

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

[]

FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the Sixty-Second day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Pastor Eddie Goff of the New Hope Baptist Church in Hastings, Nebraska; Senator Halloran's district. Please rise.

PASTOR GOFF: (Prayer offered.)

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

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

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: I do, Mr. President. Communication from the Governor: (Read re LB34, LB217, LB243, LB269, LB270, LB348, LB409, LB449, LB590 and LB619) have been received in the Governor's office on April 11 and were delivered to the Secretary of State on April 17. Have a report on registered lobbyists for the current week. An acknowledgment of the filing of various agency reports that are available to the members on the Legislature's Web site. I have an opinion from the Attorney General's Office regarding LB644 addressed to Senator McDonnell. That will be inserted in the Journal. New resolution: LR86 congratulates Nancy Hicks upon her retirement. That will be laid over. That's all that I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. (Doctor of the day introduced.) Members, we'll now proceed to the first item on the agenda, legislative confirmation reports, Mr. Clerk.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

ASSISTANT CLERK: Mr. President, the first report from the Judiciary Committee is the appointment of Robert Twiss of the Board of Parole.

FOLEY: Senator Lathrop, you're welcome to open on the Judiciary Committee report.

LATHROP: Thank you, Mr. President; and colleagues good morning. Our first report today is on Robert Twiss. He is a new appointment to the Nebraska Board of Parole. He was appointed to serve a term from November 30, 2018, until September 9, 2024. Mr. Twiss is a businessman from Gretna. He appeared in person before the Judiciary Committee at a February 22 hearing. The Judiciary Committee voted 8-0 to advance his confirmation and recommend confirmation by the full Legislature. And with that I would encourage your support of this nominee for the Parole Board. Thank you.

FOLEY: Thank you, Senator Lathrop. Debate is now open on the confirmation report from the Judiciary Committee. Senator Chambers, you're recognized.

CHAMBERS: Mr. President, members of the Legislature, I always give a homily, so I'm going to get what I have to say this morning out of the way on the confirmation, then when you get to Final Reading and the other meat of the session for today, I won't have to comment in the way that I intend to today. But I'd like to ask Senator Kolterman a question if he's here.

FOLEY: Senator Kolterman, would you yield, please?

KOLTERMAN: Certainly.

CHAMBERS: Senator Kolterman, you and I banter back and forth, and you will ask me questions and I'll ask you questions, sometimes on a bill, sometimes not, is that true?

KOLTERMAN: Absolutely correct.

CHAMBERS: Now, are you here every morning when they say the Pledge of Allegiance?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

KOLTERMAN: No, I'm not here every morning.

CHAMBERS: But are you here some mornings?

KOLTERMAN: Occasionally I get here early enough to participate.

CHAMBERS: Have you heard the words, "with liberty and justice for all" in the pledge?

KOLTERMAN: I have.

CHAMBERS: Do you believe that to be true, right this minute here today, that in this country there is liberty and justice for all people?

KOLTERMAN: I believe we need to attempt that. I don't necessarily think it's happening, but I've listened to you a lot. I understand your plight, and I conquer that you're absolutely correct in many cases.

CHAMBERS: Thank you. Members of the Legislature, I know there are people, and I'll even give them a crumb, if you want to call it that, people of goodwill who see that pledge as being aspirational, a hope. But the fact is, it is offered as an assertion. They say, that is the situation right now, and that's not true. I can easily bring you many examples pertaining to black people, but the further from you a person is the less empathy you can, so I'm talking this morning about the trans soldiers. Not black people, not trans people in general, but trans soldiers. And when I use the term soldier, that embraces every member of every branch of the military. There are several branches, as most of you all know, but what was done by Mr. Trump applies to all branches of the service. And what bothered me this morning and set me off was what I heard about the Naval Academy. Starting next year, they will not accept any trans persons for the Naval Academy. I hear a lot said on this floor about veterans, what it means to serve in the military, how people are thanked for having been in the military. I'm sure that thanks doesn't apply to me, but it doesn't have to because I was not a hero, I just got over an obligation that I had without getting an Article 15, or court-marshal, or a bad conduct discharge. I've avoided those obstacles. But as Senator Kolterman acknowledged, there is not liberty and justice for all, and it bothers me

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

what happens to the trans soldiers because they are now stigmatized. They are stigmatized by their own government, by the country that they swore an oath to defend against all enemies, foreign and domestic, and they did not know that their greatest enemy was the Commander in Chief of that country--

FOLEY: One minute.

CHAMBERS: --to which they pledged more than allegiance. And I cannot in good conscience allow those kinds of things to happen without saying something. The words that I speak I know have no more existence, no more substance than the air somebody breathes in then exhales. When they exhale, that's the end of that breath, it will never come back again. My words will have no impact, no effect, but I have things that I must do and I must say because of what my conscience demands of me, and these things that I'm saying are matters of conscience. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator La Grone.

La GRONE: Thank you, Mr. President. I rise in support of the nomination of Bob Twiss of the Parole Board. Bob is a constituent of mine. He's been a mainstay in the Gretna community for many years. And I just wanted to rise and wholeheartedly support his confirmation. Thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. Senator Clements.

CLEMENTS: Thank you, Mr. President. I also rise in support of Bob Twiss for the Parole Board. He's from Gretna, but I've known him a number of years. When I spoke with him, he said that public safety is his number one priority on the Parole Board, and I believe him to be-- he's been very involved in judicial interests in the last number of years. And he's very excited about being a member of the Parole Board. And as a legislator, I'm pleased to recommend him. I ask for your green vote for Bob Twiss. Thank you.

FOLEY: Thank you, Senator Clements. Senator Chambers.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Clements a question while he's standing, if he will yield.

FOLEY: Senator Clements, will you yield, please?

CLEMENTS: Yes.

CHAMBERS: Senator Clements, is this day, which is the Friday preceding Easter, known as Good Friday?

CLEMENTS: Yes.

CHAMBERS: Why is it called Good Friday if you know?

CLEMENTS: Well, because it was the day Jesus was put on the cross.

CHAMBERS: And that was a good thing in the minds of Christians for him to be executed, an innocent man, and that make this is a good day.

CLEMENTS: Well, the end result was good on Easter.

CHAMBERS: Then why do they say that the day he was inappropriately executed or murdered by the state, why do they call that a good day and celebrate it? And I don't want to be argumentative. I'm asking you for your opinion.

CLEMENTS: Well, I believe it's because it was good of him to love us enough to sacrifice his life.

CHAMBERS: Would his life really be a more consequence than the one day when he was executed, in your opinion?

CLEMENTS: Well, I don't have an opinion on that one.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

CHAMBERS: Okay. Just one other thing. Since I'm not religious, and I think if you go by the way people live, there are a lot of religious people here, but not righteous people. Could it become a day that everybody can celebrate and call it Good Friday because we get this Friday off work? Would that make it a good Friday for the rest of us, then we can all celebrate, even though we have different reasons for it? Is that a good compromise?

CLEMENTS: If you'd like to celebrate that reason, that's fine with me.

CHAMBERS: Thank you. See how I can pour oil on trouble waters; we're all of one accord in the same place we celebrate Good Friday. But I read in the paper, and I'm going to put on my light, the following article, it says: Pope's Good Friday meditation will focus on human trafficking. This was in the World-Herald April 13: Vatican City, "Associated Press," Pope Francis is dedicating this year's Good Friday meditations to victims of human trafficking. The Vatican said Francis had asked an Italian nun who rescues migrant women forced to work as prostitutes to compose the meditations. They will be read aloud at the torch-lit ritual reenacting Christ's crucifixion at Rome's Colosseum on April 19, the Friday before Easter, which would be today-- tomorrow. I'm sorry, I don't even have the day of the week right. Sister Eugenia Bonetti, B-o-n-e-t-t-i, is a well-known campaigner in the field of human trafficking. Francis has frequently denounced migrant smugglers as, quote, merchants of human flesh, unquote, who exploit the most desperate in society for their own gain. Then here's a paragraph: Earlier the Vatican announced details of another Holy Week ritual saying Francis would travel to a prison outside Rome to celebrate the Holy Thursday washing of the feet with 12 inmates. The victims of trafficking are looked after, and the ones who are prisoners, and some of them may have been in prison for drugs. But Pope Francis is not asking about that. He's not saying when you get out, go to work. He is putting them on a position, on a platform in a manner of speaking, so they can feel their remain not only members of the human race, but those who are singled out by him to show that they have worth--

FOLEY: Excuse me, Senator Chambers.

CHAMBERS: Yes.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: Members, could you please hold the conversations down.

CHAMBERS: Thank you, Mr. President, but I don't mind. They're getting along very well, which may not be the case all day. Maybe we should enjoy these moments when we have them. Is my time up on this one just about?

FOLEY: About 40 seconds.

CHAMBERS: Thank you. Then I will stop and finish when I'm recognized. Thank you.

FOLEY: Thank you, Senator Chambers. Senator Kolterman.

KOLTERMAN: Good morning, colleagues. Senator Chambers, would you yield to a question?

FOLEY: Senator Chambers, would you yield, please?

CHAMBERS: Happily, my brother.

KOLTERMAN: Several time this is morning already you've indicated that this is Good Friday. I just want to correct the record. This happens to be Thursday.

CHAMBERS: Yes.

KOLTERMAN: So it's good to talk about Good Friday. You should do it on Good Friday. This is Thursday.

CHAMBERS: Just one other thing, if we can engage.

KOLTERMAN: Sure.

CHAMBERS: Is there a rule somewhere where Good Friday can only be discussed on Good Friday or is this something that you are putting in place today?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

KOLTERMAN: Well, I thought if you'd spend the day tomorrow talking about Good Friday that would be terrific.

CHAMBERS: Would we be here on Good Friday?

KOLTERMAN: No, but it'd be fun if you came and spent the day talking about it.

CHAMBERS: Are we promised life tomorrow?

KOLTERMAN: Yes, we are.

CHAMBERS: So you know for sure you're going to be alive tomorrow.

KOLTERMAN: And if you come, I'll come.

CHAMBERS: No, no, that's not what I'm asking. And it's Senator Kolterman's time, so that's all I will say at this point. Thank you.

KOLTERMAN: And I'd yield the rest of my time to Senator Chambers.

FOLEY: 3:45 has been yielded, Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Kolterman and I display on occasion what it means to be our brother's keeper. We don't see eye to eye on everything, mostly because I'm a bit taller than he is, so literally we don't. But when it comes to other matters, we have differences, but they're genuine differences, and we both recognize that. So after we get past that rough patch, and we don't fall out with each other because of those differences. Wherever we can cooperate and work together, we'll do that. And the "Bibble," since we're on that subject, says, oh, how wonderful it is when brethren dwell together in peace. I would add, in harmony. In a sense I'm acting on that principle for myself by getting what I have to say out of the way before we start Final Reading and the other considerations. How much time do I have on Senator Kolterman's time, Mr. President?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: 2:30.

CHAMBERS: Thank you. I have a short article that I'm going to read because it deals with another group who are scorned, stigmatized, dismissed from the human race. This was in the "Lincoln Journal Star" Tuesday: Church defies rule on gay marriages. A Methodist Church in Omaha has decided to defy its larger denomination by condoning same-sex marriages. Leaders of First United Methodist Church recently decided to allow same-sex marriages, weddings at the church and allow its pastor to officiate at those ceremonies. The local church's decision contrasts with the vote of the United Methodist Church's general conference. In February, the overall United Methodist denomination narrowly supported a ban on gay clergy and on same-sex weddings performed at its churches. I want to tell you all that I do perform weddings, and I've officiated at about 14 of them, several of them out in the Rotunda. And I officiated at the first and probably the only gay or same-sex marriage in this Capitol building. And I was able to point to this Chamber, which was empty at that time, to call attention to the fact that the majority of people who come here--

FOLEY: One minute.

CHAMBERS: --daily would be against what was being done during that wedding. I also was invited to Congress to a committee hearing to speak against that so-called Defense of Marriage Act, which would make it unnecessary for a state, which did not like same-sex marriage, to honor or recognize a same-sex marriage which was legal in another state. They didn't have to give full faith and credit. Not only was I pleased to speak against that law, but I was more pleased when the U.S. Supreme Court took the same position that I took. And I respect this minister who's willing to take this stand knowing how it might lead to his being ostracized, condemned, and criticized. But if you genuinely believe something, you are compelled by something inside of yourself to do that. Your inner peace means more to you than all of the criticism--

FOLEY: That's time, Senator Chambers.

CHAMBERS: --that is on the outside. Thank you, Mr. President.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: But you may continue on your own time now, and this is your third opportunity.

CHAMBERS: Thank you. I have a lot of respect for Pope Francis, and I did from the first day he was evaluated to that position. He is not a European. He came from a part of the world where he is seen and has witnessed a lot of mistreatment of people. So, I addressed a letter to him, but in the same way that I was speaking of today, which is Thursday as though it were Good Friday, this was put together too late to get to him, so I did not send it, but I might do it. Dear Pope Francis; and you all know I have a penchant for rhyming; First of all I wish you God's speed. Secondly, there is nothing you need by way of suggestion or recommendation when you address those of every nation. Nevertheless, Brother Francis, if you please, should you name traffickers, may I suggest these? Not merely traffickers, they claim to own their sex slave, blood flesh and bone. This clique, c-l-a-q-u-e, I offer is just a sample; hence is presented by way of example. This country is shot through and through with sex trafficking, rapes, and probably some murders of these black women who are owned by the fathers, as you call them, of this country. And this is the catalog that I was recommending and suggesting because it would show how men who did these horrendous things are honored, even elected as President. For the people who think that I might know everything, I'm going to read the names, so I won't get any of them wrong: George Washington, President; Thomas Jefferson, President; Andrew Jackson, President; Patrick Henry, number one patriot. And I don't know if I got one of those, no, I didn't have one, but I don't want to leave out Alex. His face appears on a piece of the money just like George Washington's and Andrew Jackson. Alexander Hamilton. All of these were slave holders. They were sex traffickers. Sex traffickers! And you all today act like you're concerned about human trafficking and sex traffickers to be more precise. But what about the sex traffickers in your history? I tried to get this body to take George Washington's birthday out of that so-called American piece of trash and propaganda. I gave it to Senator Slama. She rejected it. My view is that you should say Presidents' Day. Then you don't put in to the statute official sanctification and honoring and condonation of human trafficking and rape of black women, which is what George Washington engaged in. And he and his wife had some disagreements about that, as did Thomas Jefferson and his wife. And you know what the rumor is when Jefferson was doing this; it was known during that day. He didn't hide it. He said, Miss Jefferson said, Thomas, you leave those black women alone. He said, Miss Jefferson, I'll leave you alone first; and she often was left alone.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

And she had to tell him, stay out of those slave huts. And this British guy who came here that you all almost worship--

FOLEY: One minute.

CHAMBERS: --went to some of the plantations of these big, important people and said he saw little children of different complexions running around, and they all had the same resemblance as though from the same father, and the only difference was as if you took a loaf of bread. All white slices, and you toasted some and left the others white. If you put them together, you see they both came from the same loaf. That's what I have to live with. That happened. And I see you all honoring these people still. So that's what compels me to say the things that I say, to do the things that I do, but I look beyond what is happening just to black people. But because of what happened to us, and I know how it makes me feel inside, I look at those other groups that have been rejected and scorned because of what they are. And I do what I can to help them even though they don't speak in support of the things that pertain to black people. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Is there any further discussion on the confirmation report from the Judiciary Committee? I see none. Senator Lathrop, he waives close. The question before the body is the adoption of the confirmation report from Judiciary Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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

FOLEY: Confirmation report is adopted. Second report, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the second report from the Judiciary Committee is an appointment to the Nebraska Crime Commission.

FOLEY: Senator Lathrop, as Chair of the committee, you're recognized to open on the Judiciary Committee report.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

LATHROP: Thank you, Mr. President; colleagues, good morning once again. Don Arp Jr. is a new appointment to be Executive Director of the Nebraska Crime Commission. His appointment term began February 18, 2019, and continues to serve at the pleasure of the Governor. Mr. Arp is from Lincoln. He appeared in person before the Judiciary Committee at a March 27 hearing. The Judiciary Committee advanced his confirmation voting 6-0, with two present and not voting, to recommend his confirmation by the full Legislature. And with that, those votes included myself, I would encourage your support of Mr. Arp and his appointment to the Nebraska Crime Commission. Thank you.

FOLEY: Thank you, Senator Lathrop. Is there any discussion of the Judiciary Committee confirmation report? Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I just am standing to let you know why I was not voting in this situation, and I'll be not voting again. The law, 81-1424 states that the Governor shall appoint and set the salary of the executive director consistent with any compensation and pay plan established by the personnel division of Department of Administrative Services. The executive director shall be qualified by, quote, appropriate-- well, this is all a quote, by appropriate training and experience in the field of criminal law and justice. It goes on to say the executive-- how-- they can be removed. So I do have some concerns about whether or not we are following the law as written in this case. And I do think that there was a lot of testimony about what a fine, upstanding person Mr. Arp is, but the law states he has to have appropriate training and experience in the field of criminal law and justice. He talked about the fact that his father was a lawyer and that he'd had some experience in research in criminal justice matters. He is-- he's a doctorate, I believe, of philosophy-- do you remember? Oh, masters of philosophy, so the training has not been in criminal justice or in law, criminal law. So I just-- I have concerns about following what the law says in this instance. Do we want to follow the law or do we not? And I'm just voicing my concerns. And I will be not voting in this instance because I am concerned about our mission to follow the laws that have been set by previous legislatures. Thank you, Mr. Lieutenant Governor.

FOLEY: Thank you, Senator Pansing Brooks. Senator Erdman.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

ERDMAN: Thank you, Mr. Lieutenant Governor; and good morning. I did vote for the last person. I will vote for this person. That's not the main reason that I rise today. Today is a very unique day in our family. It's very special. I have two granddaughters who are celebrating their birthdays on this day, two years apart. Tinley is going to be five, and Faith is going to be three. So, ladies, I wish you a happy birthday. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Lathrop.

LATHROP: Thank you, Mr. President. I'd like to address Senator Pansing Brooks's concern so you have some perspective on the thinking of at least some members of the Judiciary Committee. First of all, the criteria that has caused some concern with this appointment is appropriate training and experience in the field of criminal law and justice. I'm going to start out by observing that that's a pretty vague standard. I don't know what that means. It doesn't require that you have served as a sworn law enforcement officer. Most of the people who have taken this position in the past have been sworn law enforcement officers. They're a former state trooper, former cop from somewhere, and they hold this position. This person, this position, is really sort of a coordinator. They sit on top of information technology kinds of things that we can get information and data from this office. They also award grants. Mr. Arp, while not having been a sworn law enforcement officer in the past, has been involved in a number of things that are related to law enforcement and criminal law and justice. For example, he has done training at the-- online training with the National Fire Academy. Also done training with National Wildlife [SIC] Coordinating Group with the Department of Homeland Security. Been involved with the Crime Commission since his appointment where he worked on issues related to the Fire Marshal's Office, trying to improve that, the parole board, and the NSP crime lab. He's done and been published in a number of law enforcement publications, including "POLICE" law enforcement management magazine, the "Nebraska State Trooper," "Law and Order," and the "Journal of Intellectual Property Law and Practice." For us, it was a little bit of a, what exactly does the statute require in the first place and does this person meet the threshold? I think he probably does. Traditionally, it's been a sworn law enforcement officer-- by the way, his father wasn't a lawyer, I think Senator Pansing Brooks misspoke. He told us his dad was a former sheriff or a sworn law enforcement officer. Not that that gets him across the finish line, but he does have some background. He has been a student of this, and I'm going to tell you that we did

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

get some letters from law enforcement people that wanted to see a cop in this position, a retired police officer; and we had some people who wrote and said it would be refreshing not to have somebody who has been a law enforcement officer in this position, they might bring a different perspective. And I have to tell you, as a Chair of Judiciary Committee, I've been frustrated, I don't blame this on him, but I've been frustrated a little bit about not being able to get modeling information out of that office. I think this gentlemen can bring something to that process, help us update the technology, and maybe take a fresher look at some of the grants that that office awards that aren't, as some people were concerned, part of the good-ole boy network, and so I just wanted to respond. I certainly understand Senator Pansing Brooks's concerns. They are legitimate, they reflect a number of letters that we received. But on the whole, I think his qualifications get across that vague standard in the statute. I think he might bring a different perspective to the office. And with that I would encourage your support. Thank you.

FOLEY: Thank you, Senator Lathrop. Senator Slama.

SLAMA: Thank you, Mr. President. I rise in support of Don Arp, Jr.'s confirmation as Director of the Nebraska Crime Commission. And I'd like to echo Senator Lathrop's response to some of the debate we had in Judiciary Committee about the statute that lays out the qualifications for the Director of the Nebraska Crime Commission. You're right. Don Arp has no direct law enforcement experience, but that direct law enforcement experience, being a sworn law enforcement officer, is not necessary to fulfill either, neither the very vague qualification statute nor the duties of the job. Further, Judi gaiashkibos, the Executive Director of the Nebraska Commission on Indian Affairs spoke very highly of the strides that Arp has done already in the Nebraska Crime Commission. So, no, he's not a traditional candidate for this position, but its been refreshing to see the positive changes he's made in such a short amount of time. So, I'm going to vote in support of his confirmation, and I would encourage my colleagues to do the same. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Chambers.

CHAMBERS: Mr. President, members of the Legislature, this is such a rare occasion for me, I can't let it go by. The two who spoke before me expressed exactly the way I feel also. And I'm

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

glad that Senator Slama mentioned the head of the Indian Commission who talked about the respect that is shown, which had not been the case before. And when Senator Lathrop pointed out the nature of the work that is to be done, the background that this man has and that nobody challenged would suit him very, very-- or I'll say to a great extent, to carry out those duties. And I intend to vote for him also. Thank you.

FOLEY: Thank you, Senator Chambers. Is there any further discussion on the confirmation report? I see none. Senator Lathrop, you're welcomed to close. He waives close. The question for the body is the adoption of the confirmation report of the Judiciary Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk.

ASSISTANT CLERK: 42 ayes, 0 nays on the adoption of the report.

FOLEY: Confirmation report is adopted. Members, the next item on our agenda is Final Reading. I ask you all to please be at your desks. We'll move into Final Reading in just a moment. All senators please be at your desks. As the senators move to their desks, Speak Scheer, you're recognized.

SCHEER: Thank you, Mr. President. Colleagues, last day of the week, so I would use this time to let you know what we will be adding onto the calendar for next week. In addition to what is on the schedule-- the agenda for today, we'll be adding the following bills: LB468, Senator Walz; LB418, Senator Cavanaugh; LB560, Senator Geist; LB433, Senator Matt Hansen; LB86, Senator Wayne; LB470, Senator La Grone; and LB44, Senator Chambers. Those will all show up next week. And if we are not done with the Final Reading and Select today, we will follow that up probably on Tuesday when we get back. We haven't quite figured that out. I hope to be able to finish today's agenda at least through the Select and Final Reading portion. A long weekend, everyone enjoy the holiday, families, and be safe. We'll see you Tuesday, thank you.

FOLEY: Thank you, Mr. Speaker. Before commencing Final Reading, Mr. Clerk, you're recognized for announcement.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

ASSISTANT CLERK: Mr. President, the Government Committee will hold an Executive Session at the conclusion of Final Reading in Room 2022.

FOLEY: Thank you, Mr. Clerk. We'll now proceed with Final Reading. First bill is LB59. Mr. Clerk.

ASSISTANT CLERK: (Read LB59 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB59 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record please.

ASSISTANT CLERK: (Record vote read.) 49 ayes, 0 nays, Mr. President, on the adoption of the bill.

FOLEY: LB59 passes. Our next bill is LB87. Mr. Clerk.

ASSISTANT CLERK: (Read LB87 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB87 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please.

ASSISTANT CLERK: (Record vote read.) Vote is 49 ayes, 0 nays, Mr. President, on the passage of LB87.

FOLEY: LB87 passes. Our next bill is LB212. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 34 ayes, 9 nays, to dispense with the at-large reading, Mr. President.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

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

ASSISTANT CLERK: (Read title of LB212.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB212 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Read vote read.) The vote is 49 ayes, 0 nays, Mr. President.

FOLEY: LB212 passes. Our next bill is LB268, Mr. Clerk.

ASSISTANT CLERK: (Read LB268 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB268 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) Vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

FOLEY: LB268 passes. Next bill is LB316E.

ASSISTANT CLERK: (LB316 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB316E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 49 ayes, 0 nays, on the final passage of the bill, Mr. President.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: LB316E passes with the emergency clause attached. Our next bill is LB320. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: 34 ayes, 6 nays, Mr. President, to dispense with the at-large reading.

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

ASSISTANT CLERK: (Read title of LB320.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB320 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 49 ayes, 0 nays, on the passage of the bill, Mr. President.

FOLEY: LB320 passes. (Visitors introduced.) Our next bill is LB352. Mr. Clerk.

ASSISTANT CLERK: (Read LB352 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB352 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 48 ayes, 1 nay, Mr. President, on the final passage of the bill.

FOLEY: LB352 passes. Next bill is LB390.

ASSISTANT CLERK: (Read LB390 on Final Reading.)

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: All provisions of law relative to procedure having been complied with, the question is shall LB390 pass? Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President.

FOLEY: LB390 passes. Our next bill is LB472. Mr. Clerk.

ASSISTANT CLERK: Mr. President, with respect to LB472, Senator Lowe would move to return the bill to Select File for a specific amendment. That amendment being to strike the enacting clause.

FOLEY: Thank you, Mr. Clerk. Senator Lowe, you're recognized to open on your motion.

LOWE: Thank you, Mr. President. I'm going to slow things down a little bit here today and talk about LB472. I rise today, again, to express my concerns with one selection of LB472. To refresh everyone, my greatest concern is that we are creating the ability for a county to pass a sales tax without a vote of the people. One of the biggest concerns is that the individuals argued that this is needed because the people of the county will not support a ballot measure to do the same thing. I strongly object to this argument that we should create new standards because the people in a given political subdivision would not support a measure themselves. The precedent of allowing a sales tax without a vote of the people is extremely bad policy. The precedent of saying, well, if the people in a political subdivision do not want to vote to support something, we will just take away their ability to vote on the subject matter and do it anyway, this is not a good policy. We have argued here that we need to take things to the vote of the people. It is the vote of the people that make us the country that we are. We are a state that follows this guideline. But now because property tax is coming in the way, we're leaving our thoughts behind. We need to follow what is right. And the right way to do things is give it to a vote of the people. Let the people decide. This is a tax policy. It should not be in the hands of five people. And that is what it will be in. Two-thirds vote of a county board will be five people. Now, I know they think that they may not have the vote if it goes to the people, but I disagree. Lincoln just passed a law-- or

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

passed a tax bill by a vote of the people to repair their streets. I think Lincoln is one of the highest-taxed cities in our state, and yet they agree that things need to be fixed. I believe the people of Gage County will see the need for things to be fixed. That is why I brought this amendment, to send it back to Select, because I think we need to talk about it some more. I don't think we ought to just brush this through. I think there other ways to tackle this. I know the Governor's reached out to give some assistance, a note with lower interest to Gage County. I'd be proud to help negotiate that. Let's not change our ways and take away the people's vote. I feel sorry for Gage County and the predicament they're in, but we are going to do this again and again and again if we set this precedence, we will take away the vote of the people. We have to pay for our schools. We have to pay for our roads. Do we want to take away the vote of the people for that? For raising the levies? For doing other things? Should we let school boards decide to build buildings without a vote of the people? Should we allow county boards to put roads willy-nilly without a vote of the people? Mr. President, thank you very much.

FOLEY: Thank you, Senator Lowe. Discussion on the motion to return the bill. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, to every one of those examples that Senator Lowe gave, I would say, no, these things should not be allowed to be done without a vote of the people. This is a highly extraordinary set of circumstances. And I'm going to, before I get through, mention an aspect that makes me agree with Senator Dorn's bill. First of all, there has not been a time in the history of this state when a federal judgment of \$28 million was handed down. That is not going to be done again. This is one of a kind. It is not going to occur, it is not establishing a precedent. I'm not even looking, Senator Lowe, at the people of Gage County. I'm looking at those victims, the ones who had all of those years of their lives taken from them, living under such psychological pressure, being terrified by the threat of execution for something they did not do and thereby coerced into pleading guilty to something they did not do. Those people are entitled to have that judgment paid. This trickle idea that Senator Lowe has cannot, in my mind, even be considered from a moral standpoint. Those people are entitled to be compensated for what was done to them. This is the only way that that is going to happen. I had opposed strenuously giving an out to Gage County. This proposal is different from the kind that had come before. Senator Lathrop, during the last round of debate,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

laid it out very clearly and pointed out the opposition that existed with reference to other proposals that would try to make the state assume liability. So Senator Dorn, working with whomever he worked with, got busy to craft something that the majority of the senators go along with, including myself. Senator, I'm going to be in favor of requiring a vote before certain bond issues are allowed to take place. When it comes to citizens who have been wronged by the state, and by that I meant a governing body, those victimized citizens are the ones that I'm looking at. Their rights were violated. The constitution, relative to them, was abrogated. The mandate that everybody be granted due process was thrown out the window. This is a way for the wrong that was done to those people to be purged. It's a way for atonement to occur. If another issue such as this came up where a county was going to try to do something of great significance without a vote of the people, I would be right with Senator Lowe in everything that he is saying. Extraordinary circumstances call for extraordinary measures. This is one of a kind. Sui generis. Now, nobody knows what that means.

FOLEY: One minute.

CHAMBERS: I just thought I would throw it in instead of using some "heretofores, therefore, whereases." But it is one of those occurrences, and I want to emphasize that, which is not going to occur again. No county is going to be in the situation of Gage County again. There will always be prosecutors who try to extort false confessions from people. That's a different issue to be handled in a different way. We have an existing wrong that Senator Dorn has found a way to address to the extent that is possible. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Additional discussion? Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I just wanted to rise to correct the record. The city of Lincoln actually has fairly low taxes as compared to the rest of the cities throughout the state. They're using 32 cents of their 50-cent levy. So Senator Lowe's comment was incorrect. And after listening to all the comments on the hemp debate, I'm going to get up and start correcting some of the record on that. So thank you very much.

FOLEY: Thank you, Senator Morfeld. Senator Lowe.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

LOWE: Thank you, Mr. President. And I'm sorry to the city of Lincoln I made that comment. But it was by the vote of the people that they voted this new tax in. And, Senator Chambers, I don't want to give an old man a heart attack, but I stand with you on having these people paid. They're due their justice. But this is not the right way to do it. It needs to be a vote of the people. When you raise taxes, it should come before the people, not a board, and not a vote of five. We wouldn't do that here, we wouldn't exclude the Legislature to have the Judiciary Committee make decisions for us and have five people make the decision of everything we do here. We wouldn't allow it. And so we shouldn't allow a county board, a school board, or any other political subdivision, to make the decision for us, to raise our taxes. It's very important that we keep with the ways that they should be, not make special exemptions here and there. Because one special exemption will lead to another. And just because this is the first time that one of our counties is in this situation does not mean it will be the last time. Mistakes will be made again somewhere. We are human. And it may not be once again, it may be twice or three times. We have school-system retirement right now that is in critical condition and something's going to be done. And to fix that, it should come before the vote of the people. Just because this affects property tax, and it will fall back, if this is not passed by a vote of the people, mostly on rural people, does not make it right for us to do this. And I have extreme sympathy for the rural people. I have extreme sympathy for those incarcerated for this crime that we're now seeking reparations for. I understand what Senator Dorn has done and why he did it. They're trying to find an answer. And I sympathize with him. But we must continue doing things the proper way. We must continue, when we're raising our taxes, to take it to the vote of the people. Thank you, Mr. President.

FOLEY: Thank you, Senator Lowe. Senator Dorn.

DORN: Good morning, President; good morning, colleagues. Want to get up and talk a little bit on this also. I think everybody knows the situation Gage County is in. We have a \$30 million judgment. The judgment's due. The courts have decided that it will be paid. Currently, under state statute, under laws that this body did make, the only way to pay that is by property taxes. A hundred percent of that judgment will be paid by property taxes. I agree with Senator Lowe's comments. When we raise taxes, we should put that to a vote of the people. Gage County did not get to put to a vote of the people about raising the property taxes to pay this. The courts decided

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

that. This body decided that. I agree with his part that we should put that to a vote of the people. This is a unique situation what Senator Chambers said, if we put this to a vote of the people and we put it to a vote of the people on property tax and on the sales tax, neither one would pass. We don't want to go down that road. I have been advised by lawyers we do not want to go down that road. The property tax part here was by a vote of the board. That board is elected by a vote of the people. Senator Williams yesterday made a comment on the floor: we are a form of government that does not put every vote to a vote of the people. The property tax part of this did not get to go to a vote of the people. All I'm asking with this sales tax bill is to help pay that \$30 million judgment by the sales tax and having the board approve that. I understand what Senator Lowe is trying to do. I also want to make one final comment, and that is please vote green for LB472. Thank you.

FOLEY: Thank you, Senator Dorn. Senator Lowe. This is your third opportunity, Senator.

LOWE: Thank you, Mr. President. This will be my third time, and, most likely, my last time to speak on this, because I-- not many are standing up to support the vote of the people today. And that's a shame. I understand that this is out of the ordinary, something that doesn't happen every day. But that doesn't make it right. There are many things we've fought on this floor, that we've stood strong on because of the way we believe our country ought to be run and our state ought to be run. And now we make an exception. I believe in the people. I believe the people will be right. We have taken the vote for Medicaid, and now that will be implemented by the vote of the people. I stand by the people. I didn't agree with the concept of it, but the people have spoken. That's very important. And, Senator Chambers, thank you for standing up and speaking, that you would normally believe in this. I honor that. Senator Dorn, thank you for bringing a bill for your people. As a matter of fact, I think you brought several bills to try to solve this situation, and this is the one that got advanced. I would still like to see other ways for this to get solved. People deserve a chance to vote on this. Don't take it away from the people. This is a very bad precedent that we're starting. And our silence is deafening. The people's silence is deafening. We need to continue to support the people, support the way that our state and our country is to be run, and let's not do this today. Support FA48, let's send this back to Select File so we can talk on this, we can take a little bit more time and maybe we can find a better solution. Thank you, Mr. President.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: Thank you, Senator Lowe. Senator Erdman.

ERDMAN: Thank you, Lieutenant Governor; good morning again. Senator Lowe, I want to tell you I appreciate your steadfastness and your convictions. What you're doing is what you believe to be right, and I appreciate that. Senator Dorn made comments about what happens if they don't pass the sales tax. I understand that. And I understand your comments about Lincoln voting for the sales tax to repair their streets. I'm not sure Lincoln needed that, they have plenty of reserve, they could have done that. But, irregardless, Senator Lowe, I tell you that it's a pleasure to serve with a guy who has convictions and I appreciate that. If you'd like, I would yield you the rest of my time.

FOLEY: Thank you, Senator Erdman. Senator Lowe, you've been yielded 4:00.

LOWE: Thank you, Senator Erdman, and I appreciate the text. You know, one week ago we had this debate, a week ago Wednesday, on whether or not we ought to do this. I'd put in AM1223. Local governments are required to pay for K-12 education. Do we want the school boards to build millions of dollars' worth of buildings without the people saying okay? The last I knew, we passed bonds to do this, and the bond had to be by the vote of the people. To build roads, city governments-- it needs to be the vote of the people to pass those bonds. And now we're going to make an exception for Gage County. Gage County is in trouble and I believe everyone on this floor understands that. I understand that. But let's do this the right way. Let's give it to the vote of the people and let Gage County decide that they're all in or they're going to make their neighbors in the country pay a more-- more of a percentage of this tax. Let the people of Gage County decide. That's the right thing to do. Thank you, Mr. President.

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

LOWE: Thank you, Mr. President. I urge everyone to vote for FA48, send this back to Select File so we can take a little bit more time to solve this problem. This problem needs to be solved, but it doesn't need to be solved this way. There are other methods. Nebraska will find a way to do this without making an exception. I believe in Nebraska. I believe in the people. I believe in the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

people of Gage County when they go to the ballot box to vote. This is the way we ought to do things. Thank you, Mr. President.

FOLEY: Thank you, Senator Lowe. Members, you've heard the debate on the motion. The question before the body is return the bill to Select File for a specific amendment. Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: 6 ayes, 32 nays on the motion to return, Mr. President.

FOLEY: The motion is not adopted. Return to LB472. Mr. Clerk, the first vote is dispense with the at-large reading. Those in favor of dispensing of the reading vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: 34 ayes, 8 nays to dispense with the at-large reading.

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

ASSISTANT CLERK: (Read title of LB472.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB472 pass? Those in favor vote aye; those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 43 ayes, 6 nays, on the final passage of the bill, Mr. President.

FOLEY: LB472 passes. Proceeding to LB514.

ASSISTANT CLERK: (Read LB514 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is shall LB514 pass? Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

ASSISTANT CLERK: (Record vote read.) The vote is 49 ayes, 0 nays on the final passage of the bill.

FOLEY: LB514 passes. LB603.

ASSISTANT CLERK: (Read LB603 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is shall LB603 pass? Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record.

ASSISTANT CLERK: (Record vote read.) The vote is 49 ayes, 0 nays on final passage of the bill.

FOLEY: LB603 passes. Next bill is LB637E.

ASSISTANT CLERK: (Read LB647 on Final Reading.)

FOLEY: All provisions of law relative to procedure, the question is, shall LB637E pass with the emergency clause attached? Those in favor vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 49 ayes, 0 nays on the final passage of the bill.

FOLEY: LB637E passes with the emergency clause attached. (Visitors introduced.) LB713.

ASSISTANT CLERK: (Read LB713 on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is shall LB713 pass? Those in favor vote aye, those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 49 ayes, 0 nays, Mr. President.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: LB713 passes. And finally LR14CA.

ASSISTANT CLERK: (LR14CA read on Final Reading.)

FOLEY: All provisions of law relative to procedure having been complied with, the question is shall LR14CA pass? Those in favor vote aye, those opposed vote nay. Have you all voted who care to? Record, please.

ASSISTANT CLERK: (Record vote read.) The vote is 43 ayes, 2 nays, 4 present and not voting, Mr. President.

FOLEY: Thank you, Mr. Clerk. LR14CA passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB59, LB87, LB212, LB268, LB316E, LB320, LB352, LB390, LB472, LB514, LB603, LB637E, LB713 and LR14CA. That will conclude Final Reading. We'll now move to Select File which will require voice votes. Members, please be attentive to the voice votes. Before that, Mr. Clerk, are there any items for the record?

CLERK: There are, Mr. President. I have new resolutions LR87, LR88, LR89: LR87 by Senator Crawford; LR88 by Senator McCollister; LR89 by Senator Hughes. New A bill: LB532A by Senator Cavanaugh. (Read LB532A by title for the first time.) That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. We will now proceed to Select File. First bill is LB177. Mr. Clerk.

CLERK: Mr. President, with respect to LB177; Senator, no E&Rs. Senator Erdman, I understand you wish to withdraw AM1408?

ERDMAN: That is correct.

FOLEY: Amendment is withdrawn.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

CLERK: Senator Erdman would move to amend with FA50.

FOLEY: Senator Erdman, you're recognized to open on FA50.

ERDMAN: Thank you, Mr. Lieutenant Governor, and good morning. The discussion over the last couple of days seems to center around allowing the voters to vote when we do bonding or raise taxes. And I appreciate that conversation. Senator Lowe took the time this morning to mention that, Senator Chambers mentioned it. Senator Vargas, in his bill earlier this week, presented a proposal that would allow voters to vote on whether they raise taxes on their cell phones. So here we are this morning on LB177, and I spoke in opposition to LB177 on General File, and from that time until this, I've done a little more research, and so before you today is FA50. And, basically, it's a very simple amendment. It strikes the sunset of 2024 and replaces it with '19. That was the original intent of the bill ten years ago. We as a body seldom allow things to sunset. Just as a precursor to what's coming in the future, the Nebraska Advantage Act is scheduled to sunset, and I will bet money, even with Senator Chambers on this one, that that will not happen. Sunsets are put in place for a reason. You run the ten years, you look at what happened, what was accomplished, and whether it needs to continue or not. The information that we will present today will be, beyond a shadow of a doubt, proof that this bonding authority for this NRD is not needed. This NRD has spent millions of dollars to do things that aren't in their charge. And last time when we spoke on LB177, I had made a comment that they had \$24 million in a cash reserve; \$4 million, about, was restricted, and the other \$20.9 million was not. Senator Lindstrom took exception to the \$20.9 million being assigned to something. Standing up on the mike and saying that the \$20.9 million is assigned to something means absolutely, absolutely nothing. I have not seen any documentation that proves that that \$20.9 million is restricted in any way except by the opinion of the board. There have been many things that have come to light about what this NRD is doing and how this NRD is managed, and we get an opportunity to talk about those as well. But the current mill levy for this NRD is just over 3.-- it's .037594. They have an opportunity, they have the ability to go to 4.5 mills. They are charging now-- they're collecting about .067 cents on their bonded indebtedness. So over the last several years their mill levy has remained steady, and they advertised that, that we've left our mill levy the same or we've decreased it, but what they don't tell you is how much their valuation has gone up. And earlier this year when the hearing was had on LB177, the director-- the board of director

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

president-- chairman came in and testified that they left their mill levy the same or decreased it, so therefore they're very conservative in their spending in the way they handle tax dollars. But what he didn't say was how much their spending went up. At the same time when they lowered their mill levy a minute amount, their spending goes up millions of dollars because their mill levy-- because their valuation goes up. This NRD, Papio NRD, has the largest valuation of any NRD in the state, over \$66 billion. That's with a "b", \$66 billion. That is a significant valuation. They have built dams and they call them for flood purposes, they have built dams that are for economic development. This NRD took it to a vote of the people to have bonding and it failed. What was amazing to me was when I looked at to see who contributed to advertising to get the bond passed and how much money was contributed, it amazed me. That effort was called, I believe, "Get the Job Done PAC" P-A-C, PAC, and they spent almost \$111,000 in advertising trying to get the voters to approve their bond approval. So I looked through the list and it comes to mind it was kind of unusual or peculiar to me. We had HDR, Inc, I would assume that's some kind of a contracting or a construction company, 10,000; Lyman-Richey Corporation, perhaps a construction company, \$10,000; Midwest Right of Way Services, \$5,000. Here is one of interest; I'm sure this is-- these people were very entered in flood protection: The Omaha Area Board of Realtors. They're very concerned about flood protection. And the list goes on. So what I'm trying to say here is, we have an opportunity to protect the taxpayers in the NRD that is represented by Papio. Now, there are many senators in this room that are affected by this NRD. There are more senators in this room today, in this Chamber, affected by this NRD than perhaps two-thirds of the rest of the NRDs. For you see, it encompasses all of Omaha, Sarpy County, it's amazing, amazing NRD. So the people in Senator Chambers' district, if they own real estate, they make a contribution to the NRD. And rightfully so, they get some benefit, indirect benefit from the NRD. But what they don't get benefit from is when they build a dam and then they sell lots next to that dam for \$90,000 or \$100,000 or \$200,000 or \$600,000. That is not the intent of the NRD. That was not what NRDs were intended to do. So we have kind of run off the track. And so what we want to do is allow them the opportunity to do what they do within the parameters that have already been set. If they raise their mill levy to the 4.5 mills that they're allowed to do, and if they would take their bond indebtedness that they have left, they could raise about another \$6 million annually, which would offset anything that they need to do. My opinion is this, if you take it to the vote of the people and the people said no, that's exactly what you should do. But that's not what they want to do. They want to continue to have the opportunity to spend more

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

money for economic development; has nothing to do with flood control. They've built dams for flood control that you have to pump water into. Now, think about that just a second. They build a dam for flood control, but there is no creek that flows into that, no river, no water, so they pump water into that dam to maintain the level. Now, I may be simple, but I don't get how that could be flood control when you have to pump the water into the dam.

FOLEY: One minute.

ERDMAN: Thank you, sir. So we will have an opportunity to discuss many more things in this regard, but this is a chance, this is an opportunity for us rural senators, urban senators, to vote on property tax relief for those people who live in Senator Vargas' and Senator Wayne's district, we can help them. We can work together to solve this problem and letting it sunset is the correct solution. Thank you.

FOLEY: Thank you, Senator Erdman. (Visitors introduced.) Discussion of FA50. Senator Lindstrom.

LINDSTROM: Thank you, Mr. President. I think it goes without saying that FA50 is not a friendly amendment and would urge the body to vote red. We had this discussion on General File with regards to something that was brought up with the \$29 million that had been spent. When I've talked to the general manager, John Winkler, and what he laid out to me, there are eight projects in the works where that money has been committed. The excess of \$700,000 is a couple months of operating costs. So those projects have already been committed. There are restrictions. It's been brought up the vote of the people. It currently stands that way. If you-- with the 4.5 cent maximum levy that the NRDs have, if they use 2 cents of that under that lid, it goes to vote of the people. And it has been tried before and it did get voted down, which is part of the process. It's been talked about that these aren't necessary. I would again point out that Omaha and their surrounding areas did not get hit as hard as other parts of the state. That was due to a lot of the projects that have been done over the years, and there is many more. There is an article today that talked about the population migration from the western part to the eastern part. Well, there are going to be other projects that needed to make sure that flooding does not occur in those areas as we grow in that Sarpy County, Douglas County, and Washington County area. Some of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

the restrictions are already placed on these bonds, 2.5. There is the board of directors that the NRD must approve of the projects. The bond debt service must fit within the NRD statutory authority property tax mill levy limit of 4.5 cent per \$100 valuation and they can never exceed that 4.5 cent. Projects must be more than 400 surface acres in that permit pool are not allowed. Projects with more than 200 surface acres in the permit pool must provide public access. So if we want to continue on that, I have a whole other list of restrictions that are on, that are part of this process. But again, I would urge the body to vote no on FA50 and let LB177 continue on to Final Reading. Thank you, Mr. President.

FOLEY: Thank you, Senator Lindstrom. Senator Albrecht.

ALBRECHT: Thank you, and good morning. Thank you, President Foley; and good morning Nebraska. Senator Erdman, I just want to thank you for bringing FA50. It gives us all a little bit more time to talk about this. It was a quick slam dunk on LB177 first round, and this is where we have had enough time to put a few more things together and ask a few more questions. The Papio-Missouri has a mission, and it is to wisely conserve, manage, and enhance our soil, water, wildlife, forest, resources for the good of all people residing within the district's boundaries. With that said, I want to walk through a summary of what has taken place up to this point, which I have questions about. If, in fact, they have eight projects committed; and if, in fact, all directors voted on those eight projects, I'd like to be able to research that before this goes forward. And I'd also like to find out if all directors voted on this particular question or this particular bill that we're talking about was voted on by their directors. I would like to know if the general manager of the Papio NRD had the authority to come to us to ask for this extension, or if this was-- if this wasn't voted on by their directors, I'd like to know why. And with that, I want to talk a little bit about these-- the Papio-Missouri NRD. It is the largest property tax base in the state, over \$66 billion. It includes Douglas, Sarpy, Washington, Burt, and a portion of Thurston and Dakota, which I represent. The valuation in the Papio-Missouri NRD increases more than 4 percent every year. The average annual increase in spending by the Papio is 7 percent. The Papio NRD is the only NRD with bonding authority. You know the other NRDs want bonding authority as well. The Papio NRD's history of increasing their taxing authority, in 2006 they attempted to gain bonding authority and it was indefinitely postponed. In 2007, they attempted to gain bonding authority. It also was IPPed, indefinitely postponed. In 2009, they gained bonding authority on

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

LB160 which sunset in 2019. One cent by the board, one cent by the vote of the people. In 2014, they attempted authority for general bonding obligation bonds; it was indefinitely postponed. In 2015, they attempted the authority for general obligation bonds; it, too, indefinitely postponed. In 2016, they attempted by the vote of the people for additional one cent; it was defeated at the polls. In 2019, attempting to extend LB160 sunset to 2029. Today they're only asking for the five-year, not ten-year, on LB177. The Papio NRD has a long history of working with developers. And I will stand up here and I will give them their accolades for what they have accomplished. But at this point, with this bill coming before us well before the floods ever occurred on March 13 of this year, and asking for that authority, again, I want to take a look at the eight projects they currently have on the books. I'd like to learn more about those and, again, find out if it was voted on by the directors all at one time.

FOLEY: One minute.

ALBRECHT: The reason the Papio NRD uses their bonding of taxpayer dollars to build multipurpose reservoirs, they intend to spend an additional \$100 million if LB177 is approved by this body. \$100 million. Typically these reservoirs are wet dams are surrounded by expensive houses, developed by the Omaha area housing developers in cooperation with the Papio-Missouri River NRDs. Not that I'm against economic development, I get that, but I hope you all recall those photos that I had laid on your desks on LB177 that we didn't have a lot of time to talk about, but not all publicly funded NRD lakes are easily accessible to the public, which I would think if you spend the kind of money they do on those particular dams, you should be able to share that with the public. Newport Landing in Bennington is a perfect example. During the General File, the pictures that I distributed were lakeside lots. The lots alone were from \$90,000 to \$550,000. That's just for the lots. Beautiful area; I'll give them that.

FOLEY: That's time, Senator.

ALBRECHT: Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Erdman.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

ERDMAN: Thank you, Lieutenant Governor. Senator Albrecht, thank you for your information. Thank you for your sharing that. You know, as I looked at some of the information that was distributed and put out by the NRD, some of the things that were troubling were the misinformation that they put out. And when the hearing was held, the conversation and the questions were asked about did you raise your mill levy? What was the spending? And so what happened in the case of the Papio NRD is they've kept their mill levy pretty consistent and they haven't raised it because they didn't need to because their valuation continues to go up. And so let me share what happened over just a short period of time. In 2013, their valuation was \$52,598,000,000. Just six years later, '18-19, the valuation was \$66,031,000,000. So that's an annual increase of 4 percent, Senator Dorn, 4 percent. So you were a county commissioner and you understand mill levies. And if you leave your mill levy the same and your valuation increases by 4 percent, you get 4 percent more money. So at the same time they're putting out this propaganda that they were spending the taxpayers' money wisely, and that they were not increasing their taxes-- they didn't tell the-- it wasn't a lie, it was just not the whole truth. And so earlier this year, we passed a bill, LB103; LB103, Senator Linehan brought that bill that said it's a truth in advertising so they'll have to tell us how much their budget has increased year over year. So they can't use this deception any longer. And so consequently, just in one year, between '17-18, '18-19, their valuation went up \$552 million. That will continue, and as it continues to go up, they will collect more taxes and they'll leave their mill levy the same. So those are the things that they present and then they will tell you that what they have done, protected everyone from the flooding. But they made an emergency declaration last week for FEMA resources when, in fact, they didn't have any damage from the flood and what dams they have built were sufficient to hold any flood waters that may have come. So they have accomplished their purpose and Senator Albrecht had alluded to that and gave them kudos in that regard, and I would agree. But what they didn't tell you, and I don't know if I'll get a chance to cover that this time, but I will the next, is when they sent out-- the manager sent out the emergency declaration, he did not contact all of the directors. He contacted the ones that he wanted to contact. And I have an e-mail, was sent out to the directors, I have a copy of it. And I'll be able to show you that he contacted the ones he needed to contact and he left out others. Now I don't know about the boards you serve on, but when I served on boards, if I wasn't included in such a declaration or asked to vote on it, I'd be very concerned about the way the manager is running the organization. There is a trend here. There is a trend that this organization is managed and run by a couple people, perhaps the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

manager and the board chairman and maybe some other few individuals that are on the board. But it is not at all all-inclusive of all directors.

FOLEY: One minute.

ERDMAN: Did you say time, sir?

FOLEY: Actually about 40 seconds.

ERDMAN: OK, thank you. So we get a chance to read those e-mails and get a chance to share that with you. And those e-mails that I've received are from people who are on the board, so I will be able to share those with you. They're very, very enlightening of how this organization is run. Thank you for your time.

FOLEY: Thank you, Senator Erdman. Senator Ben Hansen.

B. HANSEN: Thank you, Mr. President. I did speak on this a little bit last time I was up here about some of my concerns with this bill and the concerns of my constituents in Washington County about-- the effects that it can have with our county. So just-- and this is one of the things I kind of mentioned as a possible solution to the issue and some of the concerns that this might help alleviate. There is a Papio Creek general reevaluation study that is planned, from my understanding. And the United States Army Corps of Engineers has launched a reevaluation study of the Papillion Creek and tributary lakes, Nebraska report, a comprehensive plan to reduce flood risks for the Papio Creek Basin. The plan was authorized in the Flood Control Act of 1968, and 9 of the 21 dams were constructed either by the Corp or the Papio NRD. So the purpose of this study, and I kind of mentioned this earlier, it is a three-year study and is to address the flood risk issues in order to reduce flood and life safety risk in the Papio Creek Basin that have increased due to rapid land development. Urban development within the flood plain has resulted in approximately 4,700 structures within the 500-year flood plain with an approximate structure value of \$1.9 billion. So the three-year study provides local and federal officials the opportunity to provide a comprehensive reexamination of all potential solutions to flood risk in the greater Omaha area. The Corp anticipates the draft study be completed this fall with approval of the final

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

recommendation plans slated for April of 2021. So if there are some concerns about this whole issue, about what we should do, I think it might be a little prudent on our part to kind of wait for this study to come out to get a better idea of what we're handling. And I think there are also some other alternatives to some of the solutions put forth by the NRD that Washington County has taken-- has used effectively, including dry dams, terracing, wetlands, and buffer strips. So I'd like to see farmers have a little bit more manage of their groundwater instead of an overreach by the NRD, which is a little bit of a concern of mine in Washington County. And with the rest of my time I'll yield it to Senator Erdman, if he so chooses.

FOLEY: Thank you, Senator Hansen. Senator Erdman, 2:15.

ERDMAN: Thank you, Senator Hansen. So what we see as a tactic or a way public information is shared, they say things like this: Perhaps the most flood-prone area in the state is in the NRD, the Papio NRD. That may not be exactly the story. The Papio Creek Watershed drains heavy rains and snow melt. Well, I tell you what, it drains all rain and snow melt. It's how you word this that makes a difference. The Omaha area has long been prone to disastrous flooding. Many times its creeks, the Papio Watershed, have overflowed causing tragic loss. An important effort is underway to reduce the risk of flooding and to prevent considerable loss of life and property that would occur in future flooding events. As I mentioned earlier, they have built dams that they have to pump water into.

FOLEY: One minute.

ERDMAN: I'm not quite sure how important that is to flooding. If you shut the pump off, I think your dam will be fine, if there is no water getting in there. And that dam that they created they said prevents a risk of flooding about 1.22 percent, I mean, it's insignificant. So those are the things that they put out there on their Web site and they try to lead people to believe the sky is falling, the sky is falling and we have to have bonding authority or we're all going to drown the next time it rains. That is not the case. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Groene.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

GROENE: Thank you, Mr. President. I stand in support of FA50 and I do not support LB175, as Senator Albrecht said when it first came up, some of us are rather busy with other issues and we wanted to see which direction it went on the first round. I first became concerned about the direction of the Papio and its management and its-- just regard for taxpayers' wishes and strained from the mission of what an NRD is supposed to do. When I heard rumblings about economic development projects where developer with a wink and a nod was already picked ahead of time and they knew about buying the land around the proposed dams and the taxpayers were funding a developer's cost. There's no reason a developer can't go to the NRD and say I'd like to build a dam here with your help 'cause we could develop it, but the taxpayers shouldn't be building it, unless it was needed for flood control. And the last 100 year deluge we got, flood, it's proven that the NRDs in the past did an adequate job on flood control and nothing flooded in that area due to what their-- besides what they should have built levies had the levies done around Offutt, but I guess building levies and dams for economic development was a more important need. But the people in that area just recently defeated a bond election. And then it troubled me when I seen the manager of the NRD here a couple of weeks ago calling people out and asking them and telling them stories about floods and scaring them and-- why was he here when his people already told him they did not want a tax increase? They did not want bonds issued. Why was he here? Why was this brought? The numbers are shocking when you look at it. The Papio NRD is no bigger in land mass than most of the other NRDs. Remember, their purpose is land not population. So don't confuse how much population is in their NRD about what their mission is to do the natural resources of that area. They bring in \$24.8 million with their levy. The closest one to them is the Lower Loup at \$4.9 million; that's a 500 percent increase in revenues for no more creeks or land mass or terraces. And understand their terrace budget is for the ag is about \$600,000 out of that. The lowest, the Lower Niobrara is \$445,000; that's 5,400 percent more what the Papio NRD brings in in tax dollars, and they want more. And they want more. They're already \$60 million in debt building development, economic development projects around man-made lake, helping. This is not needed. They're going to put the people of that district and that area in deeper debt. They're going to put them in debt. My NRD is in debt, too, but it was an emergency with saving irrigated farm ground in western Nebraska and we had to bail out the state with the Republican River Basin and the Platte River Compact. But that's another story and another bill that I'm trying to address some of that. This is a slap in the face to taxpayers, folks. They spent 24 point-- let's just call it \$25 million on trails.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: One minute.

GROENE: Economic development, bailing-- helping developers make huge profits with your tax dollars, there is no flood threat. They ignore the agriculture in their district and spend their money on trails. They have more personnel, more pickups, more office help, and they manage no more land than any of the other NRDs that are fiscally responsible. This is a wrong message to send to property taxpayers across the state that we go along with these kind of mismanagement of an NRD. Just total no respect for tax dollars. This bill needs to die and a message needs to be sent. If the people tell you no in an election, as Senator Lowe said, this is the same thing Senator Lowe was talking about on the Gage county, but that was emergency, just like my N-CORPE was an emergency.

FOLEY: That's time, Senator.

GROENE: There's no emergency here.

FOLEY: Thank you, Senator Groene. Senator Albrecht.

ALBRECHT: Thank you, President Foley. Again, I want to pick up on where I left off on the Newport Landing in Bennington. On the realtor's Web site it describes it like this: Newport Landing is a relaxing lake community located northwest of Omaha near Bennington at 168th and Highway 36. The lake itself is about 280 acres and the development consists of 84 acres around the lake. While the Papio-Missouri NRD used taxpayer dollars to build the reservoir for flood control, the Papillion Creek does not directly feed the lake. Water is actually pumped into the reservoir to maintain the appropriate water level for the Newport Landing homeowners' recreation. Public access to this 280-acre lake is single, very small concrete pad on the farthest north part of the housing development. The public cannot drop a boat in this lake. They can only fish from the concrete pad because the seawall surrounding the lake directly abuts to the homeowner's backyards. Now, I understand there is a trail system that was built on this property and the public is restricted from access. This amendment simply adds language so that the amenities bought and paid for by the public shall be easily accessible to the public. Those are a lot of tax dollars that went into one particular area that we all can't access. Again, I want to stress

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

the importance of why the NRDs were brought to the state of Nebraska: for erosion prevention and control; prevention of damages from flood water and sediment; flood prevention and control; soil conservation; water supply for any beneficial uses; development, management, and utilization and conservation of groundwater and surface water; pollution control; solid waste disposal and sanitary drainage; drainage improvement and channel rectification; development and management of fish and wildlife habitat; development and management of recreational and park facilities; forestry and range management. You know, maybe they have added economic development and creating lake-side properties. I don't know if that's in their statutory authority. My bigger concern right now is, you know, again, I've talked to you about these NRDs in my district and how uncomfortable people are not attending their meetings to know what they are doing. And again, if the people don't know what these projects are all about, and maybe there is a newsletter, maybe they have a Web site that they can let the public know how they're spending their money, and the public can come to their meetings and discuss whether this is something that they would like to see them do or not like to see them do, but this is a lot of public dollars going into different projects that I don't know that the whole-- people are actually on these boards are voted in by the people to represent the people. And I would hope that they don't just get a majority group and off they go to the races. These things need to be public. The public needs to understand what they're doing. There needs to be an agenda so people know that there is a meeting and what they're going to be talking about. But it obviously seems to me that--

FOLEY: One minute.

ALBRECHT: --that this, again, this bill, I want to know, I need to know and I want to find out was this on their agenda to bring to us? Was this on the Papio-Missouri Natural Resource agenda that they voted to go to Lincoln and ask for extra time for bonding? I want to know that. Maybe there is somebody out behind the glass that will let me know if they did or didn't vote on this. You know, when a situation like this comes before us, we get to hear, all of a sudden the e-mails start coming in, whether they're doing something good or they're not following order of business. But when things are brought to our attention, we do have to take a step back and slow the process down a little bit and start talking about these things and validating the concerns that people have. And I have been getting some information from--

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

FOLEY: That's time, Senator.

ALBRECHT: Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Erdman, you're recognized; your third opportunity. Is Senator Erdman on the floor?

ERDMAN: Yes. Am I up?

FOLEY: Yes, this is your third opportunity, Senator.

ERDMAN: Thank you. Let me-- let me-- I alluded to these e-mails and I want to address that now. As I share this information with you, if this doesn't bother you, if you don't get upset, if you're not concerned about how this NRD is managed, then we got greater problems than this NRD. This e-mail comes from a director, his name is Mark Gruenwald, I hope I pronounced his name right, the e-mail is from the manager, John Winkler. It is in regard to the fact that some directors were left out of the announcement of the declaration of disaster. Mr. Winkler writes: My apologize to any director not contacted. The first six directors I contacted gave approval to the issue of the declaration. They were contacted in no particular order. It has been quite hectic, as you can imagine, I will gladly contact each of the other directors to consult with each of you. Thank you, John Winkler. Danny Bagley, Director, he writes: I'm always available to be contacted, especially in light of what has happened this past week. I know I'm new, but I'm not happy at all about being left out of the loop. The articles and the info are appreciated, but not being included in this puts me at a loss for words and I'm deeply disappointed at being excluded. I am a director who has constituents equally as everyone and should be treated the same-- treated as such; Danny. Another director-- OK: I'm extremely troubled that the director-- as the director-- that a director of the subdistrict of one of the Papio-Missouri River Natural Resource District was not contacted during the recent emergency declaration. He states the district policy, 14.4. It states the following, quote: and after consultation with all, and the emphasis was his in capital letters, "ALL" available directors and the concurrence of six directors, that is the policy. I am and have been available at any time for a phone call, e-mails, text, or face-to-face meeting; Respectfully, Todd (SIC) Japp. OK. So here is what happens, the manager is in charge. The

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

manager does whatever the manager wants to do with the approval of the board chairman. So they continue to do what they've always done and no one has ever held them accountable. Well, maybe today it's going to be different. So it's not about property tax in those districts that this NRD represents. The information that I have, the average home in Nebraska, the property tax is \$2,279. Nebraska is the seventh highest in the country in property-- in all taxes collected and fifth highest in property taxes. Only New Jersey, Illinois, New York, New Hampshire, and Wisconsin and Texas have higher property tax.

FOLEY: One minute.

ERDMAN: The difference between Nebraska's average effective rate of property tax of 1.88 and the effective rate of other states is often significant. Twenty-four states are lower than us. So here is what the property tax rate is in the counties that the NRD encompasses: Sarpy County, 2.12 percent, highest in the state, Sarpy County, highest in the state, 2.12; Omaha, 2.10, tenth highest in the country; Douglas County, 2.07, second highest in the state; Washington County is right on the average of 1.83. So what are we going to do-- what happens to this NRD if we sunset this bonding authority? Well, currently with the current valuation they have, if they raise their mill levy from the 3.7594 to the 4.5 cents, they raise another \$4.9 million.

FOLEY: That's time, Senator.

ERDMAN: Thank you.

FOLEY: Thank you, Senator Erdman. (Visitor introduced.) Continuing discussion on FA50. Senator Slama.

SLAMA: Thank you, Mr. President. I'd like to yield my time to Senator Albrecht if she'd like it.

FOLEY: Senator Albrecht, 5:00.

ALBRECHT: Thank you, President Foley; and thank you, Senator Slama, for the time. You know, I hate to just go negative, so I'm going to sing some praises of the Papillion-Missouri

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

River Natural Resource District. To their credit, they have built a wide network of reservoirs and parks in areas of Douglas and Sarpy Counties, and even in my area of Dakota County. Even though the historic events of March 19 and 20 did not result in the flood of the Papio Basin, the reservoirs which help that were the Glenn Cunningham Reservoir built in 1977; 1,050 acres of parkland and 390 acres of surface area. They also have Standing Bear Reservoir in 1977; 400 acres of parkland, 135-acre reservoir with fishing, boating, and 3.5 miles of trail surrounded by various housing developments. The Wehrspann Reservoir in 1988; 1,200 acres, 246 of lake side. Chalco Hills Recreation Area, 245-acre lake, 7 miles of trails, baseball, soccer and 7 picnic areas all for the public to enjoy. Zorinsky Lake Reservoir in 1993, 770 acres or 255-acre lake, 7 miles of trails, boating, fishing, baseball fields; drained in 2010 and '11 for zebra mussels. Prairie Queen Reservoir in 2015 in Sarpy County, they had 235 acres, a 135-acre lake, 4 miles of trails, boating and picnic areas. And then, of course, the Newport Landing, which we've already talked about; 640 acres and 280-acre lake. Hmm. Youngman Lake in 2011 on 192nd and Dodge; 175 acres, 60-acre lake which provides .52 percent of flood control. In 2004, the public-private partnership agreement between the Papio-Missouri River NRD and Dial Realty Development Corporation enabled Dial to construct the reservoir. Dial was the general contractor. The Papio NRD reimbursed Dial for the projects. If the project cost exceeded \$1.390-- \$1,390,000, then Dial was reimbursed 100 percent for anything over the base cost. If the project cost was less than \$1.390, Dial was reimbursed for their cost, plus 20 percent of the difference. The agreement said that Dial and the SID that was to be formed would each be responsible to reimburse the NRD, Papillion-Missouri River NRD, \$1 million on or before December 15, 2005. If not, interest would be paid at 9.25 percent. The SID did not form. The obligation with the Papillion-Missouri River NRD reverted back to Dial. One million dollars was not paid by Dial in December of 2005 or ever. Eleven months later, a new interlocal agreement was executed by a newly formed SID 521. SID 521 paid a principle to the NRD of a million dollars. SID 521 paid an interest to the NRD of \$35,000.

FOLEY: One minute.

ALBRECHT: Total paid to the NRD, \$1,035,000. Interest should have been paid at 9.25 percent or \$85,000. Net to the property taxpayers is \$50,000. In a new agreement, Dial purchased four acres of the lakefront property from the Papillion-Missouri River NRD for \$604,000. The deal

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

was \$24,000 payable at closing, \$580,000 due five years from closing, and 7.5 percent interest on \$120,000 note, and no interest on the \$460,000 of a note. Dial defaulted on the note. Papio NRD accepted the deed to nine lots in exchange for paying. The Dial note owed to the NRD was \$580,000; unpaid interest, \$39,145. Special assessments on lots--

FOLEY: That's time, Senator.

ALBRECHT: One minute?

FOLEY: That's time.

ALBRECHT: That's time. Thank you.

FOLEY: Thank you, Senator Albrecht. Senator Lowe.

LOWE: Thank you, Mr. President. I'd like to yield my time to Senator Albrecht.

FOLEY: Thank you, Senator Lowe. Senator Albrecht, 5:00.

ALBRECHT: Thank you very much. Thank you, Senator Lowe, for allowing me to continue. So again, the special assessments on those lots were \$590,000. Total paid to the Papio NRD for nine lots, \$878,145. The NRD then sold those nine lots for \$460,000. Total loss for the taxpayers, \$418,145. Then we move on in 2019 to the Flanagan Reservoir: \$44 million spent; 730 acres, 220-acre lake, parkland, fishing, canoeing and walking trails. Then we move to Shadow Lake. I happen to be in Sarpy County at that time, beautiful lake. In Papillion, the lakes are connected. Shadow Lake is a 30-acre lake. Midland Lake, 34 acres with fishing and boating. Candlewood Lake at 120th and Miracle Hills Drive: private. Wiebe Reservoir adjacent to the Zorinsky Reservoir. The Walnut Creek Lake in Papillion: 450 acres, 100-acre lake. WP-6 in Papillion: \$8 million; 69 acres, 34-acre lake. They spent \$8 million on 69 acres and 34-acre lake; west side of 114th and Cornhusker Road. Hmm. WP-1: regional detention structure; an \$11 million reservoir. Northwest Omaha, 180th and Fort Street. In 2018, \$4.7 million, the Nebraska Natural Resource Commission. 2018, \$4.5 million Natural Resource Conservation Service. Majority of landowners

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

surrounding structures are developers. This illustrates other funding sources rather than the property taxes the dam site in Papillion, \$5.2 million, 32 acres, 13-acre lake, east side of 108th and Cornhusker. Additional reservoirs are planned. Maybe this is part of the eight projects that are still in the works. Let's see. Six surrounding high-end houses. So there are additional reservoirs planned, six surrounded by high-end houses. So again, I stand here today with grave concerns whether we need to allow this authority to go forward. I'd like again to know if the directors directed their general manager from the Papio-Missouri NRD to actually request from our Legislature this authority to go forward for five years. Again, they originally asked for ten, going to five. You know, we really truly have a duty to our citizens to let them know how their money is being spent. We don't need to be the big brother to anybody, but if the Papio Creek, which did not flood during this last horrific flood event for the state of Nebraska, mind you, yes, Offutt Air Force did, but that was on the Missouri which they didn't have any control over. But I do believe they have served their purpose when it comes to taking care of the city of Papillion and some of their other areas that they have built some of these reservoirs. But I just don't believe that I can stand here in good faith and say yes to LB177 with the concerns of the actual folks that are voted in by this NRD. I do believe everybody deserves the same respect from one another to be able to know what their committees that they serve on are doing and have a say in whether or not something should go forward, because they too have to answer to their constituents that voted them in. So with this, I'll yield the rest of my time back to the Chair.

FOLEY: Thank you, Senator Albrecht. Items for the record, please.

CLERK: Mr. President, I do have items. Your Committee on Urban Affairs reports LB492 and LB564 to General File with amendments. Bills read on Final Reading this morning were presented to the Governor at 11:00 a.m. (Re: LB59, LB87, LB212, LB268, LB316, LB320, LB352, LB390, LB472, LB514, LB603, LB637, LB713.) The constitutional amendment was presented to the Secretary of State at 11:00 a.m. (re: LR14CA.) Amendments to be printed: Senator Bostelman, LB698; Senator Kolowski to LB670; Senator Briese to LB177; Senator Wayne to LB86.

Mr. President, I have a priority motion: Senator Crawford would move to adjourn the body until Tuesday, April 23, at 9:00 a.m.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office
Rough Draft

Floor Debate
April 18, 2019

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