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Floor Debate  
February 27, 2019

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FOLEY: Good morning, ladies and gentlemen. Welcome to George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Pastor Jonathan Painter of the Lincoln Baptist Church, Lincoln, Nebraska; Senator Wishart's district. Please rise.

PASTOR PAINTER: [Prayer offered.]

FOLEY: Thank you, Pastor. I call to order the thirty-second day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, a priority bill designation: Senator Linehan, LB670. A series of hearing notices: Judiciary Committee signed by Senator Lathrop, and Health offers a number of hearing notices, those all signed by Senator Howard as Chair. An amendment to be printed: LB449 by Senator Walz. A series of resolution: Speaker Scheer offers LR27 congratulating and acknowledging Jennifer and Ray O'Connor as recipients of the Distinguished NEBRASKAlander Award; LR28 offered by the Speaker congratulates Ernie Weyeneth as recipient of the Distinguished NEBRASKAlander Award; LR29 by the Speaker acknowledges Dr. Sara Crook as a recipient of the Distinguished NEBRASKAlander Award. Senator Stinner offers LR30 and LR31, those two will be laid over, Mr. President. That's all that I have this morning.

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FOLEY: Thank you, Mr. Clerk. (Doctor of the day and visitor introduced.) Members, first item on our agenda is a Final Reading bill. And pursuant to the rules, every senator must be at his or her desk. So if you could please proceed to your desk so we can move on with Final Reading. Members, we are on Final Reading. Pursuant to the agenda, we're on Final Reading, special order, LB430E. Mr. Clerk.

CLERK: Mr. President. [Read LB430 on Final Reading.]

FOLEY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB430E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please.

CLERK: [Record vote read.] 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

FOLEY: LB430E passes with the emergency clause attached. Next item on the agenda would be-- oh yeah. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB430E. Next agenda item would be General File, 2019 senator priority bill, LB155. Mr. Clerk.

CLERK: Mr. President, LB155 is a bill offered by Senator Brewer. (Read title.) Introduced on January 11 of this year; referred to the Natural Resources Committee. The bill was advanced to General File. I have no amendments pending at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Mr. Brewer, you're recognized to open on LB155.

BREWER: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I'm here today to introduce LB155 on behalf of the constituents of western Nebraska. This is my priority bill. Next to property taxes, there's nothing that is more important to the people in my district than the ongoing adverse effects of industrial wind energy is having on the constituents of my district. This bill strikes a sentence out of Nebraska law. So we all have the same understanding, please refer to page 4, lines 20 through 22 of your copy of the bill. Removing this sentence from Nebraska law is all this bill does. I've introduced two wind-related bills this

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session. Just to make sure there's no confusion, this bill is not LB373. LB155 has nothing to do with county zoning of wind energy or setback distances. This is what we're talking about with LB155. Let's say I'm a rancher and I love wind energy. I invite the privately-owned wind energy companies on to my place and I sign land lease agreements with them. For every turbine they build, I receive thousands of dollars or more per year. Nobody knows how much I'm paid, because this amount is concealed in a nondisclosure agreement; like everything else that's wind energy, there is no transparency. The wind farm on my place needs an interconnect or a feeder line that connects to a main grid. The lay of the land forces me to run this across my neighbor's property. My neighbor has no love for wind energy and refuses to grant me that voluntary easement of the feeder line. I get out my Nebraska statutes and I turn to Chapter 70, Section 1014.02, subparagraph (5), and I asked NPPD to build my feeder line and use their power of eminent domain against my neighbor on my behalf. Private companies should not have the power normally reserved only for government to use against their neighbor so that they can make money. That's the bottom line of this bill. And it is wrong. Senators, in this body right now, can tell you about a fight that happened on this floor after deceptive tactics were used. I have the transcript of LB824's floor debate. I will have it available if anyone should want to read it. To my knowledge, this immoral law has not been used yet. But a number of my constituents you see in the balcony right now have had threats by wind companies that they will use this against them. The private eminent domain power is a loaded gun in the room during every easement negotiation. Despite my strong opposition to wind energy, I would actually support the current law if the people trying to use it was the government. Let's say we were discussing the wind farm that NPPD owns near Ainsworth. They are a subdivision of state government. It would be entirely appropriate under the law for them to use the right of eminent domain for this facility. They are about to do the very same thing for hundreds of miles of impending disaster known as the R-Project Power Line that they're trying to build through my district. As much as I don't like this power line, I don't think anyone in this body would support me if I was asking you to take away the power of eminent domain for the government. This bill does not do that. Which is why none of the three power organizations sent constituents to testify against this bill in the hearing. If you doubt this, please go out to the Rotunda and ask them. If Nebraska actually needs electricity that these things occasionally produce, that would be one thing. This doesn't make sense, because we have over 900 megawatts of excessive generation in Nebraska, according to the Nebraska Power Association 2018 report. We have enough surplus electrical generation in

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Nebraska right now to power a city the size of Lincoln. We don't need electricity made from additional wind energy that can be sold to the Southwest Power Pool on a wholesale market. Again, don't take my word for it. Talk to the power companies if you doubt any of these numbers. Privately owned wind energy facilities are about one thing, making money. As Warren Buffett said, if it weren't for the federal subsidies, he would never build another one. I don't blame anyone who is trying to make money, especially the farmers and ranchers of my district. Lord knows that they could use the additional money to pay their high property taxes. You are going to hear the same arguments that we have heard for years, and I am ready for them. I have hundreds of pages of transcripts from the floor debate on LB824 that create the law in 2016. All my bill does is make the landowner and the wind company plan, organize, and agree. My bill forces neighbors to talk to each other and reach a mutual agreement without using threats of the power of eminent domain from the government. Colleagues, I want you to ask yourself how many of you are actually affected by this. How many of you have constituents that have wind towers on their property? How many of them are living next to one of these massive wind towers? How many of you have a plan to build in your district? This bill doesn't cost any money, doesn't shut down or restrict wind energy facilities. The idea of this bill started when I did the ride before I was even elected to this office through the district. That was 500 miles to cover the entire district. We started in Ainsworth, Nebraska, where the few wind towers we have are. Continue along Highway 20 all the way to Fort Robinson, from there to Alliance, Alliance to Dunning, Dunning to Burwell-- or to Brewster, and Brewster to Ainsworth. So along that route we heard many issues. But the two primary were property taxes and wind energy. And it didn't hit home until the last few miles of the ride as we rode by the wind towers south of Ainsworth.

FOLEY: One minute.

BREWER: I have made this a priority bill for that reason. The good people of my district came here today, and they are in the balcony to hear this discussion, and I'm glad they are, and I hope that this discussion will enlighten them on this body and what it can do. But understand, this is my priority bill. So those of you that want to come to the sound of gunfire, understand that there are consequences. And I am going to make this a very personal bill. With that said, thank you, Mr. President.

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FOLEY: Thank you, Senator Brewer. Debate is now open, LB155. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I stand in opposition to LB155. I was the author of LB824 all these many years ago and have been recognized as the renewable energy person in the body, so I oppose this bill. Since this [LB]824 passed, many good things have happened. Like what? We have spent a total investment in wind energy since that time is about \$2.5 billion. \$2.5 billion. And it's a bit disingenuous for us to say we're concerned about property tax, but yet we want to outlaw wind energy in Nebraska. We want to give the message to developers that Nebraska is not open for renewable energy. The interesting thing about this is that this displaces the authority of counties. Counties have the authority to regulate wind energy in their respective areas. Look, just look at Lancaster County. You know, they just recently put a mile setback for wind turbines. Counties have the authority to regulate wind energy. And what's going on is that Senator Brewer is trying to displace the authority of Cherry County with state regulations. Now, if Cherry County wants to regulate wind energy, no wind energy, a mile setback, 40 decibels noise limit, by golly, they can do it. They can do it. It doesn't take the state, the authority of the state, to deal with this. Now, we've had some good things happen in Nebraska as a result of wind energy. Local economy and activity wages and spending, we're looking at almost a million dollars in that kind of activity over-- since 2005. That's big money. And here is the fact that we should consider. Since that time, 2005, almost \$17 million in property taxes have been paid by wind energy companies. That lowers the property taxes of farmers in those particular areas. So I think it's time for us to really find out what this bill is doing. It, in effect, does virtually nothing, because no developer has used the power of eminent domain to force a landowner to put-- give access-- put a power line through their property. It hasn't happened. So this is useless legislation, but simply gives the message that Nebraska is not open for business. And we need wind development in this state. We have the third best renewable energy, wind energy, situation in the entire country. So it's incumbent upon us to allow wind energy companies, developers to come into the state, help us reduce property taxes, and make Nebraska a little more green. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. [Visitors introduced.] Continuing debate, Senator Stinner.

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STINNER: Thank you, Mr. President. Members of the Legislature, I'm asking for your attention. I'm interrupting the proceedings here just to bring to everybody's attention that we actually have in your possession, or should have in your possession, the Appropriations Committee preliminary budget. We wanted to get that out before Thursday. I want to emphasize it's preliminary. So the world may change on Thursday, depending on the numbers, but what it does, and if you just refer to your table of contents, it lays out actually the committee's priorities, how we differ from the Governor is on the last part of this, our financial posture and status report is on the first, I think, page 3. You can work through some of the details, get accustomed to taking a look at it, and, obviously, we're going to have a budget recommendation after our hearings that will come out. We will have a briefing for all of you to come to, but again, this is preliminary. This is for information purposes so that we can have hearings and the agencies start to understand what our decisions were. So thank you.

FOLEY: Thank you, Senator Stinner. Senator Lathrop.

LATHROP: Thank you, Mr. President and colleagues. Senator Brewer, I have a great deal of respect for you as a colleague. Honestly, it's an honor to serve with you, and I mean that sincerely. And I appreciate that you have a sincere concern for a significant number of constituents that are here today. The bill and wind energy development in this state generally, and maybe to give some historical perspective, I happen to have a problem with this bill. Historically, the law was that public power had the right to eminent domain, anything that they needed to create electricity. They could eminent domain land, they could eminent domain anything. And so when wind developers wanted to come into the state of Nebraska and begin developing the-- this resource in our state, we had to change the rule and say that they had to have a partnership, so every wind developer must have a partnership with public power in order to develop. It is public power's use of the eminent domain to facilitate these projects that we're talking about today. The bill as it's drafted, truly, as has been represented, it's one sentence. It's very simple. But its impact is broad. You may have in your district wind energy projects. This would say that you can't facilitate or you can't build transmission lines to the turbines, that maybe all the people that want, but they have to cross somebody's land to get there. Okay? This would say you can't use public power's eminent domain ability, which they want to employ if that ever became the case, they can't use their eminent domain to develop a transmission line to a

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bunch of willing landowners. This is going to impair the growth of wind energy development, which may be the fundamental purpose of the bill in the first place. And we need to look at two things: public power at some point is going to be given a mandate to generate a certain percentage of their electricity through renewables. That's going to happen. As we try to deal with, and I don't know where you're at on climate change, but as we attempt to deal with the carbon that's emitted from coal plants and the federal government ultimately says you need to have 50 percent, or whatever percent they tell us, of your wind-- of your energy generated by renewable, we're going to need transmission lines to get to whether it's solar or whether it's wind or whatever resource that may be that we're going to generate electricity with in a renewable fashion. This is going to impair that. It's going to impair it. And I would just tell you, because this is unlike the TransCanada debate that we've had in this body, which is at some point you have to ask whether or not this is the right thing to do. And these folks are in here, they are creating jobs, they are paying significant sums of property taxes to our local communities, and they're leaving behind, after one of these developments, long-term real jobs. And I think that that's something that we have to take into account as we consider a bill that I think generally will impair that development. With that, thank you.

FOLEY: Thank you, Senator Lathrop. Senator Brewer.

BREWER: Thank you, Mr. President. Well, I guess what I expected come true. We're going to disregard the truth and we're going to talk about talking points. So let's one by one counter them. First off, Senator McCollister, if this bill changes nothing, then I don't know why you're spending any time worrying about it. That is your statement, that it changes nothing. It does not eliminate the ability to use the right of eminent domain. What changes here, and this is true to Senator Lathrop's point also, if it is for the public use, there is no restrictions on it. So understand, my issue is that we have private wind companies that are only in it for money, that are using the right of eminent domain to make money, and they are doing it at the expense of the landowners. So I would tell you this, that if you are one of those who takes large sums of money from big wind, you have no towers in your district, and you're going to stand on this floor today and argue this, then we're going to get into more details and talk about whether or not that's the right action or not. Thank you, Mr. President.

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FOLEY: Thank you, Senator Brewer. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. I guess I would like to comment also along with what Senator Brewer's talking about. When we had this bill in the hearing, not one public power entity came in and said that they've ever used eminent domain to connect anything as far as a renewable source from a private company. Okay, once again, according to public power, they've never used it. So, we have something in statute, which we've heard on other bills, on other legislation already on the floor this year of something that's never been used, why do we have it in statute, we need to take it out. I want to also talk to you about a couple things. The amount of property taxes coming into the state that's being paid isn't \$17 million, it's 5. Go do the math, it's out there. I'll find the document. I will prove that to you, I will show that to you. What's being stated and what's actual is two different things. The amount of jobs that's being created in the state is people coming in from out of state, coming in building the facilities, and leaving, and then there's a couple of technicians that are left that actually do the work, which is fine. So what we're talking about is something that has not been used; is not foreseen to be used, but something that is in statute that needs to be removed because we're giving public power the ability to cross private individuals' land with eminent domain to connect a private company. So, here, let's look at it another way, and this is something that comes to my mind. So you live in town and you've got your house built and say the town has eminent domain. Two blocks over behind you, across your house, someone puts in a supermarket. There's no roads to that thing. So now that company comes to the city and says, you know what, I need access for my customers, so we're going to use eminent domain to go across through your property-- right across through your place where you have your house is, is that right? I don't think so. That's, I would say, similar to what's happening here, is that a public power is using eminent domain for a private purpose that does not and should not be in statute. I want to read to you also something from Ernie Goss. Ernie Goss said, and let me-- this comes from, I think, his December news letter, and I want to take a couple minutes here. How much time do I have left, Mr. President?

FOLEY: 2:40.

BOSTELMAN: Okay, I'm going to skip down through a couple areas here, but, basically, he's talking about the-- let's see, French and America prefer energy taxes to be hidden by subsidies



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and managed by government enterprises. The latest U.S. DOE data from 2016 shows that electricity producers in the U.S. receive \$15 billion in subsidies with approximately \$6.7 billion going to renewable energy. Thus, despite accounting for only 17 percent of electricity production, renewable electricity producers receive almost 45 percent of all subsidies. So where do the subsidies go on renewables? It's the generation. Where does it go for the others? It goes to help them with infrastructure or with, I believe, it's with other nongeneration costs. Also, I want to go further into this and more specific, where Ernie Goss talks about that this cost-- the higher cost of electricity due in part to the contraction of cheaper conventional and opening of more expensive renewable has been differentially born by low-income Americans. So our lowest-income people, in fact, if you go back to the board of directors and minutes for OPPD, they've raised their rates on their ratepayers because of wind energy, the cost has gone up. In 2016, U.S. income earners in the lowest 20 percent paid 34.2 percent of their income for utilities and fuel while the top 20 percent of the U.S. income earners spent only 2.8 percent of their income on utilities and fuel. Similarly, between 2013 and '16,--

FOLEY: One minute.

BOSTELMAN: --the share of income spent on utilities declined for higher income Americans but expanded rapidly-- rapidly for the lowest 20 percent. This is Ernie Goss. Okay? So when we start talking about where the impacts are, once again, this bill does nothing other than removes the opportunity for public power to use eminent domain to go across a nonparticipating person's land. If you have participating people's land, this is no issue, it's done. Why do we need to have this in statute when public power says we don't use this? We haven't used this. They are basically saying they don't need it, they didn't come to the hearing, they didn't speak on it. Those who did come to the hearing were the investors, the lobbyists, the investors, who invest into this and make money off this off the tax credits. Those are the ones who came and spoke against this bill. So once again,--

FOLEY: Time, Senator.

BOSTELMAN: --what we're looking at is a nonissue. Thank you, Mr. President.

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FOLEY: Thank you, Senator Bostelman. Senator Quick.

QUICK: Thank you, Mr. President, and good morning, colleagues. I'm going to get up and talk a little bit about-- I was the lone no-vote on the committee to bring it out, and I wanted to talk a little bit about the reasons why. Of course, I've served on Natural Resources Committee the last two years, and this will be my third year on there. And I understand the passion of the people in the Sandhills, I mean I-- and I appreciate their passion. And I appreciate Senator Brewer's passion. And I wanted to talk a little bit about how we got to this place as far as public power and renewable fuels, renewable energy. And over the years, and we've seen EPA regulations come out, it's happened for-- I worked in public power for 28 years. So you have the city of Grand Island. They've done a good job of making all the upgrades to keep them within their EPA regulations. They also recognize that they had to invest in renewable fuels, renewable energy, to keep up with some of those regulations. So in order to do that, I think right now Grand Island is 50 percent renewable. So they have 90 megawatt of wind, 100 megawatt of coal, they have some natural gas as back up, they have about 100 megawatt of natural gas for backup. And they also put in a megawatt of solar. So, I think, you've seen a lot of the public power work towards bringing in some of the renewables because they realize that at some point some of the coal-fire plants could be on the chopping block and have to be shut down. I can tell you as far as I know Senator Brewer had said something about we have too much generation. Well, what I can tell you is, that if you don't start building ahead of time, it takes several years, no matter what kind of generation you build, it takes several years to get all the permitting done and to, you know, bid it all out, and get that plant built, whether it's a coal-fired plant, natural gas, or if it's a wind generation, it takes a while to get all those permits done and to get to the point where you want to make sure that you've got a replacement for that power that's going to be gone. And I know I think in the last-- when I talked to our utility director in Grand Island, that the Grand Island coal-fire plant may be looking at another 15 years at the most before it's moved out. They are trying to find ways to replace that, that energy now. And I know with the eminent domain, I think what this kind of does is just slow the process down. It could result in some litigation. So that's kind of why I felt like I needed to vote no. I don't want to see added litigation if you're going to, you know, if a public power wants to add some renewables to replace some of the energy they are going to need to do, I don't think the added cost is going to help the ratepayers as well, so that's my reason for voting no. And thank you, Mr. President.

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FOLEY: Thank you, Senator Quick. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. Good morning again, colleagues. Let's go back to [LB]824 and talk about what that bill did. [LB]824 leveled the playing field for renewable energy, stranded assets, and eminent domain issues were the issues that were retarding renewable energy growth in this state. So that bill made it possible for us to provide more renewable energy in the state. And as I mentioned, there's \$2.5 billion to \$3 billion worth of investment that's occurred in the state since that time. Senator Brewer's right, and I have a very high regard for this gentleman. Private renewable energy developers cannot use eminent domain in Nebraska, and they never have been able to. They cannot use eminent domain powers to force landowners to sign any agreements. But the symbolism, the symbolism of LB155 is clear. The message and the symbolism in that passage would send to renewable energy generation industry in Nebraska that Nebraska is not open for business. Here we have the third-best renewable energy facilities or capability in the country, and we would be restricted in some way from developing those energy, that energy. What some people also think is that the-- it's easy to get a permit to build a renewable energy facility, a wind farm, or a wind-- in Nebraska. And that's not at all the case. Commercial wind energy facilities located in Nebraska requires 52 governmental permit reviews. Like what? What permits are we talking about? U.S. Fish and wildlife Service, U.S. Army Corps of Engineers, U.S. Federal Aviation Administration, U.S. Environmental Protection Agency, U.S. Department of Commerce, U.S. Department of Defense, U.S. Department of Energy, U.S. Department of Agriculture, U.S. Federal Energy Regulatory Commission. Well, how about state agencies? Many agencies in Nebraska, as well, require a permit. Like what? Nebraska Department of Revenue, Nebraska Department of Environmental Quality, Nebraska Department of Aeronautics, Nebraska State Patrol, Nebraska Game and Parks Commission, Nebraska Department of Agriculture, Nebraska State Historical Society, Nebraska Department of Roads, Nebraska Power Review Board, and also the counties. And that's the point we really need to make. If Cherry County wants to limit wind energy development in that area, by golly they can do it by a vote of the county board. But heretofore, the county board has not chosen to do that. And so then efforts were made to take the effort to retard wind energy development in the state to the state of Nebraska in the Nebraska Legislature. You know, you'd be better for those folks opposed to wind energy to work on the counties. And as I mentioned before, Lancaster County is a good example of a county that has taken a wind development and has limited it to some extent.

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I understand that that's going to be reviewed again by the county. But it's up to the counties, I think, to deal with this kind of regulation rather than the state Legislature. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. Mr. Clerk, you're recognized for announcements and items.

CLERK: Thank you, Mr. President. Banking Committee will have an Executive Session at 10:00 this morning in Room 2022; Banking at 10:00. Mr. President, the bill read on Final Reading this morning was presented to the Governor at 9:15 a.m. Banking Committee reports LB603 to General File. Hearing notices from the Revenue and Natural Resources Committee. Enrollment and Review reports the following bills correctly engrossed: LB22, LB60, [LB]74, [LB]111, [LB]200, [LB]256, [LB]302, [LB]307 all reported correctly engrossed. Amendments to be printed: Senator Pansing Brooks to [LB]536. New resolution, LR32 by Senator Pansing Brooks, that will be laid over. And finally, a hearing-- additional hearing notices from the Natural Resources Committee. And last, Mr. President, appointment letter with respect to an appointment to the-- to the Nebraska Stem Cell Research Advisory Committee. That will be referred to Reference. Thank you.

FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) Continuing debate on LB155. Senator Friesen.

FRIESEN: Thank you, Mr. President. I stand in support of LB155. I was heavily involved in [LB]824. And I'm going to lead you through the process of how the wind companies pick locations and how they work the process. So what they do is they go out ahead of time and they target absentee landlords, those living in Florida or Wyoming or somewhere else in this state that they-- ones not living there. They target them, they approach them, they offer them good money to locate a wind tower. And so they go and pick off all those properties and then they go to the people living there, and then their contracts have a very strict confidentiality clause. You can only tell your accountant, your lawyer, your immediate family about those contracts. And so they go pick off these absentee landlord sites, they get them signed up. And then they go to the people that are living there. And then they tell them, well, we're going to have a wind tower here and

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here and here. We've got you surrounded, so you might as well put some on your property. And if you choose not to, you get to enjoy them, but you won't get any revenue from it. So there was a wind association formed somewhere up north, and I don't know if they've got a wind farm there or not, but what a group of landowners did was get together and they formed a large pool of land and they said, okay, the guy that the tower sits on, he gets this much money. If you're within a few miles, you get a part of that, and if you get further out, you get a little bit more of that. So everybody got a little money out of that. I think that process worked well, but I don't know if there's a wind farm there or not. I couldn't tell you. What this bill will do, basically, and I look at it, the same thing kind of happened up in the Bakken oil fields, I think, when that was developing so rapidly up there. One landowner, he gets the oil wells, so he got paid big bucks, but everybody got some revenue off of it because they do horizontal boring. But then when they wanted to do the collection pipes that collected the natural gas, that's when they ran into, you can almost call it a range war there, because when they wanted to use eminent domain to put those pipelines across somebody's ground, they had to use eminent domain to get that. So it turned into a big fight until they finally all sat down together and took away the eminent domain, and they just purchased the right to cross that ground. And so you may not have oil wells on your farm, but you let them lay a gas-- get the gas pipelines right through your property, but you got paid very well for that, and the opposition went away. And they put in gas lines, and they needed to. They couldn't flare it off anymore, there was too much gas being burned off. Same principle applies here. If those people-- if you can buy your right-of-way, that easement, for the right price, people will let them go there, and they can negotiate price. But when you have that threat of eminent domain, it doesn't leave you much for negotiation. And I think as far as the sites go, I mean, I still think the possibility that it will not stop expansion, but it will spread a little bit of that revenue to those people who maybe don't want a windmill on their farm, but are going to have to be required to have a transmission line. This gives them some revenue that kind of, what I would say, levels the playing field between those who have the windmills and those who don't, because the property tax relief, I agree with Senator Bostelman, is not near as much as what everybody says it is, but it's okay, I got no problem with that. It's heavily subsidized.

FOLEY: One minute.

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FRIESEN: But if we're going to have a really honest, open debate about generation in this state, we would be thinking about building a nuclear power plant. Because in the end, that is going to be the most economical, the most clean, green way that we can reliably produce electricity. Because with the generation of wind farms comes more natural gas generation, which some day will run short of supply, it's like any other commodity, so we have currently we have three sources of generation. We have wind, we have natural gas, and we have coal, and it's one of the most inefficient systems we have. So we need to pick a direction and focus our resources. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Senator Albrecht.

ALBRECHT: Thank you, President Foley, and good morning, colleagues, good morning, Nebraska. I serve on the Natural Resources Committee and I've listened to this subject for the last two years. Each and every time wind comes up, NPPD is present. This last time, because LB155 was on the agenda to speak about, we have a room full of ranchers that have taken time away from their ranches, the cattle, some are even calving, and have filled the room, we're there for a number of hours taking testimony. And I was very troubled that Nebraska Public Power was not present in the room. I don't think a lot of the folks here on this floor, the senators, realize that when wind energy goes through somebody's property that isn't willing to have the wind on their property, it leaves neighbors unhappy with neighbors. You know, it's another thing to understand the Sandhills, that when you disturb that ground, it's very difficult to bring it back. And that is their livelihood, you know, raising cattle so that we can eat. But more importantly, when we talk about the property taxes, you know, we have some ground in Holt County that we have some cows on, and we haven't seen a reduction on our tax bill since the wind has been up there in Holt County. And when I have listened to these folks come in and testify, it seems to me that they all seem to get along up there and want to try to rectify what's happening. But if the R-Line is being built because what NPPD explained to me two years ago is that back in 2012 there was a blackout area that when there's a drought, obviously, there's problems with, you know, the farmers that need to irrigate are running their pivots all night long, and it was getting pretty serious. So I understood that that's why it was coming. But then I get into the Natural Resources Committee for two years and realize that it's obviously not just for a blackout, but for other reasons. And when public and private, if we own that energy that's going through and every one

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of us in this room is paying for that line to go in, we need to be very conscious of why they are putting it where they are putting it. I'm quite certain they've studied and done lots of engineering studies on where they should go, how they should get from one end to the other. But it leaves me a little disgruntled thinking that they are going through an area that we probably had more people in the Natural Resources Committee, most all are sitting up in that balcony, fill that room than any other subject we've talked about in two years. So I do stand supporting [LB]155. I do believe that we need to listen to the folks that come from far and near about how they feel about certain things that happen, and we need to help control that issue. I'll yield the rest of my time to Senator Brewer, if he needs some time.

FOLEY: Thank you, Senator Albrecht, Senator Brewer, 1:30.

BREWER: Thank you, Mr. President. All right. The next issue I'd like to go into, because evidently we're going to talk wind top to bottom. So if we're going to do that, we're going to dig up all the bad, along with the good everybody wants to tout, and to do that we need to talk about the number of megawatts of electricity last year, which is roughly 3,600,000. Those are subsidized at \$23, which comes to \$82.8 million. That's how much of your tax dollars is going into what we call a government subsidy. So it sounds great in theory, but understand that every one of those towers is consuming your tax dollars. The other thing is we're going to talk about, because evidently that's what people want to do, how green those towers are. And if you haven't been around one and those that get on the mike should be, because if they are up here talking about the benefits of wind energy, then they better understand the significance of those towers. If you've been around those towers, understand that they are now 600 feet tall. The wingspan of those cover two and a half football fields. The speed of that blade is 180 mile an hour. Now, if you disregard the amount of steel and carbon fiber and all of those green things that go into building them and what it costs to transport them to all the locations, the destruction of the ground where they are put up, the amount of concrete that's poured, then let's start talking about the destruction that they do--

FOLEY: That's time, Senator.

BREWER: Thank you, Mr. President.

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FOLEY: Thanks, Senator Brewer. I'm sorry, you're next in the queue, Senator Brewer, and this is your third opportunity.

BREWER: Thank you. So I was saying, the next issue we need to talk about is the towers themselves. Right now in Nebraska we have over 800. Now, a lot of people want to beat up on Cherry County. Let's take a look at those that are in the balcony right now. They come from Brownlee, Valentine, Thedford, Halsey, Brewster, Rose, Mullen, Seneca, Burwell, Wayne, Lincoln, Omaha, Kearney, Waverly, Cortland, Edgar, Nelson, and North Bend. This is not a Cherry County problem. Renewable energy is anything but that. And the fact that Senator Quick wanted to use the term renewable fuels as a reason to justify this is really wrong headed in that it's not being honest with what we're talking about here. And if Senator Quick was here, we'd ask him a question, but I'll stand by for that in a future time. One of the things I would like to ask-- Senator McCollister is here. Senator McCollister to the mike.

FOLEY: Senator McCollister, would you yield, please?

McCOLLISTER: Yes.

BREWER: All right. Let's start by talking about decommissioning. Can you explain to me the process of decommissioning these towers?

McCOLLISTER: Yes, I can, Senator Brewer. When an application is made, there also has to be a decommissioning plan as a part of that original application.

BREWER: Can you give me a copy of one?

McCOLLISTER: No, but I bet I could.

BREWER: Why don't you get to work on that because I'm going to need to see one. Because right now, everyone who's got a tower tells me that that is part of that nondisclosure part that they can't have access to see. Now, why is decommissioning an issue? Let's take a quick look here. Nebraska Public Power has built some wind towers over the years. And right now, we are



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at, in one case, eight years of the life, the other is at 15 years of life of them. The Kimball towers was built in 2002, decommissioned in 2017. OK. Keep in mind, the towers are still there. That is the whole point. There will be a point when the counties who love to pick up the gravy train from these towers, the counties are going to have to be the one that answers to the question of who is going to tear them down, who is going to decommission them? Because there is a shell game going on where the companies that build them all of a sudden change ownership and then they sell to someone else. Pretty soon there is no accountability back to the original landowner and the company that built these wind towers. So guess what. At some point, that county is going to get that bill. Or they're going to be these behemoth to the greed of man that everyone will get a look at for generations to come. Still waiting for Senator Quick to come back to answer questions. The questions would be, he said, that they are 50 percent renewable. Well, I got to admit, I have not seen a lot of wind towers around Grand Island. So I would be anxious to see where that 50 percent renewables come from. I'm guessing they're not wind renewables or they're wanting to put towers somewhere else and then use the power from them. And I do think it's ironic that he worked at a coal-fire power plant and he's here supporting renewable wind that's going to put his coal plant out of business. But maybe somehow I missed the point on that one. So, we're back to wind towers, over 800. The plan is to build almost that many more. One hundred sixty plus just in the southern part of Cherry County. Now, we've had our brush-ups with NPPD on the issue of the R-Line, and if you're not familiar with the R-Line, the R-Line is the largest power line that they make. They will start in Sutherland, and instead of making a direct line to Neligh--

FOLEY: One minute.

BREWER: --it makes a dog leg north into the Sandhills, a hundred miles out of the way into the Sandhills that are so fragile that using bulldozers, cranes, or anything else will disrupt them for all the years that we're going to know these Sandhills. So this was for one purpose. Because ironically that wind farm is in Thedford and where does the R-Line go? It goes to Thedford and then makes a hard right and goes to its destination in Neligh. So that was one reason that line is built between the line and the wind tower is they will kill thousands of birds, but no one seems to care because they're green. They're good, obviously. So I would just ask that you get smart on

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wind before all of a sudden you support it. There are some benefits to renewables. But wind energy is not one of them. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. I'll touch on a couple of items that were talked about already, I think, on the mike. I believe, if I'm not misunderstanding, that a renewable facility cannot be built unless they have a power purchase agreement, a PPA. If they don't have a PPA, then a public power isn't going to connect them, because there is no place to go with that power. So that is one thing. Again, we're talking about back to the bill and not off onto other tangents is that eminent domain by public power is not needed. One, they say they have not come in and said that they used it. And two, you just have to contracts like everybody else does, and you don't have this issue at all. The other thing is, is it actually where the best wind is in the United States is on both coasts, not in Nebraska. Both coasts produce better wind, more consistent wind. Actually, if you go offshore, that wind blows consistently and that is the per-- optimum place to have wind facilities if you are going to build them. What happened in Maryland was, was a company came in and built their wind turbines up on top of a mountain, didn't have a power purchase agreement, and there was no interconnectivity there with the public power because-- or with the power utilities because there is no place to go with the power. So we don't want to see that happen. So we're back to the need actually for the eminent domain to be used. I wanted to say renewables got 62.6 percent of all tax incentives in 2016, but only produced 12.1 percent of all energy production in the United States. We're talking, let's see, from 2018 to 2022, wind only production tax credit expenditures will be \$24 billion which represents almost all total renewable sources which is \$25.8 billion. For 2019, they project \$4.5 billion of our tax money in production tax credits to be given to wind only in production only. And I want to skip to one other thing here real quickly. NERC published a study in December, 2018, to look at risk to various areas in the United States of plants, coal and nuclear, had accelerated plant closures. That is, they looked at that stress analysis of 10 different areas of the U.S. to hypothetically see what would happen regarding margins and different areas for electricity. NERC was careful to point out that the study was intended only to be a risk identifier, not a predictive forecast stating the scenario was selected, nor for its predictability or probability, but to illustrate unlikely but possible system stresses by mining recommendations from this unlikely scenario. The system can be made more

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resilient and unexpected or rapid changes to the generation resources mixed. What they did in the scenario was to look at accelerating a shutdown or closure of a coal or nuclear plant in an area. They looked at baseload projections for 2025 and they tweaked their model to see what would happen if the baseload generation was shut down in 2022 for that area. Interestingly, the study, as we call it, at risk-informed study, that of the 10 different areas in the U.S., six areas are essentially resilient enough and could handle the accelerated shutdown. However, four areas in the U.S. and their model show that new resources would be required to accommodate large-scale generation retirements completed in this stress test. SPP was one of those. And SPP is Nebraska, was one of those areas that indicated risk for meeting peak demand. Again, the study is strictly a stress test. They point out it is highly unlikely these scenarios will occur, but just making recommendations to make the system more resilient to unexpected rapid changes to the generation resource mix. Let me tell you what just happened in Minnesota.

FOLEY: One minute.

BOSTELMAN: A just a couple of weeks ago, Minnesota went to brownouts. Why? It was subzero. The wind wasn't blowing. The sun wasn't shining. They had a natural gas facility that couldn't produce enough power on the grid, so they went out to customers, to people, and told them turn down your thermostats. That is what is happening. We have to have baseload generation. We cannot continue to increase the cost to those that need-- of the lowest income. Here again, this bill only eliminates the public power using eminent domain on a private individual to connect a private company to their power lines. And that is not needed. All it's going to do is negotiate a contract. So what we're hearing across the state is we have serious issues where renewables, baseload generation is shutting down and we don't have enough power onto the grid to make up for the area when renewable goes down, we don't have that power.

FOLEY: It's time, Senator.

BOSTELMAN: We got to be able to provide in it other areas. Thank you Mr. President.

FOLEY: Thank you, Senator Bostelman. (Visitors introduced.) Continuing debate. Senator Wishart.

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WISHART: Thank you, Mr. President. Colleagues, I rise today with some concerns about LB155. I am hoping that after discussion today we will be able to find some commonsense solution that will address landowners' concern about the private companies using eminent domain, while also addressing the concerns that I have with this bill. And, again, I will continue to listen and see if those concerns are lessened. But my concern is that we're moving in the wrong direction in terms of development of renewable energy in the state when we're already really far behind where I see we should be. I do want to point out that while we have been talking a lot about wind energy in the state, and perhaps we're talking about that because that is one of the premier resources we have in Nebraska, being number three in the world, excuse me, in the country, in having gold-standard wind. I did want to point out that when we're talking about-- what we're talking about today is all renewable energy generation facilities. So that also includes solar, geothermal, biomass, landfill gas or biogas. So we're talking potentially about the ethanol industry, potentially talking about solar energy as well, as well as other bio-products that can be used with anaerobic digesters and the infrastructure needed to make sure that we can get energy from one point to another. I will say as well, I have been hearing a lot today that landowners have brought this bill with concerns for Senator Brewer, and I know he's always really good about listening to his constituents. When I-- I spend every year, I'll go out and help out with the cattle branding season in June or in the fall. And when I talk with ranchers, most of them talk to me about the benefits of having the ability to add this additional source of revenue to their mixture, especially when they're dealing with high property tax issues and in terms of the farmers I talk to when they are dealing with low prices for the current commodity crops that they grow. So, one of the concerns I have is that the constituencies I talk to in rural parts of the state actually really support the investment in renewable energy. I wanted to step back and just talk broader about this issue. I ran for office first and foremost based off of excitement about the potential that this state has to be a leader in clean energy in a time when this world is moving in the direction of utilizing clean energy sources. I find it really disappointing, especially as someone who plans on spending the rest of my life here and building a family, I find it really disappointing as a state that we are not treating the resources that we have here that are vast when it comes to ethanol, when it comes to solar energy, when it comes to utilizing the vast amounts of manure we produce in this state to turn into energy. When it come to wind, I find it really disappointing that we are not valuing those resources the way that other resources have valued their fossil fuels, which at this point are becoming fossils. And I don't think anyone is

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going to deny we are moving globally in the direction of clean energy. We are recognizing the need to move quicker than we have in the past in that direction. So why is the state would we not be doing everything possible to say we are going to be that future energy producer where we're not only producing energy for ourselves--

FOLEY: One minute.

WISHART: --and becoming self-reliant on homegrown energy. I mean, think about the security of being able to produce our own energy and not have to rely on anyone or anything else in terms of our own energy resources. Think about that security and then think about the fact that we have resources that we could export to other states and make money off of that, the way that Wyoming has been making money for generations off of their coal production. So it is really concerning to me that I feel like I am standing here and I'm hoping that we can find a solution, but I don't think we should be going in antibusiness, antirenewable energy direction. Thank you.

FOLEY: Thank you, Senator Wishart. Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. I stand opposed to this bill. I listen to-- I've listened to the things that have been said as far as private renewable energy development cannot be-- cannot use this eminent domain, as well as the passage of LB155 could be problematic for all transmission development, and most importantly right now, a symbolism of LB155's language: Nebraska is not open for business. Now from that perspective, I think we can improve upon all of that with some clarity of thinking, and as Senator has just spoken to that issue, Senator Wishart, trying to bring about some changes that would be very positive for the state and for all of us in this body. Let's be clear. The message and symbolism that the passage of LB155 would send to the renewable electric generation industry in Nebraska would blunt that Nebraska is not open for business. Over the past decade, private renewable electricity generation companies have made investments of over \$3 billion in projects in Nebraska. These investments have resulted in thousands of jobs during the construction and operation phases of these projects alongside hundreds of millions of dollars of spending and economic development flowing into the local communities where the projects are located. LB155 is not a bill we want to pass. We do not want

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to send the message that we do not want further investments and economic activity from renewable energy generation facilities in our state. Thank you, Mr. Chairman.

FOLEY: Thank you, Senator Kolowski. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to LB155 for many of the reasons that have already been discussed, and I won't reiterate. I think Senator Wishart brings up some good points in terms of the broad scope of this, it's not just dealing with wind energy. It's also dealing with biomasses and all kinds of other renewable energies that, I think, that we need to be promoting within the state. In addition, I think it sends the wrong message to the industry. I mean, we have an incredible natural resource that should be harnessed and should be promoted. And I don't think that this is necessary, while Senator Brewer has noted that this will not stop some of the major projects that are already happening in the state. I also don't want to get in the way of the ability for renewable energy to be promoted in different ways and to be utilized in different ways, particularly if there is actual private landowners and other folks that want to provide for this eminent domain to have access to these resources. So with that being said, I'm going to yield the rest of my time to Senator Wayne.

FOLEY: Thank you, Senator Morfeld. Senator Wayne, 3:50.

WAYNE: Okay. Thank you, Mr. President. So as we continue to talk about this bill, I think it's an important conversation, but I think this body is missing a bigger issue that we as a body continue to have to deal with, public power in general. We have not had a broad conversation about what we're going to do with public power. NPPD has a stranded asset of about \$1.6 billion, \$1.3 billion in a coal plant. And as we continue to move to more renewable, as Senator Lathrop stated, which I truly believe, that we need to come to a place where we demand 50, 60 percent of all of our energy become renewable. We haven't had a conversation in this body since the early 50s and 60s about true Nebraska public power. The fact of the matter is, the lights you see on here are not public power in the sense of you flick the light and it is the energy company down the street. We are a part of a greater pool called the Southwest Power Pool. And if we don't understand that basic and how that changed when our public power decided to enter into that marketplace, we're missing the bigger point. All of our energy goes on a free market which is

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bought and sold and traded. What is produced here is controlled in Arkansas. They tell our power plants how much they should burn in coal and how much they should burn in nuclear power plants. Now, nuclear power plant, because it is harder to turn off and on, stays running the entire time. But coal they do. And in fact, when I visited the windmill, Senator Brewer, the windmill stopped, but the wind was still going. And that was because the Southwest Power Pool told us to turn it off, that we were generating too much power. We don't control it anymore, but yet we have assets. Why does that bother me? Well, because Fort Calhoun was shut down just north of my district and I have many people who live in my district who worked there. We spent \$500 million to get it back up and going, and then we decided to shut it down at a cost of roughly \$2 billion over the next 25 years. And this body had no say in what we were doing. I implore of the Natural Resources Committee to have an LR and let's have a real conversation about public power and what it looks like going forward. Because I have yet to get an answer to this question, and it's real simple. Colleagues, if we are moving more and more to renewable, we are moving more and more to free wind, those kind of things that don't cost that much, then why is my electricity bill continuing to go up every day and every month and every year? That is because of the stranded assets. So I am going to continue to listen to this debate. But, colleagues, we are missing a bigger point. We have to sit down and have the same debate that was in the 30s and 40s about public power and what does that look like.

FOLEY: One minute.

WAYNE: Is it at the local level? Is it at the governmental level or regional level? But until we have that conversation, sorry, Senator Brewer, this is just a band-aid. It's a band-aid to the bigger issue. We are third in the country in wind. And, yes, we have to balance that with property rights in the Sandhills, but why are we exploring more solar? Because we are fighting against the same system that demands that we still use coal because they have an asset they have to run in order to produce money to keep our rates down. We got to think bigger. So I will ask the Committee on Natural Resources to take a deep dive over this summer and let's have a real conversation in the next short session, next year, about public power and what we think it should look like for the state of Nebraska and the community we serve. Thank you, Mr. President.

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FOLEY: Thank you, Senator Wayne. Senator McCollister, you are recognized. This is your third opportunity.

McCOLLISTER: Thank you, Mr. President and colleagues. Let's put some facts on the table just to be clear what issues we are facing. And, Senator Wayne, I appreciate your comments and we will talk about rates in my discussion here. Currently, we have 788 installed turbines for a nameplate capacity of over 1,400 megawatts and we've had 5,395 construction-phase jobs created, and we've spent \$306 million in construction-phase wages paid; \$557 million in construction-phase local spending into the economy; \$2.5 billion in investments; \$17 million in real property taxes paid; \$17 million in land lease payments. That is big money. That is property tax relief. But we ought to also talk about the process of development. As we, I think, have learned, developers have no power of eminent domain. Only public utilities have the power of eminent domain. So a developer can't come in and force a landowner to develop wind energy or, secondly, to give an access or an easement across their property line. I would contend that 80 or 90 percent of these negotiations between landowners and developers are successful. And if they aren't, what generally happens is the development doesn't occur. They have to move that development some place where they can get access to power and it just doesn't occur. And we should also recognize those easements come with money and that is a continuing source of income for those landowners. So, you know, to say that this is a huge issue in terms of developers and landowners I think is an overstatement. No question about that. Most negotiations are successfully done. Let's talk just for a minute about decommissioning. What generally has occurred in Nebraska is when rather than decommission a particular project, they just revitalize that project. They put in more efficient turbines, maybe relocate some of the turbines to more favorable positions. So, you know, I don't think that much in terms of decommissioning has actually occurred in Nebraska. They simply revitalize those installations with better turbines and perhaps more efficient blades. Rates: rates is an issue, particularly in Nebraska. I think Senator Wayne outlined the fact that OPPD rates are much influenced by the closure of the nuclear plant. I don't argue the point that wind development has occurred because of the extra payments the federal government has paid to developers. That has occurred. And that is a simple fact of life. So what can we do about it? Well, developers have used those-- those payments and they've created a great many turbines in Nebraska and it has been good for rates. Rates in Nebraska have held steady because of low cost, wind and solar energy. And since there is no fuel component



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cost in renewable energy, those rates are actually lower than some of the coal-fired plants in the state.

FOLEY: One minute.

McCOLLISTER: And I think that has been a good thing for Nebraska ratepayers to have that kind of savings. I am anxious to continue the conversation. And I hope that we can come to a good resolution of this issue. Thank you.

FOLEY: Thank you, Senator McCollister. Senator Groene.

GROENE: Thank you, Mr. President. I came to this body four and a half years ago as a big fan of public power. I'm still there, but it's waning because some of the things that have been happening later. They don't act like a public body sometimes. They act like a free enterprise and use the abilities and the powers that a public body and entity has for free enterprise purposes. Well, I have the Sutherland power plant; one of the top 50 in the nation, fossil fuel. Well paying jobs. Wind hurts that. I have the Union Pacific Railroad classification yard, biggest in the world; they haul coal. Wind, subsidized wind hurts that. Global warming, whatever you want to call it, we've had great rain the last three or four years; have nice snow cover on our wheat field this year. If this is global warming, we like it out west. It's been good for us. Don't use that as an excuse, some theory to support inefficient energy production and to use my tax dollars to do it. My first year down here I fought and filibustered a wind energy state subsidy on top of the massive federal one. We beat it. Filibustered it. Killed it. It would have cost another \$55 million, \$75 million in our budget hole. We killed it. They told us they'd never build another windmill if we didn't pass it. Guess what? They built 700 new windmills since then. Greed. Economic development, phooey. Senator McCollister mentioned \$3 billion or so in investments. Guess where those windmills are manufactured. Not in the state of Nebraska. They're hauled in here on semis, set up. And for a farm boy, an old grain bin crew comes in from out of state, erects them and leaves. I don't even know if they paid income tax, state income taxes here while they're here for a couple of months to put those windmills up when they go back to Iowa or wherever. There are no jobs. They hire a couple of laborers once in awhile locally to help out, but the crews are skilled and they come in. When they leave, minimal to no jobs. A couple of jobs. In fact, the

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windmills at up at Atkinson, which is owned by the NPPD, they're run out of North Platte by modern technology, there's nobody up there running switches and turning them on and off. There's no jobs. This is about fanatical green people. Coming here from where I live in the state, I just happen to think about it. Calm day, windmills wouldn't have been running. I didn't see any electric cars on the streets either. Guess what? They aren't four-wheel drive because it would consume too much energy and in cold weather the batteries don't last. With my gas-powered car, I would had the streets. All the green people would have had their electric cars, I wouldn't had a traffic jam. You live in fantasy world with this green stuff. It works in perfect conditions, otherwise you need my coal fired plant running. And the reason some of the reasoned rates are going up, we can't run that plant efficiently anymore because of the forced wind. Senator Wayne, you want to bring a will that, and I'll help you, that says public power-- Nebraska public power. Seventy-five percent of all power has to be produced in the state of Nebraska. That's jobs. OPPD, it just released they're going for 50 percent renewable energy. Not one single windmill stands in their territory, not one single windmill. They're doing it for rural Nebraska.

FOLEY: One minute.

GROENE: We get them monstrosities all over the place. I go home every weekend since I have been here. Why? Because I love western Nebraska. I love the vistas, I love the sunshine. I love the green grass in the Spring, when it ever gets here again on those grasslands on those Sandhills. Don't come out of Omaha and Lincoln and tell me I got to look at them damn things. All right? Quit doing things for us. Leave us alone. Green. Am I mad? You're darn right I am. Senator Brewer is absolutely right. They are a public entity. They get paid. OPPD, because they don't qualify for the Advantage Act, a public power, and they shouldn't, made a deal with the wind farm up at O'Neill that they got \$8 million kicked back to them. Yeah, our income taxes were kick back.

FOLEY: Time, Senator. Thank you, Senator Groene. Senator Geist.

GEIST: Thank you, Mr. President. I would like to yield my time to Senator Brewer.

FOLEY: Thank you, Senator Geist. Senator Brewer, 5 minutes.

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BREWER: Thank you, Senator Geist; and thank you, Senator Groene. All right. Well, there needs to be some understanding about some basic facts here. All right. So let's run down the list here. Those who have spoken against it, McCollister, Morfeld, Kolowski, Wishart, Quick. What is unique about all these names? Well, guess what? They got no windmills in their district. That is the first thing. So the other thing is, is when you come in here and you read a script that you just went and picked up out in the lobby, why would you do that? You do that because you're paid lock, stock and barrel and owned by big wind. Let's take for example, Senator McCollister. We take a financial disclosure report, \$13,400, I'd come here and read the script too. So here's some basic facts and we need to come to understanding here. If you live somewhere where we're going to put hundreds of those windmills, and it just happens to be the Sandhills, again, the most fragile, beautiful area we have in Nebraska, and you're going to have literally hundreds and thousands of tons of concrete and steel being put up there. And then you're going to put those 160-some towers in string and then connect them to a giant power line and then seemed surprised because you are killing everything that flies that comes anywhere near it, and then you're going to look at that forever. So the one thing we do have in the Sandhills, the ability to have tourism now is gone. Because you can go to Iowa and look at windmills. And personally, if you like them that much, move to Iowa. This is a simple issue here. Are you going to give the power of an individual, the power of government to work against his neighbor? Now, they are adding all kind of twists to this, they're trying fluff it up. Now, since Senator Quick is back, I will ask for him to yield for some questions.

FOLEY: Senator Quick, will you yield, please?

QUICK: Yes, I will.

BREWER: All right, when you spoke earlier, you talked about 50 percent of your power, I assume this is for your district, was from renewables or wind?

QUICK: Renewables.

BREWER: Renewables. How much of that is wind?

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QUICK: Ninety megawatt.

BREWER: OK. And where does that come from? Do you have towers in your district?

QUICK: No, it comes from-- I don't remember the two facilities. They bought into two different facilities somewhere in [INAUDIBLE].

BREWER: So you are enjoying the benefits of wind energy, but don't have the towers to look at. That's a yes or no question.

QUICK: Yes.

BREWER: All right, now let's run a couple more questions by you, because you puzzled me when we talked about you worked at the coal-fired plant in Grand Island, correct?

QUICK: Yes.

BREWER: And if we continue with renewables and your forecast with coal is true, won't that plant be in danger of closing simply because it will no longer be needed?

QUICK: No, it will be in danger of closing because of the life span of the plant.

BREWER: And the life span of the plant is?

QUICK: Well, they said 15 more years is probably the-- and it was built in 1980.

BREWER: All right. And what we're looking at now is the life span of a wind tower. Do you have an idea of what that is?

QUICK: No, I don't.

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BREWER: All right, well we're going to say it's almost the same, 15 years. This experience we've had with the ones that we're now looking at decommissioning. Our problem is that we're going to have all of these towers that were built in a mad rush that are going to come due, literally almost the time, in this same cycle. And this beautiful wind energy, renewable energy is now going to have to either build an equal number of towers or completely, as we've said, retrofit these existing towers. The problem is, as you add bigger and bigger turbines, bigger and bigger blades,--

FOLEY: One minute.

BREWER: --you can't use the existing structure, you're going to have to put a bigger foundation under it. All right, next would be, are you familiar with the decommissioning process as we talk through this?

QUICK: Somewhat, but not totally.

BREWER: OK. So, my question, and I still haven't got a copy of this decommissioning document which I need so I can better understand how we're going to take these things down when the time comes. How do we remove these giant foundations that we put them on and how all that works? Because the concern is, say, you do have a wind tower on your place in the middle of wherever and that engine that drives this all of a sudden has problems and it comes apart and starts a fire and it burns however many acres. Once it's off your ground, then who is liable for it? That is all hidden in this agreement that is a nondisclosure agreement. Can you see how that might make people nervous?

FOLEY: That is time, Senator.

BREWER: Thank you.

FOLEY: Thank you, Senator Brewer. Senator Albrecht.

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ALBRECHT: Thank you, President Foley. I just stand again to let senators know that in the last couple of years we have had-- I have certainly had many, many county commissioners in northeast Nebraska contact me to say, how can we protect our landowners? How can we, you know, decide how much of a setback we need? How can we make certain that the decommissioning is within their contracts? How can we make this a fair and equitable transition for the landowners and the companies? Well, I'll tell you what, I do want to-- because a lot of these-- you have to understand, in these areas in northeast Nebraska, a lot of these commissioners do not have a planning board, so they are starting from scratch. And I think we have scratched everything to allow wind energy to come in and do whatever they need to do, however they need to do it to get the job done. And they are very good at what they do. But I do want to share with you just quickly a testimony from Douglas Nelson who happens to be from Wayne who was absolutely in favor of LB155 and came and spoke to the Natural Resources group. He said: Folks, I'm in favor of LB155, but let me tell you why. I first have to lay out the basis for my position that involves numbers. Please focus a minute and take note. To begin, do you know what a megawatt is? It's 1,000 kilowatt hours. Next, do you know the general efficiency factor for commercial wind turbines? It's about 40 percent. So one megawatt hour being 1,000 kilowatt hours is reduced to 400 kilowatt hours using a 40 percent efficiency factor. Moving on, do you know the wholesale value of wind energy? It's about 1.5 cents per kilowatt hour. Now we can calculate the hourly production value of one megawatt of wind energy capacity. Four hundred kilowatt hours times 1.5 cents equals \$6 an hour. Finally, what are the operating costs per megawatt? Using generally accepted guidelines that fit IRS percentages and parameters helped calculate this to be \$84 an hour. Six dollars an hour revenue will not offset \$84 an hour operating expense without massive subsidies in the form of grants and tax credits. You would have to raise the wholesale price of electricity 14 times just to break even. The tax credits paid by you and me make up the difference. As I've just shown, the wind energy would not exist if not for tax credits. Taxes that are paid with tax credits are simply taxes that are not paid. This creates a tax vacuum that must be filled with taxes paid by remaining cash paying taxpayers, thus increasing their legitimate tax liability. Therefore, a landowner is paying the taxes to cover the credits that allows the existence of private industry, an industry with unfounded economics which seeks eminent domain across this land, not for the benefit of public use, but for private gain. LB155 addresses this problem and simply eliminates it. Again, you know, while I was sitting in the meeting rooms during all of this discussion, at the end of session

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last year, I went home and sat on my front porch and I was able to see red flashing lights from Dixon County all the way to the other side of-- let's see, Dixon, Thurston, Wayne, they actually had it in Holt County, I mean, I can't see all the way to Holt County, but I know that all the way to the end of Wayne is where my district ends. I have three counties up there: Thurston, Dakota, and Wayne. And the lights are flashing throughout that whole county. Now, I could have sat on my porch before and saw no flashing lights.

FOLEY: One minute.

ALBRECHT: If, in fact, you know, they say Facebook came to Nebraska and it is a wonderful thing and it is, and thank you, Facebook, for coming to Nebraska. And if that was the only reason that we had those windmills up there so that we could service Facebook and any other business that came, OK, that's part of it. But you have to consider what you are doing to the people whose lands you are going through. Everybody who signed a contract cannot say anything ill of it. If they do, they are going to have a piece of yard art for many years to come. Quite frankly, I am more concerned with the decommissioning of a lot of these turbines because you want to leave your land to your children, but your children are going to have to figure out where are they going to come up with-- I started to hear \$200,000 to decommission; I've heard \$600,000 to decommission. What is it going to be 15 years from now? A million dollars or more?

FOLEY: That's time, Senator.

ALBRECHT: Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Murman.

MURMAN: Thank you, President Foley. Colleagues, I stand in support of LB155. The intent of this bill is very clear. As a Legislature, we have to take a stand. We have to protect our constituents. I am especially thinking about our-- my constituents today in Nuckolls County. LB155 has the opportunity to protect the property of citizens, their livelihoods, and the aesthetics of the area. Windmills do lower the value of homes and property on which they are located. I

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know of a house in Nuckolls County, it's one of the nicer houses in the county, very aesthetic area. And they thought they had the house sold; it was about two years ago. But as soon as the purchaser-- prospective purchaser found out that windmills would be built in that area, they backed out. And now the asking price for the house is, I think, last I heard, about half their asking-- what they were back at that time. And it's all because of the windmill developments in that area. So, excuse me, that was in Webster County, because the windmills are in Webster County and come right up to the edge of Nuckolls County. So, they do definitely, in that area at least, lower the property values. And so any property tax relief that may be coming from the windmills is all negated by lower property taxes because of the problems with the aesthetics and possible health problems from the windmills. So I will yield the rest of my time to Senator Brewer if he would like it.

FOLEY: Thank you, Senator Murman. Senator Brewer, 3 minutes.

BREWER: Senator Groene? Senator Brewer?

FOLEY: Senator Murman, you are yielding time to who?

MURMAN: Senator Brewer.

FOLEY: Senator Brewer, 3 minutes.

BREWER: Good answer. Thank you. All right. Real quick. Let's run through-- I don't think people understand the sheer volume of what we are talking about with the projects that are on the books right now. These are under construction without a PPA. What is a PPA? That is a power purchase agreement. We got 100 turbines that are going into the Niobrara Wind Farm near O'Neill. We got 150 turbines coming into Saline and Fillmore Counties. We got 40 turbines coming into Thayer County; we got 40 turbines coming into Milligan near Saline County; 168 turbines in O'Neill/Neligh area. We've got 55 turbines that will be coming in-- or projected to come in to Lancaster or northern Gage Counties. Fifty-four turbines, part of the Burr Ridge Wind Farm in Otto County; 50 turbines coming into Cedar County; 133 turbines coming into Knox County. This is in addition to the ones that exist now. Approximately a thousand turbines



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are planned in the Wildcat Ridge Wind Farm in Banner County. A thousand. One hundred fifty-seven turbines are projected for Cherry County. The Cherry County Wind Farm, which is Bluestem Energy, and that is in the southern portion of Cherry County near Thedford. So for a minute, you got to stop and take a deep breath and just visualize what Nebraska is going to look like with this nonstop wave of wind farms everywhere. There's not a lot that we can brag about in Nebraska. We don't have mountains, we don't have Great Lakes; we have none of these things. But we do have is some natural beauty, especially in the western part.

FOLEY: One minute.

BREWER: But what we're going to do for a few dollars, and in reality if you look at the big picture, that is what it is, we're going to sell our souls to the devil. The money is going to go to the Southwest Power Pool. It will leave Nebraska. So we're going to ruin how beautiful Nebraska is to give power to other people. Think about that for a moment. We will sell our souls for a few morsels here and live with it forever. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senator Hughes.

HUGHES: Thank you, Mr. President; good morning, colleagues. I have been hesitant to engage in this, but there are a few things that I would like to talk about. If you'll notice the committee statement, I was not voting to get this bill out of committee. I am not a fan of wind, but I am not a foe of wind either. The concerns that I have are different. Private property rights are very important to me as a landowner. But also what I want to do with my land, not what my neighbor can keep me from doing to my land. The question is, we work together. There are probably just as many individuals from Cherry County that comprise Cherry County Wind Association that want to build wind generation in Cherry County as there are people in the balcony and out in the lobby who are working to oppose that. This is a local issue. This is a zoning issue in Cherry County. They have zoning. We as state government don't need to do the heavy handed stuff of stepping in and taking away local control. For any of you who are interested, personal property rights and local control are my hot button words. You want me to get to engage, use those phrases. One of the other things that I want to take a little bit of time talking about to everyone who is listening or watching is green energy? What is green energy? I think it's misnamed, it's

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renewable, but it is not really green energy. I think it should be called warm, pink, fuzzy energy because it makes you feel good. It costs you more. It is not reliable. So therefore, there is no reason to have it except that it makes you feel good. I am not opposed to anybody feeling good. If you want to go to a movie and spend your money to feel good, that's great. But don't expect me to pay the price for higher electricity because you want to feel good about yourself and believe you are supporting some big cause. Gerald Gentleman Station, coal fire plant belonging to NPPD in Sutherland, Nebraska, has come up. It is probably the most efficient coal plant in the United States. We have cheap electricity in Nebraska for a reason. Our power companies have done a good job of keeping our costs down, of managing the assets. We have more generating capacity than we need in this state by about 50 percent. The reason our project needs to be built is because we were very close to brownouts in north central, northeast Nebraska in 2012 during the drought. The irrigation demand that is the true benefit of the state of Nebraska of keeping our economy alive was huge during that drought and we needed to keep those pumps on to keep the money flowing into the state coffers. The R-Project completes the grid. And believe you me, as someone who has lived without electricity for 21 days in 1977, it leaves a mark. That is not fun. My main concerns are reliability and cost when it comes to power generation.

FOLEY: One minute.

HUGHES: Getting back to Gerald Gentleman Station, this last summer, they set records of production because the wind didn't blow and it got dark. For everybody who believes green energy is the way to go, what do you do when the wind doesn't blow and the sun goes down? When I confronted one of the wind lobbyists about Google and Facebook, says how can they be 100 percent green when the wind doesn't blow and the sun goes down? Well, we use accounting. That was the answer. We use accounting. And I have no doubt about that. That they can show on paper that they are 100 percent green, but to the listening and watching public, let's think about that. There is no way you can be 100 percent green because the sun goes down and the wind does not blow all the time. We have a tremendous asset in this country. We have cut our greenhouse gas emissions to a minimum.

FOLEY: That is time, Senator.

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HUGHES: Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. (Visitors introduced.) Continuing debate. Senator Gragert.

GRAGERT: Thank you, Mr. President. I also serve on the Natural Resources Committee, so I did vote this out of committee and I believe and I am-- I believe in it and I support it. And the reason I support it, I just want to go over some things of what this bill is and what it does. And to be frank with you, Senator Brewer give us out some bullet statement here. I want to cover-- maybe I've-- maybe they've already been covered. I'm sure they've been covered in a variety of different ways, there's a lot of good debate going on here. But this bill, it stops people from using force against their neighbors; encourages people to negotiate and reach mutual beneficial agreements; respects everyone's private property rights. Does not interfere with public power rights of eminent domain. Private citizens should not have the government power of eminent domain to use against their neighbors just that they can make money. And the very first one that I skipped over and what this bill really is and what we really are needing to address here, it is a very simple bill. It repeals one sentence from the law. We all heard that sentence. But it simply terminates the temptation of misrepresentation of this bill when trying to negotiate with landowners which have heard-- which we have heard already from testimony some have been threatens with eminent domain. This sentence that we'd remove it would just take that temptation away, even though eminent domain has never been used. So, I just wanted to bring back what really this bill is all about and the simple fact is just it's that simple. It's just to repeal that one sentence. So I yield the rest of my time to Senator Brewer if he wants it.

FOLEY: Thank you, Senator Gragert. Senator Brewer, 2:45.

BREWER: Thank you, Senator Gragert. Thank you, Mr. President. All right, one of the things that is revealing is if you go to the Nebraska Advantage Act and you look under the project applications. And then if you go across and look under the jobs line, there's some revelations there that I think people need to understand. It's easy to come and speak the talking points, so let's look at some of the facts. So Prairie Breeze, zero jobs; Broken Bow Wind, zero jobs; Grand Prairie Wind, zero jobs. So the comments that were made about them bringing their crews, constructing the towers, and then leaving are accurate. So, let's not get too carried away with the

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amount of jobs that big wind produces. Sure, there has to be someone to monitor these towers, no one has said that. But is the investment worth what we get back from them? That is the ultimate question we are going to have to ask here. And just to belabor this point, because it needs to be, is we're not doing a bill that will forbid wind or add zoning. I have a bill to do that. LB373 is ready to go. And trust me, it is one I want to bring and it will address those. And that is your time to talk those issues there. This is about private property rights. Now, one of the things that I have prepared, and as soon as Senator Wishart gets to the mike for the next round, we'll talk about the destruction of those very birds that are a part of this green project that wind has. And I think that when people understand the impact--

FOLEY: One minute.

BREWER: --understand the impact of these wind towers, not on just raptors and birds in general, but of actually taking a species and making them extinct to make money, the green part of this is going to seem less logical. So with that said, thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senator Slama.

SLAMA: Thank you, Mr. President. I rise today in support of LB155. I would like to thank everybody from western Nebraska for coming out today in the midst of calving season. I know that is a big sacrifice for you. I just would like to reiterate that this bill does not interfere with public power's right of eminent domain. We've discussed clean energy pretty extensively today. I support renewable energy and public power. If this bill impacted public power or the R-line project's goal of completing the grid in any significant way, we would have heard as much from them in the committee hearing. In the discussion of more green power options in the state, I would like to use the rest of the time to shine a spotlight on nuclear energy. Some of you may know the Cooper Nuclear Station, which is located in my district, is the state's last remaining nuclear power plant. Cooper Nuclear Station if today's focus is on jobs, represents an enormous asset to our state. According to an analysis by the Nuclear Energy Institute in February, 2018, Cooper supports hundreds of jobs in the five counties surrounding the plant, which includes Cass, Johnson, Nemaha, Otoe, and Richardson, and the rest of Nebraska through its operations. NEI estimates that the total number of jobs supported by Cooper annually is more than 1,000.

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That includes 680 directly created jobs at the plant in those five counties and 320 jobs outside of that five-county area in the rest of Nebraska. Make no mistake, the jobs provided by Cooper Nuclear are high-skilled, good paying jobs, usually requiring some sort of postsecondary education. Economic stimulus from Cooper produces significant benefits for Nebraska through its plant operations. NEI's analysis find that Cooper generates more than \$112 million in annual economic output which includes more than \$66 million for the five counties surrounding the plant, and more than \$46 million for the rest of Nebraska. 2018, the total estimated economic benefits for the five-county area of Cass, Johnson, Nemaha, Otoe, and Richardson Counties include \$66 million in direct economic output, \$63 million in increased gross state product, \$70 million in disposable personal income, and the numbers for the rest of Nebraska outside of that five-county area include \$46 million in direct economic output from the plant operation, \$26 million in gross state product, and \$32 million in disposable personal income. The 680 direct jobs created by Cooper aren't short term like you see with wind farms where there's normally a mad rush of employees to build the farms, they get the farm built, and then they leave. Many of Cooper's employees have been there for decades. Full disclosure, one of those long-term employees of my dad-- is my dad, who has been employed there for over 30 years. Cooper is by far the largest employer in my district. Like many families in our district, I watch the closure of Fort Calhoun with great concern knowing that Cooper was in the same dire straits just 20 years earlier. Although Cooper is licensed until 2034, the loss of Fort Calhoun has made it clear that the loss of Cooper, if ever it were to happen, would be devastating for southeast Nebraska. Cooper isn't just a job creator. It is also far greener than our coal-fire plants. Nuclear power reactors do not produce direct carbon dioxide emissions. Unlike fossil fuel power plants, nuclear reactors do not produce air pollution or carbon dioxide while operating. Nuclear energy provides more than 56 percent of America's carbon-free electricity. Every year nuclear generated electricity saves our atmosphere from more than 555 metric tons of carbon dioxide emissions that would otherwise come from fossil fuels.

SCHEER: One minute.

SLAMA: That's the same as taking 117 million passenger vehicles off the road. I will wrap up by saying green energy is the future and I support its growth. But we simply can't do that at the expense of the land of our hardworking farmers and ranchers for private gain. To all of my

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constituents who have contacted me on this bill worried that the expansion of wind power in the state which without this bill's passage could be conducted by private companies, could threaten Cooper's future--I hear you. I will defend you and nuclear energy. And I proudly support LB155 and encourage my colleagues to do the same. Thank you.

SCHEER: Thank you, Senator Slama. Waiting in the queue to speak: Senator Bostelman, Halloran, Lowe, and others. Senator Bostelman, you are recognized, and this is your third time at the mike.

BOSTELMAN: Thank you, Mr. Speaker. I want to talk about a couple of things. One, actually there's a couple of things we want to get squared away here. The lowest cost is not wind. Fuel load, it's nuclear, period. That is, if you want to go to the lowest fuel cost load, it's nuclear, it's not wind. That's a fact. Nebraska has low electric price-- has had historically very low electric utility prices over the years because of base load generation. And what's that base load generation? That base load generation is coal; it's gas, natural gas; it's nuclear; it's hydro. Base load, it's there every day. Right now, we're cycling coal plants up and down over areas over weekends. That's not good for those coal plants. That makes them inefficient and we don't need to do that. We produce more power, we have produced more power than what this state needs. And when the wind doesn't blow, the sun doesn't shine, guess who has to pick that up. My question to you is, what 40 percent of the day do you want electricity, because that is the most efficient production that they can have on those things. I'm not against renewables, not saying that. I'm saying we need to be smart about what we do. What Senator Slama said, and I will-- Senator Wishart and Senator Wayne, I agree with them all, because nuclear is green. It has zero carbon emissions. Fort Calhoun Nuclear Power Station was closed down. That was a thousand employees; an average pay of \$84,000 a year, plus their spouses. Those are professionals. Plus when they did fuel outages and that, that increased to bring in all the pipe fitters, all of the other electricians, all those people that need to come in, that's a huge-- that's a billion-dollar drain on the state. And now they're going to have to turn around and pay 1-2 billion dollars in order to shut down that plant, to decommission it. That wasn't needed. I want to talk about Germany. That comes up a lot. So, let's talk about fuel prices. Germany has gone 100 percent renewable, they were going to. Right now, Germany is the third highest cost of electric rates in the world at 43.29 cents per kilowatt hour. Nebraska, the United States, Nebraska is 15.75 cents per kilowatt hour.

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Do you hear that? Forty-five cents per kilowatt hour to 15 cents per kilowatt hour. And why is that? And another thing is, is that now they are producing more carbon because they have-- their grid doesn't handle it, so they had to-- they closed their nuclears, or are closing their nuclears, they close their coal. They can't keep up-- it was a demand that they couldn't keep up with and it shut down their grid in Germany. So now they're cranking their coal plants back up. Now they're producing more carbon than they ever did before because of this. That's not a direction we want to go. I'm going back to base load generation. Is there clean coal? You bet. Is it better than it used to be, you bet. Nuclear is an option that Ernie Goss agrees with and states need-- we need to go there. Nuclear is an area that-- is an area that we have to go to if we want to stay base load generation and clean. Gas, methane, all those things that Senator Wishart talked about before produce carbon. Nuclear doesn't. Further on, what a "Wall Street Journal" calls Merkel's Energiewende, a melt down involving astronomical costs from The Wall Street Journal it said: Once seen as a paragon of green energy virtue, the Energiewende is nothing like it was sold to be by green energy hucksters. In fact, things have gotten so bad--

SCHEER: One minute.

BOSTELMAN: --that we can expect activities to grow totally silent on Germany's Energiewende, as its failure becomes glaring and embarrassing. The "Wall Street Journal" editorial boards reminds readers that Germany is not even going to come close to meeting its 2020 or 2030 targets despite the hundreds of billions of Euros committed to the project so far. So what does that mean? That means in Nebraska, the public power entities are the best-- are the ones who need to make those decisions as to where they're at. Public power needs to have the base load generation to sustain our energy in the state. Otherwise, I'm going to ask again, what 40 percent of the day do you want electricity at your house? And in the winter time or when the wind gets too strong in the summertime, what in those-- turbines shut down, what 20 percent do you want? When we start having high loads because of irrigation and that, we're not going to have the power to supply that.

SCHEER: Time, Senator.

BOSTELMAN: Thank you.

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SCHEER: Thank you, Senator Bostelman. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. President. I stand fully in support of LB155. Eminent domain is a very powerful tool. Government is a very strong entity when it comes to-- and we as a body, legislative body have responsibility to make sure it's not abused. And eminent domain is one of the very commonly abused powers that government can have. Senator Brewer's bill is a simple bill. We have said that many times. In the current statutes, the way the current statute reads, only a consumer-owned electric supplier operating in the state of Nebraska may exercise eminent domain authority to acquire the land rights necessary for the construction of transmission lines related to facilities. What he's taking out is one line, the exercise of eminent domain to provided needed transmission lines and related facilities for private developed renewable energy generation facility is a public use. Senator McCollister on a number of occasions has said private enterprise does not have the authority of eminent domain. But by current statute, by proxy, a private enterprise is using eminent domain. It should not fall under their authority to be able to do that, not for their own private gain. Is Senator McCollister on the floor? I would like to ask him a question. I don't see him. Yes, he is.

SCHEER: Senator McCollister, are you on the floor to answer a question? Will you yield, Senator McCollister?

McCOLLISTER: Yes, I do.

HALLORAN: Thank you, Senator McCollister. Quick question, if this was such an important bill and it had such a dramatic effect on public power, can you explain why the only opponents were Advance Power Alliance Center for Rural Affairs, Nebraska Farmers Union, and one individual for themselves, and why wasn't public power there in opposition?

McCOLLISTER: Well, I think I said in my testimony, Senator, that the primary focus of this bill is symbolic. This tells developers and other people throughout the state, the Facebooks and the Googles and everybody else that Nebraska is not open for business. But in terms of its actual practical effect, it is pretty limited, I quite agree.



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HALLORAN: The question I asked was why wasn't public power in opposition at the hearing?

McCOLLISTER: Perhaps they didn't feel it infringed on their rights and abilities to do business in Nebraska, so since they didn't have a dog in the fight, they chose not to enter the fray.

HALLORAN: So if they didn't have a dog in the fight, Senator, whose fight is this?

McCOLLISTER: Well, as I just tried to explain, the primary response, it's symbolic. I think we need to tell those developers that work with Google and Facebook that Nebraska is open for business. We need their jobs; we need their construction. It's the future. I think we need to embrace it.

HALLORAN: Senator, you keep using the word "symbolic." Can you look these folks in the eye up here in the balcony and tell them that this is simply symbolic?

McCOLLISTER: Well, I think I can. Hello and-- but I think however this comes out, you know, we need to continue this discussion.

HALLORAN: Thank you, sir. I would like to yield the balance of my time to Senator Brewer.

SCHEER: Senator Brewer, 1:10 seconds.

BREWER: Thank you, Senator Halloran; thank you, Mr. President. One of the areas I haven't had a chance to talk about today is the issue that I'll be going to D.C. to talk to the Department of Interior about and that's the endangerment of the whooping crane, is part of this ongoing dialogue that we've had on the R-Line and the wind turbines that are coming into western Nebraska. The whooping crane numbers will result in the extinction of the whooping crane if we are allowed to continue on the path that they're projecting, the biologists are, if we build the R-Line. So again, the issue at hand isn't whether or not there's some benefit to wind energy. Is it, is the cost too great? And as a result of that, are we going to, for whatever price we get for the ability to rent out our land to the wind tower, cause an entire species to become extinct. No one wants to talk about the consequences, only those things they see as positive. But I think--

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SCHEER: Time, Senator.

BREWER: Thank you, Mr. President.

SCHEER: Thank you, Senator Halloran, Senator McCollister, and Senator Brewer. Senator Blood, you are recognized.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, it is unfortunate that many have left the floor for the debate. Either they don't want to listen to the debate or they have already made up their minds, and I find that troubling because there's a lot here to debate and discuss. I think this debate has gone off the rails a little bit. Right now, I don't necessarily stand in support of this bill nor do I stand against this bill because I'm still not hearing what I need to hear to support or oppose. One of the concerns I have, and Senator Hughes touched down on it, is I do think this is a local control issue. That a fundamental principle of our constitution is the belief that local governments are better suited to deal with local issues. Local government is better suited to create policy that empowers communities to conserve natural resources and grow their economies simultaneously. One of the concerns I have is that we did have a previous bill, LB373, that was also Senator Brewer's. And what I'm hearing about property rights in that hearing and on today's debate actually seem to oppose each other. And the thing that I'm concerned about is that is this about eminent domain or is this about wind energy? Because I do see us going down that path and at the very beginning I was told that this is not an anti-wind energy bill. But yet people keep come to the mike to say otherwise. So where are we at on this bill? I know that-- and I give kudos to Senator Brewer's team that people have typed out information that they can read on the mikes on behalf of [LB]155, it's a well-organized team. I give you kudos for that. But what is the message and what is this bill about? Is it ultimately about eminent domain? If so, that is a local control issue. If it's about wind energy, are you eating the elephant and trying to have several small bills, because we can't get a particular bill out of committee? Where are we going with this? So, I'm going to continue to listen to this debate, but I do believe in local control. I do believe that we're being big brother when we address this issue that is not our job to do. And I believe the constitution has told us specifically that this is something that we should be standing back on. With that, I would happy to give Senator Brewer any additional time that I have left.

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FOLEY: Thank you, Senator Blood. Senator Brewer, 2:19.

BREWER: Thank you, Senator Blood. I got to admit, I about passed out when you said that. But-- all right, let's go back on the issue of local control. Part of the problem that we're having now is there is a template that big wind uses when they come into a county. And the very first thing they do is make sure that the county commissioners are going to be in bed with their thoughts on how the future of that county should look. And they're very good at shaping that fight. So, they have an advantage to start with because they have deep pockets and they have the ability to influence people. And when they do that, they take away that local control. So, what I'm saying is, we can't piecemeal this county by county to try and fix this. What we need to do is have a law, just like they changed the law to the way it is now, to fix that change. We've heard about how when [LB]824 came up, that it was in committee and it couldn't get out of committee. It was a 4-4 vote. And I will tell you, there are people stacked on that committee for the sole purpose of blocking anything to do with wind, because they're bought and paid for by big wind. So when they do that, that makes that committee ineffective.

FOLEY: One minute.

BREWER: They take a shell out of [LB]824, amend it, bring it to the floor, and then they stick their poison in that and then run it through the floor here and get it made into law. And that's the law we're living with right now. All I'm saying is let's go back and give the people the right to protect their property. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senator Wayne.

WAYNE: Thank you, Mr. President. Colleagues, I started hearing urban versus rural divide during this debate. And I think we need to be very conscious of that divide. I'm one of the few who have traveled the state, went out to Senator Brewer's beautiful country multiple times and hung out and listened to people out there with their concerns. But like I said before, I think my issue with this bill, and I'm struggling where I am on it, is I think it's a band-aid to a bigger issue. And this is something that our body, we tend to do over and over. And I think this is a topic that is prime for our Legislative Council, that we have off session and that we can spend two or three

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days in Lincoln in September or August and we take a deep dive into public power. We look at eminent domain. We look at transition. We look at generation. We might conclude that Nebraska needs to get out of generation all together. We might conclude that we need to stay in. But I'm just not sure if I'm ready to jump off the ledge on this bill without having a broader conversation about what we're doing with Nebraska public power. So I would submit that rather than push a bill through, although I agree with Senator Brewer and his passion about many other things, I think it's time this year, whether it's property taxes, whether it's education funding, whether it's wind, that we start thinking big and broad. We stop picking and choosing winners and losers and a sliver here and a sliver there, but we think big and broad. And we have a tool in this body to do it. The committee process is great, but it's also flawed in the sense that there are seven or eight people on a committee. And the broader body doesn't have a conversation. But we have a tool through our Legislative Council that can give the whole body a time to meet, listen, ask tough questions, take a deep dive into a topic that impacts everybody. Because oftentimes we come with a bill, we come with a bill that is meant for our district, and we always don't understand the other side of the coin. So whether it's letting this bill go through Select File, whether it's adding amendments, whether it's filibustering a bill, we can do all those things because we're not talking about the bigger issue. So what I would like to see today and tomorrow, if this goes into it, is let's start figuring out and let's all start e-mailing and calling Senator Hilgers who is our Exec Board Chair and implore him to put this on the agenda for a Legislative Council deep dive. And I think as a body we need to start figuring out four or five topics that we meet and take deep dives on that impact all of Nebraskans. I think we'll see the same thing with property taxes this year. It will come out of committee, it will look great, and there will be questions, and people get concerned about one or two things, because we all don't have the bigger understanding of how it will affect the rest of Nebraska. So I--

FOLEY: One minute.

WAYNE: --rather than having a continued debate on this topic, let's all agree to take a bigger deep dive and maybe we'll end up right back here. But at least the entire body will understand Brewer's position. At least the entire body will understand Wishart's position. Because we'll have time rather than a five minute conversation on a mike to really understand where we're at. Because those both are legitimate concerns that we have to deal with. We have to deal with the

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Sandhills and people not wanting a windmill in their backyard. We have to deal with that. But we also have to deal with green and renewable energy that many people are demanding. And a five-minute conversation with 10 seconds left on the mike won't bring us together to come to a real vote on what we're doing. Thank you, Mr. President.

FOLEY: Thank you, Senator Wayne. Senator Brewer, you are recognized to close on LB155.

BREWER: Thank you, Mr. President. I normally agree with Senator Wayne, and there is a lot of wisdom in what he says. And I must admit, when he came west with me, there were few that met him that weren't absolutely impressed by his willingness to listen. The problem is, this may be a band-aid, but it's a start. I have asked the people that are in the balcony to come to Lincoln five times in the last 2.5 years to sit through committee hearings in Natural Resources where four people on that committee, no matter what happened, were never going to vote to allow that bill out of committee. So, now we finally have the bill here and we've had fair and open debate on it. It's a simple bill. Everybody brings in all of these outside issues trying to poison it, trying to figure out a way to stop it, because somehow they didn't think it was green enough and that what I was trying to do was wrong and evil. All I'm trying to do is protect landowners. Yeah, they're the landowners of my district, but there are landowners across the state of Nebraska, too. This bill does nothing to harm anything. It doesn't hurt public power. It's not going to stop wind energy. It's going to force them to talk to people, to negotiate. To the 30 senators, and for the most of them that are not on the floor now, and to the people that made the trip to Lincoln, I apologize for looking down on this empty floor right now because what happens if you don't like what people are saying you leave, you just get up and leave. Because what, you don't have to listen to it and you don't have to feel any pressure from anyone. So they'll come stumbling in here when I call for a call of the house here in a few minutes and we'll see how the vote shapes up. But I want you to know that on this issue, I fought the good fight. We'll see how it comes out. This doesn't work, we'll come back for round two. But shame on those that don't want to hear the fight and just want to vote because they are bought and paid for. This is an issue all of Nebraska should be worried about, not just the Sandhills. With that, thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Members, you have heard the debate on LB155. The question for the body is advance of the bill to E&R Initial. There has been a request to place the

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house under call. The question is shall the house go under call? Those in favor vote aye; those opposed vote nay. Record please.

CLERK: 23 ayes, 2 nays to place the house under call.

FOLEY: The house is under call. Senators please return to your desks and check in. The house is under call. All unexcused guests please leave the floor, the house is under call. Yes, sir. Senator DeBoer, if you could check in. All senators please return to the desk, check in. The house is under call. Waiting on Senators Cavanaugh, Morfeld, Pansing Brooks, Chambers, and Arch, please return to the floor and check in. The house is under call. Waiting on Senators Cavanaugh, Morfeld, and Chambers. Senator Brewer, we're lacking Senator Chambers. We can proceed or wait, it's your call. Question for the body is the advance of LB155 to E&R Initial. Roll call vote in regular order has been requested. Mr. Clerk, please call the roll.

CLERK: [Roll call vote taken.] 23 ayes, 8 nays, Mr. President, on the motion to advance the bill.

FOLEY: The bill does not advance. I raise the call. Proceeding to General File, LB309. Mr. Clerk, when you're ready.

CLERK: Mr. President, [LB]309 is a bill originally introduced by Senator Lathrop. (Read title.) Senator Lathrop presented his bill yesterday, Mr. President. At that time-- at that time, Senator Chambers had offered a motion to bracket the bill. That motion failed. Senator Chambers then moved to reconsider the bracket motion, that motion is pending, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senators Lathrop and Chambers, if you would like to take a couple of minutes each to refresh us on where we left off on LB309. Senator Lathrop.

LATHROP: Thank you, Mr. President and colleagues. Very simply, this is a bill to add a district court judge in Douglas County. The Resource Commission looked at the need, the weighted caseloads, and determined Douglas County needs four district court judges. This would add one. Thank you.

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FOLEY: Thank you, Senator Lathrop. Senator Chambers, would you like a couple of minutes.

CHAMBERS: Thank you. Mr. President, members of the Legislature, not only am I not trying to kill this bill, I support it. But I've told Senator Lathrop I would make use of his bill to put some comments into the record on various subjects. Therefore, I'm offering motions rather than amendments. I don't want to touch the bill itself. So, my motion that I have up there now is the kind that I will offer until I have said what I've got on my mind. Thank you.

FOLEY: Thank you, Senator Chambers. Is there any discussion on LB309 and the pending motion? Senator Chambers.

CHAMBERS: Mr. President, members of the Legislature, when we have a court bill, it gives me the opportunity to talk about the things that I feel are very important. I mentioned the other day that there was a woman, and because of her address I'm convinced she was a black woman, and then the way she was treated by the court, she sought a protection order and she said that the man she was seeking it against had made threats to burn down her house, had told her he could snap her neck, had made very derogatory statements about their child. The judge, without even having a hearing, refused to grant the order. In other words, he just overruled what she was trying to do, denied her the opportunity for a hearing. And when people make these requests, they usually are entitled to a hearing and will be given that hearing. Not only did the judge turn her away, but the other day that house, in fact, was burned down. It's believed that this man who made the threats, even though he was in the house at that time, and was burned, is the arsonist. So when these kind of things happen in the courts, I think that is the worst possible message that can be given. Even if the judge hates the individual standing before him or her, that judge is supposed to behave in a judicious or judicial manner. What he did ought to be outrageous in the minds of everybody. Now, when I say the flag is a rag, which I have said and I'll say it and I'll say it and I'll say it, there's all of these calls from the Christians. But when I mention a situation like this where somebody's life was at stake, where a judge refused to even have a hearing before he denied a protection order, and I know where white women are concerned, when there are far less serious reasons given, a hearing is conducted. It was not. How many phone calls am I going to get from these outraged white people? Not one. How many from all these so-called Christians? Not one. But let me tell you how I deal with your brothers and sisters when they call

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me. First of all, I've told Cindy she doesn't have to listen to somebody call her a so-and-so bitch or use the n-word or make threats. She's not the one elected, I am. So here's what I do when your Christian brothers and sisters call and start the cursing and the hurling of the racial epithets, you know what I say? I say this is Ernie Chambers speaking. Oh, it is, huh. I say, yeah. That's the number you called. I pick up the phone. I'm Ernie Chambers, you didn't expect me to answer the phone? Then he starts. I say, bless you my son. He says a few more words. I say go and sin no more my son. He says some more. I say, you know, I'm going to pray for you because you're standing in the need of prayer. Click. That's how I deal with them. They're stupid. But I don't run. And with these new gadget phones you have, when the screen comes on, then it lets you know they're anonymous. That's the word that comes up. The cowards are always anonymous. I do not throw a rock and hide my hand. Everything I believe, I say it, and I say it wherever I am when it's appropriate to discuss that issue. And since you all salute that rag, I guess you do it every day, I'm going to say something about it every day.

FOLEY: One minute.

CHAMBERS: I got a call from a man in Israel. And you know why he called me? He heard what I said about the flag and he said I'm the kind of man he wants to talk to, because there's a swastika-shaped building on a naval base in San Diego. On an American base, a building shaped like a swastika. And when complaints were made about it, supposedly what they didn't know, they didn't realized it, so the suggestion was made that they break those arms up so they have rectangles. No, the swastika is still there. And you all are worried about what I say about a rag. And that's what your government put. Your government built a swastika-shaped building on a naval base. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. You're recognized again, Senator Chambers.

CHAMBERS: There are other locations where they have sidewalks in the shape SS. Do you all know what SS stands for? Schutzstaffel. The Waffen-SS were the military arm of the SS. There's a cemetery in Germany by the name of Bitburg. And when the President you all worship, Ronald Reagan was going to visit, I tried to get this Legislature to pass a resolution saying that he ought not to do that. And in the process, I gave details about the Holocaust, the Zyklon B gas, the



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different methodologies used to murder the Jews. At first they would line them up along a trench and shoot them in the base of the skull. But believe it or not, there were some German soldier who said that's not why I wear the uniform and they found out it was having such a bad psychological effect on the German soldiers that they had to do it differently. Not because of anything humane, but on the soldiers. So what they would do is put them in the back of these hermetically-sealed vans and they pipe the carbon monoxide gas into the compartment. And when they had driven the van long enough to have killed everybody-- oh, you all didn't know this? You white Christians didn't know about this and you're going to blame me and condemn me? Well, let me tell you some more about it. When they got to where they were going to be and they opened those two doors, they found out people had vomited, they had defecated, some were not completely dead yet, and that began to have such an adverse psychological effect on the soldiers who had to do it, that they said this cannot be. We have got to find a better way. And there was a Farben chemical company and they came up with Zyklon B gas. So they fitted out these buildings to look like showers. And when they brought in the train loads of Jews, they told them that sometimes people bring infectious diseases or bugs, so you've got to take a shower before you go to your quarters. And they would have them take their shoes off and stack them in one place; shirts, another. The Germans were very methodical, very meticulous. And you know why all of this was known? Because they kept those meticulous records. And when the Nuremberg trials came, those records that the Nazis kept were the testifiers against them about what they did because they wrote it themselves. But when they wrote it, it was not to be a confession, it was not to be something used against them to condemn them, but rather to show the glorious methodology they had arrived at to kill these subhumans, "Untermenschen," inhuman. That's what the Nazis were doing. So what they would do, when they got all of the people naked, they would herd them into this big room which was supposed to be a shower, and there were shower heads. But guess what happened when they engaged the shower head. The gas came. And guess what happened when people inhaled that gas. They died. And they died in such large numbers they had to find a way to dispose of all these corpses. Well, when they were lining them along the trenches and shooting them in the back of the head, they just put dirt on them, and even if they weren't completely dead, then the dirt would suffocate them. But they had to find a different way to do what they wanted to do. So they had these crematoriums.

FOLEY: One minute.

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CHAMBERS: I hear somebody who is the only one who can make me stop in mid-sentence-- when I hear the cry of a baby, every time I hear a baby cry or touch a leaf or see the sky, then I know why I believe what I believe. I know why I am what I am. And I know why I do what I do. You all need to gather inspiration when there's a baby in your presence because it reminds you of a younger you, a more innocent time, when you were more innocent, when you were better than what you are now, when you were in a position to grow up to be somebody who would do great things; who would be concerned about the poor, the hungry, the widows, the orphans, those who are mentally ill, those who are homeless, those who are the dregs of society and kept out on the margins, the others.

FOLEY: Time, Senator. Time, Senator. Senator Chambers, you are recognized for the third opportunity.

CHAMBERS: Thank you. And, Mr. President, Senator Lathrop is entitled to have a vote on his bill. But I've got to speak and say my piece and this will be the last time. See how-- when good people are operating, good things happen. There's a confluence of events which will allow me to unburden my soul, I use that term advisedly. Senator Lathrop will get his vote. Senator Lathrop's bill will get enough votes to advance. So the agreement that I made with him, a one-man agreement is going to be carried out today. I only will take four more minutes of your time. But not only did they have these crematoriums, and when people began to become aware from things they heard that was going on in these camps, when they saw that glow in the sky at night, they knew what was happening. They were burning human beings. And sometimes when the wind was right, they would smell burning flesh. And then ashes and the remnants of bones were a lot easier to dispose of. And the crowning insult was in the same way that sometimes on slave plantations they would make one slave beat another slave or lose his life. So they make you turn against your own people. There were Jews pressed into the service of destroying their own people. And when you take human beings and you reduce them to that level, you can force them to do things that before that they would have thought they would never do under any circumstances. But it's easy for the one whose foot is secure to ridicule the one whose foot is about to slip. So until you have been in a situation like that, slow down in accusing and condemning. These people were called collaborators by some. They had what they call kapos or kapos who were like foremen in these barracks. They were working for the Germans. They were

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Jews. And some of them felt they might live just a little longer if they went along with that program. All of these things that I'm telling you, Reagan should have known. The people around Reagan should have known. Now, I get condemned for speaking up on these matters. Reagan was supported by a lot of people when he went to Bitburg Cemetery in Germany where SS troops were buried. What do you all think about that? You don't think anything about it. You love Reagan, you worship him. I'm not one of you. I'm not like you and I will not do like you. And when I see the way you behave, I don't want to be like you and I will never be like you. And as long as I have breath in my body, I'm going to say the things that I believe. Senator Lathrop will have his vote. I would like to ask him a question if he's still on the premise.

FOLEY: Senator Lathrop, will you yield, please?

LATHROP: Yes.

CHAMBERS: Senator Lathrop, Senator Briese will never make a wager with me. Are you of a mind to make a wager with me this morning.

LATHROP: I think that's against the law.

CHAMBERS: Well, no. Judges do it. Coaches do it. Governors do it. And they make it known.

LATHROP: If it's not money, maybe.

CHAMBERS: No, it's not money.

LATHROP: All right.

CHAMBERS: You willing to make a little wager?

LATHROP: Sure.

CHAMBERS: OK. I bet your bill advances.

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LATHROP: I'm not going to bet against that. I think I'm with you on that one.

CHAMBERS: Curses. Mr. President, I'm through. But first, I would ask for a call of the house because that's what we're going to need for that vote anyway.

FOLEY: Mr. Chambers, could you come to the desk for a moment, please. Senator Chambers?

CHAMBERS: Yes.

CLERK: Senator, I understand you're asking unanimous consent to withdraw your reconsider motion?

CHAMBERS: Yes, I am. Thank you.

FOLEY: The motion is withdrawn.

CLERK: Mr. President, Senator La Grone would move to amend.

FOLEY: Senator La Grone, you are recognized to open on your amendment.

La GRONE: Thank you, Mr. President. I'm glad we finally got to this amendment. Senator Lathrop and I would like to go through the amendment, but seeing as we're short on time, what we have talked about is, he is willing to have that conversation on Select File and have a longer conversation on that. So I'm just going to do here is go through the amendment so everyone is aware of what we are talking about and then at the end of this, so that he can get his bill moving, I'll take care of those and then we can have the extended conversation on Select File. But essentially what the amendment does to the bill, so the bill obviously puts another judge in Douglas County. And as I was saying, the other day, might have been yesterday, I can't remember the days at this point, that there's an unfunded mandate that isn't seen in the bill associated with that because the counties have to pick up the administrative costs. So what the amendment does is it goes through, and I'll just read part of it. It says: The state shall annually reimburse counties for costs incurred in operating budgets of county courts, district courts,

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juvenile courts. And so when we're talking about exactly what that deals with, what we're touching on is currently it's, obviously, a statewide court system, it's a state interest and a state necessity to have a functioning court system, as Senator Lathrop touched on the other day. But some of the things that the counties have to pick up in association with that are some of the law clerks, the bailiffs, then their health and dental insurance. There's a lot of personnel costs associated with this. Obviously, you have costs associated with the appointment of counsel; there's law library costs, and that always, with technology, I wonder, I would be curious to how much those costs are now compared to what they used to be; supplies and equipment, including computers and furniture. And then talking to members of the Sarpy County Board, one of the largest costs that the counties incur are security costs. In Sarpy County alone, it's about \$1.4 million a year they have to pay in security costs for their court system, which when you look at the actual percentage, the whole court system in Sarpy County, essentially, costs just over \$2.4 million. So it's the vast majority of it goes to security costs. So again, when we're looking at this, this entire thing-- the whole court system-- I only have the numbers on Sarpy County, is roughly a \$2.4 million unfunded mandate to Sarpy County. So I'm sure it's even larger when we get into the other counties. And again, I appreciate Senator Lathrop being willing to have the conversation and in order to ensure that he has his votes to advance the bill today, I'm not going to push these amendments now. We can have that conversation on Select File. So with that, I would ask that the amendments be withdrawn and refiled for Select File.

FOLEY: Without objection, the amendments are withdrawn and refiled on Select. Senator Lathrop, you are recognized to close on advance of LB309.

LATHROP: Thank you, Mr. President and colleagues. This is a district court judge that's desperately needed in Douglas County. We will have an opportunity to discuss some of Senator La Grone's points on Select File. This bill isn't going anywhere. It's going to get moved through Select and then wait pending Final Reading until we work it through the budget. The money has got to be there in order for this to happen. I would appreciate your support of LB309. Thank you.

FOLEY: Thank you, Senator Lathrop. Members you have heard the debate on LB309. The question for the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please.

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CLERK: 35 ayes, 0 nays on the advancement of the bill.

FOLEY: LB309 advances. LB309A, Mr. Clerk.

CLERK: [LB]309A by Senator Lathrop appropriates funds to implement the provisions of LB309.

FOLEY: Senator Lathrop, you're recognized to open on LB309A.

LATHROP: Thank you, Mr. President. Colleagues, I'll be very brief. Thank you for sticking around. This is the A bill that goes along with the previous bill to provide a district court judge in Douglas County. Again, this will move to Final where it will sit pending reconciliation with the budget. I would appreciate your support on LB309A. Thank you.

FOLEY: Thank you, Senator Lathrop. I see no discussion on the bill. Senator Lathrop, you are recognized to close on the A bill. He waives closing. The question before the body is the advance of LB3090A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please.

CLERK: 35 ayes, 0 nays on the advancement of [LB]309A.

FOLEY: LB309A advances. Items for the record, please.

CLERK: Thank you, Mr. President. [LB]281 is a bill by Education Committee, reported to General File. Enrollment and Review reports LB80, LB81, LB192, and LB192A as correctly engrossed. Education Committee also reports LB6 to General File with amendments attached. I have a conflict of interest statement by Senator Morfeld; that will be on file. An amendment to be printed to LB183 by Senator Briese. A series of name adds: Senator Halloran to [LB]54; Clements, [LB]147; Halloran [LB]147; Albrecht, [LB]147; Brewer, [LB]198; Dorn, [LB]209; Brewer, [LB]325 and [LB]343; Lowe, [LB]445; Halloran, [LB]582; Wayne, [LB]611.

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Mr. President, Senator Lindstrom would move to adjourn the body until Thursday morning, February 28, at 9:00 a.m.

FOLEY: Members you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.