and what you'll find is you'll have a six-by-six mile area, thirty-six square mile area and you will have businesses that will...if they're businesses up next to it, they'll have to compete inside there and businesses around Nebraska will have to compete with "Schumackastand". And so, therefore, all the taxes in Nebraska will have been lowered. We create a new area of competition. I think it's worthy of discussing a little more. I'll also say this. No business will move anywhere without a quality work force. We've seen that with our prison problems down in Tecumseh. You got to be somewhat near a population, or you're going to have to create this infrastructure that Senator Schumacher talks about. But I think the corporate world looking and saying, we have an ability to create our own rules and regs, to create our own law, not separate from the federal government but separate from state government, they'd jump on that. I bet you, we would have a chance at actually getting Amazon. Toyota was looking for a site. If they knew they could get a quality work force there, they would do it. But none of this works, folks, without a quality work force. We used to run on capital and the golden rule, you had the gold rules. And you had to have capital to start a business. That's not so true anymore. It's now about what's between your ears. You look at many of the new businesses that we are creating across this state and across this nation and why we're leading the world. It's based on what human development about what's going on between people's ears, not about having the most capital. We have to be concerned about work force as well. This is a great idea to attract businesses, but they're not going to spend penny one unless there's a quality work force. I look up there and I see Lexington kids and I bet you at least half of those kids up there are sons of immigrants and daughters of immigrants. And why did they come here? Because they wanted a better life for their kids. They want their kids to stay here. They want their kids near them. We have to work on a quality work force, so we can keep these kids here. Right? That's what we have to be concerned about is what are we doing to keep those kids here? Their parents made huge sacrifices to come here. Maybe Senator Schumacher's bill is a small step in that direction that attracts large businesses here so that we have jobs in Nebraska. [LR269CA]

PRESIDENT FOLEY: One minute. [LR269CA]

SENATOR HARR: So that our sons and daughters can stay in Nebraska, so that they don't have to constantly move to a larger city outside of Nebraska or from a small town to the DSL, Douglas, Sarpy, Lancaster. This is a way to think about how do we attract new revenue? How do we attract new businesses? How do we create quality work force so that we can keep our kids here and grow our state? What I want is for people to move to Nebraska that have already been educated and not for us to educate these kids, K-12, maybe pay for part of their university and then export them. Our kids are our number one resource in the state. We've got to find a way to

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keep them here and that's why I like what Senator Schumacher is trying to do. Thank you.
[LR269CA]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Hilgers. [LR269CA]

SENATOR HILGERS: Thank you, Mr. President. Good afternoon, colleagues. I rise, I'm not...I think in support of the idea and certainly in support of the discussion. I think this should be and I hope this will be a very interesting conversation and I hope those of us who are in the Chamber hit their lights and have a conversation about this because I think this is about not just this particular bill, but I think it's about the future of our state. And it kind of implicates a couple of ideas that I see at least in my own business...my own business life and how do you run a good organization, how do you run any good enterprise of any kind, whether it's a government, whether it's a business, whether it's family or something else. And one of the things that it implicates in my view is sort of a business plan concept which is, where is it that we want to be? In a business you usually...you might do a year out, three years, five years, but I think that's a question we ought to ask ourselves here for the state of Nebraska. Where do we want to be in ten years? What are the goals that we want to strive towards? What are the things that we want to accomplish? What sort of landscape do we want to have for our kids and grandkids? I think that is an absolutely critical question and one that I think is raised by LR269. The other thing that I think is interesting here is...at least in the concept that I think of the business world is when you read all the business books, or most of them at least, they talk about this idea of you always need to have a visionary. You need to have a visionary and you need to have someone who can execute the vision. And most of the most successful companies in the world have both of those things. You know, it's hard sometimes to have the vision if you can't execute it. But usually if you look at the most successful companies, they have both of those things. And when I think of Senator Schumacher, what I think of is the visionary, the type of person who I think gets us out of our thinking that we might be used to day to day and actually get us thinking big picture. And I think those types of...to challenge our thinking, hopefully will get all of us thinking about what the future of the state is. So with that, I hope we have a really good conversation today and I would like to ask, maybe to start that off, have a couple of questions for Senator Schumacher if I might. [LR269CA]

PRESIDENT FOLEY: Senator Schumacher, would you yield, please? [LR269CA]

SENATOR SCHUMACHER: Yes, I will. [LR269CA]

SENATOR HILGERS: Senator Schumacher, well, thank you for bringing this LR. Can you speak a little bit about...I know you've talked about having this central west Nebraska. Can you

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talk about some of the advantages that you see in that part of the state for why that would be an optimal spot versus somewhere else? [LR269CA]

SENATOR SCHUMACHER: Again, where this might be is up to a future Legislature. The reason I think that is an optimal spot is several fold. Take out a map. Look along major cities. Usually every 250, 300 miles you have a fairly significant city. You don't have that between Omaha and Denver. You have Lake McConaughy. That's one of the larger inland seas in the United States. You have position on the Ogallala Aquifer, fresh water. Sufficient to maintain a rather large population. You have nothing, nothing is important if you're going to dig trenches and lay fiberoptic cables and build subways because you don't have to clean up anything that's already there. That's a tremendous value. Nothing has great value in this context. You have the Union Pacific Railroad right away and railroad. You have the Burlington there shooting right up along I-76 to Denver International Airport. Think how much easier it would be to build a hyperloop between this area and Denver than it is under a city on the East Coast. You might shake the building above it. You have the economic engine of Denver that is when it hits Cheyenne, heading north along the I-24, I think it is, when it hits Cheyenne, it has nowhere to go. We need to attract it to the east past Kimball, past Sidney, to that intersection, then back up to Denver so we can have that hyperloop established there. This particular area, in my opinion, is short of Omaha and Lincoln... [LR269CA]

PRESIDENT FOLEY: One minute. [LR269CA]

SENATOR SCHUMACHER: ...the most valuable piece of real estate in the state. [LR269CA]

SENATOR HILGERS: Thank you, Senator Schumacher. Very briefly, I only have maybe 40 seconds left. Do you think this is something that would be more optimal for, or optimal for basically a blank slate for some city or town that we don't...is not already in existence, or do you think it could work to include one of our current cities? [LR269CA]

SENATOR SCHUMACHER: Current city, you lose the advantages of nothing. You want to go past and include in the triangle several of our current cities. You have Sidney, you have Kimball, you have Potter and Chappell, and close to Ogallala and not so far from North Platte. You need to have that impact zone optimally designed and I think we can include those cities all in it and also kind of an integrated environment with Colorado. [LR269CA]

PRESIDENT FOLEY: Time, Senator. [LR269CA]

SENATOR HILGERS: Thank you. [LR269CA]

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PRESIDENT FOLEY: Thank you, Senators Hilgers and Schumacher. Senator Ebke. [LR269CA]

SENATOR EBKE: Thank you, Mr. President. Sorry I missed the introduction on this. I did get to hear it during the Judiciary Committee hearing. This is a bill and an idea that inspires the imagination, I think. And I really want to commend Senator Schumacher for bringing it to us for our consideration. And I hope everybody is kind of getting in on this. For those of us who think that government is too big or think that our taxes are too high, the idea of starting with a blank slate is very appealing. It is, without a doubt, one of the great frustrations for those of us who consider ourselves to be kind of small government Libertarians, if you will, to find ourselves in the midst of a government that is sort of...is operating in a state of entropy, if you will, I guess. It just keeps going and going without any end. And so it's exciting to think about the possibilities. You know, when I think of this, the first thing that comes to mind is a book I read a number of years ago. The book is called "Atlas Shrugged", and in the book, it's about a 900-page book, I think. In the book you have a sense where everybody is getting tired of big government. They're getting tired of being told what to do by everybody else and so they go to Galt's Gulch. There's this...John Galt creates his place and I think this is Schumacher's gulch or something, I don't know. You know, it's a place where people operate cooperatively, where the market reigns. Where people go because there is a place for them to be and something for them to do. And they work hand in hand and if you don't belong there, you don't belong there. And...but I do think that this is an interesting concept and from an economic development standpoint, it will spill over into other areas and I think Senator Schumacher is right that in order to actually make this happen, it would take many billions of dollars with a b. But the prospect is exciting and I'm happy that we are talking about this today. So I don't know if Senator Schumacher or Senator Hilgers...do you have something else you want to ask Senator Schumacher? Okay. Senator Schumacher, if you have anything else, I would be happy to yield my time. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Schumacher, 2:30. [LR269CA]

SENATOR SCHUMACHER: Thank you, Mr. President, and thank you, Senator Ebke. If we expect to attract imagination and youth, they've got to have something to build that's new and fresh and an articulation of themselves and what they see as their future. Right now, that is not happening in most of the state and we struggle. This appeals to those folks who are large corporations succeeding on a global basis who do not want to have to get a permit for everything they do, who do not want to take...what is the tax rate in Nebraska for corporate income tax? Something like 7.8 percent and give it away. It takes imagination in order to inspire youth. It takes imagination and the freedom to pursue economic ends in order to build a future. This is a simple proposition that ask our voters, not us, but ask our voters whether they are interested in such a proposition... [LR269CA]

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PRESIDENT FOLEY: One minute. [LR269CA]

SENATOR SCHUMACHER: ...whether or not they sense imagination and adventure. Why not? If Dubai can have the world's tallest building, why not the new city? How would you design this thing? How would you put the subways in and the boat trains in? Think of what we can trigger if we just ask the people of this state if they want to be great again. Thank you. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Williams. [LR269CA]

SENATOR WILLIAMS: Thank you, Mr. President and good afternoon, colleagues. Earlier this morning, Senator Chambers mentioned Oscar Wilde who happens to be a little wild and if you've read any of his things and he says, I can resist everything but temptation. And I can't resist the temptation to talk to my dear friend, Paul Schumacher, about "Shumachastan" or whatever we're going to call this place. I don't know about the rest of you when you've been around your district and you've been asked questions about what goes on in the Legislature, but there has been a couple of things that have been hot buttons. One of them is a little bill named LB1022, which has to do with taxing water. Trying to explain that and trying to explain at the same time that Senator Schumacher is my dear friend didn't always go well. I had a garnishment bill earlier this year that I think Senator Schumacher filed an IPP motion on. If he didn't, he should have. One of the things I wanted to quickly talk about is the fact that not this past summer, but the summer before, we had an opportunity and Senator Schumacher and I traveled around the state together, along with members of the Planning Committee and talked about entrepreneurship and how we grow our state. And there was something that jumped out at me and it just flies in the face of "Schumachastan" that the group of people in our state that are currently building this intellectual base threw out a term called Intellectual Density, and it's those areas in the state where they want to be because there are other people like them that are doing the same thing, facing the same challenges that they're facing. And I think we need to recognize that we want to keep rural America and rural Nebraska alive, but doing that in an artificial way won't work because many of these things require the density that these people are talking about. Now, what I will tell you works, it's been proven over and over and we need to continue doing it in my judgment, is in our rural areas, be sure that we maintain our strong education system and maintain our strong medical facility institutions. You can't recruit a Frito-Lay to Gothenburg, Nebraska if the people coming with Frito-Lay don't believe their kids will get high-quality education in your schools and that their family will have access to high-quality medical care. I'm not sure "Schumachastan" can provide those kind of benefits. I just have one question for Senator Schumacher if he would yield. [LR269CA]

PRESIDENT FOLEY: Senator Schumacher, would you yield, please? [LR269CA]

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SENATOR SCHUMACHER: Yes, I will. [LR269CA]

SENATOR WILLIAMS: Would you be offended if I filed an IPP motion on this so we could move on to other legislation? [LR269CA]

SENATOR SCHUMACHER: I think this is an important decision, important discussion for the state and I don't know if an IPP motion is really timed right at this point. [LR269CA]

SENATOR WILLIAMS: Should I have the judge instruct you that was a yes or no question? [LR269CA]

SENATOR SCHUMACHER: Which judge? (Laughter) [LR269CA]

SENATOR WILLIAMS: Thank you, Senator Schumacher, and thank you, Mr. President. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Williams and Senator Schumacher. Senator Hilkemann. [LR269CA]

SENATOR HILKEMANN: Thank you, Mr. Speaker. I've got just a...I wonder if Senator Schumacher would answer a couple of questions for me. [LR269CA]

PRESIDENT FOLEY: Senator Schumacher, would you yield, please? [LR269CA]

SENATOR SCHUMACHER: I'd be glad to. [LR269CA]

SENATOR HILKEMANN: So, I find this very intriguing. So would children be required to go to school in this thirty-six square mile area? [LR269CA]

SENATOR SCHUMACHER: That decision would be up to the governing body of that area. We would have no more or less control over it than we do over Colorado or Wyoming or any other. [LR269CA]

SENATOR HILKEMANN: Okay. Who would provide the police force? [LR269CA]

SENATOR SCHUMACHER: It would be locally provided. [LR269CA]

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SENATOR HILKEMANN: Okay. And I see that you want this in an area that has no more than at the present...is it at the present time that they have no more than 360 people in it? [LR269CA]

SENATOR SCHUMACHER: That's correct. We would hope they have a whole lot more in ninety-nine years. [LR269CA]

SENATOR HILKEMANN: Right. So that's not a limitation. We start off with an area that's very sparsely populated at the beginning. Is that your intent? [LR269CA]

SENATOR SCHUMACHER: Yes, very definitely. [LR269CA]

SENATOR HILKEMANN: Okay. Now, I just...one of the things that...what would prevent, I'm assuming...what I would not like to have happen is that some cult or something of this sort would come in. A David Koresh type of thing. What type of...what kind of...could we avoid that type of a thing happening? [LR269CA]

SENATOR SCHUMACHER: This is a grant that would be made by the Legislature. Highly unlikely, number one, the Legislature at a future date, would grant, use up this terrific asset on a cult. And even more highly unlikely that a cult would have ten to 100 billion dollars it would take to get the Legislature's attention. [LR269CA]

SENATOR HILKEMANN: Okay. Well, thank you very much. I just came from a...over the weekend I was in Chicago for a National Council of State Legislature's meeting for fiscal leaders and we took a tour through the Digital Manufacturing Design and Innovation Institute which is in Chicago. And it does exactly what you're talking about, Senator Schumacher. It makes you think outside the box, what can and what could be. One of the things that the prejudger at this deal said that 60 percent of all the millennials will be working on...will end up spending their life working in jobs that haven't even been defined at this point. And so I think this is an interesting concept. Thank you for your response and if there is any additional time left, I would yield it to Senator Schumacher. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Schumacher, 2:00. [LR269CA]

SENATOR SCHUMACHER: Thank you, Mr. President. Thank you, Senator Hilkemann. This isn't all that far out, folks. Picked up an article from I think it's a publication on the Internet called the "Motley Fool". Bill Gates makes bet on trillion dollar technology and talks about him...a secretive Shell company just plucked down a cool 80 million--that's far less than what this thing would be worth--on 25,000 acres of seemingly worthless land. And talks about this

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effort that apparently is being undertaken in the southwest part of our country. These are the kind of things in the evolution of government that we're going to see. It used to be government was a block of land someplace and the king sent some colonists to it and that evolved into various countries today. Our economy in the world is no longer limited to isolation. It is integral. It's flowing. [LR269CA]

PRESIDENT FOLEY: One minute. [LR269CA]

SENATOR SCHUMACHER: The vast amount of money, the vast amount of resources are under the control of large, multi-national corporations. Who, if we give them the elbow room, if we give them the freedom like we had we settled, or our forefathers had and foremothers had when they settled it, they can deploy those resources and attract the population, having an impact zone just like Omaha's extends out for 100 miles over a large area. It won't make the problems in Gothenburg or Broken Bow or Columbus or Norfolk go away. We're going to be stuck with those problems either way. But it puts something, an engine, a spark of life, a twinkle in the eye and a place where there is none now. Disrupting no one, but adding value out of nothing. [LR269CA]

PRESIDENT FOLEY: Time, Senator. [LR269CA]

SENATOR SCHUMACHER: Thank you. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Friesen. [LR269CA]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. I won't be quite as kind when I first saw this bill, I thought it was the craziest thing I had ever seen. Then I got to reading it and listening to him a little bit and, you know, I'm thinking it should be called "Seussville" and Dr. Seuss, they could all live there happily ever after. But when you look at it seriously, when Nebraska was first kind of settled and the Capitol was placed on one end of the state and Omaha and Lincoln fought over it for a little bit, all of our development from where our university system was created focused everything on the eastern part of the state. And we've always talked about the migration from the west to the east, we're sending our kids out here all the time and our economic development has always been kind of focused that way. And so other states, when you look at them, they've created university campuses, usually their Capitol is located in the middle of the state or what they've done, they created a university system that spread campuses all across the state. And so they had five or six communities that grew rather rapidly because that was their center of attraction and people wanted to send their kids to school and once they go to school, they tend to stay there. And so when you look at what we want to try and do in Nebraska, we want to try and reverse that outmigration from western Nebraska or rural Nebraska and we want to try and grow the western part of the state so we don't focus everything on the east. And

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you always try and look at how you're going to do that. How are you going to create an economic development model that does that? We spend millions of dollars in economic development, Advantage Act and those kinds of things, but we focus then mostly on large business. It's not on small business. And we've done a really good job of growing the Omaha-Lincoln metro area. We've done some work in, I think, Kearney. We can say that has grown rather rapidly maybe compared to what it had been once the university established a campus there. So we've done some little things, but we focused in the eastern portion of the state. And so if we want to reverse that trend, the Nebraska Advantage Act sure hasn't done it to help try to bring businesses to the western part of the state or the rural part of the state. So when you look at this, I mean it's a very unique idea. Who knows what might be attracted or started in that? And when you look at what the possibilities of the risk would be, it's not that great with a ninety-nine year lease, may be a lot of those. And it's amazing we might find out what free enterprise can do when it's unshackled from all the permitting and processes and occupation and franchise fees that we charge in order to try and inhibit business growth. So it might just be something that gets something started. You know, we've...Sidney has been hurt with Cabela's moving out. If we could start some other enterprise there, why not take that chance? So maybe I'm just as crazy as Senator Schumacher. Thank you, Mr. Lieutenant Governor. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Lowe. [LR269CA]

SENATOR LOWE: Thank you, Mr. President. Now we see what we get when we have term limits. We get senators who are not afraid of answering to their constituents and they're able to come up with ideas, good or bad. And I thank you, Senator Schumacher, for coming up with this idea. As Senator Erdman said, that you are thinking outside the box. I'm just not sure what box you're thinking outside of. The great state of "Schumachervania". Senator Schumacher, would you answer a question? [LR269CA]

PRESIDENT FOLEY: Senator Schumacher, would you yield, please? [LR269CA]

SENATOR SCHUMACHER: Sure will. [LR269CA]

SENATOR LOWE: Would the city of Denver be able to invest money in the grand republic of Schumacher and pump water to Denver because it would be under the great state...or the great republic of Schumacher and not under the sovereign state of Nebraska? [LR269CA]

SENATOR SCHUMACHER: First of all, this area, if it happens to be this area, is very close. They don't have to ask this particular area. And I guarantee you it won't be called "shoe" anything. But they won't have to ask them for permission. If it's at this point, they can drop a well there right now. It's...the location, it's up to the Legislature. The Legislature can impose

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rules as part of the grant, if it chooses. If there is a concern that they're going to pump water or somehow cause damage or not return it in as clean a shape as it was in ninety-nine years, that's part of the work of a future Legislature. We're a long way from that point. We are at the point now with this particular proposition of asking the voters if they're interested in having the Legislature have the authority to be imaginative. [LR269CA]

SENATOR LOWE: Thank you. Appreciate your answer. You know, I...the government has set up territories and I was just talking with one of our officers in the back, and he brought up the point that we have done this with tribal lands. And I look at it and they are kind of free to do what they want to do with those lands under certain regulations. But those ideas haven't turned out well in the past. I kind of worry about portioning off of some of Nebraska's land because I believe Senator Erdman may take most of the Panhandle with him. But I appreciate you bringing up this idea and some of your other ideas this year because it opens our minds. Thank you. I appreciate it, Mr. President. [LR269CA]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Hilgers. [LR269CA]

SENATOR HILGERS: Thank you, Mr. President. Good afternoon again, colleagues. I think one of the things that...it might have been Senator Schumacher who said, which I think is part of my view of this and a lot of things that we do is, why not? I mean, I think that's a question we ought to ask ourselves for all sorts of things that we do. Why not? I mean, the answer might...there might be very good reasons why not. And I think at the end of the day, Senator Schumacher, I'm going to vote red, I think, on your LR. But I think there's...we ought to always be asking why not, and I think this is a great example of an area in which we should. And I think there's two big ideas here that at least in my view are in play. One idea is, I think what Senator Friesen touched on, which is sort of the population drift from west to east. And is this a way, this sort of an idea, is this something where we can help rebalance some of the population in the state and make it a little bit more uniform from the west to the east and to provide maybe a larger population center in the western part of the state? I think there's a lot of value in having that kind of conversation. I think another big idea that we ought to be thinking about, which is implicated by this LR, is our cities. There are a whole number of areas in human activity over the last several years that have seen dramatic change. I mean, some are just industries. Think of Uber. Software, certainly in technology. If you look at what SpaceX is doing, it's incredible, but the types of things that they're doing in terms of space flight and with rockets. I mean, there's a whole number of areas where we are rethinking the current paradigm for how we ought to operate. And one of the areas I think that where we are really stuck in sort of a 19th century paradigm is our cities. How are they laid out? You know, in 15 or 20 years, I think given some of the testimony we've seen in the Transportation Committee, I think there is going to be a whole lot of people who have never owned a car, who have only ridden in autonomous vehicles, who have only ridden in an Uber, who might telecommute to wherever it is that they're working, maybe all the way across the

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globe. How are...our cities are not built currently for that type of new environment. We are trying to, I think, build a 2.0 software version on an old hardware with the infrastructure of our cities. And that's the reality. I mean, Lincoln and Omaha are doing amazing things and certainly I think they're doing a lot of really good things and no one would suggest we ought to drastically reconfigure any of our cities. But I do think we ought to think about are there opportunities for us to actually create new geographical areas and see what kind of an investment might pour in to help us actually have a new city model, to really meet some of the technological demands and innovations of today. So, could I ask Senator Schumacher another couple questions if I might. [LR269CA]

PRESIDENT FOLEY: Senator Schumacher, will you yield, please? [LR269CA]

SENATOR SCHUMACHER: Yes. [LR269CA]

SENATOR HILGERS: Senator Schumacher have you...there's some other examples of this, like Hong Kong that people have raised and you and I have spoken off the mike. Can you speak a little bit about the experiences of some of those other places and how they might come to play here? [LR269CA]

SENATOR SCHUMACHER: Well, we know that a little area off the coast of China is one of the most densely populated now and most successful entrepreneurial areas in the world after having ninety-nine years of sovereignty under, I guess the equivalent of the United States would be the British rule there. These things can work. We know Brasilia, completely new city. It had a design problem. They forgot about parking spaces, but other than that, successful. We know that this can work to attract something that would otherwise never be. We owe it to our people to ask them if they think this is a crazy idea rather than end it here. We also need to give it some time to percolate. The feeling this advances to Select File, there will be some national discussion on it because it's that unique. [LR269CA]

PRESIDENT FOLEY: One minute. [LR269CA]

SENATOR SCHUMACHER: And we will get feedback from some of the people who might be interested in this type of endeavor. These are successful ideas in tune with the future rather than fighting the wave of the future. [LR269CA]

SENATOR HILGERS: Thank you, Senator Schumacher. Thank you, Mr. President. [LR269CA]

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PRESIDENT FOLEY: Thank you, Senators Hilgers and Schumacher. Senator Groene.
[LR269CA]

SENATOR GROENE: Thank you, Mr. President. I stand in support of Senator Schumacher's legislation. It works. We have evidence of it. Rural Nebraska is in economic decline. I don't know if everybody understands that. We have population loss decade after decade. We have our incentive programs that favor larger communities and things. Our government institutions are located in the larger communities and rural Nebraska continues to decline. We have Sidney, Nebraska, just sitting there waiting. Some application of what Senator Schumacher says, what would happen in Sidney if we said anybody who has a business there doesn't have to pay state income taxes for ten years? What would happen if we said their schools would be completely funded by the state for ten or 20 years? Would Uber look at the facilities there with the housing already sitting there and consider a headquarters there? Think outside the box. Zero-based thinking, zero-based budgeting. Senator Schumacher started with a zero base on economic development. We had Terrytown and it boomed. Now we have Schumacherland. Why not? In North Platte we have the largest railroad classification yard in the world for freight sitting there waiting to be used. We have Lake McConaughy. We have Sidney sitting there with plenty of nice new homes begging. I don't know if you've read the news. They had a big layoff again. Pretty much made the decision they're pulling out all management out of that beautiful facility there. It's sitting there. Why don't we look at Sidney, North Platte and that area and say, why can't we do an Advantage Act for rural Nebraska? We could do it. It works. This principle works. Senator Friesen mentioned the University of Nebraska in Lincoln, thirty-six square miles, probably more than that. No property taxes collected. No income taxes collected off the economic activity of it. Look what it's done for Lincoln, Nebraska. UNO, Omaha. There's another example. Don't laugh at Senator Schumacher. We do it all the time. How big is UNO? How big is Creighton University in Omaha? No property taxes collected. No income taxes collected. No sales taxes collected on their activities. Look what it did for Omaha. We do this all the time. University at Kearney, at Kearney. Look what it's done for Kearney, thirty-six square miles or more. I'm not criticizing it. It works. What Senator Schumacher says works. So why can't we do it in western Nebraska, in rural Nebraska? Maybe we ought to look at Sidney real quick in the next year or so and do something there. Tie it in with that Interstate system, with that rail yard. Two major rail companies running through that area carrying freight. Why not? When we look at the Advantage Act, maybe we ought to look at that when it sunsets. Look at rural Nebraska. Beautiful sunsets, arisings, Sandhills, gorgeous scenery. Wide open spaces. Lots of outdoor activities. But our tax policy has never favored rural Nebraska. You can look at the property tax situation on rural Nebraska and you can see that. It has always favored metropolitan areas. [LR269CA]

PRESIDENT FOLEY: One minute. [LR269CA]

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SENATOR GROENE: I'm against that. It sure helped those areas, didn't it? So maybe Senator Schumacher's idea in a form of it should proceed forward. I like the idea. Did it in 1860s when we created the University of Nebraska and look what it did for Lincoln, 150 years later. He's only talking ninety-nine years we do this. Senator Schumacher, I applaud you for your thinking, for your far-reaching idealism and actually thinking about rural Nebraska. Thank you.
[LR269CA]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Chambers. [LR269CA]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I've heard this piece of land that Senator Schumacher's bill describes called various things using his name and I think they were being facetious. But they would probably have a different attitude about the whole thing if this were Warren Buffet making the proposal and it would be called "Warrenbuffetshire". Then they would take it seriously. You never know what an idea that starts out small will result in, but it's necessary that the idea be presented. That big creature standing on top of the Capitol building is called the sower. He, from what I heard, is reaching into a basket of seed and scattering them. Seeds are very small. An acorn is small, but it grows into a huge oak tree. I don't know what the first Redwood tree sprouted from, but it did not sprout or come into being fully grown. These ideas should be considered and if people would just, as Terry Carpenter used to say and some people say it not as dramatically as he, read the bill. The Legislature must take action. If an issue relative to water below that land were to surface, then I don't mean by way of a well or, you know, a sprout or something like that, but the issue would surface, the Legislature could enact laws to cover all of those situations. Somebody said Buddha once made the remark that if you are trying to mine water, you don't dig 12 wells one-foot deep each, you dig one well 12-feet deep. So sometimes you have to dig below the surface to reach a certain depth where you can see and consider seriously what's being presented. But the main thing I would point out is that the Legislature must act. This is not a self-executing provision. There are malls. There are other developments, whether they have apartment houses, huge structures as I saw in New York when I went there not long ago, and they take up not this much land. But there are similar things that exist right now which by way of analogy might be compared to what Senator Schumacher is proposing. But while I was listening to my colleagues, the spirit of the Lord, or an evil spirit from the Lord descended upon me and this is what it told me to write. It was like that moving finger of Omar Khayyam, I just put the pen on the paper and I didn't even look and here's what it wrote when I got through. Oral Roberts left the preacherhood and opened up a shop where he repaired old boots and shoes and fixed them from the bottom to the top. When a pair of runover shoes was brought in, twas to Oral no big deal. On those runover shoes he placed his hands and with closed eyes cried, heal! And bless Peter, those runover shoes had brand new heels and walked upright in the newness of shoe life. This was not inspired in the way that I said as far as I know. But when I listen to... [LR269CA]

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PRESIDENT FOLEY: One minute. [LR269CA]

SENATOR CHAMBERS: ..."Professor" Schumacher, a lot of thoughts do go through my mind, some frivolous and trifling like what I jotted down here, but I was just passing the time. But if you could visualize, which all of us can do if we let our imagination run, a piece of ground this size, the different types of development that could be there, how...it could be a medical complex, for all we know. Then Warren Buffet and Amazon and all those big shots wouldn't have to talk about maybe going to Germany or someplace else or building little things around their particular factories. Get John Hopkins, the Mayo Clinic, the Harvard business and medical school and all these other entities to build a medical complex that has research facilities, will pay the doctors and the scientists to do the... [LR269CA]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Time, Senator. [LR269CA]

SENATOR CHAMBERS: Did you say time? [LR269CA]

SPEAKER SCHEER: Yes, Senator. [LR269CA]

SENATOR CHAMBERS: Thank you, Mr. President. [LR269CA]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Brasch, you're recognized. [LR269CA]

SENATOR BRASCH: Thank you, Mr. Speaker, and thank you, colleagues. And I do stand in opposition to LR269CA. After all the accolades and great thoughts of thinking outside the box, I do find great difficulty in imagining the thirty-six square miles and I usually...I have a better relationship to on how long it would take me to drive 36 miles. So let's say roughly a person would go at least 30 to 40 minutes or so in each direction and that would define your square. Can I...would you yield to a question, Senator Schumacher? [LR269CA]

SENATOR SCHUMACHER: Be glad to. [LR269CA]

SENATOR BRASCH: Senator Schumacher, how long would it take a person to drive from corner to corner...what is thirty-six square miles relativity compared to time? [LR269CA]

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SENATOR SCHUMACHER: Thirty-six square miles is six miles by six miles. It is our traditional township. We used to have one wooden, one room school per township. So if you were doing a horse, how long it would take, enough to get kids to school. [LR269CA]

SENATOR BRASCH: I see. [LR269CA]

SENATOR SCHUMACHER: It's pretty small. It's real small. [LR269CA]

SENATOR BRASCH: That's very small. That would take me driving from the farm to West Point, about ten minutes in each direction, so. And no rules basically. Is that what you're saying? [LR269CA]

SENATOR SCHUMACHER: The Legislature retains the right at the time of granting of the sovereignty to impose restrictions should it consider that right. I would look at that as a matter of negotiation for the amount of the investment. Very, very, very high investment, I would look to Legislature probably to put less rules on that. Very low investment, probably a few more restrictions. It's the freedom that has the great value. So there would be rules there because if I'm putting \$50 billion into an area, I don't want it to be burned down by vandals. [LR269CA]

SENATOR BRASCH: That's correct. And when we talk about the Legislature making these decisions, are decisions in the Legislature made expediently or do you think there would be consensus on this, or would it be a special committee or a task force, or, you know, who are these...all 49 of the body of the Legislature? [LR269CA]

SENATOR SCHUMACHER: The Legislature acts by its normal rules and normal votes. One thing is for certain, neither you or I will be part of that Legislature and so this has to be designed with the simplicity so a future Legislature can act. I would think that what you would see is a very dynamic set of negotiations between the party or parties that will be willing to make the investment and legislative personnel. In the end it would be the decision of a Legislature, but that decision will be a product of, I think, very, very interesting negotiations. [LR269CA]

SENATOR BRASCH: And who would do the vetting on these negotiations? Would it, again, I...a select group of individuals? Do you recall when we did redistricting in the Legislature on how dynamic that became and controversial to decide where to even put district lines and we're going to determine where to put this and rules that do or do not apply within this special area. [LR269CA]

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SENATOR SCHUMACHER: I think very simply if this were to pass and you would see...
[LR269CA]

SPEAKER SCHEER: One minute. [LR269CA]

SENATOR SCHUMACHER: ...a time when it was ready in order to deploy this a large investment group or some other mechanism coming forward, the Legislature would be called upon at that time to develop the procedure for the negotiation. I'm not smart enough, you're not smart enough, no one in here in a void can write those rules today. And that's why our courts have said, you can't put multiple subjects in a constitutional amendment, it's got to be really simple and this is. [LR269CA]

SENATOR BRASCH: Very good. I have no other question. I look forward to someone entering an IPP motion to this bill. Thank you, Mr. Speaker, and thank you warmly, Senator Schumacher. [LR269CA]

SPEAKER SCHEER: Thank you, Senator Brasch and Senator Schumacher. Senator Baker, you are recognized. [LR269CA]

SENATOR BAKER: Thank you, Mr. President. I just feel compelled to get up and say a few things here today. When this first came up in Exec Session, I voted against it. I think that was on a Friday. When I went home it started bugging me and it started bothering me all weekend and I was prepared to go to Senator Schumacher Monday morning. Well, about that time, it was Sunday afternoon, the phone rang. Senator Schumacher calling me. And I guess I came to the conclusion, you know when I first voted against this, I said, well, this is not going to happen. It's not doable. It's not practical. But as I thought more about it, I decided I did not want to be the one to chloroform an original idea. There's not enough original thinking here. There's some among us here who haven't had an original idea in our entire term. And this certainly is one. So as I look at...I think about the major advancements that have been made throughout the history of mankind. And those things have not all been linear. What happens when something entirely new pops up, unexpected, nothing led up to it, it pops up and then it becomes something. That's been the history of technology development to a certain extent. It hasn't been linear. You know, some parts have been, little improvements to your gadget and that type of thing, but major breakouts will not land here. They just popped up somewhere and took off. So, hey, by the way, Senator Schumacher, one question if I may. Senator Schumacher yield to a question. [LR269CA]

SENATOR SCHUMACHER: Yes. [LR269CA]

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SENATOR BAKER: Senator, set the record straight. "Schumaker" or "Schumacher".
[LR269CA]

SENATOR SCHUMACHER: I usually use "Schumaker" but I respond to almost anything.
[LR269CA]

SENATOR BAKER: I know we have other permutations here, too, "Hinkleman" or "Henkleman" or "McCallaster", "McCollister", so I just wanted to set the record straight on that. So, if nothing else happens, you know there's something to be said about LEAD time to something big happening or something expensive happening. And I agree with Senator Schumacher, it will probably take a gazillionaire to be able to make this thing work. You know, somebody with lots and lots of money. But, you know, I think the main value if nothing else happened, if this thing doesn't get voted to advance any further, this is on the record. LEAD time has been provided so that when it comes up again in five years, ten years, say, you know, this has come up before. You know, maybe it's time to really look at this and see if something might happen. I agree with Senator Schumacher too. Who know who he's going to hear from as a result of the publicity. You know people are going to look at it first reading and say, this is bizarre and then they're probably going to do a double take like I did and say, well, wait a minute let's not chloroform this thing, let's follow the conversation that goes on after it. So thank you, Mr. President. [LR269CA]

SPEAKER SCHEER: Thank you, Senator Baker. Senator Wayne, you are recognized.
[LR269CA]

SENATOR WAYNE: Thank you, Mr. Speaker. I am not quite all the way there on this bill. I'm listening to a great debate, but I do want to mention that if we can't go all the way on this bill, every once in a while I learn something from Senator Groene. I learned what a "sherff" was yesterday. I said "sherff". I think it's sheriff, but I learned that. And me and him had a great talk about that. But today he said something else kind of profound around Sidney and North Platte and railroads, and why this concept could work, Senator Schumacher. Well, I introduced a port authority bill that doesn't quite go as far as this bill that was heard in Urban Affairs and it would only apply to Omaha, but a port authority can also give us the similar tax free taxing, show a different kind of taxing authority that maybe as this discussion keeps moving on, I'll keep plucking ideas, and maybe we will have to move this port authority not just from Omaha, but maybe any city could apply for some type of port authority designation. I think it's a very interesting concept around how to create this business model. So, I'm not there yet, but I want to keep hearing the debate and keep listening and taking ideas and incorporate into my bill next year regarding the port authority, and with that I will yield the rest of my time to Senator Schumacher. [LR269CA]

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SPEAKER SCHEER: Senator Schumacher, 3:30. [LR269CA]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, and thank you, Senator Wayne. Ideas are like smoke out of a cigar. Once you let the smoke out of a cigar, you can't get it back in. The smoke is out of the cigar. Wouldn't it indeed be interesting if we said no, and some other state said yes. This is the avant-garde of a new economic model. It is what is needed in this state in order to take us out of a course of an almost certain future that probably isn't very optimal and is highly and--how should I say--highly predictable and unexciting. Certainly in the many, many parts of this state, which now are into nearly a century of adaptation to a different world. We have a chance to change the course of history, to take advantage of something that is going to happen somewhere and be first. Senator Williams said, well, why not just get rid of this right now, because maybe it's just not right for it yet. I don't think we know whether it's right for it yet. We have three stages of debate for a reason. We probably will get a bit of national attention for the western part of our state out of this. We probably will get a discussion within our state. It may be up. It may be down. It may be sideways. But if we advance this particular measure from here to the second stage to Final Reading, each... [LR269CA]

SPEAKER SCHEER: One minute. [LR269CA]

SENATOR SCHUMACHER: ...particular stage we will have an opportunity to learn something and to highlight the potential of this particular area of Nebraska. Do we want our future all in a nest in a high tree in the heavy northwest winds in the eastern part of the state? Do we want to do something disruptive of what otherwise is an almost certain fate, and more importantly, don't we owe it to the people to give them the chance to tune in and speak on this? That's a bit of our responsibility, and I'm so appreciative of the discussion that we've had so far today. I haven't pushed my button for even once yet. This is the kind of thing... [LR269CA]

SPEAKER SCHEER: Time, Senator. [LR269CA]

SENATOR SCHUMACHER: Thank you. [LR269CA]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Chambers, you're recognized. [LR269CA]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I was serious about a kind of medical complex. I was just looking at some of the things where research could be undertaken, Crohn's disease, ALS, autism, gerontology, cancer research, vision, hearing, speech, artificial lens, transplants, interconnected, overlapping, research. There could be a cross

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fertilization. A panel of representatives from these various areas, and if you look at brain surgery, where they don't use scalpels, they have little vacuums. The brain is something like a gelatinous substance and when there are cancers, some are on the surface, some are deep, and it's difficult to find a way to get at it. But some of the neurosurgeons are working on that and coming up with things, and if you had people, say like an electrical engineer, somebody who is an Oculus and people who could put together devices that would improve your ability to see, you might not even have to use x-rays with the attendant possibility of harm if all of these different scientific and medical pursuits could be located in one place. I think there would be discoveries that will not happen with the types of investigations that occur in one area, another area, and a third and fourth and fifth, because they don't see any interconnection or relationship because they are all focused on one thing. There would be a panel of representative scientists, doctors and what not, who would look at the developments in these various areas and see where what had been learned and one can be applied to another, because it would be a throwaway, where the basic research is being done, but that which is thrown away over there might be a missing link someplace else. I don't see this as a pipe dream. I don't see it like Sancho Panza in Don Quixote jousting with windmills. Read a book called "Looking Backward". Bellamy is the last name of the person. His first name might be Edward. And he visualized things that would happen in the future where you didn't use money anymore. You had cards, products that you bought at the store were sent to you. You didn't have to go to the store. Read it, and you will think this man was a prophet, but I think he showed what can happen when you use your mind, and you don't restrict yourself to one narrow area. You extrapolate from what you know to reach what you don't know. You visualize, you imagine. You put things together. Almost every invention started probably as what people thought was a pipe dream. On the sand dunes of Kitty Hawk, 12 people came to gaze and talk. But do you know what happened at Kitty Hawk? The first heavier than air machine flew. Nobody thought that was possible. When I pick Cindy up, her house is not a great way from Offutt Air Force Base. They don't call it that. I see those huge airplanes, huge, up in the air moving, commanded by a human being. How can all of that weight stay in the air? How much fuel, how heavy is the fuel that that plane must carry in order to do what it does. If there were people dealing with the possibility of flight... [LR269CA]

SPEAKER SCHEER: One minute. [LR269CA]

SENATOR CHAMBERS: ...who lived and worked in a milieu like we find in the Legislature such as this, the only thing you'd fly is a kite. Well, probably not even a kite because you couldn't visualize that. The dreamers, and that applies to these young people, too, but those...I think Bernard Shaw was the first one who said, some people see things and say, why? I dream things that never were and ask why not? It wasn't Kennedy that first said it. GBS did. Thank you, Mr. President. [LR269CA]

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SPEAKER SCHEER: Thank you, Senator Chambers. Senator Blood, you're welcome to speak.
[LR269CA]

SENATOR BLOOD: Thank you, Mr. President. Fellow senators, friends all, I'm guessing it's getting close to a time that we need to vote, and I had not planned on speaking today on this. To be really frank, I stand against this. When I first read this, the first thing that came to mind was Rudyard Kipling when he wrote the tale of the man who would be king. That's what it was. And all I could think of was maybe you were looking for a new job after you're done here in the Legislature. And we start talking about photo shopping your head while riding a horse and putting out some propaganda in support of this bill, because quite frankly, several people thought it was in jest. But then I hear people talking about this and getting excited about it and I have grave concerns, especially when I hear you refer to the success of Brasilia? First of all, can't hold a candle to Sao Paulo, but second of all, that city was designed for half a million people, and now there's over 2.5 million people. Right? The city was, I think, a perfect example of Utopian overplanning, Then I start thinking about that. It's like, where have I heard that word. You start talking about Utopian governments and pie in the sky governments, what things could and couldn't be, and all I could think of was how the Communists pushed Utopia. And frankly, I think Dubai and China should take note about not the success of Brasilia, but the failure of Brasilia because Brasilia...and by the way the architect was a huge fan of Communism, Brasilia was built for the rich and the poor, and the only people who live there are the rich and the rich. And so the concern that I have is that we promote Utopia, and that is what is being done here and I have yet to see a Utopian government or Utopian idea truly be successful, because usually the people that benefit from it are the rich and the rich. Thank you. [LR269CA]

SPEAKER SCHEER: Thank you, Senator Blood. Senator Chambers, you are recognized.
[LR269CA]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I cannot find fault with anything anybody said on the floor today. Those who made comments with which I agree, those who made comments with which I disagree, the frivolity, the seriousness, that's what happens when you are in the process of trying to take a whole lot of nothing and make it into something. Some people can see farther down the line than others. Those who have traveled long highways, such as you find in Nebraska, know that if you look far in the distance on a straight road, you begin to anticipate whether or not, if you don't have a lot of gas, my car is going to be able to climb that hill when I get to it. And you drive and drive, you get where you are going, then you say where was the hill? There was no hill. There was an optical illusion. Your eyes and distance played tricks on you. You thought something was there that was not. It's like a child who when you turn the lights off, the monsters materialize which were never seen, but you know they are there. That's what darkness brings. Children are afraid of the dark because of what they think is there and they don't know or understand it. But children who never have fear put into

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them don't fear darkness. It's when we cause people to doubt everything, to doubt what their own mind tells them, make them build artificial boundaries, we can see it happen in any society. Young people are full of enthusiasm. They're full of ideas. They want to do. They want to be, and they are full of activity. As they start going through school, they're laughed at, they're made fun of, even by teachers. You got to settle down so that you can be another brick in the wall. You need to be a part of the work force. You need to be a cog in a machine, but no thinking. And what they have done to them, their idealism is paired away, slice by slice. Their idealism is squeezed out, drop by drop. And that's why old people look so hateful and drawn, because when you take the life out of something, compare a plum to a prune. Compare a grape to a raisin, and you see what happens when you take that vital substance out of it, you leave a shell. There are those who'll come after us who have imagination, who will not be afraid to go forward. Some guy named Zuckerberg came up with an idea and he's a billionaire. Somebody has to be able to conceive of an idea, then either that person or working with others who can make it a reality come together. And now you have Internet, you have iPads, you have tablets, BlackBerrys. I've heard these things. I don't even know what they are. So I use the generic term gadget. I don't use them, they're beyond my ability. I'm a dinosaur, but I do well what dinosaurs do... [LR269CA]

SPEAKER SCHEER: One minute. [LR269CA]

SENATOR CHAMBERS: ...and I respect those who are not dinosaurs, and I benefit and profit from what they at their advanced stage are able to provide me, then I take it and shape it the best that I can. I have to draw a picture a line at a time. Some people can get on the gadget and manipulate whatever it is they manipulate and produce fantastic drawings or whatever they call those productions. I will never be able to do that, but I can see the shadings, the shapes, the forms, the overlappings, and then if I study it, I can do it with a pencil. And I found out that people are more amazed at what I do with a pencil than what they've seen some people do on the gadget. So we all contribute what we have and hope that the common good is served. It can be called Communism, it can be called socialism, but it should be called humanism where everything born of a woman learns how to work together for the better advancement of everybody. Thank you, Mr. President. [LR269CA]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no others in the queue, you are welcome to close, Senator Schumacher. [LR269CA]

SENATOR SCHUMACHER: Thank you, Mr. Speaker and members of the body. Thank you for the discussion. Thank you for doing the fundamental thing that governance is all about. Seeking out the collective will in order to define a future. We had a good discussion. We began not to think about the echos of the past or all the clattering problems of the present, but what does the future look like? Can we make a difference? Are there other grand ideas out there? And if we

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accomplish nothing more, we put a small footnote into history. It may be part of a larger book. As these ideas percolate throughout our society, it may occur in another state, but we will have been the first to articulate it on the floor of the legislative body. The very first of a new generation of opportunity. I'd ask you right now, because we do have three levels of debate, to let this little sprouting thing coming out of the ground grow a bit more so we can define whether it's a weed or an oak. We can get rid of it on second reading, we can get rid of it on Final Reading, but we need to give our people a chance to echo back at us rather than just euthanize it right now. We need the world to give a second look, and maybe if there is some interest out there among those large institutions which I spoke, see something appear. There's no need to rush to euthanize an idea. It may have great potential at a future time and which can stimulate our people to think about what it's going to be like in ninety-nine years if we stay on our present course. And whether or not there's a change in an opportunity that we can cause by enabling them to make an affirmative or negative statement on this. This is about the essence of government. And I am happy to have brought this to your attention, and I thoroughly appreciated those of you who spoke and shared pro and con on it. We can be great. We can do what the pioneers and those people up there around the...on the murals did, something impossible, building a railroad, following the Mormon Trail, all those things. We have no future unless we have the power to imagine, and the desire to be great. Thank you very much. [LR269CA]

SPEAKER SCHEER: Thank you, Senator Schumacher. The question before us is the advancement of LR269CA to E&R Initial. All those in favor please vote aye; all those...yes, Senator? There's been a request for a call to the house. The question before us is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Please record. [LR269CA]

CLERK: 23 ayes, 4 nays to place the house under call. [LR269CA]

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. Senator Walz, would you check in, please? Senator Lindstrom, would you check in, please. Senator Watermeier, Hilgers, Morfeld, Hansen, Hilkemann, please return to the floor. The house is under call. Senator Hansen, please return to the floor. The house is under call. There's been a request for a roll call vote. Mr. Clerk. [LR269CA]

CLERK: (Roll call vote taken, Legislative Journal page 859.) 19 ayes, 19 nays, on the advance for this, Mr. President. [LR269CA]

SPEAKER SCHEER: LR269CA fails. Next item. Raise the call. [LR269CA]

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CLERK: Mr. President, LB98, a bill by Senator Friesen. (Read title.) Introduced in January of last year, reported to General File by the Revenue Committee. The bill was discussed last year, Mr. President. When the issue was left, I had pending an amendment to the bill from Senator Erdman, specifically, AM819. (Legislative Journal page 850, First Session, 2017.) [LB98]

SPEAKER SCHEER: Senator Friesen, would you like to give us a refresher on LB98? [LB98]

SENATOR FRIESEN: Thank you, Mr. President. If many of you recall, last year we debated LB98 and this year, considering the importance of it, this is the year that it does sunset and it will go away, the 3 cent levy which NRDs have an access to if they are fully or overappropriated. And I know there's been a lot of work been done, there's a lot of pressure been applied, probably by both sides. I've tried not to do that. But I want everybody to think about it in a little bit different way today. I know there's a lot of promises have been made and we have looked at this issue over and over and we've talked it to death, so the Speaker and the opponents have agreed that we are going to go about an hour and a half and we were going to have a cloture vote. We don't need to waste a lot of time. We don't need to beat a dead equine to death. So I just want to talk a little bit about the reason for LB962 and how important this is not just to the NRDs but to the state of Nebraska and to the water system that we have here. It is one of the most important resources that we have and we have a system that manages it that's the best in the country. This is a tool that they use to manage their water resources. We talk a lot about how important this resource is. It serves our number-one industry in the state. The state requires these NRDs to meet certain parameters as far as flows in the river and those types of things. By removing this levy, that does not remove the requirement that the DNR puts on that NRD. There's 23 NRD districts. There's ten of them that have access to the 3 cents. Currently the average amount levied is 0.8779 cents out of that 3 cents. You can't say that they're abusing their levy authority. They're not at their maximum. They're required to track these expenses separately because they're a separate budget item and they're not subject to the same spending lids and those types of things. They're outside of that. So initially NRDs were given a 4.5 cent levy lid to operate under. Later on they were given 1 cent to deal with water quality issues. They range from nitrates to anything else in their water, and so they have access to 4.5 cents plus the 1 cent. And then when LB962 was passed, they were given access to 3 cents in order to comply with the integrated water management plans that were required by the DNR that have to be approved by the state and they have to meet the water requirements set by that. So we have been...you know, when we...I was a part of LB962. I was initially appointed by Governor Johanns and then I was reappointed by Senator...Governor Heineman. And we worked on this for 18 months and the biggest concern we kept coming up with is water transfers out of basins and how do we fund it. Every time we ask the state for more money to put state dollars into funding our water resources, we were rejected. So in the end we asked for a 3 cent levy in order to manage those water resources in those fully or overappropriated basins. This is that 3 cents. It's only available to those limited number of NRDs wherein they are a fully or overappropriated basin and where the DNR has required them

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to roll back water uses. Senator Stinner will touch upon his district and how much impact it has had there. But this, again, is a state requirement that we're trying to meet the...just because you take away the 3 cent levy does not take away the requirement that they have to meet with the DNR. They are given this extra authority because it's a duty that they are required to do over and above what they are initially required to do under their 4.5 cent levy, just as the 1 cent levy was another duty that they were given for water quality. It's there for a reason. The NRDs, maybe they haven't all used it wisely at times. We have every government agency out here where I can find some waste and abuse. If you want to talk about that, we can. But again, this is a very local issue where it's managed by local board and it manages the resources that are available to me. I have complained a lot about property taxes but I've never complained about my NRD tax. I've not complained about my county tax. I want to change school funding. This is not an argument about property taxes and I want to say that this is also not an argument about a tax increase. We have talked numerous times in this body about putting sunsets on bills and if we're going to look at every time we put a sunset in place that that's going to be a tax increase or whatever, then I'm going to be opposed to putting sunsets on. I think it's a smart move to put the sunset on. Let's put a requirement on that at the end of a sunset we have requirements that... [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR FRIESEN: ...here's what we did, here's what we need to do if you want to extend it, here's what we expect to do in the future. That's not unreasonable. So I'm looking at this bill and we're talking about the most important resource in this state and giving the NRDs the tools to manage that resource. Thank you, Mr. President. [LB98]

SPEAKER SCHEER: Thank you, Senator Friesen. (Visitors introduced.) Mr. Clerk. [LB98]

ASSISTANT CLERK: Mr. President, the first amendment, offered by Senator Erdman, AM819. [LB98]

SPEAKER SCHEER: Senator Erdman, you're welcome to open on your amendment. [LB98]

SENATOR ERDMAN: Thank you, Mr. Speaker. Good afternoon. Senator Schumacher got a lot more votes than I thought he would get--interesting conversation. So now we're going to talk about the 3 cent NRD bill. Senator Friesen made a comment that this is not property tax, this discussion is not about property tax. That's exactly what this is. Let's be very clear about this. We put a sunset, or they did, they put a sunset on LB...on this 3 cent mill levy provision, supposed to sunset in '18. I haven't been here long, but I probably should ask Senator Chambers how many times a sunset actually was a sunset. Ten years ago, when they put this in place, every one of these NRDs knew that it was going to sunset in '18, every one. It wasn't news. It didn't happen

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like last year they said, oh, by the way, it's going to sunset. They knew that. When they started collecting property tax back in '08 when they put this 3 cent extra mill levy in place, their valuation was one half--one half--what it is today. So on the same 5.5 cents that they're able to collect now, as opposed to ten years ago, is double. They have twice as much revenue as they had ten years ago. The Water Sustainability Fund was not in place then. There is a Water Sustainability Fund today and I know we've taken some money out of that. These NRDs are using part of that 3 cents and they're not using their full allotment in the 4.5 cent and the 1 cent. One of the NRDs, the Upper Republican NRD, is at 3.833 cents. They're nearly using the whole 3 cents...they're using the whole 3 cents of their extra 3 cent levy. What they're also doing is they're collecting a \$10-an-acre occupation tax. That's exorbitant. I have a lot of friends back home--or maybe I had friends back home--who are on the NRD board. We'll see. But some of them voted for me and I told them it would be my goal to cut spending and lower taxes. That hasn't changed. That hasn't changed. What I forgot to ask is, is it okay if I cut your tax dollars? I forgot to ask that question. So we're going to make some people pleased if we let this sunset and others are not going to be happy. That's the way it goes. But 5.5 cents, so the little widow, the rancher, the people who don't irrigate, don't use any water, they're contributing 5.5 cents. They get an indirect benefit from water. I'm not saying they don't. They're already making a contribution of 5.5 cents. We need to call this what it is. If this sunsets, the maximum amount of taxes these NRDs can collect is 5.5 cents. If this continues, they can go to 8.5 cents. If you don't think that's a property tax increase, then I don't know how you understand property tax. The 3 cent mill levy increase is a property tax increase, call it what you will. I have a lot of information that I've gathered since the last time we spoke on this bill. One of the things that I have discovered is the IMP that was put in place during a drought when they put this LB962 in place, they said it was expected to take 30 years for that to recover, 30 years. In retrospect, the Upper Platte Valley Basin, the resiliency was widely, widely underestimated. With normal rainfall came rapid recovery with all the...most of the system needs being met. Now ten years later we have spent \$107 million. The North and South Platte NRDs have reduced their needs back to the post-1997 river flow. They have met all the requirements they were supposed to meet by 2019. I have asked and I have tried to find out what is the next increment that they have to meet. That hasn't been determined. It's under negotiation. So I hear from people back home and they say we may need this, okay, we may need this. All right, I understand that. So what is it that you're going to do? We don't know yet. We're still negotiating it. And as I said the last time we talked about this bill, show me a project, bring me a project, show me one that if we don't extend this 3 cents, that it's going to fail. And these requirements that they're going to have to meet aren't something that happens like tomorrow and they'll have time to plan. So my NRD has got...has 25 employees. All right? Numerous NRDs have similar type employees. The Performance Audit people wanted to do an audit of the NRDs. They're not allowed to do that because we have no authority over them. This is enough. Three cents has got to sunset. That's exactly what they intended when they put this bill in place. We accomplished our goal. We accomplished what was needed to be done by 2019. Let's move on. Thank you. [LB98]

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SPEAKER SCHEER: Thank you, Senator Erdman. Senator Stinner, you're recognized. [LB98]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I first want to thank Senator Friesen for his introduction and kind of a little bit of a history lesson about this integrated management, water management laws. I prioritized LB98 because I believe that water is the most precious natural resource we have. This should be a no-brainer for this body. The next increment is next year; sunset is now. The next increment definitely will be double--8,000 acre-feet, it'll be 15,000-20,000 acre-feet. Why do we have increments, you may ask: because in the infinite wisdom of the Legislature, they sat down and said, we cannot restore overappropriate, fully appropriate it to a balance all at one time. We have to do this gradually because we do not want to impact, severely impact the economies, the economic...economies, microeconomies, macroeconomies of these NRD districts. And you better understand because we just came through a series of downturns as it relates to commodity prices. If you don't give the NRDs this 3 cents, they're not going to have the tools so they're going to be back to reducing allocations. Reducing allocations means, in other words, 36 inches per three years will be reduced to 30. That will reduce yields. And when I talk to farmers, yes, they want property tax relief and they talk a lot about that, but don't take our water away from us. The impact if you start to allocate and reduce and reduce, it changes the cropping mix and we produce sugar beets out west, we produce dry edible beans. It impacts the economy and we've already seen it. We've seen it in our tax revenues of what happens and the importance of agriculture and making sure that that's...that is viable. But let me give you a little current status and currently I will read. This is the tax, 3 cent tax levy. My North Platte NRD uses 3.22 of the 4.5 and that's the operating side of things. That's what they do on the operating side. There's soil and water conservation. There's a whole list of duties that the NRD does with that. They also are using the 1 cent management activities and 1.58 cents. So if we cut that off, these guys have to figure out how in the world we're going to cut back our levy and our money. Plus, our NRD out west, half the revenue comes from grants. Are these grants available all the time? Well, we already know California is sitting out there along with five other states in a drought. Are these federal grants going to be available? Don't know the answer to that but we're highly dependent on it. It's a bad business plan to rely on grants. That impacts our decision about where we are able to get the resources to make this work. But our current situation sits at that with the North Platte. South Platte is not using that and all it does is prove that local control is prudent about how they use this levy. They're not going to go out willy-nilly and spend money on water projects. But you don't want to just limit their ability to do water projects that will cost money as opposed to cutting back the allocation or the amount of water that our farmers can have. That's the two issues. And if you don't believe me, I've actually got a letter from the surface irrigators and the surface irrigators are a nonprofit organization and they wrote me a letter and I think it's also addressed to Senator Erdman. But they talk about the fact that, you know, they want to have property tax... [LB98]

SPEAKER SCHEER: One minute. [LB98]

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SENATOR STINNER: ...but they support LB98 and they support it because of the passage of LB962. They still have to comply and the only way that they can comply if you take the 3 cents away is to reduce the allocation, reduces the yield. Is that what you want to have, another economic disaster within the state of Nebraska? I don't think we do. I think this bill isn't about me, John Stinner. It isn't about Mike Groene. It's about water. And we better understand how that interplays and these ten NRDs are interlinked across the state so it will have an impact about what we do out west trying to balance and sustain that water flow so that the east part will have their adequate supply of water. The other part of this is, is that there was a reassessment, a current reassessment, and it happened it be in Senator Groene's district. And that reassessment on the Twin Platte NRD went from 7,000 feet to 21,000 feet, so they're going to have to figure out how... [LB98]

SPEAKER SCHEER: Time, Senator. [LB98]

SENATOR STINNER: Thank you. [LB98]

SPEAKER SCHEER: Thank you, Senator Stinner. Mr. Clerk. [LB98]

ASSISTANT CLERK: Mr. President, I have a priority motion. Senator Erdman would move to bracket the bill. [LB98]

SPEAKER SCHEER: Senator Erdman, you're welcome to open on your bracket. [LB98]

SENATOR ERDMAN: Thank you, Mr. Speaker. Senator Stinner, I understand. I got the same notification that you got from the surface irrigators. And I responded back to them and they sent me another text, an e-mail, and they said this: The North Platte NRD will most likely, most likely be required to maintain what they have accomplished plus provide some additional reduction in streamflow depletion, most likely. I've been trying to do some research on this, Senator Stinner, to find out what exactly the next increment is. Your NRD, my NRD built a greenhouse and they got the funds donated, which is fine. But they're still using NRD employees to manage the greenhouse or do whatever they do. I can't figure out where that's in the mission statement, building a greenhouse. One of the other NRDs is recycling cardboard. I'm not sure where that is. But I have information here on every one of the NRDs, what their mill levy is and what they spend. And I thought it would be interesting to go through some of the information about where they're at on the 3 cents and how does it work. And so when we're talking about the North Platte NRD, I'm not sure we know exactly what the next increment is. If we do, no one is able to tell me that or I haven't gotten to the right person. So as we go through those NRDs and we see what they have done and what they use their 3 cents for and we move down through there, if we go to the South Platte NRD, and I got this from the NRDs themselves, it says the district has used a

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portion of the 3 cents in the past which at the time was crucial and very important to implement groundwater management and integrated management activities. The funding assisted the district in meeting its goals in the first increment of the basin plan which ended in 2019, key word: met their goals, met their goals. Their goal has been met, okay? Twin Platte NRD: The Twin Platte NRD used the 3 cent authority from 2007 through '17. Though the Twin Platte NRD integrated management plan developed jointly with the Nebraska Department of Natural Resources, the district's obligation to get back to the 1997 level is 7,700 acre-feet in benefit to the river by '19. Key word, key words: Their goal has been met. Wow, that's pretty good. All right? So we move to the next one, Central. The 1997 level is 3,400 acre-feet to benefit the river. Their goal has been met. The district has met their goal as well. The district had several projects that are funded through the levy for integrated water management programs. The district has entered into an agreement with four Dawson County surface water irrigation companies either through purchase or partnerships for true integrated water management. The partnerships have the capacity to provide another, an additional 20,000 acre-feet of benefit to the river annually through retiring acres...without retiring irrigated acres. The rehabilitation of the three canals is the largest of the Central Platte NRD's conjunctive water management efforts. This rehabilitation included the Cozad ditch 30-mile and the orchard alfalfa. They met their goals. These people are accomplishing what they need to accomplish. That's very good. That's what they're supposed to do. Moving on, the Tri-Basin NRD, Holdrege: The Tri-Basin NRD is using a half cent of the 3 cent levy for 2017-18. Though the Platte River Basin Management Plan, developed jointly with the State of Nebraska, the district's obligation to get back to the 1997 level at 3,500 acre-feet and benefit the river has been met. Their goal has been met--pretty good. Next one: North Platte NRD...Middle Republican--excuse me. The authority helps to balance, this 3-cent authority helps to balance out the added staff workload generated by being fully appropriated. In addition, the potential exists for new obligations to establish once the Republican River basinwide plan is completed in '19. The potential exists, the potential exists. We don't know what that is. It may be. It may not. Interesting to see how all those NRDs are doing such a good job with the money that they have. The Lower Republican NRD: Additionally, the district may need to access the 3 cents to address new obligations that may--the word "may"--that may be established once the Republican River Basin is completed in 2019. So we see the levy can only be used to implement groundwater management activity and integrated management activities under the Groundwater Management Act. These NRDs have done a fine job of managing the water. They do a good job. [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR ERDMAN: I'm not complaining about that. Thank you, sir. But they have met their goals. So if you have met your goal, then I don't think there's a need to extend for another ten years, and that's what they want to do, ten more years. So what we do at the end of that ten years, extend another ten years, sunset? If we're going to do this and you want to extend it, why don't

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you just take away the sunset if you think it's that important? And I understand how important water is. I'm not disagreeing with that. But I also stand...I also understand how to manage efficiently, and it looks like they've done a pretty good job of that and they can make it work on 5.5 cents. So instead of having it sunset in 2028, or whatever the provision was, if it's such an important deal, just take away the sunset, just let it go on, because if we don't sunset it today, there probably won't be the will in the body ten years from now to sunset it either. This has got to stop. That's why we put sunsets in place. [LB98]

SPEAKER SCHEER: Time, Senator. [LB98]

SENATOR ERDMAN: Thank you. [LB98]

SPEAKER SCHEER: Thank you, Senator Erdman. Senator Hughes, you're recognized. [LB98]

SENATOR HUGHES: Thank you, Mr. President. Good afternoon, colleagues. I'd like to give you just a little historical background on why we have fully and overappropriated NRDs and point out the fact that I'm the only farmer in the body who is actively farming and irrigating in a fully or overappropriated NRD today. The reason we have designated fully and overappropriated was because the state of Nebraska drug their feet. This body drug their feet, would not make the tough decision to tell farmers they couldn't drill any more wells. So we drilled wells and when the Legislature finally said, okay, NRDs, we will give you the authority to put on a moratorium. The NRDs said, fine, how soon can we do it? The state said, ah, you better wait a year, so, farmers, you've got a year to poke as many holes as you want. And believe you me, we did. The problem we have in a fully and overappropriated NRD is we're using too much water and the only tool that the NRDs have to make us whole again is the tax that we levy on ourselves, the 3 cents, the 4 cents, the 1 cent. We need to use less water so we can become more sustainable. That's what this is about. And for those of us the farther west you go, the less water you have, you become very attuned to how precious it is. You know, I've gone in my farming career from 22 inches an acre allotment and that, when that came into place, that...the world was going to end. We're down now to about 11 inches is what we actually use our allotments, a little better than that, but the technology has allowed us to become more efficient. That's the goal. That's what this 3 cents helps do. On my farm, we use that to cost share with the NRD for moisture probes. We plant the crop. We bury the probe. It tells us how much moisture is in the ground. It stages the crop so we know when the crop is using more moisture, we know to apply it. If we get a rain on that field, we know we don't need to apply it. That's how technology is helping. My NRD is at their max. They went to the max this year because land values are coming down and we have special issues that we're trying to deal with to help the state of Nebraska meet the Republican River Compact. And the \$10-an-acre occupation tax that I pay that Senator Erdman talked about, that's completely different from this. That bails the state out again because of

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Republican River compliance. That's used to pay for the N-CORPE in Rock Creek, streamflow augmentation projects. Quite frankly, the farmers in my area are getting sick and tired of bailing the state out but we know it's what we have to do in order to continue to farm and irrigate some of the most productive land in this state. And it gets very frustrating to me when we have tools and they keep getting taken away from us. You know, let us make the decisions how much we pay. And the 3 cents that's charged to everybody in the NRD district... [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR HUGHES: ...benefits everybody in the NRD district because the more efficient we are with our water, that benefits everybody, not only in our district but it benefits everybody in the state because we can continue to produce, we can continue to buy inputs, make those dollars roll over, pay income tax. And when we're making money, we pay a lot of income tax. This 3 cents is necessary. Just because the NRDs are not all using it today doesn't mean they're not going to use it in the future. Are there going to be more fully and overappropriated NRDs? I doubt it. If your NRD is not fully or overappropriated today, I doubt that it will ever get that place because the state of Nebraska is smarter, the NRDs are smarter, we're not going to be losing control of how much water we can effectively use without affecting the water table across those districts. [LB98]

SPEAKER SCHEER: Time, Senator. [LB98]

SENATOR HUGHES: Thank you, Mr. President. [LB98]

SPEAKER SCHEER: Thank you, Senator Hughes. Senator Groene, you're recognized. [LB98]

SENATOR GROENE: Thank you, Mr. President. Senator Hughes and Friesen, Stinner and myself are all on the same side, Erdman--and Senator Erdman. We want to preserve our irrigated agriculture. This 3 cents won't do it. Let me give you a little time scale of what happened. In '04 is when LB962 went into effect and it overappropriated, created the ten districts that are overappropriated and fully appropriated, and they gave a 1 cent tax over the 4.5...the 5.5 cents, I guess it is. And then in '06, they added the 3 cents to help with IMPs. It just went in the General Fund. They didn't have to account for where they did it. They just had 3 cents' more tax authority. Following that, LB10--I can't think--LB1047 was passed which said you have 10 cents an acre more that you could tax grandma in town, the widow lady in town, the schoolteacher in town, the business in town, and the dryland farmer and the rancher. This was after the 3 cents was put in. That was thrown out unconstitutional. That put a doubt on the 3 cents that was passed earlier. The lawsuit, the Supreme Court did not rule on the 3 cents but the 10 cents and the 3 cents were basically the same thing, IMPs, which settles an interstate compact. You can't use

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property taxes for the state's purpose, which Senator Hughes is exactly right. This is all because of an agreement, interstate purpose that the state entered into, and we're paying a price, but we did overuse the water. Supreme Court threw out the 10 cents so they came back with \$10 an acre occupation tax. Nobody brought that up since Senator Hughes. We have given them another mechanism of \$10 an acre on irrigated land. We do not need the 3 cents on grandma, the widow lady, and the dryland farmer and the rancher who did not create the problem. We have a \$10-an-acre. Senator Stinner's districts, that poor guy, they're at...up their tax, they are at zero. They have not put \$1, one nickel on irrigation per acre on an occupation tax to fix the problem that was created by the people irrigating. Don't get me wrong, I love irrigated farmers, made my living off them. They're my best friends. You've seen it with the N-CORPE. We're fighting that N-CORPE plan. I'm working with irrigated farmers, all right? Only one, two, three, four districts out of ten have any of the \$10 an acre. My two districts do. The Middle Republican and the Twin Platte have stepped up. They have \$10 an acre. They are using those funds to...for the N-CORPE project. They have extra funds that they are banking, they are collecting...well, the four NRDs involved in N-CORPE are collecting. They all have \$10--one of them has \$9, I guess--about \$14 million a year. The bond payment on the NRD, on the N-CORPE is \$7 million. They are banking \$7 million for the future. Guess what happened with property taxes in the Middle Republican and the Twin Platte. They did the right thing. Those public citizens on that NRDs lowered the mill levy on the property taxes in half. You got the chart. We're at...the Twin Platte, we're at 3 cents. Prior to \$10 an acre, we were around 6 (cents). The Middle Republican, they were at 6 (cents). They put the \$10 an acre. They lowered property taxes on grandma, the widow lady, the schoolteacher, the dryland farmer and the rancher, and on themselves, because there isn't an irrigated farmer out there that doesn't have dryland, doesn't have pastureland. That's how you do the right thing. [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR GROENE: The North Platte NRD that is pushing us the most, has zero on their irrigated farmland. They don't want to pay it. I understand that. This tax is not needed. We gave them another mechanism to pay for these projects with the \$10 an acre. Now my farmers are fully involved. They are paying the \$10 an acre. They're looking for answers. They are looking for answers because they are paying it and they are truly involved. That's how it works when you pay the tax on what you profit off of. Senator Hughes said they pay a lot of income taxes. Yeah, I did, when I used to make money. If I'm profiting from the water, I should pay the tax. That's life. We don't need this 3 cents an acre anymore. We don't need it. It probably is not...is unconstitutional if any of it is used for anything involved with the IMPs that settle with the Kansas law pact or the Platte River one. [LB98]

SPEAKER SCHEER: Time, Senator. [LB98]

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SENATOR GROENE: Thank you. [LB98]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Friesen, you're recognized. [LB98]

SENATOR FRIESEN: Thank you, Mr. President. I won't get into quite the passionate speech. Trying to hold it down. You know, we look at this and we look at the levies that are used and we talk about taxing grandma and grandpa in town. They might own that land out in the country. Yes, we're taxing them in town. Go to an irrigated area versus a dryland area and look at the economic development that's happened because of irrigation. If you pull irrigation away from Henderson, the town would dry up and go away. There would be no need for it. The economic development has happened because of water use all across the state has had a huge impact on economic development in the communities nearby. I could also say, why do I have to pay property taxes on ag land that go to schools, I don't have any kids out there anymore. But it helps the area. We do support it. And I just look at a different way of funding K-12. But water is a regional resource. Not everybody has access to water. There are pockets of dryland that do not have access to it but the economy in that area still is impacted by the irrigators in that area. It is a healthier environment, a healthier economy. There's more jobs created because of it. Most of the districts, when you look at them, they're not near the maximum levy of any three of their levies that they use. They've been responsible. They're not maxing it out just because they have access to it. They're using it when they have to. They're run by boards of elected people who run that NRD and I just tell people, if you don't like what they're spending the money on, go run for the board. It is local control at its finest. And if you go anywhere in the country and talk about our NRD system, everyone will tell you that we have the best management system in the country. We're the only one that operates on a basinwide. NRDs, the way they manage resources, no one else does it like we do it. There's a lot of state that would like to switch to what we do. The occupation tax, if you want to apply it in that direction, most irrigated farmers...well, every irrigated farmer also pays more property taxes because it increased the value of their ground. They have always had to do that. It has more value. And even in my area, the dryland farmer who has access to water if he wants it, his ground is valued higher because of that availability of water. And, yes, he pays a higher property tax because of it even though it's dryland. Water has transformed irrigated...transformed agriculture in this state like probably no other. We are now...I think we turned into the number-one irrigated state in the country. And I think we're looking at each of the NRDs as trying to make sure that we have a sustainable water supply. It's important long term that we maintain sustainable use of that water and that it's managed locally. And if you look at the tax dollars that come off of this, that do this, it stimulates the economy of that whole region. Why shouldn't everyone participate in it? You...the NRDs are responsible for providing water to municipalities in those fully and overappropriated basins. And if a municipality grows or they bring in a business, it's the NRD's responsibility... [LB98]

SPEAKER SCHEER: One minute. [LB98]

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SENATOR FRIESEN: ...to furnish the water for that business to operate. So they have other responsibilities and these funds are needed to accomplish that. If a business moves in and they need to use so many acre-feet of water in manufacturing, the NRD goes out, buys those water rights, finds those water rights in whatever method they choose to operate, and they provide that water to that municipality so that that business can expand. Thank you, Mr. President. [LB98]

SPEAKER SCHEER: Thank you, Senator Friesen. Senator Stinner, you're recognized. [LB98]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I'll try to address some of the issues that have been brought up. But I think when you look at water and where this state has been, it wasn't very many years ago then we were proclaimed part of the Great American Desert, the Great American Desert. We're now number two in agricultural production. It's all due to water, water irrigation methods, people, but essentially water. Water is our most important resource. And I will say this. I have had quite a few discussions within my NRD district this summer. A couple years ago we had a discussion about this \$10 occupation tax. And every time I bring it up to a farmer, they look at me like I have three heads--are you kidding me, I'm paying a water tax already--because we've got 300,000 acres of surface water and you want me to participate? How about everybody else that uses the water? Let's make it fair. That's why the levy system is in place. Also, decreasing land values were brought up and I think that's going to put some pressure on the revenue side of things. And the idea that they have stockpiled cash, I hope they've stockpiled cash because this next increment is next year. And let me just give you a little bit of a status report and I think Senator Erdman actually proved my point about how effective this 3 cents is, how effective the NRDs have been, because they have hit that first increment. Now it's time to move to the second increment and we all know in talking to the director that it's going to be a larger number than what we have today. But anyhow, let's talk. North Platte NRD, which is my NRD, presently is using 1.58 cents of the 3-cent levy. That's '17 and '18 through the Platte...and it has completed the 8,000 acre-feet. The district has met its goal. Now how has it met its goal? Let's just talk about what they have done, because I think a lot of you...and I've went on two water tours with my NRD and I would highly recommend that you volunteer and come out west and we can go and look at some of these projects set-aside acres, those types of things, so that you have a really good idea about what our NRDs actually do. North Platte NRD has a telemetry project which is a remote real-time water meter program. The cost-share program allows the landowner and the NRD to get daily information on water use electronically. In other words, we're trying to use some technology to solve our problems. We're not going to use allocation. We're going to use technology. We're going to use moisture probes and variable speed pivots. We're going to use drop nozzles on our irrigation. We're going to try to use technology in order to restore this and right now we do have information that that will work to a certain degree, but it needs to be a cost share. But the other thing, voluntary program, temporarily retire irrigation on small parcels of marginal land, that's up to each individual landowner and they are compensated for that voluntary program. Now, oh, by the way, that's an

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ongoing cost. So this idea that we're going to do one big project, two big projects, three big projects, one-time deal, solve our problem? Uh-uh, doesn't work that way. Western water use management model to help the NRD and the water users better manage water resources has been developed and I will tell you my NRD has a very sophisticated program to demonstrate that they have indeed complied with this water mandate. Metering and maintenance reading, compliance with water allocation on groundwater pumping within the NRD, and they have purchased irrigated acres,... [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR STINNER: ...they have met their increment. South Platte NRD did not use it simply because they only had 700 acre-feet but the district has met that goal. Nobody knows what the next increment is but they have used flow meter allocation, water accounting programs, and staffing programs to permanently retire irrigated acres and recharge augmentation projects, water resource information and education projects and programs, studies to identify differences of over and fully appropriated professional services, and it goes on and on about the programs that they have instituted. But let's get to the Twin Platte NRD which has met their goal of 7,700 acre-feet. Senator Groene is absolutely correct that they did use that \$10 that's N-CORPE but, however, they were reassessed here recently. The reassessment indicates the district obligations will increase to 21,000 acre-feet so I do hope they do have cash in which to implement some programs. This reassessment indicates the district's obligation will increase to 21,000 acre-feet with this... [LB98]

SPEAKER SCHEER: Time, Senator. Time, Senator. [LB98]

SENATOR STINNER: Thank you. [LB98]

SPEAKER SCHEER: Thank you, Senator Stinner. Senator Halloran, you're recognized. [LB98]

SENATOR HALLORAN: Thank you, Mr. Speaker. I'm from the...the natural resource district I'm involved with is Little Blue NRD. They all have very colorful names but this is the Little Blue NRD and the Little Blue NRD has done a good job over time of not overextending themselves on what they could use for tax purposes and spending. But they've had a goal since 1991. And let me back up a little bit. The aquifer is an amazing thing. I'm not sure there's any one hydrologist that can say he totally understands how the Ogallala Aquifer functions and how it's replenished. The geology underneath the Ogallala Aquifer varies across the whole state. Within the Little Blue NRD the geology varies dramatically. Over time, since 1991, 1991 we had public hearings and the purpose of the public hearings was to stop the drop in the water table. I can only speak for my NRD. It varies all over the state. But it was to stop the drop, the depletion

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of the water table. Well, after hearing after hearing, some of it very contentious, the Little Blue NRD decided that they would set a benchmark at 1991 level and if it dropped three feet below that we would implement water meters, water rationing, so that it would stop the diminishing of the water table. Well, some 27 years later, the water table has not gotten below that benchmark. All right? Everybody was gloom and doom. We were going to lose our water. The water was depleting, it wasn't being refreshed, wasn't being replenished. Well, magically over time...and it's a combination mostly of Mother Nature being gracious to us and providing enough rain and the Ogallala Aquifer flowing our way and contributing, much to the thanks to the people for their tour west for making actions that would help do that. But the point I'm going to try to make here is that there's never enough money and there's never enough want, there's no limit to the want for more control over irrigation. Every board meeting I went to, I asked the board members, most of whom weren't farmers at that time, still aren't, had no idea what agriculture really has to deal with, but nevertheless they were making judgment, making rules. I asked them if they could name one thing that's metered that's not taxed, and they all dropped their heads and they never answered the question because there's only one answer to that. Everything that's meters is taxed, and that gave fuel to Senator Schumacher to propose taxing water, which is a foolhardy idea but, nevertheless, I think that's the ultimate goal for virtually all the NRDs is to tax water pumped. And if you think agriculture is not under enough stress, with or without enough sufficient water to irrigate, you start taxing water, you're going to break farmers. They'll just go dryland and we'll have an Ogallala Aquifer that will be plenty full but we won't be doing anything economically with it. My point is, the bottom line is, is that there's never enough want for more money to do more projects to save the water that at some level in my NRD has not diminished to a point where it needed any kind of safeguarding at all. What little time I'll have, I will relinquish to Senator Groene. [LB98]

SPEAKER SCHEER: 1:20, Senator Groene. [LB98]

SENATOR GROENE: Thank you, Speaker and Senator Halloran. I took a vow, as Senator Erdman did. Don't take many, but I ran on I'm not going to raise your property taxes, I'm not going to do it, I'm going to do everything I can to take one straw off at a time, off of your back. Property taxes got where they were by adding a straw, a tax here and a tax here. This is one we can take off, we can take off with no harm. As it's been said, this is only one district, one district, two that are using this 3 cents because let's not play the games, folks. You can go to 4.5 cents. The statute says this 3 cents can be blended, dumped into your checking account, it blends, you can do it for whatever you want with it. There's nobody documenting that you used the 3 cents that you claimed was for that. I asked. And we have a new NRD director/manager, good man, good public. He's done wonders with the Middle Republican. They're about to the point that they're about even now with policies they've done down there. They're to the point they might not need N-CORPE in the future. I asked him, do you have power to use 3 cents? And he said yes. I said, why? You're only at the Middle... [LB98]

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SPEAKER SCHEER: Time, Senator. Time, Senator. [LB98]

SENATOR GROENE: Thank you. [LB98]

SPEAKER SCHEER: Thank you, Senator Halloran and Senator Groene. Senator Erdman, you're recognized. [LB98]

SENATOR ERDMAN: Thank you, Mr. Speaker. And I appreciate the time. Let me talk a bit about what Senator Stinner said about the valuations going down. I have information in my never nicotine-stained fingers that last year's NRD total value statewide was \$238,168,000,000. That was last year. This year their valuation is \$245,026,000,000. So their valuation is still going up. It's not going down. It's still increasing. But I will give you this. Several of the NRDs have lowered their tax asking and that's good. That's what they should do. But by the same token, some of these NRDs are collecting like 3.5 cents, 2.5 cents on their 4.5 cent mill levy, 0.8 or maybe not at all in the 1 cent levy, and then they're collecting the balance of it from the 3 cents. So there's a lot of these NRDs that haven't even reached the 5.5 cent total. The only two that have is the North Platte NRD and let me go on record in saying this. I appreciated what they did in their budget when they lowered their tax asking. I do appreciate that. That is very good. The two that are exceeding the 5.5 cents is the North Platte NRD and the Upper Republican NRD. Those are the only two that exceed 5.5 cents. And Senator Stinner said I made his point for him when he said that they have met their goals with the 3 cents. Well, perhaps I did. But the point is they've met their goals. That's the point I was trying to make. Don't miss that. They set...they made their goal. So off of the mike I asked the most knowledgeable historian in the room, Senator Chambers, about does anything ever sunset and he smiled and he said, well, if it's not needed anymore, sometimes. So if, in fact, you guys think, you senators think that this is something that's going to be needed, why don't you throw an amendment up there to just let it run forever? If you think it's that important and it needs to go on, why would you want to extend it for another ten years? Why wouldn't you just say let's remove the sunset? That would have made sense. But the point is it's not needed. And so evidently you must...are conceding the fact that in ten more years you won't need the extra 3 cents. So I'm not sure why you did what you did. But the NRDs are doing a fine job and they'll be able to do a fine job with 5.5 cents. And if they need to, they can do the occupation tax. And it has been mentioned that those people that live in the communities that are surrounded by agricultural land that is irrigated get a benefit from that. That's true. But what is also true is those people that live in those communities are paying 5.5 cents, or can, up to 5.5 cents. That's a pretty good contribution. So they're getting a benefit but they're making a contribution. And so as we move down through this, we need to understand what it is we're trying to do. It is a property tax increase. All right? The issue that we have that I think needs to be talked about at some point in the future is... [LB98]

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SPEAKER SCHEER: One minute. [LB98]

SENATOR ERDMAN: Thank you, sir. These issues that we have with water are being placed on the backs of these property taxpayers, on the backs of the farmers. If it is exactly state water, then the state should be taking care of this problem. In Senator Groene's district, they took that 19,000 acres out of production and they lost that revenue. So those people are paying for a state problem that they did not create. So we need to talk about how we pay for the funding going forward and maybe it's the state's obligation and we relinquish some of this property tax back to the property taxpayer. Thank you. [LB98]

SPEAKER SCHEER: Thank you, Senator Erdman. Senator Lowe, you're recognized. [LB98]

SENATOR LOWE: Thank you, Mr. President. You know, when I ran two years ago for this position, I ran as a very conservative man and my vow was to not raise the property taxes and I still stand by that. And I look at this as maybe not raising the property taxes right now because we're already being taxed it. But if it expires and then we come back, well, then it's raising the taxes. And I also prefer to lower the taxes for Nebraskans and for the people in my district. Now the people with the NRDs, they're doing a fine job. I have a lot of friends who are on the boards of the NRDs and they're good men and women and they're being very responsible with the money, especially the Central Platte NRD. But, you know, I look at it and some of the accolades that we are giving to the NRDs are actually the farmers. They're being more frugal with the water that they're using. They're no longer running a lot of ditch irrigation with open pipes and just running it, letting it run out the end. They've...a lot of them have switched to pivot irrigation, to drip irrigation, to other water-conservative ways because as a farmer you only have so much assets you can give to the land before it's no longer profitable. And right now farm ground is not very profitable. So they're being very conservative with how they spend their money and part of that is waste of water. So I look at the farmers and the great job that they're doing in raising our crops to feed our cattle and to put food on our plate. You know, I also look at other ways that we spend money and it seems like throwing money at a situation has never been a good resolution. The way you make good resolution is you make things leaner, we find out better ways to do things without the money that was there before. It seems to work in almost everything that we do. With that, I give my time to Senator Groene if he would take it. [LB98]

SPEAKER SCHEER: Senator Groene, 2:10. [LB98]

SENATOR GROENE: Thank you. Those people in town and dryland farmer and the...any farmer who owns some dryland pasture ground, they do pay taxes, as Senator Erdman said, 4.5 cents. If you look at any NRD's budget in rural Nebraska, it goes to agriculture, it goes to out in the country. So they pay their fair share for the amount of services they get from the NRD and so

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do the people in town. They get no services from it. I mean actual dollar into the community. They pay that 4.5 cents because they know it helps rural Nebraska and their farm agriculture who do business in the community. They don't need to pay another 3 cents. I'll tell you, I think it was Ronald Reagan who said if you wanted to change behavior, tax it. In my area, that \$10 an acre is changing behavior. Farmers are involved. We organized out there looking at N-CORPE, 30 square miles of land, Rock Creek over in Senator Hughes's. [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR GROENE: Sell the land, drop the tax to \$8, \$7. They refused. They wouldn't work with me. I'm trying to drop their \$10 an acre. If they've got \$10 an acre and they can blow it on land they don't need, I'm wondering if they need tax breaks, if they need any more dollars, some individuals. Like I said, the mass...and run for NRD, as Senator Friesen did. Believe me, in the Twin Platte and the Middle Republican, we have contested races for those NRD positions. That's the way democracy works. This 3 cents is frivolous. Finish the story about my...the NRD. I said, why do you have any, you're only at 3.5 cents, you've got 4.5, why have you some delegated to this 3 cents? He said, because the lobby, the NRD lobby told me to do it so we can go down to Lincoln and claim... [LB98]

SPEAKER SCHEER: Time, Senator. [LB98]

SENATOR GROENE: ...we used it. [LB98]

SPEAKER SCHEER: Time, Senator. Thank you, Senator Groene and Senator Lowe. Senator Hughes, you're recognized. [LB98]

SENATOR HUGHES: Thank you, Mr. President. This is always an interesting discussion by those of us who make our living on the land, who are dryland and irrigated farmers, versus those who have ideas about how to farm. This 3 cents is about technology, saving water, extending the life of the aquifer, helping keep our rural communities viable for a longer period of time. Technology costs money but it also saves money. There are investments. We've made tremendous investments in agriculture. We have gone from flood irrigated to center pivots. That was a huge investment in technology but it saved us time, labor, and water. That was a good investment. You don't see any flood-irrigated anymore in my part of the country. Part of this 3 cents is going to help eliminate small patches of irrigated ground along the rivers where you get the most bang for your buck when it comes to acres...or water, acre-feet of water added back into the river for compact compliance. Sometimes you have to spend money to make money. And if you've ever been in business, you know that just automatically saying that we're not going to spend any more money, that's cutting off your nose to spite your face. The aquifer is a very interesting thing and

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we still don't know exactly what it looks like. We think we have a pretty good idea, but we don't know. If your farm is ten miles from the river, how much impact does irrigating have on streamflow? If it's 30 miles from the river, how much does it have? Are there closed basins? It's not just one big pool of water. There's topography underground just like there is above ground. You have pools and strata. Some holds more water. Some holds less water. Part of this money is used to model that so we can understand what we have, what our natural resources, our most precious natural resource is, and how we extend that life, how we use it more efficiently to boost the productivity of the state of Nebraska. It's not just about local farmers, local people on NRDs. It's about local communities. It's about the state of Nebraska. And if you look at the productivity that we've had, you know, when I started farming, you know, the first hundred bushel of corn was what the target was on irrigated, then 200 was the target, 250 was the target. Three hundred is attainable today. That's technology and you don't get that without investing. That's what this 3 cents is, is investing in technology, investing in understanding to best use the natural resource that we have. There's no question about that. But as someone who makes their living off the land, I am very passionate about that. Tell you, it's a lot more fun than being in this position at times, most all times, to be quite frank about it. But when we're taking away the tools... [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR HUGHES: ...that we have to extend the aquifer, which is a benefit to everybody that lives there, and if the ag economy is the main economy in your area and irrigation is part of that and you're taking away the tools to extend that aquifer, you're just driving another nail in the coffin of rural Nebraska, of our small towns. That's not right. That's not what this body should be doing. That's not in the best interest of the state of Nebraska as a whole. Thank you, Mr. President. [LB98]

SPEAKER SCHEER: Thank you, Senator Hughes. Senator Groene, you're recognized. [LB98]

SENATOR GROENE: Thank you, Mr. President. I'm going to give a little rib to my good friend Senator Hughes. I guess I'm going to vote to raise property taxes for schools because if we invest more we're going to get a better product. I doubt we agree on that. But this 3 cents is not being used. It's mingled. There's only two of them that's ever done it, folks, that's ever gone over, I believe, over the 4.5 to 5.5 cents that you have till you claim it. This is macho. This is grown men on NRDs saying, by golly, we're going to butt chests, we want the 3 cents; it's, rah-rah, Groene is butting heads with them and they're butting heads back with the Legislature and saying, you ain't going to tell us what to do. We tell them everything to do, everything. We tell them they can go 4.5 cents; we can tell them to go another cent. We tell them they can...they've got to create IMPs. We told them they had 3 cents for taxation to solve the problem. Then we gave them \$10 an acre in occupation tax. We give them these tools. We take the tools away. We

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put a sunset in, or our predecessors did. Are they throwing their hands in the air and say, my golly, we told them to sunset it in 2018 and this new bunch comes in here and starts that wasn't at the debate, didn't understand what we said about the sunset, and we're going to raise taxes again? That's what we're doing here. This is a tax increase, no ifs, ands, and buts about it. You've got car payments and you make 60 car payments, you expect it to be over with. You get a bill from the bank and says, no, we want you to pay another five payments--no, that's an increase. This is a tax increase. Some of the NRDs' management have to start facing realities. It's like one of them told me: We want to get basic? We're using more water than we should. We've got to use less water. Throwing money at it isn't going to do it. The cost of water pumping has gone up, fear of losing it, have new, younger generation of farmers are better managing the water. It's coming, folks. This 3 cents isn't necessary. We need to send them a message: Fix it, guys, no more kicking the can down the road. Don't claim that 3 cents' tax is going to solve it. It isn't. Management is. I want my great-grandkids to be able to irrigate. I want people to wake up and realize we have to do a better job of management. My Twin Platte is in trouble because of mass management decision that, ah, we'll just keep kicking the can down the road, we'll take 3 cents, we'll act like we're doing something with it, do a study here, do a study here, buy out an irrigation canal, but not change our practices. The North Platte NRD went out with this money and paid way too much for water rights. They were paying as much for the water rights to retire irrigation as the land was worth and let the individuals keep the land. And then they found out some of it didn't work, that the state said, no, it's too far away from the drainage, so we aren't going to give you any benefit for that land...water you retired--management but panic. I'm really proud of my Middle Republican NRD. They have taken the bull by the horns. They've accepted responsibility. We need more of that. They stepped up to \$10 an acre. They're going to start dropping it. They want to sell the N-CORPE land. [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR GROENE: We need to send a message across the state that we're serious about property tax relief. This is one little straw on the taxpayer's back that we can pick off. This might be the only property tax relief they get out of this session. Are you embarrassed? This might be the only property tax increase we get out of the session. Boy, aren't we special. They're screaming for property tax relief and we're going to vote on one bill concerning property taxes and we're going to raise it. Think about it, all you fiscal conservatives out there, all you property tax relief proponents. That's the only bill we're going to get out of here, a property tax increase. Whoop-de-do! Do you understand why the public is going to pass that constitutional petition? You understand it? They're listening to this--no respect for them. We're going to vote to raise property taxes and they're going to vote to give us a billion dollars' worth of fun next year. [LB98]

SPEAKER SCHEER: Time, Senator. [LB98]

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SENATOR GROENE: Thank you. [LB98]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Kolterman, you're recognized.
[LB98]

SENATOR KOLTERMAN: Thank you, Mr. President. I've listened to the debate. I've been in support of this bill, LB98, all along, when it was first introduced. I'm talking in support of it. I don't want to see it bracketed. Several things have been said about this is a farm bill, this is for farmers, agriculture. Well, my NRD does a tremendous amount of work in the area of recreation for our communities. They build lakes that people fish in and boat in. They build trails and they do a tremendous amount of flood mitigation. The Big Blue NRD has done a tremendous job, the Upper Big Blue NRD. I can't imagine what it would be like in my district. We have some of the best prime farmland in the country. We have attracted Dow, Monsanto, Bayer, Syngenta. They're all seed corn companies or companies that produce soybeans. The reason that they're here is because we have such good irrigation and we utilize our water the proper way. My NRDs are not fully appropriated but I have met with them, I've talked with them, and they support this legislation. And, yes, they are farmers, but there are also people from the communities that are on those boards. The way you control that if you don't like what they're doing, you don't reelect them. So the idea that we're going to second-guess them and take away the tool that they might need doesn't make any sense to me. We're seeing a change in irrigation. We've got variable water that's being put on different areas of a quarter-section of ground. The pivot companies are changing the way they do business. This is just legislation that we need to let the people that have the need utilize it. They're not wasting money. I don't look at this as a tax increase. I look at this as a tool that they can use to help their district. And so I hope that you can continue, you'll support this bill, you'll vote against the bracket. And with that, I would yield the rest of my time to Senator Stinner. [LB98]

SPEAKER SCHEER: Senator Stinner, 2:25. [LB98]

SENATOR STINNER: Thank you, Mr. President. Thank you, Senator Kolterman. I guess it really saddens me to listen to this conversation of mixing property tax with water. Playing politics with water is a bad idea. Water is absolutely critical to the longevity and stability of our economy in the state of Nebraska and I'm really happy we're going to take 3 cents and we're going to teach them how to manage better. Are you kidding me? You're going to tell the NRDs we're taking your tools away but we're going to hit you with another increment and you have to manage better? Well, good for you. Mixing property tax with water is bad, bad politics, folks, bad politics. You know, when I have a question about something, I go to the experts. I don't ask people in this body. I go to the experts. I go to "Jeff" Fassett, who is the director of Nebraska NRD. I said, you know, what about this 3 cents? Absolutely we've got to have it. We've got to

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have water sustainability. We've got to be ready for the next drought. We've got to replenish the aquifers. Nobody else is doing it. Kansas isn't, Texas. Is that what you want to be? [LB98]

SPEAKER SCHEER: One minute. [LB98]

SENATOR STINNER: You want to gamble on that for 3 cents? Are you crazy? You better wake up, folks. This isn't politics. This is water. I've asked the NRDs. They're experts. They work on these projects. I've read the projects. There's transparency there. There's oversight there too. The idea that they're willy-nilly using funds for anything is not true, is absolutely false. This bill, LB98, needs to be passed, folks, needs to be passed. And, yeah, we're going to put another sunset and we'll take another look back. But if we go forward without LB98, God help us. Thank you, Mr. President. [LB98]

SPEAKER SCHEER: Thank you, Senator Kolterman and Senator Stinner. Senator Friesen, you're recognized. [LB98]

SENATOR FRIESEN: Thank you, Mr. President. So I heard a lot of things spouted on the floor today and I'm going to call some people out. You're entitled to your opinion but you can only use the facts one way. Senator Groene, when you say that this money does not get spent in cities, you're either lying or you're ignorant of what the NRDs are doing. Multiple NRDs out there spend a lot of money in the municipalities on flood control, drainage systems, flood studies, all those things NRDs have cost shared on. We've cost shared on trails and we've cost shared on parks. We've spent money in municipalities just like we've spent money out in the irrigated land of agriculture where the money comes from. Some of these districts, 80 percent of the funds comes from irrigated agriculture, that land, and we're spending it in the communities to help them with flood projects, drainage systems in Grand Island, water diversions that keep other homes from flooding. NRDs do a lot of things. And you can sit here and spout what you want, but you better stick to the facts and just don't make crap up. This bill will mean nothing to my NRD. There will be no tax decrease. There will be no tax increase. They'll move it to their other levy and they'll fund it just like they are now and no one will know the difference. But there are some NRDs who are up against some lids because of things they've had to do which are required by the state. And again, you take away the tools to manage these resources and then down the road when we have the next drought and everybody is screaming bloody murder in Omaha and Lincoln here because the Platte River dried up, send some money out there and we'll deal with it. But to take away a 3 cent levy is ridiculous. I pay a lot of money in property taxes and this is one of those that I feel strongly that we should be paying. It's paid in those districts where the work needs to be done. Each NRD works differently. They solve their problems differently because the state varies so much from east to west. The rainfall patterns from western Nebraska to the eastern edge of the state vary more than they do from the eastern edge of the state all the way to

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the ocean, all the way to North Carolina. They have a lot of different issues to work with. Some NRDs are going to have a higher levy; some will have a lower levy. Some of them maybe haven't done it quite wisely enough for all of us. I could find stuff in my NRD I don't agree with. We can look in any of our government entities and find that kind of stuff. But to say that you're going to take away a tool of somebody that's managing the most precious resource we have in the state is very shortsighted and shouldn't be done. Thank you, Mr. President. [LB98]

SPEAKER SCHEER: Thank you, Senator Friesen. Mr. Clerk, you have a motion on the desk? [LB98]

CLERK: I do, Mr. President. Senator Friesen would move to invoke cloture pursuant to Rule 7, Section 10. [LB98]

SPEAKER SCHEER: As the ruling of the Chair, there's been full and fair debate afforded to LB98. Senator Friesen, for what purpose do you rise? [LB98]

SENATOR FRIESEN: I have a call of the house. [LB98]

SPEAKER SCHEER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB98]

CLERK: 23 ayes, 1 nay to place the house under call. [LB98]

SPEAKER SCHEER: The house is under call. Senators 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. Senator Kolterman, could you check in, please. Senator Morfeld, Senator Hansen, Senator Wishart, please return to the floor. The house is under call. Senator Groene, would you check in, please. Senator Morfeld, Senator Hansen, Senator Wishart, please return to the floor. The house is under call. Members, the first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed vote nay. There has been a request for a roll call, reverse order. Mr. Clerk. [LB98]

CLERK: (Roll call vote taken, Legislative Journal page 860.) 27 ayes, 14 nays, Mr. President, on the motion to invoke cloture. [LB98]

SPEAKER SCHEER: The motion fails. I raise the call. Mr. Clerk. [LB98]

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CLERK: Mr. President, just one item: Senator Smith would like to print an amendment to LB1009. [LB1009]

And I have a priority motion. Senator Hilkemann would move to adjourn the body until Thursday morning, March 8, at 9:00 a.m.

SPEAKER SCHEER: Colleagues, you've heard the motion to adjourn. All those in favor please say aye. All those opposed say nay. We are adjourned.