

LINDSTROM [00:00:01] Good morning, ladies and gentlemen. Welcome the George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Jim Haack at a Beautiful Savior Lutheran Church in La Vista, Nebraska, Senator Arch's District. Please rise.

PASTOR HAACK [00:00:21] Let us pray. Heavenly Father, in your wisdom and goodness, you've established civil government as an extension of the authority you give to parents to bring order to society and to protect and defend the people. For all this, we give you thanks. Teach us, oh Lord, whether we are public officials or private citizens, to conduct our lives with honor, humility, and dedication to serving others rather than ourselves. Grant your blessing this day and every day to the legislators, administrators, justices, and to all who serve in this Capitol on behalf of the people of Nebraska, that we all may be free to serve you and our fellow man to the benefit of society and to the praise and honor of your name. We ask these things in the name of Jesus Christ, your son, our Lord. Amen.

LINDSTROM [00:01:21] Thank you. I call to order the thirty-second day of the One Hundred Sixth Legislature-- Legislature, Second Session. Senators please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK [00:07:09] There is a quorum present, Mr. President.

LINDSTROM [00:07:11] Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK [00:07:15] No corrections this morning.

LINDSTROM [00:07:17] Thank you. Are there any messages, reports or announcements?

ASSISTANT CLERK [00:07:21] There are, Mr. President. I have a report of registered lobbyists for the current week; in addition, an announcement that various agency reports have been filed electronically on the Legislature's website; series of Attorney General's Opinion, one addressed to Senator Slama, second to Senator Friesen (LB992), and the third one to Senator Brandt (LB720). Finally, new resolution, LR328, offered by Senator Stinner, recognizing the lifetime of public service, including 32 years

of service on the Nebraska Economic Forecasting Advisory Board, by Fred Lockwood. That's all I have at this time.

LINDSTROM [00:08:04] Thank you, Mr. Clerk. Senator Lowe would like to recognize the doctor of the day, Dr. John Jacobsen of Kearney. Please stand and be recognized by your Nebraska Legislature. Also today, we have a special day, Senator Bolz's birthday. Seated in the-- under the north balcony is her mom, Pam Eisenhower of Sterling, and this is the eighth year of making the cupcakes in front of you. So happy birthday, Senator Bolz, and-- thank you. Mr. Clerk, we will now proceed to the first item on the agenda.

ASSISTANT CLERK [00:08:50] Mr. President, LB840, offered by Senator Quick, it's bill for an act relating to the Nebraska Clean Indoor Act to prohibit the use of electronic smoking devices as prescribed; define, redefine terms; repeal the original sections. The bill was considered by the body yesterday. At that time, the committee amendments were adopted. Under consideration was an amendment from Senator Wayne, AM2598.

LINDSTROM [00:09:19] Thank you, Mr. Clerk. We-- Senator Quick, would you give us a quick refresher on LB840?

QUICK [00:09:25] Thank you, Mr. President. Yes. LB840 would add electronic smoking devices such as e-cigarettes and vapors to our Clean Indoor Air Act. And it also has provisions for-- it has definitions included in that, as well as allowing for certain vape stores, if the age is 21, to allow for vaping in that-- that-- in-- in that retail store. And with that, thank you, Mr. President.

LINDSTROM [00:10:01] Thank you, Senator Quick. As the Clerk stated, we also have AM2598. Senator Wayne, would you give us a quick refresher on the amendment?

WAYNE [00:10:09] Thank you, colleagues. Thank you, Mr. President. I believe I have another amendment up there on the floor. Did they--

LINDSTROM [00:10:19] We do have another amendment coming, but--

WAYNE [00:10:21] OK.

LINDSTROM [00:10:21] --if you could give us a quick refresher, we do have people in the queue.

WAYNE [00:10:23] Oh. This one was to add-- allow vape shops to allow vaping in their shop along with preemption. That's pretty much it.

LINDSTROM [00:10:34] Thankyou, Senator Wayne. Turning to debate on AM2598, Senator La Grone, you are recognized.

La GRONE [00:10:41] Thank you, Mr. President. If you remember yesterday, I had a concern about a definitional issue, and I also agreed with Senator Wayne's issues. And I talked to Senator Quick and Senator Howard this morning. And so in a moment, I'll-- it's-- Senator Quick has just handed me what might be an amendment, so in a moment I'll yield him my time so that he can talk and I can read through this to see if that will get us there. But I just really wanted to make a comment first about how it's im-- so important to be careful about our statutory definitions because we're governed by laws, not the intent that we put behind those laws. And I'll give you an example of a court case where that was problematic. There's a case at the federal government where-- it was Bond v. U.S. I forget the exact year. It came out of Virginia, where there was this scientist who her husband had another relationship and she put a chemical irritant-- irritant on the door handle of the other individual's car which gave that individual a rash. And she was charged with a violation of the chemical weapons ban treaty, because she met the statutory definition, and was sentenced to 25 years in prison. Now, through a series of events, that got overturned, but that is an example of why it's so important to make sure that we have accurate statutory definitions that aren't overbroad, that get only to the points that we are trying to actually get to. And so in order to be able to read what Senator Quick-- I'll keep talking until Senator Wayne is-- OK. I yield the remainder of my time to Senator Quick so I can look over this possible amendment he gave me real quick. Thank you, Mr. Pres-- I'll yield the remainder of my time.

LINDSTROM [00:12:21] Senator Quick, 3:20.

QUICK [00:12:22] Thank you, Mr. President. And thank you, Senator La Grone. You know, the one thing that we're trying to do, we're trying to-- to-- to add these products to the Clean Indoor Air Act and make sure that-- that-- that people aren't exposed to the-- to the product or to the secondhand effects from-- from vaping and-- and tobacco products. So I know one of the things that we're trying to do is work with some of the other senators here. I know Senator La-- Wayne-- Senator Wayne, we've been working with him. We've been working with Senator La Grone a little bit to figure out what we can do to make this bill so that we're going to protect the public health interests as well

as-- as well as work together to make sure that we can have the best bill to bring forth or bring-- bring out. So I'll try to keep going here on saying something. I-- I just wanted to make sure-- you know, one of the most important things for me was the protection of children. And, you know, I've-- I've witnessed the people who maybe used to smoke and were-- where they didn't smoke around their children, they didn't smoke in the car, they didn't smoke in their homes, but now that they're vaping, they're vaping in the cars with their children. They're also vaping in their homes around their children. And I know the Clean Indoor Air Act doesn't-- won't really address those issues, but it will also-- but I think what it will do is in our-- when they're out in a public setting, it's going to make them think about what they're doing. It's going to-- we need more education on what's happening with these products. We've seen a real issue with the epidemic that's happened within our-- within our middle schools and high schools and kids using these products. And I think what they see is-- is that adults are using when-- and-- and I think in even some cases we've heard that-- where adults have actually purchased them for their child-- for their children because they think it's OK. They think it's-- they don't realize there's-- there could be harmful effects from it. So-- so this is one of the things that we're trying to work on to try to-- to-- to get to, to make sure that there's education out there for people. And I think if-- if they-- if they're-- if they're seeing it used in-- in restaurants and-- and-- and other places, convenience stores, anywhere where there-- where there's people, then our-- our young people think that it's-- that it's all right. So--

LINDSTROM [00:14:52] One minute.

QUICK [00:14:52] --I think the adults also think it's all right, so we need to get more education out there for them so they understand that there are health effects from these products. I think we've seen it actually move faster than tobacco products. It took a long time for tobacco products to ever-- for people to ever realize how harmful they were. But vaping has really accelerated and we've seen more lung injuries and-- and issues like that. So with that, thank you, Mr. President.

LINDSTROM [00:15:20] Thank you, Senator Quick and La Grone. Mr. Clerk.

ASSISTANT CLERK [00:15:24] Senator Wayne, my understanding is you want to withdraw AM2598 and offer instead AM2677.

WAYNE [00:15:36] That-- that is correct.

LINDSTROM [00:15:40] The amendment is withdrawn. Senator Wayne, you're welcome to open on AM2677.

WAYNE [00:15:47] Thank you, and thank you, colleagues. Thank you, Mr. President. Thank you, colleagues. This amendment is a little slightly different. Talking to Senator Quick, we're not all the way there, but I'll try-- I'm trying to get on the record where we want to go. I want to move this bill forward. I understand there's con-- concerns about vaping in Nebraska. While I disagree with the harmful effects as the science is not there, I do understand Senator Quick's issue and I do want to move this bill forward. What this amendment does, it removes the preemption language of the last amendment. So what this amendment does is says, if you are a retail shop, if you are selling vape products, one, you can sell other things only if you do not allow 21-year-old and younger into your establishment. We were-- what we were trying to do was create a place where vape shops only allow 21 and above in, because that's the only one who can buy the products is 21 and above. So we're trying to say if-- if it's a 21-year-old and above going into a vape shop, they should be able to smoke in a vape shop. Now I do understand Senator Quick may believe this is a little too broad, but what I'm trying to establish for the record is this the direction we're going. As we have a little bit debate on this, I will probably withdraw this amendment, allow the bill to move forward, and then on Select File hammer out the exact language we're trying to create for this idea around allowing those who want to go into vape shops to be able to smoke in a vape shop and allow vape shops to sell other things. It makes no sense that if you are a vape shop owner, you can't sell a Diet Coke or some gum at your vape shop. That just doesn't make logical sense to me, and so we're trying to hammer that out. And this is a little bit-- a step in the right direction. It was a quick fix overnight. This is a kind of a complex issue. But I at least want to put on the record and talk to the body about where I'm trying to go with this and where we're trying to move with it. And with that, I will yield the rest of my time.

LINDSTROM [00:18:00] Thank you, Senator Wayne. Turning to debate on AM2677, Senator Slama, you're recognized.

SLAMA [00:18:04] Thank you, Senator Lindstrom. I just wanted to give the body a quick update as to where we were at after yesterday in terms of the definitions in the bill, which I understand Senator La Grone and Senator Quick are working out an amendment. I've seen that potential amendment, and I think it's a vast improvement over what we're dealing with now. So the amendment that's being looked at right now uses the definition of electronic nicotine delivery system that was used in the Final

Reading version of LB149, which was passed by Senator-- by this body, introduced by Senator Quick last year. And that says electronic nicotine delivery system means any product or device containing nicotine, tobacco, or tobacco derivatives that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to simulate smoking by delivering the nicotine, tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol form to a person inhaling from the product or device. That is a huge difference from the definition of electronic smoking device-- elect-- which was defined in AM2512, which was adopted by this body yesterday for LB840, which opens I think a Pandora's box of banning all vapors or aerosols used by humans. And I mean that by saying when you reference Section 4, electronic smoking device means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product, the term includes any such device, regardless of whether it is manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or a vape pen or under any other product name or descriptor. Now this gets very problematic when you look at Section 6, when you look at the definition of smoking that's redefined in this amendment. So smoke or smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar or cigarette, pipe, hookah, or any other lighted or heated tobacco plant or product intended for inhalation, whether natural or synthetic, in any manner or in any form. The term includes the use of an electronic smoking device which creates an aerosol or a vapor in any manner or in any form. Let me say that sentence again because it's important. The term includes the use of an electronic smoking device which creates an aerosol or vapor in any manner or in any form. That's problematic when you double back up to the original version of the definition of electronic smoking device in Section 4, which includes any such device, regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-whatever product. So that can include cooking spray. That's intended for human consumption. That's an aerosol. Hairspray: You don't necessarily consume it, but humans use it, so that's a gray area I see in this law. But you definitely criminalize kids who use inhalers, people who use humidifiers with essential oils, or even C-PAP machines. So I'd recommend to the body that we be very careful in the definitions we're adopting. Yes, there's prosecutorial discretion. But when we have bills with definitions this all-encompassing, it could truly create a Pandora's box. I look forward to the possibility of the amendment that Senator Quick is working with Senator La Grone on. And I see that Senator La Grone's light is on, so I'd like to wrap it up there and see what he's come up with.

LINDSTROM [00:21:58] Senator La Grone, 1:05.

La GRONE [00:22:00] Thank you, Mr. President. So if you're wondering now, we are simply-- I think Senator Quick has a-- a good amendment. We're now simply talking to give-- allow him some time to get that drafted so we can get that on there, but so that we can actually get that on there, not advance a bill that's not quite there yet, we'll just keep discussing. So I think Senator Slama did a good job of-- of laying out the differences between the coming amendment and then the-- the current definition. And as I said, I think that's really important to get our definitions accurate in statute so that we know what we're actually making laws about, so the public can understand what conduct is prohibited and what conduct is not prohibited, or that we're not accidentally prohibiting con-- conduct that we did not intend to prohibit. So I'll be talking a little more just to give Senator Quick time to get that amendment ready. And once that amendment is ready, then we'll go ahead and turn our lights off so that he can get that up there and we can get that fixed. With that, I--

LINDSTROM [00:23:03] Time, Senator. You're next in the queue.

La GRONE [00:23:05] OK, I will continue then and keep talking about how we're just waiting here for this wonderful amendment from Senator Quick. We're going to do him a solid by giving him some time to get that drafted. Would Senator Hunt yield to a question?

LINDSTROM [00:23:23] Senator Hunt, would you yield, please?

HUNT [00:23:26] Gladly.

La GRONE [00:23:27] Senator Hunt, you just asked me off the mike if I wanted to chat, and so I figured I'd give you that opportunity while we give Senator Quick some time, so--

HUNT [00:23:33] Do you mind if I talk about something? It's been on my--

La GRONE [00:23:35] That--

HUNT [00:23:35] It's not controversial or weird or anything.

La GRONE [00:23:39] OK, what-- what are your thoughts?

HUNT [00:23:41] Well-- well, let me-- let me ask you, what do you-- are you very familiar with ranked-choice voting? I know that we were talking about that in Government Committee yesterday.

La GRONE [00:23:50] You know, we had a bill in Government Committee that didn't actually deal with ranked-choice voting.

HUNT [00:23:55] Right.

La GRONE [00:23:55] But there was some testimony on it that I-- I am not intimately familiar with the topic, no.

HUNT [00:24:01] Well, what I learned overnight-- and I've-- and I've thought ranked-choice voting was pretty interesting for a while, but last night I dug into it a little bit more. They have this in 25 other states in some form or another. And we know that Maine has it statewide. But, you know, I think-- I think it'd be good for something for the Legislature to look at seriously in the future, and is that something you'd be willing to talk to me about and work on together?

La GRONE [00:24:26] I personally like Nebraska's electoral system the way it-- it currently is, but, you know, so I think that we've got a really good system in place. I think our election administrators do a great job of administering our elections. I think our Secretary of State does a great job of administering our elections, so I think we've got a great system in place now.

HUNT [00:24:43] I agree with that completely, and I think perhaps we can always improve, based on the outcomes that other states are having, and try some different things here. But one thing I know about you is that you're always open-minded to the discussion, so.

La GRONE [00:24:57] I'm always happy to talk about anything with anybody, so I'm always willing to have a discussion, like we're here currently having a discussion so that Senator Quick can get his wonderful amendment drafted. So, yes, would Senator Arch yield to a question?

LINDSTROM [00:25:12] Senator Arch, would you yield, please?

ARCH [00:25:17] Yes, I would.

La GRONE [00:25:18] Senator Arch, it looks like you were deep in some reading over there. How's that going?

ARCH [00:25:22] Well, thank you for asking. I-- I serve on this committee. I was a vote to vote this bill out because of the testimony that we heard. And I was just reviewing some of that testimony, particularly from the Cancer Action Network, from the American Cancer Society. And if-- if you wouldn't mind, I'd like to-- I'd like to read some of the-- some of the comments that came from that--

La GRONE [00:25:46] Inform me.

ARCH [00:25:47] --from that paper. And this was-- this-- in all sincerity, this was-- this was the testimony as we were listening to physicians, to health experts. This is something new. We're learning. We're learning about the-- about the potential hazards of this. We-- we understand, I think well, cigarette smoke and-- and the hazards there. But this is brand new. And of course, it's changing. It's evolving over time in-- in how the delivery systems are-- are handled. Certainly wasn't the intention of the committee to vote-- intention of the committee to vote out a bill that would-- that would be so broad as to-- as to ban humidifiers or-- or inhalers for asthma, for children. That certainly wasn't the intent. So I-- I am-- I'm grateful that others are picking up on this and we can maybe make-- maybe make the bill better. But-- but that being said, I think we do have a problem with the-- right now, how we allow e-cigarettes to be used in-- in public places. So I-- I do want to-- I do want to read one particular section here from the American Cancer Society, and what it says is this. There are serious questions about the safety of inhaling the substances in e-cigarette aerosol. Studies have shown that the use of e-cigarette can cause short-term lung changes--

LINDSTROM [00:27:08] One minute.

ARCH [00:27:08] --and irritations. E-cigarettes also pose a potential risk to nonusers through secondhand exposure to toxicants in the aerosol. Secondhand exposure occurs when the user exhales the aerosol, exposing nonusers. The level of secondhand exposure to a nonuser depends on several factors, including the type of e-cigarette, concentration of the e-liquid, strength of the heating device, particle sizes in the aerosol, how the e-cigarette is used, and other environmental factors. And I think that that just points out again that we're kind of on the front end of understanding all the potential health implications of e-cigarettes, but we do understand that it is not simply vapor; it

is-- it is not simply steam; it's not simply liquid water being-- being expelled here. So that being said, and that was one of the reasons while when we listened to that in committee, it-- it was an obvious concern. And so it's out on the floor--

LINDSTROM [00:28:07] Time, Senator.

ARCH [00:28:08] --obviously-- thank you.

LINDSTROM [00:28:09] Thank you, Senators Arch, La Grone, and Hunt. Speaker Scheer for an announcement.

SCHEER [00:28:14] Thank you, Mr. President. Colleagues, as we're trying to utilize some time here for them to finalize their amendment, I thought maybe it'd be better use of the time so that I could let you know what we're looking at for next week. Unfortunately, I don't know yet. We're still trying to review all the priority bills to figure out where we're at. Part of-- part of my problem is we still have a number of the committee bills that are still in committee. So I really don't know what all is going to be included in those. I have a number and I have a bill, but I don't know what others will be attached to that in order for me to have an idea of how long those bills may last as I'm trying to develop sort of my game plan for the rest of the session. I will be working this afternoon on Tuesday's agenda. I will-- I will have it out this afternoon sometime, hopefully by 5:00 but whenever we get done with it this afternoon. So if you check over the weekend, Tuesday's will be posted and it will be extended from this so there's no surprises wherever we're at. At the end of this morning, we will be starting there, so there's not going to be anything inserted in-- in between that. And you'll have an idea then hopefully what Tuesday will prevail as. And hopefully, starting next Friday, we'll be able to give you more of my normal last-day-of-the-week content of those bills that will be showing up the following week so that everybody sort of has plenty of time to prepare for those as well. So congratulations. We will be finished with our hearings as of today. Some of you are already done. Please take the long weekend to relax and revitalize yourselves because, quite honestly, we're now starting on the session. We've been doing some work, but we're going to get up close and personal and we're going to be spending an awfully lot of time together, and I don't want to ruin friendships because of too long. You know, it's sort of like good friends are-- are great, but they're only good for about three days and they need to go home. Unfortunately, we don't get to go home after three days, so we're going to have to show an immense-- immense amount of patience over the next 28, 27 days, and I will appreciate that as we move forward. But

please, everyone, enjoy the long weekend and then come back refreshed and prepared to start doing some more of the people's business. Thank you, Mr. President.

LINDSTROM [00:30:51] Thank you- thank you, Speaker Scheer. Senator Wayne, you are recognized. We'll now move to-- I don't see Senator Wayne. We'll go to Senator Groene.

GROENE [00:31:24] Last year I-- thank you, Mr. President. Last year I stood in opposition to putting restrictions on vaping because of the small business aspect, and let's face it, there's a lot of-- lot of bad things Americans do under their freedom. And I-- I didn't see any reason, if vaping was done correctly, it harms anybody. Teenage smoking has dropped dramatically since they switched to that. And as Senator Wayne said, I don't want to hurt the businesses that do it right. These cases, what I've read up on where there's been harm from vaping, most of them are tied to marijuana. Did you know medical mar-- marijuana made-- one of the major delivery systems for med-- medical marijuana is vaping, is inhaling a vapor. In Louisiana, had-- there's a story here. In Louisiana, they had 35-- 35 cases. Louisiana Department of Health said 17 of those cases are related to products that combine nicotine with THC, 7 products that-- that just use THC, 9 products that had nicotine, and 2 products that had CBD oil. Patients ranged in age from 17 to 7-- 17 to 71. The largest majority of the cases of death have been tied to-- to THC being inhaled. These small shops, that's where it's done correctly. That is where it's regulated. The business has liability. We should in no way discourage young people 19 and over from going there and vaping because the light of day and the lights are on. It's the black-market materials that are out there that are causing the harm. Oils that have vitamin E in it, I believe, is a big culprit that gets in the lungs. It's not the nicotine. Nicotine is harmless, besides being addictive, just like sugar and alcohol and other substances that, if used-- used reasonably and modestly, do no harm to you. That includes nicotine. So let's not demonize an entire industry and a product because some people abuse it. Let's ban alcohol. We know a lot of that happens and we know how many kids die of alcohol poisoning every year. It's a lot more than vaping or cigarettes would ever dream of harming, but we don't do that. There's two or three shops in my largest town, North Platte. I've been in them. I don't vape. I got enough bad habits. But they're just young folks in there, middle-aged folks who are trying to quit smoking. They were talking and visiting. They weren't obnoxious because they wasn't influenced by too much alcohol. They weren't out somewhere being tempted by peers to use a black-market-- market product that was laced with THC. So let's not demonize everything over some-- and Senator Quick is right. If some of these illegal ones are out

there that have THC in it and these oils that have vitamin E, they might harm another person--

LINDSTROM [00:35:16] One minute.

GROENE [00:35:16] --in an area. But true vaping won't. So I would think marijuana is still illegal in the state and hopefully it will remain that way. So there's laws on the abuse of THC. And if they're doing that and claiming it's for medical purposes, their lives are in danger. Their lives are in danger. And if we legalize it, we are going to legalize a lot of people's lives to be in danger from inhaling THC in a vapor form. Let's leave the age at 19. Let's protect the free-enterprise system. Let's protect those kids who decide to-- young people who decide to do that instead of taking-- going out and joining the wrong peer group that does get involved in drugs or alcohol.

LINDSTROM [00:36:15] Time, Senator.

GROENE [00:36:16] Thank you.

LINDSTROM [00:36:16] Thank you, Senator Groene. Senator Erdman, you're recognized.

ERDMAN [00:36:22] Thank you, Mr. President. Good morning. Before I begin my remarks about this bill, I want to say thank you. I have done this before. I'll probably do it every time we receive one. You have gotten one of these today, pink slips, as an opportunity for you to apply for a stipend and compensation. And the reason-- and some of you may not have ever heard this before. The reason you have this is because of Senator Chambers. Senator Chambers, thank you, appreciate it. He even has one, he told me. So this morning we're talking about LB840, and it's an opportunity for us to take away more rights. We seem to know how to protect everybody from everything. We are-- we are very concerned about people smoking, but we're very happy to spend the taxes they pay on cigarettes. And so we have all kinds of advertising and we have promotions for people to stop smoking, but yet we're really happy when they pay the cigarette tax. If I know there's a place that vapes and they allow it there, I don't have to go in there. I'm not required to go in there where they vape. But if a person wants to set up a shop, wants to have a place that sells vaping products and they want to do that, let them do that. Let people choose what they do with their spare time in their life. So if we really want to make a difference in people's lives about smoking, ban cigarettes, ban smoking. And Senator Groene made a comment about alcohol, the problems that

causes. So we are taking away people's rights to do certain things and proprietors' rights to have something in their facility. And we talk about a free-market system. Let people choose where they want to go. Let people do what they want to do. Government shouldn't be restricting people from doing those things that they want to do. We have done this for years and I-- I, for the life of me, can't figure out how we can discriminate against people who smoke like we do, but it's OK. And I'm not a smoker. And if I see a place that has people who smoke in it, I don't go in there because I don't like smoking. But that doesn't mean I want to stop them from smoking. So it would be like this. I don't like guns, so I don't want anybody to have a gun. Or maybe it's like this. I don't eat meat and I don't want anybody to eat meat. No. If I don't like guns, I just won't buy a gun. If I don't like meat, I just don't eat it. I don't have to have anybody else agree with me. But that's what we do. So I'm not in favor of restricting people's rights. I'm not in favor of taking away the opportunity for someone to go into a vape shop, to smoke, vape, vape, do vaping in a place that's designated for that as long as it doesn't affect me, and it won't because I won't go in there. And we talk about protecting children. Well, Senator Wayne's amendment said you had to be 21 years old to go in there. I don't think that's a child. I think he's on the right track. But by the same token, we need to consider other people's rights before we take them away for the sake of trying to protect us from everything. So I will-- I will not support LB840--

LINDSTROM [00:40:17] One minute.

ERDMAN [00:40:19] --because of the fact it is taking away rights from people to decide what they want to do. Thank you.

LINDSTROM [00:40:26] Thank you, Senator Erdman. Senator Ben Hansen, you are recognized.

B. HANSEN [00:40:36] Thank you, Mr. President. Sorry, I wasn't paying attention. I did have a discussion with Senator Quick about some of my thoughts about LB840. And just in general, I might kind of be echoing a little bit of what Senator Erdman said. When it comes to bills like this-- and you've probably heard me say this on the floor before. But when we already see-- when businesses have the ability to determine what they feel is best in their business, when cities have the ability to determine what they feel is best in their city, when counties have the ability to determine what they feel is best in their county, why does the state need to step in and feel like we know what's best? I'm not saying-- I'm not denying any of the science, not denying any of the pros and cons of vaping or what's in vaping. I have my own personal thoughts about that. But this is more

of a liberty issue and the ability for more government regulation, more-- more government control. And you're-- you're already seeing the trend of what cities are doing. They're making laws that they don't want vaping in their city. That's pretty clear. So we're already seeing the trend of what cities are doing, so now, all of a sudden, we feel like as a state we have to step into this, which in my-- which in my-- my own personal philosophy, creates more problems down the road when we make more laws. And so that was my only thoughts about this bill. I don't want to go off too-- too much. I'm not here to filibuster a bill. I'm not here to disparage this bill too much. But I-- I just feel like I have to at least give my thoughts about this, because this does pertain not just to vaping, but it pertains to a lot of laws that we've tried to make in the state of Nebraska. So with that, I yield the rest of my time. Thank you.

LINDSTROM [00:42:19] Thank you, Senator Hansen. Senator La Grone, you are recognized.

La GRONE [00:42:34] Thank you, Mr. President. Sounds like we're really close to getting that amendment up there, so we shouldn't have to take up too much more time. So I just want to use probably my last time-- we'll see, hopefully, that amendment gets up there by then-- to point out, like I started this, with why I think it's so important to make sure that we have specific language in statute. It really gets to the core of the separation of powers between the different branches of government. If we leave something to the courts that isn't well thought out, that is overbroad, it-- it-- not only is it not their job to fix it, they don't have the ability to fix it. They are stuck with the language we send them. So if we send them language that says that you can't use an asthma inhaler in a public place, that's the language you're stuck with in it. And-- and the reason for that is a really good reason. It's because this branch is the branch that's supposed to determine the policy of the state, and that branch is-- so the-- I'm blanking on who the quote is from, but it's the Legislature's job to make the law. It's the court's job to say what the law is. It's their job to interpret the law. It's our job to make the law. So we don't want to give them language that's unclear or that is overbroad because they are left with that language. We are the ones here who make the law. We have to live with the law we make. So that's why it's imperative that we ensure the words we write into statute, the words we write into law are the words that we want to be made law, they-- that reflect what we mean and reflect what we think should be legal or illegal. And in this case, I think that the-- the current bill doesn't do that. With the amendment that's hopefully coming, I'm hopeful that we will get that fixed here. It looks-- I don't know if-- if Senator Quick can give a thumbs up or thumbs down on whether we have an amendment dropped yet. Apparently, the amendment is in and dropped so, therefore, I will finish

talking. I thank Senator Quick for his willingness to work on this issue and thank everyone for helping us give him the time to do what he needs to do. And it looks like he's at the mike, so I'll go ahead and yield him the rest of my time.

LINDSTROM [00:44:52] Senator Quick, you're yielded 2:30.

QUICK [00:44:55] Thank you, Mr. President, and thank you, Senator La Grone. So, yeah, there-- we did drop an amendment. And so whenever that's ready to go up there, then we can go ahead and move forward. And I know there's going to have to be some other-- we're going to do the amendment. But then I think on-- between-- between now and Select, there's some things, some issues that we-- I still want to address with that amendment, so-- but for-- for the moment, we're going to go ahead and do the amendment. And then I can work with Senator La Grone and some of the others to figure out how we can make it so it covers all the different products, so there's no confusion on if you're using a vaping product in a-- in a location where-- so if it's electronic delivery system, a nicotine delivery system, and you're using a product and you say, well, it doesn't have any nicotine in it so I can use it in here, we don't want that confusion. So we've got to make sure we can cover these products that the-- because there are other harmful chemicals besides nicotine in there. So with that, I'll yield the rest of my time. Thank you, Mr. President.

LINDSTROM [00:46:01] Thank you, Senators La Grone and Senator Quick. Senator Pansing Brooks would like to recognize 35 high school students from Lincoln High School seated in the north balcony. Please rise and be recognized by your Nebraska Legislature. Senator Wayne, you are recognized.

WAYNE [00:46:26] Thank you, colleagues. This amendment, I think, works for me, but it does not work for Quick. And the reality is, is we need to move this bill forward. And I think there's another amendment that there's consensus on, on a definition. So at this time I will withdraw my AM2677 and work with Senator Quick from this-- General File to Select File to deal with the issue that we're working on.

LINDSTROM [00:46:49] Thank you, Senator Wayne. Mr. Clerk.

ASSISTANT CLERK [00:46:55] Senator Quick would offer FA103.

LINDSTROM [00:46:58] Senator Quick, you're recognized to open on FA103.

QUICK [00:47:02] Thank you, Mr. President. So in an effort to be able to move this bill forward to Select and to work with others to make sure that we cover the-- all the products that we need to under the definitions of vaping products, we brought this amendment. So it-- excuse me. So it will tie the definition to what we amended to in LB149 last year. That way-- that was agreed to by the body and with everyone between General and Select. So we're-- excuse me. So we'll work on this between General and Select to see if we can amend the rest of these products into the-- into the-- into the bill itself. So I just want to make sure at-- at this time it's going back to the original definitions that we passed last year. And from this point, I also want to make sure that we're covering some of the other products that maybe could be used in a-- in a vaping device that would expose people to some of the other harmful chemicals in there. So with that, thank you, Mr. President. I would urge you to vote green on the floor amendment and also for the bill. Thank you.

LINDSTROM [00:48:15] Thank you, Senator Quick. Senator Williams, you're recognized.

WILLIAMS [00:48:19] Thank you, Mr. President, and good morning, colleagues. And again, I had punched my button to help take some time on this. I appreciate all the conversation that we've had, the-- the redefinition that is going into this to make it clear what the intent of the bill is. I, like many, serve on HHS and heard the testimony. I think this is the right thing to do. It is not being restrictive. What we are actually doing here is exempting a store that sells vape products from the Clean Air Act so that you can vape in that store as long as you're 21 and attend that. So I would encourage everybody to vote green on the floor amendment and move the bill to Select File. Thank you, Mr. President.

LINDSTROM [00:49:05] Thank you, Senator Williams. We'd like to recognize 15 members of Americans for Prosperity, all-- from all over the country and state, seated in the north balcony. Please stand and be recognized by your Nebraska Legislature. Senator Halloran, you are recognized. I do not see Senator Halloran. Senator Lowe, you're recognized. I also do not see Senator Lowe. Senator Erdman, you are recognized.

ERDMAN [00:50:00] Thank you, Mr. President, and I am here, so I appreciate that. So I was wondering if Senator Quick would yield to a question.

LINDSTROM [00:50:10] Senator Quick, would you yield, please?

QUICK [00:50:12] Yes.

ERDMAN [00:50:13] Senator Quick, I just pulled up FA103, and you're changing the definition back to electronic devices that distribute nicotine? Is that what it is?

QUICK [00:50:26] Yes, that would be correct.

ERDMAN [00:50:28] So in your comments earlier, you said there are a lot of other chemicals in that, in vaping as well, so why would you have the definition just qualify one product?

QUICK [00:50:40] Well, that's what we're doing for right now. We do have to go back, and-- and I talked to Senator La Grone about that, and we're going to have to go back and-- and address that through another amendment to-- to fix those issues. I know the-- the big issue was with other substances, which included a wide variety of-- of-- of-- of like-- like someone who has asthma. So if they have one of those-- the-- the devices, so I know they ex-- expressed concerns about that. They had said something about a-- maybe a humidifier, too, but I-- you know, I don't know about the humidifier, but I understand their concern maybe about a device that would be used-- that someone used for asthma products, so.

ERDMAN [00:51:23] OK, so then you heard-- I think you heard Senator Williams say we're actually not restricting people's opportunity to vaping, but we're enhancing those. Would you agree?

QUICK [00:51:39] I'd have to-- I'd have to talk to Senator Williams. I'm not sure.

ERDMAN [00:51:43] OK, maybe I can ask him. Senator Williams, you yield to a question?

LINDSTROM [00:51:47] Senator Williams, would you yield to a question, please?

WILLIAMS [00:51:50] Yes, I would.

ERDMAN [00:51:51] Senator Williams, can you elaborate on your comment about we're actually not restricting but we're enhancing what they can do?

WILLIAMS [00:51:56] I certainly did not use the word "enhancing." What I said we're not restricting, under the Clean Air Act, smoking is prohibited in certain designated areas. We created legislation to create cigar bars, which is an exception to that. What this bill is doing is creating-- and first of all, it's adding electronic cigarettes, the vaping products to the list. But then in the list of exemptions, it's adding vaping shops as an exemption so that you could still vape in a vaping shop.

ERDMAN [00:52:35] OK. All right. Thank you for clarifying that. I appreciate it. Thank you.

LINDSTROM [00:52:42] Thank you, Senators Erdman, Quick, and Williams. Senator Groene, you're recognized.

GROENE [00:52:49] Thank you, Mr. President. I just have some clarification I need, too, before I sit down for good on this. Senator Quick, would you take a question?

LINDSTROM [00:53:00] Senator Quick, would you yield?

QUICK [00:53:02] Yes.

GROENE [00:53:04] I've heard a lot of 21 thrown around, age of 21. But am I not correct, last year we just-- we changed it to-- your bill changed it to 19. Is that correct?

QUICK [00:53:15] Yes, that is correct.

GROENE [00:53:17] And changing it to 21 is not in this bill, is it?

QUICK [00:53:21] No, but the federal government changed it to 21, so I know there's some issues with that between retailers and--

GROENE [00:53:26] The federal government has changed it to 21 or--

QUICK [00:53:29] Yes.

GROENE [00:53:30] It's been done already by the federal government?

QUICK [00:53:31] Yes.

GROENE [00:53:32] All right, so that will preempt any-- your-- a state law.

QUICK [00:53:36] I don't know that it preempts it, but what it-- I know that there is a bill coming out of General Affairs that would raise it so there's no conflict between the state and the federal.

GROENE [00:53:44] All right.

QUICK [00:53:44] So they're going to take it to 21, I believe.

GROENE [00:53:46] Thank you. But presently it's 19 then in the state in Nebraska.

QUICK [00:53:49] Yes, that-- that is correct.

GROENE [00:53:50] All right. Well, I appreciate it's been made clear that this doesn't ban the-- the Clean Air Act inside the store itself, because I know in there, at least, the products are licensed and the black-market stuff should not be in there with all the-- laced with THC. Senator Quick, may I ask you a question?

LINDSTROM [00:54:20] Senator Quick, would you yield, please?

QUICK [00:54:21] Yes, I will.

GROENE [00:54:22] Do you support the medical marijuana movement in the state in Nebraska? You-- you don't--

QUICK [00:54:31] You know, I guess that right now, I guess I-- I would support medical marijuana for-- you know, in a really constricted form if it's--

GROENE [00:54:38] So you would be-- would you be concerned if this vapor, the major delivery-- one of the major delivery of medical marijuana is-- is-- THC is through vapor. So you think we could work on something to make sure that never happens, that two doesn't combine in the state of Nebraska?

QUICK [00:55:00] Yeah. I mean, I-- I-- I think it should be a fairly-- I mean, it should be regulated pretty strictly--

GROENE [00:55:05] Thank you.

QUICK [00:55:05] --is how I view it, so.

GROENE [00:55:06] Thank you. As I said, everything I've read, it's the black-market stuff that-- vaping products that are cause-- causing a problem in the state with illness, and the adding of unregulated flavors that have vitamin E and-- oil in them; plus, the THC is the biggest one that has caused the problem with the vaping industry, illegal black-market stuff, not the legal. Anyway, I'm not going to-- I'm not filibustering this. I just had some questions, and I-- I trust Senator La Grone and Senator Wayne to handle the-- make sure that the free market is protected, the shops are-- the-- those little entrepreneurs are protected, that people who want to quit smoking the really dangerous stuff, the cigarettes with the tar-- it's the tar that causes cancer, the "cartigens." It isn't the nicotine in a cigarette. There's no evidence the nicotine has caused any diseases. It has been used for medical purposes in the past and still is. Let's not confuse cancer with nicotine. Let's not confuse these deaths with the nicotine in a vaping product. The problem is what's added to it, and that's mostly an illegal drug that still is in Nebraska and that's called marijuana, which includes THC, so I would hope this body and this state keeps it illegal. Thank you.

LINDSTROM [00:56:41] Thank you, Senator Groene and Senator Quick. Senator Clements, you are recognized.

CLEMENTS [00:56:48] Thank you, Mr. President. I'm not in favor of this bill. I do have some questions about it. I'm-- I'm still leaning toward more free market and let people make their own decisions. But would Senator Quick yield to a question?

LINDSTROM [00:57:04] Senator Quick, would you yield, please?

QUICK [00:57:06] Yes.

CLEMENTS [00:57:07] I was wondering if a business now could restrict vaping in their building. As a banker or a bank building could have somebody come in vaping, without this bill, would I be able to put a sign on the front door and prohibit someone from coming in?

QUICK [00:57:27] Yes. You could still do that. Yes.

CLEMENTS [00:57:30] All right. Thank you. Well, I-- I don't see then why we really have to make this mandatory. If some businesses want to invite people in and some people, some businesses don't, I could put a sign on my front door saying it's not allowed. And if I have a problem with vaping in my business or any business does, I think they could do that. In my family, I've got a family member who was a smoker and it was damaging his health. And he realized that, and he had young children, my grandchildren, and decided he'd probably better not be smoking around them. And so he switched to vaping. He's been vaping for a while and he was able to quit smoking completely, and his health has improved by that. So I-- I've seen the benefit of vaping as far as being used as a smoking cessation device. I was looking at the e-mail I got from the Nebraska Vape Vendors. They're saying that there is no scientific basis for a ban on vape-- vaping in public places, that secondhand vapor is below the levels that would be cause for concern. They even cite a CDC study, conducted their own study in 2016 and concluded exposure to flavoring chemicals, formaldehyde, nicotine, and propylene glycol were all below occupational exposure limits. And expo-- occupational exposure limits means exposed for up to 10 hours a day, 40 hours a week, for a working lifetime and without experience adverse health effects. So I don't see that the secondhand vaping has been proven to be harmful. Also they quote that according to the public health in the U.K., vapor products are 95 percent less harmful than smoking. And they-- this-- the vape vendors also go on to say they support restricting teenage-- teenager access and that this bill does not do that. Had another-- oh, I guess he's not here-- about limiting the nicotine content. They're saying it would be better to reduce the nicotine content, which is up to 54 milligrams, but it would be better to get it down to 24 milligram limit, which is all you need for stopping smoking, and limiting the sale of flavored vapor products to adult-only stores would be a way to protect the teens, prohibiting-- prohibiting the systems like the JUUL that are so easy to hide for the teens. And here's one I would consider: tougher penalties for retailers who are cited for selling to minors or increasing the fines for sellers who sell to minors--

LINDSTROM [01:00:53] One minute.

CLEMENTS [01:00:54] --similar to-- similar to selling alcohol to a minor, increase the penalty for that if-- because I think that some of the research has shown that teenagers, the young folks who shouldn't be vaping at all anyway if it's a 21-year-old limit, should be protected a little bit more by increasing the penalty for retailers or for others who sell to minors who shouldn't be getting it. And with that, I'll yield my time. Thank you.

LINDSTROM [01:01:38] Thank you, Senator Clements. Senator Cavanaugh you're recognized.

CAVANAUGH [01:01:42] Thank you, Mr. President. I will be brief. My daughter is six years old and has asthma. I have had to take her from the doctor's office in an ambulance to the hospital because of her asthma. I have spent over night with her hooked up to oxygen. It is terrifying to have a child with asthma and to know that they could die or suffer brain damage because of a lack of oxygen to their brain. Vaping has been shown to be detrimental to people with asthma, even secondhand exposure. So I very much appreciate Senator Quick's bill that moves the age to 21 so that adults can decide in adult settings whether or not to vape. My child's health and life should not be put at jeopardy because of a recreational activity of someone else. With that, I will yield my time to the Chair.

LINDSTROM [01:02:37] Thank you, Senator Cavanaugh. Senator Williams. Senator Williams waives. Seeing no one else in the queue, Senator Quick, you're welcome to close on FA103.

QUICK [01:02:48] Thank you, Mr. President. And thank you, colleagues, and thank you for all the-- the debate this morning on the bill. And I want to thank everybody for working me-- with me on this. And I know we've got some more work to do. I know-- I appreciate Senator Wayne working with me, and Senator La Grone, and I know we're-- we'll have some continued talks about what this amendment would-- you know, fixing this amendment a little bit and also with some of the issues that Senator Wayne had. So with that, I would urge you to vote green on FA103 and vote green for LB840. Thank you, Mr. President.

LINDSTROM [01:03:18] Thank you, Senator Quick. The question before us is the adoption of FA103 to LB840. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK [01:03:59] 34 ayes, 1 nay, Mr. President, on the adoption of Senator Quick's amendment.

LINDSTROM [01:04:04] FA103 is adopted.

CLERK [01:04:06] I have nothing further on the bill, Mr. President.

LINDSTROM [01:04:10] Senator Quick, you're recognized the close on LB840. Senator Quick waives closing. The question before us is the adoption of a LB840 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk.

CLERK [01:04:52] 31 ayes, 2 nays, Mr. President, on the advancement of LB840.

LINDSTROM [01:04:58] LB840 is advanced. Mr. Clerk for items.

CLERK [01:05:02] Thank you, Mr. President. Your Committee on Appropriations reports LB1198 to General File; Judiciary reports LB1028 to General File with amendments; and Natural Resources reports LB933 to General File with amendments; confirmation reports, Judiciary Committee; an amendment to be printed, Senator Lindstrom to LB808; and notice of hearing from Retirement Systems. Finally, a new A bill, Senator Bolz, LB329A, it appropriates funds to implement LB329. That's all that I had, Mr. President.

LINDSTROM [01:05:33] Thank you, Mr. Clerk. We will now move to 2020 senator priority resolutions, LR288, Mr. Clerk.

ASSISTANT CLERK [01:05:44] Mr. President, LR288, introduced by Senator Slama, urges the Legislature to encourage Congress, the United States Army Corps of Engineers to prioritize flood control. The resolution was introduced on January 8, referred to the Natural Resources Committee pursuant to the Speaker's authority. That committee reported the resolution to the Legislature for its further consideration.

LINDSTROM [01:06:21] Thank you, Mr. Clerk. Senator Slama, you're welcome to open on LR288.

SLAMA [01:06:27] Thank you, Mr. President. And good morning, colleagues. I rise today to introduce LR288, a resolution to Congress and the U.S. Army Corps of Engineers to demand that the Corps prioritize flood control and update their levee standards. Nebraska faced a year of disasters in 2019, as a record blizzard and widespread flooding swept the state. For many, the devastating floods came and went in March. Other areas, especially those along the Missouri River, weren't so lucky. The Missouri River gages in southeast Nebraska were in flood stage for 271 days. Thousands of acres of land in my district alone were underwater until mid-December. Flooding in March was due to an unprecedented bomb cyclone. The flooding from April

to December, that was due to the Corps' systematic failure to proactively manage the Missouri River. The U.S. Army Corps of Engineers is tasked with the management of the Missouri River and recently completed one of the final levee breach repairs for those damaged within their system. It is an admirable achievement and I thank them for their work. But we can't lose sight of the communities that have been left behind by the Corps' mismanagement and lack of proactivity to prevent another disaster on this scale from happening. A question that has been raised to me a few times over the last 11 months, why build in the floodplain of the Missouri River in the first place? Well, there is a reason that so much of our area's infrastructure, including all bridges across the Missouri River from Omaha to St. Joseph, two major power plants and Interstate 29, are built on the floodplain. That's because up until the 2011 floods, there had been only one major flooding event since the new system was introduced in the 1950s, and that was in 1993. In the meantime, we've seen failures from the Corps to address a downriver storage problem, which is why the bomb cyclone was so impactful in our area, failure to leave enough room in existing dams' reservoirs for spring storage, a slowing of flows from these reservoirs to increase sedimentation, and create sandbars for habitats which were destroyed months later and further compromise down river storage. Levee standards have not been updated in decades to reflect modern runoff trends. Governors of Nebraska, Missouri, Iowa, and Kansas recently joined together to split costs with the Corps on a flood mitigation study. It will take about three years to finish the study and collect data that the Corps should already have and will likely end with the exact same recommendations that the Corps has been lobbying for unsuccessfully since the 1993 floods. Riverfront communities do not need another study that will take years to recommend changes that could take decades to implement, if at all. The time for action was in 1993. The time for action was in 2011. We all saw firsthand then the shortcomings of our current river management system. It turns out that those two events were just a preview of the long-term disaster that we would face in 2019. That is my reasoning behind LR288. It is a very restrained effort to ask that the Corps make flood control its top priority in its master manual, as it was before the 2004 rewrite placed it on the same level as seven other priorities, including recreation and irrigation. So, colleagues, I'm asking that this bipartisan resolution, which advanced from the Natural Resources Committee 8-0, be passed as-- as a signal to both the Corps of Engineers and Congress that the lives and livelihoods of those who live along the river deserve priority in the Missouri River's management, both in the Corps' master manual and in their day-to-day efforts to improve downriver management. We've seen the crippling impact that inaction has had on our communities, which I'll describe in more detail in my next turn on the mike. But I want to make it clear that those who have lost their homes, lost their livelihoods, and even to-- to those families who have lost their lives because of

direct impact from the flooding, that I hear you, now the Nebraska Legislature can hear you, and your message is loud and clear, just as my message is today: Enough is enough. Thank you, Mr. President.

HUGHES [01:11:02] Thank you, Senator Slama. And you are next in the queue.

SLAMA [01:11:05] Thank you, Mr. President. So a helpful case study to illustrate why I brought LR288 is Peru, Nebraska, a community of 865 people, home to Peru State College and located two miles away from the Missouri River. Peru had a levee protecting the town, which had not failed since it was installed by the Corps in 1952. That levee, like almost every Corps levee south of Omaha, failed as the Missouri River demolished previous crest records. The Missouri River also blew out its bank near that levee breach. Maintaining the main channel is a task the Corps of Engineers is legally obligated to do. However, the bank is not scheduled for repair until at least the end of 2020. That means at least another year of the Missouri River trying to channel itself through the Peru bottoms, thousands of acres of land under water for months, and a hold on any potential levee repairs until after the bank is repaired. Moreover, the levee which protected Peru's water treatment facilities, sewage lagoons, several homes, and thousands of acres of land has been destroyed. This levee had been in the Corps' system, meaning that the Corps would be responsible for making major repairs should the levee fail for nearly 70 years without interruption. However, the levee was deemed inactive in 2018, yes, less than a year before the floods, due to a failure to complete a single set of paperwork that would have cost thousands of dollars in attorney's fees. Instead, the local levee board, which is comprised of community members, used its \$25,000 annual budget to maintain the levee and make some necessary repairs. An initial cost estimate from the Corps to repair the six-mile levee protecting Peru on its own was initially \$60 million, but somehow ballooned to \$325 million when a revised estimate was requested. To put this figure into perspective, Congress appropriated \$1 billion to the Corps for levee and infrastructure repair in eight states for this disaster. Other Corps levees, which were themselves listed as inactive but due to major structural deficiencies rather than a lack of paperwork, were at least partially repaired in spite of their status. That's because these levees were lucky enough to be along Interstate 29. Peru is just a microcosm of larger issues surrounding the Corps of Engineers' management of the Missouri River and the impacts of long-term flooding has had on communities along the river. For months, all bridges along the Missouri River between Omaha and St. Joseph were closed, leaving hundreds of workers and students to see their commute times increase from 5 to 15 minutes to upwards of 4 hours one way. Those impacted had to find alternative housing, leaving their family

behind oftentimes, find a new job, or just deal with an eight-hour daily commute. Large portions of Interstate 29 were also closed for months, which meant that much of the traffic traveled instead on Highway 75 or 50 through my district, both of which were operating in excess of their design capacity several times over. Fatal accidents spiked in our area during this time. Businesses who depend upon traffic from Iowa and Missouri, either as towns with a Missouri River Bridge, like Brownville or Rulo, or providing a service that is not offered elsewhere in the region, saw drops in sales that range from 40 to 75 percent for months. This region does not have the infrastructure to handle one of these floods, much less two in the same decade, which we've now seen in 2011 and 2019. The clock is ticking right now in our region along the Missouri River, and we don't have time for another study, especially one to collect information that should have already been collected.

SCHEER [01:15:02] One minute.

SLAMA [01:15:02] People are dying. People are losing their livelihoods. And we can't grow when we're constantly under the gun for another flood that's going to take out thousands of acres of property and compromise access across the river. Again, this is a very restrained effort to make the statement to the U.S. Army Corps of Engineers to prioritize the lives and livelihoods of those living along the river by prioritizing flood control in their master manual and in their day-to-day operations. I'd strongly encourage a green vote on LR288. Thank you, Mr. President.

SCHEER [01:15:36] Thank you, Senator Slama. Those waiting in the queue, Senator Ben Hansen, Gragert and Clements, and others. Senator Ben Hansen, you're recognized.

B. HANSEN [01:15:44] Thank you, Mr. Speaker. Before I begin, I would first like to thank Senator Slama for bringing this resolution and its increased attention to a problem that has seemingly long plagued our state, our counties, and our citizens. Senator Slama, along with myself and many other Senators on this floor-- excuse me, have directly been impacted by the rising tides of the Missouri River. In 2011, Washington and Burt counties, both in my district, along with many other counties and towns along the river were devastated by the-- by the unforgiving swell of the Missouri River above-- above flood levels to near record levels. Up and down the river, the 2011 flooding caused more than \$2 billion in damages, including 4,000 flooded homes, and resulted in five deaths. And I think-- and I think Senator Slama summed up the devastation in her statements as well. I understand that there were insurmountable and unforeseeable

circumstances that nobody could predict that made the handling of the situation very difficult. According the National Weather Service, in the second half of the month of May of 2011, almost a year's worth of rain fell over the Upper Missouri River Basin. Extremely heavy rainfall in combination with an estimated 212 percent of normal snowpack in the Rocky Mountains contributed to the flooding event. But could we have done better? And by we, I also mean the Corps of Engineers and their ability to regulate, repair, and remediate the situation. With that, I do-- I do appreciate, with this resolution, the concentration on the Corps of Engineers' manual and handling of unforeseeable disasters such as these in the future. And with that being said, also, I do have to express my almost complete lack of faith in recent years with the Corps of Engineers' ability to do their job. Like the old adage goes, fool me once, shame on you, fool me twice, shame on me. I've heard many different reasons for what happened with the flood in 2011 and in recent years. Some I have heard, which are disturbing to me, is that waters are held back in South Dakota to maintain their parks and recreations, which include fishing and wildlife. Since when did one economy of states become more important than the other? Nebraska lost billions in our economy due to the flood and it's still affecting our economy to date. So what, we aren't as important, according to federal government, as other states? Senator Slama also mentioned protecting certain wildlife in the Missouri River is a reason to hold back water at the potential destruction and devastation of our citizens, which, according to research I haven't seen, I haven't seen it has accomplished what they intended to do at all. In closing, from what I've seen so far, I do have to say I have seen a more sensible and thought-out approach to flood control this year so far by the Corps and can only hope they don't fool me and the citizens of Nebraska a third time. Thank you, Mr. Speaker.

SCHEER [01:18:53] Thank you, Senator Hansen. While the Legislature's in session and capable of transacting business, I propose to sign and do hereby sign LR2-- or LR325. Mr. Clerk for announcement.

ASSISTANT CLERK [01:19:04] Mr. President, the Natural Resources Committee will hold an Executive Session at 10:20 under the north balcony; Natural Resources, 10:20, under north balcony.

SCHEER [01:19:14] Thank you, Mr. Clerk. Going back to the queue, Senator Gragert, you're recognized.

GRAGERT [01:19:19] Thank you, Mr. President. I stand in full support of LR288. With the extreme weather events we have experienced, I believe it is important for the Corps

to reevaluate their master manual and place flood control as a top priority when managing the reservoir-- reservoir system on the Missouri River. Along with this action, it is also very important for the Corps to work in conjunction with the local and state governments to address additional issues such as the sediment load in the tributaries and lakes on the Missouri River. Specifically in District 40, I'm talking about the Ponca Creek, the Brazil Creek, the Verdigre Creek, and the Niobrara River Valley, to mention just a few, but all tributaries must be addressed from top to bottom. Addressing the soil erosion through a comprehensive plan by the federal, state, and local governments all working together will ultimately address the sediment issue I believe will continue to be our major problem when dealing with the wet cycle we have been experiencing. This issue, like many, will require extensive work and time to correct. I believe it is time to act. The time for more studies is over. We must address the soil erosion problem in the tributaries in order to lessen the effects of flooding. So again, I stand in full support of LR288 and hope to work with all levels of government. Thank you, Mr. President.

SCHEER [01:20:52] Thank you, Senator Gragert. Senator Clements, you're recognized.

CLEMENTS [01:20:57] Thank you, Mr. President. I want to thank Senator Slama for bringing this resolution. In District 2, which is on the eastern end of the state, also has the Platte River flowing across it and the Missouri River on the eastern edge. The city of Plattsmouth is a primary city that was affected in my district. It had-- their city water well was shut down and they had to hook up to a rural water system, which fortunately they had ability to do, but they only had about 50 percent of their normal supply for the city. And so they had water restrictions for six months last year. And then their-- also, their wastewater plant was shut down completely. One-- one city person has told me that they may have \$75 million worth of damage to repair to get their water wells and their wastewater back in service. There are also hundreds of acres of farmland in my district, been told that one farmer had about 1,000 acres flooded. And in 2011, the river cut a channel through that land and he decided to reclaim it, and it cost a million dollars. The 2019 flood was even worse, cut a larger channel through that land and an estimate of around \$2 million to fix it. And I don't believe that's been done, and that land may never be farmed again. Then the Missouri River being so high, the Platte River runs into it at Plattsmouth, and it backed up the Platte River because there is nowhere-- nowhere for the water to go, so they just kept the Platte River at a high level and the water closed across Highway 75 going north so the commuters from the Plattsmouth and south were not able to get to Omaha to work that way. The bridge access that connects Iowa to Nebraska at Plattsmouth was closed and many businesses and residences were also flooded because of that. I do know that the Governor, Governor Ricketts, and the

governors of Iowa and Missouri have been working with the Corps to get them to change their procedures with the water flow in the river. And I thank them for that. I urge them to continue to do that. And I hope that this year we can avoid some of the terrible damage that we had in 2019. With that, I also just want to thank Senator Slama for bringing this and bringing this awareness to the state and to the Corps of Engineers. Thank you, Mr. President.

SCHEER [01:24:10] Thank you, Senator Clements. Senator Chambers would like to welcome the following guests seated in both balconies. There are 155 members of the Black and Brown Youth Advocates and the Urban League of Nebraska Young Professionals. Would you both please stand and be recognized by the Nebraska Legislature. Thank you all for coming down and watching this morning. Going back to the queue, those waiting to speak, Senator Lindstrom, Dorn, Pansing Brooks, and others. Senator Lindstrom, you're recognized.

LINDSTROM [01:24:47] Thank you, Mr. Speaker. I rise in support of LR288, but I did have several questions that I'd like to ask some of the senators that have stood on the mike today. I'll remind everybody what we did with the first priority bill this year, and that was LB242. LB242 was a turnback tax for the water that we collected the state. We collect 5.5 percent of both potable water and sewer water from all utility districts across the state, and it goes in the General Fund. What LB242 does is it turns back-- turns back a portion of that tax collected to the local communities such as Plattsmouth, Peru, West Point, Creighton, really any utility across the state. So I do have a few questions because I do have the recorded vote for the amendment that created a cash fund to facilitate that. And unfortunately, the bill was taken three hours and was not able to have an up-or-down vote. Senator Wayne had an amendment on there to eliminate all of the tax we collect on potable water, did request that we have a vote, but as soon as he did request that, I noticed that a number of Senators punched into the queue with about 15 minutes left and we were not able to get to that vote. So I do have a vote card in front of me to ask some questions to see whether or not you would like to bring back that bill for debate, because it's one thing to do a resolution; it's another thing to actually provide taxes and funding back to those local utilities so they can actually do something about their predicament when it comes to flooding. So, Senator Slama, would you yield to a question, please?

SCHEER [01:26:40] Senator Slama, would you please yield?

SLAMA [01:26:42] Yes.

LINDSTROM [01:26:43] Thank you, Senator Slama. My question for you-- and I have this vote card which pretty much sums up how I think the vote went. If you remember, Senator Stinner was kind enough to give me an up vote to get the 25 to move forward; however, we weren't able to get to the vote. So do you believe that LB242, and I think you're familiar with it because we-- we spoke about it, helps Peru with both their water infrastructure, drinking water, and their sewer water?

SLAMA [01:27:11] No, because when this turnback maxes out at \$23 million a year, if we're proportionately giving these revenues back to the communities, Peru would only receive \$10,000, which is 0.1 percent of the \$10 million they need at minimum to make any difference in rebuilding their infrastructure.

LINDSTROM [01:27:28] So any amount of money that would be going back to Peru wouldn't be worth-- so any money that-- any money that we collect, the taxpayers in your district that have to pay that fee and tax to the state, you don't think that they would like the fact that they might get some of that money back to be used for their predicament?

SLAMA [01:27:47] I do take issue with the bill being brought now being politicized-- politicized to the people of-- the people who have lost everything because of this flood, because this bill--

LINDSTROM [01:27:55] I don't think--

SLAMA [01:27:55] --disproportionately impacts Omaha.

LINDSTROM [01:27:55] --it's politicized. Thank you, Senator Slama.

SLAMA [01:27:58] Thank you.

LINDSTROM [01:27:58] It's not-- excuse me. It's not politicized. An LR-- in fact, in my years I've been here, I've never seen an LR. If you want to talk about politicizing something, an LR to talk about your district, which an LR does nothing, it's a resolution. My bill actually does something. It turns money back to your district. Thank you very much. Senator Clements, would you yield to a question, please?

SCHEER [01:28:21] Senator Clements, would you yield, please?

CLEMENTS [01:28:26] Yes.

LINDSTROM [01:28:27] Senator Clements, could your-- could Plattsmouth use a turnback for their infrastructure?

CLEMENTS [01:28:32] I suppose they could.

LINDSTROM [01:28:35] OK. Well, I noticed on the bill and the vote that we had, you were present and not voting. Is that-- did you-- were you out of the Chamber or did you just not feel that you liked the bill itself?

CLEMENTS [01:28:47] I didn't like the concept of the turnback tax.

SCHEER [01:28:51] One minute.

LINDSTROM [01:28:51] OK.

CLEMENTS [01:28:51] I think there's other ways to solve that situation.

LINDSTROM [01:28:56] OK. And then I'll expect maybe another bill next year that-- that addresses that. Senator Hansen, would you yield to a question, please? Ben Hansen.

SCHEER [01:29:07] Senator Ben Hansen, if you're available, would you please yield? Sorry, Senator, I don't see Senator Hansen.

LINDSTROM [01:29:15] OK. Senator Gragert, would you yield to a question, please?

SCHEER [01:29:17] Senator Gragert, would you please yield?

GRAGERT [01:29:19] Sure.

LINDSTROM [01:29:20] Same question: Do you think places like Creighton in your district would benefit from a turnback no matter the dollar amount that does turn back to their local utility?

GRAGERT [01:29:29] I guess what I'm looking at, Senator Lindstrom, is the idea of a possible alternative to spending \$23 million is, first of all, you know, the communities

that were directly affected by the flooding, is to get those people back up on their feet and if we've--

SCHEER [01:29:49] Time, Senators.

GRAGERT [01:29:49] --got \$23 million--

LINDSTROM [01:29:51] Thank you.

GRAGERT [01:29:51] Sorry.

SCHEER [01:29:52] Thank you, Senators. Thank you, Senator-- well, let's see, we have Lindstrom and others. We'll leave it at that. Thank you. Senator Dorn, you're recognized.

DORN [01:30:04] Thank you, Mr. Speaker. Just wanted to also show my support for this LR that Senator Slama brought and thank her for this. Flooding has been an issue for a lot of years along the Missouri River, the tributaries. The last several years, it has become a big issue not only for the state of Nebraska, but also Iowa, Kansas, South Dakota. As I have met and not-- my district itself is not located right next to it, but as I have visited with multiple people and also seen a lot of the damage, been over there and looked at all the damage that is done. I am glad to hear that the governors are working on something. But I also feel that we as a Legislature should be able to make a strong statement about the fact that we need to have the Corps have as one of their priorities flood control on that river. When you-- when I was with the county, we-- several times we had to deal with river issues or stream issues. And dealing with the Corps sometimes can be a tremendous challenge. It is another government agency that doesn't always work real good with other agencies. So I think this-- making this type of statement to the Corps and letting them know that we as the state of Nebraska, that this is a very, very important issue for the people of the state of Nebraska and the people along that Missouri River. And I will yield the rest of my time back. Thank you.

SCHEER [01:31:45] Thank you, Senator Dorn. Senator Chambers, you're recognized.

CHAMBERS [01:31:48] Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Slama a question or two.

SCHEER [01:31:56] Senator Slama, would you please yield?

SLAMA [01:31:57] Yes.

CHAMBERS [01:31:58] Senator Slama, to whom is this resolution to be sent?

SLAMA [01:32:01] Congress and the U.S. Army Corps of Engineers, Congress specifically being the Nebraska delegation.

CHAMBERS [01:32:08] To just the members of the Nebraska delegation, correct?

SLAMA [01:32:11] Yes.

CHAMBERS [01:32:12] Who are the people in that delegation?

SLAMA [01:32:15] Senator Sasse, Senator Fischer, Congressman Bacon, Congressman Fortenberry, and Congressman Smith.

CHAMBERS [01:32:21] Do you know that their phone numbers are listed in our roster book?

SLAMA [01:32:27] Yes.

CHAMBERS [01:32:28] Why don't you just pick up the phone and call and make the request to them because it's something you believe in?

SLAMA [01:32:36] I have.

CHAMBERS [01:32:37] And it didn't do any good?

SLAMA [01:32:40] This is more about making a statement as a Legislature that we endorse the concept that the lives and livelihoods need to be the priority of the Corps. This is us taking that action.

CHAMBERS [01:32:51] To whom is the statement being made other than to the Nebraska Congressional Delegation, and I guess the Office of the Corps of Engineers, which would be in Nebraska? The resolution does not even go to anybody else. Correct?

SLAMA [01:33:06] The resolution would be sent to the Corps Office at the Pentagon.

CHAMBERS [01:33:12] Where does it say that? It says, "and the United States Army Corps of Engineers." Is there a United States Corps of Engineers office in Nebraska?

SLAMA [01:33:26] There is one in Omaha, yes.

CHAMBERS [01:33:28] So how will anybody know where it's supposed to go when the resolution doesn't direct them specifically?

SLAMA [01:33:37] Well, I plan on sending that myself. If you'd like to bring an amendment, we can clear it up that it needs to go to the D.C. office.

CHAMBERS [01:33:44] Well, I don't want to make an amendment to something that does nothing. I don't want to do this to embarrass you, even though it might turn out to be that way. I wanted people to know that I'm dealing with what's in the resolution. Members of the Legislature, a resolution can only make a statement. If that's all that Senator Slama wants to do, fine. I might offer a resolution, as I did when former President Reagan was going to go visit Bitburg Cemetery in Germany, where members of the SS, the Schutzstaffel, the Waffen-SS, the military arm of the SS, were buried. I'm sure when that resolution got to him, I don't even remember if the Legislature passed it, but I'm sure it wouldn't make any difference and he wouldn't even see it. This resolution, as the senator at the back of the room-- and I won't call his name because I don't want to get him in trouble with anybody-- pointed out, there was a bill and that bill didn't get enough votes to go anywhere, thank goodness. I wouldn't support that bill. But this resolution is nothing. I heard my colleague, Senator Hansen, who spoke, Senator B. Hansen, and he got kind of agitated saying, are some people a higher priority than others? Well, yes, California is a higher priority to the government than Nebraska. Nobody in Washington pays attention to anything that people from Nebraska say. They know that Nebraska delegates, and by that I meant the three in Congress and the two in the Senate, are the tagalongs. Whenever Trump blows his dog whistle, here come the lapdogs running to do what they're told to do. And then when the Legislature, which spends so much time speaking against big government, against regulation, is going to bring a resolution asking for both of them on a national scale, it makes no sense whatsoever. I hope that this body passes this resolution.

SCHEER [01:35:50] One minute.

CHAMBERS [01:35:50] You said time?

SCHEER [01:35:51] No, Senator, one minute, please.

CHAMBERS [01:35:52] Thank you. I hope it is passed without my support, then the rest of the session, I will have things to say about those who talk against so-called big government, who are talking about the Corps of Engineers and what they ought to do, but they will not talk to their Governor about doing what the people voted in terms of his duty to do. Thank you, Mr. President.

SCHEER [01:36:22] Thank you, Senator Chambers and Senator Slama. Senator Bostelman, you're recognized.

BOSTELMAN [01:36:32] Thank you, Mr. Speaker. Good morning, Nebraska. I stand in support of LR288. I just want to speak-- take a couple minutes to talk about the study we did, LR241, over the summer. Senator Pansing Brooks and I cochaired that-- that study. We went across the state of Nebraska. So I want to talk a bit about the rest of the state of Nebraska. This is really focused on the Missouri River and those type of areas. We went up to Genoa. We went to-- I was out in Kearney. We went down into Peru area. We were over up at Winslow, Schuyler, Ashland, North Bend area. We traveled across the state looking at what happened this spring from-- and through the summer from flooding and that. We took a lot of time with staff and all the members are on the committee. We took time to go out and really look across the state and see what, what was involved, what happened, what those responses were, and what we might be able to do better. And that-- part of that is going to-- hopefully will come out. I'll have a bill, LB1201, that we hope will get to the floor and take a look at. And a lot of those things that we saw there are included in what we want to look at in LB1201. So this is a specific thing, this-- for the entire state of Nebraska that the-- that the bill will be for looking at what went-- a little bit of what went right and the gaps and things we need to change. So with that, I'd just like to let you know that that is out there and that is something that we're working on. We did do a lot of extensive study, a lot of research, if you will, a lot of going out, walking across fields, walking down highways, walking down drainage systems. The Loup Power Canal, we were out to that and looked at those type of things, so we did do a lot there. With that, I yield the rest my time to Senator Slama.

SCHEER [01:38:18] Senator Slama, 3:05.

SLAMA [01:38:20] Thank you, Senator Bostelman. And I'd also like to thank Senator Bostelman, Senator Pansing Brooks, and the entire task force for their work this interim to figure out ways that we can prevent future natural disasters and build infrastructure that helps us. The point has been raised a couple of times as to why I brought this LR, and the simple fact of the matter is the Nebraska Legislature has no binding authority to order the Corps to change its master manual. Three groups of people can do that. An act of Congress can achieve that, the President of the United States, and the chief engineer of the U.S. Army Corps of Engineers; those three groups can order a change. The only way that we can have that change happen is if we call out the issue for what it is. So, yes, this legislative resolution will be sent to Congress and the Corps of Engineers, and that will be the extent of what this resolution does, but it starts the conversation. Right now, we have thousands of people in regions that have been affected who are screaming right now, demanding action, demanding that the Corps take action, reassess their prioritize-- priorities, and prioritize flood control. And at the end of the day, we can invest in infrastructure. We can give \$10,000 in a turnback for someone to-- for a-- a town to rebuild their water treatment facility when it costs \$10 million, give ourselves a pat on the back and go home for the day. But at the end of the day, that same community is under the gun for another major flood in the next year. So, yes, we can invest in projects; we can have task force. But at the end of the day, until the Corps of Engineers prioritizes flood control, makes investments to update levee standards, and starts taking our concerns seriously, it doesn't matter because these towns along the Missouri River will continue to be flooded until something changes. So that's why I brought this LR--

SCHEER [01:40:28] One minute.

SLAMA [01:40:28] Thank you. That's why I prioritized it, because this conversation has to happen because no one is making this point on the national level. There are some people making this point on a state level. But this is our chance as a body to say once and for all, hey, Corps of Engineers, start prioritizing the lives and livelihoods of people along the river. Thank you, Mr. President.

SCHEER [01:40:55] Thank you, Senator Bostelman and Senator Slama. Going back to the discussion list, Senator Wayne, Lindstrom, and Chambers. Senator Wayne, you're recognized.

WAYNE [01:41:06] Excuse me, colleagues. Thank you, Mr. President. I appreciate Senator Lindstrom's comments, but it gave the impression that I was filibustering his bill,

and that's not true. My issue is we should not be taxing tap water. We don't tax food. We should not tax tap water. The fact of the matter is, outside of cities, particularly Omaha, if you are a farmer or you are working in the agriculture industry or if you are a major company doing manufacturing, your tap water is not taxed. But yet Omaha, particularly low-income people, tap water is taxed. To add insult to injury, we do not tax bottled water. So if you buy the fancy bottled water, it's not taxed, but yet tap water that is used for baby formula is taxed. So, Senator Lindstrom, I will support your bill, I will cosponsor your bill, and I will push your bill forward if you remove the provision of taxing tap water. I know Senator Chambers had a bill at the time I drafted my amendment. I did not know of his bill until you mentioned it on the mike. But the fact of the matter is, if a section of law opens up in front of me on this floor that taxes tap water, I'm going to do everything in my ability to remove that tax because it disproportionately affects low-income, middle-income, and, yes, folks who live within the city limits. That is the urban and rural divide we keep talking about, the improper tax structure where there are tax breaks for some and not tax breaks for others. So while Senator Hansen may say it seems that we're picking and choosing who are the winners and losers when it comes to policy, we are doing it, colleagues, right here in this body. So the reason that bill took three hours is because me and you did not have an agreement. If we agree today, I'll go find you the 33 votes; we agree today not to tax tap water, I will cosponsor that bill and push it through. I don't necessarily agree with a turnback tax, but I get the logical and commonsense reason for it. If it's our sales tax, we should probably get it back to fix our infrastructure, makes sense. But I do not agree that we should tax tap water. That just does not make sense to me and never has. Again, we don't tax food because we think it's improper, that it is one of the things that we need for life. So we don't want to put a tax on it, but yet we tax tap water. We don't just tax tap water, we double tax it by taxing the construction of tap water. So when I go out as a constructor and I have a construction company and if-- I've never had a contract for MUD, but if I do, there's a tax on the pipes that I put in. That is also passed on to the consumer. And who does that affect? Low-income, middle-income people, and people within the city limits, because, again, that same pipe being put in inner-- irrigation is not taxed. I don't know colleagues, that seems like a fundamental problem to me that if I understand you have to pay the labor to dig a well, but I also have to pay that same labor to lay the pipe across the city of Omaha. It may be a different type of labor, may be a different piece of equipment, but taxing water and the service of water across the state has to be removed. So we can either do it and wait for Senator Chambers' bill to get out of committee and somehow catch a ride and catch it up to Senator Lindstrom's, or we can use Senator Lindstrom bill that opens up that section of law and removes it now. I wasn't planning on talking on

this at all. I was ready to go to Senator Groene's bill, which I got a problem with, and talk about the Holocaust.

SCHEER [01:45:05] One minute.

WAYNE [01:45:05] But when we bring up this issue of taxing tap water, I'm going to continue to get on a mike to remind everybody who's watching that we are taxing tap water and we don't tax bottled water, irrigation water, or water used for manufacturing. So big corporations that use water to make bread, to make steel, they don't pay tax on their tap water. But poor folks, people who are in apartment complexes who use it to feed their kids, pay a tax on water. So I'll hold up every bill that I can until we get an agreement where that section of law is opened up. And when we get to the taxing policy and property tax, I'll probably bring it up again. We have to solve this issue and we can solve it today. And guess what, colleagues, it costs about \$6 million. That's it, \$6 to \$10 million. Let's make it a priority and let's get it done. Thank you, Mr. President.

SCHEER [01:45:58] Thank you, Senator Wayne. Senator Lindstrom, you're recognized.

LINDSTROM [01:46:01] Thank you, Mr. President. I just-- I just want to clarify what I said and-- and address it, what Senator Wayne said. Procedurally, I did not feel that he was filibustering the bill. I thought that he was extremely justified in having that debate and conversation. If I recall the debate, there was about 15, 20 minutes left. What he told the body was he'd like to have an up-or-down vote on the amendment. And when that happened, if-- if I remember correctly, he was maybe one of the last two in the queue. And as soon as that, we were going to take that up-or-down vote, I noticed that five or six other people punched in the queue and took it to the three-hour mark. So just to clarify that, Senator Wayne, I did not think you were filibustering the bill. I-- I totally understand where you're coming from, from a philosophical standpoint on water. The only thing I would say in the argument, and Senator Chambers as well, but the only argument I would say is that I-- I get where you're going. I look at it as far as the quality of water that you're-- that you're getting, if we're not updating this infrastructure for the purposes of quality water, and that really comes down to philosophical debate there. So we could either not tax it or invest back into the infrastructure. You know, my bill does not do that. I don't know if I'd be willing to-- to go down that road because it does eliminate what I'm trying to get at, which is investing into the infrastructure. Regardless of that, based on the things that we have to do in Omaha, based on the CSO, our rates are continuing to go up. So when you talk about the disproportional taxing on low-income folks, because of those rates increasing, they're-- they're disproportionately

affected by that. So I get that. It's just a couple of ways that you can go about doing it. It-- would-- would there be an opportunity between General and Select? We'll see. And that actually leads me to my-- my next comments, because we never really got to address going from General or Select, and Senator Slama brought up the fact that her district only would get \$10,000. That's \$10,000 every year in perpetuity, but-- and those are the taxpayers that are actually paying that tax that goes to the state. They don't get any of that reinvested back into their infrastructure. But I would like-- if, if there's a way that we could amend it. I get that the fiscal note-- like I said, when we first had this debate, \$23 million dollars is a lot, there's a lot of priorities that we're going to address. If-- if we were to amend a portion of it, either we increase the-- the amount that we could turn back or we put in statute to direct it to certain areas such as those affected by flooding more than other areas, I'd be curious if some of the senators who oppose that bill, if we were to increase more money that would go to their districts, if they would come back and vote for that 33. Under the Speaker's rules, we'd have-- need to have 33 votes to bring it back. And I'm going to ask the senators I asked the first time around whether or not they'd support me in bringing it back with their 33, with the understanding that we might-- might be able to amend it moving forward that directs more money into their district. Senator Slama, would you yield to a question, please?

SCHEER [01:49:04] Senator Slama, would you please yield?

SLAMA [01:49:05] Yes.

LINDSTROM [01:49:06] Thank you, Senator Slama. I noticed again on the card you were excused, so I don't know how you would have voted on that. Would you give-- would you vote for-- give me a 33 to bring it back to amend it to possibly look at directing more money towards places that are affected by flooding?

SLAMA [01:49:20] I would have to see the amendment first.

LINDSTROM [01:49:22] Yes or no?

SLAMA [01:49:24] I-- I-- I can't say yes or no because I don't know what the amendment is.

LINDSTROM [01:49:27] OK, I'll put that as a no. Senator Hansen, are you around? No. Senator Gragert, same question. Would you give a 33 if-- if we took that approach and directed more money towards flooding?

SCHEER [01:49:38] Senator Gragert, would you please yield?

GRAGERT [01:49:40] Sure. I'd definitely be interested in that amendment to bring it back around--

LINDSTROM [01:49:44] OK.

GRAGERT [01:49:44] --but with no guarantee of it moving forward to Select.

LINDSTROM [01:49:48] And that's all I'm asking, no guarantee, just would-- would-- could we move forward and have that discussion with the intent that we would work together and-- and do some of those things if we can? And if the fiscal note is too high, I understand. I said that before on the mike. We can have another discussion about that and, and--

SCHEER [01:50:02] One minute.

LINDSTROM [01:50:03] --and maybe want to punch in again. Would that be yes or no? Just so I can--

GRAGERT [01:50:08] I would right now say, yes--

LINDSTROM [01:50:10] OK.

GRAGERT [01:50:10] --I would be willing to look at that.

LINDSTROM [01:50:12] OK, I appreciate that. Senator Clements, are you here?

SCHEER [01:50:15] Senator Clements, would you please yield?

LINDSTROM [01:50:20] I haven't seen him--

SCHEER [01:50:20] Senator Lindstrom, I don't see Senator Clements.

LINDSTROM [01:50:23] Again, just to reiterate, I, again, will-- will support-- support and vote for LR288, but LB242 does actually provide some of the-- and-- and fixes some of the problems that we're addressing. If there's a better way to do it, then you tell me and

I'll work with you on it. But to not-- I-- I-- I forget-- there's-- there's probably a dozen folks on here who were present and not voting. That's not why you're elected. Vote-- vote on an up-or-down vote. If you want to work on it, great. But to punch in, in the last minute, to provide-- to do a filibuster, you know, I won't--

SCHEER [01:51:01] Time, Senator.

LINDSTROM [01:51:01] --use some choice words. Thank you.

SCHEER [01:51:03] Thank you, Senator Lindstrom, Slama, and Gragert. Senator Chambers, you're recognized.

CHAMBERS [01:51:08] Thank you. Mr. Chairman, members of the Legislature, we're getting down into the weeds now. I'd like to ask Senator Slama a question or two.

SCHEER [01:51:16] Senator Slama, would you please yield?

SLAMA [01:51:17] Yes.

CHAMBERS [01:51:18] Senator Slama, have you ever read or heard white people in Nebraska say, if Chambers doesn't like it here, I'll give him the money to take a one-way trip-- ticket to somewhere else? Have you heard that?

SLAMA [01:51:29] No, I haven't.

CHAMBERS [01:51:30] Oh, OK. Well, you're not aware of what goes on in your state. Are you running for election?

SLAMA [01:51:37] I am, yes.

CHAMBERS [01:51:38] You could have offered this as a bill, couldn't you?

SLAMA [01:51:43] Not to have any type of binding effect.

CHAMBERS [01:51:45] This doesn't have any binding effect, does it?

SLAMA [01:51:48] But a bill wouldn't have been--

CHAMBERS [01:51:51] I understand.

SLAMA [01:51:52] --the proper structure for what this intends to do.

CHAMBERS [01:51:53] Let me ask you this. If these white people think I ought to move out of Nebraska and America if I don't like it-- if there have been floods in this area and there are scheduled to be additional floods, why don't those people just move?

SLAMA [01:52:07] Because up until the 2011 floods, the Corps of Engineers was doing a pretty consistent job at keeping the river within its banks.

CHAMBERS [01:52:14] But if that's not the case now and the river is going to leave its banks and the people in that area know it, why don't they move?

SLAMA [01:52:21] Because we have several billion dollars' worth of infrastructure already invested in that area.

CHAMBERS [01:52:26] But they could move, couldn't they?

SLAMA [01:52:28] We could raise the entire I-29, move a couple nuclear stations, and move several thousand houses.

CHAMBERS [01:52:32] OK, you're not going to answer, and I don't blame you because you are in an election contest. But you brought the resolution. Thank you. That's all I will ask you. Members of the Legislature, if the Corps of Engineers have heard from people in Nebraska about this, this resolution is nothing. They haven't listened. The congressional delegation from Nebraska could have, and probably have, talked to the Corps of Engineers, and they were told to go take a flying leap because what is Nebraska? Who cares about Nebraska? This state has no clout anywhere. Their football team doesn't even bring the acclaim to this state that it used to because it has a \$7 million-a-year loser as a coach. And while he is losing, they gave him at the university a five-year extension of \$7 million. That's \$35 million for one man. Now that doesn't make sense to me. If Senator Lindstrom would agree to what Senator-- my colleague had said-- he's not there so I won't call him by name, but Senator Lindstrom knows who I mean-- I would be one of the 33 votes to bring his bill on the floor so that we could have the discussion. Here's what I would tell Senator Slama and her ilk. They are saying that the Corps of Engineers should be persuaded to do something that they can choose to do or not do. Their Governor-- Senator Slama was appointed by the

present Governor. The people of the state of Nebraska voted formally and officially to expand the reach of Medicaid and he refuses to do it and she doesn't talk to that Governor. If her Governor is not going to abide by what the constitutional-- that wasn't a constitutional amendment, but a vote of the people said it should be the law, why should the Corps of Engineers pay attention to a piece of paper? And it's signed by somebody who will not even tell her Governor, who appointed her to office, to obey what the people voted on by way of a referendum. They voted and said expand the reach of Medicaid so that people who are working but cannot afford to provide medical coverage for their family--

SCHEER [01:55:07] One minute.

CHAMBERS [01:55:07] --would be able to get it through Medicaid, the majority of which comes from the federal government. Well, they don't like big government, so they're not going to help the sick people right now in her and everybody's district. But the Corps of Engineers are being asked, with their hands put together as though they're praying, on their knees, please, Corps of Engineers. Senator Slama knows this is going nowhere, but it will make good fodder in her election campaign. One "Repelican" Governor supports Senator Slama. He appointed her. The previous "Repelican" Governor supports the older "Repelican" women who have worked for the "Repelican" Party for years and years. And they wondered why this "Repelican" Governor would pick a young woman, 23 years old, when the party regulars have asked to be appointed to that vacancy, and he refused to do it. So what I did was looked at it this way.

SCHEER [01:56:08] Time, Senator.

CHAMBERS [01:56:10] "Repelicans" are--

SCHEER [01:56:10] Time, Senator.

CHAMBERS [01:56:12] You [RECORDER MALFUNCTION] OK.

SCHEER [01:56:14] No-- no, I did give you your minute. Thank you, Senator Chambers. Announcement, Mr. Clerk?

ASSISTANT CLERK [01:56:21] Thank you, Mr. President. The General Affairs Committee will hold an Executive Session at 11:00 under the south balcony.

SCHEER [01:56:28] Thank you, Mr. Clerk. Senator McCollister, you're recognized.

McCOLLISTER [01:56:31] Thank you, Mr. President. Good morning, colleagues. I support LB288 and also the initiative that Senator Lindstrom is proposing to bring his bill back. Since it's kind of an open mike on water issues, I'd like to talk about the water expansion project in Lincoln, Nebraska. I think it makes eminent good sense for the city of Lincoln to do a deal with MUD in Omaha. The Platte south plant has extra capacity and MUD could easily export finished water to the city of Lincoln and save the city of Lincoln millions and millions of dollars versus the idea of building a water treatment plant for Lincoln, Nebraska. It makes a lot of sense. Second topic, would Senator Slama stand for a few questions?

SCHEER [01:57:20] Senator Slama, would you please yield?

SLAMA [01:57:26] Yes.

McCOLLISTER [01:57:27] Thank you, Senator Slama. On the news yesterday, I heard that the-- the Corps of Engineers is changing some of the standards or some of the-- by which that they judge whether or not we have flood conditions. You know, I think they reduce the number of feet it would be to have a flood stage down in your-- your legislative district. Isn't that correct?

SLAMA [01:57:51] Yes, this is a new change that will be implemented this year.

McCOLLISTER [01:57:55] Yeah, what changes did they propose?

SLAMA [01:57:57] So the change that was proposed, and this is reflected across the district, including in Omaha up in your neck of the woods, that lowers the flood stage by varying amounts to better reflect the level at which the river causes a flood. We're finding that even a minor-- before minor flood stage flooding was occurring, so the Corps found it to be necessary to lower that flood stage to better reflect when the floods actually occur.

McCOLLISTER [01:58:26] One more question, Senator Slama. Do you see climate change as partly responsible for the floods we've had, two major floods in the last eight or nine years?

SLAMA [01:58:39] It's not outside the realm of possibility.

McCOLLISTER [01:58:43] Well, thank you. That's a-- that's a good slide-around kind of answer. Last point, I actually agree with Senator Wayne that it makes no sense at all to tax water coming out of the faucet, drinking water, the water we consume every day, whereas bottled water is not taxed. And we've had a couple bills in the Revenue Committee to deal with that, that crazy issue. So with that, I'm sure those issues will continue. Thank you, Mr. President.

SCHEER [01:59:13] Thank you, Senator McCollister and Senator Slama. Senator Lindstrom, you're recognized, and this is your third time at the mike.

LINDSTROM [01:59:20] Thank you, Speaker Scheer. I saw Senator Hansen come back. Is Senator Groene around? No Senator Groene. He's at lunch. OK. Again, this is my third time on the mike, and then I'll-- I'll let this go. What's frustrating about how this was approached? I get the fiscal note. I get when folks have an issue with it, but nobody came to me, nobody said, hey, we're going to take this bill three hours. I've been around here long enough to see how-- how we do this thing. And when Senator Wayne says, punch out, let's have an up-or-down vote, and five or six people get in the queue, you know, I know what's going on. I've sat in the chair long enough, I've seen it all. So you wanted to take it three hours so we couldn't have an up-or-down vote. I do see Senator Hansen here. Senator Hansen, would you yield to a question, please?

SCHEER [02:00:13] Senator Ben Hansen, would you please yield?

B. HANSEN [02:00:14] Yes.

LINDSTROM [02:00:15] Senator Hansen, does West Point have issues with water and infrastructure in their water--

B. HANSEN [02:00:20] Yes.

LINDSTROM [02:00:20] --that brown water coming out of the taps?

B. HANSEN [02:00:21] Yes, they do.

LINDSTROM [02:00:22] Would you vote-- give a 33rd vote or a 33 vote to bring back this bill if we can do some amendments that maybe redirect water and some of the money to places that were mostly affected by flooding?

B. HANSEN [02:00:36] Was this-- was this the-- your LB242 bill?

LINDSTROM [02:00:40] That's LB242, yeah.

B. HANSEN [02:00:41] OK. No.

LINDSTROM [02:00:44] OK, fair enough. See, that's all I ask for. I don't-- I don't mind you telling me no, and I don't mind you telling me yes. I actually like it when you tell me yes. I don't like it when people blindside me. And I don't like it when-- frankly, I know what goes on Monday mornings and Tuesday mornings when Senators go and go across the street, and then they come back over here and-- and fight on bills they were told to fight on, even though it goes against some of their constituents in their district, even though Senators will work with them to address those issues. But there comes a point where you're going to have to either vote for your constituents or you're gonna have to vote based on what you're told to do. And I would hope that after six years or eight years down here, you would figure out that voting for your constituency is more important than voting for somebody in a corner office. With that, I'll yield my time back. Thank you.

SCHEER [02:01:38] Thank you, Senator Lindstrom. Senator Chambers, you're recognized, and this is, as well, is your third at the mike.

CHAMBERS [02:01:42] Thank you. Mr. President, in a way, this resolution is being treated like a bill, isn't it? This-- is this-- this resolution, in a sense, is being treated like a bill insofar as it could be prioritized as if it were a bill.

SCHEER [02:02:01] Correct.

CHAMBERS [02:02:01] OK. Members of the Legislature, I think it should be amenable to motions like a bill. And I think more thought should be given to it, more time should be taken. I haven't had the opportunity to say everything I want to say. So I'm going to have a chance to let all of us learn something about the rules as they relate to resolutions. I've got to see if I've got an amendment pad here, a motion pad. And if I don't, then I'm just going to write on a piece of paper what I want to do. But while I'm waiting for that to develop, Senator Slama brought this resolution. She is running for election. This is a good election ploy because it doesn't take anything to do it. It's-- it follows what I call the Loran Schmit principle on a piece of legislation that you can pass or not pass. It doesn't

help anybody. It doesn't hurt anybody. It doesn't cost anything. It doesn't do anything. But if somebody needs a political hook, it can give that. This can assist somebody in trying to be elected. And I'm not going to vote for it because I don't think it's worthy of a vote. I might feel different if it were a bill, because at least if I gave it a vote, then it would have some official standing. I had stated, before I ran out of time last time, that there are two "Repelican" Governors involved in Senator Slama's con-- contest. One, is the current Governor Ricketts, whose father is a trickster. He is a racist and made it clear on the Internet. Ricketts' father Joe Ricketts, made it clear on the Internet. He even embarrassed his son, who is also a racist, who is proud of giving money to the campaign contribu-- the campaign of this Iowa racist who has said he believes in profiling. He thinks white America is the greatest thing in the world and everybody's trying to take white America's place, so he's against all minorities and other groups. And he's been such an embarrassment to the "Repelican" Party in Washington that they took away all of his committee assignments. They said that kind of racism has no place in America. What they meant was-- was that it has no place in being openly discussed and on the floor of the Leg-- of the Congress. Why do I say Joe Ricketts is a racist? Because he made racist comments that embarrassed his son, who is now the Governor. And yet--

SCHEER [02:05:44] One minute.

CHAMBERS [02:05:45] --his son had a white nationalist on his campaign operation-- in his campaign operation, and he'd still be there if-- I think it may have been Senator Hunt, if I'm mistaken I'll stand to be corrected-- who called attention to the fact that this white nationalist was a part of the Ricketts racket or organization, so his son is also a racist. If I seem just a little disjointed, it's because I had to craft a motion, which now is on the desk, and I'm going to end my presentation at this point. Thank you, Mr. President.

SCHEER [02:06:23] Thank you, Senator Chambers. Mr. Clerk.

ASSISTANT CLERK [02:06:29] Mr. President, priority motion, Senator Chambers would move to bracket LR288.

SCHEER [02:06:35] Senator Chambers, you're welcome to open.

CHAMBERS [02:06:36] Thank you. Mr. President, this is just a case of knowing the rules, using the rules to jump to the head of the line, to be able to speak when I want to

speaking, to have more time to speak when, under the way we were proceeding, that would have been my last opportunity. If I say that Joe Ricketts, the father of Peter Ricketts, is a huckster, I should give you something to justify my saying it. He used a methodology that Senator Groene and I agree on, and that's TIF, tax increment financing, and how it's misused. This is where tax benefits-- and I don't want to take a long time going into the technicalities, but you all know what they are-- benefits can accrue to a person if property is being developed which is either blighted or substandard. So "Daddy" Ricketts went out to the area of 108th and Dodge, which is not blighted or substandard by any standards, and the people who lived in that area, those who had businesses in that area, were outraged. They said he was degrading their property, the way they have maintained their property, the money they had put into their property and businesses to maintain it, so they should not allow Ricketts to use TIF funding. Ricketts went to the city council. The city council has the authority to grant TIF funding and, for several millions of dollars, the Omaha City Council gave Joe Ricketts, "Daddy," who is a multibillionaire, the authority to use TIF funding to establish a headquarters for TD Ameritrade, a multibillion-dollar operation. So here's a man who could pay for that out of the money he has in his watch pocket, but he gamed the tax system in Omaha. Well, if "Daddy" Ricketts is a taxpayer in Nebraska, why shouldn't he be entitled to everything a taxpayer in Nebraska would be entitled to? Well, "Daddy" Ricketts does not pay income tax in Nebraska. He doesn't want to pay income tax. So he lives in Jackson Hole, Wyoming, because they have no income tax. So while he's not paying taxes in Nebraska, he is getting taxpayer money from Nebraskans to build his TD Ameritrade headquarters. And some people who want to alibi for "Daddy" Ricketts and say, well, business helps Nebraska, maybe so, but you know what "Daddy" Ricketts did? He agreed with the idea of selling TD Ameritrade to Schwab, and Schwab is an outfit headquartered in California. They got \$26 billion in that sale. This piker, this grab-and-go Joe Ricketts tricked the Omaha taxpayers out of the money he got through TIF funding. That's what the father of this Governor did, that Governor who justified people bringing guns into the committee hearing, a loaded automatic rifle, pistol on a hip. And if you want to see a picture of it, I have one that you can see. And the Governor said, this building is the people's house, they should be able to carry guns in the people's house. Well, his office is in the people's house. Can people go into his office with loaded guns? Well, see, he has a number of State Troopers there, and I'll bet you they would not let anybody go into that room of the people's house with a loaded gun. But he's such a boot licker for the National Rifle Association, he's trying so hard to become a junior Donald Trump, that he makes all of the crazy, demented statements that Trump has made, endangers the people in what he calls the people's house, namely the Capitol Building here where we function and our committees meet. Suppose

one of these guys had in his mind what that fella in Milwaukee had when he went to the brewery. I don't know if he killed all those people because he's against alcohol consumption or what, but he used a gun, the kind that your Governor said people should be free to bring into this building as long as they're out in the open, and that's the one who appointed Senator Slama. Now, before Ricketts was there-- who was the other Governor's name? They all sound alike to me. Heineman. Well, Heineman is on the other side. So Ricketts is a "Repelican" Governor, Heineman's a "Repelican" former Governor, and their party is represented by the elephant. Well, there is an African proverb. It says, when the elephants fight, the grass suffers. The grass, the little ones, suffer. So you have two elephants fighting over a seat which the party regulars, who had worked for the party for decades in some cases, wanted to be appointed to the open legislative seat there, because a former "Repelican" who had it-- he's still a "Repelican"-- had to get out of this office because he was engaged-- you said time? Oh. He was engaged in cybersex on state property, these computers, so he had to get kicked out, the morality and ethics of a "Repelican" state Senator. When he was kicked out, that seat was open. That is the seat that Senator-- that Governor Ricketts appointed Senator Slama to, who is the introducer of this resolution which doesn't do anything, doesn't help anybody, doesn't hurt anybody, doesn't cost anything, doesn't do anything. And the grass is suffering. So we'll see how that particular item comes out. Now I had put out a document on the Ricketts family. I talked about "Mama" Ricketts, not to put her in the dozens, as it's called in the neighborhood, but to show how Trump intimidated her. She was the head of a group that wanted to prevent him from getting the "Repelican" Party nomination. She spoke very loudly, put in hundreds of thousands of dollars against Trump. Then here's what Trump said: Those Ricketts-- since their name ends in an "s," it should have been the Rickettses, but Trump, being a stable genius, didn't realize there should have been an "es" and it should be Rickettses. He said, those Ricketts better be careful because they have a lot to hide. That's all he said and all of a sudden, "Mama" Ricketts backed off, "Daddy" Ricketts backed off, and they started donating, close to a half-million dollars, to Trump, whom they said was unfit to be the President. Now they have a brother. The nut doesn't fall far from the tree. He works with the Chicago White Sox, a baseball team. He's on the board of directors. He's a son of a Ricketts. Now they didn't want him in politics. Only one could be there, and the Chicago people wouldn't be duped like the rubes in Nebraska were duped. So he was given a high-ranking position in the "Repelican" Party at the national level that deals with money. Now there's only one problem with this Ricketts. Todd Ricketts is his name. In Chicago, he cheated on his property taxes. He had a little bungalow that was taxed at a certain rate, then he built a palatial mansion that would have been taxed at a different rate. He thought the rate of taxes on the little bungalow was too great, so he

appealed that so he'd pay less taxes. But while all of that was stewing, guess what happened? He was paying the same tax on this palatial mansion that he was paying on the little bungalow. He was cheating on his property taxes. His hand was called, he was caught, and he's going to have to pay those taxes now. That is another bit of corruption that the Ricketts family is a part of.

SCHEER [02:15:35] One minute.

CHAMBERS [02:15:35] Now if he's got other kids, if I did a little research, I could probably get the goods on them, too, because they learned at their mama's and daddy's knee how to cheat, how to lie, and how, in one sense, to steal. But because white people are so easily suckered, one is now the Governor. Grab-and-go Joe got millions of dollars in TIF benefits because the Omaha City Council knuckled under. Then the TD Ameritrade headquarters, that hat money was used for, was sold to a California operation for over \$20 billion. And you all are going to bring something like this resolution, which does nothing, and talk seriously about it as though it makes a difference. Senator Slama could get as much done by calling the head person.

SCHEER [02:16:38] Time, Senator.

CHAMBERS [02:16:38] Thank you, Mr. President.

SCHEER [02:16:40] Thank you, Senator Chambers. Colleagues, I have some guests up in the north balcony. They are 25 students from the Norfolk Senior High School in the leadership program, accompanied by their sponsor, Mike Sunderman. Would you please stand to be recognized by the Nebraska Legislature. Thanks for coming down. Mr. Clerk for announcement.

ASSISTANT CLERK [02:17:05] Thank you, Mr. President. The Health and Human Services Committee will meet now in Room 2022.

SCHEER [02:17:11] Thank you, Mr. Clerk. Going back to the queue, Senator Morfeld, Albrecht, and Chambers. Senator Morfeld, you're recognized.

MORFELD [02:17:17] Thank you, Mr. Speaker. Colleagues, I rise in support of LR288, and I want to talk about some issues before this body that are unrelated. First, it's the death threats that some of us have been receiving. We can have a discussion about whether or not the Second Amendment applies to the Capitol, and I'm sure that we will

have that discussion. But if you look at what's been handed out here today on this body, on this floor, it is absurd. And the fact that we're not taking this more seriously is a disgrace. We have right here one of the senators in this body received an image that says kill your local politician and the gentleman that sat across the table from me and seven other of your colleagues with an assault weapon that was armed replied to this image saying kill your local politician with, oof, that's a keeper. I feel like there's a few members of this body who are taking this seriously and they're working hard behind the scenes, but it's not enough. It's not enough. I am very upset right now and I don't have words for how upset I am. I'll tell you one thing. I'm upset, but I'm not scared. I'm not scared of these people. But I'm ashamed that members of this Legislature have to go through this. And for that senator who's coming on the floor, Senator Brewer, to get up and call my bill stupid? It's a good thing that I was on a work call and I heard that and I wasn't on the floor because I introduced that bill on behalf of law enforcement who told me it was going to save lives. I introduced it on behalf of a Sarpy County Sheriff who told me that it would have saved the lives of several veterans who killed themselves in the last year, so careful what you call stupid, careful. And then to receive these messages, it's a message that I received last week-- you turn on your light. I'm on the floor this time. To receive these messages from the person who literally sat across the room from us with a loaded assault weapon and to act like that should be normal and that we should be ashamed, Senator Brewer, for even suggesting that maybe not having firearms that are loaded, particularly assault weapons, in the committee rooms is somehow absurd? I think we all need to check ourselves. We need to have a forum in which people can feel safe and come and redress their grievances. I had no problem with those gun owners being down at the Capitol. I had no problem. I shook many of their hands. I talked to them. We had good conversations. Any of my constituents that I knew that testified before that committee hearing, I went up and shook their hand afterwards, even though we were on opposite sides. But we need to respect that, number one, we have families and lives and that when we are threatened like this and have legitimate security concerns--

SCHEER [02:21:18] One minute.

MORFELD [02:21:21] --that those are security concerns that are legitimate and they should not be diminished by being told that we introduced stupid bills. Senator Brewer, there are many bills that you introduce that I don't agree with. I've never called them stupid because I know that when you introduce something, you passionately advocate for it and you believe in it. And I do the same. I will not be threatened by these Internet trolls. And they are not just Internet trolls, they are real people, and one of them that is

saying, oof, that's a keeper, kill your local politician, was the one that was sitting across the room from me with a loaded assault weapon. I hope that we all take this seriously. I hope that you take it seriously and I hope we can continue to talk about it.

SCHEER [02:22:17] Time, Senator. Thank you, Senator Morfeld. Senator Chambers, you're recognized.

CHAMBERS [02:22:24] Thank you, Mr. President. Thank you, members of the Legislature. Welcome to the club, Senator Morfeld and the others who were threatened by these cowards, looking like fools wearing a bullet-proof vest, a loaded assault rifle and says it's to be used for hunting or protection. Senator Morfeld, I'm on the Judiciary Committee. They fear me so much, they carry those weapons to protect themselves from me. They fear my words more than they fear loaded guns of the State Troopers. I'm the one that they fear, I'm the one that they hate, and I'm the one who, after 46 six years, has not been intimidated, has called them out. I've told them that I am an easy target. I don't carry guns like they do. I'm not afraid of them. And I'm going to carry-- weight myself down with a gun, deform my shirts with a gun, have my children embarrassed because their daddy's afraid to walk across the street without being escorted by cops and carries a gun just because of some cowardly white people? These white people have been cowards forever. I handed out some material to you all that I got, and it came from Norfolk, Nebraska: two pistols pointed at me, racial slurs, and threats about what would done-- be done to me. You know what I did? I contacted the media out in Norfolk. I told them the date that I was coming to Norfolk and said, if anybody has designs on me, he'll have the opportunity. And to assist him, I drew a large target, ruined one of my sweatshirts-- but I found out because I did that, and under the circumstances, it's worth a lot more than it cost me-- drew a large red target, and wrote "Norfolk" and the year of it. I told the media, and the media accommodated me, I have been told where the biggest park in Norfolk is and at high noon that's where I will be, not with an entourage, not with guns, not wearing a bulletproof vest, unless a sweatshirt with a target on it is something that intimidates them. So that's where I went. Nothing happened. I had announced that I was going to be taking lunch at a restaurant. I didn't go there to eat, but it's the hour when people take lunch. So I went to the restaurant. Nothing happened. I gave an interview on the radio station and those people know where the station is located. And I said on that radio station to these white cowards in Norfolk that here I am and when this program is over, I will be leaving this station unarmed. And that's what I did. And unless I'm a cat with more lives than one, I did not get killed. I cannot be intimidated. These cowards look ridiculous running around here dressed in, I guess, a flak jacket and a loaded assault rifle. And your Governor

endorsed what they did, endorsed what they did. And then some of the senators on this floor had the nerve to stand up for two days and said I should apologize to the police because I said they are our ISIS as black people. I told how they kill us, even little children. They beat up black women. They break into the homes of black people. They falsely arrest us. I have a longer arrest record than Jesse James, John Dillinger, and the Dalton brothers put together, a long arrest record. Then how can I be in the Legislature, having been arrested all those times, photographed with my hands behind my back, getting into the paddy wagon, charged with carrying a concealed weapon--

SCHEER [02:26:27] One minute.

CHAMBERS [02:26:28] --concealed under a tight T-shirt and dress pants? Where? But the charges were always dismissed. They knew I wasn't going to violate their law. They thought they could harass and hound and intimidate me because they were cops, like they were able to intimidate a lot of black people who were justifiably intimidated. But I never have been afraid of them and I'm not afraid now, and I did not apologize on this floor and I will not apologize about anything I say about these cops and the wrongful things that they do. So let them bring their guns. I don't care. In fact, I'm going to show you all-- well, my time's almost up, so I'm going to put on my light before I continue. Thank you, Mr. President.

SCHEER [02:27:11] Thank you, Senator Chambers. Senator Groene, you're recognized.

GROENE [02:27:13] Thank you. Mr. President. I stand in support of LR288, Senator Slama's. And as far as Senator Lindstrom's concerns, he knew my position a long time ago. He's been on the Revenue Committee with me. I do not believe in turnback taxes. So he understood that as a colleague and I will not vote for closure [SIC] and he understands that. But also, if you would want to bring an amendment where we put it in for the next four or five years, that money, into the Governor's emergency program where we put the angel tax, where the Governor and the department that handles that could pinpoint that money to Peru, to West Point. I think that'd be a lot better use of it than turning it loose because then that would be a state purpose. But I would gladly work with Senator Lindstrom if he would do that and probably support it, because we have just certain communities that have a problem and that's where that money should be pinpointed. Anyway, just to make sure everybody understands, you don't think Mike Groene's been threatened? You said you were going to shoot everybody one time on the floor here, but I-- I gave you that pass. But I've had a phone call recording on my

home phone. We got rid of our home phone. But the individual described the three places my wife and I have a residence, described them to a T. This was over the death penalty, which I found curious. They threatened to kill me because I was against-- I was for the death penalty. I turned it over to the State Patrol. They said they knew individuals, named a couple prisoners that were coming out of the State Pen that were friends, and they were going to send them to my house. Now my wife is home a lot by herself, but I did it through the channels. I contacted State Patrol. They were able to-- to trace the phone call. And that individual used to walk the halls all the time in this building advocating for removal of the death penalty. Well, guess what? You haven't seen them in the last year and a half, have you? Because I walked up to him and said, I haven't decided yet if I'm pressing charges, and they have not been back in this building. I had another one back when I was against abortion, an email sent to me that said they knew my wife's name and my daughter's name and they were going to do to them what the American soldiers did to the-- to the two women in Vietnam and stick grenades in the private parts. So this is not a left or right issue. This is people with strong beliefs, and if you have strong beliefs, there are those cowards out there that are going to threaten you. This isn't a liberal or conservative issue. But I lived with it. I decided to be a state senator. And I know free speech and there's fools out there. I didn't like those guns in the building either, because somebody ought to teach them what Thomas Jefferson said. The purpose of the Second Amendment, you will know the-- why we have the Second Amendment, you'll know it when you need it. It was not needed in the State Capitol that day. But anyway, they had the right to do that. So let's get off of this topic. Threats come in all forms into everybody. And I've had my share and I've had the State Patrol involved. I miss Keith [PHONETIC] Keith was wonderful. If you guys don't know the person, he followed up and he cared, and they followed up, the State Patrol did, and found out who that individual was that threatened me and my wife. It was scary, folks, when it-- when you get a message, they describe the address, they described your neighbors. They-- they had scouted my living places.

SCHEER [02:31:14] One minute.

GROENE [02:31:18] They'd scouted it. But anyway, I went through the system and I didn't cry about it. I just took care of it. But you can all thank me. That individual who threatened my family is no longer walking the hallways of this building harassing us because I still haven't decided if I'm pressing charges. Thank you.

SCHEER [02:31:40] Thank you, Senator Groene. Senator Cavanaugh, for what purpose do you rise?

CAVANAUGH [02:31:44] Speaker Scheer, I rise for a point of personal privilege.

SCHEER [02:31:47] Please proceed.

CAVANAUGH [02:31:48] Thank you. As I hope many members of this body recall, on Monday, I spoke about what transpired here on Friday. I'd like to start, before I get into any of that, by-- with an apology to a staff member that I-- I spoke with this morning, and I should have reserved my comments for the senator that they work for and I am deeply, deeply regretful of that mistake. And I know that the staff works very hard and this-- this staff member has been here for a long time and is a treasured member of this legislative body, so my deepest apologies publicly. I'm not going to state their name because I didn't ask for their permission, so otherwise I would, but I am so very sorry for what I did. I would like to let this body know that next week I will be submitting a rules change. I am disappointed and disheartened by all of you, all of you, 48 of you. Forty-eight of you heard me speak on Monday, and it took-- it took today for any of you to get outraged and get on the microphone. I hope all 48 of you are prepared to send cards to my children if something happens to me, to send cards to your colleagues' children or spouses if something happens to them, or parents. I am disappointed in every single person in this body and every single person of authority sitting up there. You all failed me as your friend, as your colleague, as a citizen of this state. And I don't care if you think I'm weak or should be stronger than this or I shouldn't be scared of this or that. That's not your business to judge. I am your colleague and I am scared. And that should be enough for all of you. And I don't understand why it isn't. But I waited. I thought maybe we'd do something, thought maybe we'd come together and do something and we didn't, so I'm doing it. I'm submitting a rules change to make this building safer for the hearts and souls of every person that goes through those doors to come see us, because as much as the Second Amendment is a right, so is the right to live a free and fearless life. And we're not doing that for ourselves, for our employees, for our citizens that come here, that don't want to visit the Capitol with a gun being brandished near them. Rights don't extend you the privilege to endanger the lives of other people, and I am sick and tired of people sending me emails telling me how these are citizens that have every right to do that. Do you know every single one of them? Did we run a background check? Do you want to stand by the fact that 400 people that were in here, however many of them had guns, none of them have criminal records? You want to say that? You want to say that to my face? You want to say that to my children? I don't think you do. We don't know who was in this building. We don't know if they had a legal right

to be doing what they were doing. That is something that we do not know, and my life and your lives are worth more than that. I am disappointed.

SCHEER [02:35:44] One minute.

CAVANAUGH [02:35:48] I work with you, I vote with you, I collaborate with you, I advocate for you, and you failed me. You all failed me. And many of you tried to silence me, which I think most of you would find very laughable because everybody knows you can't silence me. It's like impossible. So I will leave you with that self-deprecating remark. Thank you.

SCHEER [02:36:16] Thank you, Senator Cavanaugh. Senator Bolz, you're recognized.

BOLZ [02:36:19] Thank you, Mr. President. As a member of the Executive Board, I do take our responsibility to take care of this institution, to take care of this body, to take care of this building seriously. And in that spirit, I ask if Senator Hilgers would yield to a question.

SCHEER [02:36:36] Senator Hilgers, would you please yield?

HILGERS [02:36:38] I would.

BOLZ [02:36:39] Senator Hilgers, I think that the conversation that was-- has been brought up this morning deserves a thoughtful, bipartisan, collaborative, strategic response. Can I have your commitment on the floor as Executive Board Chair that you'll work with me to develop such a response?

HILGERS [02:36:59] Absolutely. In fact, Senator Bolz, I was going to speak after you regarding that very point.

BOLZ [02:37:04] OK. I hear you, colleagues. I hear you, all members of the community of this state, and I commit to working as hard as I can to find resolutions and I look forward to working with the Executive Board to find strategies to help keep us more safe. Thank you, Mr. President.

SCHEER [02:37:27] Thank you, Senator Bolz. Senator Hilgers, you're recognized.

HILGERS [02:37:29] Thank you, Mr. President. May I have a point of personal privilege, please?

SCHEER [02:37:31] Yes, you may.

HILGERS [02:37:33] Thank you, Mr. President. Thank you, Senator Bolz. I just want to briefly say something on behalf of the Executive Board, the board that I chair, and the issues of the last several days. First of all, let me address my colleague and friend Senator Morfeld, my colleague and friend Senator Pansing Brooks. We stand with you. I've spoken to you off the mike. You are heard. We have been working, as I've told you, over the last several days since Friday, understanding what issues there are, what problems there are, and what we need to do. But let me tell you first and foremost, and I will tell everyone in this room, everyone who works here, and everyone outside of this building, that the first and foremost, the first priority that we have, that I have, is the protection and safety of the members of this body and the people who work here. I think that is shared by every one of us, and it is certainly my highest priority. And we are committed to working to protecting you, protecting the members and protecting the staff. We have been working over the last several days, as I've told Senator Pansing Brooks, Senator Morfeld, and others, to meet with the stakeholders of this building, in particular, the State Patrol, the Governor's Office, the judicial branch. We have a meeting this afternoon with the State Patrol where we will talk-- it will be the first of many where we will talk through specific issues. We also have the Safety Committee. Senator Vargas and I are working together. The Safety Committee will be meeting as well as the Executive Board. You are heard. Safety is absolutely paramount to this body. We will work together in a collaborative way. When we are at our best, that's how we work together to solve problems that face us. Senator Cavanaugh, you are heard. You are heard. No one outside of this building can intimidate us. We will work together, we will solve the problem, and we'll make sure that the safety of the individuals who work here, who are dedicating their lives to the betterment of the state, are protected. Thank you, Mr. President.

SCHEER [02:39:29] Thank you, Senator Hilgers. Senator Pansing Brooks, you're recognized.

PANSING BROOKS [02:39:32] Thank you, Mr. Speaker. Good morning, Nebraskans. Our state's unique motto is "Equality before the law," so know that whoever you are, wherever you are on life's journey and whomever you love, we want you here, you are loved. That includes everybody, everybody that has contacted us. Today, I passed out

information to all of you. On that, I attached a letter saying that I was not going to announce this information on the floor. I was unable to control this discussion. But now that it's come forward, I think it's important that we do have the ongoing discussion, so I will speak about it. When people are threatening about a noose and a guillotine to-- and-- and comments about people know where I live, that's disturbing. It should be disturbing to all of us. Senator Groene talked about how disturbing it was for him. So again, I believe that we have been served notice. We all know what's happened. And if anything happens and we do nothing, we are complicit. I have heard arguments that the State Patrol's attorney has said, oh, they can't enforce a rule change. That is baloney. They enforce the rule on taking down signs, First Amendment signs in the hearing rooms. They can enforce this law. They-- they enforce rules about no props, no props in the hearings, so everybody immediately takes away every prop. I am unwilling to wait for a legislative resolution this summer and a study and looking at whether or not we should bring some legislation next year and then we pass it. And maybe we get an emergency clause on that so it would pass in a year and couple months, but I'm unwilling to wait that long. I will continue to sound the clarion call, as my colleague and friend Senator Morfeld will, Senator Cavanaugh, those who are highly disturbed about this. I did pass out some of the information because I wanted you all to see what is being said. And you can go to my Facebook page if you'd like, but this is unreasonable. No one should have to deal with this. My family is highly concerned and on high alert. The State Patrol has been kind and come to me and said, what do you want done? I'm like, well, I don't know. I-- I hear Senator Linehan had the State Patrol go after somebody and arrest them. It sounds like Senator Groene had some-- some response. I-- I don't think I'm the one to decide what should happen in a case that deals with bad acts in our-- in our Legislature. So, yes, I've been told, don't say anything else, they're going to continue threatening you, don't, don't speak on the mike about this, this is something where they'll just keep coming after you. I was elected to speak. I was elected to stand up and protect the people that visit in this Legislature, in this beautiful building that we have, to protect the fourth graders who come every year. This is unreasonable. The Supreme Court has their own rules, yes, rules that the State Patrol does enforce to not allow guns into that chamber and to not-- so in my opinion, the same kind of thing needs to happen here. In our hearing rooms, I think we need to make it so that the Capitol-- the Capitol's already not-- we're not allowed to have concealed carry. And you know what? I'm willing to have an exception for legislators to conceal carry. There are people that I trust in this body to carry, so I'm fine about that. But I-- I know there's mental health issues out there. And it's not everybody's fault. Ninety- eight percent of the people who came of the 400--

SCHEER [02:43:29] One minute.

PANSING BROOKS [02:43:29] --were not threats. But I don't know if those other 2 percent were a threat. And I don't know any of those people that came. So I am concerned. My family's concerned. And I just-- I want to stand up and say, we will continue to discuss this until something is done, until people take it seriously. And I also want to make a comment that I do not think it's appropriate that staff stir this up and have this occur. And with that, we know that there are staff members that moved and got people riled up to come to this, to this hearing, and I resent that because I resent the danger to my friends, my family, and my colleagues. Thank you, Mr.-- Mr. Speaker.

SCHEER [02:44:17] Thank you, Senator Pansing Brooks. Those waiting to speak in the queue, Senator Chambers and Senator Wayne. Senator Chambers, you're recognized.

CHAMBERS [02:44:33] Thank you. Mr. President, I've been down here 46 years. I used to be on the third floor. There were notes stuck on my door, racist notes, threats. I didn't take them to the Exec Board or anywhere else. I collect them. I've had cardboard pieces this large, as large as this document, and you know what it had on it? The N-word, Ernie Chambers, no address, and a postage stamp, and it was delivered to me by the post office at my office. Now that's what your post office does. This is what white people do. This is the essence of the cowardliness of white people. They threaten white women. They threaten white men who are fearful. I've told them, look, nobody has to tell them where I live. My phone number and address are in the telephone book. Now if they can read and they know the alphabet, they can find out right where I live. And I don't run from anybody. Now when I gave examples of cops killing unarmed black people, shooting a young black kid in the back in Chicago 16 times, the arrests that were made of me falsely. The police put something on their website, or whatever you call it, Chambers has gone too far, when I said the police are our ISIS and I ought to resign. Somebody got around to showing me that the other day, and I-- I take it as one of my fan club members. And they had the picture of me being arrested, but they didn't include the article that said the charges were dismissed. That's how rotten the Omaha Police are. I've had problems with State Patrol Troopers, but because they are the flagship law enforcement agency, I have praised the way, by and large, the State Patrol conducts itself; that's by and large, but when one of them goes wrong, I go after him and I'm the one who got that white racist Ku Klux Klan Trooper fired. I'm the one who did it. I filed a complaint and I kept pursuing it and pursuing it until he was fired. That's the way I do. I don't run and hide. I don't ask anybody to help me. These Troopers can tell you, I've never told him to accompany me from this building to my car at night. I've

even let people know I leave this building and I walk to my car without a gun when it's dark. I'm not going to run from them or anybody else. And that's been going on for 46 years, but I'm saving this material. It was coming to me from the head of the Ku Klux Klan. They had a headquarters in Lincoln. The head of the American Nazi Party, that fellow who went to Germany and said the same thing, they put him in jail. His stuff was on my door. I'd bring it down here, if at all, and I'd laugh about it. I'd call them by name and mock them. I wasn't going anywhere. The only problem that I had at all was that I've had on occasion at least two women who worked in my office and I didn't want anything to happen to them. And if I'm the one that they want, direct it at me. All these senators popped up on the floor condemning me and said I should apologize to these cops because I said we don't fear ISIS like some senator who wanted to let them carry guns in a bar. I asked him why he needed to carry a gun. He brought up ISIS and al-Qaeda. So my remark to him was, well, our ISIS, my ISIS is the police. And I gave reasons why I said it. And while I was saying that, I gave a concrete example that had happened the day before in Omaha, where it happened to be a white guy who was on the hood of his car. They said he'd committed a robbery and a white cop came and shot him in the back.

SCHEER [02:48:33] One minute.

CHAMBERS [02:48:34] And I mentioned that's one of your kind. And that cop wound up being put off the force. I don't think he was convicted of anything. I said, that's what they do. He claimed he was protecting two other cops that this guy was threatening. First of all, he was unarmed. And if he's threatening these cops and they got guns, why didn't they shoot him? Those are the lies they can tell and get away with it. See, ISIS didn't lie. They said, I'll cut your head off, and they did it if they caught you. When these cop cars go through our neighborhood, they say to protect and serve. That's an out-and-out lie. They harass. They hound. I had to stop them from harassing two elderly black women on a Mother's Day. They had pulled them over and I went and talked to the women while the cops were in the back. I said, what is all this? And she said that they-- she was afraid. So I talked to the cops and they let them go. Threatening and intimidating two old black women, and I'm a black man and I'm supposed to let that go? No, the police are our ISIS, except ISIS is more honorable when it comes to keeping their word. Now I said it--

SCHEER [02:49:33] Time, Senator.

CHAMBERS [02:49:34] --and I mean it.

SCHEER [02:49:35] Time, Senator.

CHAMBERS [02:49:35] Thank you, Mr. President.

SCHEER [02:49:37] Thank you, Senator Chambers. Senator Wayne, you're recognized.

WAYNE [02:49:38] Thank you. And I'm going to keep this kind of brief because I want Senator Vargas to be able to respond. Colleagues, it's time for a four-day weekend. I want everybody to take a deep breath and just relax and understand times have changed. But I do want to just mention why I'm disappointed in this body today. I'm disappointed that my first year this outrage I see didn't occur when I was threatened, when my house was Betsy Rioted, when my daughter couldn't walk to the mailbox no more because there were babies-- Barbie dolls blown up, put in my mailbox. The only person who spoke out in this body on social media was Senator Morfeld saying he doesn't condemn-- he condemns that. This body was silent when 34 of us got bloody Barbies delivered to our office my fresh year-- my freshman year over a vote. So, no, I don't necessarily fear somebody walking around with a rifle. I think a real threat is when somebody brings something to your office, brings something to your home. But we stood silent. But now this is a huge concern. Today, it's a huge concern. And it just reminds me of the crack-- opioid epidemic that we saw that when it was in north Omaha affecting us, it didn't matter to the state; but when it reached Millard, it's a problem. That's why we're scared today, is because we allow it to happen to other people previously. Let me repeat that. That's why we are scared today, because we allow it to happen to other people previously, and we have to look no farther than our freshman year. I remember Senator Lowe getting that Barbie doll, bag of blood and a Barbie doll saying we were killing people. I remember Senator Geist getting it, everybody who took a cloture vote, but we sat silent. But now that it's affecting us on this side of the aisle, it's a problem. I do think it's time to do something about carry, open carry. I have no problem with that. But what I want us to think about over the next four days is, how are things affecting communities that don't look like us and how we're okay with that there, but then when it comes to our community, it's a problem. When it comes to our law office, it's a problem. When it comes to our legislative office, it's a problem. When it comes to our business, it's a problem. But long as it's over there, I don't have to look and think about it. Our freshman year, not one person stood up and talked about those Barbie dolls. But today, we're outraged. It is that silence that allowed it to happen today. So let's have a bigger conversation. Let's-- let's move the rules, whatever we got to do. But now I want us over the four-day weekend to think bigger than about what's just

happening in here. But when the epidemic or the crime or the joblessness or the homelessness hits your community, your legislative office, don't wait until then for it to become a problem. And with that, I'll yield the rest of my time to Senator Vargas.

SCHEER [02:53:01] Senator Vargas, 1:40.

VARGAS [02:53:03] Thank you very much. I'll try to be short. I don't how much time-- how much time do I have left?

SCHEER [02:53:08] 1:40.

VARGAS [02:53:09] Thank you. Senator Hilgers did share that he wants to make sure everybody's heard. And I-- I do support that. The hard part about all this is that I think we all have different pathways that we want to see fit to address the issue. I'm sure some of us are thinking, I wasn't in there, I don't know what the problem is. I think some people are thinking we need to immediately react and put something into place. And that is the hard part about this body, because it is not just on this issue. It's with a lot of our issues that we don't necessarily always agree. But I agree with Senator Hilgers that I want to make sure everybody feels heard and valued for their perspective. I know that's difficult and I think that is coming out here on the mike for many people. And that's OK. That's-- I want to make sure people feel supported and can feel heard. And if they want to do that on the mike, that is completely fine. I also want to make sure people can feel heard and can talk to us individually and continue to share those perspectives so that we feel informed as well. And if we have not-- and what I'm hearing is we have not done a good enough job to do that, the Executive Board and myself-- then that is on us. Part of what I-- I support is that we're going to try to engage all the stakeholders to bring in as much information to understand the root of the different problems that exist here. I guarantee you in your heads there's different problems that we have to solve and we're not even in agreement on what those are. I know it's reactive. I don't want to come up with a reactive solution. My concern is a reactive solution will only lead to more unintended consequences and will not make people feel like we've addressed the root problem. My commitment to you, along with Senator Hilgers, and I also appreciate Senator Bolz and others that have spoken on this, is that as the Executive Board, we will work to listen and then figure out a plan of action forward. What that is, is yet to be determined. But I encourage you to come and talk to us, people on the Safety Committee, individuals like myself and Senator Hilgers, so that we are not missing everything. And if we're not coming to you, I apologize on behalf of us. I'm asking you and creating an open invitation for you to come to us so that we are informed. I don't

want to make a blanket statement that I understand what it was like to be in that committee room that day or what it was like to be in a staff room sitting and potentially feeling scared, and for others that didn't feel any of that fear--

SCHEER [02:55:42] Time, Senator.

VARGAS [02:55:43] Thank you.

SCHEER [02:55:44] Thank you, Senator Vargas. Senator Vargas, you're next. Are you completed or would you--

VARGAS [02:55:48] Thank you. Just a couple more, yes. I don't want people to feel like they're not acknowledged. And so my only statement I wanted to make is that in addition to being heard, that we are-- we're going to work together to try to find a pathway forward, and that in the future, as we continue to move on, that we continue to have some level of-- this is a motto I used to use in my classroom-- this is a motto I used to use in my classroom when I was a teacher, is to assume the best. We are all filled with fear and different types of emotions, but the best thing that we can do in these situations is to assume the best in others and the best of intent, because the minute that we start to assume the worst in each other is when we start to realize the things that are the most negative. And these assumptions don't help us in what we try to do, because we know they don't help us in the bills that we're trying to craft and the solutions we're trying to craft. It's not any different except it is much more personal and it is-- it is with our own public safety that we're concerned. So with that, I thank the body for hearing me out. And I hope you'll come and talk to me-- this includes staff as well-- so that we can create and do something in this session and find a pathway forward, along with Chairman Hilgers. With that, I'll yield the remainder of my time to Senator McCollister.

SCHEER [02:57:16] 3:30, Senator McCollister.

McCOLLISTER [02:57:18] Thank you very much, Mr. President. And thank you, Senator Vargas. I was a full participant in the affairs of last Friday. In fact, I talked to the number of folks carrying those loaded rifles. And I think a few people also had handguns on their hip. We will be-- no doubt we will be bringing gun bills back again next session. And so this is a good time for us to resolve these safety issues and get it resolved, because these-- these bills are not going to go away, and responsible use of firearms in this building has to be resolved. And the Executive Committee, and I'm a member of the Executive Committee, we will indeed work on some rules that I think will

be balanced and we can all be certain that our safety is assured. Thank you, Mr. President.

SCHEER [02:58:12] Thank you, Senator Vargas and Senator McCollister. Senator Chambers, there's no one in the queue. Would you like to withdraw the amendment or the-- you like to close?

CHAMBERS [02:58:22] I want to close. Can I close?

SCHEER [02:58:25] Yes, you're welcome to close.

CHAMBERS [02:58:26] Thank you. Members of the Legislature, you all don't pay attention to me. Senator Wayne said something that I had said on-- to you all on a number of occasions. Some of you were not here. I said these cops, these racist groups sharpen their tools of oppression on black people, and you don't care because it's not you. But you're a bigger target than we are. You're more of a danger to them than we are. We don't control anything. You do. And once their tools of oppression are sharpened on us, because they can get away with it, then they turn them on you. Then all of a sudden you say Eureka, as though it just happened. It didn't just happen. It just happened to you. You've heard me say, I don't know how many times, you all couldn't live the life that I or any other black person had to live, and you certainly couldn't live it then function in the way that I do right in the heart of the enemy's territory every day, not running, not whining, not asking for mercy; if anything, issuing challenges. What is your worst? Do it. What I think has happened is not something which should be unexpected. Killing people is what white people do. Shooting from ambush is what white people do. There are so many killings, mass killings even, that you ought to start naming them not after the shooter, but like you name hurricanes. You can go through the alphabet and cover at least 26 of them, then go through and now it's A2, A3 of the mass killings. So everybody, because of this mass shooting in Milwaukee, is going, tut, tut, tut. And those in that city, like the Mayor: We never thought it would happen here, it should not have happened here, and we extend to the families our thoughts and our prayers. I'm so sick of hearing that, especially from those who have the power to do something and won't. That's why I wouldn't ask this Legislature to do anything where I'm concerned. Never. You can't take care of yourself. You all are in the majority here. You all can pass any law you want to, but you're afraid of the Governor. You know what your Governor did? And I sent you all a thorough explanation of it and not one of you said anything. He had some hands on the property that belongs to the state in front of his building because a Christian organization made those hands and the Governor and his wife are patrons, so

it's a matter of religion. Well, the rules that govern displays on state property around the Capitol, there is a commission and the Governor is the chairperson. He was in violation of those rules. Before any display can be shown, it has to get that approval. I made sure before I attacked him that he had never gone through that commission and had never gotten that approval. But you know what he told the commission? I don't use this language. Go to H, I'm the Governor, I'll do what the H I want to. And I shared it with members on the floor and nobody on the floor said anything. The Governor violated the rules and violated the statute. You got a law breaker in the Governor's Mansion and sitting in that office, but he's not going to be called to account. I give you factual information. You don't do anything with it. I think it's a good object lesson for you, and you look at me and learn how to live when people threaten you. If something doesn't kill you, as they say, it will make you stronger. And if it kills you, what difference does it make, because the "Bible" said the dead know nothing, so--

SCHEER [03:02:29] One minute.

CHAMBERS [03:02:29] --when I heard the guns were there, it's amazing to me because I was at the hearing. And this guy apparently came in early and had his gun there, but he didn't come up and testify while I was there. The testimony was so repetitive that I finally just left. We weren't questioning people. There were too many of them. Nobody said anything that merited any significant questioning. And when I read that he testified in front the Judiciary Committee, I wondered why he didn't testify while I was there. I'm the one they hate. Or did he think that I would have come out there and disarmed a coward or would have called him out as the coward he is? I didn't know that anybody testified before that committee with a gun. They should have done it while I was there. I don't carry a gun. But why-- what are these cowards afraid of? They're afraid of their shadow. But they know that there are people in the Legislature more afraid of them.

SCHEER [03:03:30] Time, Senator.

CHAMBERS [03:03:30] I would say you-- thank you, Mr. President. And I will withdraw it so we don't have to take a vote on it.

SCHEER [03:03:38] Without objection, so ordered. Seeing no one in the queue, Senator Slama, you're welcome to the close on your bill-- your resolution.

SLAMA [03:03:43] I'll be very brief. I thank everyone for their consideration of this legislative resolution. I think it is an important resolution to send a message to D.C., to

the Corps of Engineers to prioritize the lives and livelihoods of those downstream. And with that, I'd like a call of the house and roll call, regular order.

SCHEER [03:04:02] There's been a request to put the house under call. All those in favor please vote aye; all those opposed vote nay. Please record.

ASSISTANT CLERK [03:04:50] 25 ayes, 2 nays to go under call, Mr. President.

SCHEER [03:04:54] The house is under call. All unauthorized personnel please leave the floor. The house is under call. All those senators outside the-- the floor, please return to your places. Thank you. Senator Hunt, would you please hit your light? Senator Wayne, Morfeld, Stinner, Pansing Brooks, McDonnell, Linehan, Hilgers, Groene, please return to the floor. The house is under call. Senator Wayne, would you push your button? Thank you. Senator Slama, we're still waiting for Senator Morfeld, McDonnell, Groene, and Hilgers. Would you like to-- or just Groene. Would-- thank you. The question before us-- body is the approval of LR288. All those in favor please vote aye; all opposed vote nay. There's been a request for a roll-call vote. Mr. Clerk.

ASSISTANT CLERK [03:06:50] Senator Albrecht.

ALBRECHT [03:06:52] Yes.

ASSISTANT CLERK [03:06:52] Voting yes. Senator Arch.

ARCH [03:06:54] Yes.

ASSISTANT CLERK [03:06:54] Voting yes. Senator Blood.

BLOOD [03:06:56] Yes.

ASSISTANT CLERK [03:06:56] Voting yes. Senator Bolz.

BOLZ [03:06:59] Yes.

ASSISTANT CLERK [03:06:59] Voting yes. Senator Bostelman.

BOSTELMAN [03:07:01] Yes.

ASSISTANT CLERK [03:07:01] Voting yes. Senator Brandt.

BRANDT [03:07:03] Yes.

ASSISTANT CLERK [03:07:03] Voting yes. Senator Brewer.

BREWER [03:07:05] Yes.

ASSISTANT CLERK [03:07:05] Voting yes. Senator Briese.

BRIESE [03:07:07] Yes.

ASSISTANT CLERK [03:07:08] Voting yes. Senator Cavanaugh.

CAVANAUGH [03:07:10] Not voting.

ASSISTANT CLERK [03:07:10] Not voting. Senator Chambers.

CHAMBERS [03:07:13] No.

ASSISTANT CLERK [03:07:13] Voting no. Senator Clements. Senator Crawford.

CRAWFORD [03:07:16] Yes.

ASSISTANT CLERK [03:07:16] Voting yes. Senator DeBoer.

DeBOER [03:07:20] Yes.

ASSISTANT CLERK [03:07:20] Voting yes. Senator Dorn.

DORN [03:07:22] Yes.

ASSISTANT CLERK [03:07:22] Voting yes. Senator Erdman. Senator Friesen.

FRIESEN [03:07:27] Yes.

ASSISTANT CLERK [03:07:28] Voting yes. Senator Geist.

GEIST [03:07:29] Yes.

ASSISTANT CLERK [03:07:30] Voting yes. Senator Gragert.

GRAGERT [03:07:31] Yes.

ASSISTANT CLERK [03:07:32] Voting yes. Senator Groene.

GROENE [03:07:33] Yes.

ASSISTANT CLERK [03:07:33] Voting yes. Senator Halloran.

HALLORAN [03:07:35] Yes.

ASSISTANT CLERK [03:07:35] Voting yes. Senator Ben Hansen.

B. HANSEN [03:07:38] Yes.

ASSISTANT CLERK [03:07:38] Voting yes. Senator Matt Hansen.

M. HANSEN [03:07:40] Yes.

ASSISTANT CLERK [03:07:41] Voting yes. Senator Hilgers.

HILGERS [03:07:41] Yes.

ASSISTANT CLERK [03:07:42] Voting yes. Senator Hilkemann.

HILKEMANN [03:07:44] Yes.

ASSISTANT CLERK [03:07:44] Voting yes. Senator Howard.

HOWARD [03:07:46] Yes.

ASSISTANT CLERK [03:07:46] Voting yes. Senator Hughes.

HUGHES [03:07:47] Yes.

ASSISTANT CLERK [03:07:48] Voting yes. Senator Hunt.

HUNT [03:07:49] Yes.

ASSISTANT CLERK [03:07:49] Voting yes. Senator Kolowski.

KOLOWSKI [03:07:54] Not voting.

ASSISTANT CLERK [03:07:54] Not voting. Senator Kolterman.

KOLTERMAN [03:07:56] Yes.

ASSISTANT CLERK [03:07:56] Voting yes. Senator La Grone.

La GRONE [03:07:56] Yes.

ASSISTANT CLERK [03:07:58] Voting yes. Senator Lathrop.

LATHROP [03:08:00] Yes.

ASSISTANT CLERK [03:08:00] Voting yes. Senator Lindstrom.

LINDSTROM [03:08:02] Yes.

ASSISTANT CLERK [03:08:02] Voting yes. Senator Linehan.

LINEHAN [03:08:02] Yes.

ASSISTANT CLERK [03:08:04] Voting yes. Senator Lowe.

LOWE [03:08:05] Yes.

ASSISTANT CLERK [03:08:05] Voting yes. Senator McCollister.

McCOLLISTER [03:08:05] Yes.

ASSISTANT CLERK [03:08:08] Voting yes. Senator McDonnell.

McDONNELL [03:08:10] Yes.

ASSISTANT CLERK [03:08:10] Voting yes. Senator Morfeld. Senator Moser.

MOSER [03:08:16] Yes.

ASSISTANT CLERK [03:08:16] Voting yes. Senator Murman.

MURMAN [03:08:18] Yes.

ASSISTANT CLERK [03:08:18] Voting yes. Senator Pansing Brooks.

PANSING BROOKS [03:08:18] Yes.

ASSISTANT CLERK [03:08:21] Voting yes. Senator Quick.

QUICK [03:08:22] Yes.

ASSISTANT CLERK [03:08:23] Voting yes. Senator Scheer.

SCHEER [03:08:25] Yes.

ASSISTANT CLERK [03:08:25] Voting yes. Senator Slama.

SLAMA [03:08:26] Yes.

ASSISTANT CLERK [03:08:26] Voting yes. Senator Stinner.

STINNER [03:08:28] Yes.

ASSISTANT CLERK [03:08:28] Voting yes. Senator Vargas.

VARGAS [03:08:30] Yes.

ASSISTANT CLERK [03:08:30] Voting yes. Senator Walz.

WALZ [03:08:32] Yes.

ASSISTANT CLERK [03:08:32] Voting yes. Senator Wayne.

WAYNE [03:08:34] Yes.

ASSISTANT CLERK [03:08:34] Voting yes. Senator Williams.

WILLIAMS [03:08:35] Yes.

ASSISTANT CLERK [03:08:35] Voting yes. Senator Wishart.

WISHART [03:08:37] Yes.

ASSISTANT CLERK [03:08:37] Voting yes. Vote is 43 ayes, 1 nay on the adoption of the resolution, Mr. President.

SCHEER [03:08:45] LR288 is approved. Mr. Clerk for items. I raise the call.

ASSISTANT CLERK [03:09:03] Thank you, Mr. President. New bills: LB865A offered by Senator Wayne would appropriate funds to carry out the provisions of LB865. LB805A by Senator Wayne would appropriate funds to carry out the provisions of LB805. Committee reports: Committee on Judiciary reports LB881, LB912, and LB1148 to General File, all with committee amendments. Committee on Natural Resources reports LB861 to General File with committee amendments attached. Amendments to be printed: Senator Pansing Brooks to LB1042; Senator Friesen to LB944; Senator Groene to LB1131. Name adds: Senator Hunt to LB1155. Finally, a priority motion, Senator McCollister would move to adjourn until Tuesday, March 3, 2020, at 9:00 a.m.

SCHEER [03:10:09] Colleagues. you've heard the motion. All those in favor please say aye. All those opposed? Hearing none, we are adjourned.