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Floor Debate  
February 28, 2019

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FOLEY: Good morning, ladies and gentlemen, Welcome to George W. Norris Legislative Chamber for the thirty-third day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Pastor Brent Kuhlman of Trinity Lutheran Church in Murdock, Nebraska, Senator Clements' district. Please rise.

PASTOR KUHLMAN: (Prayer offered.)

FOLEY: Thank you, Pastor Kuhlman. I call to order the thirty-third day of the One Hundred Sixth Legislature, First Session. Senators, please record your session. 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: Mr. President, I have no corrections.

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

CLERK: Mr. President, the priority bill designation, Senator Chambers has selected LB44. And just an announcement, the Urban Affairs Committee will have an Executive Session at 10:00 today in Room 2022. That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR25. (Doctor of the day introduced.) We'll now proceed to the agenda, Legislative Resolutions. Mr. Clerk.

CLERK: Mr. President, LR27 was introduced by Speaker Scheer. It's a resolution congratulating Jennifer and Ray O'Connor as recipients of the Distinguished NEBRASKAlander Award.

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FOLEY: Thank you, Mr. Clerk. Speaker Scheer, you're recognized to open on LR27.

SCHEER: Thank you, Mr. President. First, before I do forget, colleagues, just a reminder and I want to thank Senator Hughes for reminding me. Your accountability and disclosure financial statements are due tomorrow morning. So just a heads up. I'm sure everyone has already facilitated that, but if you haven't, friendly reminder that those do need to be in by tomorrow. In relationship to the three LRs, I'll speak very briefly. These are for the Statehood Day, and we had them prepared and because of the amount of work that has been up in the Bill Drafting Department it took them a while to get them finished. As many of you may know that when a resolution goes across on the bottom, there's a six-day waiting period. Well, we would like to be able to present the resolutions to the recipients on Saturday night. The only way we can do that is if you actually approve them today as a vote so that they can receive these on Saturday. So there is nothing special about these. It is just simply because of a time element that we need to run them across and vote on them today in order to facilitate them being able to receive them on Saturday. So I'd appreciate your green vote not only on LR27, but LR28 and LR29 as well. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Is there any discussion on LR27? I see none. Speaker Scheer, did you want to say anything further? He waives closing. The question for the body is the adoption of LR27. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of LR27.

FOLEY: LR27 has been adopted. Moving to LR28. Mr. Clerk.

CLERK: Mr. President, thank you. Speaker Scheer would introduce LR28, the Legislature congratulating Ernie Weyeneth as recipient of the Distinguished NEBRASKAlander Award.

FOLEY: Speaker Scheer.

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SCHEER: Thank you, Mr. President. Again, same as before, and appreciate your green light as well. Thank you.

FOLEY: Thank you, Mr. Speaker. Any discussion on LR28? I see none. The question for the body is the adoption of LR28. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of LR28.

FOLEY: LR28 has been adopted. Finally, LR29, Mr. Clerk.

CLERK: Mr. President, LR29 introduced by the Speaker congratulating Dr. Sara Brandes Crook as a recipient of the Distinguished NEBRASKAlander Award.

FOLEY: Speaker Scheer.

SCHEER: Again, colleagues, this is the final of the three that I presented earlier, and I appreciate your green vote. Thank you.

FOLEY: Thank you, Mr. Speaker. Senator Clements.

CLEMENTS: Thank you, Mr. President. I've known Dr. Sara Crook for a number of years and especially she was very active in the Nebraska 150 celebration, has been very active in Nebraska history in promoting our state, especially our state heritage, and I encourage your green vote. Thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Senator Slama.

SLAMA: Thank you, Mr. President, and though I have not known Dr. Crook for as long as Senator Clements has, in my short time of knowing her, I've found her to be an exemplary Nebraskan and a professor who gets her kids involved in government. So, I, too, encourage your green light vote on this resolution.

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FOLEY: Thank you, Senator Slama. I see no further discussion. Speaker Scheer. He waives closing. The question for the body is the adoption of LR29. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of LR29.

FOLEY: LR29 has been adopted. We will now proceed to General File, LB183. Mr. Clerk.

CLERK: Mr. President, LB183, a bill originally introduced by Senator Briese. It's a bill for an act relating to taxation. It changes the valuation of agricultural and horticultural land for purposes of certain school district taxes. Senator Briese presented his bill to the Legislature on February 11, Mr. President. The committee amendments as offered by Revenue were presented by Senator Linehan. I do have other motions pending to the bill, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator Briese and Senator Linehan if you'd like to take a moment or two each to speak to the bill and then the committee amendment, if you care to. Senator Briese.

BRIESE: Thank you, Mr. President. LB183 initially was introduced to require that ag land be valued at 1 percent of its actual value for school bonding. And note, this is not for General Fund expenditures or levies, but for bonding only. The bill came out of committee at 30 percent with AM158. We debated AM158 a couple weeks ago. I asked the Speaker to hold it at that time. I since dropped an amendment to increase that percentage to 50 percent. I would note that the Bill Drafters did find an issue with my first amendment of 50 percent. We dropped a second one that should take care of those issues. And why 50 percent? Fifty percent is a point at where several education groups indicated to me that they wouldn't oppose it. Not saying they're in favor of it, but they wouldn't oppose it, especially under the circumstances I'll describe for you here in a little bit. And I do note that Senator Crawford dropped an amendment last time we discussed the bill. I believe this was an effort to extend debate that day, and she's indicated to me that she will withdraw her amendment so it can eventually be replaced with mine. And Senator Wayne has a motion to postpone the bill. He's also indicated he will withdraw that. So why did I introduce this bill? Because of a common complaint I heard in the district and across the state. That concern is

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the fact that those in agriculture pay a disproportionate share of K-12 infrastructure relative to their nonag patrons. This leads to two concerns. First, those in the ag community question the fairness of a system in which their contribution and support of local public education is far in excess of their nonag friends. And we can see this discrepancy in an exhibit I handed out that you should have by now. And second, really the most importantly in many districts, ag producers are outnumbered at the voting booth, and the disparity in tax burdens can serve to encourage excessive investment in K-12 facilities by unnecessary bond votes. This bill addresses this issue by helping to equalize the tax burden born by all patrons of a school board when it comes to infrastructure, of a school district, excuse me. This bill injects a little more fairness into the system. It will generate a little more accountability at the voting booth. I believe this bill, as amended, is sound public policy. And there were concerns expressed by some folks that they would like to see what comes out of the Revenue Committee before we move this bill forward. Speaker Scheer has indicated that he would hold the bill on Select pending the outcome of a larger package by the Revenue Committee, and I have agreed to that. I think that is a sound decision to wait and see what happens coming out of Revenue, but at this point I would like to move the bill, as the bill with the amendment to Select. Thank you, Mr. President.

FOLEY: Thank you, Senator Briese. Senator Linehan, if you'd like a moment just to refresh us on the committee amendment you may do so at this time.

LINEHAN: Thank you, Mr. President, and good morning, colleagues. The committee amendment increased from 1 percent to 30 percent and added the language, this will affect bonds issued after the operative date of LB183. So any bond that's already out there, this does not affect.

FOLEY: Thank you, Senator Linehan. Mr. Clerk.

CLERK: Mr. President, per Senator Briese's discussion, Senator Wayne, your bracket motion is next. Senator, I have a note you wish to withdraw.

FOLEY: The motion is withdrawn. Thank you, Senator Wayne.

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CLERK: Thank you, Senator. Senator Crawford, you had an amendment to the committee amendments. I have a note again that you would like to withdraw at this time.

CRAWFORD: Yes.

CLERK: Thank you.

FOLEY: That is withdrawn. Thank you, Senator Crawford.

CLERK: Senator Briese, you had a floor amendment, AM-- excuse me, FA17. I understand you wish to withdraw that, Senator?

BRIESE: Yes, I'd like to withdraw that.

FOLEY: FA17 is withdrawn. Thank you.

CLERK: Mr. President, Senator Briese would move to amend the committee amendments with AM517.

FOLEY: Senator Briese, you're recognized to open on AM517.

BRIESE: As I've indicated to virtually everyone in the body as I've spoken with you about this, my intent is to bring the percentage up to 50 percent. I think that's a very workable percentage in this case and I think that alleviates a lot of the concerns I've heard. And so that's what FA517 does. It brings the percentage up to 50 percent. I still maintain that this is good public policy at 1 percent, but we're not going to go there. It would cause some disruptions in how things work and how we fund public education, and so I think 50 percent is a good place to be. And I talked about the concerns of agriculture relative to school funding and let's look at some examples. In that exhibit I handed out, maybe doesn't say there on that one, but in one county in my district ag properties comprise 80 percent of the tax base while only about 40 percent of the population live on farms. In another county ag property comprises 74 percent of the tax base while only 32 percent live on farms. And Senator Friesen gave the example a couple weeks ago in Hamilton

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County where only 10 percent of the population are farmers. So although ag producers may be outnumbered at the voting booth, a typical ag producer pays a much larger share of K-12 infrastructure costs than a nonag taxpayer. And you see the problem. A situation where a minority of the voters pay a majority of the cost makes it too easy to spend money and pass bond issues. And is it too easy to pass bond issues for K-12 capital construction? That depends on who you ask. Last time on the floor, I cited U.S. Census Bureau data that suggests that, yes, perhaps we do take on public debt for K-12 infrastructure at an excessive pace. And what's the impact of this 50 percent proposal? And there you can look at the examples on the exhibit I passed out. These examples assume \$1.6 billion school district valuation, a successful bond vote requiring a repayment of a million dollars a year for 20 years. The owner of a \$150,000 home would pay \$94 per year under current law. At the same time someone who operates a 900 acre farm could easily pay 27 times that amount. And remember, this 900-acre farmer might not own an acre of land. He or she could simply be cash renting, but if so he most likely pays the rent that factors in the property tax burden. So he or she essentially pays the property tax burden even without ownership. Under this bill, notice that under the 50 percent proposal in this bill, the ag producer would still be paying perhaps 18 times what the homeowner does. And I would suggest we aren't imposing an onerous burden on the homeowner in our example, I would submit that's a manageable number. And remember that in our urban districts, ag land comprises a small fraction of the tax base. This bill would have negligible impact in Lincoln or Omaha, but in our more rural areas this amended bill, this bill with the amendment would give everyone a little more skin in the game. And what's that do? It will encourage patrons of a district to weigh more carefully the need for new infrastructure, it will help to inject a greater sense of fairness and equity into school funding. It will create more accountability at the voting booth. It will help incentivize efficiencies and cost savings in public education. But most importantly, perhaps, this bill can send a message that urban and rural interests can come together to enact good public policy. I would ask for your support on the amendment and on this bill to get it to Select File. Thank you, Mr. President.

FOLEY: Thank you, Senator Briese. Debate is now open on LB183 and the pending amendments. Senator Friesen.

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FRIESEN: Thank you, Mr. President. I stand in support of LB183 and all of the amendments. Senator Briese has worked diligently to bring people on board, and hopefully we can move this bill forward to the next round, and when we can see once what kind of other tax proposals we have, but the example he uses is excellent. I mean we've recently had some school districts do bond issues out there, and right now with the urban population able to vote for some of those bond issues over the objections of the rural landowners who pay the bill, those bond issues are pretty easy to pass. The effect on that urban residential homeowner is negligible and yet in today's economy, that increase in property taxes on that ag producer is a difference between a profit and a loss. There's no money out there. And these bond issues, some of these schools, I think there's-- and I don't know how many there are, but there needs to be some more consolidation. Some of these schools would have been better off consolidating. They're close to larger schools. They're trying to remain open or trying to build up facilities so that someone will come in and use their facilities, but they're declining in population just like we have in the last 100 years. These schools are not growing, and yet they continue to get these bond issues passed to improve the facilities when maybe they should be merged. But when you look at what rural Nebraska's going through right now, I mean, when we talk about mergers I think we need to remember that we should do maybe what you called smart consolidation. We need to study what is going to happen, and maybe sometimes the economic benefits we get out of closing a school is not worth the harm we do to that region's economy. So again, I think that this just takes a very small step. Those bond issues, they rarely happen. They're once every 10-15 years. They're not that often because our schools are not growing. They're declining in size. So what they're trying to do is fix up facilities and so they don't occur that regularly. But when we look at what's happening in rural Nebraska we keep losing population, we have not stemmed that flow of students yet. And so, some of these schools it's basically holding the community together, and I do worry sometimes if we consolidate some of these schools we completely dismantle the economic value of that community. And the damage we do to other small businesses in that community outweighs the amount of subsidy they may get because they will never have the teacher-student ratio that the larger schools will have. They will never have the efficiency. They will never be able to educate a student for \$95, \$100 per student. They're always going to be a high cost, and there's nothing they can do about it. In some parts of our state students already are transported more than 50 miles in one direction. I know people who have bought a home in the community so their kids live there during the week, come home for weekends. They have



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consolidated. They've done everything we've asked them to do as far as saving money, but, again, the pressure right now on agriculture is so great that unless we do something, there will be more stories of a gentlemen that moved from Ceresco to Missouri. His property tax bill from Nebraska was around \$50,000. He bought land in Missouri. He bought more acres, and his property tax bill was around \$1,600.

FOLEY: One minute.

FRIESEN: We're going to continue to drive producers out. Somebody will still farm the land here. His land was purchased, I think it was a bridge manufacturing company came in and purchased that land. So at least that is taken out of production, but all the land will always get farmed. Someone will do it, but, again, if we keep driving people out of the state because of the property tax issue, I think everyone looks for property tax relief, the urban and residential homeowner, so does ag. So this is just a very small step that would be used very seldom. I urge everyone to support LB183. Thank you, Mr. President.

FOLEY: Thank you, Senator Friesen. Continuing discussion. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, this could be characterized as a peewee bill, when you put it in the context of other things that will be considered. In another sense it could be trying to get the camel's nose into the tent knowing that the body will be following along. I read a lot because I can never experience all the things that are going on in which I take an interest, so I have to read about them. I watch television, but I'm able to evaluate, make judgments and not like that silly bill you all voted on, LB399, where you don't teach children to think. You teach them to accept doctrines. You teach them that slaveholders and rapists of black women are heroes. You make an equivalency between a slaveholder like George Washington and a genuine hero, as you all reckon heroism, make an equivalency between slaveholding George Washington and Martin Luther King who fought for and gave his life in the process. Freedom, justice, and equality for everybody. Now we come to the farm community. The farm sector. The farming individuals, none of whom were compelled by anybody to go into farming. When I speak out for the things I believe in, and it's happening more often this session, these things are rubbing people what is called the wrong way. I'm like Billy Sunday. He was an

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old, white preacher who put on what were called revivals, and he was known all over the country. And he was giving one of his fire and brimstone preachings, and somebody came and said, Billy, why do you have to do like that? He said, well, I'm doing the Lord's work. And they said, this guy said, well, don't you know you're rubbing the cat the wrong way when you do that. Billy Sunday said, let the cat turn around, and that's what I'm telling you all as far as I'm concerned. Straighten up and fly right. You all think that because a number of you say the same thing it gives that thing more validity than the things that I say as an individual. But what history has shown not only in America, but all over the globe and throughout all periods, that generally the one who stood against the tide was the one who turned out to be right. That one thinks, evaluates, totals up the cost and the risks and is willing to assume all of those things. The mass is like most of you all. Go along because one person gave you an opinion and you follow that blindly like the lemmings. You don't think. That's why you speak in cliches. You use slogans, like unfunded mandate. Can't even define it. Not only does the state do what you call unfunded mandating, counties, cities, most entities that can enact rules, regulations, or laws, or ordinances, so that's nonsensical because it's not the result of thought. Conscious thought backed by factual information. The farmers and the rural communities are in trouble because they never recovered from the so-called--

FOLEY: One minute.

CHAMBERS: Thank you, Mr. President. --depression, and the recent turndowns in the economy. The capitalistic economy, I might add. The free market economy misnamed, I might add. Well, you all are left behind now, and you're crying. You want everybody to help you. Come save us, and black people have been left behind throughout history, and you don't even want me to talk about it. The average income of the middle-class white people, and I heard it on the radio, ten times that of black people. And they're crying, these white people are, and they don't want us to say anything because they have assigned us a place in which we're to stand-- stay. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Bostelman.

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BOSTELMAN: Good morning. Thank you, Mr. President, and good morning, Nebraska, and colleagues. I have a couple things I want to talk about this morning on the amendment and on the bill itself, but couple things I want to talk about first, and then I want to ask Senator Briese some questions. I'll wait on that just a minute, but when bonding comes about on this area it's not to penalize anyone, but it's to provide an opportunity for those who own land in a different school district from which they live. For instance, if a bonding issue, a person in Lincoln owns land in another county, say Butler County, well, they're not able to vote on a bond issue for that, although, they're going to have to pay the taxes, or the bond, if you will, on that, and that was just a concern that was brought up to me this last year by a number of landowners. And you know where I live, I live a mile from the county line. So I've got neighbors live on one side of the gravel road, and they're in one district, and on the other side of the road where they own land that's a different school district, but yet they can't, in this case, they can't vote or have a say in the bonding issue. So I think this is a very important discussion to have. I think this is just a good opportunity to take a look at this and continue the discussion and see where this may lead. I would personally prefer a lower than 50 percent myself to kind of balance out some things for those who do not live in that school district, just so that bonding requirement isn't as heavy on them as what it would be on others that actually live in that school district and participate in that school district. Another issue just on valuations itself. I talked to a landowner the other day and he had 350 acres of ground, and he's paying \$26,000 in property taxes a year on that 350 acres. It takes \$4 corn to break even. We're getting \$3.30 a bushel. Just doesn't quite make sense. So with that, I would like to ask Senator Briese a couple of questions if he'd yield.

FOLEY: Senator Briese, would you yield, please?

BRIESE: Yes.

BOSTELMAN: Senator Briese, I'm look at your handout here, the 50 percent impact. Could you talk to me about both examples? Could you explain those to me a little bit more?

BRIESE: Sure, the example uses a \$1.6 billion tax base, and that's derived from a representative district, in my legislative district, and it's assuming a \$1 million per year bond payment. And it's assuming a residential property valued at \$150,000 on a 900-acre farm currently would require a

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levy of 6.2 cents. For a hundred dollars of valuation, that would be roughly 94 bucks on the homeowner and about \$2,500 on the ag land producer, which is a differential of 27 times. And this bill with the 50 percent proposal would bring that disparity down. Still be an 18 differential, that typical landowner there, that typical farmer there would still pay 18 times what that homeowner would in that example.

BOSTELMAN: In your district, in your areas, what have you seen happen with ag land valuations here of recent?

BRIESE: They certainly peaked a couple years ago. They have backed off some since then as far as serious or substantial decline in values. I don't know if that's in the cards. They've maintained reasonably well, although they have backed off some in the last couple years, I would say.

BOSTELMAN: So what was your reasoning to-- I want to go over that. Where I'm at that 30 percent, 35 percent is something I would rather see, and not that I do not support your bill, but--

FOLEY: One minute.

BOSTELMAN: --why are we at that 50 percent now? Could you go over that again, please?

BRIESE: Well, I introduced it at 1 percent, and I still maintain that 1 percent is good public policy. If you're trying to spread the burden of K-12 infrastructure costs, create more accountability at the polls, ensure that infrastructure is built only when needed and necessary, 1 percent is a great place to be. But it's not realistic and so that's why the Revenue Committee, we brought it out at 30 percent. But based on the discussion last week or a couple weeks ago on the floor here, and the folks we talked to, 50 percent seems to be the point at which this would gain sufficient support to eventually get passed.

BOSTELMAN: Okay, thank you, Senator Briese. Colleagues, this is an issue that does effect us significantly in the rural communities, especially on ag land, but it does reach into the cities as well because individuals own land that have retired--

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FOLEY: It's time, Senator.

BOSTELMAN: Thank you.

FOLEY: Thank you, Senators Bostelman and Briese. Senator Wishart.

WISHART: Thank you, Mr. President. I told Senator Briese that when he came to me and asked whether I'd be supportive of this coming back up for a discussion that, yes, I would be, but with an emphasis on discussion. While I do represent an urban district, I do have quite a few people who are one generation removed from living in a rural part of the state or themselves own property. And then I'm just interested in learning what I can do to be supportive of rural senators and their constituencies. So I do have a few question for Senator Briese.

FOLEY: Senator Briese, would you yield, please?

BRIESE: Yes.

WISHART: So the first question I have is, you know, I'm trying to figure out who is going to be positively impacted by this and who may be negatively impacted. So do you have concerns at all that this is going to affect the growth of small business in rural communities?

BRIESE: No, I don't share that concern. If we were at 1 percent, if we were at 30 percent, you know, that could be a little bit more of a concern, but at 50 percent I see no real downside to this. You know, you look at the increase on that typical homeowner at 50 percent, and the example I gave, I believe that their payment towards that bond would go from \$94 a year to \$117 a year. That increase is basically the cost of one pizza a year. And so it shouldn't really have much of an impact there, I don't believe. So I don't think there's a huge downside to this. It does send a message to our ag producers that, yes, we are concerned about your plight. Yes, we're doing what we can to help agriculture, and it also sends the message that we are interested in looking at funding reform that will help to incentivize efficiencies and cost controls and education in Nebraska.

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WISHART: And then in terms of ag producers what I hear is more and more the family farm is changing, that farms are becoming larger and larger. It's becoming harder and harder for young people to get involved in farming in this state. Can you give me an idea of what is the percentage of farmers or land in this state that is owned from farmers who live in this state, and what is the percentage that is owned from, you know, that's larger sort of corporate-level farming where the person who owns that land doesn't even live in the state?

BRIESE: I don't know the answer to that. I did inquire of my local county assessor one or two years ago about the number of tax statements that are sent out of state, and I think it was, at that point, about 4 percent. Now, I would suggest that more than 4 percent of land in Nebraska is probably owned by out-of-state interest, but 4 percent is a starting point. So somewhat higher than 4, I would guess, but I do not know the answer to that.

WISHART: And then, are there-- you know, when we're tackling property taxes, and since with this bill we're really talking about tackling it for a very specific type of business in terms of ag land, when we're talking about ag land, are there different forms of farming that are disproportionately affected more by property taxes?

BRIESE: Well, I'm a corn-soybean farmer myself, so I have greater insight into crop farming than I do ranching. I was told this morning that the ranchers may be in worse shape than we are on property taxes in a lot of areas. But yes, beyond that I couldn't really answer that question.

WISHART: Okay. Thank you. And then, you know, just a broader question I have. One of the concerns--

FOLEY: One minute.

WISHART: --that I have when we're-- and I'll follow back up with this. One of the concerns I have when we're talking about property tax relief is that we don't spend enough time talking about the broader issue of a population crisis, and the fact that when you have fewer and fewer people living in an area, you have fewer and fewer people able to invest into the system to support the necessary infrastructure. And so that is something I would like to sort of infuse into

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these discussions when we're talking about property taxes. But thank you, Senator Briese, as always for trying to tackle a very tough issue.

FOLEY: Thank you, Senators Wishart and Briese. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor. And good morning, Mick and Nick. Good to see you're watching today. I wanted to make a few comments on what Senator Friesen had commented on about consolidation. In my rural district we have several schools that should consolidate, but the decision has been made on several occasions that they should build new facilities each to see which one is going to survive. And consequently, when we are forced to consolidate we will have three bond issues. One for each school that they decided to do outside of consolidation, and then one that will be required to build something that would facilitate the consolidation. Those are issues, local issues, that need to be dealt with. So Senator Briese, I would like to see an amendment on your bill that said, if you are going to pay for a bond issue and you don't live in the district, but you own real estate in that district, you should be able to vote on it. Years ago there was a party out in Boston. They were all upset about something, and they had a big old event and they threw a bunch of tea in the water, and I think the problem was something like taxation without representation. So that's exactly what we have when the district in which I own property in votes to expand or build a new building and I get to pay for it. And, consequently, that's exactly what happened. And so I don't know that we could do that, but it doesn't make any sense that they would vote to build something that I have to pay for it. And I listened to what Senator Chambers had to say about unfunded mandates, and Senator Chambers, perhaps I need to come up with a new term and be able to share that with you so that we don't use that word, unfunded mandates. But in my county commissioner service years, we had many things that we paid for that should have been the state's obligation that they didn't reimburse us for. And so going forward we'll have a discussion about property tax. I got an e-mail this morning from my cousin. He owns land in central Nebraska, and one quarter that he owns, the lease of that quarter is \$17,000 annually. And his property tax are \$8,300. So that's just a little over 50 percent of his total gross income goes to property tax. So it is an issue. The people who live in Lincoln and Omaha who have a house there are paying too much in property tax as well. So this is an issue that affects everybody, whether you're rural or urban. This is not a divided

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issue that one cares about more than the other, and we're going to have to come to a conclusion how to solve it for everyone. Thank you.

SCHEER: Thank you, Senator Erdman. While the Legislature is in session and capable of transacting business I propose to sign and do hereby sign LR27, LR28, and LR29. Mr. Clerk, for announcements.

CLERK: Mr. President, thank you. Banking Committee reports LB454 to General File with amendments. That's signed by Senator Williams. Health Committee reports LB260 to General File and LB726 to General File with amendments. That's signed by Senator Howard. I also have confirmation report from the Health Committee. New Resolutions: Senators Kolterman, Stinner, Williams offer LR33. That will be laid over at this time. LR34 is by Senator Hilkemann. That will be laid over. Senator Hilkemann would like to withdraw LB715. That will also be laid over. Enrollment and Review reports the following bills to Select File: LB48, LB112, LB112A, LB29, LB575, LB399, LB309, and LB309A, all to Select File, some having Enrollment and Review amendments. That's all that I have, Mr. President. Thank you.

FOLEY: Thank you, Mr. Clerk. Continuing discussion on the bill. Senator Bolz.

BOLZ: Thank you, Mr. President. Would Senator Briese yield to a question?

FOLEY: Senator Briese, would you yield, please?

BRIESE: Yes, I will.

BOLZ: Thank you, Senator. Just reviewing the amendment I just want to get clear on how I see the amendment impacting the circumstances in which you're addressing. Under the amendment at 50 percent of valuation, farmers or agricultural landowners would still be paying a disproportionate share of the overall bond issue, is that correct?

BRIESE: Yes.



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BOLZ: Okay. And under the amendment and under the bill there still would not be a connection between that, the way in which you are funding the bond and a person's ability to pay. In other words, it will be related to that property tax whether the farmer or farm operation had a good year or a bad year, is that correct?

BRIESE: That is very true.

BOLZ: Very good. Okay. Thank you, Senator Briese. I care very much about this issue. I care enough about this issue that I brought my own bill on this issue. And I respect what Senator Briese is trying to do here, but I think there's more than one way to try to adjust this issue. And frankly, colleagues, I think the alternative bill, LB182, is a better solution, and let me tell you why. LB182 would create the local option income surtax. In other words, instead of relying solely on property taxes for the building of new capital construction for schools, we would use a model that is successful in Iowa, and instead a community could vote for a local option income surtax rather than a property tax to pay for capital construction for schools. Why is this better? Well, first, I think it is more fair. It is more directed to the ability to pay. In other words, it's more progressive. And I think that the farmers who've had bad years would say that that would be more fair. In fact, I would say that LB182 better achieves some of the things that Senator Briese talked about in terms of equally sharing the burden, holding voters accountable to their votes, and paying for the things that they're choosing as a community to build and do. And ensuring that people think twice and have capital construction only when necessary. Why so? Because everyone who is earning an income would pay and would not pay disproportionately. Rather they would pay according to their ability to pay. In other words, I think LB182, the local option income surtax, is more fair and less regressive than the current system, and I'm not sure that trying to adjust the valuation of the current system is the simplest, clearest, or fairest way to address the problem that both Senator Briese and I are trying to address with our legislation. So, I'm still hesitant to move forward with the idea that we should keep adjusting valuations of ag land. Rather, I think we should change our systems to keep up with the times and to better reflect how communities come together to make decisions. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Senator Chambers.

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CHAMBERS: Thank you, Mr. President. Members of the Legislature, before Senator Bolz spoke, everybody seemed more or less on the same wavelength going for this idea that Senator Briese is floating. But it causes me to think of something that I saw in Star Wars. Darth Vader says, I detect a disturbance in the force. That's what I'm detecting now. There's a disturbance in the force. There is not unanimity, and that is the set of circumstances in which I thrive. The other day when I was trying to talk about a bad bill that impacted many children, certain groups more than others, the Chamber was empty. All the white mice had fled, practically. The black panther was speaking. Now all of a sudden the mice are here because it's something that affects them. Well, why should I care what happens to you when you never care about what happens to me and mine? I was interested and still am in groups who are on the margins, black people, native people, poor people, LGBTQ people, and you all didn't care. Let's tell the truth about what's happening with the farms now. You dare not condemn your President, Donald Trump, and a lot of you probably have morals that parallel his, or lack thereof. You've got corn, soybeans, wheat, other grains in general. You've got stuff in the silos that are not worth anything if you're going to try to go to a banker for a loan because stuff that will not sell is not good to collateralize a loan with. If a loan is granted and it was collateralized, then something happens in the collateral loses value. If a brain-- if a bank examiner came or whatever they call them, that would be a classified loan. No longer is it collateralized. You either are going to require more collateral or you're going to call in the loan and you're going to liquidate whatever collateral was put there so that the losses are diminished. You all are in trouble right now because of Trump. You all think that this so-called trade war that he said is good, that he said is fun. You think he cares about you rubes. You chuckleheads out here in this flyover country, you can whine and cry and talk about how you can't make ends meet, but you still love Trump. That's stupidity, and you're getting what you deserve. Nobody made you farm. Ted Turner's not worried about what is going on here. He's buying land, but not to farm with because Ted Turner's smart. You all may as well fill up buckets with sand and try to sell the sand instead of corn, and you might have the same result. There's not a market for either one of them. And there might be even more pain that you all who supported Trump are going to feel because he tells you in his conduct, he doesn't care about you so why should I. You don't care about the people I care about, why should I care about yours? Because they're people and they're not to blame for the poor quality of representation that winds up on the floor of this Legislature. They can be tricked by people who sing a lovely song when they want votes.

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FOLEY: One minute.

CHAMBERS: Then they sit here and they're very cowardly on issues that count. I'm one person. I have one vote. I, with my one vote, cannot make anything go, but I, with my voice, and my utilization of the rules, can stop a lot of things. Can I stop every bill? First of all, I wouldn't want to. Secondly, I can't. But in the process of you overcoming my opposition, you're going to help me do what I want, which is to stop a lot of bills. That's what this session has become early on. You let a recent high school graduate bring a bill that's part of a national effort to dumb-down education, lead you by the nose, or you're going to pay. I'm going to turn on my light, Mr. President, then that might be the last time I'll speak this morning. Thank you.

FOLEY: Thank you, Senator Chambers. Senator Hughes.

HUGHES: Thank you, Mr. President. Good morning, colleagues. Couple of different things that I want to make sure the body totally understands that 50 percent of the ag land is owned by someone other than the farmers farming the land. There are several members in this body that do own farmland that are not farmers. Senator Hilkemann owns land. Senator Scheer owns land. Senator Linehan owns lands. They're not farmers. This bill affects a lot of people in all of our districts. As I said, roughly 50 percent of the land is owned by people who do not work the land. They are people who live in town, people who have inherited it, people who have retired and moved into the cities. So this is not just about farmers. This is about landowners and the disproportionate amount of taxes that we pay in one small area when there's a bond issue. When the majority of the voters in the district live in the towns and want to have a new school, they can vote it in knowing full well that they don't have to pay a majority of the price and that's the unfairness. One of the other things I want to talk about is a little more philosophical divide of why we have three classes of real estate. We have residential, which is our homes, we have commercial, which is our businesses, which I have a business. I have a business, I have a farm. My farmstead with my grain bins and my shops and all those things, that's considered-- I just went blank. Residential commercial, there, thank you, Senator Bostelman. Commercial, and then we have ag real estate. My point is the value of education, which is what we're talking about, bonding on schools and K-12 education for that matter, what value does an educated population bring to our residents? Very significant value because it is an improved piece of property. We

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want people to be able to fix it. We want them to have infrastructure. We want to have towns. The same value applies to commercial that we have an investment. We've improved that property. We need people to come fix things for us. We need people to come work with us. But when it comes to ag real estate, there is no value brought to a piece of dirt by an educated populace. If that piece of ground is not farmed, it grows up to weeds, eventually goes back to grass. There's no value. That's the philosophical difference why ag real estate is treated differently than other classes of property. That's why in the past, why it's valued at 75 percent, because it is different. If it was the same as commercial or the same as a business, we wouldn't have the difference between commercial and ag real estate. But it is different for a very good reason. It is a business generating piece of property. But it is treated differently because it is dependent on the weather, whether or not it rains, whether or not-- you know, how cold it gets, how hot it gets. Those are things outside of our control and that's why Legislatures in the past and the federal government have determined--

FOLEY: One minute.

HUGHES: --that agricultural real estate is in a separate class and needs to be treated differently. Unfortunately, our TEEOSA system, the way we treat, the way we tax, the way we fund K-12 education in this country, or in this state, is out of balance. And that's why most of us rural senators and anybody really who owns farmland should be engaged in this debate on property taxes, because that formula we have is broken and we need to fix it and we need to fix it quickly. There is a huge amount of discussion outside of this building from our constituents, from constituents in everybody's district about the challenges of property tax and it's becoming more loud from the homeowners, the residential as well, because they are seeing the same kind of increases that we have seen in agriculture.

FOLEY: It's time, Senator.

HUGHES: Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Senator Wayne.

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WAYNE: So I remove my bracket motion because I think this is an important conversation to have. I think we need to do something about education funding and I don't know if this is the right answer, but I think it's worth the round one to round two possible to keep conversation going. But I'm excited to see what Revenue is going to do and with that I will yield the rest of my time to Senator Linehan.

FOLEY: Thank you, Senator Wayne. Senator Linehan, 4:30.

LINEHAN: Thank you, Senator Wayne. Thank you, Mr. President. I've been supportive of this bill since-- well, I was a little skittish on the 1 percent, but I was fine with moving it to 30 percent. I think there's just-- Senator Hughes touched on this but there's some confusion and I'm just gonna repeat something Senator Hughes said because I think it's very important. We're not talking about farm producers not paying their property taxes. They pay the same on their homes, their buildings as everybody else that lives in town pays. So if they live in the \$100,000 house or \$200,000 house, they will pay. And if they happen to be close to bedroom communities of which they live close to York or Beatrice or, let's see, we get Norris, Elkhorn, my district, if they're in that school district and they pay 100 percent just like in town or in Elkhorn or in Valley or Waterloo. They pay all the property taxes on their house. So we're just talking about raw ag land. Those communities specifically are probably one-- the ag producers are getting hit the hardest because we hear a lot of talk when people say we don't need to worry about ag, that their levies are only 80 cents or their levies are 52 cents. But I think Senator Dorn could talk to this. Farmers who in the Beatrice School District, their levy is at \$1.05. Farmers in York School District, their levy is at \$1.05. So they're not-- they are getting squeezed. They are losing money. We have-- I don't know this farmer's name and I've heard this from three different sources, including the person who sold him the land, I don't know who the farmer is, but there is a farmer who has sold his land in Beatrice, in Gage County, which if you understand land, Gage County is far better than Johnson County where I grew up. He sold his land in Gage County in Beatrice School District and bought land in Lewiston School District because of the levies. Lewiston is at 67 cents. They just have ag land. They can generate-- and Lewiston is a perfect example why we need this issue. The people, the majority of the people that go to Lewiston and vote on the bond issues live in either Crab Orchard, Nebraska, where my family, my mother had a house there until she passed away in October, Lewiston, Nebraska, Burchard, Nebraska, or Virginia, some

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used to live in Steinauer. There are no businesses in those towns anymore, folks. There's not a gas station. There's not a grocery store. The '80s wiped that out. There's no bank. So you have a bunch-- you have people who live in the communities because they can live there because it's very inexpensive. You have houses in those communities that are not worth more than \$25,000, \$30,000. So when they go to vote to build a new school or gym, you're talking a few hundred dollars versus the ag producer who is going to have to come up with \$10,000 or \$15,000.

FOLEY: One minute.

LINEHAN: So that's the difference here. We have got to slow down the building of new buildings in areas where the only people picking up the tab are the ag producers. Thank you.

FOLEY: Thank you, Senator Linehan. Senator Clements.

CLEMENTS: Thank you, Mr. President. I rise in support of LB183, and AM517. The 30 percent, I wasn't sure about supporting, but 50 percent, I told Senator Briese that was a good compromise. I appreciated him being willing to work with that. I was looking at taxes in my school district and a few years ago our district had a \$9 million bond and it was well-supported. They did a good addition to the school and some improvements. But the school bond levy is 13.9 cents in our district and I was looking at farm values. Currently, assessed value of a farm is about \$4,500 an acre at the 75 percent level. And that's \$6.26 an acre. This proposal would bring it down to \$3,000 value for a bond at \$4.17 an acre. So it would save the farmer \$2.09 an acre. Doesn't seem like a lot, but an average farm probably is about 600 acres of ownership in our area. So the farmer is paying about, currently \$3,750 of tax toward that bond. For a house in town, one I know about pretty well, is about a \$175,000 value, and it's paying \$243 toward that bond. With this proposal, the farmer would go from \$3,700 down to \$2,500 a year with saving him is \$1,250 an acre-- a year, excuse me. And the house in town would go up \$80 to \$223 a year. So, currently, it's roughly the farmer is paying about 15 times what a house in town is. This proposal would change it to about an eight to one ratio. So it will be a help roughly \$1,200 an acre for a farmer, but only an \$80 expense for a house in town. And so I think it's a reasonable proposal. With that, Mr. President, I'd yield the rest of my time to Senator Briese.

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FOLEY: Thank you, Senator Clements. Senator Briese, you've been yielded 2:20.

BRIESE: Thank you, Mr. President, and thank you, Senator Clements. The discussion really, the times have turned to the plight of agriculture. And to the extent that this proposal appears ag friendly, I make no apologies. Ag is choking on red ink. Yesterday, we heard from a farmer and a son who moved their operation out of Nebraska to Missouri because of property taxes. They couldn't afford to stay here. They couldn't make a profit. They were forced out of business, forced to leave their native state and they aren't happy about it, but they moved on. Couple weeks ago we heard from a lawyer from north central Nebraska. He spoke of representing about five to six clients, I believe this year, who are going to be filing bankruptcies, ag bankruptcies. He anticipates about 20 agricultural clients are going to be filing bankruptcy next year. Well, the average residential property tax bill has increased 30 percent over the last decade or so. Ag property taxes have increased over 150 percent. And according to Creighton Professor Ernie Goss, in the last five years, ag earnings have dropped 45 percent, while ag property taxes have increased 34 percent. And you compare that to households over the same period, earnings increased 15 percent and property taxes increased 16 percent.

FOLEY: One minute.

BRIESE: Thank you. But with that said, I've always maintained that all Nebraskans need property tax relief, whether you're a farmer or rancher out in rural Nebraska or a urban homeowner, you need property tax relief. But more importantly, this bill is about fiscal accountability. Nebraska ranks 15th nationally in outstanding debt per pupil and our outstanding debt per pupil at about \$8,500 per student is higher than five of the six surrounding states. A proposal like this can help us address some of those disparities also. I submit that this proposal is sound public policy on many fronts and I'd ask for your support going forward.

FOLEY: Thank you, Senator Briese. Senator Chambers, you're recognized, your third opportunity.

CHAMBERS: Thank you. Mr. President and members of the Legislature, it takes more than your words to melt the heart of stone which you all have put in me. When you get this piece of paper

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this morning, there is a pink slip attached to it. You can fill that in and get more money, some of you, for your expenses than you get for your salary. You know why you get that? Because of a black man who came here and fought against ignorant white senators and got it into the law and then forced a judicial decision by the state Supreme Court that said senators indeed can recover expenses during session. A white man didn't do it. I did it. When there are things that benefit you, you like my support. The ones that I speak for, you don't care about. I don't care what happens to these bills. If farming is a way to go broke, stop farming. If it's cheaper to live in the city, move to the city. Nobody makes you move out there. You talk about the weather having an impact on what you do. The weather has an impact on what everybody does. But you all are the very ones who don't care about climate change. You don't care about the pollution in the cities from the rollback of environmental protection laws by your President. You don't care about cities. You're selfish. You're shortsighted and you're narrow-minded. You know what the attitude is from what I saw you all doing that no good piece of trash that you call an education bill? We don't need no education. That bill didn't deal with education. It dealt with doctrine. It dealt with propaganda. And you all voted for it. I'm gonna see how you do on these bills when you run into some stringent opposition if it's from one man whom all of you have contempt for. So I come down here among you and I've been here longer than some people who might be on this floor have been in the world. Making now \$5.76 an hour. Less than that for most of the years that I've been here. And it's because I believe in what I'm doing and what I'm trying to get done. And my heart doesn't bleed when I hear you hardhearted people suddenly say that the shoe on your foot is pinching and you want everybody to come to your aid and your assistance and bail you out. When the wolf is baying on somebody else's doorstep, and it's far away, all you hardhearted, narrow-minded rural people think about is, thank God the wolf is not howling on my doorstep and you do not lift a finger. But then when the wolf is on your doorstep, you want everybody to come to your aid because now the matter has come to your home. It affects your children. But other people have children. There are proposals we could put through this Legislature to help all children, but you don't care. I don't care about this bill. But I'm not going to try, Senator Briese, to stop it from going anywhere today. If you're an angler, you can play with the fish. You can put something-- some bait on it and you don't even want to catch the fish, so you put it where the fish might be aware of it, then you jerk it out and don't let the fish get caught. This will tantalize you if the bill moves. You think you've got a lot of momentum. As people become aware of it, they're gonna see that sometimes to be penny wise can be pound foolish. And you can trump all over me



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on certain bills, but I will get my revenge and I don't deny that's what it is because that's what you're doing when we talk about the interest of poor people.

FOLEY: One minute.

CHAMBERS: Black people, women, LGBTQ community, those with mental illness, those whose families cannot provide medical care for their children. Then you got a rich fool as a Governor whose daddy is an out and out racist calling the shots on the floor of this Legislature. Well, for you all, but he doesn't call them for me. And we're gonna see how things go this session. And we're gonna see if you get all of these changes where property taxes are concerned that you're so worried about. I'm going to enjoy watching you, listening to you, watching your brilliance because remember, you all are the master race and I want to see if the master race does when the master race does not have that privilege and everything going its way. And I'm letting you know in advance where I stand. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing discussion on LB183. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor Foley. Senator Chambers, you have mentioned on several occasions that this form that I get to fill out is because of your efforts. And I don't know that I've ever said this privately or in public, but I want to get it on the record, thank you.

FOLEY: Thank you, Senator Erdman. Senator Briese, you're recognized to close on AM517.

BRIESE: Thank you, Mr. President. Appreciate the discussion this morning on the AM and on the bill. It's been a great discussion. And like Senator Wayne, I certainly look forward to what we can put together in the Revenue Committee, what we can put forth there. We need structural property tax reform in this state. That needs to be the goal and it will be the goal. But in the meantime, I submit that this bill is good public policy. It has no fiscal note. It's not a mandate on anyone. It can provide some assurance to a beleaguered agricultural industry that we understand their concerns. And it fosters some structural change in how we fund K-12 infrastructure going forward, change that can lead to efficiencies and public education. And most importantly, our

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vote here will send a message that we can come together rural and urban interests, to enact a good, long-term public policy. I ask for your support on AM517. Thank you.

FOLEY: Thank you, Senator Briese. Members, you heard the discussion on AM517. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 34 ayes, 0 nays on adoption of the amendment to the committee amendments.

FOLEY: AM517 is adopted. Further discussion on LB183 and the committee amendment. Senator Linehan, you're recognized to close on the committee amendment.

LINEHAN: I'd ask for your support on the committee amendment as amended. Your green vote and then your green vote on LB183. Thank you.

FOLEY: Thank you, Senator Linehan. The question for the body is the adoption of the committee amendment, AM158. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 29 ayes, 1 nay, Mr. President, on the adoption of committee amendments.

FOLEY: AM158 is adopted. Is there any further discussion on LB183 as amended? Senator Clements.

CLEMENTS: Thank you, Mr. President. Would Senator Briese yield to a question?

FOLEY: Senator Briese, would you yield, please?

BRIESE: Yes.

CLEMENTS: Thank you, Senator Briese. I was wondering, in my situation we have a bond issue already being taxed. Will that affect current property owners on an existing bond issue?

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BRIESE: No, Senator Clements, it won't. That's a great point. This is regarding bond votes going forward. Won't impact existing situations. And again, we're only talking about bond, for bond purposes here not the General Fund expenditures of a public school system.

CLEMENTS: So the taxpayers in my district will continue to pay the amount they have been on the current bond issue?

BRIESE: Yes, they will. Yes, they will.

CLEMENTS: Okay. And what will be the effective date-- expected effective date of the new provision then?

BRIESE: Not anticipating an E-clause here, so 60, 90 days after signing of the bill.

CLEMENTS: So September or so?

BRIESE: Yes.

CLEMENTS: All right. Thank you, Mr. President. Thank you, Mr. Briese.

FOLEY: Thank you, Senators Clements and Briese. Senator Briese, you're recognized.

BRIESE: Yes, thank you, Mr. President. And I do want to point out again, remind everyone that Speaker Scheer has indicated that he will hold this bill then on Select File pending the outcome of work of the Revenue Committee. I think that's good policy, good strategy, a good idea because again, the big picture is going to evolve in the Revenue Committee and we need to see what becomes of that. And I'd ask your support on this. Thank you.

FOLEY: Thank you, Senator Briese. Senator Briese, was that your close? You're recognized to close if you care to say anything further. He waives closing. The question for the body is the advance of LB183 to E&R Initial. Those in favor vote aye; those opposed vote nay. Record vote has been requested by Senator Chambers. Have you all voted who care to? Record, please.

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CLERK: (Record vote read.) 29 ayes, 1 nay, Mr. President, on the advancement of the bill.

FOLEY: LB183 advances. We'll proceed now to LB318. Mr. Clerk.

CLERK: Mr. President, LB318 was a bill originally introduced by Senator McCollister. (Read title.) Introduced on January 16 of this year. At that time referred to the Judiciary Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President.

FOLEY: Thank you, Mr. Clerk. Senator McCollister, you're recognized to open on LB318.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I want to thank Chairman Lathrop and the Judiciary Committee for their strong vote to support LB318 to General File. The committee vote was 7-0 with one member absent. LB318 would remove the 90-day limitation period for the enforcement of a petroleum product lien and harmonize the enforcement provisions for petroleum product liens with similar statutory agricultural liens pursuant to the Uniform Commercial Code. The current language provides that enforcement of petroleum product liens is to be the same as the enforcement of secured transactions found in Article 9 of the Uniform Commercial Code, except that enforcement proceedings must be instituted within 90 days after filing the lien. The 90-day limitation period was put in place with the passage of LB314 in 1987. Prior to that time, the period for enforcement was only 30 days. As originally introduced in 1987, LB314 contained no time limitation and just like LB318, provided for enforcement according to Article 9 of the Uniform Commercial Code. The current 90-day limit was introduced as an amendment at a public hearing for LB314 that year. The introducers did not think it wise to mix statutory liens with UCC liens, although they admitted that combining liens had happened in the past. There is now consensus that this mismatch of statutory and UCC liens should be streamlined. With the current 90-day limitation period, a petroleum product lien has much shorter period for enforcement than any other agricultural input liens. This inconsistency requires vendors who are used to having liens for up to a year or more on crops grown from their input such as fertilizer, ag chemicals, or seed, to meet a much earlier deadline to enforce the petroleum product lien or risk losing their claim. LB318 would make time for enforcement of a petroleum product lien consistent with the other individual agricultural input items and create a commercially reasonable time for the enforcement of such liens. LB318

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received no opposition in its public hearing and has no General Fund impact. I ask for a green vote to move LB318 to Select File. Thank you.

SCHEER: Thank you, Senator McCollister. Moving to debate. Senator Brewer, you're recognized.

BREWER: Thank you, Mr. President. Well, since this bill changes one sentence and what I tried to do yesterday was changing one sentence, and because Senator McCollister seems to-- also wants to make his personal mission in life to derail my priority bill, I'm going to share a few thoughts here today. Last night, I received a little over 200 e-mails, mostly from the 60 souls that made the trip down here yesterday to hear the debate on LB155. I think it's safe to say that they lost faith in their government what they saw yesterday because the disgusting part about it was, it was a never-ending line of people going out to that lobby and being told what to do or giving talking points to speak on. Now, I shared my disgust on some things, but I think we need to go back and take a look at how that whole problem started, LB824. What was that? It was voted out of, now to Resources Committee in 2016. This is a law that created the problem that LB155 was trying to fix. A white copy committee amendment, AM2611 replaced the original bill. This was very different than the original bill that was introduced and that was because it was stuck in committee in 4-4. It was a deadlock. They put the amendment on, essentially gutted the bill, they brought it out here. Then, Ken Haar attached AM2720 on the floor and then that put the caustic language in it. Now, maybe that's how we do business. I got a lot to learn. This morning, Senator Chambers made comments about having a stone heart. Well, I think I'm probably going to fall in line with that theory. So, for those who decided to take it upon themselves to derail, especially those that got up and spoke and those who voted no on my priority bill, we're gonna do is, we're gonna get a chance to talk about your bills, one by one in detail. We got a term in the military. It said, be careful about burning the bridges that you have to cross. Trust me, you're gonna get a chance to see what that's all about. We had a discussion yesterday and it should have been solely about derive eminent domain, but others decided to drag it into a wind battle. That was not my choice. But I'm not going to have lies brought in from the lobby and put into this body without defending them. I struggle sometimes to not comment on bills in the past that I feel strong one way or the other about. I have in the past sit and allowed some of that to transpire. Yesterday changed that for me. Maybe that was a good lesson learned. But for some of you, I trusted you. I

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voted with you, even though there were things about the bill I may not liked because I either considered you someone who was a friend or someone who I felt was very knowledgeable and I needed to listen to that wisdom. So again, we have a list here of people that I'm going to get to know a lot better and I'm going to get to know your bills a lot better. Thank you, Mr. President.

SCHEER: Thank you, Senator Brewer. Senator La Grone, you're recognized.

LA GRONE: Thank you, Mr. President. I got the impression that Senator Brewer had some more to say, so I'm going to yield my time to Senator Brewer.

SCHEER: Senator Brewer, 4:50.

BREWER: One of the things that has been an awakening and yesterday enlightened me to that was how influential that lobby can be. It wasn't until I had someone run a printout of how much certain money comes to this body from different organizations, and it came as a shock when I realized that there is at least one individual, who just happens to have a bill up right now, who receives more from the lobbyist than he does in pay from this body. Not saying that shapes his vote of what he defends, but I think it's sad that we are to the point where they are that influential on what happens and right and wrong isn't the issue here. And the right of eminent domain where you can take one person's rights, one person's property and use the power of government against his neighbor, and somehow that's going to be right because lobbyists in this lobby want to come in and influence the body, it is a broken body. Take it to the committee process. That group that was in the balcony yesterday came here five times and they sat through committee hearings. There were four members of that committee, it wouldn't matter whether we filled that room every day, all day long of souls because they had made up their minds. They were in bed with the big, wind energy folks and it didn't matter what the truth was. Now, they believe they could come here to make a difference. It wasn't until the membership of that committee changed that we were able to bring that bill to the floor and have a debate. Maybe yesterday wasn't a loss because we got almost three hours to talk through some issues that needed to be said, needed to go on the record. But I would tell you that I think the state of Nebraska expects more out of us than to be controlled by the body out there, of lobbyists that are going to pay to get what they want. At the point we quit representing the people that are in that balcony, in our districts, then

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shame on us because the system becomes so broken that people lose all faith. I will reresurrect LB155. I'll bring it back next year. I will prioritize it and we'll have this fight again. But I think we all need to sit down and take a deep breath and quit taking the slips from that lobby and listening, and start listening more to the people from our districts because sooner or later, we're going to have to go back and answer for it. With that said, thank you, Mr. President.

SCHEER: Thank you, Senator La Grone and Senator Brewer. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I'm wanting to talk a little bit about the actual bill. Would Senator McCollister yield to a question?

SCHEER: Senator McCollister, would you please yield?

McCOLLISTER: Yes, indeed.

CLEMENTS: Well, as a banker, I do deal with ag liens as well. And I wasn't aware of this petroleum having a different number of days, the 90-day expiration of their time to file. But you didn't say how many days will it change to. Do you know that?

McCOLLISTER: Generally 30 days, like other farm commodities. I'd suggest you ask Senator Brandt. He has actual experience with these provisions, so I'd be grateful if you'd ask him that question, if you would.

CLEMENTS: All right. Thank you. Senator Brandt, would you yield to a question?

FOLEY: Senator Brandt, would you yield, please?

BRANDT: Yes, I would.

CLEMENTS: Could you give me a little bit more detail on what the 90 days is and what it's changing to?

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BRANDT: Certainly. Right now, the petroleum lien is a 90-day lien. Your seed, fertilizer, and chemicals are a year or more. And what happens then is the input suppliers, particularly in agriculture, tend to forget sometimes that they filed this petroleum lien and it gets lost. And the purpose of this bill is sort of a technical bill just to get it in line with the seed, chemical, and fertilizer inputs.

CLEMENTS: So does that mean that petroleum supplier would have up to a year to file their lien if they weren't paid for their product?

BRANDT: Yes.

CLEMENTS: All right. And seed, fertilizers, and chemicals have already had that period of time.

BRANDT: Yeah. According to the information I've gotten from the Co-op Council, that's what those existing liens are.

CLEMENTS: All right. And the co-op would be commonly in most, a lot of areas the co-op would be one of the main providers of this, but the petroleum may be coming from another source. And if they're both involved in not getting paid, wanting to have a lien, how does the priority work?

BRANDT: Well, I mean, it would be just like your ag liens today. It's an input supplier lien. I mean, if you're asking if the bank is first in line or the input supplier, I mean, it would work-- I guess, am I allowed to ask you a question?

CLEMENTS: Yes, you may.

BRANDT: Okay. So when you do your liens at the bank and you deal with the co-ops, who is first in line there?



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CLEMENTS: If we have filed more than a year ago with a lien on that producer, we would hopefully be first. That was going to be one of my questions, whether this is creating a priority that would come ahead of a bank input, operating loan.

BRANDT: During the testimony it was indicated that this would not be a priority ahead of the bank.

CLEMENTS: All right. Well, that makes me feel a little bit better about supporting this because in the 1980s, we haven't had struggles with crop liens, who is first placed on a crop for a number of years, but I know as an ag lender, we're having more issues with people who aren't able to pay either the real estate taxes, then make their bank payments and the bank is expecting to be in first place on their operating loans. Then between the seed, fertilizer, and chemicals are the petroleum--

FOLEY: One minute.

CLEMENTS: --how would the priority work, Senator Brandt? Would it be whoever filed the lien first?

BRANDT: I would have to get back to you on that.

CLEMENTS: Okay. I think my opinion would be as to whoever files first is the next in line. I also was just watching the-- thank you, Senator Brandt --was watching the Revenue Committee hearing yesterday and heard the story of the family that moved from Ceresco down to Missouri. And it was disturbing that the farm taxes pushed them out of Nebraska to Missouri and I appreciate those who have worked on the ag property tax situation we have. As a banker and a tax preparer, I've been seeing farmers--

FOLEY: That's time, Senator.

CLEMENTS: Thank you.

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FOLEY: Thank you, Senator Clements. Continuing discussion. Senator Chambers.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, you're gonna find that there is more than one man here who will not make idle threats. I'm going to give just a little background on the way I operate. If there's a bill like the one yesterday where there is robust or vigorous debate on both sides, there is no need for me to say much. The bills that I speak at length on are those where I'm going to be the only one taking the position that I think needs to be represented. I told-- I'm going to give him his rank. This is what's ironic this morning. A whippersnapper is a Colonel. Somebody as old as dirt was a Private E-3. So the Private E-3 will have a word or two with the Colonel. But before I get to that, yesterday I was fielding hate calls in my office because despite what I told the lady who works with me not to bother with them, she couldn't always be sure whether the call was legitimate or not, so she would answer occasionally. So I went down there and I was fielding the hate calls. The debate was going on up here. I didn't know whether a vote would be reached. One of the sergeants at arms came to my office to fetch me and we left my office, which is just inside the east entrance to the Capitol building and he was coming one direction down the hall and would have come up some steps around the middle part of the building, but I pointed to do a long flight of steps right near where you come out of my door, you look to your left and you'll see them. And they look like they ascend to the clouds if you have to climb them. I said, this is the direction I'm going to go 'cause I can get there quicker. We both started up the stairs about the same time. Then I let him know that he was not moving fast enough because I wanted to get here in time to vote. So I ran up the stairs and I got to the top before he did. Now, he'll understand why I'm saying this. I don't believe he's going to have a heart attack, but I wanted to wait to make sure that he's gonna be all right 'cause he's one of these whippersnappers who might be 60 or 70 years old and I have to look out for the young folks. So I stopped and I told him, now, you can confirm to all those people on the floor that I run up these stairs and I cover them. And when I get to the top, I'm able to talk. I still have enough gas for that. When I was walking in the door, they were announcing the vote. So I was not able to give a vote, but I told Senator-- oh, I said Colonel. Colonel Tom that I was going to give that vote and he took my word for it. When you try to do the right thing in this place, sometimes you're mistaken for a sucker. You are taken for granted. And if you say something, people say, well, he's such a nice guy, he doesn't mean that. He's not going to do anything about it. Well, you see a different side to a person this morning. There are bills, and I've told you all

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when I don't like them, I'm going to go after them, like I touched Senator Briese's bill this morning. But there is one further down the list that I was interested in seeing come up, but there was too much discussion and it never came up. There are bills that I'm going to stop and I tell you. All I'm doing is killing time. Not trying to kill the bill.

FOLEY: One minute.

CHAMBERS: But if you challenge me, I can show you what I will do and I can do it and you all cannot stop me. You have your chains pulled. When these notes are being sent in from the lobby, either none are sent to me, but I always make it clear, I'm not going out there and I don't go out there. On occasion somebody has an emergency situation and I will say, tell that person to meet me in the hallway on the side. And those people who have a problem are the ones I talk to. I don't go out there to talk to lobbyists. It's not that I won't talk to them ever, but not while I'm working here. And since we're going to be here probably until time runs out, I may not get to speak again, but I'm going to put my light on anyway.

FOLEY: Thank you, Senator Chambers. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. When I first came down here, I didn't have the idea of becoming the green Senator. I really didn't. But I've come to the conclusion that global warming is an extensional threat, as extensional threat. Extreme weather, increasing CO2, and those are something that I really am concerned about. And so wind and solar energy are a natural outgrowth of that concern. And I'm not going to apologize for that. And my support of solar and wind energy does also greatly helps property tax and that's something that we perhaps didn't emphasize quite enough yesterday. Need to read something out of the World-Herald that occurred, the report this morning, if I can get it. During debate-- and this is the story in the World-Herald this morning from Sarah Hoffman, in the World-Herald. Paul Hammel actually wrote it. And Senator Brewer was quoted, and said that the-- okay, during debate, the decorated military veteran, which he is and which I certainly respect, accused supporters of wind energy of being shills for that industry. He said there would be repercussions for senators who voted against his bill or registered as present but not voting. It's going to be very-- it's not going to be a very pleasant experience, Brewer said, when their bills get to the floor. And that's what's

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occurring this morning. So, am I prepared to pay the consequences of my opposition to LB155? Yes. We'll just have to move on and I would encourage those people here in the body to take a look at the bills for what they are instead of the sentiment that some opponents may have. When my dad was on the county board in 1960, one of the people that he clashed openly with was Jack Cavanaugh, a Democrat, and my dad was a Republican. And they did clash very often on that floor of the county board in Omaha, Douglas County Board. But you know what? They didn't take it personally. At the end of the day, they said, tomorrow is a new day and we need to deal with the issues of tomorrow, tomorrow, and we can't relive what's occurred in the past. And even President Reagan and Tip O'Neill had that kind of attitude. They would fight like cats and dogs, but yet they would get together, have a drink later on, and try to resolve their differences and move the country forward. And I would hope that we would do that in this body. We need to put individual bills behind us, move forward for the good of the state, and I'm prepared to do that and I encourage the rest of us to do it as well. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. (Visitors introduced.) Continuing discussion. Senator La Grone.

LA GRONE: Thank you, Mr. President, and Senator McCollister just handed out something that I think is very informative getting back to the actual bill at hand. So just to make sure everyone is aware of that, I'm going to go ahead and read through it. It is Rocky Weber's testimony from the hearing on LB318. So I'll skip the intro and skip down to what the bill actually does. Mr. Weber said that the petroleum product lien is one of the several statutory agricultural liens. Many farmers purchase crop inputs from Nebraska's cooperatives on revolving open credit accounts. Often these accounts are not paid until the crop is harvested. In those situations, the only way the cooperative or any input supplier can secure payment for these inputs is to take a statutory agricultural lien in the crop or livestock grown from the inputs purchased. Presently, Section 52-903 includes a provision which is unique to the statutory agricultural liens. It provides enforcement of such petroleum product lien shall be commenced within 90 days of the lien filing. None of the other statutory agricultural liens include such a short time frame for enforcement. These time limits to enforce the statutory agricultural liens are fertilizer, ag chemical, valid on crops produced within one year, no limitation on the time for enforcement, seed, electrical, power or energy, valid on crops produced from seed. No limitation on time for

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enforcement. Seed must be filed within 60 days and livestock must have not been removed from the place where fed at the time of perfection. No time limitation on enforcement. Agister. No time limitation for enforcement. Artisan prepares 60 days to file. One year to enforce. Thresher, 30 days to file, enforced in 30 days of filing. Short time frame due to transient nature of custom harvesting. Cooperatives are not in the custom harvest business and would not have reason to use this lien. Ag production input lien must foreclose within 18 months after filing. The uniquely short time frame from the enforcement of a petroleum product lien has created two material issues for the cooperatives membership. The 90-day enforcement window is unnecessarily restrictive with the unintended consequence that the lien holders may be forced into formal enforcement proceedings prematurely and in some cases, in instances where no enforcement would be required because the account would be paid at the harvest or when the grain is ultimately sold. In 2019, farmers have more on farm grain shortage and are holding their crops on the farm, sometimes until the next crop year. In an unusually dry spring, a farmer may have a significant fuel bill for irrigating where a petroleum product lien is filed quickly to make sure the lien is perfected. If a petroleum product lien is filed by May 30, the lien holder must act to enforce it by the end of August or lose its security interest. This is before the crop is even harvested and the farmer has the proceeds available to pay the underlying fuel bill. There is no compelling policy reason that we can ascertain to have a petroleum products lien holder placed in situation where it either loses its right to enforce its lien, or it must sue its patron before the grain is sold if the short 90-day window for enforcement is going to close. Premature enforcement proceedings also impose unnecessary costs on both parties, the creditor and the debtor, as well as the judicial system. And is a waste of resources to require creditor to initiate foreclosure proceedings simply to preserve its interest in collateral when it otherwise does not have need or the desire to initiate such formal and expensive proceedings. Cooperatives, like most businesses, do not want to litigate with their patrons unless absolutely necessary.

FOLEY: One minute.

LA GRONE: A second issue is that with the uniquely short enforcement window, petroleum product lien holders, believing there are to be uniform times for enforcement, may mistakenly wait too long to enforce petroleum product lien and lose any interest in the crops or proceeds from crops which they may have had. One can see when comparing the enforcement time lines

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of all statutory agricultural input liens how a lien holder could easily make such a mistake. LB318 is intended to harmonize time for enforcement of petroleum product liens with the other existing and frequently used statutory agricultural liens, such as fertilizer, ag chemical, and feed liens. I found that very informative on what the bill we're actually talking about does and so I want to thank Senator McCollister for passing that out. How much time do I have left, Mr. President?

FOLEY: 11 seconds.

LA GRONE: Well, with that, thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. (Visitors introduced.) Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I'd just like to iterate that I supported LB318 coming out of committee. It advanced on a 7-0 vote. It's a pretty noncontroversial and good bill. And with that, I yield the rest of my time to Senator Brewer.

FOLEY: Thank you, Senator Slama. Senator Brewer, 4:45.

BREWER: All right, well, I guess we will continue this. I think the biggest difference here when he wants to compare Ronald Reagan and Tip O'Neill, and him and myself, is both Ronald Reagan and Tip O'Neill where men of character and they would fight and then when they were done, they would go and be friends. I think maybe at a national level you can do that. The problem is if you know the people of your district and you understand the impact of what just happened to them, and how much they trusted and needed you to help them, and yet you were left in a position you could not do the very basics that they hired you for, it is personal. So you can look the other way and say, well, it's a new day and what happened yesterday happened yesterday. And if that's how you want to look at it, fine. But that's not how I'm going to look at it. The bottom line is that some of us are here because we gave our word and we're going to keep our word, and some of us are here because someone's given us enough money to justify certain actions. So if you want to use the Tip O'Neill-Ronald Reagan way of addressing this, go ahead if that makes you feel better. But do not, for a moment, doubt that I will continue to have that burr

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under my saddle over this because I do not believe that yesterday we heard the truth and that's why I will resurrect LB155 and we will have that fight again and it will be a different day and it will be a new battle. So keep your notes handy and be prepared. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Members, pursuant to the agenda, we're going to move on to Final Reading. If all senators could please return to your desk for Final Reading. All members are at their desk, we're going to begin Final Reading. First bill, Mr. Clerk, is LB1.

CLERK: Mr. President, a motion on the desk. Senator Chambers would move to return the bill for specific amendment.

FOLEY: Senator Chambers, you're recognized to open on your motion to return the bill.

CHAMBERS: Thank you. Mr. President, and members of the Legislature, the motion is to return it to Select File for a specific amendment, which is to strike the enacting clause. Sometimes things develop which are far more important than the individual bills on the agenda and such a matter is before us today. I was hoping that Colonel Brewer would give me whatever time was remaining because since I've been over this ground so many times, there were things that I feel need to be said that he may be unaware of, but I'm going to get them said. It's one thing to lose on a bill on the merits of the bill. When I bring my bill to abolish the death penalty, there are certain people I know who are going to vote against it no matter what. But if certain things are said that go against what my principles are, we're not talking about the bill anymore. It has been made personal and I'm going to deal with it on that basis. I listened to what Colonel Brewer said. He mentioned there were people who indicated there would be support. That he had trusted these people, that he had even worked with them in the past and supported propositions of theirs. When it becomes a situation where a relationship of sorts has developed and that relationship is violated, then the notion, the sense, the feeling of betrayal is what enters into the picture and that obliterates everything else. The individual bills mean nothing. The 90-days, well, two-thirds remaining, 50-something days now probably, are of no great consequence. They're just days. He pointed out that he will try to resurrect the bill again. What can be done as I had to do on my mountain lion bill when it was hung up in that committee where it is the unfortunate fate of that bill to go. What I would do is to have that bill drafted in the form of an amendment. And Senator

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Brewer, this is what can be done. You can have the Bill Drafter draft the text of your bill as an amendment to bills as they come up. And the form will be, strike all original provisions of the bill and insert in their place, and then you offer what was your bill. Even if they don't accept it, which they did not do with my mountain lion amendment, you have the opportunity to discuss it. You can establish how serious your purpose is. There was one year that a number of bills were on Final Reading, we were at that point in the session where only those bills are the ones that I could attack. It happened to have been the last day of the session. That's when people have their families and their friends come here and they wanted to see, I guess, what happens in the Legislature on the last day and they certainly did not expect to see the spirit of the mountain lion stalking through this Chamber. But that's what was happening. A senator came to me and he hit me where I live. I had dealt with several bills and he said to me that there are senators here, their families are here, grandchildren are here, went down the list. And he asked me if I would take that into consideration and he didn't tell me what to do. He knew better than that. But he also had an inkling of the kind of person that I am, and now for this purpose I'll say, that I was then. But that was yesterday and yesterday is gone. So, I withdrew every one of those amendments that I had pending on every bill that was left on Final Reading. Not everybody has the same determination, the same will, the same relentlessness that I have. People don't care about my views. People don't care about what means something to me. So I don't care what their opinion is of me. I don't care what their thinking is of me. I don't live with anybody down here. I don't socialize with people. The most socializing you'll get from me is if we meet in the hall or we're talking here and I'll be very courteous, I'll be polite, even on occasion, courtly. Because in that setting, you are not antagonizing me, you're not challenging me and I've always said, nobody can treat me better than I will treat them. And it's for others to determine the nature of the interaction between me and that person. And they will determine it by the way they treat me. A bill that I think, that I'm convinced that I know, resulted in very shabby treatment for the things that I believe in. And my reaction to that will surface from time to time during the session. But I'm not going to tell you in advance everything that I'm going to do, every bill that I might oppose. There are bills brought by some of the people whom I don't particularly care for, but the bill has the kind of merit that overrides my negative feeling toward that individual. Let's say that you're one of those people who I think didn't vote the way you ought to. That you didn't care enough, but you have a bill and it would address the concerns of people that I care about. My concern for those people will override the hostility I may feel towards you. I'm not going to hurt others who



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might benefit from my help to try to get even with somebody who did something that rubbed me the wrong way. So don't try to figure me out, you're not smart enough. You're not thoughtful enough. You think too much about something, you don't need to think about at all. I'm as transparent as a piece of window glass. I'm as uncomplicated as a straight line. And if you want to know what my thinking is, ask me. If it's an issue of strategy, I'll tell you I'm not going to answer that and I'm not going to tell you. You'll find out when the time is right. There are ways that Colonel Brewer can achieve whatever it is he wants to with the rest of the session. And as what would be called in the old days, the Dean of the Legislature, whoever had been here longer, longest, I will assist him in achieving what he is interested in. There's some of you who have come to me already to ask questions about the rules and I'll answer them, but when we're on a different footing and the issue is different from just a bill or even how the rules of the Legislature are to be interpreted or applied, then all bets are off. We're no longer skimming over the surface like those water bugs who can go across the surface of the water without breaking the surface tension of that water and they'll skeet right across the water like you would on ice skates on ice.

FOLEY: One minute.

CHAMBERS: We'll break through that surface tension on the top of the water and go beneath the surface. And when you do that with me, my advice can be summed up in two words, look out. If you ever question whether I'm serious about what I say, try me. Test me. And learn to your dismay that the reputation I have of being a bad fella is not true. I'm worse. You haven't seen me angry, but I've come close to it. And you know what makes me angry-- how much time do I have, Mr. President?

FOLEY: Three seconds.

CHAMBERS: Thank you.

FOLEY: But you may be recognized again, Senator, because you're next in the queue.

CHAMBERS: I will be relentless. I believe in fiercely representing the interest of people who cannot represent themselves here. One of my colleagues, for whom I have respect, gave me a

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square of orange, yellow paper. It has a capital L and right up at the top and to the right of it is the number 3. That stands for the least, the last, and the lost. And when you mess with those, then you've gotten on the-- and this is metaphorically, unless you want to make it real and actual, you've gotten on the fighting side of me. I quote the one you say you worship to try to make you understand. You will understand but you don't act on it. When these little children were being brought to Jesus and his disciples, like a lot of you all hypocritical, pretending to be something they're not, wanted to shoo the little children away and Jesus stopped them. He said, hold on, you don't run this show. I do. And these little children are the ones that I care about. And the biggest problem they're going to have in the world is with people like you. You walk with me, all of this time. You've seen what I care about. You don't need to protect me from children. So he said, suffer the little children to come unto me and forbid them not, for such is the kingdom of heaven, and unless you become as little children, you will no wise enter that kingdom. But here's how you all get it. Not suffer the little children to come unto me, let the little children come and I will make them suffer. You all don't care about children. I listen to you talk about these education bills, other things that pertain to the welfare of children. Like Jesus said, you support those notions with your mouth but your hearts are far from it. I watch you. Why do you waste time with these prayers? Waste time with that flag. There is a bill coming up and I'm going to rub that flag in your face, over and over and over and over and over. And what I'm going to repeat. Liberty and justice for all, who is included in that word all? Who is excluded because of their sexual orientation or gender identity? They're not included and you hypocrites talk about that rag. Liberty and justice for all, you ought to shut up. You are the one who defames it. I do it with words you feel, your conduct does. Your conduct denies everything you say that rag stands for. Show it in your conduct. Show your respect. You don't have respect for it. It's easy for you to speak for that rag because it doesn't cost you anything and you get points scored with these idiots out there who will call my office and talk bad to my secretary but not to me. I'm 82 years old. Why don't they meet me down there by my office and slap me?

FOLEY: One minute.

CHAMBERS: No. They call anonymously. They are even afraid to let me know who they are on the telephone. That's what I deal with in terms of you white people, not you right here. I'm speaking to those out there who do the things I'm talking about. And it's happening now probably

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in my office. That's why I wasn't up here to vote for Senator Brewer's bill. I take those calls. I'm the one elected, not her. I'm the one who should hear it if anybody does, not her. And I'm not the kind of man who talks and fat mouths and won't back up what I say, but you all are like that. Hypocrites talking about the budget. Senator Halloran is worried about the federal budget because of what it's going to do to children down the line. But he wouldn't care that much about global warming, climate change which is going to hurt the children far more.

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Senator Chambers, you're recognized for your third opportunity.

CHAMBERS: I could do this on every bill that's on Final Reading. You all are so hardheaded, so backward, so narrow-minded, you don't listen to anything so I have to show you by way of example and that's what I'll keep doing. And we've got three doors through which people can exit this Chamber and that's what they ought to do. When what I say hurts your ears too much, even though we're on Final Reading, you can leave and I like to watch the chickens fly. You think it matters to me that you all don't stay here? You think what you do matters to me? Here's how it matters. If you do not use the power, the authority, and the wherewithal that we have as a Legislature to help those who cannot help themselves, then what you do does matter to me, and you'll see me do what I'm doing now. What I will do, when I intend to occupy or dominate the agenda so that you'll get to read some bills on Final Reading, but you're not going to get to read them quickly. And you're not going to get to read as many as you want to. I can offer my motion to return it to Select File to strike the enacting clause. That's not the only amendment I can offer to that one bill. I can offer another amendment, return it to Select File for the following amendment. And that amendment is to strike lines 1, 2, 3 on page 1. Then when that goes down, I can move to reconsider it. I could keep you here all day on one bill. I can offer an amendment that will merely change a word, change the punctuation, alter the syntax. If it's got 50 sections, strike section one. You vote that down. I move to reconsider, you vote that down. Next amendment, strike section two. You think we can get through 50 of those exercises in the time we'll have for Final Reading? I can bring everything to a halt here if I want to, and I'm just

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explaining to you how I can do it and I'm showing you this morning how I can do it and how I will do it. And I'm doing this for the benefit of my colleagues, my comrade in arms. A mere slip of a lad, but he's a Colonel. I'm old as dirt and I was only a Private E-3. So it's appropriate that rank should be recognized, and respected. And when I see the Colonel interested in achieving an end, we both are under the same arms, we wear the same uniform, we're interested in achieving the same end. My job is to assist him in any way that I can. And that's what I'm doing this morning. I could say do it this way, but it's more effective if I show how to do it. And don't just show him by way of advice, but show you all by way of warning. And if you won't take warning, you're not going to take advice. Get one bill and be happy. Be proud, think you're something but you can find out very quickly--

FOLEY: One minute.

CHAMBERS: --that if you cross the wrong person the wrong way, you can kiss the rest of the session goodbye. You know the only thing you can do? Have an emergency meeting of the Rules Committee, and change all the rules to try to stop me and I will mock you. And I'll get around any rule that you put in the book. You can't stop me. All I do-- I'm water. You dam the water here and it just goes around. So you make it as broad as you can and it will work its way under. You can't stop me. All you can do is get angry and walk out. You're like Pilate. Pilate asked Jesus, what is truth and he walked out. Didn't stay to get an answer and I wish he had. I'll never forgive Pilate for that. I want to know what Jesus would have answered, but Pilate denied me that, but he did other things that give me some respect for him. Was that my closing, Mr. President?

FOLEY: No, you still have your closing in front of you.

CHAMBERS: Then, I will relinquish whatever few seconds I have left.

FOLEY: Thank you, Senator Chambers. You're now recognized to close on your motion to return the bill.

CHAMBERS: Thank you. I'm not going to do this on every bill. That is not my purpose, but I'm showing you what I can do if I decide to do it that way and you cannot stop me. There's nothing

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you can do, except get angry. And your Jesus said, anger rests within the bosom of a fool, so when you let me make you angry, I have made a fool out of you. And you can change a facial expression, but what is in you, is in you. And that's why on occasion I'll say I own you. I own this Legislature. The Speaker, pursuant to his authority that we've all placed at his disposal, sets the agenda, but I determine the activities. What will be done, what will not be done, and there's nothing you can do about it. So all of you new people who were told you go down there and you handle that Chambers, you're going to find out that you could handle a white hot piece of iron easier than you can handle me. You don't know how to handle me. You've never dealt with anybody like me before and you never will again. And there's some who have been with me for a period of time and they don't know me. They will know no more about me than I will let them see. And a wise parent will not put on the children more than they can bear. There are times a parent will treat a child as though the child is an adult, to give the child a sense of worth, self-confidence, self-respect, and the belief that he or she can grow. Then there are other times when the child has to be made to understand that you are a child. There are lines drawn. And there are some lines you're not allowed to cross. And when we call ourselves instructing children, there is knowledge that all of us have without having studied in school, without having talked to Dr. Spock or anybody else, the unerring compass that all of us have is how we were treated as a child, the way we did not want to be treated, and the way we wish we had been treated. And if we remember those things, you will never have a case of child abuse in this society. But people talk these things, but they don't reflect it in their conduct. What the law does is determine in some cases the severity of your punishment when you committed a crime, is your attitude, your motivation, did you do it with evil intent? There are some things that are considered criminal, malum in se. They are evil in and of themselves because of the harm they inevitably cause when they are engaged in. There are other things that are crimes only because the Legislature defined a certain type of conduct as a crime. So you have wiggle room there. Somebody may get probation, somebody may get the minimum sentence. If there is no minimum, then they may be allowed to just go home and sin no more lest a worst thing come upon you. You all need to think more deeply--

FOLEY: One minute.

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CHAMBERS: --and practice the things that those people who come up there every morning and pray over you about. Listen to what they say. There's nobody mystical or magical who hears a word that they say, but I hear all of their words. And not many of the prayers that are uttered are such that we as a Legislature could not answer if we chose to do so. But when you have somebody up there who prays over you, you feel that's the extent and limit of your responsibility and moral obligation. I'm going to the extent that I can teach you all, just like children. When you behave like children, I'll treat you like children, which means I will never abuse you, but I'm not going to presume and assume that you know more than you do. Mr. President, I will withdraw that motion.

FOLEY: Motion is withdrawn. Thank you, Mr. Chambers. (Visitors introduced.) Members, please return to your desks, we're on Final Reading. First bill before us, LB1. Mr. Clerk, please read the bill.

CLERK: (Read LB1 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB1 does pass. Proceeding to LB2. Mr. Clerk.

CLERK: (Read LB2 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB2 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB2 passes. Proceeding to LB3. Mr. Clerk.

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CLERK: (Read LB3 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question, is shall LB3 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB3 passes. Proceeding to LB12E. Mr. Clerk.

CLERK: (Read LB12E on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB12E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB12E passes with the emergency clause attached. Proceeding to LB49. Mr. Clerk.

CLERK: (Read LB49 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB49 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting.

FOLEY: LB49 passes. Proceeding to LB67. Mr. Clerk.

CLERK: (Read LB67 on Final Reading.)

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FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB67 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote read.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

FOLEY: LB67 passes. Proceeding to LB77. Mr. Clerk, the first vote is dispense with the at-large reading. Those in favor of dispensing with the reading vote aye, those opposed vote nay. Record, please.

CLERK: 41 ayes, 4 nays, Mr. President, to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB77.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB77 pass? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting.

FOLEY: LB77 passes. Next bill is LB33E. Mr. Clerk, the first vote is dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

CLERK: 39 ayes, 7 nays to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB33E.)



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FOLEY: All provisions of law relative to procedure have been complied with, the questions is, shall LB33E pass with the emergency clause attached. Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting.

FOLEY: LB33E passes with the emergency clause attached. Proceeding now to LB33AE. Mr. Clerk.

CLERK: (Read LB33AE on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB33AE pass with emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

FOLEY: LB33AE passes with the emergency clause attached. Proceeding now to LB79E. Mr. Clerk, the first vote is dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please.

CLERK: 39 ayes, 5 nays, Mr. President, to dispense with the at-large reading.

FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB79E.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB79E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

CLERK: (Record vote read.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

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FOLEY: LB79E passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB1, LB2, LB3, LB12E, LB49, LB67, LB77, LB33E, LB33AE, and LB79E. Items for the record, Mr. Clerk.

CLERK: Mr. President, Senator Quick would like to print an amendment to LB364. Senator Vargas would like to add his name to LB15; Senator Morfeld to LB15.

Senator Hilgers would move to adjourn until Friday, March 1, 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.