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Floor Debate  
March 22, 2018

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[LB158 LB295 LB596 LB640 LB740 LB778 LB822 LB895 LB896 LB909 LB947 LB950  
LB990 LB990A LB994A LB1008 LB1015 LB1049 LB1092 LB1107 LB1108 LB1120 LB1130  
LB1136 LR353 LR361 LR362 LR363 LR364 LR365]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-seventh day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Senator Watermeier. Please rise.

SENATOR WATERMEIER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Watermeier. I call to order the forty-seventh 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.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: One item. Enrollment and Review reports LB950 as correctly engrossed. That's all that I have, Mr. President. (Legislative Journal page 1089.) [LB950]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda. General File, 2018 committee priority bills. Mr. Clerk.

CLERK: Mr. President, LB1008 was a bill originally introduced by Senator Bostelman. Relates to the game law and amends Section 37-613. (Read title.) Introduced on January 16. Referred to

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the Natural Resources Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM2292, Legislative Journal page 883.) [LB1008]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Doctor of the day introduced.) Now to open on the bill. Senator Bostelman, you're recognized to open on LB1008. [LB1008]

SENATOR BOSTELMAN: Thank you, Mr. President, and good morning, Nebraska. I rise to introduce my bill, LB1008, which is the Natural Resources Committee priority bill. Other bills heard by the Natural Resources Committee are included in the committee amendment, AM2292, and if adopted will become the bill. LB1008 would amend Section 37-613 to increase the amounts of liquidated damages for certain violations of game law. Liquidated damages are assessed by the court in a case of conviction or through a separate civil action in the amount set forth in its statute to compensate the people for the illegal taking of the state's natural resources, which is our wildlife. LB1008 puts Nebraska in line with other states liquidated damages provisions for wildlife violations and sends a strong message that such wildlife violations will not be tolerated in the state. This is a positive step toward protecting Nebraska's natural resources. I support LB1008 being the vehicle to advance the other Natural Resources Committee priorities contained in the other bills which make up AM2292. I urge your green vote on the committee amendment, AM2292, and the advancement of LB1008, and I would like to yield the rest of my time to Senator Hughes. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Senator Hughes, 8:30. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. You all have a handout that I would like to direct your attention to. Its got my initials and number 44 on it that was just passed out this morning. This will be a very good guide for you to walk you through all of the different things that are in LB1008 as amended. I'm going to start through the committee amendment to get through all of it. I may take the balance of Senator Bostelman's time plus my time as chairman of the committee to bring that information to you. We are offering you AM2292 to LB1008 which is the Natural Resources Committee's second priority bill. I want to thank Senator Bostelman for agreeing to his bill being the vehicle for some other Natural Resources bills that we believe should be passed this year. If you take a look at the committee statement, or the handout on the

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bill that you just got, you'll be able to see that there are four bills in LB1008 in addition to the content of Senator Bostelman's bill. Sections 2 through 5 of this contains these bills. Section 2 is LB713, a bill introduced by Senator Erdman. This bill would raise the compensation for the Nebraska Oil and Gas Conservation Commission members who receive compensation of \$50 a day to not more than \$400 a day working on commission business. The reason we did make that significant jump was, this is a quasi-judicial board and there are very specific requirements that these commissioners have to meet. Two of them are lawyers, and I asked one of them in the hearing...you know, he charges between \$150 and \$200 an hour if he were home working. The other person on this board is a geologist, and he has similar hourly wages that he could be getting if he were home working, but they're choosing to serve the state of Nebraska on this board, and they certainly deserve not to have that cost them too much money to do this job. The bill also raises the annual cap on compensation from \$2,000 annually to \$4,000 per commissioner. So we do cap the amount of money that they can receive. The Oil and Gas Conservation Commission is housed in Sidney, Nebraska. As you know, it is difficult for some boards and commissions to find...of the state to find members willing and qualified to give their time and service. The intent of the bill is to ensure commissioners are sufficiently paid for the commitment they have made. The commission is funded through the conservation tax and permit fees, so there are no state tax dollars involved in their compensation. This per diem has always and will continue to come from the taxes and fees paid by oil and gas producers, not from the state. The commission schedules one-day meetings every month. It is typical that they will end up meeting about half that time, depending on what activity is going on in the oil and gas fields. Every now and then the commission is required to hold more meetings. The bill offers them flexibility to compensate commissioners according to the amount of time they put towards their service. LB713 originally requested a \$500 per diem with an annual cap of \$6,000. The committee lowered it to \$400 and a \$4,000 cap. I'm going to skip over Section 3 and jump to Section 4. I'll come back to Section 3 in a little bit. Section 4 contains LB820, a bill I introduced on behalf of the Nebraska Power Review Board. It will give the Power Review Board the authority to deal with an unanticipated situation resulting from the passage of LB824 in 2016. As you know, LB824 allowed the development of renewable energy facilities to bypass some state regulatory requirements making it easier for renewable energy to be built in Nebraska for export out of state. A provision in that law in Section 70-1014.02 which describes how private renewable facility can become exempt from going through a Nebraska Power Review Board

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approval process provides a certification process for privately-developed renewable energy generation facilities. To qualify, private entities must submit certain certifications to the Power Review Board at least 30 days prior to construction to qualify...for a qualifying renewable generation facility. Since 2016 the Power Review Board has run into some instances where the facility is constructed or installed without having submitted the required certification at least 30 days in advance. Most instances involve smaller projects where the builder did not know about the LB824 requirement. LB824 did not anticipate this scenario and did not provide a way for the Power Review Board to waive the 30-day prior notice requirement. This bill would remedy the issue by authorizing the Power Review Board to impose a \$500 penalty for certifications that are submitted outside the 30 days prior to construction requirement. It allows entities to still use certification projects by paying the penalty and submitting the required certifications even if they have already started construction. It is not the intent of the Power Review Board to punish smaller, local, renewable projects by shutting them down. The language can prevent that from happening. Section 5 contains LB762, which extends the sunset date for the scrap tire program. This is \$1 tire fee that goes to the Waste Reduction and Recycling Incentive Fund. The fund provides grants to assist in financing scrap tire programs and projects. The sunset date has been extended by the Legislature in bill since 2003. There's still a need for the scrap tire program, which has benefited many communities in the state. This bill will again extend the sunset date from 2019 to 2024. I wanted to take just a little bit more time to explain Section 3. Section 3 is an amendment to LB822, a committee shall bill. The amendment introduced to LB822 was AM2191. The committee held a public hearing on that amendment on March 6th. The amendment was introduced in response to the Nebraska Supreme Court issued...ruled case issued on February 23rd this year. The case involved a potential competitor of a public power entity in Nebraska who was denied a public records request for records showing cost and revenue information and rate outlooks for each public power entity...for the public power entity's generation facilities. The potential competitor sued, lost in district court, but the Nebraska Supreme Court reversed the lower court's decision. There is an exclusion in the public records statutes for proprietary and commercial information, which if released, would give an advantage to business competitors... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

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SENATOR HUGHES: ...and serve no public purpose. The court found that while the public power entity was being asked for information that would benefit competitors, it did not prove both that release of the information would give advantage to competitors, and that releasing the information would serve no public purpose. The court liberally construed the meaning of public purpose, and that absent of statute clarifying how competing policy interests should be balanced, the policy debate on fossil and renewable fuels was serving a public purpose. The district court's and the Supreme Court's decision interpreted the relevant statutes so differently and both courts speculated on the Legislature's intention. The Supreme Court noted that the Legislature's role...it is the Legislature's role not the courts to clarify how competing interests should be balanced when considering a request to release public records. [LB1008]

PRESIDENT FOLEY: Senator Hughes, you may now continue on your own time. [LB1008]

SENATOR HUGHES: Thank you. I want to stress the importance of this policy matter and the reach of the court's decision. If we don't clarify...if we don't clearly put our intent into statute, Nebraska ratepayers will be negatively impacted. At the hearing, the amendment language introduced gave one of the media organizations some heartburn. The parties got together after the hearing and came up with the language in AM2292 that they agree sufficiently protects competitive information while ensuring the public's access to all other records. I believe the courts want the Legislature to clarify its intent as to whether we want public power in Nebraska to open its records to give competitors an advantage and opportunity to underbid our facilities every time. This would be true not only for competitors in Nebraska, but for any competitor in the Southwest Power Pool regional market. This amendment answers the court's directive. We worked with the Speaker to ensure we followed proper procedures to address this important policy matter. We provided an opportunity for all parties to be heard. We narrowed the language in response to opponent's concerns. The statute isn't clear. I introduced this amendment to allow the Legislature to make it clear if it so chooses. Thank you for your consideration on this amendment. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on LB1008 and the pending committee amendment. Senator Brewer. [LB1008]

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SENATOR BREWER: Thank you, Mr. President. I request to divide the question. [LB1008]

PRESIDENT FOLEY: Senator Brewer has requested a division of the question. Senator Brewer, would you like to take just a moment just to give us the big picture of what you're...how you want to divide this up. Senator Hughes, could you join us at the desk for discussion on the possible division. Members, it's the ruling of the Chair, the question is divisible. Mr. Clerk, if you could take a moment just to give us the big picture on how we're going to divide this. [LB1008]

CLERK: Mr. President, the amendment has...the committee amendment has been divided in two components. The first component will be AM2596, and if I may, Senator Hughes, I'm going to characterize that as the...essentially the primary...most of the substance of the committee amendments less the public records, public power issue, that will be dealt with as a separate amendment. That amendment will be AM2564. Senator Hughes, I understand that your preference that we take up AM2596 which is the comprehensive, multifaceted amendment, Senator. Am I right in that? (Legislative Journal pages 1090-1095.) [LB1008]

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on the first of the two divisions. Excuse me? [LB1008]

CLERK: Senator Hughes, I understand you now wish to consider the public power, public records first. All right. Mr. President, that amendment is AM2564. (Legislative Journal page 1090.) [LB1008]

PRESIDENT FOLEY: Senator Hughes, when you're ready to do so, you may open on AM2564. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. I apologize, colleagues. A lot of moving parts this morning. AM2564 is the bill, LB822, as amended, and it deals with the public power portion after the Supreme Court ruled that public power had to make their information public. It became very clear that that would certainly put public power at a competitive disadvantage, not only in the state of Nebraska but in the total SPP, which is the Southwest Power Pool, which we are part

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of that, contains parts of South Dakota, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Missouri. There are a lot of players, and by making Nebraska power production costs public, it allows the competitors, and these are competitors outside the state of Nebraska, an advantage when it comes to bidding what we put the power in to the Southwest Power Pool at, and that is to the detriment of the ratepayers in the state of Nebraska. We have had an interesting time trying to decipher what the court said. The district court ruled in favor of Nebraska Public Power. The Supreme Court overturned that because they felt the Legislature did not make clear what our intent was. And I'll read something from the Nebraska Supreme Court, the ruling: If presented with the opportunity to exclude public power, a public power district's competitive information from public scrutiny, the Legislature might well do so, but thus far it has not. If the Legislature had done so, we would not hesitate to apply other statutes...the other statute exemption of the public power records law, and the general principle favoring a specific over general statute. Although it demonstrated that releasing the information requested would give an advantage to its competitors, it failed to establish that the information would serve no public purpose. The law, as framed, required it to prove both elements. It is the role of the Legislature to balance and reconcile the public purposes embroiled in the public records statute and the public power statutes. That's what the Supreme Court put in their ruling, and that's very clear that what the statute said did not allow them to choose what they wanted to rule on. They had to choose on what the statute said and the statute said, and served no public purpose. If the statute had said, and/or choose no public purpose, I don't think we would be having this discussion today. That is why we brought LB822, as amended, to the floor to make sure that public power in Nebraska is not at a competitive disadvantage in a private industry market that will be to the detriment of the state of Nebraska and specifically the ratepayers of the state of Nebraska. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on the division of AM2564 to LB1008. Senator Larson, you're first in the queue. [LB1008]

SENATOR LARSON: Thank you, Mr. President. Colleagues, I do have some fundamental disagreements with AM2564 when it comes to the Open Records Act and what...and Senator Chambers, look at us. Two for two in two days. Colleagues, I have the question specifically that Aksamit Resource Management asked NPPD to disclose. They asked them to disclose 22 of

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those questions. NPPD decided not to on three of them. The first one was request documents sufficient to show actual expenditures and revenues by cost and profit centers from each year from 2008 to 2015. Second, I request any document dated January 1, 2013 or later that contains or reflects or constitutes the six-year rate outlook of cost and profit centers. And third, I request documents sufficient to show annual generation output and revenue for each of the Nebraska Public Power District generation and resource-owned or contracted through 2008 to 2015. Colleagues, public power, we are all shareholders. We are shareholders in public power. That is that concept. We, as shareholders, should have the right to know our assets that we have and how those assets are performing. It's pure and simple. Now, I understand Senator Hughes is the Natural Resources Chairman, needs to attempt to protect public power. Honestly, I think public power is outdated, is one of George Norris's not-good ideas, and is, in many aspects, and they're trying to do it here, very socialist, and bordering on communist ideas that we practice in this state, and they want to continue to guard themselves from scrutiny. That's what this is. I won't go quite so far to compare George Norris to Mao Zedong, or Chuen Chen Ping, but it's pretty close when it comes to public power. Colleagues, we have a right to know this information. Now, I think when we hear about competitive disadvantages within the SPP, we all have to understand what the SPP is. The SPP is a marketplace. Now, anybody that is joined on the SPP does have to being generation into the SPP, but that doesn't necessarily mean that they have to use the generation that they are providing. The SPP, as I said, is a marketplace. So NPPD, the night before, or anybody that has generation will put bids into the SPP. Now, there will be people that are buying that power. Let's say, again, Beatrice or Lincoln or OPPD, they will put in their buy bid. [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR LARSON: There will be selling bids for those that have to sell and there will be buy bids. If you're bid to sell doesn't get accepted, you have a choice to not run your plant the next day, or run your plant and just sell on to the open market. Now NPPD oftentimes chooses to just continue to run their plant even though their bids might not have been accepted the next day...for the next day and sell their power at a loss. Now, at times they do get to sell their power at a profit, but sometimes they may be paying people to take their power, or just pumping the power on to the system for free, because they can't not pump it on if they're running. And I think that



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goes to the heart of what was requested here of the actual expenditures and revenues by cost for the profit centers. Our generation facilities that we as ratepayers own across the state generating money, which ones are generating money? Which ones aren't generating money? I understand that in their year-end... [LB1008]

PRESIDENT FOLEY: Time, Senator. [LB1008]

SENATOR LARSON: Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Friesen. [LB1008]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. I stand in support of AM2564 and LB1008. When we talk about public power and the knowledge to know things, I would go back to saying that if we consider...we do own public power, but if we treated it as a profit center or if it was private industry, would you, as business owner, be willing to divulge a key component of the reason that your business is successful versus another one? There are some things that we should not have access to. As a public-power industry, I would like them to be more open with some of the things that I've asked for too, and I think we need to develop a process where we can look into this a little bit further to make sure that the long-term sustainability of public power is in our best interest that we do look at it in a longer-term picture of what renewable energy has done to them. But if we ask them to release the key components of their costs, it does put them at a competitive disadvantage because now anyone can look at their profitability center and determine where to put in bids at. And so it is a very competitive market that they're going into, the Southwest Power Pool does control who generates electricity for the system, and they determine that, and it's based on a bidding process. But it's a very complex process. It's not as simple as everyone...it's hard to describe on this floor. But, again, as we look at how public power operates in this state, I think it has been successful. I think it has been good for business in this state and I still think they have long term need to stay a public power industry even though there have been attempts in the past to privatize this industry. We need to be able to come up with a long-term energy plan for this state, and so far the Nebraska Department of Energy has not done that that I know of. They were asked to do that a few years ago. I have still not seen a completed long-term plan. We have to decide going forward what kind of power generation we

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want to have here, and what kind of mix that's going to be, and until we have a long-term plan, we should not be going forward with creating more generation capacity. Currently in the Southwest Power Pool there is a surplus of generation in Nebraska. I think alone we're 25 percent surplus capacity, and we still have a long ways to go in energy efficiency that is going to require even less energy generation in the future. Yes, we do need to look at our public power industry, and they need to be scrutinized. I want to make sure that the data they are giving us is correct, that nothing is being hidden from view as far as their long-term sustainability, but there are key components of their operating costs that I don't feel should be disclosed to competitors who may use that for an economic advantage. With that, thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Wayne, you're recognized.  
[LB1008]

SENATOR WAYNE: Thank you, colleagues. I think this is going to be a long debate, and I think our colleagues should listen to this conversation because the lights that are in here on right now are not necessarily public power lights. And I don't think everybody recognizes that in 2008, 2009 without legislation approval, our public power entered into a contract to move us to the SPP, Southwest Power Pool. What that means is our generation does not have...is not controlled by our public power anymore. That SPP can tell our public power to turn off their generation, to wind down their generation, to not generate at all. I would like to ask Senator Hughes a question.  
[LB1008]

PRESIDENT FOLEY: Senator Hughes, would you yield, please? [LB1008]

SENATOR HUGHES: Of course. [LB1008]

SENATOR WAYNE: Senator Hughes, who is, or are, public power competing against?  
[LB1008]

SENATOR HUGHES: Every power generation...every power generator in the Southwest Power Pool. [LB1008]

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SENATOR WAYNE: So they are competing in a private sector market, correct? [LB1008]

SENATOR HUGHES: There are public power generators and private power generators in the SPP. [LB1008]

SENATOR WAYNE: Thank you. Colleagues, what we have is a true government agency competing in a private work space, the private market. What you heard is this is about their ability to compete in a private market, not about taxpayers. Here's what are our ratepayers. Here's what I will ask every colleague one question. Why is it that the cost of generation, whether it's through wind subsidies, which many of you don't like, whether it's through natural gas prices which have dropped significantly, whether it's through solar, why is it over the last five to ten years as generation costs have decreased across the country, the people we represent, rates continue to go up? Answer that question. Ask NPPD, OPPD, LES, ask every public power that simple question. Point to me exactly why our rates are going up when the cost of generation continues to go down. And then ask them for data because that data will not be disclosed to you, and that's exactly what the Supreme Court ruling said, wait a minute. Public power was about the public ratepayer, not individual market investors, not your ability to compete in the private market, but it was established for Nebraska ratepayers. And if Nebraska ratepayers are the owners, then Nebraska ratepayers should be able to get the information on what generation costs. The fact of the matter is, NPPD is sitting on over a billion dollars of debt. How many people in here knew that? More importantly how many people know what that billion dollars of debt is actually generating? Are they covering their costs? If so, where is that data? If they're covering their costs, why is it that sometimes the coal plant is only running at 60 percent? I will tell you why. Go read the membership agreement at the SPP which is on-line, and today we'll read through that, where we have given up public power to the market. We can go watch... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR WAYNE: We can go watch down in Doniphan where SPP makes a call and says, turn off your windmills, scale back your coal plant. This isn't the people we elected making that decision. This is the people who are in Arkansas making phone calls, making that decision. They're the ones controlling whether we build new lines or not. They're the ones controlling what

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type of energy must be used first. The reason why wind is used first is because the market dictates that. Reason why coal is used approximately close to last, because the market dictates that. In 2014, Nebraska fundamentally changed how we conduct energy business when they went to a market base. Did we make the decision as a body to go into the SPP, where there's already 20,000 megawatts of extra capacity? [LB1008]

PRESIDENT FOLEY: Time, Senator Wayne. [LB1008]

SENATOR WAYNE: Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Murante. [LB1008]

SENATOR MURANTE: I will yield...first, thank you, Mr. President, members, good morning. I'll yield the balance of my time to Senator Smith. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Smith, 4:48. [LB1008]

SENATOR SMITH: Thank you, Mr. President. Thank you, Senator Murante for yielding me time this morning. I felt it necessary to get on the mike as early as possible. Senator Larson certainly gave us some entertainment this morning and made a few heads spin. I spent, in my 30 years, in the electric and gas utility business, I spent half of that in public power and half of that in investor-owned utilities. And I suppose because of the time that I spent in public power I need to make certain that everyone here understands that I am not, nor have I ever been a member of the communist party, and I know that Senator Kuehn spent a considerable amount of time as well working with public power and I suppose Senator Kuehn you may want to do the same, public power has served this state very, very well. We are a unique state. We are the only state that is 100 percent public power, and, yes, George Norris that brought us the Unicameral system brought us TVA, Tennessee Valley Authority, and he brought us public power, and those are components of a very rich heritage for Nebraska. I am a free-market person. I believe in competition, but there is no perfect model. Public power has served the state very well. The three basic components of public power in their backbone, I would say, is to be competitive, and they are to be reliable, and they are to be affordable and accountable. And I believe that they do a

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very, very good job of being accountable to their customers. Their reliability is second to none, and that's because of the folks that are in the field every day making certain that the lines stay up and the electrons keep moving. Affordability is something I've been on the mike many times in my eight years here to talk about, and we need to continue to push our public utilities to be affordable and to keep them competitive, and the opposition to public power here today does not help us to keep our public power competitive. Our state power entities operate transparently today with publicly-elected governing bodies. They have open meetings, and they meet public record requirements. This is a commonsense fix to keep the playing field level for public utilities and investor-owned utilities. I do like it that many of our public utilities take on some of the characteristics of private sector, investor-owned utilities in the way they conduct their business, and I encourage them to do so and continue to do so and continue to look for efficiency in their operations, to continue to work transparently, and to work on those three legs, I suppose you could say of public power, which is reliability, affordability, and accountability. So I do support what Senator Hughes is working towards, and I do support the public power here today, and I just wanted to rise and express that. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Quick. [LB1008]

SENATOR QUICK: Thank you, Mr. President. Before I came to the Legislature, and by the way I do support AM2564, but before I came to the Legislature I worked in public power for 28 years. And I can say I was very proud to work there. We...whenever we would have an outage and contractors would come to our facility and they would, you know, work on, say the boiler, or putting in new burners or whatever we had them do, they would comment on how clean and how efficient our plant ran. And they had been in private investor-owned utilities and it wasn't the same. They said that most of the equipment was rundown and had been...you know, they use it to the point where it has to be to be fixed and for us we shut down every spring and every fall and make sure, and we keep it clean in-between. We make sure everything is running properly. And it's very important to our ratepayers because as we keep that...as we kept our power plant up and running all the time, we never had to have it...well, very rarely did we ever have to have an emergency shutdown. I know we had some boilermakers come in one time, and they were talking about how much...you know, we'd never had a boiler tube leak in our boiler until we actually changed out some tubes at one time, and that probably had been 25 years that we hadn't

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had a tube leak, and that had to go back to the efficiency that we brought to the table. The fact that we...our chemistry for our boiler tubes because it all plays a major part in maintaining your plan. We had good people working in the labs that took care of that part of the equation, and then we also had everybody else work on the equipment outside to make sure that it was working properly. One of the things that we get from public power that I want to talk about, too, is we get local control, and that's very important. Local control and the possibility for demographic participation are defining features of Nebraska's public power-owned electricity system. At the ground level public utilities and cooperatives are run by publicly-elected power district boards, cooperative boards, elected city councils are often through appointed boards. These bodies establish budgets, establish service standards and policies and set prices. Regularly scheduled meetings of power boards and councils are open to public involvement and comment should they wish...should they so wish, every Nebraskan has the opportunity to become involved in the decision making of their local electricity provider. And I think that's important. I think having that voice to be able to talk, come in and talk to the board and express your concerns, whether it's on rates, they're the ones that set the rates for the local utility. I know Nebraska is one of the lowest in the country. I know...we very rarely increased our rates in Grand Island, and because we're a utility across all forms in the city, we also had...we had waste, water, wastewater and electricity in there, but our electric rates very rarely have ever had to increase for the city of Grand Island. And when they have, it's because we've added on maybe a...we had to add on a scrubber and a bag house to our coal plant. We've added...we've upgraded... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR QUICK: We've done all the upgrades to our power plant to make sure we stay in compliance with the EPA. And I felt proud to be a part of that when we did those upgrades. I was able to be there the last two years after we've done those, and it was important for our community to have those, so. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Kuehn. [LB1008]

SENATOR KUEHN: Thank you, Mr. President. Thank you, colleagues. As Senator Smith indicated, I'm going to tag along a little bit with Senator Smith and Senator Quick. I served on

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the board of directors as an elected representative of Southern Public Power District before my time in the Legislature. Actually I had to leave my board position when I assumed the role of service in this body, so I also am not or never have been or never entertained being a member of the communist party. I do want to just clarify for the body a little bit because Senator Wayne has raised some interesting points about Southwest Power Pool. There's a lot of discussion, I have a feeling today about NPPD, about public power, about transparency and I want to make sure that the body understands that there is a distinction that when we say public power, there's different levels of public power here in the state. So while NPPD is the generator and for the most part with the exception of some retail communities, for most of the public power districts that are across the state, including Southern, South Central in my district as well, the rural public power districts we're distribution districts, so we are wholesale purchasers. We have a wholesale contract with NPPD. We buy that power at a wholesale rate as a result of a multi-year contract signed with NPPD. So I want, as we have this discussion about public power, to make sure that there's a bit of understanding about the difference between your distribution district from which many individuals across this state are purchasing their retail power, and the generation and wholesale function which takes place primarily in this state via NPPD. And so some of the statements, for example, Southern, not a decision that I made, but this last year they've held their rates the same. So despite the fact that there have been changes, their retail rate remains unchanged going into the next year, an important decision by the members of that board to maintain affordability and keep rates as low as possible. There are a number of factors that play into the rate that you pay for the retail rate for electricity. Some of that is the wholesale rate. A lot of it has to do with the very reason public power was founded in Nebraska to begin with, and that is, it's a very different economic model for LES here in Lincoln and a rural public power district where you're measuring customers per miles of line and in some cases you're talking about fractions of customers per mile of line. Lots and lots of infrastructure, lots of expensive infrastructure which has to be maintained. That was part of the rural electrification process that took place through the 1930s and the 1940s, spearheaded by the USDA, RUS, and eventually taken over as a public entity with a creation of Nebraska's public power system. So that then leads us to the issue today which is that of transparency and disclosure. There certainly are issues related to generation costs because NPPD and the generation system is now in a competitive market with the Southwest Power Pool, and I'm guessing a lot of you are going to get educated about the Southwest Power Pool. I was on the board at the time when Nebraska joined the

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Southwest Power Pool and I can tell you there's been a steep learning curve for distribution district board members to understand how the Southwest Power Pool works and its impact on your local rates and ratepayers. So, if you don't instantly grasp that idea it's because it's not necessarily and initially intuitive in what is a rapidly-changing electrical utility market. We're now buying and selling power in the Southwest Power Pool in a minute market, which those of you who are... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR KUEHN: Thank you, Mr. President...who day trade or mess around with speculation of trading of futures or options or equities know how rapid that kind of a market can develop and can evolve. So there are a number of factors which contribute to the ability of a generator to be competitive in this broader pool marketplace that does have an impact on the information that is passed down to your distribution cooperatives. I look forward to listening to the debate. I do support the ability for a very narrow construction to ensure that competitive information is not shared on the open market that would put NPPD at a competitive disadvantage. That said, I do want to reinforce, as a former member of a distribution district, the information sharing and the ability to get information in the public sector is vital to all levels of public power being able to do their jobs. So local control includes all of the directors, and their ability to get information... [LB1008]

PRESIDENT FOLEY: Time, Senator. [LB1008]

SENATOR KUEHN: ...upon request. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Larson. [LB1008]

SENATOR LARSON: First, I want to start off with a few things. Senator Kuehn is right when it comes to retail distribution and what our local REAs provide. They are a distribution network, and in many ways offer very good services to the customers in rural Nebraska. There is a very big difference between distribution and generation. What we're focusing on here today specifically is the generation, and that is where my...all of my heartburn comes in, is on the



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generation side. The retail distribution networks, they don't generate any power when it comes to these open records that have been requested. They will...and what essentially NPPD and other public power entities turn down in that open records request, our retail distributors would have had no problem with that. So those of you that are worried about protecting your local REAs, this isn't about that. And when we hear about competitive disadvantages, I would make the argument, and I've told the public power entities this, that if they're working on contracts to lure big businesses such as Facebook into Sarpy County, or other big businesses into Nebraska, the contracts that they're working on with those businesses on what power is going to be provided at, I can understand why that shouldn't be open to an open...a public records request, because then a competitor in Iowa or Kansas could see what they are offering them in terms of a power purchase agreement and undercut it. But when it comes to what was denied, the actual expenditures and revenues by cost and profit centers, how much it costs to generate power at our facilities, that is open information to our ratepayers. And frankly, when we're talking about open records requests, Open Records Act, I feel that this...I understand this was never a bill introduced. This was an amendment on the Open Records Act or...I think they drafted it outside of the Open Records Act, but the spirit was to tackle the Open Records Act, and with that I have a motion that I would like to be brought across, Mr. President. A priority motion, nonetheless. [LB1008]

PRESIDENT FOLEY: Senator Larson, would you take a moment to describe what you believe to be a priority motion. [LB1008]

SENATOR LARSON: Thank you, Mr. President. I think it's Rule 73, I'd have to pull back my rule book, I just put it away, lists our priority motions. AM2564, or the original amendment that dealt with the open records request was introduced by Senator Hughes and then he unilaterally got to decide to hold a hearing on it in the Natural Resources Committee. It didn't come to Referencing. They didn't ask us if they thought it was an Open Records Act, and Natural Resources just heard the hearing and kicked it out. So my priority motion is a recommit to committee motion. Now, our rule book isn't clear, it just says recommit to a committee. It does not say recommit to the committee in which the bill came from. This amendment specifically, and if I could just send the amendment back to Government, I would, but this amendment said that therefore I had to send the whole bill back, but this should be in Government Committee

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because it deals with the open records. It deals with Freedom of Information Act material. So my priority motion is to send LB1008 back to the Government Committee to where the original amendment that we are fighting over should have been heard. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Larson, I was a member of the Legislature for six years. I've been the presiding officer now for four years. As the State Auditor is a close observer of the Legislature, to the best of my recollection there's never been a priority motion to recommit a bill to a committee from which it did not originate. This bill originated from the Natural Resources Committee. For your motion to be treated as a priority motion, the motion would have to state that it's recommitting back to Natural Resources. That's not what you've offered this body. It's the ruling of the Chair that your motion is not a priority motion. And in fact, what you're trying to do is create 14 new priority motions or more by saying that a priority motion can be written so as to send a bill back to a committee from which it did not originate. So, therefore, my ruling is, the motion you offered is not a priority motion. Senator Larson has filed a challenge to the Chair. Pursuant to our rules, every member is allowed to speak once on the issue. Members may not yield time to another on this issue. Senator Larson, I'm going to allow you to speak first and last on your motion, and senators may not yield time to one another. Senator Larson, you may speak first and last. [LB1008]

SENATOR LARSON: I have a clarification before my time starts, please. So I get to open on it and close on it, but don't speak in the middle, correct? [LB1008]

PRESIDENT FOLEY: Correct. [LB1008]

SENATOR LARSON: Thank you. [LB1008]

PRESIDENT FOLEY: So what we're going to do, we've got a queue. Some of the senators may wish to waive and then rejoin the queue if you don't want to speak to this question of overruling the Chair. You may want to speak to the bill itself, but we'll keep the queue in place and senators may want to drop off, waive, and then rejoin the queue. Senator Larson, you may open on your motion to overrule the Chair. [LB1008]

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SENATOR LARSON: Colleagues, this is simple. The rule book lists out the priority motions. I disagree with the Chair's ruling that this would create 14 new priority motions. No. The recommit to committee motion can still only be used once. So you could recommit it to the Government Committee and then that recommit motion is done for the day. Colleagues, when we read our rule book, it doesn't say or even specify that the recommit motion has to go back to which the committee it originated. It says recommit to a committee. Now, let's go to the Supreme Court case that was just decided. I heard public power last night to say that the Supreme Court...the reason the Missouri Supreme Court ruled the way it did was a phonetic error in the way that we wrote the law that it didn't have a comma, and therefore, it was a two-prong test. Colleagues, let's follow our own rule book and it says recommit to a committee. Judging by the Supreme Court's ruling, specifically on this issue, let's follow our phonetics. It doesn't say it has to go back to the committee that it came from. This...let me bring it back. I am a committee chair. I deal with tobacco policy in the General Affairs Committee. Let's say I have a bill that is dealing with tobacco policy and I decide that I want to introduce an amendment, after bill introduction is done, to lower the cigarette tax. Okay? So I'm going to introduce that amendment and put it on a bill that's dealing with tobacco in the General Affairs Committee. Under the logic that the Chair and Senator Hughes has operated under, I could hold another hearing on the cigarette tax in the General Affairs Committee because it deals with the regulation of tobacco. Taxes will deal with the regulations of tobacco and how much tobacco is sold. So I'm going to hold that hearing in General Affairs and then I'm going to lower the cigarette tax coming out of the General Affairs Committee. I don't think Senator Smith would appreciate that. I don't think he would appreciate me creating tax policy in the General Affairs Committee under jurisdiction that directly deals with his committee and under jurisdiction that directly...that the Exec Board has continually sent to the Revenue Committee. This Exec Board has continually sent open records law...Senator Bostelman has another bill, LB902, that dealt with open records on gun owners that we sent to the Government Committee. We sent Senator Briese's bill that dealt with open records on workplace accidents, I think. I might be misquoting it a little bit, but it dealt with...on publication notices and open records and it went from Business and Labor to Government. This Exec Board has a history, and the last Exec Board, of sending all open record stuff to Government. I understand that the Natural Resources legal counsel did an excellent job of not putting it in those statutes, or in that chapter, but that does not detract from the spirit of what this was attempting to do. So I commend Senator Hughes and his legal counsel for trying to

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work around the system, which is what they did, but that doesn't make it right. As I said, I won't be here next year, but to those of you that are going to be committee chairs, this is how you need to do it in the future. Don't introduce the bill to change a tax law or open records law, have the bill...have a different bill come to your committee, just introduce an amendment on it, hold your hearing on the amendment and kick it out. Let's just circumvent the referencing process because that's what our Chair just did. He circumvented the entire referencing process. I understand he brings the history that this has never been done, but the rule book is clear. It says recommit to a committee, not the committee in which the bill originated. So we have a fundamental question of how we want to operate moving forward. Do we want committees to be able to just introduce amendments and hold hearings on them even though that amendment is clearly belonging in a different committee, because if we do that, that will become the practice moving forward. And if I were going to be here another four years, if I wasn't term limited out, I guarantee that's how I would do it because that is the rules that...as Senator Chambers constantly says, I will play by the rules that you set. And if that's the rule you set today, you should all play by it. To backdoor the referencing process, introduce the amendment that you need for your bill, reference it by yourself to your own committee and hold a hearing on it. And now we all know the rule book is clear, all committee amendments are germane, so if I were to be General again...I cannot be General Affairs chair because I'll be gone, but if I were General Affairs chair next year, we'd be dealing with tax law in the General Affairs Committee, I guarantee it, because this is the way around the process. This is the precedent that you're setting. Maybe the rule book needs to be changed to say, amendments that are introduced need to go through the Referencing Committee, but the way that this happened was wrong. This Exec Board for the last four years has sent public records bills to Government. Again, I understand it's not in that statute, or that chapter, but the spirit is clear to shield open records requests of public power. I've made that argument in Referencing many times. Regardless of the chapter, it is what is the spirit and that is what is happening here. So I urge my colleagues to recommit this back to...first of all, overrule the Chair so we can have an actual discussion on whether or not this belongs in Government Committee, because it does. Senator Murante has shown himself to be in a very capable chair when it comes to open records hearings and I'm sure he doesn't want to be completely finished as his chair as Government and Veterans and Military Affairs, one more hearing he would be glad to have on Open Records Act. So moving forward colleagues, we have to ask ourselves, what are the rules that we are going to play by in chairs and future chairs. You remember this precedent because

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this is an important one. Let's do tax policy wherever we want. Let's do Health and Human Services policy wherever we want because that is what we're doing. That is what the President did with that ruling. He gave chairs of this Legislature unrestrained power in terms of self-referencing and kicking things out of their committee. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Brewer. [LB1008]

SENATOR BREWER: Thank you, Mr. President. Good, morning, colleagues. It's obvious it's going to be a long morning. I have mixed emotions in that I believe that LB1008 is a good bill. I think it's probably something that needs to be done when it comes to looking at issues of poaching wildlife. But unfortunately, the decision was made to weave all of the rest of this in there. And I think it's interesting on those that are coming to the mike defending public power. I'm not against public power. I'm against giving unlimited power to public power. The question everybody needs to think about as we're addressing this issue of public power is, who are they competing with? That's the issue that needs to be answered here and the method we do that, I'm willing to go the long road if that's what we need to do. The issue of public power is something that I cannot look away from. I handed out handouts yesterday. One of them is a map and at some point here we will talk about that map and we'll talk about the R-LINE, but the other one lists questions. And it just at the top says "Nebraska Public Power Plant X," and it runs down the list of all these things from fuel cost to overhead, debt, total costs. Then it goes down and goes through a list of other questions below there. These are legitimate questions. If this amendment is allowed to move forward, we're not going to have the ability to get answers to questions. You say, well, you're overreacting. I say, baloney. The reason I say that is because I asked them for information. The letter that I sent to Nebraska Public Power dated 19 October asked a number of questions specific to the R-LINE. The reason that I asked is because there's no information out there that tells you the plan for the R-LINE other than a general overview. This letter and at some point here this morning because we're going to have a lot of time to talk about it, we'll go into more detail. But it basically says, listen, if you're going to make a dog leg north and run a two hundred and some mile power line to the Sandhills on a route that goes completely away from the route that it should take to go from point A to point B, why are you doing that and what's it's going to cost? Now they've stressed how this strip through the Sandhills is not going to damage the Sandhills themselves, but yet when you ask for more specifics about the number of heavy-lift

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helicopters and all the requirements for air fields that they're going to have to fuel those helicopters and maintain them, there's nothing that comes back. My concern is this. The issue of public power or whether we should have it is not the issue here. The issue is whether or not we give them unlimited ability to hide information from the people. They are public power. The public should have full access to everything. Now, I understand it sounds good in a sound bite to say, well, yeah, but you have to limit what others can see. Baloney. If they're public power and they're doing it right, the people need to see. They're the ones that make it possible for power to exist so there is no reason why they should not have their books open for everyone to see. And if they can't be competitive with all the advantages they have, then shame on them. But with that said, I invite you to do a little bit of research on what happened in Beatrice. Beatrice wanted to build a power plant there. Would have been gas-powered, but because of not meeting those three pillars, they had to move it to Kansas just across the border but guess what, Beatrice is using the power from that plant that's not in Nebraska. Now, whatever we're doing will allow someone to move to another state... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR BREWER: ...push power uphill to be competitive, then we're doing something very wrong. [LB1008]

PRESIDENT FOLEY: One minute, Senator. You have one minute, please. [LB1008]

SENATOR BREWER: Thank you. So as we go through this, again, it's not whether or not we love public power. Everybody who grew up in Nebraska and has dealt with the availability of power are pleased with that. What we're upset about is their desire to want to hide information that is critical to the taxpayer or the payers of those rates. So, with that, thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Hughes. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. I certainly want to urge my colleagues to not vote to overrule the Chair. When this issue came up, public power came to me since we are the

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committee of jurisdiction over public power. We ran the traps. We went to the Clerk's Office, we went to the Speaker, made sure we were doing everything right. So I certainly urge all of my colleagues to vote no on the overrule the Chair. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Wayne. [LB1008]

SENATOR WAYNE: Thank you, Mr. President. Colleagues, I'm going to read to you the last year and a half of some bills that deal exactly with the issue we're talking about, and I'm going to tell you a true vehicle that could have been used but was chose not to use...not to be used. So first, you can look at your referencing as far as your committee guides. Specifically in Government is public meetings, records, and those kind of things that deal with basically what we're talking about. But let me give you just the history. And I'm talking to the freshman senators with me. What Senator Larson said concerns me and here's why. LB365, public records request by Senator Blood that dealt with changing some public records and adding fees. LB624, county public records that Senator Wishart introduced regarding police officers. LB859, employee death information, Hansen introduced this year, came to Government. LB902, public information regarding registration of firearms came to the Government Committee. LB921, National Guards, by Senator Brewer, residential addresses, public record, came to Government Committee. LB1015, public records request regarding Workers' Compensation changes came to the Government Committee. LB433 by Senator Ebke regarding criminal history records on taxes came to the Government Committee. But here is the vehicle that could have been used and chose not to use. There was currently a vehicle, LB494 on General File that came through the Government Committee that deals with energy infrastructure confidentiality, that we heard and it was regarding public records for energy infrastructure confidentiality that came to our committee and that has carried over sitting on General File. The Government Committee could have had a hearing and attached it to that bill. Could have prioritized that bill and that is not only germane but it deals exactly with the issue of public power and confidentiality. They chose to go to a committee where they felt maybe they could get it out in a quick manner. They chose to go to a committee that is not germane to this issue by the year and a half that I have already seen legislation that I just read that deals with public record. What did you say? Did you say anything? I thought I heard something because I'm in a good spirit right now. Sometimes...I even wore a suit today because I knew it was game day. That is the reality. We have...I have just listed

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out seven to eight bills that deal with public information and withholding of that public information that went to Government. I will tell you in every committee chair, freshmen senators going forward, we can circumvent the process. Urban Affairs, we're going to deal with elections next year. We're going to hold the bill and we're just going to rereference it back and we're going to do first-class metropolitan-class that deals with elections. And I'm going to hold the hearing on it, it's going to come back, it's going to be germane. Government, we're going to do a little bit of everything because we touch everything, any political subdivision. We're just going to hold the hearing, attach it as an amendment, it's germane. We're going to even maybe do some tax policy in Government next year because every political subdivision does that. And you know what? So does the Urban Affairs. We deal with LB840, so now I'm going to be doing tax policy next year in Urban Affairs. This is a bad precedent we are setting. We had a vehicle, Senator Briese's bill on LB494 dealing with energy infrastructure confidentiality that was carried over last year, was the proper vehicle that was in the proper committee, that could have had the proper hearing with the proper legal expert as legal counsel of that area to go through and vet it. This is an end-around of our system and I will be voting to override the Chair because we have to uphold the integrity of our referencing process... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR WAYNE: ...although it may get debated quite a bit, but more importantly we have to uphold the process in which we push out bills. We cannot open up the idea that if it touches something and somehow it's involved, we should change it. This year Senator Friesen had a Community Finance Act. That deals with taxes. I'm going to rereference that and we're going to do a whole tax policy. That's not a good idea. We can do better, we should do better, I would ask you to vote green. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Murante. [LB1008]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. As I rise to discuss the overrule of the Chair, I'm reminded of the opening scene for a man for all seasons when St. Thomas More entered the chamber of Cardinal Wolsey and Cardinal Wolsey said, St. Thomas More you disagreed with me in chambers today, why? And St. Thomas More's response was



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because I thought your grace was wrong. And in this instance, Mr. Lieutenant Governor, with respect, I think your grace is wrong on this issue and I will vote to overrule the Chair because I believe that the rule is clear that the rule states that it is to recommit to a committee. That to me means a recommit to any committee that whoever wants to reference...to recommit a bill to where they feel it's to be most appropriate. And I will tell you since my first days in the Legislature, the mentality which I absolutely loathe and abhor is the ends justifying the means that how we want a proposal to...that we are outcome oriented. That we interpret the rules based on where we want the outcome of the bill to be. So to be clear, it is my belief that LB1008, even as amended by AM2564 has no business in the Government, Military and Veterans Affairs Committee. If we get to the vote on Senator Larson's motion to send it to the Government Committee, I will vote no because, just because we're dealing with the confidentiality provision does not mean we are amending or creating an exception to the Public Records Act. What Senator Hughes is proposing in his committee amendment is to say that there is within the DNR statutes a confidentiality provision. That does not create an exemption to the Public Records Act and therefore is not the jurisdiction of the Government, Military and Veterans Affairs Committee. With that said, I do believe that Senator Larson has the right under the rules to make the argument that the bill belongs in the Government Committee. I just happen to disagree with him that the bill belongs in the Government Committee. So if...I will vote to overrule the Chair and if we get to the point where we discuss the motion on recommitting to the Government Committee, I will vote against that, but that is where I stand on the proposal. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Kolowski. [LB1008]

SENATOR KOLOWSKI: Thank you, Mr. President, and I stand in total support of the original bill, where we're going and what we're trying to get done here. I stand in support of the Chair and his decision on this particular issue as to where we are and what we hope to attain with this. If those who are speaking against the bill, or the overturning this at this particular time would read the transcript of what took place at that hearing on March 7th, they might have a full picture of the issues that we're dealing with. And certainly this year and even in some of the issues of last year's session, we've had many questions as far as where bills were being sent, what committee they're going to, and this is not the first time this kind of issue has raised its head.

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Senator Brewer talked about the issue of unlimited power, giving unlimited power to public power. I think we should talk about a different angle on that and that's giving equal power to public power, not unlimited power but having equal power to public power. I think if you would read that transcript and look at what took place during that hearing on March 7th, you'd have a new appreciation for what Senator Hughes has gone through and I praise him and our committee that I have been on for six years now, and another eight years in an NRD before that time dealing with these kinds of issues. And the work that was done by Senator Hughes was masterful and the things that we were able to accomplish with that hearing, it was one of...and I mean this seriously, one of the best hearings I have sat in in my six years here in the Legislature. Look at the facts. Look at the data. Look at the material. Support the Chair. Continue this effort and we'll be on the right track. Thank you very much. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Kolowski. (Visitors introduced.) Continuing discussion. Senator McCollister. [LB1008]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, colleagues. As I have mentioned a few times on the floor that I served on the MUD Board for thirty years, thirty years, and that's a public utility that sold gas and water to the metropolitan community area of Omaha. And the kinds of statutes that we operated in and our modus operandi was very similar to the way the public utilities work in Nebraska as well. OPPD, NPPD, so that...the principle advantage of that model in Nebraska is the fact that usually our rates are a good 15 percent lower than a privately-held company would charge its customers. And for the most part, that's the case in both natural gas and water and I think generally throughout the state of Nebraska that's the case with electric rates too. The important thing to remember about this, and Senator Quick mentioned this as well, we have an elected board now accountable to the ratepayers. And the...I'd also would say that transparency is a big part of a public utility. You get more transparency with a public utility that you're ever going to get with a private company. So, I favor that model. It's a good model and we shouldn't even consider selling our public utilities. Secondly, with regard to the records issue, we did have a committee hearing on the issue. It was a good hearing, and I think the committee struck a good balance between providing disclosure and nondisclosure of proprietary information. So that was a good solution, and we shouldn't be going back on that now. We need to continue forward with this bill, support the bill, the overall bill, LB1008, and I also support

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the ruling of the Chair with regard to Senator Larson's motion. Thank you, Mr. President.  
[LB1008]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Harr. [LB1008]

SENATOR HARR: Thank you, Mr. President. I think I need to clarify the record as well. Since I spent two summers working for a public power company, I myself am not a socialist nor a communist, entertained being a communist. I have entertained a communist but I'm never entertained being one. As far as overruling the Chair, I completely agree with the Chair. I think he made the proper ruling here. This has to do with...this bill could have gone either way, Government or to Natural Resources, because we're dealing with public power here and we're dealing with public records. And I'm going to be asking Senator Larson a question before he walks off, so when I'm finished with this point, I would ask that Senator Larson yield to a question. But folks, we do this all the time where we have conflicting bills. I had one, a two or three-man crew on railroads...two-man crew, excuse me. How many people should be in a crew on a railroad. It went to Transportation, it had to do with Labor. But the way the bill was drafted it went to Transportation. Would Senator Larson yield to a question, please? [LB1008]

PRESIDENT FOLEY: Senator Larson, yield to a question, please? [LB1008]

SENATOR LARSON: Is that allowed? I mean, I'm happy to, but I... [LB1008]

PRESIDENT FOLEY: It is permissible to ask a question. [LB1008]

SENATOR LARSON: Okay. [LB1008]

SENATOR HARR: Thank you, Senator Larson. Are you familiar with LB1015? [LB1008]

SENATOR LARSON: LB1015? Refresh me on the title. I'm sorry. [LB1008]

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SENATOR HARR: It has to do with reporting of work place...allow withholding of public reference of injuries under the Nebraska Workers' Compensation Act that reveal an employee's identity. [LB1008]

SENATOR LARSON: Was that Senator Briese's bill? [LB1008]

SENATOR HARR: Yes, it was. [LB1008]

SENATOR LARSON: Yeah, we sent that to the Government Committee. It was a motion made by Senator McCollister and I believe I seconded it and the Exec Board sent that on a 5-4 vote to Government. [LB1008]

SENATOR HARR: Thank you. Folks, that bill has always, always, always, always gone to Business and Labor. It was redrafted and manipulated to go to Government. But the underlying purpose of that bill is a Business and Labor. It has to do with Workers' Compensation. That's what we're doing here. This bill, this amendment, which by the way hasn't even been adopted yet, so we're moving a bill back to committee that hasn't been adopted yet. I think he is a little premature on this. Once that amendment is adopted, and it will be because the votes are there. Maybe he has an argument at that point but right now he is premature, again. But we have bills that have conflicting jurisdiction all the time. So it's not uncommon to go to Natural Resources. Now back to the rule. We have never done this before and this is setting a dangerous precedent. If Senator Larson has an issue with this or a problem, there is a process. Go to Senator Hilgers and go to the Rules Committee and we can clarify this. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Bostelman. [LB1008]

SENATOR BOSTELMAN: Thank you, Mr. President. I have a couple of comments. I agree completely with Senator Harr there on this, and also Senator Hughes. I support the president's ruling on this and I would be opposed to recommit. A couple of things to look at here. When the court looked at this specifically, let me read out some verbatim here, they looked at it very narrowly. It said: if presented with an opportunity to exclude a public power district competitive information from public scrutiny the Legislature might well do so, but thus far it has not. If the

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Legislature had done so, we would have not hesitate to apply the "other statute" exception of the public records law and the general principle favoring a specific over a general statute. They specifically looked at Chapter 70, which is power districts and corporations. They did not look at Chapter 84, which is public records. That's why I believe that it was properly heard, had a hearing in Natural Resources, which does hear public power and does deal with Chapter 70 issues. And I do believe it was referred to the proper place and was handled properly, had a proper hearing, and has come out accordingly to this body. And I do stand in supporting the president in this decision, and I do oppose a recommit to committee. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Senator Albrecht. [LB1008]

SENATOR ALBRECHT: Thank you, President Foley. Colleagues, I do sit on the Natural Resources Committee, and I stand in opposition of the recommit to committee to overrule the chair. You know, public power, again, it is what we own. And the very person who decided to take this particular complaint to the Supreme Court is a company who hooked on to our grid. And in my eyes, you know, that's all we heard for the last two years, is about wind and solar in the Natural Resources Committee. I just want to give some food for thought when people are thinking about this. I have a list of some information that I took from the meeting. Attached is the Supreme Court case regarding public records requests from this gentleman that took it up with the Nebraska Public Power District to go to court. Number one, the Supreme Court agreed the information that the Nebraska Public Power District was attempting to withhold was competitive information, on page 127 of the ruling. Number two, the Supreme Court acknowledged public power utilities are different than other governmental entities. Functioning in a proprietary capacity, by law they must operate in a successful and business-like manner. Again, page 125 and 126. Number three, the Supreme Court said that the Legislature can protect competitive information, page 127. Number 4, the Supreme Court said this fix could be made in Chapter 70 of the public power statutes, page 127. Other examples of proprietary information: information relating to the Southwest Power Pool's integrated market and bid strategies, unit-specific production costs, unit-specific generation forecasts, fuel contract terms and conditions, rail and transportation contract terms and conditions, outage schedules before they properly are posted, vendor and proprietary information, economic development prospect information and

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proposals. In this meeting, and we have to wrap our head around the fact that, you know, we have to look at the fact that everybody who came to that meeting, it was public power and the media. The media, too, has the same concerns that everyone on this floor has, to deliver to the public what they need to know. But I don't believe in any circumstances...we own that power. And if you're coming to the state of Nebraska and you want to work with us, you have to understand where those proprietary information items lie. But, again, I just find it disheartening that somebody would hook into our grid and then take to us court to try to find out how we operate. You know, it doesn't make any sense to me. I will be in support of AM2564. To Senator Brewer, I understand your pain of what you have going on in your particular district, but again, we have been very kind in listening to the concerns you have as well in your district. But to get the information you need is certainly not what's considered I think in this bill. I do believe that if the public records, if you go to ask them what you need to know, they should be able to visit with you and talk about it. If they don't, there are concerns that you have, but I don't believe in this particular bill that we're trying to get passed and to protect certain things is not necessarily the same questions that you have in your bill. So, thank you, Senator Foley. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Albrecht. (Visitors introduced.) Continuing discussion, Senator Schumacher. [LB1008]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Day 47, not much time left. We've got some things that we're going to have to deal with. We've got a very narrow question before us today, and that is the public power companies are under an order to release some sensitive information. None of us have time to think through that and its implications, but if it's released and if it hurts the assets of the state it would be a bad thing. Now, maybe under a more deliberative environment, in a proper setting, a 90-day session, we could sort that through and give a straighter answer. But one narrow question today: Should we basically pass a law that undoes what the Supreme Court said, and that is they're under order to release it because of language in our law that says must be released unless it serves...and it serves no public purpose. The court said the Legislature must know what it meant. One narrow question. We do not change this law, sensitive information, the smoke will get out of the cigar and it's going to be hard to get back in. Now, that is the question. A lot of interesting issues have been raised, really fun issues I'd like to be part of debating but won't be able. Wind energy, the

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legitimacy of public power, whether or not these boards that are running public power now are really competent and really attentive, and whether or not they could be better, whether or not the executives running it have been overly bureaucratic, whether they have lost the vision of Norris. All of those great, fun things, but that's not before us today. Do we let the smoke out of the cigar is what is before us today. And in that context, and relevant to the chair's ruling, I'll tell you a story. Probably the most valuable lesson I got out of Georgetown Law school. Seems as though the British, when they ran their sea missions, they had a prince or a royalty who was in charge of the fleet. Then they had somebody who knew something who was running the fleet, and actually in command. And that was Admiral Nelson. And Admiral Nelson was at the harbor at Copenhagen. And what was happening there is there were a bunch of Spanish boats, and very few British boats, and it looked bad. And the first mate says to Admiral Nelson, look, admiral, the lead ship, the Royalty, is ordering to us get the heck out of here. He's hoisted the white flag, we got to move. And Lord Nelson puts the telescope up to his blind eye and says, I see no such order. Let's proceed. And he wipes out the Spanish, great victory for the British. And it's because a leader made a call with a greater vision in mind than some technicality. Today, Lieutenant Governor Foley is Lord Nelson. Let's get through this, let's win this battle on a narrow issue, and fight all this other stuff when you got a lot more than 13 days on the clock. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Schumacher. (Visitors introduced.) Senator Krist. [LB1008]

SENATOR KRIST: Thank you, Mr. President. And good morning, colleagues. Good morning, Nebraska. Which eye is the blind eye, Lieutenant Governor? Which eye is the blind eye? That's the question. I agree with Senator Schumacher and I agree that the chair's ruling is correct, and I will support it with my vote. I've been part of a referencing process in this body and proud to be the Exec chair for many years. And I've seen arguments over referencing back and forth. Senator Harr brought up an example of a turn-about in the last two years. The referencing guide is just that, it's a legislative referencing guide. But if you would, I'd like to read under Natural Resources item number two: public power, public power districts, Nebraska power review board, other utilities, electric co-ops, oil, gas, and pipelines, and ethanol. So I believe that this bill was, or this effort was, correctly handled by the Natural Resources Committee, and I applaud, as Senator Kolowski said earlier, I wasn't in the hearing, however, the way that it was dealt with. So

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I too will tell a story that I think you should pay attention to. In 2010, and I was here, Senator Langemeier was the chair of Natural Resources and wind power was all about the discussion that year. Senator Langemeier did an excellent job of leading the cause and establishing the baseline, and he went back into committee several times late in the session to do exactly what Senator Hughes has done here, and amended LB1040...1048, actually I think in 2010. And several times before it came to out to a consensus and we voted on the bill. Why do I tell you that? Because I think that, like Senator Schumacher's story, you either lead, follow, or get out of the way. I think the Governor needs to remember that, or any Governor needs to remember that. Leadership was exercised by the Natural Resources Committee and they brought this forward. But I would also like to make another comment, or several comments, regarding Senator Larson's arrogance this morning on the mike. To compare George Norris to a communist or a socialist is disrespectful and disingenuous. George Norris was a political genius of his time, a great American, and a patriot, and the founder of this institution, which until lately has been an independent, completely independent institution and a nonpartisan body. That is changing a little bit in these last few years. I'm hoping that that will be restored in the next few years to its rightful place. The fact that George Norris was defamed on the floor of this Legislature this morning, in my opinion, is horrendous. I believe that if the Executive Board, Executive Committee, would have formed itself and referenced this you would have seen...this issue, you would have seen it referenced to natural resources because I think that would have been the right thing to do. And you ask the folks who are on the Exec Board how they would have voted on it. I have, and I have taken a poll in terms of how it would have been referenced. And I believe that that is correct. So let's focus on the issue. Let's get by the recommit, the overruling of the chair because the chair made a good rule. Let's get to the meat of the issue. I support LB1008 and AM2564 from Natural Resources. I think it's the right thing to do, it's the right time to do it. One other thing I would like to put on the record is I was given an amendment by an extremely intelligent, very well-thought-of lawyer, who constitutionally has credibility all over the state, Mr. Michael O'Hara. And this amendment I would be happy to hand to one of you who will be here next year, because this deals with what would be sent to Government Committee which deal us with all agencies... [LB1008]

PRESIDENT FOLEY: Time, Senator. [LB1008]

SENATOR KRIST: Thank you. [LB1008]



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PRESIDENT FOLEY: Thank you, Senator Krist. Senator Hilgers. [LB1008]

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. I rise only to discuss the particular matter before us on the board, which is the decision of whether or not to overrule the chair. And I have spoken with the chair after the ruling was made to clarify exactly what the ruling was, because what we are doing is not...we are overruling a specific decision of the chair. And as I understand that decision, it is that the motion to recommit is out of order as a priority motion, not that it may not exist as a motion, but as a priority motion. And so I've been looking in the rule book since the decision has been made, and I started with the rule that was referenced by Senator Larson, which is Rule 7, Section 3(a), which lists our priority motions. And it does say, as he says in (g), there's a priority motion to recommit to a committee. So an initial rule of interpretation that we have discussed quite a bit is that the words mean what they say they mean and you got to follow the plain language of whatever it is legal authority that you're reading. Now, I have spoken with Senator Chambers and others off the mike and that maybe we should not read this so formalistic as we would a statute. I'm not sure I agree with that, but I think if you were to end the analysis there that would solve the question, which is in our rule book it said if we wanted to limit it to the committee from which the bill originated we would not have said to recommit to a committee. However, there's another rule of interpretation, which is that we should not be reading out other sections of whatever legal authority that we're reading. So whether it's a statute, or in this case the rule book, and we do have a process within the rules to object to the referencing of a bill. Now, Senator Larson on the mike said he is objecting...he wants to recommit this to committee because of the amendment, but the amendment has not been adopted. And so the motion is to recommit the bill. And if we are recommitting the bill then what we're doing is re-referencing the bill. Now, there's another section in our rule book in Rule 6 that does talk about a procedure in which what we do is, if the amendment is adopted then the Speaker can make a determination whether to re-reference it or not, and then we could vote on that procedure. But as it stands here, without taking a position that there is no such thing as a recommit to a committee, I think if we are...if we overrule the chair, what we are saying is that we are reading the objection to referencing provision in a way...we are basically importing priority language into that provision or reading it out. Whichever way you want to look at it. We're adding substantive language or excising substantive language in our rule book. So when you look at the rules in our totality and without any

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precedent that I've seen, and I understand this is an issue that we have only been analyzing and discussing over the last hour. And so with the caveat that there is additional information that could be presented that I will look at, there could be precedent. I will look through our precedent book after I get off the mike. I understand on an overrule the chair motion we can only speak once, we can't yield time. I will look at those precedents, if there is other information I'll look at it. If there's another reference in the rule book, I will look at it. But at the moment, I will vote not to overrule the chair, to sustain the chair's ruling because if we overrule the chair we will essentially carve out or otherwise modify other sections of our rulebook in a way that I think would not be consistent with any method of interpretation that I'm aware of. So with that, thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Hilgers. (Visitors introduced.) Speaker Scheer. [LB1008]

SPEAKER SCHEER: My apologies, Mr. Lieutenant Governor. Colleagues, I'm not exactly sure how far Senator Larson's trail would go. I'm not a communist, I'm not a socialist. I do use public power, though. So I am not sure how far that goes down, but I just wanted to be perfectly candid and up front that if it goes that far, I might be. I don't know. To the point, though, as far as overruling the chair from my perspective, if I had been in the chair I would have made the exact same ruling. I support the Lieutenant Governor in that ruling and I would ask you to vote red on overruling the chair. Thank you very much. [LB1008]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Chambers. [LB1008]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I tried stay out of this discussion. The chair, in my opinion, was absolutely correct. I present the way Senator Hilgers handled his position as the Chairperson of the Rules Committee. In a way, his comment was similar to what the Supreme Court said in the case that we're talking about. He has left it open that there may be additional information to be presented, but based on what there is now, and reading this rule about recommit in conjunction with other rules, there's no way that the chair should be overruled. What the Nebraska Supreme Court has said, even when a statute is clear and unambiguous, that to interpret those words in the literal sense would produce an absurd

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result. And rather than be absurd, it will introduce a rule according to a principle called in *pari materia*. You look at other statutes that deal with the same subject and you see what they are reaching as the conclusion, then this particular one is read in light of that. And you avoid an absurd result, you give meaning and well, status to the legislative proposal that is before the court, and it fashions a reasonable, intelligent result. I have been opposed to the way the Reference Committee has referenced bills, but I have offered motions to re-refer. Once the Legislature voted to uphold what the Reference Committee had done, that ended that particular issue for me in terms of it going to a different committee. I have offered motions to recommit to committee and that's what has taught my colleagues how to do it, not that it should require any teaching, and that it is a priority motion and allows you to jump to the front of the line. But never have I suggested or even hinted that that motion included the notion of the appropriateness of saying re-refer it, recommit it to a different committee. The way I read it, the word "re" means and carries with it the understanding that it will go back to the place from whence it came. So I wouldn't say re-refer to the Appropriations Committee, re-refer to the Judiciary Committee, but recommit to committee. I think what Senator Larson may be desirous of doing is taking time. And he should learn this from me, when I offer a motion or an amendment I will let the body know my intent is to take as much time as I can, that I know you're going to vote against this. So my reconsideration motion is on the desk and everybody snobs it. Senator Larson learned in trying to bake a cake that you start out with the cake pan, that you have ingredients, and that you mix them. Well, all he saw was how you mix the dry ingredients, but he didn't know that some liquid had to be added in order to get all of this mixed in the way it should. He also didn't realize that it all goes into the oven for a designated amount of time. So what he has come up with is something, but it's not a cake. What the body can do this morning is uphold the ruling by the chair and also send a message that we're not going rewrite or modify the rules on the floor of the Legislature... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR CHAMBERS: ...in the heat of a discussion. The Supreme Court said, that had the statute being considered been written a different way it wouldn't hesitate to act in accord with that statute. But the statute being written the way it is right now, that's what the Supreme Court has to rule on. And it did so. Our Chairperson of the Rules Committee said, that based on the

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way the rules are fashioned now the only direction we can go if we are rational and respect our words is to uphold to the ruling by the chair and not vote to overrule. Thank you, Mr. President.. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Smith. [LB1008]

SENATOR SMITH: Thank you, Mr. President. Yes, I just wanted to stand very quickly as well and vote against or acknowledge opposing, overriding the chair. That is sustaining the chair on this decision. Colleagues, we really need to move forward and get to the underlying amendment and to the underlying bill. This is a very, very important piece of legislation for Nebraska. To not get to this and to not address it I think has real critical issues ahead for the competitiveness of our public power industry and ultimately could do great harm to our state. So with that, I do rise in support of the chair's ruling and to sustain the chair. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Larson, you're recognized to close on your motion. [LB1008]

SENATOR LARSON: Thank you, Mr. President. And I think we have started our rules discussion on AM1008 today. And I guess I'd like to bring...I understand that many people want to say they support the underlying bill and want AM2564 to pass, and therefore won't vote to overrule the chair. But we do have to look at the precedent that this will set in our rule book, and how we operate. I was discussing a little bit, let's take...let's go back a few years when Senator Fischer, at that time state senator, passed LB84. She was the Transportation chair. I think there were a few of us here for that. She could have introduced the transportation bill or a roads bill into Transportation Committee and then after the 10 days of bill introduction were up introduce an amendment that added a quarter-cent sales tax or the diversion of that quarter-cent sales tax to that bill, and then had a hearing on that quarter-cent sales tax in Transportation Committee and then kicked that whole package out of Transportation Committee. Instead, LB84 went to the Revenue Committee because she introduced it properly as a bill, it was heard by the Revenue Committee, brought out here, and we passed it. But the precedent that we are setting with AM2564 is a precedent that I would urge all committee chairs to do moving forward. Whatever you true objective is, if you're worried that it's going to go to a different committee, don't

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introduce it as such. And just introduce it as an amendment later on and decide to reference it yourself to your own committee and kick it out of your own committee. As I said, if I were going to be here next year, I guarantee you that's how I would do it in General Affairs. I'd urge Senator Friesen, if he is still the Transportation chair, if he wants to dedicate more funding the roads, that's how he should do it. Because that is what this is doing. A committee chair unilaterally introduced an amendment to a bill and decided to reference that amendment directly to his own committee and then kick it out. And all committee amendments are germane. So committee chairs moving forward will have a significant amount of power. Tax policy will be able to be made in any committee with jurisdiction. So, I understand that many of you support AM1008, but understand that implication moving forward for you guys, committee chairs, those of you that become committee chairs, I would urge you what you want to do with the tax policy, with affairs that are impacting your committee, or Open Records Act with the issues that are in front of your committee, do it this way. Because the chair will rule that that was okay. We don't...those committee chairs won't even have to introduce bills. They'll introduce a shell bill in the first 10 days and an amendment later on, reference it to their own committee, have the hearing on that amendment, kick it into the bill, and off we go. That's the precedent we're setting. And I would urge my colleagues to do exactly that next year. I'll be watching it on TV and it will be fun, because I'll get to sit here and say we had this rules fight last year. Because I do enjoy the rules, as many of us know. [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR LARSON: Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you Senator Larson. The question is whether or not to overrule the chair. This particular motion requires a majority of those present. Mr. Clerk, could you confirm for me the number of members present? [LB1008]

CLERK: Mr. President, at this time we have 46 members present. [LB1008]

PRESIDENT FOLEY: So if I'm correct, 24 members, 24 votes would be required to overrule the chair? Mr. Clerk, is that correct, 24 votes required? [LB1008]

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CLERK: Oh, yes, sir. I'm sorry, 24. Yes, sir. [LB1008]

PRESIDENT FOLEY: A roll call vote has been requested in reverse order. Mr. Speaker?  
[LB1008]

SPEAKER SCHEER: Call of the house. [LB1008]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call. Those in favor vote aye; those opposed vote nay. Record, please.  
[LB1008]

CLERK: 29 ayes, 2 nays, Mr. President, to place the house under call. [LB1008]

PRESIDENT FOLEY: The house is under call. Senators, please check in. Return to the floor and check in. The house is under call. Senator Bolz, could you check in, please? All unexcused members are now present. The question before the body is whether or not to overrule the chair, 24 votes needed for a successful motion. Mr. Clerk, there has been a request for a roll call vote in reverse order. [LB1008]

CLERK: (Roll call vote taken, Legislative Journal page 1096.) 2 ayes, 40 nays, Mr. President, on the motion to overrule the chair. [LB1008]

PRESIDENT FOLEY: The motion is not successful. I raise the call. Mr. Clerk. [LB1008]

CLERK: Mr. President, the next item for consideration. Senator Chambers has filed a priority motion, and that would be to bracket the bill until April 8 of 2018. [LB1008]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your bracket motion.  
[LB1008]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm teaching how to bake a cake this morning. If you're not sure that something you're going to do will get the

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result that you want, find something that you know will get that result. If you're trying to jump to the front of the line then make the appropriate motion so that it won't become embroiled in a long discussion. If all you want to do is pass time, then acknowledge it. But all the things that Senator Larson said are wide of the mark. Just consider for a second if what he said should prevail. The provision that would relate to what information would be subject to a public records request is in the bill by way of an amendment. Let's say that that amendment would actually be adopted. I don't think it's been adopted yet. Maybe it has, because I haven't been really following this. If nothing has been adopted yet, the bill, if it's to be recommitted, would go where it came from in the first place because that's the form of the bill. The committee amendment had not even been adopted, apparently. Maybe it had. But with the division of the question, the committee amendment had not been adopted, the bill had not been altered. Had it been recommitted, it would have been recommitted to the, although Senator Hughes and I have differences, it would have been re-referred to that committee. Time was taken. I don't know whether that is what Senator Larson was trying to do. But his arguments carry no weight. They were not logical. And I don't think there's a person who is a chair would do what Senator Larson suggested. Let me tell him something else, and some people picked up on it. I have said if you're interested in having a bill referred to a certain committee draft it in such a way that one of the main aspects of it would take it to the committee you want it to go to. When I would bring bills to give compensation to players on the Nebraska football team, it's clear that that is a bill, since it's relating to a duty to be imposed on the university, should go to the Education Committee. I didn't want it to go there. So what I did was to put in a clause, a provision that made it a crime not to act in accord with this bill. That changed it from merely an educational bill to a criminal statute. Criminal statutes are referred to the Judiciary Committee where I sit. Once it came to the Judiciary Committee, I made it clear that the penalty provision served only the purpose of bringing it to the committee, but since I know more about the subject than anybody else, that I have pushed for it for years, this is the committee where it ought to be. And the Judiciary Committee would hear it. If I were going to be a member of the Labor Committee then I would have drafted it in the language of an employment statute which would go to the Labor Committee. But to stand up here and say now the whatever committee it is can handle statute bills, proposals that should go to the Revenue Committee so every committee in the Legislature can write tax law, that is so preposterous it does not even invite an intelligence response because there is none other than that's foolish. Here's something by way of a general rule. Then I'm going

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to pull my motion. If I finish, if I don't run out of time. It's one thing to say anybody is entitled to his or her opinion. True. But not every opinion is worth the same thing. If you had some fool who said the earth is flat, he or she is entitled to that opinion. It just means that person is unlearned and ignorant. If you're dealing with a subject which, in order to have a nodding acquaintance with it at least, and it required information, it required study, it required an evaluation, it required a hypothesis, then the presentation of an extrapolation process where you say if this is true, then farther down the line that would be true, this is somebody who has thought about the matter. That person's opinion has weight. If you had some drunk on the corner who heard part of the conversation and said, well, I don't agree with that, well, the drunk is entitled to a drunk man's opinion, but it has no weight, no merit, no worth whatsoever. Some of the opinions expressed on this floor have no worth, no weight, no merit whatsoever. And that's when you should invoke that scripture of the condensation of a lot of wisdom by the man who was said to have been wise, that's Solomon. "Answer not a fool according to his folly, lest thou be like unto him." Fortunately, on the floor of the Legislature, even fools have to right to speak. The public who comprise the voting district are entitled to send anybody to the Legislature they please. And if a fool represents them better than a learned person, they have the right under the constitution to send a fool here. And the reason I know that's not unconstitutional, having been here 43 years at least, I have run across some fools who have been sent here by their constituents. And nobody said it was unconstitutional to do that. To get into the Legislature, I don't even see where you have to be able to read. I don't see where you have to know how to count from one to six. The requirements are minimal. When representation is what you are talking about, those to be represented have the right to send whomever they choose. There were two senators discussing an issue, and I'll say senator a was talking to senator b. And senator a said...well, I won't say that, because somebody will know who the senators were. That's all I'll say at this point, and I'll withdraw that motion. [LB1008]

PRESIDENT FOLEY: The motion is withdrawn. Thank you, Senator Chambers. Senator Krist, you're recognized. Members, we're back to the committee amendment and LB1008. Senator Krist, you're next in the queue. [LB1008]

SENATOR KRIST: Thank you, Mr. President, and good afternoon. Yeah, good morning, I guess still, colleagues and Nebraska. I just want to stand and say once again how proud I am of the



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public power in the state of Nebraska, and what a great treasure it is for us. And I think what we're talking about, or need to talk about, focus on, is the fact that the Supreme Court has given us, I think, clear direction in saying that if the statute would be written in a certain way, that it would be compelling in that certain way. So I believe this action is required. I believe that we should take the action and err on the side of being cautious in this way, because I think Senator Schumacher I believe said it best: let's not let the smoke out of the cigar. In other words, let's stop it before it happens and then analyze it if we need to make changes downstream. Again, public power is a treasure in this state. We need to maintain it. I think people have said that, but I believe that this particular item needs to be...we need to do it now. What I started to say before was the amendment that I was given, that I gave to Senator Hughes and his legal counsel, and they both agree that that amendment from Mike O'Hara really addresses a more statewide effort, and that probably should go by one of you next year for referencing to the Government and Military Affairs Committee to be dealt with in a different way. But for now, I support AM2564 and the underlying LB1008. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Brewer. [LB1008]

SENATOR BREWER: Thank you, Mr. President, colleagues. Again, this battle has not been about whether public power is good or bad. But because of the discussions that we have had more recently I need to share some things, because most of you are not affected by the actions of public power. I, on the other hand, in my district, have been have been affected in many ways and will be affected in the future if they are allowed to do what they want to do. We go back to the discussion about the Southwest Power Pool. It is because of the association with Southwest Power Pool that they want to build the R-Line. Now, I mentioned earlier about the map that I handed out late last night. Hopefully you still have that and reference that. If you take a look at that map, what it does is it takes that power plant out of Sutherland and heads straight north to Thedford, then it makes a hard right and goes all the way into Holt county. And below there, there's a line that's drawn. That would have been the southern route that takes it by Callaway, Broken Bow, Ord, and kicks it to Holt County again. The difference is one-third the distance, the difference is over \$100 million to take that big dog leg. Now ask yourself, because the assumption is that public power is good and there's no one there that would do anything wrong or evil. But, yet, they are taking the path through the virgin Sandhills, where they're going to

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have to cut roads, they're going to have to build helipads, because part of what was in that letter that I talked about earlier was a request for information. Specific information about how they are going to do this. Because they are not being clear and straight with the people that are going to be affected by where this power line goes. They are not being clear to the people that are going to be paying for this. Now, they all say, well, it's all part of the Southwest Power Pool. It really costs nothing. I throw the bull flag with that, because we are going to pay for it, they are going to get reimbursed supposedly. But the only reason we're doing this is the Southwest Power Pool. Now keep in mind the route the southern route would take would take it where there's already existing power lines. So right away, issues aren't as much of an issue. There are roads that they can drive down, they don't have to cut them through the Sandhills. Because after they get through cutting that path through those Sandhills, then we're going to have to deal with the effects of that. Why on earth would you make this huge dog leg? Why would go through the Sandhills? There's one reason, one reason only. And that's to meet up with big wind. And I did find it interesting this morning the ones that stood up and spoke, because it was very revealing. For two years now I have tried to get bills through the Natural Resources Committee. The four individuals that stopped it last year and this year are very invested in big power and big wind. And if you want to know how invested they are, come see me, because I've got the numbers. So fallacy of our system is there is no second house. It's a joke. These people came here on three different occasions to have their voices heard. And there were at least half those senators who wouldn't even sit through and hear them out. They were doing more important things. Now, you can say what you want about our system, but if you're in bed with a organization and you don't want to hear the people who come here to tell their story about why they think that it's wrong, then shame on you. I have to deal with the calls, the e-mails, and the visits from them trying to explain to them why this is such a skewed system that won't listen to them, and why we are going to let... [LB1008]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB1008]

SENATOR BREWER: ...NPPD cut a line through the Sandhills unnecessarily because somebody made that decision. All you have to do is take a look at what the CEOs of both NPPD are paid

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and then scratch your head. Almost \$900,000. Now, sure, they have elected boards. But on a number of occasions, and if you look at the testimony that you were given from the Supreme Court, if we are paying for those kind of answers then we have come up way short of what we should get for our investment. So I will just share this with you that the R-Line is being shoved down people's throat, and it's all being done for big wind. And the ones that have stopped it in the committee are the ones that are solely invested, in bed with big wind. And that's the reality of our situation. Thank you, Mr. President. [LB1008]

SPEAKER SCHEER: Thank you, Senator Brewer. Senator Larson you're recognized. Senator Larson, this is your third time at the mike. [LB1008]

SENATOR LARSON: Thank you, Mr. President. I'd like to make a point of order that LB1008 and AM2564 violates Rule 3, Section 1(c). [LB1008]

SPEAKER SCHEER: One moment, Senator. If you would like to come forward, that would be great. Thank you. Senator Larson, you're recognized. Would you please state your point and explain your beliefs behind that? [LB1008]

SENATOR LARSON: All right. First of all, I'd like to bring the body's attention specifically to Rule 3, which discusses committees. And I objected on Rule 3, Section 1(c), but to completely understand that we have to look at Section 1(b) as well. When it talks about "A committee's subject matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature." Which in the Legislature referring goes to the Executive Board. Until the "final report of the measure has been made by the committee to the Legislature." So I object on two fronts within (b) because (c) continues on saying "No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope" or the defining purpose of the committee. So I have a two-pronged objection that this has been violated. First of all, the amendment that Senator Hughes had a hearing on violated in (b) because "any bill, resolution, or other measure referred to it by the Legislature." It was never referred to his committee by the Legislature. Therefore, it's violating that rule. And also, I would

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argue, as I have already argued in the past, that this deals with shielding public records and information and should go to the Government Committee. So this is actually I believe...the LB1008 and AM2564 violates Rule 3, Section 1(c) in two different ways. [LB1008]

SPEAKER SCHEER: Thank you, Senator Larson. Senators Hughes, you're recognized for your comments. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. I'm going to disagree with Senator Larson. LB822, which was the bill, was referenced to the Natural Resources Committee. It was amended by the committee with AM2291. So we did follow the process. Thank you, Mr. Chairman. [LB1008 LB822]

SPEAKER SCHEER: Thank you, Senator Hughes. It is the ruling of the chair that the procedures were handled in an appropriate manner. The amendment as before us, if the body would choose to negate that, they have the opportunity to vote against the amendment. I'm not supplanting their ability to refuse the amendment. My ruling would be that the motion and the bill are appropriate. Senator Larson, you're recognized for your request to overrule the chair. [LB1008]

SENATOR LARSON: Thank you, Mr. President. Again we are embroiled in rules. My favorite, rules. Senator Hughes said LB822 had a hearing. But 822 is substantially different than AM2564. That was just an amendment that was not in LB822. It did not deal with LB822. It was a new amendment written and drafted after the Supreme Court ruling. Therefore, as I said, violates Rule 3(b)...or Rule 3, Section 1(b) and (c) because it clearly states "A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature." Since the amendment is not LB822, that's not what the amendment is that was rolled into it, LB822 is substantially different than AM2564, which was not referenced by the Legislature. Therefore, the Natural Resources Committee is violating it, violating the rule, because they are exercising "any of the above mentioned powers in a manner contrary to the Rules of the Legislature." So they did not have the authority to hold that hearing on that bill or on that amendment without the Legislature referencing it to them. I understand that many of you support LB1008. But I would like to remind people this isn't Nam. There are rules. And we need

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to follow those rules. Now, it's easy to disregard those rules when you disagree with the intention that person that's trying to point out those rules to you. And that's what's happening. But just as we set a dangerous precedent with the last ruling of the chair in terms of how committees will act moving forward, you set a dangerous precedent here as well. Again, under the same concept. And we'd also...I'd also make the same argument that this should be in the purview of the Government Committee. And should AM2564 become adopted, I'm sure there will be a re-referencing motion to send it to the Government Committee. Or we can follow another rule and go and challenge another rule in the rule book once that happens. I'm trying to stay on topic and not discuss what I believe the fatal flaws of public power are and discuss the rules, because the rules matter to this body. I'm sure we'll have time to discuss LB1008 and AM2564, but let's make sure we're doing it after going through the correct processes and not making up the process as we go. Which is what seemed to happened from this Natural Resources Committee on this bill. And that's unfortunate. So I would urge my colleagues to read that part of Rule 3, Section 1(b), "A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature." AM2564 and the amendment that Senator Hughes had a hearing on were not referred to it by the Legislature. Senator Hughes introduced the amendment by himself, scheduled a hearing on it by himself in his own committee, without the Legislature's input. Specifically, the Executive Board's input, which is the referencing body of the Legislature. Therefore, violating the rule. It boils down to that. The rule was violated. Senator Hughes is not the Legislature. He does not have that unilateral decision-making power. And as I said, it creates that dangerous precedent, because if you say that he does have that power, if he is the Legislature, committee chairs will use this next year, should use this next year to do what they want in their own committees. Let's create tax policy in General Affairs, let's create tax policy in Transportation. Not sure we'll even need the Revenue Committee. Thank you, Mr. President. [LB1008 LB822]

SPEAKER SCHEER: Thank you, Senator Larson. Colleagues, again going back to the procedure for overruling the chair, each senator will get time at the mike for your purposes. You may not yield your time to another person, you may ask questions. Waiting in the queue: Senator Clements, Erdman, Murante, and others. Senator Clements, you're recognized. [LB1008]

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SENATOR CLEMENTS: I was in the queue really on the bill...or on the amendment. Not on this question. [LB1008]

SPEAKER SCHEER: This is to overrule the chair. You can waive if you would like, and then just re-hit your light if you like. [LB1008]

SENATOR CLEMENTS: Well, I do not agree with overruling the chair. Thank you. [LB1008]

SPEAKER SCHEER: Thank you, Senator. Senator Erdman, you're recognized. Senator Erdman waives. Senator Murante. [LB1008]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise in opposition to the motion to overrule the chair. Senator Hughes and what the Natural Resources Committee did was entirely within the purview of the Natural Resources Committee, as I stated on my first time on the microphone. Just because something deals with confidentiality doesn't mean it deals with public records. Those two things are not synonymous. We have now had quotes on the floor from two separate movies today. One, I believe, "The Big Lebowski"; the other, "A Man for All Seasons." I'm now going to quote the former Senator Phil Erdman, who was quoting I believe the movie "Billy Madison." After listening to Senator Larson's opening on this, I'm just going to quote that movie with: Senator Larson, what you said is one of the most insanely idiotic things I have ever heard. At no point in your rambling, incoherent response was there anything close that could be considered a rational thought. Everyone in this room is now dumber for having heard of it. I award you no points and may God have mercy on your soul. So I do oppose the motion to overrule because what senator...what the Natural Resources did was entirely within its purview. Thank you, Mr. President. [LB1008]

SPEAKER SCHEER: Thank you, Senator Murante. (Visitors introduced.) Thank you very much. Thanks for coming down. Senator Krist, you're recognized. [LB1008]

SENATOR KRIST: Thank you, Mr. President. I would implore my colleagues, unless they have something substantive to say, after hearing Senator Murante's wonderful dissertation on the credible nature of Senator Larson's comments and his motion, to turn off your lights, let's take

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the vote, let's move on because I'm sure most of you have some priority that you want to take care of down the road. And this is chewing up time, time we don't have. Thank you, Mr. President. [LB1008]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Hughes, you're recognized. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. Colleagues, my apologies, but the Natural Resources did do the right thing. We had a bill, LB822, that was referenced to our committee by the Referencing Committee, which I sit on. The Natural Resources has jurisdiction, and any amendment that we put on was within the purview of our committee. As I stated before in the previous challenge to the ruling of the chair, we made sure we did everything right. We consulted with everybody. We didn't consult with Senator Larson because he's not on the committee. But We did things accordingly, and I appreciate Senator Murante reinforcing that fact. Thank you, Mr. Chairman. [LB1008 LB822]

SPEAKER SCHEER: Thank you, Senator Hughes. Seeing no one else in the queue, Senator Larson, you're welcome to close on your request. [LB1008]

SENATOR LARSON: Thank you, Mr. President. Thank you, Senator Murante. Colleagues, in the end, I understand that many of you want to protect public power. And we'll get to have the conversation of the SPP, we'll get to have the conversation of raising electric rates. We'll get to have the conversation of what public power is doing to try to blunt competition, to try to stop municipalities and entities from leaving public power because their argument is it won't be in the best interest of public power, even though they have the ability to leave and build their own generation. Public power has significant flaws and will continue to cost the rate payers in Nebraska significant amounts of money unless it has reforms, which it shows no interest in doing right now. And as I said, there is a difference between retail distribution and generation. And we can discuss that. But in the end, the rule was violated. Many of you may disagree. But we have to...again, I will read it. "A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature." LB822 is not the amendment that is getting debated here. Senator Hughes is doing a bait and switch. Yes, LB822 was referenced to Natural Resources, but that is not what turned into AM2564. That was a separate amendment that he

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introduced and had a hearing on, that was the amendment that he unilaterally decided would go to General Affairs...or go to Natural Resources and he packaged into LB1008. That is what the basis of this objection to the rule is based on. Not LB822, but that amendment that he unilaterally sent to Natural Resources. Again, you are laying the groundwork for future committee chairs to introduce, to shell bills, and then introduce an amendment after the introduction is over that does what you want and reference it to your own committee. Senator Friesen, if you want more roads funding and you want to add another half-cent to do it and you want to finish now U.S. Senator Fischer's work--because I think she started at a half-cent, not a quarter-cent--introduce the shell transportation bill next year. And after bill introduction is done, introduce an amendment that's an expansion of LB84 for an extra half-cent. Hold your own hearing. That's what we are saying is okay under here. Whoever is the Agriculture chair next year, introduce a shell bill that deals with agricultural land or horticultural land in some way and then introduce an amendment after bill introduction is done to take a quarter-cent from our sales tax to go to property taxes. [LB1008 LB822]

SPEAKER SCHEER: One minute. [LB1008]

SENATOR LARSON: There you go, Senator Briese. Maybe you should be Ag chair. Introduce that shell bill, and then you introduce an amendment that diverts a quarter-cent of our sales tax to property taxes on agricultural and horticultural land. You have that hearing on your amendment in Ag Committee, send it on out to the floor. Under what we are doing now, that is completely acceptable. I just gave you your path to getting a tax policy out of committee, Senator Briese. That is what we're doing here. I understand that you want LB1008, so you're willing to do it today. But it will create a dangerous precedent for those that want to use the rules tomorrow. Thank you, Mr. President. [LB1008]

SPEAKER SCHEER: Thank you, Senator Larson. The question before us is to overrule the chair's decision. There are 44 checked in at this point in time, it will take 23 green votes to be successful. All those in favor please vote aye; all those opposed vote nay. Senator Hughes?  
[LB1008]



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SENATOR HUGHES: I'd like a call of the house and a roll call vote in regular order, please.  
[LB1008]

SPEAKER SCHEER: There's been a request to place the house under call. All those in favor please vote aye; all those opposed vote nay. Please record. [LB1008]

CLERK: 26 ayes, 2 nays to place the house under call. [LB1008]

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 Lindstrom, Senator Harr, Senator Chambers, Senator Wishart, please return to the floor. Senator Hughes, we're waiting on Senator Chambers. Is it all right to proceed? Mr. Clerk, regular order, please.  
[LB1008]

CLERK: (Roll call vote taken, Legislative Journal pages 1097-1098.) 2 ayes, 38 nays, Mr. President, to overrule the chair. [LB1008]

SPEAKER SCHEER: The motion is not adopted. Thank you, colleagues. Mr. Clerk. [LB1008]

CLERK: Mr. President, I have items, if I might.

SPEAKER SCHEER: I raise the call.

CLERK: I'm sorry. New A bill, LB990A, by Senator Wayne. (Read by title for the first time.) I have a new resolution. Senator Pansing Brooks, LR361. Mr. President, name adds. Senator McDonnell to LR353 and Senator Briese, LR353. (Legislative Journal pages 1098-1099.)  
[LB990A LR361 LR353]

Senator Kolowski would move to recess the body until 1:30 p.m.

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SPEAKER SCHEER: Colleagues, you have heard the motion to recess. All those in favor please say aye. All those opposed say nay. We are in recess.

PRESIDENT FOLEY PRESIDING

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

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I do. I have amendments to LB1008 by Senator Brewer and Wayne. That's all I have. Oh, excuse me. I do have an announcement. The Health Committee will have an Executive Session at 1:50 in Room 2022, Health Committee at 1:50. (Legislative Journal pages 1100-1101.) [LB1008]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed to the next bill on the agenda.

CLERK: Mr. President, LB909, a bill originally introduced by Senator Bostelman. (Read title.) Introduced on January 8 of this year, referred to the Transportation Committee, advanced to General File. There are committee amendments, Mr. President. (AM2284, Legislative Journal page 956.) [LB909]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Bostelman, you're recognized to open on LB909. [LB909]

Senator BOSTELMAN: Thank you, Mr. President, and good afternoon, colleagues and Nebraska. I'm here today to introduce LB909. LB909 is a bill I introduced which was prioritized by the Transportation and Telecommunications Committee. The committee amendment to LB909 incorporates several other Transportation and Telecommunications bills into LB909. It

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changes provisions of the Motor Vehicle Certificate of Title Act and the Motor Vehicle Registration Act relating to assembled and kit vehicles and allows for the designation of vehicles as reconstructed or replica, and provides definitions. The legislation is the result of multiple discussions between my office, car clubs, and interested individuals, as well as the DMV--Department of Motor Vehicles--regarding the process and ability to obtain a title and registration for antique, modified, and specialty assembled vehicles. This bill amends current provisions relating for certificates of title for reconstructed and kit vehicles. LB909 states the certificate of title for a vehicle assembled more than 30 years prior to application for the title shall indicate the year, make, and model the vehicle resembles, and the title shall be branded as reconstructed. The bill provides similar provisions for a certificate of title for a kit vehicle with the title branded as replica. It limits a provision of the assembled vehicle law which will only apply to those assembled vehicles titled, issued prior to the effective date of this legislation. LB909 provides a new provision relating to applications for title assembled vehicles, creating a separate process for vehicles originally manufactured less than 30 years prior to the application for title. An owner may apply for a title by presenting a certificate of title for one major component part, a notarized bill of sale for all other major component parts replaced, a statement that inspection has been conducted and evidence a VIN number has been obtained from the DMV. This provision mirrors a current process in title certificate but would indicate the year application for the title was made as the year and the make as assembled. LB909 incorporates the new definitions and provisions for assembled vehicles into necessary sections of current law. The changes made by LB909 help make our titling law as convenient, precise, and accurate as possible for both individual applicants and the Department of Motor Vehicles. The changes made by provisions of this bill also put Nebraska in line with recommendations and definitions followed by the American Association of Motor Vehicle Administrators' best practices. I, therefore, urge your adoption of the committee amendment, AM2284, which Senator Friesen will introduce as well, as well as your support for LB909. And I would like to yield the rest of my time to Senator Friesen.

[LB909]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Senator Friesen, 6:55. [LB909]

Senator Friesen: Thank you, Mr. Lieutenant Governor. May I just start in on the amendment?

[LB909]

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PRESIDENT FOLEY: That would be wonderful. Thank you, Senator Friesen. [LB909]

Senator Friesen: Thank you, Mr. Lieutenant Governor. So I will attempt to go through the numerous pieces of this bill and if you want to follow along, the committee statement, if you follow that on a computer, you can follow along. Everything is very detailed in there and it spells out exactly what the amendment does. So LB909 is the second priority bill of the Transportation and Telecommunications Committee. In addition to LB909, a bill just explained by Senator Bostelman, the amendment contains six other bills heard by the committee that relate to motor vehicles. First, the committee amended LB909 by striking Section 11 of the original bill which clarifies that the DMV will not issue certificates of title for assembled vehicles but that only county treasurers would issue certificates of title for those vehicles. LB740 was introduced by Senator Lindstrom. It relates to registration of vehicles owned by the Metropolitan Utilities Districts. You may recall that we passed a bill allowing central registration of vehicles owned by public power districts in 2016. This bill allows MUD to do the same with its vehicles. The committee adopted an amendment which postponed the operative date to January 1, 2023, which is consistent with the cycle of timing for MUD vehicle registration. LB895, introduced by Senator Geist, is a cleanup bill for the Department of Motor Vehicles. It makes a number of changes to the DMV statutes. First, it provides that the DMV authority with appropriate evidence to remove improperly noted liens from boat and motor vehicle titles. Notice must be given to the last lienholder, and the committee adopted an amendment extending the response time from 15 to 30 days. Second, the bill clarifies that tow dollies or auxiliary axles on car toters do not have to be titled or registered. Third, owners of vehicles seeking replacement titles could bring in additional types of evidence of ownership in addition to evidence currently allowed by law. Fourth, the bill provides for a new type of salvage title which is flood damage title. This is important in light of the vehicle being brought into Nebraska from areas that have had flooding from hurricanes in the last year. Fifth, the bill harmonizes a provision of law which was omitted when the breast cancer awareness license plate bill passed in 2016. Item six of the bill allows renewal stickers for handicapped and disabled license plate. Item 7 in the bill allows motor vehicles to be exempt from tax if a service member or his or her spouse serving in Nebraska is a nonresident. Current law allows the exemption only for service member. It also changes an outdated definition for motor vehicles owned by members of Indian tribes. Item eight in the bill allows holders of the state ID card to electronically renew the card if it has a digital image and a

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digital signature and the holder is 21. Current law requires them to appear in person once every ten years. Item nine in the bill allows holders of an operator's license with a digital image and a digital signature to electronically change that license to a state ID card. And finally, the bill would allow driver's education instructors in public schools to submit test results electronically to the DMV. Senator Geist's bill, LB896, amends provisions to the DMV's proposed electronic titling system. The bill clarifies that certain sections of title statutes will apply after the implementation date designated by the Director of DMV. This date will be no later than January 1, 2021, strikes the current date for implementation of January 1, 2019. Trailers not having...not required to have titles, such as farm trailers, will be required to have an identification number after implementation date. These ID numbers will be assigned by the county treasurer or the DMV and trailer ID tags will be provided by the DMV. Senator Harr's bill, LB1049, would amend the definition of low-speed vehicle to include certain three-wheeled motor vehicles. They would be defined as three-wheeled with a maximum speed of 25 miles per hour with a gross weight of less than 3,000 pounds, equipped with a windshield and occupant protection system, and they would have to comply with federal motor vehicle safety standards. These vehicles are called eTuks. Senator Smith's LB1092 relates to autocycles. Autocycles generally are three-wheeled vehicles that have a seat that does not require the operator to straddle or sit astride it. The committee adopted an amendment to the original bill creating a separate definition of autocycle for those vehicles that are not completely enclosed. Those vehicles would be equipped with rollover protection systems but would not have airbags and a roll cage. The main difference between the two definitions is the operators and passengers of the nonenclosed autocycles would have to wear helmets. Because all types of autocycles drive like cars, no operator of any type of autocycle would need to obtain a motorcycle operator's endorsement for the operator's license. For purpose of Nebraska rules of the road, autocycles are included in the general definition of motorcycle, except in certain sections where it makes sense to treat them... [LB909 LB740 LB895 LB896 LB1049 LB1092]

PRESIDENT FOLEY: One minute. [LB909]

Senator Friesen: ...more like automobiles. [LB909]

PRESIDENT FOLEY: One minute. [LB909]

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Senator Friesen: Senator Clements' LB1136 is the final bill in the package. It relates to auto auctions and the mechanism for getting titles relating to changes in ownership. The committee adopted an amendment striking the original bill and inserting new provisions. Only one section of statute is amended: Section 60-149. As the bill is amended, when an auto auction gets a vehicle through purchase or from a charity and the title is unavailable, it can submit an affidavit to the county treasurer to get a new title. In that affidavit the auction dealer licensee must certify that it has notified the prior owner and the lienholder or security interest holder, if any, by certified mail at least twice in that 30 days if expired after the last mailing to the last known address of those parties. The notice must state that the title will vest in the auto auction 30 days after the notice is issued. After 30 days the lien would be extinguished. If the property was claimed within 30 days, the auto auction would transfer possession to the lienholder or security interest holder. I'd urge your adoption of the committee amendment to LB909 and I would be happy to answer any questions and my legal counsel, Tip O'Neill, would be here to answer other further questions. Thank you, Mr. Lieutenant Governor. [LB909 LB1136]

PRESIDENT FOLEY: Thank you, Senator Friesen. Members, you've heard the opening on LB909 and the committee amendment. (Visitors introduced.) Debate is now open on LB909. Senator Smith. [LB909]

Senator SMITH: Thank you, Mr. President, and good afternoon, colleagues. I just wanted to rise in support of AM2284 and LB909 and I wanted to credit Senator Friesen for doing a good job on the introduction of this omnibus bill. Sometimes it's kind of difficult to cover all those subject matters, especially when it comes to Transportation and Telecommunications. They can be quite diverse. I did want to touch on just one component of AM2284 which mirrors LB1092, which I did introduce in Transportation and Telecommunications this year. The language in LB1092 which has been incorporated into AM2284 would essentially create two different categories of autocycle, and autocycle was something I had brought in past years to be amended into the statutes. Those which are fully...and when we talk about autocycles, it creates two different categories of autocycle as opposed to the single one which had been in there before, those which are fully enclosed and do not require the operator to wear a helmet and those which have an open roof and do require a helmet. An autocycle would be considered a motorcycle for registration purposes, but a Class M endorsement would not be needed to drive one and the reason that's

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important is that it removes barriers for consumers and would make our statutes consistent with other states. Today, if a potential buyer of an autocytle--this is a Polaris Slingshot, which is a three-wheeled vehicle--they are required to have a motorcyclist license as opposed to a regular automobile license to test drive the vehicle. It functions like a vehicle. It's open air and because of three wheels and open air you have to wear a helmet with that, but we want to take away the requirement that they have to have a motorcycle license in order to test drive it. Of course three-wheeled vehicles, autocycles that are enclosed do not require the helmet, and that's basically that portion of AM2284. Again, I think this is good for consumers and it maintains the safety necessary inside of our statutes to take care of all the necessary features on these vehicles. AM2284 is a good amendment and I ask for your support for it and for the underlying bill. Thank you, Mr. President. [LB909 LB1092]

PRESIDENT FOLEY: Thank you, Senator Smith. Continuing discussion, Senator Clements. [LB909]

Senator CLEMENTS: Thank you, Mr. President. My part of the...I'm rising in support of AM2284. My portion was the final one that was read. I had an auto auction dealer receiving especially vehicles for donation to a charity that have no vehicle title. They had about 250 of these they can't sell until they get a title and we're just adding a provision that they can give notice to the last known owner or lienholder, give a 30-day notice, and if it's not claimed then they can receive a title and go ahead and move the vehicle. And I would appreciate your support. Thank you. [LB909]

PRESIDENT FOLEY: Thank you, Senator Clements. Senator Harr. [LB909]

Senator HARR: Thank you, Mr. President. I want to follow the lead of the last two and thank Senator Friesen specifically for putting together this omnibus bill. I want to thank Senator Bostelman for allowing us to use his bill as a vehicle. And last but not least, I think I'd be remiss if I didn't thank Tip O'Neill, legal counsel for Transportation, for his hard work in putting all of these amendments together. I, too, have a bill that was incorporated into this omnibus bill. It was LB1049 which dealt with eTuk, which are electric low-speed vehicles here in Nebraska. And what it did is these eTuks, or electric rickshas, allow for...this allows if they're three wheel,

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they're low speed, they don't go over certain mileage and they have seat belts, that you are not required to wear a helmet if you have that seat belt. So I want to thank again the following: Senator Bostelman, Chairman Friesen, and, of course, Mr. O'Neill. Thank you. [LB909 LB1049]

PRESIDENT FOLEY: Thank you, Senator Harr. (Visitors introduced.) Is there any further discussion of the bill or committee amendment? Seeing none, Senator Friesen, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of AM2284. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB909]

CLERK: 31 ayes, 0 nays on adoption of committee amendments. [LB909]

PRESIDENT FOLEY: AM2284, committee amendment, is adopted. Seeing no further discussion on the bill, Senator Bostelman, you're recognized to close on the advance of the bill. [LB909]

Senator BOSTELMAN: Thank you very much. Beep, beep! Vote green. [LB909]

PRESIDENT FOLEY: Thank you, Senator Bostelman. The question before the body is the advance of LB909 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB909]

CLERK: 31 ayes, 0 nays on the advancement of the bill. [LB909]

PRESIDENT FOLEY: LB909 advances. We'll now proceed to the next bill, Mr. Clerk. [LB909]

CLERK: LB778 by Senator Groene. (Read title.) Introduced on January 3, referred to the Education Committee, the bill was advanced to General File. There are committee amendments, Mr. President. (AM2098, Legislative Journal page 956.) [LB778]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) Proceeding now to the opening on LB778. Senator Groene. [LB778]



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SENATOR Groene: Thank you, Mr. President. We continue to be "inuuated" as elected officials by citizens concerned over high property taxes. One way this body can assist taxpayers is to assure, when possible, they are directly included in decisions of major spending decisions when tax increases are necessary. Historically in Nebraska, when a necessity was deemed by a local school board to build new school structures or expand existing structures, we have held elections to fund those projects. When I vote for a local school board member, I have always believed I was giving that person the authority to make policy, hire staff, purchase supplies, pay utilities through the general fund, and maintain the existing school structure through use of depreciation funds included in their reserves. I have never believed that I was giving that individual the authority to build new school structures without my approval through an election. Since the advent of levy lids created through LB1059 in 1990 that created the TEEOSA formula, the majority of school districts' building fund have been limited to a portion of the five cent levy allowed to \$1 local effort rate factor in TEEOSA. The TEEOSA formula is based on classroom needs to educate children. It assumes the \$1 levy needed to fund the local effort to educate before state aid is given. It does not assume that a new school building will be built with a portion of that local effort rate. That tradition has been disrupted in Nebraska by an unintended loophole created in the TEEOSA formula. Drastic valuation increases in agriculture land has caused the shift of school funding to property taxpayers, but more important to LB778 it has also caused local school general fund property tax levies to be driven down by the TEEOSA formula, not by the local school board, allowing local school administrators to convince their school boards to circumvent their traditional process of voter approval by new school construction by using the 14 cent building fund levy and staying under the \$1.05 max levy. The intent of LB778 is basic to local control. It will close the unintended loophole, limiting school boards' ability to build school buildings without the consent of the majority of local citizens. AM2098 will become the bill. It strikes the original sections and becomes the bill. It will limit school districts to 5 cents from the building fund unless they get approval from their local citizens or access the remaining 9 cents of the 14 cent total. So, in other words, the school district could continue to use five cents of the building fund in the same manner they currently do. But if they want to levy more than five cents, they would have to receive the approval of the majority of their local voters at a general or special election called for the purpose. I should point out that the majority vote provision in Section 79-1098 of LB778 is a change from the current required 55 percent approval of those who attend a special meeting called by the school board, which is a remnant of the old

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class when school district provision. AM2098 to LB778 does not eliminate any of the current uses of the building fund. And, in fact, it expands it by adding replacement repairs on existing structures. LB778 does not alter the fiscal conservative aspect of using the building fund in lieu of bonding for school construction. What it does is increase local control by requiring voter approval before a district can levy over five cents and no more than the 14 cents for a building fund. LB778 would allow projects commenced prior to the effective date of this act to continue the current levy provision through the 2024-'25 school year. That "alleviates" the fears of some school districts who are well over five cents, have projects in progress, that they can continue that for another five years before they'd have to vote on a levy override...of a building fund override. But no district may have a total levy above 14 cents. LB778 requires school boards that levied a special tax under Section 79-10,120 for school fiscal 2017-'18 to file with the Auditor of Public Accounts a statement describing any projects for which the annual levy may be continued and the rate levied for each project. This new reporting requirement will help to identify those projects that were commenced prior to the effective date of this act and are able to collect the levy through the school year 2024-'25, as I previously mentioned. Again, our intent in bringing this bill was simple. I wanted to give the citizens a vote on major local tax decisions. I thank you for your time and ask for a green vote on AM2098 and the advancement of LB778. I will take any questions. [LB778]

PRESIDENT FOLEY: Senator Groene, did you open also on the committee amendment or would you like to? [LB778]

SENATOR GROENE: I would like to. [LB778]

PRESIDENT FOLEY: Yes, please proceed. [LB778]

SENATOR GROENE: The committee amendment, as I said, would eliminate...the original bill, I purposely made it really strict. But the amendment strikes all the original language. I made it strict so we'd get some comments out of the administrators and the state of our schools. And we did, we had a few come forward and testify against it. What I found out from some of my school districts, that they were using the building fund for new roofs, for major repairs. If you read the original language of the building fund statutes, it really doesn't allow for that. So actually we

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clarified and added that in the amendment that you can use it for major replacement repairs, which is a good thing. We want them to keep the buildings upgraded so we don't have to replace them with new structures. We also added into it...put back to tradition what we normally do. The 14 cent building levy goes back to 1963 and 1972, I believe is the statutes. Prior to TEEOSA we had no levy lids and people had four and five cent levies on \$1,000 valuation. I truly believe that when this Legislature created LB1059 in 1990, they overlooked this part of the statutes and didn't pull in the 14 cent levy under the levy lid and change it. We are going to fix that today when this bill passes. We also took out...originally, also, when you wanted to raise your levy up above around that 14 cents, 17 cents at one time, you had to have a vote of everybody who showed up at a school board meeting that night. If 55 percent said, yes, then you could raise the levy. We are eliminating that and expanding local control to an actual election on the ballot. This is true local control. Those who I have heard from are administrators and only a few of the 245 school districts who, quite frankly, were abusing it. They've convinced their board they can build new buildings without a vote, without the people's input. They are wrong. You can twist the building fund into that, but that was never its original purpose. Some of the complaints we've had, the abuses I've seen in unequalized small districts near larger equalized districts that are growing their enrollment by option enrollment are using the building fund to build the bigger school for children that aren't even in their district. That was never the intent of the option enrollment either. Option enrollment was to give parents a choice and for other school districts to fill empty seats, not to build new schools. So now you have the school board building new schools for children whose parents don't even live in...aren't taxpayers in the district. That is one abuse. Another abuse is, let's face it, folks, we have...you've read the paper, we are losing population, we have an economic crisis in rural Nebraska. We are losing population, we are losing children. Consolidation is on the move in smaller school districts. It's going to be forced. You can't have three kids in a senior class. We have a race to the top in some communities. If we build the newest gym, we build the newest school, once consolidation is forced, our school will be chosen. It's a fact of life. The people should be able to vote if they want to expand the school to house five senior students. The other area that we see--which is a legitimate area--is in communities that have a parochial private school where the dwindling children base is split between two schools, a private and a public. It's hard for the public to get a school built because some of those children's parents don't want to build a new public school, they're sending their kid to a choice, where they want to send a child. But let's never forget a public school is owned by

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all, including those taxpayers who do not send their children to that public school. There is not a competition between private and public for children. They both exist at the will of the people. Maybe it's time you look at the statutes for those instances and start building some cooperation between private and public instead of conflict. I grew up in a community where if you went to the Catholic school, Lutherans weren't accepted. It was a fight. Those days are gone. Maybe they need to build one gym for both schools. Maybe they need to have one football field. Maybe they need to share personnel. But to build a new building with declining enrollment is foolishness and that's what is happening. If you want to do it and a community wants to do that, then you should have a vote of the people. But LB778 with the amendment to it of AM2098 would put local control. It would return in areas where school districts have dropped their levy by force by the TEEOSA formula will not be able to abuse the building fund and build new structures without the vote of the folks. So I'd appreciate a green light on AM2098 and then a green light on LB778. Thank you, Mr. President. [LB778]

PRESIDENT FOLEY: Thank you, Senator Groene. (Visitors introduced.) Mr. Clerk. [LB778]

CLERK: Mr. President, Senator Pansing Brooks would move to amend the committee amendments with AM2562. (Legislative Journal pages 1102-1104.) [LB778]

PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on AM2562. [LB778]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I rise today to add an amendment and I am doing this in order to take a bill that I think has some issues to try to make it better. I don't know if Senator Groene is going to be happy with this, but I have received so many letters and e-mails and calls regarding this bill about how people, especially outside of Lincoln and Omaha because Lincoln and Omaha are up against the \$1.05 of the levy. They're all calling to complain and say, do not do this to us. Do not tie our hands. Do not allow the...the way to handle this and to allow local control is if a board precipitously or has a bond issue without the vote and the people don't like it, then they can vote out those board members. So my amendment, which at least most of the educators are satisfied and think improve the bill...I was asked to bracket it. I decided not to bracket it, Senator Groene. I, instead, decided to do what I could to improve this bill. So it eliminates the term "major" so that there can be replacement

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repairs on existing structure. It also increases the amount from five cents to ten cents and then allows a three-fifths vote of the board, a supermajority to get to 14 cents...between 10 cents and 14 cents. I would just say, my friends, that there were no proponents on this bill. We had a very large list of opponents to this bill. The schools have raised significant concerns. I will show you some of these letters. Again, I would ask that we let the local governing bodies make these decisions and that the Legislature should allow these groups to have the discretion in determining their needs. Otherwise, an undue burden has to go to vote every single time as they are making vital changes regarding safety and...student and teacher safety and dealing with the expenses. I want to just quickly read a few of these letters. One from Holdrege Public Schools, their business manager: Not being able to levy in the building fund to do repairs at buildings are a huge concern for student safety. The efficiencies of installing new windows, new roof, HVAC systems would be delayed, not only causing safety concerns for the students, but losing out on the efficiencies in the building. Fairbury Public Schools is opposed to LB778. Opposition came from Aurora Public Schools and Arlington Public Schools: We plan to fail when we plan to fail, Lynn Johnson said. We not only appreciate this element of local control but have come to depend on it. While I understand there are amendments to modify the restrictions to ten cents, I still maintain that creating laws to diminish local control and to try to create a one-size-fits-all structure is not in the best interest of the students in this state. Madison Public Schools is opposed. Seward Public Schools: I would prefer LB778 not pass as our locally elected board has the ability to decide how much money is put in the building fund, if any, each year. I do appreciate your possible amendment, Senator Pansing Brooks, to this bill and feel that it would be a great compromise. That's what I'm trying to do, is find a compromise rather than working to kill this bill as I have been asked to do. David City Public Schools: We could support your amendment to LB778. It's still not our favorite. Fairbury Public Schools: From what I can tell, your amendment would be better than the current bill. Winside Public Schools: We are in total opposition of LB778. I wanted to let you know that I would be in favor of this amendment if you believe LB778 is going to pass, but otherwise, it's not necessary. Cedar Bluffs Public Schools: The legislation needs to be defeated, but if it has traction at all, it must be amended. This legislation is an attack on rural schools where many of us have little to no valuation. A farmer and a school board president in Milford: I do not support LB778, but if it has enough traction, then we would hope that your amendment would pass. Somebody from Hershey Public Schools: LB778 is another bill that is taking local control away from locally elected school board

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members. Milford Public Schools: Would support moving from the five cent limitation to the ten cents you are considering in your amendment. Norfolk Public Schools: The Nebraska Association of School Boards code of conduct states board members maintain a priority board focused on policymaking, goal setting, planning process, and evaluation. Most importantly, increasing student learning and achievement...one minute? [LB778]

PRESIDENT FOLEY: No. [LB778]

SENATOR PANSING BROOKS: Okay, sorry...and ensuring efficient use of education resources. The code of conduct also states that board members are obligated to perform a liaison communications role by respecting the needs of both the community and the school. Millard Public Schools has written the same kind of letter. There were copies sent to Senator Scheer and Senator Albrecht for Norfolk Public Schools. Again, they oppose LB778: takes away control from communities, costs taxpayers more money in the end regardless of the outcome. Election fees, time spent on election initiatives, time for people to vote is not a savings. It is duplicative and redundant. Taxpayers already have a mechanism for voicing their opinions through public hearings that are held before setting levies each year and, of course, voting their board members in and out of office. Columbus Public Schools has written. Madison Public Schools. Again, I have so many letters here. And, again, I did not want to necessarily kill the bill. I did agree to vote this bill out because Senator Groene was requesting that we have a discussion on the floor, but I said that I would not be able to support the bill as written. I do think his amendment helps, certainly, but this still goes too far. I would ask that, no matter what, we pass my amendment and the Education Committee's amendment and then you must decide according to your district what to do about this bill and the limitation on local control. Thank you very much, Mr. Lieutenant Governor. [LB778]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Debate is now open on LB778 committee amendment and the amendment to the committee amendment. Senator Krist. [LB778]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. This is a precarious position, indeed, because if LB778 goes forward, it does need Senator Pansing Brooks's amendment on it, AM2562. But I think I'll be voting yes on the

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amendment, AM2562, and then no on the Education amendment, as well as Senator Groene's bill. I, too, have been contacted, obviously by my own school districts, plural, and others. I have in my hand here a letter from David City area and I did not ask permission to use the individuals' names, but he is in a leadership position within the school system. And it appears to me that this local concern has been mapped out in terms of the construction project and reconstruction and maintenance project in a very methodical way in three different phases to both keep the building, a 101-year-old building up to speed, up to date, up to code, as well as adding on and building. So I won't read it into the record. I think we've had enough record with what Senator Pansing Brooks has brought forward. I would say, though, that my definition of local control really is an empowerment of the people who represent that constituency to make good decisions and right decisions and I'm reluctant to second-guess those elected officials in terms of how they are using the tools that are available to them. In talking with Senator Kolowski and Senator Baker and those that have had actual hands-on experience running the schools and being superintendents and sitting in positions and making those decisions, I think the other day we had a bill that Senator Baker spoke eloquently about. Not putting something into statute long-term and interfering with local control. So I'm conflicted even with that bill, although I did vote for it then. I may change as it gets to Select File, if I'm not able to get some other answers. But in this particular case, I think this is a solution looking for a problem. I think that our local school boards have methodically mapped out what they're going to do to keep their schools up. And I would say, as I listened to Senator Groene's logic, I have to question, particularly when it comes to a community...a smaller community where there is a choice between public education and private education, those that are have and have nots within the society, I believe that by taking away the authority to actually keep those buildings up and going back to the vote of the people, if there were 300 people--I'm exaggerating but I'm just using round numbers to make a point--if there were 300 taxpayers in the district and 150 of them sent their kids to a Catholic school or a Lutheran school and 150 sent them to a public school, what are the chances of getting a bond issue passed if those that did not want to support one school or the other wouldn't come forward? And I think that...we talked in circles a little bit a few minutes ago, I'm going to point it out, that if indeed it is our responsibility to educate our children in common schools...constitutional requirement to educate our children in common schools in the state of Nebraska,... [LB778]

PRESIDENT FOLEY: One minute. [LB778]

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SENATOR KRIST: ...then I think the funding mechanism needs to be clear and there need to be enough tools in the toolbox to make that happen. So, again, I'll be voting for Senator Pansing Brooks's amendment because it's the only way to fix a bad bill. And, by the way, I don't often think that's a good idea, voting against the Education amendment and ultimately I will vote against LB778. Thank you, Mr. President. [LB778]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Kolowski. [LB778]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I stand in opposition to LB778 and I want to explain that within the context of what happened in our committee as that moved forward, as well as some history as far as Nebraska is concerned with consolidation and other things that have taken place over at least a couple of careers that we look at. I started an education career in 1967 in Omaha, Nebraska, and ended that in 2008. Those 41 years saw a lot of different moves in Nebraska. And we had, when I started in '67, well over a thousand different school districts in the state of Nebraska. Today, with 245 districts with approximately 1,500 duly-elected board members to each of those particular school districts, they have representation duly elected from their own territories, their own boundaries, their own school districts that have made decisions and moved them on to where they are at the current time in their own growth. They didn't need anyone guiding them or giving them additional directions or coming down on their choices as they were doing consolidation over all those years. It happened because common sense and good working people got together, redrew maps, and did the work, the effort to consolidate districts to bring us to where we are today. And it will continue. It will continue on. In our committee, Education Committee, I voted this...I helped to vote this out because it was connected with two other bills in its original form. We separated those out and to be able to vote on this singly to move it on and then take the Vargas bill as well as Pansing Brooks's bill and use them separately was the rationale why I had that particular vote at that time. This is an overextension of looking at control, and not local control. We're trying to do the things that are right in our districts and over the years each of these communities have done that themselves. Senator Groene talked a circle, as far as I was concerned, as far as local control, not local control, local control, and we were going around in a circle there as far as some of the explanation being given. That is confusing to people, it doesn't clarify the issues, as Senator Pansing Brooks has shared her documents with us or the comments that we've heard from Senator Krist in the same way. I hope



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we will have the common sense to say this is an overreach, not for Class A districts, not for the Millards, Omaha, Lincoln, and the rest, but for the rest of the state,. They have the ability, they have the brightness, they have the compassion and willingness... [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR KOLOWSKI: ...to put the sweat equity into making decisions concerning their future district as a school district. And some of them will have to make very tough decisions as they move on. But it's not our job to cut down on options and close off directions they might be going or where they might be headed in their own mutual futures. I hope we can keep that in mind as we progress and look at this issue which does not need a positive vote. It is not ready for prime time. Thank you very much. [LB778]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Chambers. [LB778]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I've argued with Senator Groene on the floor and talked about some of the things he's brought off the floor and I made it clear that, in my opinion, the representation he and Senator Lowe, specifically, and perhaps others have given the impression that rural people are from another planet. The children don't need legal representation because the parents know enough. They don't need to have their legal rights protected because all the judges are fair. That's not true anywhere, not even in Hollywood and Walt Disney movies, not even in The Twilight Zone. So rural people couldn't even make it in The Twilight Zone, they're so distinct and different from everybody. What's the next stage? Now we know their elected officials cannot be trusted. The people...I understand from what I've heard from people other than Senator Groene, that people in these small communities know each other, they understand each other, they work together. Senator Groene even said, we take care of our own. Well, I don't like the way they take care...the kind of taking care of he talks about. But now when his own are operating schools he said, they can't be trusted. I'm not going to support this bill. And I wish that the people in this Legislature would vote one of my bills out so that it could be discussed on the floor. I have a very innocuous bill that went before the Judiciary Committee that would have some of these people who work for the Department of Corrections who conduct criminal investigations in effect, they have far more

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cases than they can handle. One who formerly did this kind of work, one who does it. Then a guy who represents the Fraternal Order of Police supported the bill. Issues relative to pensions and so forth had been discussed and apparently worked out. The Judiciary Committee put together a package, as all these committees do. Guess whose bill the Governor said he does not like? My bill, raising issues that the Fraternal Order of Police didn't raise, nobody from the State Patrol objected to it. In fact, nobody did. The Ombudsman, who works with Corrections, was for bill. But you know what I did, because I know how I'm not respected not only by the Governor, but I'm not respected by these legislators? I told Senator Ebke because she was trying to give me the news gently. I said, Senator Ebke, you don't have to explain for committee. The Governor doesn't like it. I'm not going to have you all try to fight for me, that's not going to happen. I will take my bill out of the package. I voluntarily removed it. I don't come here begging to you all or begging anything from you all. I don't ask you all to stand up to the Governor for me. I'll stand up to the Governor for myself and for the rest of you. But I don't expect you to be like me. You're not made of the same kind of stuff and you cannot act in a way contrary to your nature. If I'm a black panther, I know what I can do. I know what I will do. But if you're a white mouse, I don't expect you to roar like a panther. I don't even expect you to be able to climb a tree. I don't expect you to fight off a hyena. I don't expect you to run off a jackal. What you are is prey for any creature who happens to be hungry and has a taste for mice. So rather than other members of these committees voting these bad bills out here and making the rest of us talk against them,... [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR CHAMBERS: ...just because Senator Groene wants a discussion, I think that's irresponsible. That's just my opinion. My opinion is mine. It doesn't govern any of you all. Senator Groene worked day and night to defeat Senator Pansing Brooks's bill that would save children even in rural areas, even in rural areas, that other planet, that other dimension, that Twilight Zone where everything is different and there are different kind of people made by a lesser God. They're children. He fought to kill that bill so those children would stay in that inferior position, have no representation when their legal rights and they're future was at stake. And then Senator Pansing Brooks, my goddaughter--I thought I raised her better than that--is going to vote this atrocity out here so Senator Groene, the killer of good bills, can have a

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discussion. I'm going to see how many of you all vote for this. This is a bad bill, not just because Senator Groene brought it. [LB778]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Time, Senator. [LB778]

SENATOR CHAMBERS: It's a bad bill. You said time? [LB778]

SPEAKER SCHEER: Yes, Senator. [LB778]

SENATOR CHAMBERS: Okay. [LB778]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Erdman, you're recognized. [LB778]

SENATOR ERDMAN: Thank you, Mr. Speaker. Good afternoon. Senator Chambers, you said you have an opinion. So do I. My opinion doesn't mean probably any more than yours or maybe less, but we talk about local control and they said that several times. Let me tell you a story about local control. In the early '80s I was on the local school board at a Class 1 school. When we would have a budget hearing, 40 people showed up, 40 people showed up at the budget hearing. When we had a regular school board meeting, we had half a dozen people show up in a Class 1 school. That was local control. Five, six years, maybe it was ten, I got on the school board in Baird. I served there 12 years. In 12 years we had zero, zero, not a person show up for the budget hearing. We're talking about local control, and I don't know how much more local you can get when you let the taxpayer who's paying the bill vote. That's local control. What Senator Groene is trying to do here...and, Senator Krist, I don't believe this bill would allow those people to do bonding without a vote of the people, so they'll still have to vote on the bonding. What this does is, they have put it into the building fund and then they use that to build a building, which makes sense because they don't have to pay the bonding expenses and they don't have all those other expenses. Some may think this is a bad bill. This bill makes sense. It gives them an opportunity to do the repairs they need to do, major repairs. Senator Groene amended it to do that. That's

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exactly what this bill would do. And so local control means that the local people get a vote on it. I own several properties in a district that I do not live in. They decided by a vote that they would build a new school. That's the way it works in Nebraska. You don't vote even though you get to pay the taxes. And they fought a war over that once. It was out in Boston and they threw a bunch of tea in the water and they were all upset and it was called taxation without representation, and that's exactly what that is. So they voted, they built a new school for \$10 million, \$11 million and we're paying it off. And that's what they did and they voted on that. So what this is doing, it's allowing the people who are going to pay the taxes to have a vote, have a say in what they do. It makes sense if the local school board collects the money in advance before they build the building. This is not taking away local control. I heard Senator Pansing Brooks talk about one size fits all across the state. She said that's bad. We can't have one size fit all. But that's what it was last week on LB158, one size fits all across the state. But now when we want to do it here, then that's not good. So you can't have it both ways. Either it's good one way or it's good the other, but it can't be both. And so, consequently, I am in favor of AM2098, I'm against AM2562 and I will vote for LB778. It makes sense, it's common sense approach to having local control make the decisions. Thank you. [LB778 LB158]

SPEAKER SCHEER: Thank you, Senator Erdman. Senator Baker, you're recognized. [LB778]

SENATOR BAKER: Thank you, Mr. Speaker. I'm inclined to support AM2562. If that doesn't pass, we're going to be here a while. Would Senator Groene yield to a few questions? [LB778]

SPEAKER SCHEER: Senator Groene, would you please yield? [LB778]

SENATOR GROENE: I said yes. [LB778]

SENATOR BAKER: Senator Groene, can you identify for me the various sources of funds that could go into a special building fund? [LB778]

SENATOR GROENE: There's only one. It's a levy. You have to levy it. And yet right now most equalized districts...they are limited to within the five cents to do it, basically. And then the

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school board decides how much to put into the building fund and then it's restricted what uses you can use it for. [LB778]

SENATOR BAKER: Let me read from the manual. Special building fund shall establish when a school board decides to acquire or improve sites and/or to erect, alter, or improve buildings. The sale of bonds and if a bond issue passes, those funds go into special building fund. So there's another source other than the tax for the special building fund. The sale of property. So property, that can go into special building fund. Insurance settlements can go into the special building fund. Okay, now, do you have a copy of your AM2098 in front of you, Senator? [LB778]

SENATOR GROENE: Yes, I do. [LB778]

SENATOR BAKER: Okay. Go to page 2, starting on line 15. That sentence now ends, shall not be used for any other purpose, and the rest of the language was stricken. What happens if taxes are raised, say, on a special building tax levy and not all the money is needed? What happens to those funds? [LB778]

SENATOR GROENE: It stays in the building fund and is used from there. [LB778]

SENATOR BAKER: Well, it says it cannot be used for any other purpose. Do you consider funds from the building fund to be fungible? [LB778]

SENATOR GROENE: That's existing language, sir. I'm not changing that. [LB778]

SENATOR BAKER: I know. I'm asking your interpretation. You struck the language. [LB778]

SENATOR GROENE: I did not. It says constitutes special fund for the purpose for which it was voted for, not to be used for any other purpose. [LB778]

SENATOR BAKER: And there's in the last clause you struck out. So... [LB778]

SENATOR GROENE: That 55 percent has to do with raising it to 17.5 percent...cents. [LB778]

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SENATOR BAKER: I don't even begin to understand what you just said. I'm asking what happens to funds that are left over in the special building fund if they are not needed? [LB778]

SENATOR GROENE: I'm going to have to clarify what you're trying to ask, so I'm not going to answer that. I'll do it when I'm on the mike later. [LB778]

SENATOR BAKER: If you don't know, that's fine to say so. [LB778]

SENATOR GROENE: No. I do know, but you're giving me a scenario that doesn't relate to this. I will try to interpret what you are trying to ask, sir. [LB778]

SENATOR BAKER: All right. It relates very much. I mean, supposing your bill went through and you got five cent authority without a vote of the people. That money ends up in there and, say, not as much is needed as what people thought. What happens to the remaining funds? [LB778]

SENATOR GROENE: Sir, I...they are a building fund. They get used for building fund purposes... [LB778]

SPEAKER SCHEER: One minute. [LB778]

SENATOR GROENE: ...which you can acquire land, you can fix...now I'm going to add that you can fix roofs, major repairs, you can acquire another building to expand on. There is a whole list of things that you can do with that building fund money. [LB778]

SENATOR BAKER: So on page 3 at the top of the page on line 3, it talks about funds accumulated in the sinking fund. Do you consider that language "sinking fund" to be synonymous with special building fund? [LB778]

SENATOR GROENE: That's existing language, sir. I'm not changing that. [LB778]

SENATOR BAKER: I know it is, but it's there. I'm asking you, do you interpret... [LB778]

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SENATOR GROENE: Do you want me to strike it? Drop an amendment if you want to do that. [LB778]

SENATOR BAKER: I want to ask you if you consider sinking fund synonymous with special building fund. [LB778]

SENATOR GROENE: Sir, you're talking nonsense and I'm not going to answer nonsense. [LB778]

SENATOR BAKER: On line 15, you put in "annual tax levy"... [LB778]

SPEAKER SCHEER: Time, Senator. Time, Senator. [LB778]

SENATOR BAKER: Thank you. [LB778]

SPEAKER SCHEER: Thank you, Senator Baker and Senator Groene. Senator Groene, you're recognized. [LB778]

SENATOR GROENE: Thank you, President. Senator Pansing Brooks read some letters from a business manager at a school and said he couldn't do this, couldn't do that, couldn't replace HVAC without the building fund. First off, we're not removing the building fund. You have a nickel. First, when you mentioned HVAC, you have the Quality Capital Purpose Understating Fund (sic--Qualified Capital Purpose Undertaking Fund.) You've got three cents there to replace HVAC, do safety, as Senator Pansing Brooks says. You have that. That has nothing to do with the building fund. You have the depreciation fund where you can take some of your reserves and put it in to replace costly repairs, replace buses. And then you have the five cent building fund that you can use for those types of purposes, too. That adds up to a lot of money. Now, all we're doing here is you want to go from five cents to 14 cents, you have to have a vote of the people. Let me explain something to you. I'm confused here about who's on what planet. We heard from Senator Pansing Brooks. LPS's building fund is zero. Why? Because they used their money to educate the children and they have...their citizens of LPS, Lancaster County, have to vote if they want to build a new school. Senator Krist and Senator Kolowski mentioned that they wanted

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these local small towns with lower levies due to huge valuation increases not to have to have a vote of the people. Well, let's guess what. Omaha Public Schools has a zero building fund. Those people are going to have to vote to build a new school, those citizens. Elkhorn, zero building fund. Those folks are going to have to vote to build new structures. Here's the interesting thing, folks. There was two school districts when we got rid of Learning Community, Douglas County West and Springfield Platteview, who came to my office and said, you get rid of the building fund...I mean, you get rid of the Learning Community, we will lower our levy. They did. You know what they turned around and did? Went up to 14 cents and 12 cents more in the building fund to build new schools without a vote of the people. Stuck them right back with a high tax rate. Is that what we do in Nebraska? If the people of Omaha, of Lincoln, of Grand Island, of North Platte, Columbus, Norfolk, Hastings, equalized school districts, when you build a new school, those folks have a right to vote in an election. I, as Education Chairman said, all citizens should be created equal. All citizens across the state should have the opportunity to vote when a new public structure in our educational system is built. Who is representing and trying to make urban and rural equal? Senator Groene. Who is trying to make sure all taxpayers are treated fairly and the same across the state? Senator Groene. That is what I'm trying to do here. I'm taking on my own people here, folks. I have told my rural constituents this. I have stood on the floor and I fought and fought for you on property taxes. By the way, this is a referendum in this body of how much you really believe that we have a property tax problem. Voters, citizens, watch how people vote on this. Watch. Do they favor the administrations and the public employees at our schools or the taxpayers and individual citizens. The individual citizens are screaming for property tax relief. They want control. They want their word heard. A few administrators call you and you jump. Is that how this body works? [LB778]

SPEAKER SCHEER: One minute. [LB778]

SENATOR GROENE: Is that how this body works? Our government employees have more say in what we do here than the average citizen? That is the question you're going to vote on, folks. Who do you favor, the individual citizen or an administrator? Who is your employee? That's all he is or she is. You will own that school for your lifetime as you live. That administrator is gone after he decides to retire and go to Missouri or Texas where he pays less taxes. It's happened to us in North Platte a couple of times. I've got more to say about levies and who is paying and why



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all of a sudden just because your valuations went up and your levy went down, all of a sudden now you can build a new school without the vote of the people and a year before, you couldn't? Something is wrong with that scenario. LB778 fixes that. Thank you. [LB778]

SPEAKER SCHEER: Thank you, Senator Groene. Senator Ebke, you're recognized. [LB778]

SENATOR EBKE: Thank you, Mr. President. I speak to you today... [LB778]

SPEAKER SCHEER: Excuse me, Senator Ebke. I missed...no, no, no, I missed it. I apologize. We had a motion on the desk. [LB778]

SENATOR EBKE: Oh, okay. [LB778]

CLERK: Excuse me, Senator. [LB778]

SPEAKER SCHEER: You will be next in line. I apologize. [LB778]

CLERK: Mr. President. Some items, if I might before. General Affairs reports LB1120 to General File with amendments. Senator Kuehn, amendment to LB596 to be printed. A series of Resolutions: LR362, LR363, LR364 and LB365, by Senator Walz. Those will be...Senator Groene was LR362, the others were by Senator Walz. Those will all be laid over. Appropriations Executive Session, at 3:30, Room 2022. Mr. President, with respect to LB778, Senator Baker would move to bracket the bill until April 18, 2018. [LB778 LB1120 LB596 LR362 LR363 LR364 LR365]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Baker, you're welcome to open on your bracket motion. [LB778]

SENATOR BAKER: Move to bracket. [LB778]

SPEAKER SCHEER: Yes. You're welcome to open on your motion. [LB778]

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SENATOR BAKER: Pardon me? [LB778]

SPEAKER SCHEER: You're welcome to open on your motion. [LB778]

SENATOR BAKER: Thank you. I am...my motion is to bracket the bill until 4-18-18. [LB778]

SPEAKER SCHEER: Thank you, Senator Baker. Senator Friesen, you're recognized. Senator Friesen, you're recognized. [LB778]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor or Mr. President, sorry. You look taller. I'm going to rise to a little bit different...I'm opposed to the bracket motion. When we talk about property taxes and school funding, I come from a little bit different perspective in that we can talk about the levy lids and levies and when a school wants to build and when they don't. But where I am an ag producer and I own land in four different school districts, they make these decisions without a vote of my vote. I just pay the bill. So whether we make it a decision where it's a vote of the people or not, it doesn't really matter to me because three out of four times I don't get to vote at all. They just raise my taxes and I pay the bill and I come here and I grumble and complain about my high property taxes. If we want to talk representation, I'm not being represented at all. I don't get to vote for the school board member that makes the decision. I can't be involved in that school. I can't participate. I suppose I could go there, but since I can't vote for them, they don't care much about my opinion. All they want is my check. They want my money. So when we want to talk about how we're going to make this better and different, when you look at the rural schools versus the urban schools, you have an urban population, that...let's say you want to build a new school and have an \$8 million bond issue. For the urban resident that just owns a home in the city, it's going to increase their taxes maybe \$25 a year. For an ag producer in the country it may raise his taxes \$500 a year, and I don't get to vote. Even if I lived in the district, I'm a minority. About 3 percent of the voters, 4 percent maybe in some districts, that can oppose it. But you're in the rural area, you're outnumbered by the urban voters and they pass the bond issue and you pay the bill. And I've thought about trying to bring legislation that would allow each owner of property the ability to vote, but then you have out-of-state landowners that would never vote for a bond issue and you could have a school that really does need a new building and they would oppose it and then you wouldn't build schools when you do need them.

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So I understand and I try to balance that thought process out. But in the end, I don't get to vote. We can argue about this all day long and three out of the four schools that are going to do something, I have no say in it whatsoever. And so when we talk about how we fund education, I do believe that the state needs to take more responsibility in how we fund K-12. Instead, we've turned it into a property tax issue where we're constantly looking at each other's levy trying to decide if somebody is paying enough or too much and we're basing our decisions on that versus on what's best for the school. Until the school...the state starts to take more responsibility in how we fund our K-12, we're going to continue to have these fights. I look forward to getting to some honest debate on a property tax proposal that actually puts the state... [LB778]

SPEAKER SCHEER: One minute. [LB778]

SENATOR FRIESEN: ...and gives them more responsibility in the funding of our K-12 students and that fulfills their obligation that we set out in the constitution. Thank you, Mr. Speaker. [LB778]

SPEAKER SCHEER: Thank you, Senator Friesen. Senator Ebke, you're recognized. And, again, my apologies. [LB778]

SENATOR EBKE: Thank you, Mr. President. That's okay. Colleagues, I speak to you as a former member of a school board for 12 years. And during those 12 years that I was on the school board, the Crete District added two new buildings. We went to a vote in both cases and the people passed the bond. But let me tell you what the building fund also let us do. We had a fairly significant building fund at one point and our district was growing significantly. Having that building fund there let us take advantage of opportunity cost. When we had built our first building, our middle school building, we had stubbed in the possibility of a fourth wing. We built a six to eight school and by the time we were just about finished with that school and had paid for it with the bond, we realized that, gosh, we're going to need another wing here pretty soon because they're running out of space down at the elementary school. And we had the money in the building fund that we were able to go ahead...without floating another bond we were able to go ahead and add that extra five or six rooms to the school and operate accordingly. A few years later, the schools were filling up again because of the growth. And we could see, looking ahead,

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that we were going to be needing a new high school one of these days. Remember, when I joined the school board, there were two school buildings. We have four now. We bonded for that. But one of the problems when you you're getting ready to build a new school is you've got to have land. And so we started watching for land that would go for sale that would be in the neighborhood of where we wanted to build. And lo and behold, someone passed away, a farmer who had land on the edge of town across from the current high school...what was then the current high school. And because we had money in that building fund, we were able to go ahead and purchase the land even though we knew we were a couple of years away from actually running the bond. It's an important thing for schools to be able to act proactively. Senator Groene has talked a lot about local control. And I believe in local control, but we have to decide what the definition of local control is. Is it a pure democracy? Is it Populism? Or is it a representative democracy? And I could talk about Plato's Republic, I could talk about Aristotle, but I won't. What I will tell you, though, is that in the 12 years that I was on the Crete School Board, the public had the opportunity to talk about bond hearings, the public had an opportunity to come in and talk about budget hearings. And I think I can probably count on one hand the number of times that anybody actually attended. So now we're saying that everything that we do needs to go to a vote. I question whether or not the general public really wants to be that engaged. They know that they don't want more taxes, but they don't necessarily know what the needs of the community are. In both cases when we had bond issues, they passed the first time both times. And that was because we had really great administrators and really good school board members, I think, and a really great citizen group that went out and told folks about the needs. [LB778]

SENATOR WILLIAMS PRESIDING

SENATOR WILLIAMS: One minute. [LB778]

SENATOR EBKE: But that doesn't always happen. My hometown of Fairbury, when I was in high school they started floating bond votes. They had to do it four times, I think it was, before they finally got a high school built, even though the ceilings were falling in on us. So I think it's important for local school boards to have some flexibility. I appreciate what Senator Groene has done. I appreciate the intent behind this. I just have a really hard time supporting it. I understand that I voted it out of committee. I thought it was important for us to have this discussion in terms

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of property taxes. Here's the bottom line, though. If you don't believe that your local school boards are being responsible with your tax dollars, talk to them. Go to them, show up to the meetings and complain, because typically the public doesn't. Thank you, Mr. President. [LB778]

SENATOR WILLIAMS: Thank you, Senator Ebke. Senator Kuehn, you're recognized. [LB778]

SENATOR KUEHN: Thank you, Mr. President. Thank you, colleagues. In full honesty, I don't know where I am on either the bracket motion, the amendments that are up there, or the bill in general. This current discussion highlights a little bit of my frustration when we start dealing with some of the school funding issues. I'd like to think that I'm a moderately competent individual, but when we start getting into some of the elements of levies and what goes into what fund, my eyes start to cross and I kind of glaze over and I'm left with two opposing viewpoints and I can't really cut through the clutter as to what the best solution is and what the best path forward is. So at the beginning of my comments I guess I would implore those who have knowledge and experience to take time to get on the mike and walk us through, because I suspect that I'm probably not the only one who shares that level of confusion at worst, lack of understanding at best, as to exactly how all this plays together. What I can tell you is some experience that I've had in attending some of the school board meetings around my district over the past four years. And one that I think highlights one of the motivations that I hear Senator Groene talking about was that I'd attended a budget meeting at a local, relatively small consolidated district in my district that had had a new superintendent and a lot of board turnover in the last year. And it was the first budget hearing with that superintendent and several new board members and they were going through the budget documents and I just looked through the document and I said, what's this \$4.5 million? And no one on the board could explain it or really knew. And given the size of the school district that was a fairly substantial amount of money. The superintendent was struggling to really understand what happened and it led to a really productive series of meetings over the next couple of months of dollars that had accumulated--I don't want to say unknowingly--but really without necessarily the attention and care of members of the board because, again, we're dealing with individuals who have a lot on their mind, who are coming in for the regular board meetings, have variable levels of engagement and may or may not always realize what's going into which funds. And so in some cases I certainly see the need where some things are happening in these levies and in the funds on auto pilot without

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necessarily a long-term plan or strategy for how to use those tax dollars. At the same time, I also hear repeatedly from almost every school board in my district that they get frustrated by the fact that no one does show up and engage in their budget hearings. Everyone grumbles at the coffee shop about what the levy is, everybody grumbles at the coffee shop that they're doing renovations and new building at the school, but no one comes to the board meetings, no one comes to the hearings and engages in a greater way. I certainly understand we can't force the public to engage, but I'm not opposed to the idea of creating scenarios where there are greater opportunities for engagement and we also make sure that taxpayers not only have an opportunity to have their voice heard. I think local control is about making decisions, but local control is also about local accountability, and that is making sure that the voters, the taxpayers have a sense of responsibility and ownership of the decisions, and if given the opportunity to vote and they fail to do so that they abdicate their ability and desire to grumble. So my hope in whatever time we're taking on this particular bill is that some of the individuals with expertise, Senator Groene and his staff, some of the superintendents, we've got expertise with the former school board members... [LB778]

SENATOR WILLIAMS: One minute. [LB778]

SENATOR KUEHN: ...will lay out with some specifics some of the greater detail, so I can make a better informed choice. I was not in a hearing. I have a very limited knowledge base and I prefer to be able to cast my vote with better information and facts presented in a somewhat rational manner than just kind of fly off on following a talking point that may or may not have relevance to my understanding in the situation. So with that, I ask those of you who have expertise to please contribute. I'm listening and I hope to gain a better understanding. Thank you, Mr. President. [LB778]

SENATOR WILLIAMS: Thank you Senator Kuehn. (Visitors introduced.) Moving on with debate, Senator Walz, you're recognized. [LB778]

SENATOR WALZ: Thank you, Mr. Speaker. I stand in favor of the bracket motion and in strong opposition of LB778. And Senator Friesen said something that I totally agree with. This should not be...this issue should not be a building fund issue. This issue should be an issue about how

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our state is funding our education, and before Senator Groene goes too far away, I would like to ask him to yield to question. [LB778]

SENATOR WILLIAMS: Senator Groene, would you yield for a question? [LB778]

SENATOR WALZ: He's wasting my time as much as he can. [LB778]

SENATOR GROENE: Yes, I will take a question. [LB778]

SENATOR WALZ: Well, I have asked you this before. But I'm just wondering, where did you come up with the number 5 cents? How did you come to that conclusion that 5 cents would just be the perfect number for this? [LB778]

SENATOR GROENE: As I said earlier, I consider as Chairman of the Education Committee I have to represent all the citizens of the state. If you are in an equalized district, you are basically locked into no more than 5 cents in your building fund, because the original dollar in the TEEOSA formula is a factor for...that the State Board of Education and this body has considered you need a dollar to fund your classrooms, do your utilities, give pay raises, and therefore you have 5 cents beyond that after the dollar, for QCPUF...not for QCPUF, that's outside of it, but for a building fund and a few other...and I decided if Omaha, Fremont, North Platte, Lincoln Public Schools have basically a limit of 5 cents, or should have only a basic limit, because there's ways around that, then every school district...school board should be following the same basic rules and all citizens should be treated equally. [LB778]

SENATOR WALZ: In that case, I don't think that you are really representing the entire state, because there's a big difference between a Millard school district and, let's say, a DC West district. If Millard had room in their levy, they would raise \$5 million with five cents. If DC West had five cents, they would raise maybe \$450,000. Senator Groene, who asked you to bring this bill? [LB778]

SENATOR GROENE: Some individuals in a few school districts in my area. I have a school district that did this, built a new school without the vote of the people and some people brought

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to me and pointed out they didn't have a chance to vote on it. They thought they...they said they must have broke a law. What law did they break? North Platte, when they want a new school, they get to vote on it. Why didn't I get a vote on a new school. I looked into it, and I said we have inequity here. [LB778]

SENATOR WALZ: So a couple of people asked you to bring the bill. [LB778]

SENATOR GROENE: Oh, no the farm groups are for this. [LB778]

SENATOR WALZ: Okay. How many proponents came to the hearing? [LB778]

SENATOR GROENE: I called no one and asked no one. I always have this theory I have learned down here, the average working person, the taxpayer, average voter is out there on his tractor, out at work, you don't...or working at the meat packing plant or at the railroad, he doesn't get in his car and come down here and testify. But those who profit from those tax dollars, the administrators association, school board association, those individuals hire people to come down and testify. [LB778]

SENATOR WALZ: Okay. Thank you. [LB778]

SENATOR GROENE: I represented those folks. [LB778]

SENATOR WALZ: Thank you, Senator Groene. So no one asked. [LB778]

SENATOR GROENE: Oh, yeah, I said they did. [LB778]

SENATOR WALZ: Okay, I'm sorry. But no one was concerned enough about this issue that they showed up to speak at the hearing. [LB778]

SENATOR WILLIAMS: One minute. [LB778]



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SENATOR WALZ: I have some major concerns about this bill, including safety, the ability for school to remain viable, and the ability to maintain and strengthen our rural communities. The school, as you guys know, is the hub of many of these communities. And I think this bill will severely limit a school district's ability to address critical needs including building safety and growth. Springfield Platteview is attempting to do major renovations in two of their schools to add permanent walls and doors for safety reasons from their building fund. This renovation would not be possible without the current building fund limits of allowing 14 cents. The district tried to get these issues addressed through a bond vote twice, and both times they failed. LB778 would force them to go back to a bond vote for these critical safety features and would take another one to two years to go through a bond election and... [LB778]

SENATOR WILLIAMS: Time, Senator. Thank you, Senator Walz and Senator Groene. Senator Chambers, you are recognized. [LB778]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, music hath charm to soothe the savage breast. So here's a song to Senator Groene's bill: down, down, down, down, down, down, daooly, (phonetic) down, down, down, down, down, down, daooly, down, down, down, down, down, daooly, down, whoa, whoa, whoa, whoa. That means it's dead. It shouldn't even be out here. We are being asked to give a decent burial to a putrefying corpse. The thing had no value in committee, but it got locked in with other things that will sometimes happen in a committee and people will vote to get it out, to break a jam so other things can get out. But this is not a good bill, and I'm going to support the bracket motion. I hope there are enough votes to bracket it. If there are not, I'm sure there are not enough for him to get cloture. And I hate to mention these kind of things all the time, but I see these women as being not just my fellow senators, but as my sisters, in the way I refer to all women as my sisters. And when somebody is discourteous and rude toward one of my sisters, when rudeness has been shown to him, then I take offense. But I'm not going to bail people out every time it happens. But you will never see me be intentionally rude to anybody. And if it seems that I'm being rude to a man, it's because I have seen things that that man, so-called, would do when he's dealing with women. What I have been actually complaining about is the way my seatmate, Senator Blood, is attacked in columns by all these brave white men, but none of them attack me. Look, if what she said was deemed offensive, I am ten times as offensive every single day, ten times more offensive than

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Senator Blood. But again, the cowards are accustomed to dealing with women or scary frightened so-called men. But I invite them to take me on and come after me. I let everybody know, I don't carry weapons. I don't even carry a finger nail file. But I have fingers that grow from my palms, and there are things you can do with your hands if you know how to do that. But the point I'm getting to is this, men on this floor should not be rude to our sisters. Not that they are delicate, weak, and cannot take care of themselves, but it shows to me a basic flaw in a man's character, his upbringing, or whatever it is that made him what he is when he's rude to a woman but not to a man. Now, I have drawn that line in the sand. How many times have you all heard me say--come after me, do it to me, I'm here all the time. And if you don't want to do it to me here, tell me where you want to meet me and deal with me a different way. I'm 80 years old. I shouldn't be able to lick my lips. [LB778]

PRESIDENT FOLEY PRESIDING [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR CHAMBERS: 80 years old. What business do I have challenging all these whipper snappers around here, come do something to me. Is it a death wish or do I wish to deal death to somebody without weapons. We used to joke in the neighborhood and say I am a weapon. I have always been smaller than most of the males I've been around when I was in grade school, high school, and college. And not one of them could you pour on me, and not one of them could make me take low. Not one of them could make me back down. Not one of them. And they knew that I'm capable of taking more than one whipping. And you know what I mean by that? If you whip me, you are not going to whip me one time and it's over. You are going to have to whip me so bad that I don't have a breath left in my body and I cannot stand. But you had better be in it for the downs. You all see the way I do here. I will stay until midnight. Do I want to be here until midnight? [LB778]

PRESIDENT FOLEY: Time, Senator. [LB778]

SENATOR CHAMBERS: With you all, absolutely not. What did you say...I mean, what was that, Mr. President? [LB778]

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PRESIDENT FOLEY: That's time, Senator Chambers. [LB778]

SENATOR CHAMBERS: All right, thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Lowe. [LB778]

SENATOR LOWE: Thank you, Mr. President. I'm impressed. I would like to yield my time to Senator Groene. [LB778]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Groene, 4 minutes, 50. [LB778]

SENATOR GROENE: Senator Ebke and Senator Chambers, would you take the questions one at a time? [LB778]

PRESIDENT FOLEY: Senator Chambers, would you yield to questions please? [LB778]

SENATOR CHAMBERS: Yes, I will. [LB778]

SENATOR GROENE: Chambers. [LB778]

SENATOR CHAMBERS: Yes. [LB778]

SENATOR GROENE: Your school district, OPS, is planning a bond election for over \$300 million to build schools. Is that correct? [LB778]

SENATOR CHAMBERS: Okay, I will take your word for it. [LB778]

SENATOR GROENE: Should I introduce an amendment that we take away the requirement that they have a bond election and let the local school board make that decision to raise taxes? [LB778]

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SENATOR CHAMBERS: On this floor you don't need my permission for anything. If you think that should be done because I oppose this bill offer the amendment. [LB778]

SENATOR GROENE: Do you believe it should be done so that the local elected official... [LB778]

SENATOR CHAMBERS: That's not even something I will discuss. [LB778]

SENATOR GROENE: Thank you, sir. Senator... [LB778]

SENATOR CHAMBERS: Well, if you are going to ask me a question, I will answer it (microphone malfunction) [LB778]

SENATOR GROENE: Senator Ebke. [LB778]

SENATOR CHAMBERS: ...me a question if you don't want an answer. And if you turn it off, I will talk loud enough to be heard. I'm tired of you pulling this kind of stuff with him. He starts by asking a question, then he doesn't want it answered, then you turn off the machine. Don't put those children in that situation. [LB778]

SENATOR GROENE: Excuse me, sir. You said you would not answer that question, so I went away from you. Now you want to answer it, sir? If you want to answer it, answer it. [LB778]

SENATOR CHAMBERS: I will answer it my way. [LB778]

SENATOR GROENE: It's my time, remember that. [LB778]

SENATOR CHAMBERS: I will answer it my way. Then don't use your time by asking me a question. [LB778]

SENATOR GROENE: All right, I apologize. [LB778]

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SENATOR CHAMBERS: If you ask me I'll answer it my way. [LB778]

SENATOR GROENE: All right, answer it then. [LB778]

SENATOR CHAMBERS: You know what my way is? If you think there should be an amendment to do that, do it, you don't need my permission to do anything. [LB778]

SENATOR GROENE: Thank you, sir, for your answer. Senator Ebke, same question. Do you think... [LB778]

PRESIDENT FOLEY: Senator Ebke, will you yield please? [LB778]

SENATOR EBKE: Yes. [LB778]

SENATOR GROENE: ...the people of Crete, Nebraska...do you think the people of Crete, Nebraska, should vote on a bond election to build a new school or should...you said earlier it should be the school board's decision? [LB778]

SENATOR EBKE: No, I didn't. [LB778]

SENATOR GROENE: Oh, what did you say? [LB778]

SENATOR EBKE: I said, that to build a new school we bonded. [LB778]

SENATOR GROENE: Oh, but the state put a regulation in to do that, is that correct? We took away local control and we told them they had to have a bond election, is that correct? Is that correct? [LB778]

SENATOR EBKE: No, we did it. [LB778]

SENATOR GROENE: Oh, it isn't in statute that in order to have a bond election to build a new school, you have to take it to the vote of the people. [LB778]

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SENATOR EBKE: Well, for a bond election you take it to the vote of the people. [LB778]

SENATOR GROENE: Thank you. Thank you. So we do put restrictions in, and we do put local control into the hands of the voter when it comes to major expenditures. Senator Walz, to your point. There is economies of size. Omaha will raise and Millard will raise a lot more money with their valuation, but their project will be ten times higher. Four hundred thousand dollars from one school district will easily build a \$2 million project or more in a small town. It's economies of scale, economies of size; it works, the numbers work. What I'm telling you, in the state of Nebraska, laws should treat everyone the same. If one citizen gets to vote on new construction and the expenditures of tax dollars to build that, then a citizen, just because of happenstance where they live and how the TEEOSA formula works should also be able to vote on construction. This is equality before the law. I listen to voters. You taxpayers out there, watch this closely. You heard a couple of rural senators say that they don't think you should vote on major construction, that your property taxes should be raised...should be raised without your vote on major construction. I would just as soon we voted on this bracket motion. This isn't life or death to me. I'm using this to promote Senator Erdman's petition. Get riled up, citizens, get really riled up when you watch this vote. [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR GROENE: When you have a majority of senators who sit here and might vote to put the hands of a property tax increase in the hands of administrators and a few individuals on a board instead of your vote in that booth on a ballot. Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Baker. [LB778]

SENATOR BAKER: Question. [LB778]

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. Senator Baker. There's been a request to place the house under call. The question is shall the house go under call? Those in favor vote aye; those opposed nay. Record please. [LB778]

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CLERK: 14 ayes, 4 nays, Mr. President, to place the house under call. [LB778]

PRESIDENT FOLEY: The house is under call. Senators please return to the Chamber and check in. The house is under call. All unauthorized personnel leave the floor. The house is under call. Senators Watermeier, Bolz, Krist, Bostelman, Briese, Linehan, Friesen, please return to the Chamber and check in. The house is under call. Senator Baker, we are lacking Senator Watermeier at this point. Oh, here he is. All unexcused members are present. Senator Baker, your option to accept call-in votes or a roll call vote. [LB778]

SENATOR BAKER: Roll call vote, reverse order. [LB778]

PRESIDENT FOLEY: Roll call vote in reverse order. The question is whether or not to cease debate. Mr. Clerk. [LB778]

CLERK: (Roll call vote taken. Legislative Journal page 1112.) 30 ayes, 10 nays, Mr. President, to cease debate. [LB778]

PRESIDENT FOLEY: Debate does cease. We're still under call. Senator Baker, you are recognized to close on your bracket motion. He waives close. The question before the body is whether or not to bracket the bill. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Roll call vote has been requested. Mr. Clerk. [LB778]

CLERK: (Roll call vote taken, Legislative Journal pages 1112-1113.) 17 ayes, 19 nays, Mr. President. [LB778]

PRESIDENT FOLEY: Bracket motion does not succeed. I raise the call. We're back to debate on LB778, the committee amendment and Senator Pansing Brook's amendment. In the queue is Senator Erdman to be followed by Senator Groene, Halloran, Murante, Walz, and many others. Senator Erdman, you are recognized. [LB778]

SENATOR ERDMAN: Thank you, Lieutenant Governor; and good afternoon. Interesting vote right there; surprised me somewhat. As I said earlier on the mike, I'm not in favor of AM2562,

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but I am in favor of the other amendment and LB778. So as we discuss school funding and we discuss how we pay for education, in my district we have several schools in several counties. We have two in Morrill County. It doesn't make a lot of sense to have two schools. So some of this...some of these things that they are doing with building schools, as Senator Groene alluded to, schools are losing population and they are building a new school or a gymnasium or whatever they're doing to hope to keep what they have. So when you have a bond issue and your school is the biggest employer in your town, your school employs the most people, and those people all have spouses and relatives, and our turnout on elections is not real good and consequently those bond issues seem to pass because those people who are going to be paying don't show up at the polls. I would be interested, Senator Kolowski and Senator Baker, as they were superintendents and principals as to how many times somebody showed up at a budget hearing. And Senator Kuehn described to you what happens when people do show up and ask questions, they are not sure what the budget is or what this expenditure is. I will guarantee you this, if you are, as I was, in a Class 1 school and 40 people show up at a budget hearing and you don't have an administrator to do the budget and you are the one that does it, you surely know how to answer those questions. We don't have that anymore, that's all gone. So we have an education hearing and we are talking about funding of schools or if we are trying to alleviate some of the pressure on substitute teachers in the state of Nebraska so that people can actually substitute, the people who show up are the superintendents and the principals and all the school employees, they show up. Once in a while a rare thing will happen and there will be a school board member come, which is good. They are the elected people, and that's good. But that's not generally the case. So all of those letters that Senator Pansing Brooks alluded to earlier were all from administrators or school people, and there was one of them from a school board member, which was good. But no one goes and asks those people who are paying the taxes--do you want to be able to vote on what they do? Senator Bostelman and I were having a conversation off the mike and Senator Bostelman said one of his districts that is exactly what they did. They raised enough money through the building fund to build a new school, and they built an addition to their school, and they asked no one. I don't know whether they are concerned that the voters won't vote for it, or they know more than all the voters and so consequently we don't need to ask them. But I thought Senator Kuehn's testimony was very important. And if you haven't been to a school board budget hearing, if you haven't been to a county commissioner budget hearing, NRD, ESU, and the list goes on, show up. [LB778]



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PRESIDENT FOLEY: One minute. [LB778]

SENATOR ERDMAN: Show up. Because that is where the decisions are made. And so when people would come in in July when we have the board of equalization, when I was a county commissioner, and they would complain about how high their taxes were, and I would tell them if you've come here to complain about your taxes you are in the wrong place, because all we do here is set the value. But have you been to the school board budget hearing? And they answer 100 percent of the time, no I have never been here. Well, 65, some places 70 percent of your budget, your taxes goes to the school. It would make sense that you go there to see what they are doing with your funds. So what we are trying to do here is we're trying to get it back in the hands of those who pay the taxes and have them vote if they are going to build a new building. Senator Groene has adjusted it so they can do major repairs. He's also fixed it so those people who have started a construction project now can be grandfathered in. This bill makes a lot of sense. [LB778]

PRESIDENT FOLEY: Time, Senator. [LB778]

SENATOR ERDMAN: Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Groene. [LB778]

SENATOR GROENE: Thank you. I brought this bill and my LB640 is about property taxes and fairness in school funding. Everybody across the state is created equal and can get treated equal. In this case if you want to build a new school, everybody should be able to vote on it. That's fine. Let's keep talking. Let's talk about property taxes and I want everybody on the record voting against property tax relief and putting the local voter in control of his destiny of how...if he can afford to farm, if he can afford to live in a house because property taxes are going to go up. And if you disagree, that's fine. We have a crisis in democracy in this country; we have it in this state. We can't get people to run for office. My local school district, the largest one...was the eighth largest, and I think they might be still in the state, had a hard time filling on the ballot enough people to run for the school board. I don't know why, they don't have a lot of authority. The administrators have seemed to have taken that completely on to themselves. But the people still

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should have a right to vote on major issues when it affects their livelihood, their family's income, such as an increased tax levy to build a new school. Do you hear this debate here, folks, Nebraska, about this? That's the kind of debate that should be on every single construction of a new school. It shouldn't be in the dark of a night on a Monday night. Citizens too busy to show up to the school board meeting and five out of eight or four out of seven school board members decide to raise your taxes and create a brand new gymnasium in your town. That should never, ever happen. But believe it, folks, it is starting to happen in the state of Nebraska. That's what this bill does, says, no, you can't do that. No, if you want to have five cents and you want to fix the roof on your school and keep it up so we don't need a new school; if you want to put a new HVAC system and you don't have enough money in QC fund, then you can do that. Want to put a new floor in the gymnasium? Yes, you can do it with your building fund, because now we're saying you can do major repairs, replacement repairs. We have added to the purpose. But when folks are working night shift on the railroad, when folks are out tilling their fields and a school board has a meeting on a dark Monday night and decides with a four out of seven vote to increase your taxes for the next ten years to build a new gymnasium, that is wrong. That is wrong. It is one of the reasons we are a very, very high property tax state. Do you hear this debate? This should be going on in every community, in the cafes, in the coffee shops, at the basketball games, in church. How do you feel about that new gymnasium? Should we vote for it? Maybe we consider consolidating down the road with another school. Let's have a debate. No, administrators want to manipulate four votes on a seven-member board because it makes their life easier. I have heard only from administrators. And to complement the 200 or more that I have not heard from and the few that said this is the right thing to do, I'm a good administrator, if we need to build a new gymnasium and I can't convince the public to do it, then it's on me, it's on me, with my six-figure income. But no, they want to do it in the dark of the night, on a snowy night, on a Monday night when other folks are just recuperating from getting home from work, and they want to build a new gymnasium. [LB778 LB640]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR GROENE: That's what I want to stop. We got some folks fighting over juvenile lawyers and trying to destroy a good bill to get even, to get even. What's amazing is that in that bill there was also an action by an urban senator trying to force things on rural Nebraska. Same

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thing here. Talk about different planets. Talk about different planets, we are uneducated. We're tribal out there yet in the rural areas, we need to be managed and told what to do. It is what it is, folks. I didn't...I knew this bill might have a hard time, but I wanted the floor time, I wanted to talk to the people out there about property taxes, and, by god, if 17 people are going to stop it and attempt to give you property tax relief, sign the petition, show up at the ballot and vote for it. We're at that point in government in the state of Nebraska. Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Groene. (Visitor introduced.) Continuing discussion, Senator Halloran. [LB778]

SENATOR HALLORAN: Thank you, Mr. President. I stand opposed to AM2562 and AM4298, and the underlying LB778. It's been said several times here that one can go to a board meeting and be about the only guest there, the only person from the public there, and that we struggle to have people show up for board meetings. And it's true. It's probably universally true, but part of that is we don't engage the public enough. So how do you engage the public? Well, you don't engage the public by having an automatic building fund that's on autopilot. That automatic building fund or that autopilot that accumulates funds is much like our rainy day fund. I have a difficulty with having what often is called slush funds because I think it makes people budgetarily lazy. Senator Kuehn mentioned a fund that grew to \$4 million and nobody quite knew what it was, but I'm sure with a \$4 million fund there was a strong tendency for them to spend it without really public approval of what it was going to be spent on. So engage the public. Adam Central back home, three years in a row did a bond for \$19 million. They were consolidating three small rural elementary schools to build a \$19 million consolidated elementary school. Those meetings were well attended, because they were engaged. The public wanted to be engaged in how the school was going to spend their money. I have been to a lot of board meetings, been on boards, school boards, and not just the ones that I have been on, but from what I have spoken to other people, it seems very common that the school boards are made up of very well intended people, dedicated to make their schools better. But more often than not, they fall under the leadership of an administrator who also may be well intended, but they look at that administrator at the school as the expert. And over a short period of time the board tends to just go along with what the administrator thinks should be done and discounts quite often what the public input is, because the public has this apathy. This public gets glazed eyes and say, well,

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it doesn't matter what I say. I can show up at a meeting, but they won't listen to me. Well, that's unfortunate. That's unfortunate. We had people watching us here, and their eyes are probably equally glazed wondering who is going to put on the best next show. And I think engaging the public is the best thing we can do for the betterment of our schools. Balance of my time I would like to give to Senator Groene. [LB778]

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Groene, 1 minute, 45. [LB778]

SENATOR GROENE: Normally you are supposed to let the opponents of a filibuster run the clock and you are supposed to sit there, but I love this. Every time I get to stand up and talk about property taxes and those individuals and senators who represent government instead of the people and put them on the record, I love it, because I represent individuals. Schools belong to the individuals, not the administrators, not the government employees, not the system, not the bureaucracy. And those individuals should have a right to vote and do their own future, vote for their own future. [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR GROENE: Government employees come and go; families stay in a community. And in rural Nebraska we have a problem with lesser and lesser families. A new building, shiny new building is not going to solve that. Economic development led by lower property taxes and taxes across the state will drive people to come to the rural areas because some administrator wants to build a new gym because that's his universe. He has lived in education establishment his whole life, he doesn't know anything else. Most of us use our schools as a tool, that's all, and we go on with life. We should decide what buildings we use, when we replace them, what the future of that school is, not some government employee. I say government employee, because that's who I have gotten the e-mails from. [LB778]

PRESIDENT FOLEY: It's time, Senator. Thank you, Senator Groene. Senator Murante. [LB778]

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SENATOR MURANTE: Thank you, Mr. President; members, good afternoon. In light of my previous floor speech this morning, I would like to yield the balance of my time to Senator Larson. [LB778]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Larson. 4 minutes, 45. [LB778]

SENATOR LARSON: Thank you, Mr. President. And colleagues, I know there's been questions of Senator Groene on why he brought this bill and who asked him. And I don't know what's happened in Lincoln County, but this has happened in my legislative district. And it was last fall, and there were people on both sides of the issue. But I understand when a school bond fails multiple times, and a school district then turns around and decides to use the building fund to still do a \$10 million to \$15 million improvement that isn't just your HVAC systems and roofs and things of that nature to essentially do exactly what the failing school bond wanted to do it through their building (inaudible). And I get the frustration, I get why Senator Groene did this. And in essence, it's not wrong. The people, if it's that much, should have the opportunity to vote on it; they did multiple times, they turned it down and the school board still went ahead with it anyway. And the way that they did it is...the specific school, my understanding, and I will double-check, but they didn't even have enough money in the building fund to pay for the new additions that they are currently adding. So what they did is the developer will actually own the school building that is developed and built, and that school district is doing a lease to own. And they are using the fact that they have the ability to have that extra building fund levy authority as their collateral. Now Senators Groene's bill isn't retroactive, so that school district will still be fine. But I do think that it's concerning when we are talking about the public. When school bonds continually fail, and I assure you there are more people in the what you'd call the town proper than those that live out in the country, so the people that live in town as well were voting against this. But the school board decides to add on anyway. And so I get the concern this is happening. I understand the need for constraints And I appreciate Senator Groene bringing LB778. Thank you. [LB778]

PRESIDENT FOLEY: Thanks, Senator Larson. Senator Walz. [LB778]

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SENATOR WALZ: Thank you, Mr. President. I stand in opposition of LB778 and in favor of Pansing Brooks amendment, AM2562. Would Senator Ebke yield to a question, please? [LB778]

PRESIDENT FOLEY: Senator Ebke, would you yield, please? [LB778]

SENATOR EBKE: Yes. [LB778]

SENATOR WALZ: Senator Ebke, did you serve on a school board? [LB778]

SENATOR EBKE: I did. [LB778]

SENATOR WALZ: Could you please explain the process of notification to the public when school boards are making decisions such as bond issues? [LB778]

SENATOR EBKE: Sure. Well, I mean I think it's important to realize that throughout the process you have public meetings with public notice as you start talking about building, okay, and the need to build, and we have, you know, we had monthly meetings. Then when you actually decide to go for the bond, we have multiple meetings that are noticed as special bond hearings. And we...it's been a few years since...so I don't know if I've got the exact order right, but we have...we publish notice, we have a bond hearing, and then you have sort of a cooling off period before you can actually have the bond vote of the board. And at that point the public continues to receive the notice. They still have an opportunity to come in and talk with us. But once we decide to go with the bond, and there's a lot of time that lapses in between those things, because you have negotiations with the people who are going to run your bond for you and that sort of thing. So there is a process. There's always opportunity for people to come and talk with the board and to let us know if they don't like what we are going to do. Then once you do that, then you have to set up the time of the bond election. And every time we have a bond election, that costs money because it adds to the cost. We did ours, I think, in October of one year, and so it was outside of the usual time frame, so we had to pay the cost of printing the ballots, and I think we did a mail-in election, so we still had to pay the cost of making sure everything got mailed out and sent back. [LB778]

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SENATOR WALZ: Can you just give me a couple of examples how you might notify the public?  
[LB778]

SENATOR EBKE: Sure. It's required that the school boards have a newspaper of record, and that's established in the first meeting of the school board. And so for instance, in Crete, we use the Crete News as our official newspaper. So you look in the back page and there's public records, you know, the city council and the school board and everybody else publishes their records there as well. And during our bonding process, in between the time that we got to the end of the process...the end of the bond vote by the board and the time that we had the election, we also offered lots of different opportunities, town hall meetings and things like that where the school board members and citizens who were on our building committee and our administrators could go out and talk to folks and give them the opportunity to express their feelings and to answer questions. [LB778]

SENATOR WALZ: Great. Thank you. So there's plenty of opportunity for the public to come in, voice their concerns if they had concerns. This is exactly why the locally elected school board of education is so important in this process. Number one, they know their school, they know their community better than anybody else. They know the problems with their buildings better than anybody, and they can make the best decisions on what is needed. I elect my school board members. When I have time, I try to attend school board meetings and I stay involved. [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR WALZ: I have not heard from one person in my district that thinks this is a good bill. But I have heard from many that disagree with it. Again, not one proponent showed up at the hearing. This bill is not in the best interests of our public. This bill is not publicly supported. This is another attempt, I feel, to back our public schools up against the wall. I strongly oppose this bill, and I urge my colleagues to do the same. Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Chambers. [LB778]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, first thing I want to do is apologize to the young people with that very difficult job. My remarks were mistakenly addressed to the Speaker, to the Lieutenant Governor. The young people do what their job description is. They should not be subjected to a tirade. And in the midst of what I was saying and looking up there, it could easily be taken that I was chastising the young people. And if it seemed that way to you, I apologize. That was not my intention. And if the Lieutenant Governor had told you to do it, he would have understood what I was going after. So now that that's out of the way and I paid my dues to virtue, I'm going to get back to this horrible bill that's in front of us. And being practical, I got a copy of the voting and there were 19 people who voted against bracketing. And I don't know if that translates to people who'll be in favor of the bill, but if everybody who voted against bracketing would vote for the bill, there were 19 people voting for, there were 12 not voting. If you added all of the not voting to 19, even having graduated from OPS schools, 19 plus 12 does not equal 33. And since they want to spend all this time on a do-nothing bill, a go-nowhere bill, I'm willing to take the time. I've told you all, when we have a 60-day session, I will be here 60 days talking about something. A 90-day session, the same thing. So whether we are discussing substantive bills, if I'm doing my best to kill what I consider bad bills, it's all the same. Ninety days, 60 days, I will be here. This bill is not going to get 33 votes. Based on what I have been told, there are some people who are not voting who are not for this bill. So the only next vote that can be taken after the one that I put...a motion I put up there to recommit to committee, will be cloture. I don't know when cloture comes. But you all want to give me that time. That's not what you are doing. You are not giving Senator Groene anything. He's not going to get this bill passed. He's not going to get it on General File. But here is where I'm smarter than people who think that they are smarter than me. Listen to a song by Bob Seger, tells about how there was this guy and they thought they had him, but he was quicker than they thought. Every time they had him caught, it turned out he was quicker than they thought. So they get into little cabals, their little clagues, and they are going to out smart me. And they always play right into my hands. In the process of out smarting me, they give me what I want. I would just as soon talk about Senator Groene's bill until we get to cloture as any other bill, because I have no interest in that bill whatsoever. What I would like to see is what is being proposed by a bill that Senator Friesen has, and it's locked up in probably the Education Committee, and that's to get rid of all these lids. People talk about local control, yet you want to



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control the local people because you don't trust them and say, well, we want you to control just as far as I feel... [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR CHAMBERS: ...you ought to have the control, and beyond that the state should do it. You talk about the state and then the federal government, too, having too much regulation, interfering in local affairs. Well, the state put the lids on. Let the state take the lids off. Release Senator Friesen's bill. Bring it to the floor so we can discuss it, as this bill of Senator Groene's was brought to the floor so we could discuss it. And I'll bet you that do away with the lid bill will get more votes because it will at least have my vote too, which is what Senator Groene's bill does not have. Was that my third time, Mr. President? [LB778]

PRESIDENT FOLEY: I'm informed that was only your second time, Senator Chambers. [LB778]

SENATOR CHAMBERS: I will put my light on and stop now. Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr, you're recognized. [LB778]

SENATOR HARR: Thank you, Mr. President. And I want to echo a lot of what Senator Chambers has said here. We have 14 days left. That's it. This bill does not have the votes. I know it. You all know it. The people listening outside the glass, at home, the common man, they know it, too. We need to get on with the people's business. And when I say the people's business, Senator Groene, I'm talking about the mac and cheese people, the people who eat Kraft macaroni and cheese. For the record you can't spell Kraft without r-a-t. This bill stinks. We need to get rid of it. We need to move on. We need to get on with the people's business. All we are doing up here is standing up and grandstanding. We're talking about--why I support property taxes more than you do. Well, I think this is the proper way to do property tax. We will have a time to talk about property taxes. The fact of the matter is, the votes aren't here. Let's move on and let's get on to something a little bit more substantive and get to the people's business. Thank you. [LB778]

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PRESIDENT FOLEY: Thanks, Senator Harr. Senator Albrecht. [LB778]

SENATOR ALBRECHT: Thank you. My turn to grandstand. You know, I'm glad that we are all in the room now. I know earlier when Senator Groene was opening, a lot of us were in different meetings. But I will tell you what, this is something that everybody better listen to, because last year during the budget hearing, Senator Friesen stood up and told all of us how important it was if we want any property tax relief these are the things that we better start doing. You better start going to your city council meetings. You better start going to your county board meetings. You better start attending your school board meetings. But I'm here to tell you, when I ran my race, we had a very large school bond that failed miserably. And, Senator Walz, they went through all the proper channels to make certain that everybody understood what they were doing, why they were doing it, how they were going it, how much it was going to cost. But it failed miserably. Had they asked me, I would have let them know that, you know what, every door I knocked on let me know how disappointed they were in what the school board had decided to put on the ballot. So those things do happen. On the other side of my county, I had a school board that was listening to the people that came to the school board meeting, and they listened to them, and they realized that, guess what, we are not going to put anything on the ballot. Are you kidding me? But you know what? Property tax is the number one issue in every single person's race in this room. So if you think for a minute that Senator Groene's bill isn't important, it is. Everything we do on this floor is important. Everybody's bill is important. But to stand up here and tell us that stop talking about it, we don't have the votes. Senator Chambers, I'm probably now your stepsister, not your sister, because I don't agree that this isn't a good bill. I think this is just one step in the right direction for property tax relief. I'm out in the country. I'm outnumbered. Guess what? If they want to build anything, a jail, a hospital, an entertainment center, whatever, I don't have a voice in it. But guess what? I get to pay two dollars an acre for the rest of my life on a building I might never enter. But you bet it ought to go to the vote of the people. And you bet they should be understanding what they are voting for. So with everybody talking about it, this bracket didn't pass. All that did is show that you have a team of people that...you know, be a leader, don't be a follower, decide for yourself if this is right for your district or it isn't right. But I am not going to stand here and spend all this time down here for the last two years and not get any property tax relief. This might get my only opportunity to talk about property tax relief. So

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everybody listen up. We have a lot of important bills. But this one means something. Thank you.  
[LB778]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Kolterman. [LB778]

SENATOR KOLTERMAN: Good afternoon, colleagues. This is a good debate. A lot of people probably wonder why I voted to vote the bracket motion. I happen to be one of the people that served on a school board in this body. I served for two terms, got elected for two terms, we did a lot of building in that process. Some of it was done by bond issues; some of it was done by using our building fund. I think it's kind of an insult what I have been hearing today about how school board members don't...they aren't in touch, they're passing things that don't meet the okay of the public. They get elected just like we got elected to this board...to this office. They serve for free and they take a lot of heat, let me tell you. Try putting in all-day kindergarten when you've had half day and changing the way people think. How many people in here have served on school boards...public school boards? I bet we've got 10 or 12 people in there that have served on a school board; and yet you say we don't...we don't...nobody listens to us, we're doing things outside of what's in our purview. I really consider that an insult. People don't come to those school board meetings because they trust us! They trust us, Mike. So let's get on with this vote. I'll yield my time to Senator Groene and let's get this vote passed us and let's move on. [LB778]

SENATOR GROENE: Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator Groene, 3 minutes, 20. [LB778]

SENATOR GROENE: Thank you, Senator Kolterman. Yes, they trust you. They trust you to allow them to vote when you build a new school. Senator Kolterman, I'll ask you a question.  
[LB778]

PRESIDENT FOLEY: Senator Kolterman, would you yield please? [LB778]

SENATOR KOLTERMAN: Yes, I will. [LB778]

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SENATOR GROENE: Did you ever have a bond election? [LB778]

SENATOR KOLTERMAN: Yes, we did. [LB778]

SENATOR GROENE: Did the school board decide to build a new school or did you think your taxpayers and your voters should build that new school, vote on it? [LB778]

SENATOR KOLTERMAN: The taxpayers voted on it. [LB778]

SENATOR GROENE: Thank you. I agree with you. Senator Ebke, would you take some questions? [LB778]

PRESIDENT FOLEY: Senator Ebke, would you yield to questions, please? [LB778]

SENATOR EBKE: Yes. [LB778]

SENATOR GROENE: You were asked some questions by Senator Walz and then she referred to a bond election, is that not correct? [LB778]

SENATOR EBKE: Yes. [LB778]

SENATOR GROENE: She said, what do you do for a bond election? Do you understand the issue on LB778 that has nothing to do with a bond election? [LB778]

SENATOR EBKE: Yeah. [LB778]

SENATOR GROENE: It has to do with the same issue about building a new structure. And do you think all of what you went through to inform the people about the bond election you should also do if you're going to build a new school with the building fund? [LB778]

SENATOR EBKE: How many schools...won't ask you a question, but I would say... [LB778]

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SENATOR GROENE: I know the answer. [LB778]

SENATOR EBKE: Okay, well, then you can tell me. I will make a few comments. [LB778]

SENATOR GROENE: I can name some schools. [LB778]

SENATOR EBKE: Huh? Here is the problem. Not all uses of the building fund are for new schools. In fact, most school districts, I believe, will actually go to a vote of the people if they're going to build a new school. [LB778]

SENATOR GROENE: Thank you. Thank you. No, they won't. No, they won't. If they can build it with the building fund, they will not go to vote of the people. If they go right now, statute says if they're going to use bonds, they'll go to vote to the people. I see no difference. You're building a new building. Saline County, Crete Public Schools has a building fund is 0018 cents. They have .1985 bond. So Crete, built a new school, but they had the people vote on it. Seward had a new school, had people vote on it. Lincoln built a new school, the people vote on it. OPS Omaha builds a new school, the people vote on it. Elkhorn builds a new schools, people vote on it. [LB778]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR GROENE: Fremont built a new school, people vote on it. But we have senators that say, oh, no, this constituent of mine in Fremont can vote on a new school, but the one in Dodge cannot, where I grew up in Howells, because the school board can make that decision. Look at the logic here, folks. Senator Kolterman says we're elected here like on a school board. Yes, we are, to make decisions like that to give guidance to the school board. We're a little bit higher on the hierarchy here. That's what the taxpayers expect us to do, to give guidance. Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Groene, you're recognized. [LB778]

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SENATOR GROENE: I just gave a motion to the Clerk for a cloture motion unless the opposite side does not want to have a recorded vote that they're against property tax relief. They can say they don't want to have the vote. But I want a recorded vote. There is some elections coming up. I want the opponents of these individuals to know and to be able to have votes that show, are you for property tax relief or aren't you? That's what this vote will do on cloture. It will tell the citizens of Nebraska, second highest in the nation on burden of local and state taxes for family income, that we have a certain percentage of senators down here that prefer to support the bureaucracy of government instead of them. That's who they represent. Let's have a vote. The more votes we can have on record, on property tax relief, the better. I will tell you, folks, the same 17 senators or more will vote against LB947. They don't want to take any money away from bureaucracy. They talk about local control. They talk about you, but what they do is say no, we have to have larger and bigger government and more money to it so they can manage you, direct you in your actions, direct your children's education, focus you, attract you into the buildings of government so that where you can be controlled and told how to think. Is that radical thinking? I don't think so. Read some of our Founding Fathers' language. We were here to protect people's freedoms, to make people think, to make decisions, allow them to make decisions about major changes in their communities such as building a new school. Yes, we'll have a cloture vote, unless the other side don't want to be on record. Some of them will run for higher office. Some are running now. At least the people in their district will know that here is another vote on property taxes. Well, how do they feel? What do they feel about you? Are you competent to vote on a school bond election or only those small group that can be influenced directly by the establishment? There is an awful lot of folks in the world who do not rely on government. Thank god, because we would really be in a mess if everybody, everybody used more property taxes than they pay. There is a remnant of us who actually pay more taxes than what we use in government. It has to work that way, folks. It has to. But by god, let us vote on stuff. Let us make those decisions. Come on. Bureaucracy? Education bureaucracy, quit fighting this. A good administrator can convince a community when a new building needs to be erected, not in the dark of the night on some Monday night at a school board meeting with four votes. Let's take a vote, let's put people on the record, where are you at on property...and folks, not voting is a vote against property tax relief. That's the way I see it, black and white. That's what it is. We're in a crisis here with property tax across the state. We've got to continue to take the straw off the taxpayers' back one straw at a time as this body over the last 50 years has put that straw

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on their back. This is another straw we can remove from property tax...the back of the taxpayer. Let's see how you vote. Let's see how we vote. Who do you represent? Government? Or do you represent individual citizens? This vote will be an indication to the taxpayers and the citizens of this state. [LB778 LB947]

PRESIDENT FOLEY: One minute. [LB778]

SENATOR GROENE: Thank you. [LB778]

PRESIDENT FOLEY: Thank you, Senator Groene. Mr. Clerk, you have a motion at the desk? [LB778]

CLERK: I do, Mr. President. Senator Groene would move to invoke cloture pursuant to Rule 7, Section 10. [LB778]

PRESIDENT FOLEY: It is the ruling of the Chair that there has been a full and fair debate afforded to LB778. Senator Groene, for what purpose do you rise? There has been a request to place the house under call. The question is shall the house go under call? Those in favor vote aye; those opposed vote nay. Record please. [LB778]

CLERK: 18 ayes, 1 nay, Mr. President, to place... [LB778]

PRESIDENT FOLEY: The house is under call. Senators, please return to the Chamber and check in. The house is under call. Senators Watermeier, Bolz, Wishart, Erdman, please return to the Chamber and check in, the house is under call. Senator Bolz, Wishart, Erdman, please return to the floor, the house is under call. All unexcused members are now present. The question before the body is whether or not to invoke a motion of cloture. Those in...Senator Groene? Roll call vote in regular order has been requested. Mr. Clerk. [LB778]

SENATOR GROENE: Green. (Laughter) [LB778]

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CLERK: (Roll call vote taken, Legislative Journal pages 1112-1113.) 18 ayes, 11 nays, Mr. President, on the motion on cloture. [LB778]

PRESIDENT FOLEY: The motion is not successful. I raise the call. We'll move off the bill and move on to General File, 2018 senator priority bills. Mr. Clerk. [LB778]

CLERK: Mr. President, LB990 is a bill by Senator Wayne. (Read title.) Bill was introduced on January 11, referred to the Judiciary Committee. The bill was advanced to General File. I do have Judiciary Committee amendments, Mr. President. (AM2209, Legislative Journal page 867.) [LB990]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on LB990. [LB990]

SENATOR WAYNE: Thank you, Mr. President. Colleagues, this has been a bill in the making for a year, and I want to take a brief second to tell you how I got here. When I was running for office, prior to running for office, I represented a young man that I will call London (phonetic). London told me and many probation officers and the judge multiple times he loved to shoot. He was 14 years old, 15 years old, 16 years old, went to YRTC, Senator Lowe, came back; went to Clarinda, which is another place we send young juveniles, came back, and continued to say, I love to shoot. At age 17.5, the judge had no other option but to terminate his jurisdiction unsatisfactory. Colleagues, I think it's very important you listen to this part of what juvenile law is and isn't. Juvenile law, whether you are a violent offender or not, whether you commit murder or not, whether you are rehabilitated or not, at age 19 you can possess an assault rifle. Hear me again. Whether you complete rehabilitate successfully or not, at age 19 you can possess a firearm. When you legally possess a firearm, as London did and got stopped by the Omaha Police, the only charge they could bring him to at age 18 was a carry concealed, which is a misdemeanor, less than six-month sentence. He was sentenced to 30 days. Not within four months of this young individual getting out of a misdemeanor charge, he proceeded to do a rolling drive-by down the street of my mother's house. When my mother called me after I just won my election, she wasn't just talking to her son, but also her state senator. The reason this took me over a year and a half to write is because--many of you know--I am a juvenile offense attorney and criminal attorney and an advocate for my clients. But my mother said something to



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me that was very important. You have to balance your advocacy with your statesmanship. When we walk through that glass door, colleagues, we are no longer just advocates. We have to balance, and in this case my mother and the community's right to be safe in their home versus juvenile law and my clients. This bill is a very balanced approach. What do I mean by balance? This bill ensures that if a juvenile is convicted of a felony, what we call adjudicated, or domestic violence, they are a juvenile prohibited person until they're 25; or--and I want to make sure people understand the "or"--they can petition the court while in juvenile law, or after they turn 19 in district court, to get their gun rights back. The purpose of that is that if a kid makes a mistake, they can participate in the court system and show that they are rehabilitated to get their gun rights back. This bill also, with the amendment, exempts military and reserve service individuals that when they go into the army, they will still--or the reserves--be able to have a weapon. This is a balanced approach in that if a kid is doing right, by 25 automatically they get their gun rights back, but, more importantly, they can petition the court. If the individual is doing wrong, it's a safety net for our society. Colleagues, what I passed out is an individual who was 17 years old who shot a deputy sheriff for Douglas County. His case was moved to juvenile court and it is actually still pending because the Supreme Court has not ruled on his juvenile case on whether it should have been moved or not. This kid is now 18 years old and in one year, based off our current law, will be able to have an assault rifle. I can list more and more examples, and I will, but it is critical to note that whether an individual completes probation satisfactorily, whether or not they are rehabilitated to a point where we feel they are safe or not, at age 19 they can possess an AR-15. Gun violence is a serious issue in the district I represent. I've taken a balanced approach to make sure that my colleagues who are criminal defense attorneys have the tools to make sure that if a kid makes one mistake, their life without possession of a gun is able to happen. But for those kids who continue to be around firearms, particularly gangs, it will limit their options. Many people want to talk about a lot of different subjects regarding juvenile justice, prison pipeline, and we can have those debates and we can have those conversations, but the prison pipeline is not starting or ending with this bill. This bill is not influencing or deflecting or declining the prison pipeline. If you want to have that conversation today, we can, but understand it's going to turn into an education conversation where I will give you stat after stat of young people who are committing crimes for simple things that they do in school. This bill is not about gun control. This bill is about the safety of our society and making sure those juvenile offenders, violent offenders, domestic assault offenders do not have access to a weapon,

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but instead we are placing them on a pause until they are 25 or they prove to the court they're able to change. Again, I mentioned the Douglas County Sheriff here. This research and this bill...this bill aligns with research where it states, year after year, age 25 is when a juvenile becomes fully developed. And so if it is just some immature ways that they were acting, we will provide them with some guide posts to make sure when they're 25, they can be a fully functioning member of our society. I sat on this floor where we took a pause for the individuals in Florida. Today, Senator Stinner, a teen was arrested for making terroristic threats in Fremont County against a school, in Omaha, individuals at Millard South, in Bellevue--the list goes on. There are problems with young juvenile offenders who at the age of 19 can possess an AR-15. This bill closes that loophole. This bill ensures the protection of our society. So if we're going to have a long conversation, I hope not. I hope we just get to a vote and everybody votes green. But this bill is well thought out, not because I just thought of it, although I want to take credit. I want to thank the Judiciary because the Judiciary, Senator Patty Pansing Brooks, in particular, pushed back on some of the felony options and we reduced that from a Class III to a Class IV. A Class IV felony is the presumption of probation. Again, we are not doing mandatory minimums. We are not treating them as adults. We are asking them to be on a pause for the safety net of our society. [LB990]

PRESIDENT FOLEY: One minute. [LB990]

SENATOR WAYNE: I ask you to support me in this bill as this is not only personal in the young man that I used to represent, but in my community as a whole who are looking for ways to get these weapons out of the hands of individuals who have a violent history. And that's what this bill does. Thank you, Mr. President. [LB990]

PRESIDENT FOLEY: Thank you, Senator Wayne. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Ebke, you're recognized to open on the committee amendments. [LB990]

SENATOR EBKE: Thank you, Mr. President. AM2209 to LB990 is an amendment brought to the committee by Senator Wayne. The amendment makes three adjustments to the bill as introduced. First, it removes certain language to clarify that a person only commits the offense of

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possession of a firearm by a prohibited juvenile offender if the person possesses a firearm and was previously found by a juvenile court to have committed an act which would constitute a felony or an act which would constitute a misdemeanor crime of domestic violence. Second, the amendment reduces the proposed penalty for commission of the offense from a Class IIIA felony to a Class IV felony for a first offense. The penalty for a subsequent offense is also reduced from a Class III felony to a Class IIIA felony. Finally, the amendment adds a notice requirement that obligates the juvenile court to inform a juvenile when he or she has been alleged to have committed an act that constitutes a felony or a misdemeanor crime of domestic violence and that if the juvenile is adjudicated for the allegation, it will impact the juvenile's right to possess a firearm. Colleagues, it is worth noting that although the amended version of LB990 was advanced from committee on a vote of 7-0 with one member not present, the committee's decision to advance the bill was not taken lightly and was not without some reservation. The committee had a number of discussions about LB990, considered multiple possible amendments, and was receptive to the concerns voiced by a number of advocates and opponents, including law enforcement, juvenile justice advocates, criminal defense attorneys, and Second Amendment rights advocates. Some who were opposed to the bill raised concerns about how creating a crime based on a juvenile's record that will follow them into adulthood can impact a juvenile's well-being and likelihood for success. Others raised concerns about the fact that the creation of a new crime can result in the stacking of sentences and have a detrimental impact on the jail and prison populations. And some have raised concerns about the bill's impact on a citizen's Second Amendment right to possess a firearm. Even though these objections gave the committee some pause, the committee was receptive to Senator Wayne's concerns and the concerns voiced by law enforcement officers who deal with the dangers posed by firearms on a daily basis. Considering the real dangers faced by law enforcement in certain communities, the committee determined that a full discussion on the merits of the policy proposed by Senator Wayne's bill was warranted. The committee advanced the bill to the floor so that this body could have an in-depth conversation about the policy moving forward. For these reasons I ask for your green vote on AM2209 to LB990. Thank you, Mr. President. [LB990]

PRESIDENT FOLEY: Thank you, Senator Ebke. Debate is now open on LB990 and the pending committee amendment. Senator Pansing Brooks. [LB990]

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SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I am...as Senator Wayne said, there are still some concerns that we're...and I get totally what Senator Wayne is trying to do. He's trying to protect and keep guns out of the hands of some kids that are really dangerous. And so he mentioned that I did have some issues and some of those issues concern the fact that we've been working hard to seal records of kids and to actually rehabilitate and to give them a second chance. And so I have really struggled with this bill. I've struggled with the fact that if some kid has something that they've done wrong when they were...as a juvenile and they go through the whole process and they have accepted their punishment and gone through probation, they could be a 15-year-old and then when they're 22 they could be caught out hunting with their parent or they could be riding in a car where there is a gun in a glove box and just being in that area can make them guilty of a felony. That's been concerning to me. I have really tried to work with Senator Wayne on this and I think that he has found a balance on this that is a lot better and I appreciate his willingness to work on this. But again, this is a clear, clear indication why kids need a right to counsel. This is totally indicative...and there is Senator Groene rolling his eyes, which is just so typical because Senator Groene doesn't get it, and that makes me so frustrated to see him acting like that. What's happening here is that these kids are subject to adult charges through this. I have a child that was in a car and there was, unbeknownst to her when she was under age, there was a bottle of open alcohol in the glove compartment. Guess what happens when you're in a car with a bunch of people and there is an unopened alcohol in the glove compartment. You all get arrested. Now fortunately for our daughter, she has two lawyers as parents who were able to work it through, get her on some probation and move forward on this. But again, what happens with those kids in the western part of the state, or anywhere, that have a juvenile infraction and later are out and are arrested and there is a gun in the car, whether it's legal or not? So I want to support Senator Wayne. He has worked very hard on this and I am still going forward on this. I'm sorry I was...there were three people ahead of me in line and all of a sudden this all changed. So I will decide how we're moving forward at this point and I just hope you understand that this deals with juvenile issues where we are worried about children's rights and we're also worried about keeping our community safe. I get why the Omaha Police are pushing for this bill. I've met with the guy, with the gentleman that is the head of the gang protection unit. [LB990]

SPEAKER SCHEER PRESIDING:

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SPEAKER SCHEER: One minute. [LB990]

SENATOR PANSING BROOKS: He is working hard every day. Lives are at risk every day. Kids' lives are at risk every day. So I would ask you to listen very carefully to this discussion, my friends, and weigh this issue out. This is a good thing that we are all having this discussion, which is why I pulled this bill out of...voted to pull this bill out of committee. Thank you, Mr. President. [LB990]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized. [LB990]

SENATOR CHAMBERS: Thank you, Mr. President, I know people are not going to listen to this on this floor. I am speaking only to the people watching us. I used to have a program on public television and it brought more people to watch than HBO and all the other programs that Cox had. The current member from our district, Ben Gray, is now on the city council. He and the mayor and some other people were offended at the comments that I made and they had the program taken off the air. But I always had a large audience not only when I gave it live, because I took phone calls, but even the replay. I wrote articles for the Omaha Star and expressed my bitterness, and I still feel it, to a greater extent now than ever before, about the flow of guns into our community. And what Senator Wayne's bill does, does not even touch that. It does not even address it. They go at the back end and if somebody has a gun, they will go after that person, which they should. But in order that I don't get into the mood that I might on the street, I'm going to read some of the things that I wrote. And I've been doing it for decades. I spoke on this floor on any number of occasions about the unwillingness of law enforcement to track down the source of guns flowing into the black community. I wrote letters, sent copies to the ATF, to the FBI, to Homeland Security, to the mayor, to the chief of police, to the head of the State Patrol, everybody I could think of, and some of them didn't show me the courtesy of a professional response. And I said, you people don't care about guns as long as they're in our community killing black people, but if it bleeds over into the white community, then suddenly you get upset about it. And before I read, I'm going to touch on some of what has happened in this Legislature while I was here. White people would come before the Judiciary Committee and talk about adults who supply liquor to underage white kids. They didn't say white kids, but they were the

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ones they were interested in. And they said these suppliers have to know that they're not going to get away with it; if you supply the liquor, you are going to be caught. And the white people got together. The former Governor's wife was head of a task force. It included members from the State Patrol, the sheriff's office, the local police. And you know what it was for? To crack down on teenage drinking, but mainly to go after the suppliers. So I talked on the floor about them being concerned with white kids, on them getting illegal liquor. I'm concerned about black kids getting illegal guns, and you won't listen to me, but you put together a task force to stop these white kids from getting liquor. We know they don't care about us. And this bill will be used against black youngsters. In Bellevue there was a black kid who got a heavy sentence under the anti-trafficking bill. And there was a white guy, he was in law enforcement or had been, and he got something like a few months' probation and he was a part of the operation. And you all think I ought to come in here and listen to you talk this mess, like Senator Halloran, Senator Groene, and some of the rest of you, and you wonder why I get upset. And what I want to say to Senator Groene--he's not here--when he and I talk, we don't have to do it on the floor so maybe children get involved. He and I can talk out on the street or in that hallway and if he wants to holler or do anything else, we'll do it out there. He's safe in here. He's insulting to these women. He's rude to everybody. And then he's gonna holler on the phone because he's safe here. [LB990]

SPEAKER SCHEER: One minute. [LB990]

SENATOR CHAMBERS: We're gonna take time on this bill. To be frank, I don't even care about this bill itself. But it follows the pattern of going after a symptom. I want to go after the cause and the disease itself. How many mosquitoes, if there is a malaria outbreak, would I have to kill with a fly swatter to do away with it? And I'd never do it if I killed every mosquito I saw. I'd have to go where the mosquitoes breed and I'd have to get their breeding place. So as long as the guns, unchecked, come into my community, they're going to be used against us, and that's what I'm opposed to. This bill will do nothing. It's a feel-good bill. I don't blame Senator Wayne at all. But I'm against the bill because it distracts attention from where it ought to be placed. Thank you, Mr. President. [LB990]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Williams, you're recognized.  
[LB990]

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SENATOR WILLIAMS: Thank you, Mr. President. Good afternoon, colleagues. Is Senator Wayne available for a question? [LB990]

SPEAKER SCHEER: Senator Wayne, would you please yield? [LB990]

SENATOR WAYNE: Yes. [LB990]

SENATOR WILLIAMS: Thank you, Senator Wayne. I noticed from reading the testimony and looking at the committee statement that the criminal defense attorneys were in...originally in opposition, but that was, I suspect, before the AM2209 was involved. Can you tell me if their objection to the legislation would have changed following that amendment? [LB990]

SENATOR WAYNE: The short answer is no. The long answer is, if you read the testimony, even they admitted this is the most modest and reasonable approach that has been done in the United States. [LB990]

SENATOR WILLIAMS: Okay. Thank you. Second and final question, I believe, is--and you and I had a little conversation about this a week or so ago--I would like you to track through with me so I understand the process that would be used if someone, a juvenile, was convicted of one of these offenses and had gone through a rehabilitation process or served their time, so to speak, and then wanted to gain access to a firearm for hunting with their dad or any of those kind of circumstance. Can you walk through so I clearly understand and others understand that situation? [LB990]

SENATOR WAYNE: Yes. A petition is filed. They are adjudicated. They go on probation, whatever crime that would fit into this category of a felony or domestic violence misdemeanor. [LB990]

SENATOR WILLIAMS: When can they start that process of the petition? [LB990]

SENATOR WAYNE: Well, they could actually file any time. As a practicing attorney, what I would do is when I get notice of the petition to seal the record, because my client completed it

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satisfactorily, at that point I would file in juvenile court a motion to restore their rights. And at that point, that could be heard by the judge and if the judges deny it in juvenile court--let's say they're 17--they can keep petitioning the court for as many times as they want until they're 25. [LB990]

SENATOR WILLIAMS: Are you confident that the judicial system has the ability to make these decisions competently? [LB990]

SENATOR WAYNE: As a practicing attorney my answer is yes, as I stand in front of all these judges. [LB990]

SENATOR WILLIAMS: (Laugh) Great answer. Thank you, Mr. President. [LB990]

SPEAKER SCHEER: Thank you, Senator Williams and Senator Wayne. Senator Friesen, you're recognized. [LB990]

SENATOR FRIESEN: Thank you, Mr. Speaker. I will agree with Senator Chambers. We're not addressing the symptom. But I will support Senator Wayne's bill because it's a start. There is always consequences for our actions. And if we choose to break the law, no matter what we do, there is always consequences to that action. And if it's withholding the ability to have a firearm in your possession till you're 25, that's part of the consequences of something you did. Every time that we have...as juveniles, when I tended to do things that weren't quite in line with the law, there were consequences and it was up to me to address those consequences and pay the price. This is one of those. And with the seriousness of what's happened with gun violence lately, I think is a small step. When we look at what's happened over the years, you know, we've had semiautomatic firearms for 100 years probably around here. The guns haven't changed. They look a little different. But we weren't shooting kids 20 years ago, 30 years ago. Something has changed and it's not our firearms. It's our kids. And so until we address the problem, we're not gonna find a solution to what the problem is. And it's a number of things. You can go down a long list. But something in our society has changed and how our kids are reacting to it might have part of it with the news that's constantly being reported. It's Facebook; it's Twitter. It's our kids not being able to handle the pressures of the real world when they get out. It's numerous



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things and you can't tie it to just one. But until we want to address all those issues somehow, and we got to have a start, it starts with parenting, it starts with households that are single-parent households where they're working and they don't have time to spend with their kids, whether they're...it's working multiple low-income jobs. We've got to do a better job of providing jobs that pay so that they don't have to stay away and leave the kids at home alone. But it's parenting skills. It's teaching our juniors and seniors when they enter life that they have the life skills to handle it because they are going to be the next parents that are out there and they need to know as best they can how to raise kids. I always told my children each one of them was an experiment, and it was. They're each different. And so it takes a lot of work to raise kids and it takes time. And even good parents can have bad kids. So it's not the total solution, but we have to look at something other than at guns. But this to me is a small step that I'm willing to support that helps maybe in a little bit to bring some sort of solution to this problem. Thank you, Mr. Speaker. [LB990]

SPEAKER SCHEER: Thank you, Senator Friesen. Senator Brewer, you're recognized. [LB990]

SENATOR BREWER: Thank you, Mr. President. Colleagues, I want to rise in support of LB990. The issue...and I, too, would have to agree with Senator Chambers. It goes much farther than what we're talking about here. But I think as we look at this body, we are blessed to have some people with special skill sets, and Senator Wayne is one of those who brings a knowledge of these issues. And through my many miles of traveling with him, he's been able to take what was probably a very fixed view of the world and he has modified that to understand the challenges in north Omaha and the difficulties in order to try and have a system that is going to give the juvenile in question, but also the community, what they need in the way of safety. And I just would ask that we take a hard look, LB990 may not be a perfect bill, but we have someone who truly understands the issues, who is willing to take on the challenge of trying to work this bill to make it better, and to address a problem that if we didn't have individuals like Senator Wayne to take this challenge on, we would be at a loss to do it correctly. And because he has that ability to take someone who may not see the world the same as him and help you to better understand, I think that's an invaluable skill and because of that I stand in support of LB990 and Senator Wayne. Thank you, Mr. President. [LB990]

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SPEAKER SCHEER: Thank you, Senator Brewer. Senator Chambers, you're recognized.  
[LB990]

SENATOR CHAMBERS: Thank you. Mr. President, I'm going to offer various motions and amendments, none of which I will take to a vote, but I'm going to take some time. I happen to find in my folder something that I wrote--February 2007--in the Omaha Star. I had touched on this: White kids get illegal liquor; black kids, illegal guns. This was 2007. This count...subtract 7 from 20 and that will tell you how many years ago this was written, and you'll see nothing has changed. The Legislature sometimes is the last resort of people trying to deal with a problem; other times it's the first. In both instances, on occasion, the Legislature is the place where people come simply to vent frustration, anger, and to express a sense of hopelessness and futility. During a January 19 Judiciary Committee hearing, I listened to much wailing about the difficulty of tracking down people who provided kegs of beer to white youngsters who conducted beer bashes out in the country and other isolated locations. Toward the end I unburdened my mind. Following are excerpts of my remarks. This was in 2007. I've been doing this a long time. I didn't wait till I got in the legislature either. My son was shot. He was not killed. So when people want to talk about what happened in their family, I don't bring that up. But I just heard Senator Brewer said, here's somebody who knows something. I know a lot more than a lot of people in here and I had a nephew who was murdered and they never found the one who killed him. He happened to be the son of my...she was my youngest sister, and sometimes our baby sisters are our favorites. And he was murdered, shot viciously several times, including in the head. They never found the killer. I've been on this committee for 36 years. In this society, which is run by white people, they always attack symptoms only. Teenage drinking is a symptom. There are no meaningful programs in the schools, the churches, or anywhere else which look at the underlying cause. When children are lacking a genuine sense of self-respect, identity, and personal worth, they're going to act out one way or another. So you all are going to be swatting these mosquitoes forever and you won't even notice a diminution in the number of mosquitoes. You cannot build enough jails to lock up--or you can--each of the current underage drinkers, but you're going to need more because these kids are going to keep drinking because white adults are afraid to look at what's bothering their children. I'm trying to look at what's happening to black children. I see that our children are cheated in school. Our children are going to schools controlled by the same white people who control white kids' schools and those white kids are on alcohol, drugs, and sex.

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When I insist, "give us a chance, because we understand our children, so that we can educate them," the first thing these white people say is, that's segregation, yet it's not segregation when white kids are going to all-white schools. It's segregation only when we say. We're tired of white people controlling the education of our children when they're failing their own. We have no input. We don't establish curriculum. We have no say about anything. Sitting on this committee, I listen to all of the problems that white people bring that they're having with their children, yet they want me to be still... [LB990]

SPEAKER SCHEER: One minute. [LB990]

SENATOR CHAMBERS: ...while they say, Ernie, we want to be in a position to educate your children too. Until we look at causes, the symptoms are going to be there forever. People who try to eradicate epidemics will treat individuals who are infected because that is a part of the job. But they try to determine the cause of the epidemic. Is it a virus, a bacterium? Is it ingested? Is it airborne? I'll put my light on. [LB990]

SPEAKER SCHEER: Thank you, Senator Chambers. And you are next in the queue and this--is this is third?--and this is your third time at the mike. [LB990]

SENATOR CHAMBERS: Is it my third time, which means my closing, or my third time and then...oh, this isn't my motion. [LB990]

SPEAKER SCHEER: No, this is Judiciary motion. [LB990]

SENATOR CHAMBERS: Okay. I'm a creature of habit. Why are these children using alcohol? They know that if they drink and drive, they run the risk of dying. But they're willing to assume that risk. You all have serious problems with your children. We have serious problems with ours. In the black community, we don't enforce the laws. We don't control the police department. I've been on the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives, about the numbers and ready availability of pistols even to young, subteenage black boys. The FBI is unresponsive. I've contacted the agent in charge. The chief of police is unresponsive. The man who is now the chief justice of Nebraska Supreme Court was head U.S. Attorney. He was unresponsive. That's

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Mike Heavican. If these kids know where to get these guns, if these kids know, you mean to tell me that the police don't know where they're coming from? The kids are smarter than the cops? Then let's make the kids the cops. They know where the guns are and they get the guns. We can not be vigilantes. I refuse to let white people and the media say that it is my job to enforce the law and go out there and catch criminals, whether they are shooters or sellers of the guns. I don't have that authority. I cannot arrest anybody. I shouldn't even have to be thinking about it. Now there are black people feeling guilty because of the problems of your children. You come down here and tell us, give us more, give us more, easier ways to charge them with crimes, to lock them up, to lock them up longer. But if they're the children of rich people, they don't get locked up, they don't get a record, they don't have these enforcement problems. I'm going to continue reading when I offer an amendment, a motion, so I'll have ten minutes. But you all know that white children who are rich are treated differently. This white boy who was drunk and ran into some people and several were killed, they created a term for him to excuse him. It was called--not influenza, affluence--"affluenza." He was rich. His parents never held him accountable for anything so he can now not be accountable for what he did because he never developed a true sense of moral right and wrong and the judge put him on probation, because this rich white kid who killed several people driving drunk had "affluenza." And you know what happened when he was put on probation? He changed his appearance, his mother took him, and they ran off to Mexico, the rich white kid. If it would have been a poor white kid, it would have been different. If it would have been a black kid, he'd have been charged with the highest level of crime possible. This bill creates new categories in which to put black children. These laws are not going to be enforced against white children. If you go to the juvenile center in Omaha where they lock up the children, over 60 percent are black. We don't make up nearly that number in the population. If you sit in the courthouses and watch children who are white and black who committed identical offenses, sometimes the white kids are sent home with their parents and the black children are locked up. And Senator Wayne will bear this out, he knows it, all of us who are black who know it. I'm not saying he's insincere. Senator Brewer called this a step. We...I am tired of the steps. Don't knock away the spiderweb. [LB990]

SPEAKER SCHEER: One minute. [LB990]

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SENATOR CHAMBERS: Kill the spider! The spiderwebs are the guns. The spider is the gun supplier. You think the police don't know who they are? How do these kids get the guns? How do they know where they are? If the cops are that dumb, follow these kids and when they get the gun, get the one who provided them with the gun. You think the cops don't know who are selling these guns? You don't think there is such a thing as a corrupt cop, do you? Well, even in their own organization there are people who work in the narcotics bureau, there are those who work in homicide. If a homicide detective catches a drug dealer, he'll tell him: If you'll help me get somebody who committed this shooting over here, I'll make sure you don't have to get any time for your drug dealing. The narcotics cop catches somebody who was shooting and tells him the opposite: If you help me get some drug busts, you won't have to do time for the shooting. And they play one against... [LB990]

SPEAKER SCHEER: Time, Senator. [LB990]

SENATOR CHAMBERS: ...the other but the wrongdoers remain in our community... [LB990]

SPEAKER SCHEER: Time. [LB990]

SENATOR CHAMBERS: And because one group of cops... [LB990]

SPEAKER SCHEER: Time, Senator. [LB990]

SENATOR CHAMBERS: ...let the drug dealers go... [LB990]

SPEAKER SCHEER: Senator, time. [LB990]

SENATOR CHAMBERS: Yes. [LB990]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one in the queue, Senator Ebke, you're welcome to close on the Judiciary amendments. Senator Krist, will you please close on the Judiciary amendments. [LB990]

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SENATOR KRIST: Thank you, Mr. President. I've been advised to waive my closing and move forward. I would just simply say two things very quickly. Senator Ebke is in another meeting right now and, as is our Vice Chair, so I'd ask to you support AM2209 which is the Judiciary amendment. And I believe we're going to need a call of the house. [LB990]

SPEAKER SCHEER: Thank you, Senator Krist. There's been a request for the call of the house. The question before us is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record. [LB990]

CLERK: 19 ayes, 1 nay, Mr. President, to place the house under call. [LB990]

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 Albrecht, Senator Wishart, Senator Bostelman, Ebke, Crawford, Vargas, Watermeier, Kolterman, Bolz, Kolowski, Lindstrom, Clements, Groene, McDonnell, and Brasch, please return to the floor. The house is under call. Senator Watermeier, Bostelman, Albrecht, Clements. Senator Kolowski, could you check in, please? Senator Krist, we're still missing Senator Watermeier. Is it okay to go forward? Machine vote? [LB990]

SENATOR KRIST: Machine vote is fine. [LB990]

SPEAKER SCHEER: Question before us is adoption of the Judiciary Committee amendments, AM2209. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB990]

CLERK: 39 ayes, 0 nays on adoption of committee amendments. [LB990]

SPEAKER SCHEER: AM2209 is adopted. Raise the call. Mr. Clerk. [LB990]

CLERK: Mr. President, before we proceed, Committee on Health reports LB1107 to General File with amendments. (Legislative Journal page 1114.) [LB1107]

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Mr. President, Senator Chambers would move to bracket the bill until April 8, 2018. [LB990]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your bracket motion.  
[LB990]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I pointed out I'm not trying to kill this bill, but I'm going to create opportunities for myself to speak. So what I'm going to have to do, after I speak my times and close, I will take a machine vote. I will not be voting. I will move to reconsider. The only way I can be in a position to do that is to actually take a vote. That's why I won't withdraw this motion. Then the next motion I will ask, and a reconsideration of it, is to recommit to committee. And that naturally will be referring to the Judiciary Committee from which the bill came. But I'm going to continue reading and this is what I was saying to white people who were before the Judiciary Committee asking us to solve problems with them and their children having too much liquor made available. Continuing: And the room was full of white people, no black people there, because this was white folks' mess. Until people come here and are looking at the underlying causes that create the problems in society, I'm not sympathetic with what they're talking about. You know why? Because children are punished in many cases for doing what children are and being what children are. Nobody wants to go after the cause. Senator Lowen Kruse's bill talked about children being served alcohol at home and at church, and he caught the blues. If drinking by children is so bad, why are you going to let them drink in church? They say, well, they only drink a little bit. So alcohol in church is only a part of religion? You get mad at these kids who drink because they get too much religion? If it's good in church, it ought to be good anywhere. If you have sex and your penis goes in just a little ways, that's not bad? These kids are not stupid. I'm going to sit here and try to puzzle through it and let you all lock your children up while I try to save ours. Mr. Chairman, I'm trying to put something out to these well-intentioned, sincere people, and I'm not saying that as a putdown. You all are going to be coming back here every year. After I'm long gone, you're going to have the same kind of problems. As a member of the Legislature, I do feel some responsibility to try to find an answer, but my answers are not what anybody wants. So from time to time, you're going to hear me point out how white society, comprising the master race, is not behaving very well, in my opinion. You cannot solve your own problems and you refuse to let me be in a position to solve ours. I can make myself an example to our children. I

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can tell them, "I will show you what an education person can do." You know how I'd do it? If I go down to that Legislature among 48 white people who a lot of times don't even like me, but I can read, I can use their language, I mastered their rules and I beat them at their own game. Be an example like me. They say, Ernie, how can I? I don't even know how to read. In the schools, in reading and language and math, our children test in the 20-something percentile. They can't be like me because they can't read. Then you all want me to sit around here and not do something about these schools because you're going to tell me it would be segregation? I don't want my children around white kids to learn about liquor kegs, which they don't know about right now, to get drugs out of white people's medicine chests, as these white kids can do right now. So what do you want my kids to go around white kids for? Integration, and you let them be as dumb as a post, not because they can't learn. They learn other things. Some of my colleagues don't like me to take time doing this, but I'm going to take this time. I'm a member of this Legislature and I'm trying to get at some of these problems. White people want to say, well, Ernie, your way is not our way, because we're white, we know more than you, we know what's best for your children better than you do, and it's best for your children, for our purposes, that they don't know how to read, that we send white people as their teachers who don't like them, who don't respect them. You all come here because your children are drinking. I'm talking about the basics, a chance to go to school and learn how to read. Senators are going to be telling me that's segregation. Your kids know how to read, they know how to do math, and they know something about language, but mine are not to know how to read. You build more jail cells for them. More than 30-something percent of those in prison are people who look like me. And when they come out, they don't know anything except how to prey in a more efficient way on us. I'm not inferior to one of you. I'm not inferior to anybody, and I feel superior to most white people. But white people control everything. They say, Ernie, you can learn as much as you want to, you can play by our rules, you can get laws onto the books, but we control everything. They can change the rules of the Legislature to stop me and they acknowledge it. White people call the Nebraska Constitution...changed the Nebraska Constitution to get me out of the Legislature. That's what you show our children. I will tell you all this. If you think this bill is going to help, to put you all's kids in jail or fine white adults who are going to sell them liquor, sell liquor to them, I'm going to help you all do what you tell me will help your children. But I make a mistake by telling you what will help mine, because that's the very things you're going to try to stop me from doing. When I say education is important, you say, we're going to make sure you don't get any



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education for your children. That's all I have. That's what I said in the legislative hearing and I did that time after time. I have been beating this dead horse ever since I've been here, practically, and get nowhere. The guns still flow into the black community, into the hands of black children, and the only bill that these white people are looking at, that they'll accept, is one that creates an offense, a new offense for children who are adjudicated for what would have been a felony had an adult committed it, not a violent felony, any felony, and it can be used later to enhance punishments, and you have to go into the record to see this felony that was committed. And as Senator Pansing Brooks said, suppose a child has no lawyer and pleads to this and the felony is there. It was not violent. It didn't involve a gun. See, you all don't read these bills well. These felonies that these minors, that these juveniles committed, had nothing to do with guns. Some of them may, but most of them don't. But the punishment, the enhancement is the same, and that's why I'm against this bill. I don't condemn anybody for voting for it. Senator Brewer sees that as a step. Senator...well, I won't mention any of these others. But Senator Wayne is trying to address the same problem that I am, but he's coming at it from a different angle. He's 20-something years old. I'm 80 years old. We're both black but I've been black longer than he has. I've experienced more about being black than he has. I know more about how treacherous and dishonest white people are than he does and will ever learn, I hope. And if I had been able to do what needed to be done in this Legislature before he became a man, then the things that he suffered as a black person never would have been a matter of his experience. He could read about it. He'd be able to say, why, things are so much different now, I don't even believe that could have happened. When my children were toddlers and older, I said that when they're adults I hope they'll think and tell me that I must be lying about the way I said things were when they were small. But my children are grown and they're experiencing what I talked about then. [LB990]

SPEAKER SCHEER: One minute. [LB990]

SENATOR CHAMBERS: As the French say, the more things change, the more they remain the same. And mere changes are not the same as progress. You can rearrange the chairs on the desk, on the...that deck of the Titanic. That's change; that's not progress. We are always, always treated differently, always get the short end of the stick, always lift the heavy end of the log. When white people bring bills, they don't have to bring up the kind of things that Senator Wayne and I have to bring up. And it's all in vain. Peter, Paul, and Mary Ford...Peter, Paul, and Mary saw that: How

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many roads must a man walk down--how many--before he's called a man? How many times will they turn their head, pretending they just don't see, pretending they don't see? The answer, my friend, is blowing in the wind. That's our song. They knew, and they were singing to their own people about what their people were doing to us. [LB990]

SPEAKER SCHEER: Time, Senator. Thank you, Senator Chambers. Senator Krist, you're recognized. [LB990]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. This is a very difficult decision for me to support this bill, for a number of reasons, but most of all because I've worked the ten years I've been here trying to help kids, juveniles, juvenile justice, being the cochair of JDAI, passing legislation, introducing legislation, and help passing legislation that has reduced the population in detention centers by 50 percent, and I could go on. That was a team effort, a collective effort. And creating a new penalty is...was a tough decision for me to vote it out of committee. I need to put that on the record because I want us to understand that the careful balance, as Senator Wayne said in his opening, between taking care of kids--I'm saying it my way, he said it his--and treating a child like a child is so important, nurturing, mentoring, bringing a child up, giving him every opportunity. But in the course, in my course, in my ten years here, what I have learned is that there are some people that the system cannot help. It's not that we give up on them, it's not that we don't continue to try to correct the situation, but this is life as we know it. I don't live in north Omaha. I'm not black. I've had my share of discrimination in one way or another, but it can't come close to what it is to living in north Omaha and being a person of color. I can empathize. I can never sympathize. And I could never, ever understand all of what goes on, but I know this. I know that when we as a system failed to recognize that Nikko Jenkins needed help as a child, we helped build that person into what he became. I know that if we don't respond to our issues and stay tough on different issues, we will again have people who become, who grow into that suit, and that is not a comfortable suit nor is it a pleasant suit. I can only say that it was with a great deal of soul searching and also talking to the folks who are front line dealing with these issues, and I'm talking about juvenile justice lawyers on both sides of the fence as well as law enforcement, that I have reasoned that this is the right course. I can only pray and hope that it is the right course, and time will tell if we have done something correctly or not. I will tell you this. There are some rumors that this bill

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will become a target for other issues. And if that happens, I will stand on this floor and fight any amendment that comes on because this bill was too mind numbing and heartrending for me to get through to have it destroyed in any way, and I would hope that the introducer would take the same approach to that. It's not an easy decision to make. And this is one of those I can relate back. And I don't want to be melodramatic about it, but I can relate back to the days when we were discussing the death penalty on this floor... [LB990]

SPEAKER SCHEER: One minute. [LB990]

SENATOR KRIST: ...and succeeded. It is almost that important to me, almost that important to me. And to save young lives and put people on the right track, I think it's actually even more important in some ways. I'm going to ask you to support the bill, LB990, as it was amended with our committee amendment, and obviously let Senator Chambers finish out his time on the mike, but a green vote on LB990 is what I'm asking for. Thank you, Mr. President. [LB990]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB990]

SENATOR CHAMBERS: Thank you, Mr. President. This article was written four years later, that first one in 2007 when I was yet in the Legislature. My last year here before being term limited out was January of 2009, so this is two years later. And I was serving on the Learning Community, which Senator Murante was so proud of being able to say he helped destroy, although before it was gutted a learning center facility was erected in north Omaha. So that's a brick-and-mortar structure that I had a great deal to do with before an Italian and his kind came along to undo it all because he lives in a white neighborhood. They don't destroy white people's education programs. Going to this article, it's headlined: Profile in frustration, ready availability of guns, July 22, 2011. My blood is in this community, and this community is in my blood. This is what I said during my program. They were all videotaped, obviously, for replay, and some of them I transcribed. I didn't know I'd be reading the articles on the floor of this Legislature. Having lived here since birth, my roots go deep and hold tight. I am bound to this community like sticky is to glue. And that is why gun carnage in this community and muted official reaction to it engenders such frustration and indignation. Consider recent incidents, all reported in the Omaha World-Herald. June 14: Former UNL player Tony Veland was shot in the shoulder as

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bullets peppered the car in which he sat, about 9:15 p.m., near Benson High. June 30: A nine-year-old boy standing outside his home watching fireworks near 40th Avenue and Pinkney was grazed in the head by gunfire. Shots fired from a vehicle also struck cars parked in the street. July 2: Marquese Johnson became the city's 15th homicide victim this year when shot near 40th and Bedford. A few hours later, 16-year-old Steven Muldrew suffered non-life-threatening injuries in a shooting at his home near 44th and Jaynes. July 3: Five young people were wounded in three shootings early Saturday, June 2. Three teenagers were injured when a gunman fired at them in a parking lot at Fathi Restaurant, 1102 Northwest Radial. A 17-year-old was injured near 17th and Sprague when a vehicle drove by and someone inside opened fire. Another drive-by shooting was reported near 42nd and Miami. The victim told officers he was at a party at that...in that neighborhood when someone inside a vehicle shot him. July 14: An eight-year-old girl was shot early Wednesday, July 13, by a man firing on her house from outside. It was the second time in two weeks that a child has been injured by gunfire in north Omaha. Speaking four years ago, November 11, 2007, the World-Herald ran an article headlined "Go after gun dealers, Senator Chambers says," with a subhead: The lawmaker says violence won't be curbed until weapons are. Reporting on my remarks on the floor of the Legislature, the World-Herald wrote: State Senator Ernie Chambers of Omaha said Wednesday that his community's... [LB990]

SENATOR WILLIAMS PRESIDING

SENATOR WILLIAMS: One minute. [LB990]

SENATOR CHAMBERS: ...problems with violence won't be resolved until authorities begin tracking down and weeding out those who are supplying guns to young people. And I'm going to turn on my light. Where are our kids getting these guns, he asks. These guns are commonly in the hands of all these young people but nothing is being done to stop them from getting the guns. He said the violence is too easily blamed on a breakdown in parenting among black Omahans. If this were happening in the white community, action would be taken to stop these guns from coming in, he said. They didn't blame a breakdown in parenting from methamphetamine. They didn't say white people must go out and stop it. They didn't say it was a breakdown in the community. They said the Legislature has got to do something about this. Chambers was

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responding to Monday's comments by Mayor Fahey who said Friday's shooting death of a six-year-old girl would have happened no matter how many police officers... [LB990]

SENATOR WILLIAMS: Time, Senator. [LB990]

SENATOR CHAMBERS: Thank you. [LB990]

SENATOR WILLIAMS: Senator Chambers, you're next in the queue and this is your third opportunity to speak. [LB990]

SENATOR CHAMBERS: Thank you. He said it would have happened no matter how many police officers were on the street. A lot of this is tied to parenting, the lack of parenting, the lack of mentoring, Fahey, the white mayor, said. But that's not what he said when there was all the drinking and carrying on by white kids in his white neighborhoods. Chambers said he intended to keep pressuring the Bureau of Alcohol, Tobacco, Firearms and Explosives, the U.S. Attorney's Office, and the FBI, as well as local law enforcement agencies, to investigate gun dealing in Omaha. I was asking the Legislature for help. Why didn't the Legislature help me? Why did not the Legislature help my community? You talk about these...voting on these bond issues. You talk about TIF to build buildings for white people. Why won't you help me and mine? I know why. You don't care, and you hope that it gets even worse. I'm not naive and I'm not crazy and I observe very carefully what goes on, I listen very attentively to what is said, and I watch what you do for your own and I watch what you do to mine. I would be less than a man if I did not do what I'm doing. You'd never seen me strutting up and down these aisles like a big shot if bad things were happening to my people or if I were doing the dirty work of white people against Italians. I know where I am and I know what I'm dealing with. And I'm going to take my time and some of yours. Continuing with what I wrote, in a number...in a November 20, 2008, Omaha Star column, I wrote in part: For years I railed against law enforcement's unwillingness to go after the source of guns and have voiced strong criticism on the floor of the Legislature, in committee hearings, on my weekly cable TV program, and in Star columns, all to no avail. Even ministers, so-called leaders, and community organizations seem deaf and blind to the issue of rooting out the source of guns. Why is there such fear or such blind indifference? The ready availability of guns ushers in horrendous lethality without regard to the innocence of the victims,

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whether bystanders, people walking or driving, or residents inside of a building or relaxing on their front porch. Law enforcement inexcusably is turning a blind eye to the ready availability of guns because it affects the black community. Law enforcement does not take the same hands-off policy regarding the source of methamphetamine, which is ravaging the white community. I shall not leave this issue alone nor cease my drum beat of criticism of law enforcement for refusing to go after the source of the guns, which must be eradicated before any meaningful program can be made...progress can be made against shootings and attendant violence. I've been talking and saying the same thing for years. See, when I speak on this floor for white people, I'm a great guy. I get calls on my phone. They leave messages, speaking for the poor, white people, the ones who are ill, mentally challenged. White people love me because I'm speaking for their white children who are being oppressed by their white system and their white Governor. Every white person who calls me with a problem, it's caused by another white person, generally a white man. And I come to the rescue. And look at the problems in my community. We are dying. And the cops could do something... [LB990]

SENATOR WILLIAMS: One minute. [LB990]

SENATOR CHAMBERS: ...about these guns if they wanted to. When that white female officer was shot, you know what they did? They traced the source of that gun to a pawnshop in a little town in Alabama! That's what they know how to do. And in a town as small as Omaha kids 14 years old are getting guns and the cops can't find out where they get them from? Let one kill a cop. That's why I say the police are our ISIS, either through action or inaction. We live it, you all don't, and that's why you think it's so horrible for me to talk like this. But if it was happening in your community, this Chamber would be full, full of white people saying something must be done, law enforcement has to get with it, we're going to hire more police, we're going to get to the bottom of the source of these guns. What are you talking about in terms of the opioid?  
[LB990]

SENATOR WILLIAMS: Time, Senator. [LB990]

SENATOR CHAMBERS: Thank you. [LB990]

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SENATOR WILLIAMS: Thank you, Senator Chambers. Seeing no one in the queue, Senator Chambers, you're recognized to close on your bracket motion. [LB990]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, when black people were considered the dope fiends, heroin, they built more jails and locked up more people. Then along came crack, and that was supposed to be more deadly, but the statistics showed far more white people use crack cocaine than black people. But black people were the ones who were caught and had the book thrown at them. It's the black people who may have a residue in a pipe in a car who will get the maximum sentence, not white people. White kids are sent home with their parents. Black kids are locked up. And I'm supposed to come here and talk calmly about passing bills for white people? I'll do that because I knew that was a part of being here, but I'm going to take some time for my people. And if I'm the only one who will do it, I will do it, and don't mistake or judge my manhood by anybody else's, white or black. And if you wonder why other black people don't behave as I do, as I tell you, I've been black longer than most of them. I've been black 80 years, black, b-l-a-c-k, never trying to be white. And my mother was as white as anybody in here and she had hazel eyes and she had red hair, but she was not white. She was as black as I am, not complexionwise. I'm not living for my mother. My mother is dead. Dead people are gone. They don't know anything. They don't exist. They might exist in our minds, but they don't exist. I have to live for the living. I have to help those who are here now. Wherever my mother is, she's not suffering. There are people walking around here who are suffering. They're the ones I give my time to. You all get tired of hearing this. What else can we do here? I cannot practice medicine on this floor, but I can talk about the things that might make it possible for people to afford to have medicine, practice where medicine is practiced. And that's what I'm going to do. And, brothers and sisters, friends, enemies, and neutrals, religion has nothing to do with anything that I do. Continuing, on my July 5, 2011, cable TV show, I said: Consider the number of shootings in the last few days. Did the 100 black men say anything about the guns? Did Councilman Ben Gray say anything, Willie Barney and the empowerment people anything, Tom Warren, who was then chief of police, up there with the Urban League, Senator Brenda Council, Senator Tanya Cook, County Commissioner Chris Rodgers? None of them, not a whisper about the source of the guns. Oh, at this time, "Tommy" Warren was no longer the chief. He had been former chief and when he was the chief, he caught the blues because he didn't do his job and those white cops talked about him like a tail and sometime in the newspaper they

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said he had one. They had no respect for him whatsoever and he did not assert authority as a chief. Continuing: A nine-year-old boy suffered a grazing head wound, and there was no outcry about the ready availability of these guns. I'm going to keep on and keep on. I occasionally refer to what the "Bible" said about John the Baptist, the voice of one crying in the wilderness because people seem not to listen, because people seem not to care. If I fall into the quiet style of those people, I would be worse than they. Maybe they are truly blind and don't see. Maybe they are truly ignorant and don't understand. But I do see and I do understand. [LB990]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: One minute. [LB990]

SENATOR CHAMBERS: If I allow myself to become willfully blind, if I silence my own voice because Negroes won't speak out and because white people are not responsive, in truth, I would be worst than all of them because I am a man and they are not. And I'm going to keep doing everything that I can to the best of my ability. And this is a cliché that will never be reality so that a generation after me will not have to suffer, will not have to experience these things, and will know them only from reading about history, which they will reject, saying, America being the kind of country it is, that could not have happened here. Thank you, Mr. President. [LB990]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you heard the discussion on the bracket motion. The question before the body is the adoption of the motion. Those in favor vote aye; those opposed vote nay. Record vote has been requested. Have you all voted who care to? [LB990]

SENATOR WAYNE: Call of the house. [LB990]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye...Senator Wayne cancels that request. Record, please. [LB990]



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CLERK: (Record vote, Legislative Journal page 1115.) 0 ayes, 17 nays, Mr. President, on the motion to... [LB990]

PRESIDENT FOLEY: The bracket motion is not adopted. Continuing discussion of LB990. Seeing no members in the queue, Senator Wayne, you're recognized to close on LB990. There was a vote taken on the motion. The motion failed. Senator Wayne, you're recognized to close. [LB990]

SENATOR WAYNE: First...no, I need to speak because I need to acknowledge some things. I was talking to Senator Chambers, and so I had asked him a question and that...and I just realized that I might have messed him up and I do want to apologize for that. Even though this is my bill, that wasn't my intention. The things that Senator Chambers are saying about our community are 100 percent right. I'm here today and I stand on the shoulders of Senator Chambers because of many of the things he did, such as redistricting that allowed me, back in the day when he split the districts of OPS, to eventually get on the school board. He's the one who did that. And so I think it's important that if people from our community are watching this, two African-American males from two different generations can have a disagreement on how we fix our community in a non-disrespectful, nonviolent, and cordial way. Many people in our community don't always see that because they grow up in a different environment, which every day they see people who look like me and Senator Chambers in a different way. And so I think it's important not only for the record but for those watching at home, particularly from our community. If we have more civil discourse and conversations in this manner throughout our community, things will get better, and the issues of gun violence, crime, and drugs will release themselves and hopefully go away. This bill is a balanced approach in which we worked hard to get here. This bill allows the individual a time to mature and do better. I am willing to sit down and talk to people from any place, as we move from General to Select. But I do...I just wanted to take a moment to acknowledge that what he said is right regarding our community and the infiltration of guns and the things that we need to do. And we as a body are going to have to tackle that issue. That we celebrate that we are fixing the opioid problem and everybody voted in favor of that, but this body--and Senator Chambers was down here--passed mandatory minimums when that same problem didn't take the form of opioids but was in crack cocaine in my community. We have to acknowledge that. So as Senator Chambers continues to talk, if you noticed, I was sitting on the sideline listening because

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I haven't been down here and some of the things that happened last year to me he forewarned me and I did not necessarily listen. And afterward, he reminded me that he told me of that. So I'm going to continue to take wisdom from him and I'm going to continue to fight for our community and we will continue to have some disagreements and we will continue to work together. So I needed to make sure I said that for the record, not just for me but for future generations. I ask you to support this bill not only because it's personal to me, but it's personal to many of the people that I represent,... [LB990]

PRESIDENT FOLEY: One minute. [LB990]

SENATOR WAYNE: ...not just as an elected official but also as a criminal and juvenile defense attorney. It is time for us to take a step. This is one step of many more for us to come on this journey of dealing with violence and drugs in north Omaha and south Omaha. So I ask you all to vote green, move this to Select File, and let's show the country that we are starting to do something about gun violence and crime, particularly in areas where we can make a difference. Thank you, Mr. President. [LB990]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the discussion on LB990. The question before the body is the advance of the bill. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB990]

CLERK: 30 ayes, 1 nay, Mr. President, on the advancement of the bill. [LB990]

PRESIDENT FOLEY: LB990 advances. Proceeding to the next bill, Mr. Clerk. [LB990]

CLERK: Mr. President, if I may, just one item before that, an amendment to be printed to LB1015. (Legislative Journal pages 1115-1116.) [LB1015]

Mr. President, the next bill is LB1130. (Read title.) It was introduced on January 18 of this year. It was referred to the Government, Military and Veterans Affairs Committee. I do have committee amendments, Mr. President, as well as an amendment to the committee amendments. (AM1844, Legislative Journal page 752.) [LB1130]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Kuehn, you're recognized to open on LB1130. [LB1130]

SENATOR KUEHN: Thank you, Mr. President, and thank you, colleagues. This evening I bring to you for your consideration LB1130. LB1130 is a bill intended to provide transparency regarding sources of income for elected officials which may influence their official actions. LB1130 establishes a public reporting requirement based on an elected official's statement of financial interest, so what we all know as our form as C-1. The disclosures requirement applies to if the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Account, the State Treasurer, the Attorney General, a member of the State Board of Education, a member of the Board of the Regents of the University of Nebraska with the exception of student members, a member of the Public Service Commission, or a member of the Legislature reports income of greater than \$1,000 received from any 501(c)(3) or (c)(4) tax-exempt organization. When such financial arrangement is present, the nonprofit organization must report sources of revenue during that same reporting period. Based on the green copy, there is a committee amendment, which will be following, which addresses some input from NADC, as well as clarifies the reporting and a mechanism we'll talk about in a minute utilizing the Schedule B filed on the nonprofit's Form 990. The Form 990 would require that reporting of donations or contributions of \$5,000 or greater, as well as fall under all of the reporting rules for the form...Schedule B on the Form 990. There's also another amendment pending which I will discuss, should we get to it, that discusses academic roles and institutions. A couple of things I want to be clear from the get-go because there's been communication that has come out to senators today and I want to make sure everyone has an opportunity to read the language and understand specifically what the legislation does and some things that it does not do. So first, this legislation does not apply to candidates for office. Like all of our disclosure requirements, it does not apply to spouses of elected officeholders or candidates' spouses or candidates' children, nor does it affect any relationship in which there is not a monetary payment of at least \$1,000. We've had a lot of discussions on the floor, oftentimes ad hoc, over my time in the Legislature representing money and its influence on senator behavior. It is true that money and its influence represents an exercise of power. The use of private wealth to affect the political process, public policy, and impact social change represents a significant use of power. To my mind, that power in all its forms deserves scrutiny. We have established that scrutiny in the form of campaign contributions

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is important. We require reporting of all contributions in greater of \$250. Additionally, campaign contributions and how that money is spent is highly regulated, restricted to certain items, and is required to be documented for public inspection. When a senator has a personal financial relationship, it merits transparency. We currently are required to report all sources of income of \$1,000 or more. And it's also important to recognize that employment relationships, quite different from campaign contribution relationships, is neither regulated nor restricted. It's also important in my perspective that the dollar amounts associated with employment arrangements can very quickly dwarf campaign contributions. And a fundamental question has always nagged to me. Which has the greater influence, a couple of thousand dollars disclosed for campaign stickers, mailers, and mileage expenses or thousands of dollars directed directly into the pockets of an individual to subsidize a salary and pay our mortgages or car payments. The question has arisen about why nonprofits. Well, nonprofits represent a tax-subsidized, very nontransparent form of directing monetary assets to the public. In many ways, this is especially...creates the potential for a plutocratic voice to exert private power for a public purpose. And it is this...for this reason that organizations already organized under the IRS tax code as a 501(c)(3) have limitations on their political activity, restrictions on lobbying, restrictions on engagement in legislative process, and 501(c)(4)'s have triggers that require reporting based on political activity. That's an established concept in nonprofit tax law. When we are talking about money going to elected officials, it represents a particularly troubling source of political power. Voters need to be able to identify the sources of those dollars to understand those influences that may be at play. There's a very important Supreme Court decision that's often referenced in discussions of philanthropy, NAACP v. Alabama. And that freedom of association, the freedom to maintain membership lists as private, is essential and critical. But what is often ignored in that discussion, especially with regard to money and political relationships, is a follow-up Supreme Court decision, Buckley v. Valeo, in 1976, that allowed and upheld restrictions of identification of campaign contributions. I want to read to you two quotes from that Supreme Court Opinion that I think speak very highly to my motivations for this bill. First, "The sources of a candidate's financial support also alert the voter to the interest in which a candidate is most likely...responsive, and thus facilitate predictions of future performance in office." Later the opinion states, "The act of giving money to political candidates...may have...undesirable consequences; it may be used to secure the express or tacit understanding that the giver will enjoy political favor if...elected. Both Congress and this Court's cases have recognized this as a

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mortal danger against which effective preventive and curative steps must be taken." We know through research, through studies, the effect of the soft power of donors, and this has actually been given a name, known as the funding bias, that even in the absence of a direct ask, the agenda-setting influences of donors and internalized policy preferences can potentially influence the actions of an elected official. It's why we require a full disclosure of campaign donations. It's not so much that there even is a conscious intention to pattern behavior based upon a potential donor's request but, rather, a response to orient their work in response to the future conversations with donors, hoping not to court displeasure. A couple of things I want to reiterate that LB1130 does not do. LB1130 does not require any disclosure unless there is a financial relationship between an elected officeholder and those enumerated officeholders in the bill and the eligible nonprofits. If you are serving on a volunteer board, it doesn't affect that. There's no exchange of money. If you wish to provide your expertise in a voluntary fashion, without the exchange of relationship, the nonprofits and their donors are under no threat. This does not impact donations to a campaign, although there's been a few things circulating around regarding 501(c)(3)'s or (c)(4)'s, which may donate to campaigns, although that's already prohibited. It does not apply to locally elected officials. I encourage you again to look at the enumerated offices that I listed in earlier, so local school board officials, county supervisors, etcetera, are not included. It does not apply to candidates. The language clearly states "officeholders." And as all of our reporting requirements, it does not apply to spouses, dependents, or other family members. Compared to most other states, and I encourage you to go to the NCSL Web site and take a look at some of the research, Nebraska has comparatively low reporting requirements for financial conflicts of interest and financial relationships, compared to many other states. I also want to be clear that I'm not making any accusations of right or wrong. I do believe that the public has the right to know the information and make their judgments for themselves. I'd like to end my opening with a quotation from Aristotle which is one that I think is important for everyone considering the influence of... [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR KUEHN: ...money and philanthropy in any process, and he stated, quote: To give away money is an easy matter and in any man's power; but decide to whom to give it, and how large, and when, and for what purposes and how, is neither in every man's power, nor an easy

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matter. Hence it is that such excellence is rare, praiseworthy, and noble. With that, I look forward to any discussion and encourage your support for LB1130. Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Kuehn. As the Clerk indicated, there are amendments from the Government Committee. Senator Murante, you're recognized to open on AM1844, Government Committee amendment. [LB1130]

SENATOR MURANTE: Thank you, Mr. President. Members, good evening. AM1844 limits the disclosure requirements of the original bill. Rather than needing to disclose all sources of revenue, an entity is only required to provide the Nebraska Accountability and Disclosure Commission with a copy of its Form 990, Schedule B, on file with the IRS. Form 990 is used by tax-exempt organizations, to which the bill applies, to report their gross annual income, receipts, and disbursements to the IRS. Form 990, Schedule B, is the portion of the form where organizations list their contributors. Two different standards of which contributors must be disclosed apply depending on how the organization receives its funding. If an organization is considered a publicly funded organization for the purposes of taxation and received public grants or paid fund-raising fees, Schedule B only requires the organization to disclose contributors who gave either \$5,000 or more or 2 percent of the total amount reported on Form 990, whichever is greater. If an organization is not considered a publicly funded organization or did not receive grants or paid fund-raising fees, Schedule B only requires the organization to disclose contributors who gave \$5,000 or more. NADC would make these Schedule Bs publicly available. I encourage your support of the committee amendment and your support of LB1130. Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Murante. Mr. Clerk. [LB1130]

CLERK: Excuse me, Mr. President. Senator Kuehn would move to amend the committee amendments with AM2371. (Legislative Journal page 1116.) [LB1130]

PRESIDENT FOLEY: Senator Kuehn, you're recognized to open on AM2371. [LB1130]

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SENATOR KUEHN: Thank you, Mr. President. And, colleagues, I'm going to be very brief on this opening because I'm not going to advocate a position one way or another. I think it's something for the body to consider. And I will disclose a conflict of interest in supporting this amendment either way, and that is AM2371 was some language which was brought to me regarding employment in a nonprofit that is an institution of higher education. So the language exempts from the requirement of the Schedule B of the Form 990 if the employment relationship is at an institution of higher education accredited by the Postsecondary Coordinating Commission here in Nebraska, I take no position on the bill because obviously...or on the amendment because I am employed by a 501(c)(3) that is an accredited institution of higher learning and it's an opportunity if there is a discussion and debate about the separation and distance between a professor and an academic institution as well as an individual donor or group of donors. So I am happy to answer questions. I will not vote on this amendment. I will not advocate one way or another. It was simply a concept which was brought forward which I wanted the body to have an opportunity to consider. Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Debate is now open on LB1130 and the pending amendments. Senator Harr. [LB1130]

SENATOR HARR: Thank you, Mr. President. Folks, this bill is complete and total political theater. Why? There's so much I want to say. I'm going to start with I don't know what a relationship is, if I have a relationship with a nonprofit in excess of \$1,000. I work in a law firm. If my law firm receives more than \$1,000, does that mean I receive more than \$1,000? If I receive funding from a 501(c)(3) for...directly through an LLC, as opposed to my law firm, is that reportable? I don't know. There's no enforcement mechanism if a nonprofit says, we're not going to report this, so maybe they do, maybe they don't. In addition, we talk about the importance of transparency and that nonprofits are less transparent. In reality, it's just the opposite. So I decided to exercise a little fun and see if there were any nonprofits that our Governor was involved with. And guess what I found? There is. There's an Opportunity Education Future Foundation and he's on it. He spends an hour a week on it, or so he says in the filing. Found out where the Governor lives. It asks for his address, which I found ironic because he put down 1395 South Platte River Drive, Denver, Colorado. I thought he was the Governor of Nebraska. I was wrong, apparently. It also had his dad's address on there, his sister's addresses,

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his dad's residence in Wyoming, which then you can go and look on the county assessor's Web site and see how much his dad is worth, or at least his property is assessed at. Folks, if you want to know how much senators, if you're concerned about it, if they're director of agencies, go to ProPublica, Form 990. It's on there. To say there's not transparency is hogwash. Look at this all comes under the Nebraska Political Accountability and Disclosure Act, and in there there's a legislative finding. In that legislative finding it says, The Legislature finds: That the public interest in the manner in which election campaigns are conducted has increased greatly in recent years, creating a need for additional disclosure and accountability; That there is a compelling state interest in ensuring that the state and local elections are free of corruption and the appearance of corruption and that this can only be achieved if (a) the sources of funding of campaigns are fully disclosed and (b) the use of money in campaigns is fully disclosed; (3) That it is essential to the proper operation of democratic government that public officials and employees be independent and impartial, that government decisions and policies be made in the proper channels of government structure, and that public office or employment not be based (sic--used) for private gain other than compensation provided by law. Well, we get compensation outside provided by law, every one of us in here I think probably does, because we get paid \$12,000 a year. If you're so concerned about corruption in employment, then take it away from us, say you can't have a job outside the Legislature,... [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR HARR: ...but pay us real wages. I'm going to be talking on this my three times and I'm going to tell you this does nothing, this is meant to go after a few senators who work for nonprofits. I work for a for-profit. Why not go after me? Why can I not be corrupted? Someone could hire me to do legal work, a nonprofit, a profit, or an individual, and it could corrupt me just as much, or as little, if I let it be corrupting. This doesn't do anything to stop corruption. This is political theater. [LB1130]

SPEAKER SCHEER: Thank you, Senator Harr. Senator Krist. [LB1130]

SENATOR KRIST: Good evening. Thank you, Mr. President. Good evening, colleagues. Good evening, Nebraska. In my time here, my ten years here, I don't think I can remember a time when



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there hasn't been a senator, or two or three or four, that haven't worked for a nonprofit in one way or another. Senator Chambers and I had a favorite. Senator Amanda McGill worked for the YMCA for awhile, worked for several others. I mean I could go around the room here and there are folks who also work for nonprofits. And I'm having a problem defining what this problem is or whether it's a solution in search of a problem. And if there is corruption, then we have the NADC in place, a vehicle in place that those things can be cleared through. Many elected officials are employed in addition to serving in public offices, so for a nonprofit employment arrangement of \$1,000 or more, I don't understand where that threshold actually comes from and I'm not clear on why the Government Affairs, Military Affairs Committee would have pared down if it was as important as Senator Kuehn points out. I also think that, if I'm not mistaken, that this kind of control, if you will, is also provided for in our federal filings in terms of delineating where the money is actually come from when we earn our outside funds. And my biggest concern, I guess, is that we're defining political corruption in terms of monies that may be paid by, I think, targeting the wrong organizations. I think many of us have gotten contributions from people in the executive branch, for example. Does that mean that you've been purchased, that you've been bought, that your vote is tainted? Let's be careful how we go down this path in terms of defining how and where you would take your money. There's only two people in this Chamber that I think I can say honestly have never been tainted. Senator Schumacher and Senator Chambers, I don't believe, have ever taken money. Actually, I think Senator Chambers has taken money, but he tried to give it back and the woman insisted that he take the money, I think. He can tell that story on his own, but that's a precarious position to be in, or not, not to have to fund your campaign with taking any contribution at all. So I guess, in short, I'm leery that this would, in the case of my young, younger--and I mean that in terms of age--fellow colleagues and past colleagues, would interfere with them being able to serve in this legislative process or in any, serving in any elected process, and restricting their ability to earn money on the outside, because obviously \$1,000 a month is not going to pay the bills. So, again, I think, for lack of better terms, what problem are we trying to solve, is it a solution in search for the problem, because I'm not seeing it right now. So I'll listen to the debate as it goes on, but I honestly believe that we're spinning our wheels. Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Krist. Items for the record, please. [LB1130]

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CLERK: Mr. President, a series of amendments to LB990 from Senator Wayne. (Legislative Journal pages 1116-1117.) [LB990]

And, Mr. President, I have a motion. Senator Brewer would move to recess the body until 6:30 p.m.

PRESIDENT FOLEY: Members, you heard the motion to recess till 6:30. Those in favor say aye. Those opposed say nay. We are in recess.

RECESS

PRESIDENT FOLEY PRESIDING:

PRESIDENT FOLEY: Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

ASSISTANT CLERK: Not at this time.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we will pick up where we left off. We have maintained the speaking queue. Senator Chambers, you're first in the speaking queue.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, being blunt, as I always am, I think this is a piece of vindictive legislation. I think it's aimed squarely at two of our colleagues. At least two, I don't know who all in here is connected with a nonprofit. But there has been no hint with or anything else of corruption associated with their nonprofits. I don't even what the name of them would be. But I'm going to offer an amendment to strike "Legislature." There is no reason for this at all other than the vindictive Governor trying to punish people. Just like he made it clear with the Judiciary Committee that if a provision of mine was a part of their package he would probably veto everything. He didn't put it quite that blunt.

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So, as I said earlier, I said to our chairperson I will take my bill out. In other words, I fell on my sword for the sake of the committee. But I don't believe that other people ought to be punished because that vindictive sucker over there in that corner has this kind of thing happening in this Legislature. Do you know why I use harsh words toward him? Because he's too cowardly to face me, and he'll send his henchmen and his flunkies and others to do his dirty work over here. And that's what this is about. The Legislature is held in contempt by him. He's got these young senators running around here doing his dirty work, thinking that it's going to add to their stature. Well, people know what he is. When you walk with those who are lame, you yourself will learn to limp. Lie down with the hounds, you get up with fleas. This is the Governor sticking his nose in the Legislature once again. He tried it with that bill where we're taking away the requirement that Executive Branch office, officers, agencies comply with the legislative mandate that rules and regulations be written. He told some of them, you don't have to write those rules. Forget it. And that's what they did. Then he decided to go the next step, since the Legislature did not respond, to say that we will not allow the law to say that these agencies "shall" write rules and regulations, but that they "may." Which means they will not. This Legislature is ceding more and more of its prerogatives to the Governor. Look how empty this Chamber is here. If anybody wouldn't be here, it should be the oldest man in the place who should not be here. You all have no idea how far I have to come from my office to get here. All it does it make me stronger. I get all that exercise, 10 or 12 times running from where I live, I mean, where I work down there...some people think I live in that office. I'm there a lot. In fact, I'm there probably more than I'm at home. I'm here today, I leave at the latest around 6:30, we stay here until 10:00. At 6:30, my day has been 12 hours, then 3.5 more hours. You see how long I stay awake and alert? Then another hour on the highway getting back to Omaha. And still functioning. That's why they know better than to mess with me. But I'll tell you why they don't. They know that I'm not going to harm anybody or go after anybody without a justification. And as for what "Old Man" Groene did, it's a good thing whoever called the question did, because there was something else I was going to say. Not a challenge, but I was going to make it clear that the behavior that had taken place should not take place on the floor of the Legislature. If there's that kind of hostility, we should be out in the hall somewhere. [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

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SENATOR CHAMBERS: Where nobody is going to step between us and say one or the other of us. Then all the hollering he wanted to do, he could do all the hollering that he wanted to. But he doesn't holler when we're just the two of us. (Singing) Just the two of us, we can make it if we try. Just the two of us, you and I. I have so much fun here, especially when there are not very many people. I don't spend a lot of time around other people. But when I can run all of these sworn officials out of this Chamber, you all don't realize that that lets me know how much power that I've got. It doesn't trouble me in the sense of feeling ignored, because there are two many people who watch us. I had some phone calls waiting for me when I got to my office. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kuehn. [LB1130]

SENATOR KUEHN: Thank you, Mr. President. A couple of questions I just want to put a couple things to answer Senator Harr's questions. The relationship, all that, it's defined on your C1. So this falls under the purview of the existing forms that we already fill out. If you have that disclosure that's already defined in NADC statute, as well as the penalties are part of the NADC process. So the nature of the relationship, it's already well defined as far as reporting requirements: who, what, why. Every 501(c)(3) or 501(c)(4) has a Form 990 that they fill out, and a Schedule B is submitted to the IRS with it. Depending upon the nature and rules under which they are organized, there are various rules about what information must or must not be disclosed on the Schedule B. They are already producing it, that would simply be what is put forward. I do want to address just a couple of things, and members of the body and the public can believe what they wish to believe. But I'm going to affirmatively say for the record just a couple of things, because I think it bears saying. First, I have no knowledge or awareness if the Governor even knows that the bill is here. I have had no conversations with him about it. I came up with this idea, it's something that I had been working on in a host of other bills. If you look at Government Committee, you'll note that Government is littered with a number of my bills that are addressing a number of issues that are ideas that I have put forth. Whether that is...and sometimes not even ones that necessarily I think the language as proposed is perfect, but rather

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to have us have a mindful, thoughtful discussion about different ideas. And one of my concerns, one of my areas of interest during my time here in the Legislature has been outside influences. It's why I voted, was one of two votes with Senator Chambers, in Executive Board about his bill with lobbyist suppers, which we're not participating in. Not that I believe that there's anything untoward happening, but that the appearance is problematic. I do have a broader area of research, and it doesn't necessarily apply to this bill, but I think there's a lot that we need to have a discussion about the influence of private money in all areas of politics. And if you look at some scholarship by a number of political scientists, some people have referred to Bill Gates as America's unelected school superintendent by the manner in which his massive wealth can influence school policy across the nation by virtue of his donations. I have no problem with philanthropy whatsoever, but I do think that all dollars that are private, especially when they enter into the public space, deserve scrutiny. And I have the same concerns about the possibility of a Ricketts family member creating a 501(c)(3) and employing a state senator or the Mercer family or any right-wing family of wealth and means as I do anyone on the left side of the spectrum. And so this bill is equal opportunity, it is an idea that I have put forth. If the body doesn't think it's a worthwhile idea, doesn't like it and rejects the idea, I understand that. It is a concept and a thought about us being mindful of private dollars. With regard to nonprofits, nonprofits are a unique beast in the fact that they do have a means by which you can move money around, and has happened in multiple areas, where you can move money from nonprofit to nonprofit without having any disclosures. That then has the ability to influence the public policy process. I don't think you have to have an accusation or make an accusation or even have evidence of corruption to still want to have an awareness that the possibility exists. [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR KUEHN: As I stated in my opening, I have no accusations. I am making no accusations. If this body feels that it's not an issue, that awareness and knowledge of how money may influence on our disclosure forms is not of concern, I accept that decision. And it's not one in which I am going to take to the bitter end as an absolute conviction. I believe that we need to have a discussion and an understanding of all of the influences of money and politics, whether that be campaign money or whether that be money that is outside of the campaign. So much so, and this is a matter of public record, I've never stated it on the floor when it's been brought up

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and implied several times, but if you look at my NADC disclosure forms you'll notice that Governor Ricketts gave me \$1,000 in 2014 when I was a candidate. You'll notice I gave him that \$1,000 right back. That is a matter of public record, that is a position in which I took and chose for myself as a candidate and how I choose to approach my political career and my time here in the Legislature. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR KUEHN: Thank you, colleagues. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Hilgers. [LB1130]

SENATOR HILGERS: Thank you, Mr. President. Good evening, colleagues. I think this is a worthwhile discussion to have, and I'll explain why in a second. But before I do, I would like to comment that in my years...year-and-a-half, I suppose, here in the Legislature, as well as when I was just a watcher of legislative business as a private citizen, I was impressed and have been impressed by Senator Kuehn's desire to focus on issues of good governance, issues of transparency, ethics, and ensuring that this body and other elected bodies are not corrupted by influences such as money and influence and the like. So I view this as a bill that from Senator Kuehn that I think will I hope spark a meaningful conversation about the corrupting influence of money in our body and in elected politics generally. And I think it's one that we ought to have a serious discussion about. I don't think anyone could disagree of the danger that money has to...the possibility of money corrupting elected officials. I think that's a pretty standard assumption or a conclusion that we all sort of agree upon. In fact, I've heard many times on this floor and outside of the body about the corrupting influence of special interests, about money contributed to campaigns by the Governor or by others on the left or on the right. And I think that's worthwhile to have a discussion. In fact, we've created a whole disclosure system at the state and federal level based on the idea that if there are dollars that are given to candidates or dollars that are given to elected officials we need to keep a very close eye on those dollars and who they're coming from, who they're going to, and why. If you believe that I do, and I think most, if not all, of the body believes, that those are important things to think about, then you ought to also believe that it is important to consider the corrupting influence of money when

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those dollars are not campaign contributions but they are the salary of the elected official. I think that's an important consideration to think through, to talk about. Now, I'm not necessarily in support of LB1130, and I'll explain why. Because, even though I think this is an important goal, it's an important conversation, it's an important topic to discuss and think through, I think there are also countervailing considerations. And they really stem from this idea in my view that we all have the protected right of free speech, the protected right of anonymous speech. This has been something that has been litigated in front of the United States Supreme Court decades ago in the NAACP v. Alabama decision. And because even though money can corrupt, public speech can also create people to be targets of coercion, attacks, intimidation. And that, when you are forced to publicly speak, what often happens is that your speech is chilled, and that speech is depressed. And so we have a very core principle in this country that we want to protect free speech, we want to protect anonymous speech. And in the very rare instances where we have decided, either in this body or in the United States Congress, that we want to pass some law or issue some regulation that will regulate that speech, we have done it in a way that has been narrowly tailored to address a specific concern. And in the campaign finance context, that concern typically is just quid pro quo corruption. There has to be...it's not influence, it's corruption. It is I give you \$10, you give me a vote. That's the concern that typically our campaign finance laws are geared to. And so but we have to narrowly tailor it. And I think as drafted now this bill is both underinclusive and overinclusive. It's overinclusive because I think it brings in a larger number of individuals who would really have no...there's no quid pro quo corruption concerns, right? If you work for the United Way or for some hospital nonprofit those aren't the types of corruption... [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR HILGERS: Thank you, Mr. President. Those aren't the type of corruption, there's no showing that I have heard or seen that would suggest, certainly no evidence or cases that I'm aware of, that would suggest individuals who work for a nonprofit of that nature might be engaging in this quid pro quo corruption. So I think in that sense, as drafted at least, I think it is overinclusive. I also think it is potentially underinclusive. And I agree with Senator Harr, and by the way, I've had comments with Senator...discussion with Senator Kuehn off the mike when this bill was in committee about the fact that we ought to consider corruption from a private

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perspective. Even though a public entity is different in kind, and there are tax advantages, and there's the C3, C4 dynamic that Senator Kuehn discussed, there are also ways to do the same thing through the private sector. Whether creating and LLC or multiple LLCs or corporations that don't have any disclosure requirements whatsoever. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR HILGERS: Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Smith. [LB1130]

SENATOR SMITH: Thank you, Mr. President. I agree with Senator Hilgers is that I believe Senator Kuehn is a man of great character, and I think that was reflected in his introduction even of his amendment, AM2371. And I believe this legislation is consistent with causes he has stood for in the past. So I do not believe that there is any reasons beyond that behind his introduction of this bill. However, with that said, it's my belief that LB1130 harms our constitutional right to freedom of association by requiring public disclosure of donor information that is potentially unrelated to the disclosing official or the reason for the disclosure to begin with. I believe this will violate citizen privacy, it will harm civic engagement, and facilitate harassment while targeting only those members of state government who associate with nonprofits. I cannot support these amendments, nor the underlying bill. I think the right to associate and to support causes privately is fundamental, and I do not believe that LB1130 serves the good of Nebraskans that want to provide contributions to nonprofits. Every Nebraskan has the right to support causes they believe in. And Nebraskans should be allowed to support specific groups or positions without fear of retaliation or harassment from anyone. Having represented the American Legislative Exchange Council for eight years while I've been in the Legislature, that is an organization that has been targeted quite a bit. And whether you look at it on the progressive side of individuals holding office or on the conservative side, this is bad legislation. And I cannot stand in support of these amendments, nor in support of the underlying bill. But again, I do not believe that there is anything further behind it with Senator Kuehn. Again, I cannot speak well enough of Senator Kuehn and what he stands for. He has been an excellent colleague here on the



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floor of the Legislature and supporting a lot of things that are to the good of Nebraskans. But this, I cannot support. Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Chambers. [LB1130]

SENATOR CHAMBERS: Thank you. Mr. President, maybe I'm overly protective, but that's the way I'm going to continue to be. If Jesus Christ came in here and did this, I would say he's wrong, he's been a fraud all the time. He frauded (sic) everybody so that he could get away with this and they would all say, well, it's bad, but it can't be too bad because a good guy did it. I'm not like that. I've lived a different life from you all. I've seen all the different kind of faces that hypocrisy can wear. I've seen them all: in church, in school, at Creighton, talking to priests, talking to members of the Jehovah's Witness, Baptists, Methodists, Presbyterians, even some Unitarians. And it always amuses me when people want to make disavows. I never have been a communist, and look, I say this: I am a communist, I am a socialist, I am a fascist. And I am better off being all of them because that Catholic, that Roman Catholic, Chief Justice of the Supreme Court did not say that a communist has no rights a white man need respect. He didn't say a socialist has no rights that a white man need respect. He didn't say a fascist, an atheist, nothing. Whom did he say has no rights? A black man. So by being a communist/socialist/fascist my status is automatically raised in the United States of America with liberty and justice for some white people even. You let one of the young pages say, actually, I'm a member of the LGBTQ community...everybody gets quiet. What business is it of anybody who somebody sleeps with? Although they use that term to be nice. If all people did was slept with each other, nobody would care about that. It's the fact that they don't sleep when they're together that's the problem, and it can't even be talked about among grown people. And they slipping and sliding around here, let me tell you that. You can follow me anywhere. If a fly was on my wall, as has been said, he would die from boredom. What you see is what you get. But I'll tell you what, if I was going to slip and dip, I wouldn't care what anybody said about it and I'm not going to account to them about anything that I do. I'm a grown man, I can go where I please and do what I want to, do what I want to with whoever I want to, whenever I want to. Not wherever maybe I would want to, because I'd be respectful of the other person's proclivities and predilections. But it's so silly in this place. And then these kind of bills are to be seriously discussed as though they're altruistic. I know what's behind it. There are two people who have or are associated with nonprofits and the

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Governor doesn't care for either one of them. And you're going to tell me that the Governor is a nice guy, he doesn't know about this bill. You think the Governor doesn't know what kind of bills are put in this place? He knew about this bill, and I bet he can tell you who's connected with a nonprofit. He got his snitches, his spies, his stooges everywhere, and they're on the floor of this Legislature. You all know it, but you can't say it. I'm the one who tries to tell you all. Let's give some dignity to the Legislature by taking back our prerogatives, and you won't do it. Then there's... [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR CHAMBERS: My favorite antagonist, Murante. Who will see a lady with skirts and hide behind her skirts. And then she's got a bill hung up in the committee of his best buddy, Larson, and he won't tell Larson to let her bill out on this floor. And then he tricks her into an embarrassing situation. What kind of trashy stuff is that? Yeah, I'm going to talk about it. That's what happens here. Who else would say anything about it. If somebody would do it, I would talk about it. I think that's dirty, slimy politics. You can put perfume on defecation and it still stinks. You can put lipstick on a pig and it's a pig with lipstick. You can be the chairperson of a committee and still be underhanded, cowardly, and trickster. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: Who will embarrass people and take advantage of them. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Groene. [LB1130]

SENATOR GROENE: Thank you. I agree with partially with Senator Kuehn's bill. You know, we got the...is it the "Ricketts Crickets?" I want to find out who the "Buffett Muffets" are and the "Holland Homies." I want to find out who they are in this body. Don't the rest of you want to find out how some people can live on \$12,000? I can explain to you how I do it. So that's all I wanted to say. Let's find out who the "Buffett Muffets" are. Thank you. [LB1130]

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PRESIDENT FOLEY: Thank you, Senator Groene. Senator Chambers, you're recognized for your third opportunity. [LB1130]

SENATOR CHAMBERS: "I have not yet begun to fight." Senator Groene is picking up a little something. That was kind of clever. But I think if anybody is a "Buffett Muffet" they wouldn't mind telling it. In fact, they would be proud and it would raise their stature. It would be better than being a "Ricketts Crickets" because Buffett doesn't make you run behind him and say...he owns the World-Herald. And that's one of the most backward, right-wind newspapers you can find. He doesn't even tell them what to print. Let it be Ricketts' paper, and he would deal with it like he deals with those people he purchased for the Legislature without spending too much money. I would never accept a nickel from another politician, but that's me. That's why I can't be a Christian, I would have to lower my standards. I would have to lower my standards. But, as I was getting ready to say earlier today, when black people were supposed to be the dope fiends, they launched their so-called War on Drugs. And they were giving people harsh, lengthy, minimum sentences which even now the Koch brothers are saying, that's crazy, you got to change that. But when white children were taking drugs out of their parents' medicine chests they were not charged with crimes. But when that was not enough they began to get hold of these opioids, a nice word. They were not dope fiends, but they were dope heads. That's what they were. They were crack heads, that's what they were. They were dope fiends, that's what they were. But they were white, so you get a euphemistic term. We're talking about opioid abuse, we're talking about drug abuse, we're talking about dope use. But since it's all these white people, well, we can't arrest our way out of this problem, so we're going to label it something different. I talked the other day about the importance of naming and wanting to give names. You name it something, then you can treat it differently. It is a medical problem, it is a sickness, it is an addiction that needs to be treated. Because it's white people. But I'm glad they're doing it that way, because some of it might spill over onto the way we're mistreated. Whenever it's enough white people everything changes: the name, the attitude toward it. But it's the same thing. These young white people know it. Why do you think Senator Morfeld brought a bill to deal with those who are overdosing and these other things. I'd vote for all of them, I know how weak people can be. I know how people can be tricked onto drugs. And I'm not one of them who will say, good enough for you, you should have been stronger. That's crazy talk. When people are in a bad way, what they need is help, not condemnation. They might condemn themselves more than anybody

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else, and that's why some you all's children are committing suicide: they cannot talk to you about a problem. The kid's going to school and got one of these helicopter mothers and one of these sneaking-around daddies, but who wants to keep a front. So the kid comes home with 90 on their report card--all you got is a 90? Okay, okay, okay. So then he comes home with 100. Well, why did it take you so long? [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR CHAMBERS: They don't relate to their children. Their children don't relate to them. Why do you see all these commercials--raising children is hard, it's not hard, it's not wrong to seek help, to seek advice? Somebody got to advise me how to treat my own children? That's why white people are so strange to me. I don't need a psychiatrist or a psychologist or a doctor to tell me that I'm in charge of and responsible for these children that I brought into the world. I had a part to play in bringing them into the world. That they should be clothed, they should be given shelter, they should be treated with love and respect and made to know that there's not another one like them, and they've also got a protector. Anybody who bothers them got to come through me first. One of my sons, he was grown, he said the nicest thing to me that anybody ever said. He said, daddy, when we were young we knew that while you were there we were always protected and we were always safe. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: When a daddy can be told that, and a lot of you all can't who are daddies. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kuehn, you're recognized to close on AM2371. [LB1130]

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SENATOR KUEHN: Thank you, Mr. President. As I stated before, I'm not going to make an affirmative request for the exemption regarding higher education. So you can vote as you see fit. I will be abstaining on AM2371. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Members, you heard the discussion on AM2371. The question before 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. [LB1130]

ASSISTANT CLERK: 17 ayes, 5 nays on the adoption of the amendment to the committee amendments. [LB1130]

PRESIDENT FOLEY: The amendment is not adopted. Further discussion on LB1130 and the pending amendment. Mr. Clerk. [LB1130]

ASSISTANT CLERK: Mr. President, a priority motion. Senator Chambers would move to bracket the bill until April 18. [LB1130]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your bracket motion. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. And I've got my reconsideration motion right here, then I'm going to make a motion to recommit it to committee. I'm going to take some time on it. Now, Senator Kuehn knows I respect his mind and his intelligence. I've told him, and he knows that I mean it, but that doesn't mean that I agree with everything he does. There have been some very smart criminals, I mean, extremely bright. And when they were caught, people said...they would say, why would somebody with a mind like yours do the things you did? One guy said, it's the only place I found a challenge. He had made money, he was respected, he could get all the women that he wanted, drink all the champagne and whatever else. So he started committing crimes, he didn't murder anybody, but cheating people out of their money, mocking the police. He needed a challenge and there was nothing in what was called the "respectable world" that could challenge him. So it was him against the world, the world against him. And I suppose if he had a slogan it would have been catch me if you can. Obviously they caught him or

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I wouldn't know anything about him. If he would have listened to Bob Seger's song. He said, the trick when you're gambling and successful, don't play the game too long. Know when to get out. And most people don't. So all of this talk of morality and righteousness is just a lot of hooey, and the children know it. And the ones who know the preacher is full of nonsense better than anybody else is the so-called PK, the preachers' kids. And that's why a lot of them run riot when they get away from home, because they were restrained, they were restricted, and they saw all the hypocrisy in the home itself. And once they got old enough to take flight, they flew away. And then it developed as a notion, almost a truism, that the worst people in the world are those who are preachers' kids. Well, it's the way these preachers hypocrited (sic) around them. And people profess to be highly religious. Now, they might be religiously high on opioids, but they're entitled to treatment. And I think they are, but I believe that everybody so afflicted should be treated the same way, with the same consideration. Not locking them in a cell and throwing away the key. Earlier, Senator Krist pointed out how this society helped create Nikko Jenkins. From the time he was six years old he was abused. He had mental problems then, and the mental problems that he shows as a man he showed as a child. And these hacks who call themselves doctors, they're on the payroll of the state. Even the psychiatrist organizations say that these psychiatrists who work for the state should not be the ones to make a final declaration relative to a person's mental competency, because they are already compromised by getting their salary from the one who needs a certain diagnosis given all the time, and they give them. But at any rate, one doctor said that Nikko Jenkins was acting and pretending. And it shows that he was more brilliant than Stephen Hawking, because when he was six years old, before they even had a name in the realm of psychiatry for his particular affliction, he was acting it, he was pretending that he had it. And then when psychiatry reached the point where they recognized certain symptoms and gave a name to people with that symptom, that's when Nikko Jenkins is supposed to be play acting as. So he knew six years old what was going to be the findings by the realm of psychiatry when he was a grown man in his 20s. And he's play acting. He's tried to kill himself, cut his throat, split his penis. You let men do that. Anybody else, they say he's crazy as a fruit cake, nutty, is what they say. Not him. Everything is an act because they want to kill him, and Nikko Jenkins had enough sense and periods of lucidity when he knew he needed help and he told them that he needed help. On at least 30 occasions he put it in writing that he needed help, he did not want to be released, he wanted to be committed. And they never would respond, never did it. So they kept him in solitary for over five years, 23 hours a day, 7 days a week, 365 days a

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year, 366 in a leap year. Kept him in solitary, and that would drive anybody crazy. Some people have experimented to see what it would do to them, and they could get out whenever they wanted to. They went in one of these cells, the screaming of the inmates, the lights on all the time, loud playing, blaring radios, walking in this small space, nothing to do with your time, nothing to write with, no radio, nothing. And he begged to be let out after a few days, he couldn't take it. And here's a man locked up five years or more in solitary, and now they want to kill him. They want to get rid of what they produced. I don't believe in the death penalty for anybody, and I'm going to everything I can to cripple it. And while we got sanctified Dr. Kuehn here, I haven't heard him speak a word in condemnation of the Governor and the Attorney General trying to import illegal drugs. They were illegal, the FDA said they were illegal, said they cannot be imported into this country, it was a crime to do so. And the Governor continued trying and the Attorney General continued to tell him it's okay, and stopped only when the U.S. Attorney threatened them. But they knew it was against the law, they had been told by people who work for the DEA and the FDA that it was against the law to try to import those drugs. But it's a white governor, rich man's son, son of the rich man. And he can try to import illegal drugs. Suppose I in America was working in cahoots with somebody in England to import illegal drugs. You know what would happen to the two of us. But not the Governor and the Attorney General. But I'm working on them, the Attorney General anyway, because he violated his ethics. But old white judge, former judge said what the Attorney General did was not wrong. Advising his client to violated the federal law, it was not wrong because he's the Attorney General. But I'm working on him. I just can't do everything at one time. If some of these modern judges like Kelch would have behaved himself, I wouldn't have had to be distracted trying to get his law license. I'm trying to purify the white peoples' bar. I am trying to purify it. And you all sit back and watch these corrupt things happening. He's worried about somebody who's connected with a nonprofit. Not the Mafia, not La Cosa Nostra. None of that. Because those people are not to be touched. An attorney general and a governor trying to import illegal drugs and squandered away \$54,000 of taxpayer money, which Senator Groene's always yapping about. When the Attorney General and the Governor misspent \$54,000, not a whimper from Senator Groene about misspending the taxpayer's money. That's why I say it's a lot of hypocrisy, sound and fury signifying nothing. I was the one who went after that. Even Kintner did what he did there were people running around here saying, well, it wasn't so bad. What he did was masturbate on Skype with a woman in some other country. [LB1130]

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PRESIDENT FOLEY: One minute. [LB1130]

SENATOR CHAMBERS: And it may have been a juvenile at that. Using state gadgets. Misusing it, and it was a crime. And the Governor knew it, but he kept it covered up for a session so that Kintner could stay here and do the Governor's dirty work for him. And then when it came out, the Governor tried to throw Kintner under the bus. They all knew, they covered for each other. Senators knew, and some even tried to defend and justify him. So I spent day after day after day writing rhyme after rhyme after rhyme, I stayed on the case. The "Repelicans" down in the area where he lived thanked me for what I was doing and asked the Legislature, pleaded with the Legislature to do something, and the Legislature turned a blind eye and deaf ear. So I had to do what I thought was right, and that's to get him out of here. And they were not going to get after him until he started putting some these postings. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Chambers. There's no one in the queue. You may continue on your next opportunity. [LB1130]

SENATOR CHAMBERS: These posting suggesting that some women were not worth raping. And that embarrassed even these people on the floor of the Legislature. So then they told him, well, you need to resign, because if you don't we're going to have to bring a motion to expel you. So then he resigned. And there were people moaning and groaning and expressing sorrow. And he was a Christian, he said he was a Christian. He said God talked to him, God had forgiven him, and how much he loved his wife. But he didn't love her when he was in that hotel room carrying on like he was. And they knew on the floor of this Legislature, but they covered up. And now we find so much that offends us about people belonging to nonprofits. They might be corrupted, with no evidence that any of them has been. But you got these people who have been found to have done things in violation of the law--not a whisper. So the black panther roars and has them on the run. And I'm going to keep doing it. And I'm going to attack legislation like this when I believe that it's vindictive. I don't care who brought it. It is vindictive and it's aimed at a couple



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of the people in this Chamber who, by coincidence, the Governor does not like. And I don't believe Senator Kuehn could honestly think...I'm saying what I don't believe. Maybe he is that naive, he thinks the Governor didn't know anything about this bill. I don't believe that. You all are so nice, your feelings are so sensitive and tender when it comes to your governor. But then when we talk about those people who need some empathy, the Chamber is empty. That's why I speak to you and about you like I do. You won't straighten up and fly right. How much time do I have, Mr. President? [LB1130]

PRESIDENT FOLEY: 2:50. [LB1130]

SENATOR CHAMBERS: I can finish this. I'm not going to sing it. The buzzard took a monkey for a ride in the air, the monkey thought that everything was on the square. The buzzard tried to throw the monkey off his back. The monkey grabbed the buzzard and said, listen, Jack, straighten up and fly right. Straighten up and fly right. Straighten up and fly right. Cool down, papa, don't you blow your top. The buzzard told the monkey, you are choking me. Release your hold and I'll set you free. The monkey looked the buzzard right dead in the eye and said, your words are touching but it sounds like a lie. So straighten up and fly right. Straighten up and stay right. And that's what I say to the Governor, that's what I say to Senator Kuehn. That's what I say to all these people, straighten up and fly right. Maybe you can pull the wool over everybody else's eyes, but not mine. I'm too old a cat to be played for a kitten. Who do I owe enough to to lie, to deny what I know is the truth. You all know the Governor knew about this bill, he's knows everything else you all are doing. He's like God, who's got his eye on you. He sees everything you do, he knows all the words you say. And you all are going to do everything to please him. And that Murante, Murante the sly one. When I talk about Machiavelli, he turns over in his grave, he feels so condemned. But when Murante goes into action, Machiavelli says...his ghost is straining right to Murante because he is that one who is amoral. You think I would trick a woman... [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR CHAMBERS: You think I would trick a young person? Murante is like the person in front of the judge who is being sentenced for having conned old people and poor people. And the

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judge said, why will you con these old people and young people who trust you? He said, judge, if you can teach me how to con those who don't trust me I'll get them. So Murante says these innocent, naive people are the ones that I can trick, and I'm going to trick them. But he teaches them a lesson that they'll never forget. Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kolowski. [LB1130]

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I yield my time to Senator Chambers, please. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Chambers, 5:00. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. This is a late night, all we're doing is passing time. You all pass time your way, I pass time my way. And I'm doing what I like to do. And remember, we're being watched and listened to by others. Now, if the Chamber had people in here, I would talk to the people in here to try to persuade them not to vote for this bill. But they're not here, so I have to talk to the at-large people, where there are some sane people. There are some people who understand. They are not in the position where they have to lie about what they see and say they don't see it. You take Murante to any street, let's not make it where I live, but in Little Italy, and let him boast about what he did. Let him boast to them about what he did. But he wouldn't do that. He knows better than to do that. Around here he can strut and preen. Why do I pick him? Because he does it. He hold a special position in this Legislature as a chairperson. That's supposed to indicate that there's something about him that separates him from the rest of us. Not in terms of perfidy, but ability. The ability to do what? To trick people. I challenge Murante to talk to his flunkey, Larson, and tell him, let that lady's bill go. Let her bill go. And that's what you ought to do to somewhat atone for what you did to hurt her, Murante. Tell Larson to let that bill go. But he won't. They're tough in dealing with women. How treacherous is that? She has a bill that means something to her, and she self-sacrifices because Murante said so, not knowing what she was dealing with. You all think the devil is going to come like a dragon, breathing fire and smoke, smelling like brimstone. That's not what the "Bibble" said. The "Bibble" said the devil comes as an angel of the light. If he came with horns and a tail and three-pronged pitchfork, breathing fire and smoke, red, bloodshot eyes, long fangs

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dripping with saliva and blood you would know him. He's the deceiver, he's a trickster. How's he going to trick you if he comes looking like what you all say he is? Go by what the Bible, that you say you believe...I even pronounce it the way you pronounce it. Let that be your guide. The devil is not going to come looking like what you think he is. Who would expect the chairperson of a committee to trick a woman who doesn't understand the system into taking a bill that he knows is trash? Who would expect the chairperson of a committee to do that? Then he's got a best buddy who is his flunkie. [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR CHAMBERS: Holding that woman's bill in his committee. Look at him grinning. Yeah, it's funny to him, because he put one over. You all think I'm a racist? He ain't white. He tricked a white woman. He's getting even for what all these white people did to Italianos during the early days of this country. He's getting even, and you all don't even see it happening. But I do. So let him straighten up and fly right. They get into their little corners where there are a bunch of them and they hee-haw together. And they think because the jackass noises coming from them, that's the noise that is everywhere in the world. It's just around their ears. That's what they are. But I'm having the last laugh because I'm exposing them for what they are, and they're your people. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: You may continue on your second opportunity, Senator. [LB1130]

SENATOR CHAMBERS: Now back to this bill. If a piece of legislation is brought, there should be situation that needs correcting. The piece of legislation should be aimed at correcting it. Senator Kuehn, Dr. Kuehn, as I called him, is a highly intelligent person. He is also well-educated, he knows the power of words. He of all people should have some existing evil that is a threat to this society that is being addressed by what he is bringing. He doesn't put police officers in there, they're corrupt. He didn't put judges in there. Why didn't he name every member or

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categories of all of the people in positions of trust? He didn't put ministers in there. Why not? He probably doesn't even think churches ought to pay property tax, nor does Senator Groene. Yet, a lot of property is tied up by these churches and they leach and sponge and mooch off the taxpayers whose taxes provide services that the churches take advantage of. But they don't want to pay their way, even though Jesus said "render unto Caesar what is Caesar's." That was his response when people came to him asking should you pay taxes. In his quaint way he said, yeah, pay your taxes. But the churches say no. And here is the paradox or the irony. Jesus had a very, very simple theology: love one another. He didn't say if you're a Jew love Jews, if you're a gentile love gentiles, if you're a Samaritan love Samaritans, if you're a Syrian love Syrians. He didn't say that. He said love one another, that's what he said. He even said love your enemies, bless them that curse you. That's a very simple doctrine, but it's extremely difficult to live up to. What has the church done? They give you a very difficult theology full of dogma, full of philosophy, full of bewilderment, but a very easy life to live. You can curse, you can chase women, you can grab their privates. That's what Trump is doing and he's the savior of the evangelicals. You can be married more than once. All of that. So Jesus, on the one hand, had a very simple theology, but a very hard practical life to live. You have to do the right thing. Simple theology, hard life. The churches have turned it around. Impossible to understand theology, but a sleazy, nasty life. And if you give to the church, if you put on a backward collar, if you know how to say the Hail Mary and the Our Father, sit in the little box and let other people come and tell you how much wrong they've done then you're righteous and you're defended. And people are offended when you talk about these people who hold a position of trust raping little boys and girls. They don't want to hear that about these priests. One woman even wrote me a letter and said God will be the final judge of them and I shouldn't say anything. I wonder if that's what she says about every sexual predator in prison. But because it's a priest, she said God will be the final judge. That's crazy. [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR CHAMBERS: But that's the way they do it, and that's why the churches get away with literal murder. Popes committed murders. Popes were thugs, they were gangsters, they were liars, cheaters, womanizers. Read the history of the Catholic Church, they wrote it. They wrote it and I read it. And because I know it and they don't they think I'm a bad fellow. I don't have to

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make up anything about the Catholic Church. I can't even have enough time to tell you everything that they documented themselves that they did. You know why there was so much known about how cruel they were with the Inquisition? They meticulously described what they did with these people, just like the Nazis meticulously wrote out all the experiments they did on the Jews. And those very words they wrote were there condemnation when they went on trial in Nuremberg. But the only reason they went on trial is because they lost the war. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher. [LB1130]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. We have a full chamber here tonight. Actually there's more on this side, more on the left side tonight maybe than on the right side. That might be historic. We can't let Senator Chambers have all the fun tonight. And I did want to take this as an opportunity to look at the core of the issue that Senator Kuehn has raised. And that is something that is probably destroying our democracy as much as anything else, and that is campaign finance. All that money in these political races. We hear that the average congressman spends over 18 hours a week raising money. We see senatorial races, tens of millions of dollars; same thing with gubernatorial races. These little senate races, little set of districts, 35,000-40,000 people, \$200,000 a side. All the reporting forms in the world don't stop those mailers going out saying that somebody is the latest and greatest or somebody is as crooked as they come, trying to find little things that they can blow up and distort because all is fair in love and politics. Beautiful, glossy mailers, which strikingly sometimes have the same pictures, the same texture of paper, the same characteristics all around as the dark money ones. And I don't think any enforcement mechanism is going to do much about it because there is so many ways around the system. And we're kidding ourselves if we think we are all shining light on the system. There is only one mechanism that might work, and it I think certainly does work in these smaller races like are engaged in in this body and in local government. And that is if you sense somebody spending too much money, vote no. Even if it's the wrong party or the wrong philosophy, because money corrupts in this Chamber as well as any other. Once somebody

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spends over \$30,000 or has over \$30,000 spent on them in a primary or general election, raise the red flag. That's almost a buck per person, not buck per voter, but buck per person in the district. That money, it comes in big chunks from dark sources, or even disclosed sources that aren't from the district, demands a price to be paid. And no matter how honest you are, a price will be extracted. The voter has to be the guardian of the election and has to be the one that says no to the spending, no to dark money, no to governors interfering in election races. [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR SCHUMACHER: Because nothing else is going to work. And the only way to neuter the great source of money, the great source of corruption in these races, is for the voter to say no to somebody who seeks it, to somebody who relies on it, or is in a position to be bought by it. Watch out for that. And that's a little bit of a message for anybody who out there in listening land might be watching. Vote against the money, even if it's a decent person getting it. Because the money corrupts. Limit it. And that \$30,000 is a fairly good and close figure that can be raised locally. Get above that and you got to sell your soul. Thank you. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Krist. [LB1130]

SENATOR KRIST: Thank you, Mr. President. Good evening, colleagues. And good evening, Nebraska. I've said about all I'm going to say on this bill, but I do want to make an announcement. Senator Jeremy Nordquist and his wife Shannon, Shannon gave birth to John Thomas Nordquist at 2:07 this afternoon. Nine pounds, one ounce, just a small baby. Congratulations to Jeremy and Shannon. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized to close on your bracket motion. Senator Chambers, you're recognized to close on your bracket motion. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. But I had the proper upbringing and I don't talk when other people talking. So since there are people under the balcony and in the corner talking, I'm going to just let time go by so they can finish their conversation and I won't interrupt

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them. We are in the Chamber of the Legislature, we are in session. I guess they're through with their conversations. Now, when one of you is on the floor and I'm under the balcony and I start singing, what are you going to do? I'll watch you. You heard them out back there laughing and giggling. And senators were there too, because I watched them and I see who they are. So disrespectful. If they don't like what I say, stand on the floor and say it into the mike like I do. You don't see me having conversations, trying to talk louder than the one speaking on the floor. They do it. They're all white. Now, since they are the master race, I should be taught by them. But my mother's teaching was so strong even the master race cannot make me go against it. Listen to them. Now, I'll ask you a question. Why does the presiding officer have a hammer? Huh? And when one of you is talking and there are conversations, he uses the hammer, doesn't he? You think I don't watch that, you think I don't know? You think that people who watch us in here don't know? And some of that stuff goes out over the air, and they wonder why there is the walking and talking. And they notice that it happens usually when I'm speaking. But I'm used to speaking to unruly crowds, to the unwashed, to the hypocrites. So let them do what they're able to do, but I just want to call attention to it so you will know and the people watching us will know why I say the things that I say. If they got so much to say, say it on the mike. They'll be recognized if they turn their light on. But that's not what they're going to do. They get in their little corners in the shadows and hee-haw and giggle. Now, if I didn't respect women so much, I would say like silly little schoolgirls. But see, that's not the way schoolgirls do. I use that to show how women get degraded and branded when silly men are doing things. Say it's like what silly men do. Silly men. And that's what they are, silly. I'm doing according to the rules what I can do. When my time comes, I stop talking. If I don't have a motion up there, there is nothing I'll say unless I put my light on and I'm recognized. But listen and watch my betters, b-e-t-t-e-r-s. Watch them and listen to them. Why, what's a poor fellow like me supposed to learn from this? Should I do as you do? What would you think if I did as you do? You have even got hired staff in here showing disrespect because the one they work for shows the disrespect. [LB1130]

PRESIDENT FOLEY: One minute. [LB1130]

SENATOR CHAMBERS: Uh-huh. Now, when the chair says time, that means it's over for me unless I put up another motion. And because I play by the rules, I have other motions prepared. Nobody else wants to say anything. We're going to be here until midnight. I think that time

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which is available should not be wasted, it should be spent. And I'm spending my time. I even had an elderly lady tell me that she was waving at the television set when I said I'm doing this for old people to show that we don't just shrivel up and dry out and blow away in the wind. She said she was saying go, go, go, Ernie, and waving at the set. And she said she would wave at the television set tonight. I said, and I'll feel it and I'll acknowledge it. Old people communicate with each other. [LB1130]

PRESIDENT FOLEY: Time, Senator. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1130]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you've heard the discussion on the bracket motion. The question before the body is the adoption of the bracket motion. Senator Chambers? There's been a request for a call of the house. The question is, shall the house go under call. Those in favor vote aye; those opposed vote nay. Record, please. [LB1130]

ASSISTANT CLERK: 19 ayes, 2 nays to go under call. [LB1130]

PRESIDENT FOLEY: The house is under call. Senators, please return to the Chamber and check in. The house is under call. Senators McCollister, Quick, Crawford, Williams, Scheer, Riepe, Clements, Brewer, and McDonnell please return to the Chamber and check in. The house is under call. Waiting for Senators Quick, Crawford, and McDonnell. Please return to the Chamber and check in, the house is under call. Senator Chambers, we're lacking Senator Crawford at this point. We will proceed with a roll call vote on the bracket motion. Mr. Clerk. [LB1130]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 1117-1118.) Vote is 4 ayes, 21 nays, Mr. President. [LB1130]

PRESIDENT FOLEY: The bracket motion is not successful. I raise the call. Mr. Clerk. [LB1130]

ASSISTANT CLERK: Mr. President, priority motion. Senator Chambers would move to reconsider the vote on the bracket motion. [LB1130]



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PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB1130]

SENATOR CHAMBERS: Thank you, Mr. President. Maybe I should observe a moment of silence while my colleagues leave the Chamber. Or could it be that they're tired and it takes too much energy to move, so they want to relax? Mr. President, there was a judge, and this woman came to him and she said: avenge me of my enemy. And the judge ignored her. She did it day after day. So finally the judge said, although I fear not God nor regard man, this woman is going to drive me crazy. Woman, what do you want? And he granted it. Well, just a moment ago something happened here, right where I'm standing. Although I don't fear God and I don't regard man, something happened. And as a result of that, I want to withdraw that pending motion. [LB1130]

PRESIDENT FOLEY: The reconsideration motion is withdrawn. Mr. Clerk. Speaker Scheer, you're recognized. [LB1130]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. We will pass over this bill and move on to the next item. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. We will move off to the next bill. Mr. Clerk.

CLERK: Mr. President, LB295. Before I read the title and Senator Linehan presents her bill, I have a priority motion. Senator Burke Harr would move to indefinitely postpone the bill, pursuant to Rule 6, Section 3(f). [LB295]

PRESIDENT FOLEY: Senator Harr, you're recognized. [LB295]

SENATOR HARR: Thank you, Mr. President, members of the body. So I want to get very clear what's going on here tonight and what's going on. What I'm trying to do is I filed a motion to IPP, which is a way of killing the bill without directly addressing the bill. And I want to talk a little bit about what I feel about this bill and what I think it does and what I think it doesn't do. So let me start out by saying I have nothing against private schools. I think they serve an important role

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in society, and I think if people want to send their kids there they should be allowed to. Every one of my nieces and nephews go to private school, both sides of my family, my wife's side, my side. I have nothing against private schools. If this bill were to pass, there's only one foundation currently in the state of Nebraska that can receive that money--Children's Scholarship Fund. The Children's Scholarship Fund is a wonderful organization that does great things. Many probably don't know this. Their executive director's desk I donated, gave it to him. I've gone to their fund-raisers, mainly because they have Notre Dame people, but I still have gone to their fund-raisers to see Lou Holtz; Rudy, I wouldn't recommend that one again; and Barry Alvarez, who was Notre Dame, then went to Wisconsin, but of course is originally a Nebraskan. So this is not about Children's Scholarship Fund. This is not about private schools bad, public schools good. I think any education you give a child is a good thing. I have three distinct problems with this bill. Number one, it's bad tax policy. Number two, we're spending tax dollars and we're not getting adequate testing or results to see if those tax dollars are being spent well. And number three, this bill has been sold, and I've received tons of e-mails and phone calls saying, this is a school choice for children bill. And that's just not true. This is a school's choice of children bill, meaning the schools get to choose their children. So let me start out with the first problem I have with this bill, which is this is bad tax policy. So number one why I think this is bad tax policy is you have, if you give to this one type of nonprofit, you have an automatic, guaranteed rate of return on your investment, guaranteed. And what I mean by that is if you give a dollar to an organization, a scholarship foundation fund, if I give them a dollar the state gives me a dollar back. I'm even. Oh, but wait. On the federal taxes I get to write off my contribution to that nonprofit, that school foundation. So for my dollar I automatically get whatever I pay in taxes back. So if I pay 33 percent, I donate \$10,000, let's say I donate \$10,000, state of Nebraska gives me \$10,000 back and then I get my 33 percent off on that \$10,000, which is approximately, I don't know, I'm not very good at math, \$1,100, \$1,250, \$333,000 (sic) or \$3,300. I'm off on that somehow. But you get money back from the federal government. You get a deduction in your federal taxes--automatic. You may not be making money, but you're getting...you're reducing your tax liability as a result of this. Reason number two this is bad tax policy is this is a nonprofit. And as I stated earlier, this is a good nonprofit. I'll go so far as to say it's a great nonprofit for argument's sake. But why is that nonprofit better than what I care about? Why is this nonprofit that is so to the core that Senator Smith brought this bill, Senator Linehan, they feel very strongly about this, why is their nonprofit better? I posed that question to an interest

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group and their response was, well, because this nonprofit saves the state money by doing this. And I said, well, you know what, my nonprofit is for a cure to cancer. And my mom has cancer. And they said, well, does it make money? I said now you put a value on my mother's life. That irked me to no degree. And there are others like that. If we are going to say one nonprofit is better than another nonprofit, you better have a reason why. Because guess what, folks. We're going to start giving away our tax base. Look no further than our license plates. We used to say you should only have one license plate in the state of Nebraska. And then we said, well, this is a really good cause, and so then we got one for the university, then we got one for Creighton, then we got one for Game and Parks, then we got one for pro-life, then we got one for pro-choice, then we got one for the zoos. There's one for Union Pacific. There's one for the chamber in Omaha. And I'm sure there are more, because we opened the floodgate. How are we going to determine this nonprofit is better than that nonprofit? And if we're going to do that, we better have a conversation or a north star so when someone else brings legislation next year and says, you know what, the most important thing to a person is food, water, and shelter; we should have a tax credit for that. Or someone else comes back and says, you know what, with this Trump tax reform, most people are driven to standard deductions, away from itemized, so charitable deductions don't mean anything anymore. So we need to open up Pandora's box and expand. So why is this nonprofit better? Ask yourself that. Number two, state testing. You know, I want to thank Senator Linehan and Senator Smith for bringing this bill. Quickly aside, every year I was in Judiciary or, excuse me, in Revenue, I think we had this bill. And the committee process is nice, but the problem with the committee process is that when you have someone testify you have to ask them questions and it's a back-and-forth, question-answer session, and you can't often get on the record your problems with a bill. If you can get it through a question, great, but you aren't able to give an argument like we are here today. So I am glad that this is on the floor and that we can finally have a conversation on the floor and once and for all, hopefully, put this to bed. So school testing is number two. Every student who goes to a public school is required to take the NeSA. Now it's going to change here pretty soon to something new. I think it's NASA, NASCAR, something like that. But for argument's sake, we're going to call it NeSA tonight. Every student has to take it if you're a public school student. I got a meeting together four years ago with the three superintendents of education in the Catholic schools. I said, hey, guys, if you want to show you are as good as the public schools, take the tests the public school kids have to

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take. Got them together in Omaha. I want to thank them for agreeing to come to Omaha, by the way, Grand Island Diocese, Lincoln, and Omaha. [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: Excuse me, how long? [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: How long do I get for an introduction, ten or five? [LB295]

PRESIDENT FOLEY: Ten. [LB295]

SENATOR HARR: Oh, wow, that went quickly. Well, I'll come back to that. But they don't take the NeSA test. Last night we decided the public school kids had to take more assessments and tests. Not...private school kids don't have to take that. Finally, folks, this is about school choice. I wanted to send my kid to a Catholic school for education. You know what the Catholic school told me? No. You can't come here because you're not a parishioner. I said that's ludicrous. So I appealed to the archbishop. I said, archbishop, can I send my kid here? He said, well, what did the priest say? He said no, but I'm appealing to you. Well, if the priest say no, then I say no. And the priest who told me no is now the bishop of Grand Island. Wouldn't let me send my kid to a Catholic school. [LB295]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Harr. Debate is now open on the IPP motion and the underlying bill to which it relates. Senator Linehan. I apologize. I apologize. Senator Smith, you're recognized. [LB295]

SENATOR SMITH: Thank you, Mr. President. And good evening, colleagues. Taking this a little bit out of order but evidently we don't...we want to shut down discussion of this very important issue and, please, pay close attention. This is a very important issue. First and foremost, I want to be perfectly clear, this is not, and I repeat, not about public versus private schools. I think Nebraska is very fortunate to have great schools, both public and private. I believe everybody in

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our education community is deeply committed to seeing that our children are able to learn and to grow. As a state, it is one of our most fundamental responsibilities to ensure Nebraska's children receive a quality education. Senator Harr himself has said during the debate a couple weeks ago, during Senator Schumacher's LR269CA, "Our children are our most valuable resource." I agree and that's one of the reasons I introduce LB295. We need to do everything we can to ensure our children are nurtured and given the educational experience that helps them to realize their full potential. I also believe we need to give every family the opportunity to foster that potential. As a parent, I was fortunate to make that decision. Our children enjoyed public schools, private schools, parochial schools. They were homeschooled. Some children thrive in one environment while others thrive in another. Unfortunately, some families don't have the economic means to explore those options. LB295 will give them that option. Under the bill, families of limited incomes would be able to access tuition assistance should they determine attendance at a nonpublic school is a better option for their family and their child. LB295 is not a voucher program, it's not a charter school. LB295 does not take money away from public schools. Not one penny of the nearly \$1 billion appropriated under TEEOSA is diverted under this bill. LB295 does not appropriate any state funds. LB295 is a tax credit. LB295 would allow tax credits to encourage charitable giving to improve education opportunities for our children. It is a tax credit just like the tax credit granted under the beginning farmer tax credit that encourages the nurturing and growth of our agriculture sector. It's a tax credit just like the historic tax credit that encourages the preservation and growth of our communities. It's a tax credit just like the tax credit granted under the School Readiness Act that encourages the development and growth of early childhood education programs. It is a tax credit just like the one proposed under Senator Harr's priority bill and supported by the NSEA that encourages the training and growth of our work force through internship programs. LB295 is a tax credit that encourages the support and growth of Nebraska's children through increasing access to the best education options, regardless of their financial means. LB295, colleagues, is not what some will make it out to be. It's a bill that seeks to ensure our children receive a quality education. As parents, we all want to do what is best for our children. LB295 enables more parents to do what they think is best for their children, not just those who are fortunate to have the money to do so. I urge you please, please listen closely to the debate. Keep an open mind. Ask questions. Let's have a thorough debate. Let's not shut down discussion tonight. Thank you, Mr. President. [LB295]

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PRESIDENT FOLEY: Thank you, Senator Smith. Continuing discussion, Senator Linehan.  
[LB295]

SENATOR LINEHAN: Thank you, Mr. President. Thank you, colleagues. Good evening. I rise in support of LB295. And even though we've gotten off to a bit a weird start here, I hope we can have a full and honest, honest debate about this bill. I'll get to some facts later but I've thought about this all day, how to stand up tonight and talk about this first. I'm going to talk about my sister-in-law and she has no idea I'm doing this. My sister-in-law came to America when she was three or four years old. She started school not knowing a word of English. She was German. She struggled, yes, but she graduated from high school. She did all of her parents' books, all of their income taxes, and took care of all of their banking. She married my brother. They have three children, all women, all executives in the companies they work in. So in one generation, from abject poverty, English language learner; next generation, all college graduates, all executives in major companies. I get very angry when I hear that a child who is five years old, who is from poverty, who is an English language learner, if they come to school behind in kindergarten they're going to be behind most likely for the rest of their school career. Would any of you want one of your kids to go to a school where that was a theory? Not me. I want to be a parent who has an opportunity to find the school that believes my kid can grow up to be President. That's what I want. And if it's not the school I'm zoned to, I would like, even though I am poor, to look for opportunities for my kid, my child, my most precious thing in my life, to find a place where they fit in. Senator Harr mentioned the Children's Scholarship Fund. I haven't been to a lot of their fund-raisers. I went to the first one this last year. They last year handed out around 1,900 scholarships for poor children. They give the child or the parents \$2,000. The parents have to come up with \$500, which is about 50 bucks a month, and then the schools say that's okay. Even though it costs about five...excuse me, \$4,000 or \$5,000, they take those kids because it's their mission. Their mission is to help those who are not lucky, affluent, born, you know, with everything laid out, including the best public schools or the best private schools and college paid for. These are kids who need...these are parents who are working, who are trying their hardest, and all they want is a break to give their kid... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

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SENATOR LINEHAN: ...the same break--and I want to talk about this tonight--the same break that the vast majority, if not everyone in this Legislature, has. Most of us either were able to go to a great public school, were afforded the opportunity to go to a nonpublic school that our parents thought was best for us. Or our own children, we move to a neighborhood where we...I did, I will admit this--I moved when my kids were little to go to the best public school I could find in metro Omaha, the very best. That's where I went. And later my daughters decided they'd rather go to a private high school. That was fine because I could afford it, my husband and I could afford it so they got to go there. I find it just amazing that people who have had those opportunities wouldn't at least want an honest debate about LB295. [LB295]

PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR LINEHAN: Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Brewer. [LB295]

SENATOR BREWER: Thank you, Mr. President. Good evening, colleagues. I thought I understood the facts on LB295, but we've had two completely opposite views of it already. And since Senator Linehan is on a bit of a battle rhythm here, I'm going to let her go ahead and pick up where she's at. I'd like to yield the remainder of my time to Senator Linehan. [LB295]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Linehan, 4:35. [LB295]

SENATOR LINEHAN: Thank you, Senator Brewer. Tax credits are not revenues. Senator Harr's priority bill this year is LB1108. You can pull it up on your computers. I've got the committee statement or, excuse me, the introducer's statement of intent: \$54 million for the creation of four work force development tax credit programs, administered by the Department of Economic Development; \$6 million for the creation of the Nebraska Integrated Education and training Grant Program; \$10 million for the School Readiness Tax Credit. So \$54 million, \$10 million, all tax credits. Yes, I can do math. That's \$64 million. I had the pages--because they're here working late and we all appreciate it very much--hand out a letter in support of LB1108 from the Nebraska State Education Association, of which I'd like to read one paragraph if I can find it.

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There it is: One amendment we would ask the committee to consider is language to ensure that work-based learning opportunities for high school students, including those offered during the summer breaks, qualify for tax credits. Now I'm not quite sure why a very small program that starts at \$2 million and is capped at \$10 million harms public schools when the NSEA is supporting \$62 million in tax credits in this program. So back at being honest, we have all kinds of tax credits. My staff did an excellent job of going back ten years and looking at the record of votes on tax credits in this body. There are a couple people in this body who have consistently voted against tax credits. The vast majority, everybody else, has supported them. For example, Step Up to Quality tax credits for early childcare, they were for both private and public. Everybody voted...maybe not Senator Friesen, but if I recall almost everybody else voted for those tax credits. So why does this tax credit break the bank? I don't understand. Senator Harr also mentioned they don't have to take tests. Not true. Parochial schools, parochial schools are accredited and I can find the language, but I'm not going to use my time on the mike to find the language to show Senator Harr, who seems to be confused. The Nebraska Department of Ed accredits private schools in Nebraska. The only schools that can receive these scholarships have to be accredited. [LB295 LB1108]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: If you look, and I'll find that before I'm up the next time, if you look it says that they must use standard tests and test their kids on pretty much the same path the public schools test on. So I'm hoping someone follows me here in the queue and when I'm doing that I will find that language for Senator Harr so he will be less confused. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Erdman. [LB295]

SENATOR ERDMAN: Thank you, Lieutenant Governor. Good evening. So if you would, Lieutenant Governor, explain to me this indefinitely postpone will get the same three-hour debate as a normal bill would get? [LB295]

PRESIDENT FOLEY: That's at the discretion of the Speaker. [LB295]



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SENATOR ERDMAN: Okay. All right. Thank you. I listened to Senator Harr's comments and he said my first thing that I oppose in this bill and then three times he said the second thing I oppose. I'm not sure whether he got confused or what happened there, but Senator Linehan passed out that information about the bill that Senator Harr had introduced and he had introduced bills last year to get \$20 million for work force development or whatever he did. But it's okay for him to do that but it's not okay for Senator Linehan. Senator Linehan, in my opinion, works as hard as anybody for education in this state. Yesterday, when Senator Pansing Brooks said she appreciated working with Senator Linehan because of her tenacity and her stick-to-it-iveness, and I agree with that. So I was wondering if Senator Linehan would yield to a question or two. [LB295]

PRESIDENT FOLEY: Senator Linehan, would you yield, please? [LB295]

SENATOR LINEHAN: Yes, certainly. Thank you. [LB295]

SENATOR ERDMAN: Senator Linehan, how many children in Nebraska go to private or parochial schools? Do you know? [LB295]

SENATOR LINEHAN: Thirty-nine thousand, give a dozen one way or another, thirty-nine thousand children. [LB295]

SENATOR ERDMAN: So 39,000 children don't go to public schools because they're being educated somewhere else. So if those 39,000 students all of a sudden didn't have a private or parochial school to go to, then the taxpayers would have to construct buildings and find a place to put 39,000 students. Would that be correct? [LB295]

SENATOR LINEHAN: It would...yes. [LB295]

SENATOR ERDMAN: Okay. So as we move down through this bill, I have several questions about I see the bill when it originally came out it had a \$10 million beginning balance and I think the amendment takes it down to \$2 million to start and then it works its way up from there. Can you share with us how one would apply for this scholarship? [LB295]

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SENATOR LINEHAN: There...as it's been discussed earlier, there's only one organization in Nebraska right now that is a scholarship-granting organization. There could be more but there's only one right now, and the children, the families apply to the scholarship-granting organization. It's a nonprofit, like we support in many ways and should across Nebraska, it's a nonprofit and the schools work with the families to try and get scholarships from that nonprofit. [LB295]

SENATOR ERDMAN: Okay. Thank you. So as we move through this and we understand how they apply for it and who makes that decision, then those people would apply according to their income. And I would suppose their compensation or their refund or help would be according to their family income. [LB295]

SENATOR LINEHAN: Right. They would...it would be up to the nonprofit to make sure that they were being...using the funds in the best, you know, helping the most, the largest number of kids with the biggest income needs... [LB295]

SENATOR ERDMAN: Okay. [LB295]

SENATOR LINEHAN: ...go to school. [LB295]

SENATOR ERDMAN: Do you know if there are openings in these private schools? [LB295]

SENATOR LINEHAN: Yes, there are many, many open seats. [LB295]

SENATOR ERDMAN: Okay. So is it peculiar that Senator Harr couldn't send his kids there? Is that an anomaly or what is that? [LB295]

SENATOR LINEHAN: I think that's, as every parent should, and he's doing this, you should do the best thing you think for your kids. [LB295]

SENATOR ERDMAN: Okay. [LB295]

SENATOR LINEHAN: And he's doing the best he thinks for his children. [LB295]

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SENATOR ERDMAN: I understand. As I read this bill and I looked at it and began to analyze it yesterday, I started looking through it and I read through the bill. It makes a lot of sense. Those kids that are going to go to these private schools does not take any funding away from the public schools. Is that correct? [LB295]

SENATOR LINEHAN: That is absolutely correct. Not one... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: ...penny from public schools. [LB295]

SENATOR ERDMAN: So could one say that this helps the public schools? Would there be a savings, for having these private schools, in the public sector (inaudible)? [LB295]

SENATOR LINEHAN: There have been...not looking at my notes but I think there have been 18 to 20 empirical studies that have looked at scholarship tax credits because there are 18 states that currently have them. [LB295]

SENATOR ERDMAN: Okay. [LB295]

SENATOR LINEHAN: And kids in both schools do better. [LB295]

SENATOR ERDMAN: Okay. Thank you very much. That was interesting. So I've always wanted to say this so I will say this. I am strongly opposed to indefinitely postpone and I am strongly in favor of LB295. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Erdman and Senator Linehan. Senator Bostelman. [LB295]

SENATOR BOSTELMAN: Thank you, Mr. President. And, Senator Linehan, if you have found that information that you were looking for, I'd be glad to yield my time to you. [LB295]

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PRESIDENT FOLEY: Thank you, Senator Bostelman. Senator Linehan, 4:45. [LB295]

SENATOR LINEHAN: I actually did not but Senator Smith's very competent staff was right on the spot. Testing, this is from the Department of Ed. Accredited nonpublic schools are required to administer a standardized norm reference test in at least one grade in each of the following three levels: grade 4 to grade 6, grade 7 to grade 9, grades 10 to 12. Each school must submit a written performance report annually. Approved nonpublic schools are required to administer a standardized normed reference assessment instrument in at least one grade of each of the following three levels: grades 4 to 6, grades 7 to 9, grades 10 to 12. Each school must submit a written performance report, including school demographics, annually. Also, at least once every three years each approved private high school must conduct a follow-up study of its graduates. Hardly no testing. How much time do I have left? [LB295]

PRESIDENT FOLEY: 3:15. [LB295]

SENATOR LINEHAN: Again, we don't want to make this about public and private schools, but many, many studies have shown--and this is not surprising, just common sense--kids do better where they're happy, where they feel safe. Maybe for some kids that's a school where there is a religious church involved. Maybe for some schools, and there is a school in Omaha that does this, it's for...and I think Senator Albrecht might have experience with this, where the kids struggle to read. If you have a kid in public or private school and they're dyslexic, and there is a school across town that happens to focus on that issue and help those kids so they can catch up and they have the same opportunities, then wouldn't you want to be able to go there whether you were poor or whether you had the financial means to do it? That's what this bill is about. This bill is not about these schools are good or these schools are bad. It's about matching the child with the best fit for that child. And of course, if a kid is happy and they found the best fit, they tend to do well in school, they tend to do well on test scores. I had an e-mail from a superintendent of a public school, York Public Schools. I'm sorry, Mike Lucas, don't get mad at me. I enjoy very much exchanging e-mails with him because he's passionate about his kids. He's passionate about all kids. And he doesn't like a lot of things I talk about but we have honest debates. And he...I'm not going to get him in any more trouble. We'll go off that superintendent. But I've had a lot of conversations with public school teachers across Nebraska and they support

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private schools. Private schools, to Senator Erdman's point, if you take that 39,000 times \$12,000, which is what we say our average cost per student is,... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: ...and that does not include buildings and bonds. It's General Funds, \$12,000 a kid, let's just say 40,000 kids because it's such easier math, that's \$480 million a year that we don't spend on public schools, we being the state, the taxpayers, the property taxpayers; \$480 million a year is what the private schools save us in Nebraska each year and we're acting like the world comes to an end, or some are, not...I don't mean to say anybody on the floor is. But there seems to be this like, oh my, \$2 million, really? What will we do? And I will be asking, if I get the opportunity, asking Senator Schumacher about this later because he lives in a county that is very blessed. [LB295]

PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR LINEHAN: Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Halloran. [LB295]

SENATOR HALLORAN: Thank you, Mr. President. I'm fully in support of LB295 and opposed to the indefinite postpone. You know, we talk a lot about how important children are and how important their education is, and we all know and recognize, we've all seen evidence with people that we know within our family, friends where the public schools didn't just quite fit that child, not that the public schools are bad, but it just wasn't a shoe that fit. And these poor families don't have that choice, as Senator Linehan pointed out. You know, every one of us in this room, virtually every one of us I this room had the good fortunate...fortune to be able to choose schools that fit our kids and they prospered as a result. Now again, this is not about public schools are bad and the private schools are good, but one size does not fit all. We all know those individual cases. And if we really care about these children, these poor families that can't make that choice because they can't afford to, then I think it's a very cheap...well, it's not going to cost the state

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anything. That's a myth. Senator Linehan, have you anything more to ask Senator Harr? I would yield my time to Senator Linehan. [LB295]

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Linehan, 3:15. [LB295]

SENATOR LINEHAN: Thank you, Mr. President. Thank you, Senator Halloran. I'm not quite ready to go back to Senator Harr. I do...I do want to talk about some of what private schools are doing in Omaha and I think across the state, but I have stats here from the CUES program in Omaha. The CUES program is a group of three private schools who were going to close because of finances, and they are in neighborhoods that are ethnic, highly minority areas, poverty areas. One of the schools is Sacred Heart Elementary School. It has 7 percent of their kids are ESL; 93 percent of their kids are African American; single-parent households, 45 percent; the number of students who are Catholic, 9 percent, that's 9 percent; meal assistance, 96 percent. So 96 percent of the kids at Sacred Heart Elementary, which is all scholarship kids, are free and reduced lunch children. All Saints Catholic is K through 8th grade: 69 percent of their kids are ESL, 42 percent are African, 29 percent are Latino, 18 percent Caucasian, 6 percent multicultural, 4 percent African American, 1 percent Asian. A lot of these kids are immigrants. Their families have gone through great...well, I know there's a lot of kids in Omaha, as we all know, and across the state who are immigrants... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: ...whose parents have paid a lot to get here. And the one thing that's really great about immigrants and we all see this, they will work seven days a week, 12 hours a day. And their only hope and the reason they're here is to make sure their kids have a better life, and they all seem to intuitively understand that that means a good education. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Smith. [LB295]

SENATOR SMITH: Thank you, Mr. President. And for some of the folks that are in here that are maybe wondering what the procedure is and such, after we get beyond this motion we will have

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an actual opening on the bill and the amendment and kind of step it through the order that we had expected to go. But until then, we do want to make certain that we make good use of the time. And I thought I would just start out by thanking Senator Linehan for her passion and for prioritizing this bill that came out of committee last year. And thanks to all the folks that have been involved with this. They have great passion for education and for helping our children. The underlying bill, there will be a committee amendment and during that opening on that committee amendment, I would get into more detail as to how the Opportunity Scholarships Act would actually work. I think Senator Linehan has touched on that already. In a nutshell, the act would provide a nonrefundable income tax credit for donations to nonprofit scholarship-granting organizations that, in turn, provide private school tuition assistance for qualifying students. We define a qualified...qualifying student as a member of a family whose gross income does not exceed two times the federal income eligibility guidelines for reduced price meals. A child who is already enrolled in a private school does not qualify. A qualifying student must be either entering kindergarten or entering the 9th grade or transferring from a public school system for the first time. Each scholarship-granting organization would be certified by the Department of Education and cannot limit the scholarship availability to one school. The funds raised by the organization is for tuition assistance for students, not specific schools. At least 90 percent of the funds raised would have to go to scholarships awarded based on a child's financial need. And based on the testimony that we heard during the public hearing last year, the amendment, the committee amendment that we will be bringing will make several changes, which scale back and tightens up the scope of LB295. As we're reading now, the bill caps the amount of credits that can be taken at \$10 million, and the amendment, the committee amendment that we will be introducing later reduces that amount to \$2 million for the first year. There was concern in the original bill that one corporation could make a large donation and wipe out most of the credit...available credits. Again, we listened to the concerns raised at the public hearing and addressed it by capping the individual contribution amounts. Under the committee amendment, a married couple filing jointly would not contribute...could not contribute more than \$10,000. Individuals would be capped at \$5,000. Partnerships and LLCs limited to \$50,000 donation per tax year, as would estates and trusts. Corporate taxpayer contributions would be capped at \$150,000 per tax year. Additionally, credits allowed to corporate taxpayers in the calendar year could not exceed 70 percent of the annual limit. So as you can hear, we put all these safeguards in place to make certain that this was spread around and it wasn't to the benefit of one or the

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other, individuals or corporations. All taxpayers would be prohibited from claiming both a tax...  
[LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR SMITH: ...income tax deduction and the credit--another precaution. And finally, the \$2 million limit on available credits would be...would increase annually by the percentage increase of the Consumer Price Index. In addition to the annual increase, based on the CPI, if the program was 95 percent funded in the previous year the amount of available credits would increase by an additional 20 percent. In no event would the amount of total credits available exceed \$10 million. Individual contribution limitations would increase accordingly. And again, after we get to that committee amendment there will be another amendment that we brought, that we put on to it this year that we would like to adopt and it narrows the scope yet even further. Under both the committee amendment and the green copy, the credit equal to 100 percent of the contribution, it would be reduced to 75... [LB295]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Smith. Senator Albrecht. [LB295]

SENATOR ALBRECHT: Well, good evening and thank you, President Foley. Do you know, I just rise in total opposition to Senator Harr's indefinitely postponing this bill, and I rise in support of LB295. You know, I just hope that I can hit the button enough to get through a letter that was sent to me and several other senators. And Senator Linehan took the time to answer the superintendents throughout the state of Nebraska. I'm not exactly how many superintendents are involved in this letter. I believe it was...I can find it in my stack here somewhere, but they had a lot of really great questions. Because I think with a lot of bills that come on to the floor, you know, they come one way, they end up another. But I would just hope that they're watching tonight, that they're listening, and that they understand that this isn't something that we all take lightly. We have, what, 17, 18, 20-some amendments. Obviously, there are people on the floor that feel that we're going to be taking something away from public schools. But one of the questions that they had was, will LB295 not save the state money? Numerous students...or numerous studies show that it won't increase the number of students living in poverty that go to private schools. And Senator Linehan's answer, there are multiple studies that show tax credits



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do save money but let's start here. Thirty-nine thousand students already attend private schools in Nebraska. If those students attended public school, how would we pay for it? At \$12,000 per year per student, we would have to find an additional half a million in funding to educate those students. It's disingenuous to argue that having a tax policy, even a robust tax policy that supports private school attendance, is not in Nebraska's...especially a Nebraska taxpayer's interest. Now I'm a...my husband and I are proud parents of six grown children. We have ten grandchildren and two on the way. They're all under eight. And you know, I believe that every one of those parents have a choice to where they should send their children and what's best for them. You know, we have one grandbaby that is a heart baby. She's had five open-heart surgeries. You know, it took everything my daughter had to bring her to Wahoo Public Schools with 80 kindergarten children. She took her there for one week, one week. Because she's on blood thinners for the rest of her life, she has to decide for that child what is in her best interest. A little kindergartener doesn't understand that she can't just go out and play with everybody else on the playground. Cortney pulled her out after one week in public school because, you know, I mean unless she wears a helmet and a vest, I mean, she's...she'd be a different kid if she...if something happened and people weren't watching her. But whether she homeschools, whether she decides to take her to a private school, it's her choice. And I want everyone to know that, guess what, Cortney and Josh still pay taxes just like the rest of us. So wherever anyone should decide to take their child, I think it is their choice. But more importantly, I'm not hearing from a lot of school teachers about this. I'm hearing from superintendents and the NSEA. And they're asking them all to contact us. You know, we should just be flooding all of our e-mails and listening to them, you know, that they have a better way than our parents. These are our children. These are our grandchildren. If these parents want to... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR ALBRECHT: ..send their children to a private school of any kind, you know, we're talking we want to help the low income here, but I just believe that, you know, anybody who wants to attend a different school in a different area and the parents have to run those kids. You know, my step-daughter and her husband, they run in and out of West Point two and three times a day because that's where they take their kids. That's where they elect to have their children at a Lutheran school. But they're still paying taxes. So you know I really believe that LB295, every

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one of us have a passion for something that we're doing on this floor, and Senator Linehan, my hat goes off to you for all that you have put into this in the last two years. I know that you have a passion as all of us do for our children. But you know, she was talking about my girls in 3rd grade. They were not reading at a 3rd grade reading level. But they went to the public schools and I had to... [LB295]

PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR ALBRECHT: Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Thibodeau. [LB295]

SENATOR THIBODEAU: Thank you, Mr. President. And actually I am really interested in hearing this debate. Since I have come to the Legislature I have seen first-hand how Senator Linehan truly cares about children and that she wants what is best for children. So with that said, I would like to yield the balance of my time to Senator Linehan if she chooses. [LB295]

PRESIDENT FOLEY: Thank you, Senator Thibodeau. Senator Linehan, four minutes and a half. [LB295]

SENATOR LINEHAN: Thank you, Mr. President. Thank you, Senator Thibodeau. I do love kids. A mom, we all love kids. (Laugh) I don't know anybody in here who doesn't love kids, and if they don't they shouldn't be here. And there's differences of opinions and, again, I just want-- and we're getting there--an honest debate about the facts here. I think I have one of the pages handing out a number of studies that show in states, 18 states, 18 states already have a tax credit program, how it saves, it saves the state money, money that can be plowed back into public schools. There's no...out of 18 empirical studies that have been done on these kinds of programs, there's no program that shows it hurts the public schools. I mean that's what I think, just to reiterate, happy kids, if you have a happy 12-year-old or 8-year-old, any child in school that's happy, parents, that's as good as it gets. This is for kids who need...who are not. They haven't found the right fit. A subject I can't even remember if it's come up yet but it's come up in several of our e-mails is about special ed kids and troubled kids and the hard kids, that private schools

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cherry-pick and they don't take the hard ones. Well, let's just start with an institution that's 100 years old that we're all very, very proud of in Nebraska--Boys Town. They only take hard kids and they've been taking hard kids for 100 years. So the whole idea that private schools don't ever take hard kids, that's just not true. There's a lot of chatter, and this is misinformation. I have to tell you most of the people that have e-mailed me--not in the last few days because we've been, as all of us have been, inundated by both sides, really--I haven't had a chance to answer them. But generally, if you go back and have a conversation with people, they get this and there's no opposition. Most schools feel very proud about what they do and they're not scared that somehow if there's, you know, let's say 1,000 new scholarships out there that somehow they're going to show up the next day and have fewer kids in their class. That's just not going to happen. The other misconception is that private schools don't take of any kids that have any disabilities. Again, not true: Madonna in Omaha, private school for severely disabled kids; and I think it's St. Isidore, but I might be wrong, in Waverly, also severely disabled kids. There's a school in Lincoln, too, that is trying and succeeding in having a program for Down kids. The largest reason, and it's understandable, that the private schools can't provide the services that public schools can is back in 1973 when we passed the IDEA as a nation and said every kid, regardless of their abilities or disabilities, is...should be afforded an equal education. And the federal government never fulfilled its obligation to fund that program. It funds about, I don't know, when I worked for Hagel it was about 20 percent. My understanding,... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LINEHAN: ...it's fallen down, 16 percent. So the federal government kicks in 16 percent. The state, we, I think last year appropriated \$246 million for special ed, which is about 50 percent. So the public schools get about 60 percent of that funding from state and federal. None of that funding, none of it, goes to the private schools. So that's why there is an imbalance there. And you can't, if you don't have any other funding that comes to take care of kids with disabilities, it's very hard to do that. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Baker. [LB295]

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SENATOR BAKER: Thank you, Mr. President. I've appreciated the debate we've had here tonight. Some good points have been made. I'm going to share some information here that really doesn't have direct bearing on the Opportunity Scholarships Act but it's probably a cousin in content. And this is news out of Washington, D.C., today. "Congress dealt a blow to Education Secretary Betsy DeVos' school choice agenda in a tentative spending bill released late Wednesday, rejecting her attempt to spend more than \$1 billion promoting choice-friendly policies and private school vouchers." The House on Thursday approved a...the \$1.3 trillion federal spending package, which includes \$3.9 billion boost for Education Department. Now it heads to the Senate for a vote. DeVos had sought to cut Education Department funding by \$3.6 billion, about 5 percent. She wanted to eliminate money for after-school programs for needy youth and ax a grant program that helps low-income students go to college in favor of spending more than \$1 billion to promote charter schools, magnet schools, and private school vouchers. Her proposal outlined cuts to the Office for Civil Rights, because the office had grown more efficient, she said, a move that outraged Democrats who accuse DeVos of ignoring the needs of minority students. Her budget would have eliminated grant programs that supported student mental health services, a move that received scrutiny in the wake of the school shooting in Parkland, Florida. DeVos said her budget reflected her policy priorities and her attempts to roll back the role federal government plays in schools. "It sharpens and hones the purpose of our mission: serving students by meeting their needs," DeVos said Tuesday before a House Appropriations Committee. "President Trump is committed to reducing the federal footprint in education, and that is reflected in the budget." Instead, Congress is on track to increase department funding with no money for the school choice program DeVos envisioned, but the Secretary succeeded in increasing funding for charter schools by a certain amount to \$400 million, though she had hoped Congress would allocate \$500 million for the grant program. "The spending bill provides \$40 million for a popular D.C. Tuition Assistance Grant, which gives city students, who don't have access to a robust in-state university system, affordable college options." White House had proposed cutting one-fourth of that budget in fiscal 2018 and all federal funding for fiscal 2019. It also increases funding for the Office of Civil Rights and for after-school programs. This is the second year in a row Congress rejected Betsy DeVos' proposals. The bill included additional investments in early childhood education, including \$640 million in new funding for Head Start. A number of higher education programs received a boost from appropriators, in a repudiation of the Trump administration's plans to reduce the federal

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role. Congress rejected DeVos' proposal to freeze the minimum...the maximum Pell Grant awarded to low-income students at \$5,920, a ceiling that would have remained in place for the foreseeable future... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR BAKER: ...without a directive to...thank you...to adjust the award to inflation. Instead, lawmakers raised the maximum by \$175 to \$6,095 to help an estimated 8 million low-income college students who rely on the program to pay for school. Rather than eliminate the \$732 million Federal Supplemental Educational Opportunity Grant, as DeVos proposed, Congressional Republicans and Democrats agreed to pour an additional--did you say time?--\$107 million into the program. Seventy-one percent of the 1.6 million recipients of the great...of the grant hail from households earning less than \$30,000 a year. So, you know, you may be either discouraged or encouraged by the House actions, as you would expect, I'm a public school guy and I would say that no one has a corner on wanting what is best for kids. So, personally, I'm heartened by the House action. [LB295]

PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR BAKER: Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Watermeier. [LB295]

SENATOR WATERMEIER: Thank you, Mr. President. Good evening, Nebraska. I stand in opposition to the indefinitely postpone motion and in complete support of Senator Smith's LB295. I'm going to yield him a minute or two of my time here if he wants it. If not, I'll yield it to Senator Linehan. I would also like to tell thank you to Senator Linehan. I appreciate the education that she's walked me through, held my hand on this issue, because I was pretty adamantly opposed to this five and six years ago, when I came into the body and to the idea of this. And I believe in a lot of things in the decisions that I make in this body, but a lot of times they come down to a couple things. If I'm going to err on the side of something, I'm going to think about competition, transparency, and choice. And a lot of times I don't care whether that's

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healthcare, education, energy policy, agriculture, food, I always think about those things when I talk about this policy. And I'm in complete support of LB295 and I'm a little puzzled by the testimony right in front of me here about what's going on in D.C. and how it affects Nebraska. The D.C. politics that are being discussed there, I'm not sure where they fall into place this evening. With that, I would yield the rest of my time to Senator Linehan. [LB295]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Linehan, 3:40. [LB295]

SENATOR LINEHAN: Thank you, Senator Watermeier. Thank you, Mr. President. Yeah, I don't exactly understand that whole...I lived...I worked in D.C. I lived in D.C. I read D.C. press. It has nothing to do with here tonight, nothing. And a lot of times what you read, it's whole different, we're all very aware, a very different world. I would like to speak to another issue that will probably come up sometime as we work our way through this--the constitutionality of tax credits. They are constitutional. Supreme Court has found them constitutional. I think there have been nine court cases that have gone to the federal level. They've all been found constitutional for this very simple reason--it's private money. It's private money that is donated to a private nonprofit who, without any interference from any government, state or federal, decides which of these low-income kids gets to go to a school of their choice. The money never comes to us like all our other tax credits we do, and we have hundreds of...well, between exemptions and credits, we all know, we've talked about it all year, we have a lot of those out there already. It's not our money. It doesn't ever come here. We don't appropriate it. So there's not a constitutional problem with tax credits. And because it's been so misrepresented by lobbies about this costing money, it just simply does not take any money from public schools. And actually we have...there was...because this may come up, too. Let's address the fiscal note on the original bill. If you flip it on to the back it says we assume, Fiscal Office, that children so widely dispersed in Nebraska that this couldn't possibly save any money. Well, the problem with that statement, first, I never...anybody that's ever worked with me knows I'm very unfond of the word "assume," very unfond. But the facts are that out of the 350,000 kids in Nebraska in school,... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

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SENATOR LINEHAN: ...a third of them live in one county--Douglas County; two thirds of them live in three counties--Douglas, Sarpy, and Lancaster County. They are not widely dispersed. And pockets of poverty is in the same area where you have a lot of kids and it's also where we have a lot of empty seats in schools that are available if they would so choose to go to them. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Lowe. [LB295]

SENATOR LOWE: Thank you, Mr. President. And good evening to Nebraska. You know not far away from here, just across the street, there's a school. It's St. Mary's Catholic School. Now I've been told that there are children of all different colors over there and framework and backgrounds and things like that. What I see when I look over in that direction are children having fun. There is no color. There's no different framework or anything else. They're children and they're having fun. And I believe they're getting a good education because one day a month or so ago they had some of their children up here in the Capitol, in the Rotunda, and one of them gave me a little coin. And on that coin, because I keep it on my desk, it's the acts of kindness and encouragement and witness. It was a gift from a child, a child that the parents made and gave to the school to raise and to educate. You know, a national sample of 1,571 parents and children in school, and a second study of 17,000 families conducted in 2012, 46 percent of the private school parents were very satisfied with the teacher quality in their school, in their private school, compared to 30 percent in charter schools and 23 percent in public schools. Another 40 percent, in private school, parents said they were just satisfied rather than being very satisfied, bringing the total satisfaction percentage to 86; respectively, 72 in charter and 74 in public schools. Now I'm a public school graduate. My brothers and sisters were public school graduates. My mother and father were public school graduates. My wife's family, they came from a Catholic school. And we did very well in the Catholic school where my sons went to school. They also had children of different sizes and different abilities and different backgrounds and some not so well off because their parents were just common laborers but they thought they needed a good school to go to. Now Kearney Public Schools has great schools and I don't fault them at all. They are some of the best in our state, I believe. But they wanted their children to go to a school that was not quite so big so that the teachers could help them one-on-one, so that parents would be in the classroom to help the teachers, to be in the hallways, to help with serving food. There's not a lot

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of difference between public school and private school. We want the best education for our children. Now Kearney just built an \$80 million high school. That's a lot of money to spend on school. Why? Because the population of Kearney is growing and we're outgrowing the old high school, and because it was time for a new renovation. But we were outgrowing the old one. To say that we're going to take money away from public schools when our public schools...

[LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR LOWE: Thank you, Mr. President,...when our public schools are having trouble keeping up with our population. And our population of Nebraska, especially in the eastern portion of Nebraska, is growing very rapidly and we're having to build more public schools. So how can it be that by letting our children go to private schools be hurting public schools when we have to build more schools to put these children in, hire more teachers? It's a simple thing that it's not going to hurt our public schools because we don't have room for these children anyway. Let the parents decide where they want to send their children to and with a little bit of extra help. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Geist. [LB295]

SENATOR GEIST: Yes, thank you, Mr. President. And I'm going to speak for just a few minutes and then I'll yield the rest of my time to Senator Linehan, if she would like it. First, I just want to stand and voice my huge support of LB295 and...but let me also explain that I love public schools. My children are, all three, graduates of excellent public schools. So in my huge support of this, I know that it's interpreted by some as being anti-public school, and that just could not be further from the truth. The reason that I support this is very personal. It's because of my own personal experience with my family. I know that the perception that people have of me is that we're very privileged and have good means, and that's the truth right now at this point in our life. My husband has a wonderful job. He's a hard worker and he's done very well by our family. However, there was a time in our life, and that happened to be when our children were young and in school, that we weren't in the same situation. We were living very, very lean. And we have three children. They all learn differently. One of those children was not thriving in the school that



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he was in. I would say I live life to the fullest. I never look back. We make the best decisions that we can given the information and the means we have at the time. But if I have one regret in life it's that we did not do more to help this child of ours thrive in school. And the reason that we couldn't is because at the time we could not afford it. There was program that would have been helpful for him, and had we been able to move heaven and earth and come up with money that was not there to get him to that program, we would have. But we couldn't. That was not an option for us. Had we had an opportunity like this, I believe it would have given that child hope where he felt like a failure. Therefore, we homeschooled. We tutored. We did everything as a family to help him thrive. It was the best we could do. I was disappointed that we didn't have another option. What this does for a family is gives them hope, the only thing that will get a child who's in poverty--and I would say we were certainly not in poverty, but we could not pay what would have been required for our son--but this bill gives someone like my son and those with even less means than we had at that time hope, hope of a good job, of not being in generational poverty. Education is what lifts people out of that situation. It's what helped Senator Linehan's sister's children thrive and become the best they can be. Therefore, I stand in strong support of LB295 because it gives students hope. With that, if Senator Linehan would like the remainder of my time, I'd gladly yield that. [LB295]

PRESIDENT FOLEY: Thank you, Senator Geist. Senator Linehan, if you'd like it, there's one minute remaining. [LB295]

SENATOR LINEHAN: Thank you for sharing that. Thank you, Mr. President. And thank you, Senator Geist, for sharing that. It's hard to do in public. Thank you. And since I have one minute I've had two texts from family and a note from outside that my English grammar teachers are not happy. It's children, not kids. And another more serious or...I have a note here from a lovely woman outside that I'm not sure I know but I should have used the term "children with"...let me not screw it up again, "children who have Down syndrome." So I apologize for those two and I'm sorry, Mrs. Wilkinson, who is my English teacher. Thanks. [LB295]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Hilgers. [LB295]

SENATOR HILGERS: Question. [LB295]

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PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. Senator Hilgers. [LB295]

SENATOR HILGERS: Can I have a call of the house? [LB295]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please. [LB295]

CLERK: 14 ayes, 0 nays, Mr. President, to place...or, excuse me, 15 ayes, 0 nays to place the house under call. [LB295]

PRESIDENT FOLEY: The house is under call. Members, please return to the Chamber and check in. The house is under call. Members, please return to the Chamber and check in. The house is under call. Senator Hilgers, could you check in, please? Senator Hughes, Senator Kuehn, Senator Harr, Senator McDonnell, Linehan, Groene, Scheer, please all return to the Chamber and check in. The house is under call. All unexcused members are now present. Senator Hilgers, your option is to accept call-in votes or take a roll call vote. [LB295]

SENATOR HILGERS: We do call-in votes, please. [LB295]

PRESIDENT FOLEY: Call-in votes will be accepted. The question before the body is whether or not to cease debate. [LB295]

CLERK: Senator Scheer voting yes. Senator Watermeier voting yes. Senator Kolterman, you had voted yes, Senator Kolterman. Senator Baker voting no. Senator Kuehn voting yes. Senator Hughes voting yes. [LB295]

PRESIDENT FOLEY: Record, please. [LB295]

CLERK: 25 ayes, 7 nays to cease debate. [LB295]

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PRESIDENT FOLEY: Debate does cease. Senator Harr, you're recognized to close on your IPP motion. [LB295]

SENATOR HARR: Thank you. Wow, I finally get to talk again. There were 18 names in the queue. I went and looked. Fourteen of them hadn't spoken yet and that man up there--I'm going to sound like Senator Chambers for a second--that man up there decided that there had been enough debate. How many people had spoken up against the bill that were in there? I don't know, but not one was allowed to take the mike because he called the question, folks. Ask yourself, where is the honesty, where is the integrity? I always thought he was a man of integrity. Perhaps I'm wrong. Sister Jean was wrong. Sister Jean said Loyola was going to lose tonight; they won. So, Sister Jean, you're wrong. But, folks, this is not the way you run the Legislature. I thought we were a deliberative body. I thought we wanted full and fair debate. I thought we wanted to talk about the issue, not just everyone hit their mike and tell their story and not let the other side. And the first five people who spoke, my God, they are all attacks on me. I'm not the one up there on the board; the bill is. Talk about the bill. Look, at the end of the day, folks, this bill, we are selling a false hope that kids can go to a school of their dreams--false. The school, this is a choice for schools bill. Yes, there's Madonna school, but if you can't get in Madonna, you know what? Forget it. If you are not of a legal status, they can reject you. If you are not of the proper religion, they can reject you. Nothing in this bill prevents that. If you are a special needs child, IEP, they can reject you, nothing stops it. If you are a child with a discipline record, they can reject you, nothing stops it. If you are LGBTQ, my God, don't even think. And if you are...well, I won't go there. Don't even think about it. If they don't like your age, they can discriminate against you. If they don't like your family situation, the fact that you have two mothers or two dads, they can discriminate against you. If they think your parents have a criminal history and are a bad influence, they can reject you. If you have a truancy problem, they can reject you. If they don't like your sex, well, as a Prep kid I'm okay with that. If you have academics, they can reject you. If you are ELL, they can reject you. If you have a physical disability, they can reject you; level three placement, they can reject you; free and reduced lunch, they can reject you. If you are homeless, they can and will reject you. If you have any sort of learning disability or if you are in a Catholic school or any other school and that school is not working for you and you say, I want to go to another Catholic school or another private school, this bill does nothing for you. You're locked out. You, if you want to stay in a Catholic School, you have to stay at that

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school or go to...not that they're bad, as I keep hearing, some of my best friends go to public schools, as they whisper. You have to send your kid to a public school. This bill doesn't do what is being promised. Look, everyone here, Senator Linehan admits it, we all love kids. Someone told me give this to her, she's showing a lot of passion. [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: So I've decided I need to show passion as well. Folks, we need to IPP this bill. Ask when that next profit...nonprofit says I want a tax credit to a nonprofit, how are you going to say no? There is no way to say no. When they say they take a school test, they don't take NeSA. Yesterday, Senator Linehan, we passed an amendment that said every kid K through 3 or 1 through 3 has to take a reading exam, only applies to public school kids. She didn't have it apply to public (sic--private) school kids. Why? Because you can't. This bill is a misdirection. There are great programs out there. CUES the Governor gives a lot to. It's a great program. But, folks, this is not the answer, all right? So let's have a conversation about it. Don't IPP it. Let's continue to have a conversation. Don't give in. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Harr. The question before the body is whether or not to indefinitely postpone the bill. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB295]

CLERK: 10 ayes, 23 nays, Mr. President, on the motion to indefinitely postpone. [LB295]

PRESIDENT FOLEY: The IPP motion is not successful. I raise the call. Items for the record, Mr. Clerk? [LB295]

CLERK: Mr. President, if I may real quickly, a conflict of interest statement from Senator Crawford; and Senator Friesen, a new A bill. (Read LB994A by title for the first time, Legislative Journal page 1119.) [LB994A]

Mr. President, Senator Harr would move to reconsider that vote just taken with respect to the indefinite postpone motion. [LB295]

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PRESIDENT FOLEY: Senator Harr, you're recognized to open on your IP...on your, excuse me, on your reconsideration motion. [LB295]

SENATOR HARR: Thank you. Folks, we've only just begun. We've got probably another hour here and then we'll probably go into the three-hour rule. Maybe we'll go a little longer. Maybe people will get a chance to talk now. Maybe our voices won't be silenced, because I'm filing this reconsider motion because there were 18 lights on in the queue and I bet you if I go up there now there are more than 18 lights in the queue. We are having a good debate right now that was arbitrarily cut short, and so we will continue to have this debate for a little while longer and we probably won't have time to get to the underlying bill. Because now he literally caught me sleeping in my chair. Now I'm going to be awake and I'm going to be ready for the next, when there is a call the question to how to properly overrule the Chair. So fool me once, shame on you; fool me twice, shame on me. I think I am becoming the voice of this because the only way we can be heard is on these motions because of the lights, the way the system is set up right now. So again, I want to talk about CUES is a great program. Our Governor is on the board. He gives a lot of money to it. Holy Name, great; Sacred...it's across the street from my district, by the way. I think they do a great job, not denying that. But what I do deny is that every kid who has Down's can go to every school that they want to. They can go to Madonna, sure. You want to go to another school? No. I know of kids who have IEPs, Individual Educational Plans, meaning they have a learning disability of some sort, who are going to private schools and the schools don't follow those IEPs. That's wrong. So to say they're all good and all bad, it's a false hope. Look, my sister works at Phoenix Academy. It is awesome what they do. How they turn around a kid in a year or two, you know, I'll be their biggest spokesperson. Matter of fact, they had a fund-raiser today and but for having to get up on LB295 I would have been attending that fund-raiser because I feel so strongly about it. I think they do great work. But that's not what we're here about, folks. We're here about we're setting tax policy and a tax policy for a tax credit to incentivize business growth and a tax credit that guarantees a profit, not all tax credits are created equal. Let's just put it that way. And when you can make money off of a tax credit, which this bill does, no if, ands or buts about it, you will not find one person, one accountant who doesn't say, well, if you give a dollar you're going to get more than a dollar back, unless you don't pay taxes. But if you're paying federal taxes, if you give a dollar you qualify for this. You'll get that dollar back. Department of Revenue, we said there's only one qualifying agency in the state of

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Nebraska, Children's Scholarship Fund. Number one, they haven't been qualified because the bill hasn't passed yet. Number two, they took a neutral stance on this. They haven't said they're for it. They haven't said they're against it, but they haven't said they're for it. So think about it. What are we doing here? What do they know that we don't? Children's Scholarship Fund, again, great organization, I support it. I support a lot of these organizations that we're talking about today because they are good. Question is, should we be supporting them in this manner? Should we be setting this tax policy in this manner? And the testing, yes, they take a test. They don't take the NeSA though, folks. You know, they don't answer that question--you guys take the NeSA?--because I asked them. No, they don't. They take a TerraNova, separate test, sure, but it goes back to the state used to have every school district, STARS. Remember that? Every school district took a different test and what we found was you couldn't compare the students. So let's put all students on a level playing field. What are you afraid of? I keep hearing, what are the public schools afraid of? I'll turn that around and ask, what are the private schools afraid of? Require everyone to take this test and require them all to take Senator Linehan's reading test that we thought was so important last night. Why does she not make all students take it? Why? I don't know. Maybe when I get a chance on the mike I'll talk about it. And last but not least...how much time do I have, Mr. President? [LB295]

PRESIDENT FOLEY: Five minutes. [LB295]

SENATOR HARR: Oh. Oh, I get ten minutes again. Oh, good, good, good, good, good. Thank you. I'll slow down a little bit. You know, again, this goes back, this is a false choice, a false choice, because if a kid said I want to go to that school, name the school, and the school had to take them and keep them like a public school kid does, you know what, I'd cosign on to this bill. Because to me this isn't...well, I'd have a problem with the tax portion of it. Let me restate that. But the policy behind it I'd be okay with. But the fact of the matter is when you can pick and choose your students...and there are tough students out there, and I can tell you story after story after story. I will tell you there was a student that beat up my wife pretty good. Let's just say if I'd beat my wife that way, I'd have to resign, and justifiably. She couldn't kick him out because she works at a public school. Right? A Catholic school could say, you know what, we live by certain standards here and you fail to meet those standards, out you go. And then where is that kid left? At a public school. So let me ask you this. If the greatest teacher mankind has ever

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known came back to earth a second time, where do you think he'd teach? Do you think he would teach somewhere that took all kinds, black, white, African, Latino, poor, rich, LGBT, accepted people where they were? Or would he go to a school that said, if you meet this criteria to this criteria, you're in and we're going to give you a heck of an education? How do I know? Because I got 9 years of...11 years, I got 11 years of private education. I thought it was great. It shaped me into the man I am today and it's forced me to stand up for the less fortunate in the way I am right now. But where would Jesus, where would he teach? Public school, all kinds; or private school? I think we all know the answer. He'd be at a public school because that's the salt of the earth right there, not to say that those schools don't do great things. Senator Linehan mentioned Sacred Heart--great school. Gone to their fund-raisers. They do great work. But the fact of the matter is they can pick and choose their students. Not one person has stood up and said that's false, not one, because it's an absolute truth. And next year, man, if this passes, I'm coming back. Because I serve on some nonprofit boards, well, only one now, but I've served on others, and I'm going to come back and ask for tax credits for them. And I'm going to say, what's the difference? It goes back to that license plate argument I made. Yes, there will be some kids that do better in private schools than a public school, fully concede that. But let me ask you this. Why is it that we give a full credit to them and if you give to the scholarship fund you'd make money, but if you give directly to that school... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: ...you don't? You don't get the same tax credit. You don't get the same tax write-off. Doesn't make sense. Why do I get to choose, why do some organizations choose who does and who doesn't get this scholarship and they can discriminate? They can and the school can discriminate on the basis of every one of those things that I read off earlier. They can't discriminate based on race, sex, and Senator Linehan will remember one other one. There's one other. But the rest of them: homelessness, they can; discipline, you bet they can and they will; educational problems, you bet they can and they will; physical disabilities, you bet they can and they do. This is...I love the passion Senator Linehan has shown. She's a great person. And when this is over we'll have a nice conversation and I think we'll get along again. But right now we're having a serious debate and a serious conversation. [LB295]

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PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR HARR: Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Morfeld. [LB295]

SENATOR MORFELD: Mr. President and colleagues, I rise in strong opposition to LB295 for various different reasons. First, I went to a Catholic school for a few years, St. Teresa's just down the street here actually, not too far away. And I thought it was a great experience. As far as I could remember, I think it was kindergarten, 1st grade, and 2nd grade that I was there. Then we went to Omaha Public Schools, Ralston Public Schools, and then Sioux Falls Public Schools. My father was a product of Catholic and private school his entire education from elementary to middle school, then to high school at Pius where my mother and him met. And many of my cousins, aunts, and uncles are also the produce of private schools. I'm a strong supporter of private schools. But I'm also a strong supporter of public schools and I don't think that public dollars should be going to private institutions like this. And there's several different reasons why I believe that and Senator Harr has articulately, and in some cases not so articulately but very bluntly, stated some of those reasons. And first, I think that the fact that some taxpayers and donors will actually be able to turn a profit off this tax credit is disturbing. Second, there's been some claims that this has been targeted to low-income and middle-income families. Well, 350 percent or so, maybe it's a little bit more, a little less, I might have that number wrong, but it's around 350 percent, 350 percent of the poverty level in my district is rich. The average median household income in my district is around \$40,000 a year. And so I don't know how this is targeted towards low-income folks or even middle-income folks. Definitely, not the definition of low or middle income in my district. Also, I have just a fundamental problem with supporting this big of a giveaway of taxpayer dollars with almost zero accountability. And I like Senator Linehan a lot. I supported her bill yesterday. But the one thing that she's talked a lot about in the Education Committee and sent a lot of letters to the Department of Education about is accountability. And with this amount of dollars going to private institutions and not requiring that they take the same standardized tests that all the other state-funded schools have to take, and having the same level of accountability is problematic at best. That doesn't even get into the issues that I have with the fact that these schools that would receive a massive amount of state



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funding would be able to discriminate on the basis of LGBT status and a whole host of other statuses that Senator Harr mentioned. That being said, this is all the while we can't even fund our state-funded schools and our public education system the way it is, because we have given tax break after tax break and carve out after carve out year after year in this body, and we can't even fund the needs that we have now. And yet, we're creating a whole new system for a whole group of schools that, quite frankly, don't need it. Sure, would they be better off with it? Absolutely. If we all had more money we'd probably all be better off. But the bottom line is that I think that a strong K through 12 public education system is the great equalizer in our society; that anyone, regardless of their background, has the ability to go to a strong public school that is well funded. And right now, in my opinion, colleagues, we are failing at adequately funding our public schools as it is in rural areas, in urban areas, and everywhere else in between. So to create an entire different funding system and mechanism for private education when we can't even get it right... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR MORFELD: ...for public education is misguided and it's not prudent. That's why I oppose LB295 and it has nothing to do with being opposed to private schools. I went to one. My entire family goes to public...has gone to private schools, and some of them continue to go to private schools actually. But I cannot in good conscience support LB295. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Pansing Brooks. [LB295]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Well, I've taken a deep breath. I've spoken with the Speaker. I am now calmed down, even though it was 12 to 1, 12 people...12 opponents spoke and 1 proponent--Senator Baker. And I guess Senator...also Senator Harr spoke, so that's 2, and Smith spoke a couple times, so. But that is not the way we've done it. People are saying, well, it's procedural, there's no problem. It doesn't feel like we should be playing gotcha. The rule has always been that we allow those who haven't spoken to speak and we're finally getting up to another side of the story, and it feels disingenuous. So I have calmed down about that. I feel like we get to talk and have a thoughtful debate. So now I'm going to go

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forward on this. Senator Linehan cares a lot about children, and I spoke about it yesterday. She was the first one on the floor underneath the tables with the little kids reading on the floor. I told her, watch out or people are going to recognize that you have a big heart. And we laughed because people were worried about her decision to have retention of 3rd graders. Senator Linehan cares about kids and so do I. And we all have stories of hope from public schools, private schools, incredible teachers, incredible Catholic school teachers, incredible public school teachers. We've got all those stories. So I'm grateful for her passion. I'm grateful for the great work of the Catholic schools because that's really the only private schools we're talking about right now. I have nothing against the private schools. But the state has a unique obligation to support the public schools. My husband Loel and I chose to send our kids to private schools out of state. Senator Albrecht said all parents and all kids should be able to have whatever choice they want, and so if my kids go out of state should I also get public dollars for my kids' education? I don't think so. But on this theory the answer is yes. I'm going to take you through some legal arguments that I know that Senator Linehan and I have talked and think I'm wrong, but there are distinctions. And so the case that rules right now is Arizona Christian School Tuition Organization v. Winn. It's a United States Supreme Court case. And everyone will point to that and say, oh, see that shows that taxpayer...that public dollars can go to private schools. The court in that case ruled that the challengers of the tax credits under the Establishment Clause lack standing because tax credits are not governmental expenditures. But that was all about standing. The court ruled on standing and it was federal dollars. Next, in 2016, the Illinois...Jenner v. the Illinois Department of Commerce differentiates that case and found that taxpayers do have standing to seek an injunction against the use of public funds like tax credits to administer alleged illegal tax regulation, illegal because the constitution says it's illegal. So it criticizes Winn and says, quote, state laws are not required to follow federal law on issues of standing and justiciability. [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR PANSING BROOKS: Tax credits are also...are public funds. Therefore, Nebraska law courts can also find standing because Nebraska calls tax credits "tax expenditures." In Nebraska tax credits and deductions are classified by statute as tax expenditures under Section 77-381. A revenue reduction that occurs in the tax base of the state or a political subdivision as a

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result of an exemption, deduction, exclusion, tax deferral, credit of preferential rate introduced into tax structure is a governmental expense...expenditure. And I will come back to this more if people want to give me some time. Thank you, Mr. Lieutenant Governor. [LB295]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Bolz. [LB295]

SENATOR BOLZ: Thank you, Mr. President. I wanted to add my perspective on the discussion from an appropriations perspective. And I appreciate the expertise of folks on the floor talking about education issues and education policy. And my concerns about this bill are more fiscal related. The bill, as introduced, has a \$10 million revenue fiscal impact in the out year. That's the fiscal note that I was just reviewing. And one of the reasons that gives me concern, whether it was on this bill or any bill, is because I'm so acutely aware of the needs of our state that we are not able to address. And I thought I'd spend a little bit of time talking about some of those needs as they specifically relate to education. First, TEEOSA, the state aid formula, has only been fully funded in 3 of the last 16 years. Over the last five years, the average increase to the state's special education appropriation has been 2 percent, while expenditures for special education programs have increased an average of 5 percent. We are only serving 36 percent of those students who would qualify for the Nebraska Opportunity Grant, which means that over 62,000 young people who would otherwise qualify due to income are not receiving access to assistance for higher education. In the most recent budget, we had to give a haircut to the High Ability Learner Program, the Early Childhood Grant Program, the Early Childhood Endowment Program, the Textbook Loan Program, and many other important programs. And so I rise to raise my concern about the fiscal impacts of these kinds of out-year strategies. And I appreciate that there is a perspective that this bill could potentially create cost savings, but during my time in the Legislature I've learned that the legislative fiscal notes are home base and I've learned to trust them and mostly because we've got to have a north star and the legislative fiscal notes have always been my north star when I consider the fiscal impact. And the legislative fiscal note says that students leaving public schools would be too widely dispersed to produce cost savings, and it's my understanding that that finding is consistent with decades of results from other states, including Wisconsin, which has one of the longest running voucher programs in the country. So I rise with a perspective about all of the other programs that we are committed to as a state and the challenges that we currently have in funding those and funding those adequately, and ask the

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members of the body to think about those programs and how we can maintain our commitment to those programs when we're considering this bill or any other bill with an out-year fiscal...significant out-year fiscal impact. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Harr. [LB295]

SENATOR HARR: Thank you, Mr. President. The times were dark, the lies were white, shades of lies by candlelight, I think. I don't know. It's a Taylor Swift song. I need to apologize to Lieutenant Governor. I got a little hot under the collar there and probably shouldn't have done that, so I apologize. But back to the bill, because we're going to have a little bit more time to talk about it and then we're going to recess for the evening and I think we'll get a good night's sleep. I know I will. Again, and I hear the other...I hear this for the people who are proponents of LB295, I'll say it, both sides are good. Catholic schools are good. Again, I need to restate I give money to them. I've given money. I will continue to give money to them. I think they do a good job. I think they teach very well. But my question is, is this the only nonprofit that deserves this special privilege? And if so, why? What makes this nonprofit so much better than any other nonprofit, a nonprofit that provides food to the hungry, clothes to the "clothesless," homes to the homeless? I don't know. I haven't heard a reason why yet. I've heard they do a good job and I won't deny that, but there are a lot of other nonprofits out there that also do a great job that turn people's lives around, that save them from an addiction to a drug, to addiction to alcohol, mental health problems. The needs are endless; our money isn't. So when we set policy and decide that one nonprofit is going to get over the wall and we're going to let them get something special, we better have an answer as to why they qualify and none of the other awesome, super, fantastic, spectacular nonprofits don't. If giving to this Children's Scholarship Fund is so great that it deserves a tax credit, why not giving directly to the school? Later next month I'm going to go to my high school--sorry, I didn't go to high school, I went to a prep school--Creighton Prep's fundraiser. Why don't I get a tax credit for that contribution? That goes directly to the school. It isn't siphoned off to a third nonprofit who then feeds it. I don't know. I don't know. Children's Scholarship Fund, if anyone forgot, I said earlier I've supported in the past, I will continue to support it. I think it's a great organization. And when this passes there will be many others, including a nonprofit I mentioned earlier that the Governor happens to be on the board of. They would be able...that's out of Denver, Colorado, right now. They could come to Nebraska and

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they'd qualify. And under this law, if we passed LB295, they should qualify. If Senator Kintner were here, I'd look at him and say, Senator Kintner, you realize that a scholarship fund that teaches Sharia law would qualify. And they should qualify. That would be enough to get his dander up. But, alas, he's here no more. But, folks, this is a well-intentioned bill. We all want kids to do well. [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR HARR: Thank you. But the fact of the matter is it doesn't do what we want. It doesn't help every kid get out of a public school or that school choice that they want. It just doesn't do it. And we have to figure out how we can do it within the means that we have as a state. My buddy, Dave Heineman, former Governor of Nebraska, used to say, well, if I give to this you're going to take from that. If we give to HHS, we're going to take from Education. Yeah, he was famous for that. He'd do that all the time: You decide where you want it to go. Well, folks, that's what we're doing here. Thank you. [LB295]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Chambers. [LB295]

SENATOR CHAMBERS: Thank you, Mr. President. All things come to him who waits, and I wait. Late doesn't bother me. But I can tell my colleagues don't pay attention to me because I taught you all and you don't listen. I told you when a Catholic issue or the Governor's issue comes, they're going to have them all in this Chamber and they're going to be told to lock up the board so nobody else can get in. I said it over and over and over, and they proved me right. This was Catholic night. And Senator Harr apologized to the Lieutenant Governor. He knew it was Catholic night and he should not have presided. The Speaker knew. He should have had somebody up there. This was shown to be shabby, just what it was. And when they talk this stuff about \$29,000 per student or some...whatever it is and multiply that by the number of kids in private school, that's insane. When I was talking about paying the athletes, people talked about them getting a \$20,000 or \$30,000 scholarship. I said no. If this kid is taking English, they put another desk in the room. They don't hire another teacher. Nothing changes except he is now in the room and instead of 30 they have 31. He has not added anything to the expense. So these people who were talking this stuff know nothing about education. They know nothing about

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statistics, but they know how to mislead. They are cunning and they are dishonest. I'll say it. When they put in this bill--and I'm shocked that Senator Smith would do it and very disappointed--on page 2 of the committee amendment, it's what cannot be done. This operation "does not discriminate on the basis of race, color, or national origin," but not sexual orientation, because the Catholics are allowed to say it offends my conscience and you cannot come here. And you are putting that discrimination in here and using a discriminatory use of these tax credits. And I'm glad that Senator Pansing Brooks pointed out that this is revenue. They're going to tell us these tax credits are not? They don't even know that, but they're giving the Catholic line that was fed to them. It was fed to them and it's based on Catholic position. I don't hate Catholics, but I hate Catholicism. It's a cult. It's a threat to the welfare of the nation, and I mean that. The Catholics always come here with a pitiful mouth. They have a parallel education system from preschool up through high school, college, postgraduate school. And then they have a parallel medical system, CHI, Catholic Health Initiative, and they're taking over hospitals all over the country. And they go to these little rural areas where the hospitals cannot make it. There are not enough patients. So CHI takes over the hospital. If you think I'm lying, check them out on Google. Check out what the Catholics are doing and their presence in this state is enough that should make anybody who's not a Catholic concerned. When they had the hearing, 11 people testified for this bill, 5 of them Catholic, 1 Lutheran, and the rest were just miscellaneous people. But the majority were religious and the majority of the religious, five out of six, were Catholics. This is a Catholic operation. Everybody knows it. Why won't you say it? Because you're afraid of them. Look how empty the Chamber is now. They did their dirty work and now they're gone. They locked up the board before. They don't have a word to say now because they've done what they were told to do. They followed the script to the letter. And I'm the only one who will say anything and they know it. [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR CHAMBERS: And I'm going to take some time tomorrow. You can lock us out today. I'm going to take some time tomorrow and I'm going to speak in behalf of the integrity of the Legislature as an institution and how you're letting the Catholics take over. Yeah, I said Catholic. In my neighborhood, I'm going to tell you about a Catholic school where black kids couldn't go when it was a white neighborhood. When all the white people were gone, they made

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it a black school and the black kids didn't even know how to print or spell the name of the street on which they lived. And it was populated by old nuns. They had no place else to send them. And I'm going to talk about that and Bishop Rummel down in Louisiana giving a haven to the white people during desegregation who didn't want their kids going to school with black kids. The Catholic schools were still segregated and was a haven. That's what the Catholic is, and I'll have more to say on that tomorrow. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hansen. [LB295]

SENATOR HANSEN: Thank you, Mr. President. And good evening, colleagues. I've been sitting here, stewing in my thoughts, trying to figure out exactly what I wanted to say, what I wanted to say on this bill, and I've ultimately decided to yield my time to Senator Pansing Brooks. Thank you, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Pansing Brooks, 4:40. [LB295]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. On that last vote I purposely did not IPP the motion because I didn't...I decided that that wasn't what I wanted to do. I decided not to...to make sure to allow us to have this ongoing discussion. Senator Linehan should have her ability to have this discussed on the floor. But I should also have my ability to have my opinions discussed on the floor, too, on this. So I previously talked about the court cases and why, if you look at it, that the U.S. Supreme Court case denied standing and then the Illinois Supreme Court has since ruled that that U.S. Supreme Court case is different because state laws are not allowed...are not required to follow federal law on issues of standing and justiciability. So it very clear to me that the Nebraska courts can find that a plaintiff would have standing to say that these are illegal tax credits because of our constitution. So I wanted to go on and talk about our constitution and what it says. And under Article VII, Section 1, is where it talks about the Legislature and, "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." The Legislature may provide for the education of other persons in educational student...institutions owned and controlled by the state or a political subdivision thereof. It goes on to talk in Article VII, Section 11: Notwithstanding any other provision in the constitution, appropriation of public funds shall

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not be made to any school or--it's post-1972 they've put in "to"--any school or institution of learning not owned or exclusively controlled by the state or a political subdivision thereof. It goes on to say, "All public schools shall be free of sectarian instruction." The state shall not accept money or property to be used for sectarian purposes--that means religious purposes--provided that the Legislature may provide that the state may receive money from the federal government and distribute it in accordance with the terms of any such federal grants, but no public funds of the state, any political subdivision, or public corporation may be added thereto. "A religious test or qualification shall not be required of any teacher or student for admission or continuance in any school or institution supported in whole or in part by public funds or taxation." Common schools has been found to be defined as public schools K through 12. Sectarian instruction has been found to be inherently religious instruction. There are cases I can go on and talk about, but I also want to talk about the thing that is most concerning to me and that is that any discrimination in the statute is limited to race, color, and national origin;... [LB295]

PRESIDENT FOLEY: One minute. [LB295]

SENATOR PANSING BROOKS: ...race, color, and natural...national origin. So not included in this but included in the Nebraska Opportunity grants are race, creed--that means religion, color, national origin, ancestry, age, sex. So forget being a female, okay? They can discriminate against any female, and handicap. They have excluded purposely the direct classifications that the rest of the country has adopted. That is heartbreaking to me. And to think that that won't happen, just look at what's happening with our Code of Professional Conduct under the psychologists and the fact that the Catholic Conference does not want the Board of Psychology to adopt... [LB295]

PRESIDENT FOLEY: Time, Senator. [LB295]

SENATOR PANSING BROOKS: ...the Code of Conduct. Thank you very much, Mr. President. [LB295]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Items for the record, please? [LB295]



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CLERK: Mr. President, just one item and that is a motion with respect to LB295 to be printed.  
(Legislative Journal page 1119.) [LB295]

And a priority motion: Senator Krist would move to adjourn the body until Friday, March 23, at 9:00 a.m.

PRESIDENT FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.