

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate March 11, 2020

**FOLEY:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-ninth day of the One Hundred Sixth Legislature, Second Session. Our Chaplain for today is Pastor Derek Geist of Mercy City Church, Lincoln, Nebraska. Pastor Geist is the guest and the son of Senator Geist. Please rise.

**PASTOR GEIST:** Let's pray. Father God, thank you so much for, for all of these wonderful people who have dedicated their lives to serving this wonderful state of Nebraska. Father God, I just want to pray a blessing, a favor over each and every state senator. God, first and foremost, favor with you, God, I pray that you would pour out provision. I pray that you would pour out health and I pray that you would pour out wisdom on them in each and every one of their families. And God, I also pray for a blessing, a favor with man, first and foremost, again starting with their families. God, I just pray for strong marriages. I pray for strong family ties. God, I pray for strong relationships with brothers, sisters, aunts, and uncles. And God, I pray for strong relationships with the friends who have become family. Father God, I also pray for a blessing of peace in a world that seems so chaotic right now. We need your peace. We need the prince of peace. And God, you say in your scripture that not to worry about anything, but instead pray about everything. And you promise that your peace that surpasses all understanding will guard our high-- hearts and guard our minds in Christ Jesus. So God, I pray for a peace that surpasses all understanding. And Father, I pray for a blessing of your presence. You say in your word that your presence goes before us, it comes behind us, it surrounds us on every side, but God more-- more than anything, I pray for the blessing of your personal presence. God, I pray that every single person in this room would feel your presence personally. God, I pray for a greater feeling of your Holy Spirit and the wisdom that comes with that. God, I pray that we would hear your voice clearly and we would act on what you say. And Father, I just thank you that you hold Nebraska, that Nebraska belongs to you. Lord, I say your kingdom come, your will be done in Nebraska as it is in heaven, in Jesus' name. Amen.

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

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

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

**ASSISTANT CLERK:** No corrections this morning.

**FOLEY:** Thanks, sir. Are there any messages, reports, or announcements?

**ASSISTANT CLERK:** Two items, Mr. President. Senator Geist would move to place LB814 on General File pursuant to Rule 3, Section 20(b) and your Committee on Enrollment and Review reports LB848A to Select File. That's all I have.

**FOLEY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following four legislative resolutions, LR329, LR330, LR331, and LR332. Senator Geist would like to recognize a guest today. We have Rebecca Geist, who's the daughter-in-law of the Senator and the wife of Pastor Derek Geist, who was with us this morning. Rebecca is up in the north balcony. Rebecca, can you give us a wave? Thank you. Welcome to the Nebraska Legislature. Proceeding now to General File 2020 Speaker priority bills. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, first bill this morning, LB918 by Senator Wayne. It's a bill for an act relating to government to create the Commission on African-American Affairs and require a study. The bill was introduced on January 10 of this year. It was referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with no committee amendments.

**FOLEY:** Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on LB918.

**WAYNE:** Good afternoon. Thank you, Mr.-- good afternoon. Good morning, Mr. President. Thank you, Mr. President. Colleagues, this is a very simple bill. LB918 was voted out unanimously by the Government Committee. What this does is create the commission for African-American affairs. The commission will consist of 14 members, all of whom have to be African ancestry, who will be tasked with promoting state and federal legislation beneficial to African-Americans in the state of Nebraska. Currently, we have two other commissions, a Native American commission and a Latino commission. And so this will just go online to make sure that the Governor's Office and the Legislature has unbiased opinion regarding some of the issues and concerns that are dealing specifically with

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African-Americans. The members will serve a four-year term. They will be-- they will elect a chair of commissions and they will basically just look at the issues. Look at-- I do have an amendment that I will, I guess, talk about when it comes up at that time. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Wayne. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Wayne would offer AM2622.

**FOLEY:** Senator Wayne, you're recognized to open on AM2622.

**WAYNE:** I will keep this short, colleagues. When looking through the statutes for all the commissions, originally I put in to look at just procurement for government contracts, but after talking to all the commissions, there really isn't guides on what they should be doing. And this says that every five years they will do some type of disparity study. Disparity studies look at the impact or the gaps between; it could be wealth, it could be resources, it could be education, it could be procurement and government contracting, it could be a number of things. But we're saying that if you're going to be a commission, you should be looking at things and producing a report at least every five years to this body and to the general public on the conditions of the people you represent. And with that, I will answer any questions, but I'd like your green support, green vote on AM2622 and LB918. Thank you.

**FOLEY:** Thank you. Senator Wayne. Debate is now open on LB918 and the pending amendment. Is there any discussion? I see none. Senator Wayne, you're recognized to close on the amendment. He waives closing. The question for the body is the adoption of AM2622. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 29 ayes, 0 nays on the adoption of Senator Wayne's amendment.

**FOLEY:** AM2622 is adopted. Any further discussion on the bill as amended? I see none. Senator Wayne, you're recognized to close on the advance of the bill. He waives closing. The question for the body is the advance of LB918 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

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**ASSISTANT CLERK:** 32 ayes, 0 nays on the advance of the bill, Mr. President.

**FOLEY:** LB918 advances. Next bill, please.

**ASSISTANT CLERK:** Mr President, LB918A, offered by Senator Wayne, is a bill for an act relating to appropriations to carry out the provisions of LB918.

**FOLEY:** Senator Wayne, you're recognized to open on LB918A.

**WAYNE:** Thank you, colleagues. Remember, A bill will sit until the budget is passed. We are going to work from General to Select to lower the A bill. I believe it's around 300-- 400,000 and the reason was that the initial bill required them to produce a report every two years. We have now changed that to five years so that will reduce the A bill. And there was confusion on whether they can collaborate or not and the whole point was, at the end of the day, we want a report generated by these commissions and I see no reason why they couldn't do some type of interlocal agreement between the two commissions, but that was just a confusion. And so each of them set out a budget for the same disparity study when the reality is they are supposed to work together. So we will work between General to Select to produce the A bill, but even so, this is important and I think we should vote to move this forward. And when the budget is finalized, this would obviously sit on the budget until it's done. And I would ask for a green vote on LB918A. Thank you.

**FOLEY:** Thank you, Senator Wayne. Any discussion of the bill? I see none, Senator Wayne, you're recognized to close. He waives. The question for the body is the advance of LB918A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 32 ayes, 0 nays on the advancement of the bill, Mr. President.

**FOLEY:** LB918A passes. Excuse me, advances. Moving out of General File 2020 priority bills. Mr. Clerk.

**ASSISTANT CLERK:** Next bill, Mr. President, is LB780, offered by Senator Stinner. It's a bill for an act relating to the Nebraska Arts Council to change provisions relating to expenditures for administrative costs for cultural preservation activities; to repeal

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the original section; and to declare an emergency. The bill was introduced on January 8 of this year. It was referred to the Appropriations Committee, that committee placed the bill on General File.

**FOLEY:** Before proceeding, let me just announce that Senator Hunt announces we have two doctors of the day today, Dr. Audrey Paulsen and Dr. Paul Paulsen of Omaha, serving us today as family physician of the day. If those doctors could please rise, we'd like to welcome you to the Nebraska Legislature. Senator Stinner, you're recognized to open on LB780.

**STINNER:** Thank you, Mr. President. Members of the Legislature, LB780 authorizes Nebraska Arts Council to use the equivalent of one-half of 1 percent of the balance of the Nebraska Cultural Preservation Endowment Fund to calculate administrative costs paid for-- from the Nebraska Arts and Humanities Cash Fund beginning in fiscal year 2021. Currently, that amount is capped at \$30,000. As the state agency, the Arts Council was responsible for ensuring that private funds meet the requirements spelled out in the statute before they distribute to the arts organizations and Humanities Nebraska. These responsibilities include identifying qualifying private matching funds and maintaining an accurate account for their use. Due to successful fundraising from the private sector, both the state and private funds have seen significant growth. This has elevated the amount of bookkeeping and oversight the Arts Council must devote to these tasks. In 2019, their staff costs alone were 17 percent above the administrative allowance. There are other costs to overseeing the required private funds as well. These include software programs for accounting and data management as well as contract services for bookkeeping auditing oversight. The annual cost of these items are \$13,570. In total, the actual cost of administering the endowment fund is \$52,550 or 43 percent higher than the current allowance. If you look at the fiscal note, there's \$10,500,000 in the Endowment Fund right now and one-half of a percent is \$52,500, which matches fairly close to the amount needed. To get the allowance, LB780 would provide for an annual calculation of what the cost limits will be based on the fund balance as it exists on June 30 of the previous year. In order to ensure accountability to the process, the Arts Council would be required to develop the calculus in conjunction with the budget division of the Department of Administrative Services. The due date is September 10 of each year. LB780 is sensible, standard practice approach for administering the Cultural Endowment Fund. This bill will allow the

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Arts Council to effectively carry out its mission with the unique funding model we established as a state in 1998. There will also be, for your consideration, an amendment to the bill by Senator Hunt, AM2838. Her amendment would place her, her bill of LB943, establishing creative districts in the state. I would ask that-- urge you to vote green on LB780 and subsequently, on Senator Hunt's AM2838. Both bills were advanced by unanimous vote with no one in opposition or neutral testimony. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Stinner. Mr. Clerk.

**ASSISTANT CLERK:** Thank you, Mr. President. Senator Hunt would offer AM2838.

**FOLEY:** Senator Hunt, you're recognized to open on your amendment.

**HUNT:** Thank you, Mr. President. I want to thank Senator Stinner for allowing me to amend his bill with this really great thing that grants the Nebraska Arts Council the authority to recommend a plan to the Legislature for the certification and establishment of creative arts districts in the state. This amendment will also permit the council to outline criteria for a competitive grant program to provide certified creative districts with additional funding. This amendment and the, the bill that it was, which is LB943, has no fiscal note. And it's going to be a really great thing for all of the cultural districts in Nebraska that already exist, that are already kind of coming up from a grassroots place all over our state. And it's something that the Nebraska Arts Council is really excited about as well. A creative district is a defined area intended to create a critical mass of places of cultural consumption, including art galleries, theaters, music venues, and public squares for community events and performances. Creative districts embrace a community's characteristics, helping to revitalize neighborhoods and increase the quality of life of residents by preserving cultural or ethnic heritage, fostering creative spaces and encouraging community collaboration. These districts are unique to the character of community and resources available locally. So the arts districts you see in the Benson neighborhood of my district may be different than the ones developing now in Grand Island or Red Cloud, but all of them are important and they're all very impactful to the development of the value of different neighborhoods. This bill is really good for every community from Omaha and Lincoln to places like Kearney, Scottsbluff, Norfolk, and Albion. We know that arts districts can have a

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significant impact on cities attracting businesses, tourists, and local residents to be a central part of the city and we wanted to know how we could encourage or incentivize their development through policy. Creative districts can help revitalize neighborhoods and improve quality of life. These districts can bring physical transformation, economic growth, and greater community cohesion. What really surprised me in doing research for this bill, which was kind of born out of an interim study that we did last year about urban growth, basically is what, is what this bill came out of a study on, there are over 300 districts-- arts districts recognized all over the country and none of them are in Nebraska. There's only two states that don't recognize any arts districts in their states and Nebraska is one of them. So you know, this is a zero-cost bill that we can do to support that and, and support the small communities that have these creative cultures growing. In 2015, the nonprofit arts and culture industry generated over \$165 billion of economic activity, supporting 4.6 million jobs and generating \$27.5 billion in revenue for local, state, and federal government. Cultural tourism is also a massive market and we need to embrace the amazing grassroots artists in our state for how much excitement, economic development, and opportunities and cultural vibrancy they bring to neighborhoods across Nebraska. We also know that these districts can really complement nonarts businesses such as restaurants, offices, retail, housing, hotels. Every year that we wait to enact something like this is a year that we miss out an opportunity to support local businesses. They're already doing this work. I have-- over 80 letters of support were sent in for this bill. There was no opposition in the hearing. And the bill also kind of complements a license plate bill that is currently in LB944, which creates a grant program through the sales of creative-- creative Nebraska license plates to support grant funding for these creative arts districts. So that's going to be a really great thing for our small communities. It advanced from our committee as a committee amendment unanimously, has no fiscal note, and I would urge your support of this amendment. Thank you.

**FOLEY:** Thank you, Senator Hunt. Debate is now open on the bill and the amendment. Senator Erdman.

**ERDMAN:** Thank you, Lieutenant Governor. Good morning. I think Senator Stinner did a fine job explaining where the fund comes from and what this does. I appreciate that, but I couldn't let the opportunity go by. If you have looked at the committee statement on LB780, you will see a rare thing happened there. Our votes were taken and recorded and

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they were made public. That is amazing. So you don't often see that so I wanted to make sure that you didn't miss the opportunity to see a rare thing happening here this morning, but that vote was made public and it shows that I did vote yes. And I will vote yes again, but I just had to make sure that you didn't miss the opportunity to see that. You may not see that quite-- you may see it again once in a while, but not very often. Thank you.

**FOLEY:** Thanks, Senator Erdman. Senator Lowe.

**LOWE:** Thank you, Lieutenant Governor. LB943 was put into my bill that I'm now holding on the floor and it was a good bill. It's a very good bill. It supports the arts in Nebraska. And so I'd like to stand up here and support AM283-- or AM2838 and LB720. It's good for tourism, it's good for the economy, and it's good for Nebraska. Please vote green on AM2838 and LB780. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Lowe. Senator Moser.

**MOSER:** Good morning and thank you, Mr. Lieutenant Governor. I was wondering if Senator Hunt would respond to a question.

**FOLEY:** Senator Hunt, would you yield, please?

**HUNT:** Yes.

**MOSER:** Good morning. I support the bill, as you might imagine. I'm kind of in the arts world myself, but I have a couple of points that I wanted to ask you about, some of the discussion that we had in the committee and your understanding of-- or our understanding of your intentions for funding this. So no funds from current Arts Council projects would be funneled into this, correct?

**HUNT:** That's correct.

**MOSER:** OK. And how do you see this being funded going forward?

**HUNT:** The way I see this being funded is, is through the passage of this, this license plate amendment on LB944, which is moving through the Legislature handily. That bill will create a fund that the Nebraska Arts Council can use to award grants to qualified applicants who want to use these grants to grow their arts districts in their neighborhoods. So the Nebraska Arts Council is totally ready to implement this. They understand what they're doing. And by

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recommending a plan to the Legislature for how they're going to define and categorize and have people apply to become a recognized creative district in Nebraska, they'll be able to appropriate those funds the right way.

**MOSER:** And are there other sources of funding? Do you think they may be able to get some grant funding or to help support that part of the-- of your bill? Or does it need that?

**HUNT:** People who run creative districts across Nebraska already apply for grants all the time, whether it's from the Nebraska Arts Council or from other places around the country. And the important thing to understand is that this amendment won't pull any funds from any other creative organizations or projects. It's a, it's a fiscally-neutral bill and it just gives the Nebraska Arts Council the right to define these districts.

**MOSER:** OK. Thank you. I think, you know, my point in all this is that the Arts Council distributes funds to artists and, and to arts organizations to put on exhibitions and concerts and different things. And most of the artists, as you can imagine, are kind of the starving artist type. You know, they never make as much money as what they can spend and so if this was in some way going to take funds away from the performing or the visual or the creative artists, then that would be a bad thing, in my opinion. And so that's why I asked the question; just to kind of get that out into the open. So I support the bill and with Senator Hunt's comments about that, I think that should make some people's concerns allay. Thank you.

**FOLEY:** Thank you, Senator Moser. Senator Chambers.

**CHAMBERS:** Thank you. Mr. President, and members of the Legislature, I am very pleased that the matter of arts is before us this morning. I support any amendments. I support the bill. There are lessons that can be learned from so-called totalitarian or however a person labels a country that's ruled by a dictator, a strong man, or a party such as the Communist Party, the Socialist Party. Those people have an understanding and grasp of human nature that people in America do not have. They understand that to make an ideology successful, it's a war, not on a battlefield with guns, tanks; and in the air, bombs, planes, missiles; on the water, submarines, battleships, warships, aircraft carriers and so forth. If you want something to endure, you wage a battle for men and women's minds. It is what people think, what they

accept, what they believe that will make it possible for a political dynasty, democracy, monarchy. It doesn't matter what it's called. In order to survive, it has to have the minds of the people. Sometimes there is coercion used. Sometimes there is brainwashing used. But in any case, music has been very effective in moderating or infuriating people. You like these martial, m-a-r-t-i-a-l, songs to be played to your soldiers, to put some glide in their stride, some pep in their step, some fight in their might or might in their fight. And then there is music that can soothe the savage breast. But in any case, music can be described, more or less, as a concord of sweet sounds. If you speak, you don't hold what you say when you utter a word and drag it out. All that a note is, or music, is saying something and dragging it out. Then you go up, you go down, you go straight across. All of this leads me to what I want to say, that George Bernard Shaw put in one of his plays and it was uttered by one that you all have no respect for, that would be the evil one. No, I'm not talking about Trump; Satan. And I'm paraphrasing. You see things that are and ask why. I dream things that never were and ask why not? If I looked at a block of marble, or anybody on this floor to my knowledge did so, we might say, why is it sitting there? Maybe an artist says, why not? You look at that block of marble and that's all you see. But I see inside of that block of marble the finest representation of the human form that I'm going to call David. And all that I'm going to do is remove the excess marble and leave that image, which is within that marble, and people will marvel at the marble when they see it. I think there is not enough attention in the public schools given to art. It's not just something done for fun to pass the time away. It nurtures what you all are pleased to call the spirit. It touches on the creativity which everybody will have inside himself or herself, but things left untended will not grow.

**FOLEY:** One minute.

**CHAMBERS:** You might go to Senator Hughes' land. He's a big farmer. I don't mean personally with girth, but he's a big-time operator. If he did not tend that land and treat it-- not personally, but by others who might work with him, cultivate the soil, plant the seeds, provide fertilizer if needed, enough water, even through irrigation. Pray for sunshine when it's needed. Regret when there is too much rain as there has been thus far. And if everything goes well and all the parts come together, it will be like a symphony. I have to turn on my light.

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**FOLEY:** Thanks, Senator Chambers. Senator Briese.

**BRIESE:** Thank you, Mr. President. Good morning, colleagues. I just wanted to stand up and echo essentially what Senator Hunt and Senator Lowe indicated earlier about this, AM2838. It reflects Senator Hunt's LB943. And we heard that in the General Affairs Committee and there was compelling testimony in that hearing that the creation of these districts can help and efforts can have a positive impact on economic growth in our communities across the state. And it can be another economic development tool. And I think it's good legislation. I thank Senator Hunt for bringing it. It can help in our efforts to grow our state. And so I'm certainly going to support it. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Briese. Senator Chambers.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, how many people would look at Senator Hughes and think of Arturo Toscanini, a great director of symphony orchestras? All that is involved in that is to have people play differing instruments and different instruments in such a way that they harmonize and when it all comes together, it's something that is very, very soothing. When Senator Hughes operates his farm appropriately, he is like the symphony director. He gives us something that is of value that we don't produce for ourselves. But when we come in contact with it, we know something good is here, that it took some work to produce it. If we would learn how to appreciate those creative representations of people who are talented-- and we have no way of knowing in advance who is talented and who is not so every form of artistic expression should be made available in the schools. I draw pictures, I use crayon pencils. If somebody wants to see what can be done with a crayon pencil, just step down into my office. In fact, and I digress, I'm going to bring a picture down here and it's going to be like my paddles. It's going to be a prop and it's going to shock you all because you would never think that somebody like me, somebody like the me that people suspect that I am, would produce a picture like that. But a saint can draw a very frightening picture of a devil. A devil can give a depiction of a saint or a God. Artists are able to cause us to see things that ordinarily we would not. There are some people who might hide away in a room and it might make the parent a little worried because the child spends so much time there alone, not seeking any fellowship, no companionship, but alone, and wonder, is this wholesome and helpful for my child to be isolated? And then the parent

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hears the door open. Out walks the child and in the child's hand is a sheaf of papers that the child presents to the parent who had worried. And the parent reads what was written and says, I worried unnecessarily. That child was in the process of creating and now that I see what goes on behind that closed door when I'm not there, I no longer worry. I will just wait and if I feel some questioning. I'm going to lay that aside because thus far, everything that has been produced behind that closed door has been something very, very worthwhile. We, as grown people, must never suppress our children. There are those who create machines and there are those who create machines that create machines. And the ones who create the machines that create other machines are the magicians. The machine is magic, but the one who created that machine that in turn creates machines is the true magician. So I favor the arts.

**FOLEY:** One minute.

**CHAMBERS:** I don't know that anybody else who will vote for this bill would see it the way that I do. But if you ever want to win the minds and hearts of other people, art is the way to do it. Not trains, not boats, not planes, not bombs, not threats, not pleading, begging, that will not do it to the extent that you want, if you win those minds. And I'd like to say that Senator Stinner is not a worse sinner when he comes to dinner, but when he leaves, he won't be thinner. But like now, if you look, he is a grinner. That's all that I have to say at this time. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Chambers. Senator Hunt, you're recognized to close on your amendment.

**HUNT:** Thank you, Mr. President. I want to thank Suzanne Wise at the Nebraska Arts Council and Doug Zyblut and also Caitlin Little from Benson First Friday, who helped so much over the past year in crafting this bill. Senator Chambers is right, of course, when he says that he's a great artist. He drew a beautiful drawing of a rhinoceros for my child. And this is her favorite animal and it sits-- she has a very small nightstand next to her bed and it sits on her nightstand and it takes up almost the whole table, but that's what she looks at next to her bed when she's in her room writing. I also want to thank a man named Jerry Saltz and I passed out a letter from him. This man is not a Nebraskan, but I thought it was interesting and notable. As I've worked on this bill, which is now this amendment over the past year, I share about it on social media. I talk about it at events that I go to

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and it captured some attention from lots of different people around the country. And one of them is Mr. Jerry Saltz and he's the Pulitzer Prize winner for art criticism and has written for The New York Times and now is the senior art critic for New York Magazine. And he had some really thoughtful remarks that I would like to share in my closing. He said, the great untold story of art history is American art history. For too long, our museums have looked to Europe, especially France, for geniuses and masterpieces, yet right beneath our feet in front of us is an extraordinary cultural legacy that equals and surpasses the Europeans. Something more homegrown of the people by passionate never say die visionaries. This art, those artists in these areas are our legacy to pass down to descendants. They tell a uniquely American story and all its beauty, pain, complexity and brilliance. In every case where these things have been preserved, great economic benefits multiply and real pride of place in America. As a son of the Great Lakes, a child of the Midwest, married to a Kansan, I love that there is a plan to preserve creative districts in Nebraska. Nebraska is the heartland, the geographical center of the U.S. It is only fitting that this take place here. So I would encourage your green vote on AM2838 and I look so forward to visiting all the arts districts across the state and all of your districts and meeting our neighbors across the state who are doing very creative, interesting things. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thank you, Senator Hunt. The question for the body is the adoption of AM2838, Senator Hunt's amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 37 ayes, 0 nays on the adoption of the amendment, Mr. President.

**FOLEY:** AM2838 has been adopted. Is there any further discussion on the bill as amended? I see none. Senator Stinner, you're recognized to close on the advance of the bill. He waives closing. The question for the body is the advance of LB780 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 37 ayes, 0 nays on the advancement of the bill.

**FOLEY:** LB780 advances. Next bill, please, Mr. Clerk.

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**ASSISTANT CLERK:** LB780A by Senator Stinner. It's a bill for an act relating to appropriations to change appropriations as prescribed, repeal the original sections, and declare an emergency.

**FOLEY:** Senator Stinner, you're recognized to open on the A bill.

**STINNER:** Thank you, Mr. President. Members of the Legislature, LB780A is the A bill for LB780, which authorizes the Arts Council to use the equivalent of one-half of 1 percent of the balance of the Nebraska Cultural Preservation Endowment Fund to calculate administrative costs paid from the Nebraska Arts Humanity Cash Fund. The Arts and Humanities Cash Fund receives its revenue from transfers of investment interest earned on the balance of the Endowment Fund. LB780 would amend the amount of administrative funding that could be used from \$30,000 to right now would be calculated at \$52,500. There is no General Funds impact and there is no real fiscal impact because it comes out of the Endowment Fund. I would urge you to vote green and thank you, Mr. President.

**FOLEY:** Thanks, Senator Stinner. Debate is now open on the A bill. Senator Chambers.

**CHAMBERS:** Thank you, Mr. President. Members of the Legislature, very briefly. I don't know whether you're aware of whether Oscar Wilde or somebody else said what I'm about to say. There are some people who know the cost of everything and the value of nothing. Now this that we're being offered is a very modest cost. The value is great and Senator Stinner is lucky enough to be in a situation to bring legislation like this to us. And every now and then, something will come across this floor which does not cause me to feel any inclination to object or use it for any purpose other than to focus on what is before us to say that I support it. I know that everybody else will. And this morning, I kind of envy Senator Stinner for being the one who can act as though he is an angel of the light by bringing what he's bringing to us this morning, but I assure you that sometimes the devil comes as an angel of the light. But on the other hand, beware how you treat such-- strangers, for some have thereby entertained angels unaware. When you look at me, you don't know whether I'm an angel and you are unaware of it. You don't know whether Senator Stinner is the devil in the guise of an angel. And that should teach us all to modify and moderate our judgments. Nobody is always whatever he or she may appear to be at the instant. And it's why I, as many times as I may feel a need to castigate the body as a whole, am nevertheless able to

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work with anybody on this floor on any issue which that person supporting the issue is big enough, mature enough, to bring to me so that we can discuss it. And it is wonderful to reason together because we can get things done. I'm not going to say anything further because Senator Arch was moving his papers and I see a lot of messages and things and there was something that to his shock and amazement flew off of his papers and all he saw was what was and asked why. And I saw what he didn't dream and ask why not? But whatever force there is that caused that to happen; message sent, message received. Senator Arch, you served a very important role this morning. That's all I have. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Chambers. Senator Stinner, you're recognized to close on the advance of the bill. He waives closing. The question for the body is the advance of LB780A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**ASSISTANT CLERK:** 33 ayes, 0 nays on the advancement of the bill.

**FOLEY:** LB780A advances. Items for the record, please.

**ASSISTANT CLERK:** Thank you, Mr. President. New resolutions, LR338 by Senator Halloran and LR339 by Senator Brandt. Those will both be laid over. An amendment to be printed from Senator Bolz to LB43. That's all I have.

**FOLEY:** Thank you, Mr. Clerk. We will now proceed to the next bill. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, LB1198 by Senator Stinner. It's a bill for an act relating to appropriations to appropriate funds to the Department of Administrative Services. The bill was introduced on January 23. It was referred to the Appropriations Committee. That committee placed the bill on General File.

**FOLEY:** Senator Stinner, you're recognized to open on LB1198.

**STINNER:** Thank you, Mr. President. Members of Legislature, LB1198 would appropriate \$40,950 from General Funds to the Department of Administrative Services to be used for restoration of doors to the George W. Norris Chamber. During the interim, I was approached by the association of former state senators to inform me that the state has a unique opportunity to conduct re-- needed repairs to the doors of the George Norris Chamber, which have significant wear and tear. In

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August, Bob Ripley of the Nebraska Capitol Commission gave the Clerk of the Legislature a letter stating that the only conservator in Nebraska who could do restoration work on the doors would retire in the spring of 2020. Mr. Ripley advised that the restoration costs would be \$81,920. With that, the association has asked the Legislature to fund the repairs. This bill would fund roughly half the cost as drafted. The conservator has agreed to postpone retirement if the cost of those repairs could be funded. I was also informed that if we do not capitalize on the opportunity, costs to fund the repairs could be significantly higher to contract with an out-of-state conservator who would require the doors to be shipped out of state, whereas the in-state conservator could do it-- do so in house. This bill did advance out of committee at 9-0. There was no opposition. I will say this, that the other half will be funded out of-- and in talking to the Legislative Council has the other half as a carryover funds and so the entire amount will be funded; one through General Funds appropriation here and then obviously, from excess funds carried within the Legislative Council budget. With that, I would ask a green vote on this legislation. Thank you.

**FOLEY:** Thank you, Senator Stinner. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, the first amendment I have to LB1198 is from Senator Slama, but I have a note to withdraw.

**FOLEY:** The amendment is withdrawn. Is there any discussion on the bill? I'm sorry. Mr. Clerk.

**ASSISTANT CLERK:** Next amendment from Senator Lathrop, AM2844.

**FOLEY:** Senator Lathrop, you're recognized to open on AM2844.

**LATHROP:** Thank you, Mr. President, and colleagues, good morning. In all of the discussion about what this session is going to be about this year, we've focused on property tax relief and we have focused on business tax incentives and the next project and I feel like we've lost focus on our crisis over at the Department of Corrections. My amendment would appropriate \$52 million to build 300 Community Corrections beds in Omaha and I want to talk to you about that in the debate this morning with respect to this amendment. I'll take you to where I took the Appropriations Committee when I introduced this as a freestanding bill. In November of last, last year, 2019, the Judiciary Committee held a hearing. It was essentially a briefing in which the

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director appeared and we asked the director, how many more beds-- how many more inmates can you accept in your average daily population before you reach capacity? There will be no more room and the answer was 150 inmates. That was in November of last year. Since then, we've added 35 more people, OK? So we're 120, roughly, people away from completely full. And I come to the floor and I tell you that we have a crisis, right? And we need to figure out, as a policy matter, how we're going to address that crisis. I believe it needs to be done with Community Corrections beds and with some sentencing reform or some-- which is happening in virtually every other state in the country. After I introduced this bill to the Appropriations Committee, the Governor or the director announced that they were going to put out an RFI-- not P, I, a request for information about building 1,600 beds. And those beds were going to be built by somebody who presumably will provide some information. They're going to buy some land somewhere, build 1,600 beds, and I want-- we need to have a policy conversation about that today. I think we should do it on this amendment. I look forward to you getting engaged in this because this is an important matter. It is a crisis. It is a crisis. We are not addressing it. And that \$1,600-- 1,600 beds, which is a request for information, they're not appropriating any money. They're just sending something out and saying, tell us, somebody, if you think we can build this. And the idea is someone will build it and then we'll lease it back. And for those of you who have trouble with the idea that the state is going to borrow money, this is borrowing money because that 1,600 beds will cost something north of \$200 million before we buy the land and we'll lease it for 20 years before we own it. We will pay the cost of operation, which is typically 10 percent. So, you-- as you, as you look to property tax relief, as you look to something that's a priority for you, plan on spending about \$70 million a year. Senator Stinner can tell me if I'm off on my numbers, somewhere in that neighborhood on lease payments for 1,600 new, medium to high-security units that will be built and we'll lease back and then operate. And by the way, we can't staff the places that we have right now. This is not the solution. Colleagues, it is not the solution. If, in fact, it is a serious suggestion for a solution, I would submit that if it were a serious request, we'd have a request for a proposal and not a request for information. Now all we're going to do is a year from now, we'll come back and somebody may have hatched a plan to build units between Omaha and Lincoln somewhere on real estate we don't yet own, to operate a facility we can't staff, and more importantly, it won't solve the problem. It won't solve the problem. I've handed some graphs

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out to you. The first one-- the first thing I'd like to draw your attention to is the comments by Director Frakes that said I got room for 150 more people. I'm not making that up. I'm not making that up. There's a graph that shows where we're at relative to the facilities that are under construction right now are being built and the dashed line is the latest population projection. We will grow our average daily population by over 200 people, 200 more inmates a year. And the question today is whether we're going to build our way out of it or do something smart, thoughtful that happens inside here by the policymakers. I'm going to submit that building 300 Community Corrections bed is the direction we should go in and here's my rationale for it. First, when we did a Masters Facility study in 2014, we paid for this study and that study said we needed 300 Community Corrections beds in Omaha. This isn't Steve Lathrop's idea. This was something in a facility study, part of a Phase 1 plan. The study was done in 2014. They, they, after studying our population and studying our needs, said we needed 300 beds. But let me talk to you about it in relationship to a more holistic approach to solving overcrowding. If we have Community Corrections beds, we have people who transition to the community more successfully. I will tell you that it may also be used as a place to bring back parole violators, all right? Now I want to talk to you about this because this is a little bit of a new idea. We have people that are on parole that are paroled and they may be maintaining a job, they may be maintaining their family responsibilities, but they might have a dirty UA, some indication that they might be using drugs. We could pull them back. Right now, we take them, put them in diagnostic and evaluation and put them back in population, exacerbating our overpopulation or overcrowding problem. We could be putting these people back in Community Corrections where they could maintain their employment, continue in an apprenticeship program if that's what they're in or their educational opportunities, but run them through some substance abuse refresher and keep a tighter rein on them in Community Corrections. Colleagues, the 1,600 beds, that's not a solution. It's not a solution you're going to want to pay for. I don't even know if it's a real proposal, but if it is, it doesn't keep up with the problem. There's another graph in here; looks like a close-up graph. I want you to take a look at that. If we completed the 1,600 beds in 2024, which is about how long this would take going from a request for information to a proposal to an appropriation to capacity, we'd still be well short of design capacity for the population projections. So if you look at the green dashed line, that's our population projection. Even if we built the 1,600

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beds, the dark line that goes flat about halfway in the page, that would be our capacity. We can't build our way out of this. And if we were going to build our way out of it, we can't staff the facilities that it would take to avert the overcrowding that is-- become chronic. The solution, I believe, is making an investment, which is comparatively mild compared to building 1,600 beds. It is comparatively mild and can be coupled with some smart Corrections reforms that other states are doing, investing into the programming--

**FOLEY:** One minute.

**LATHROP:** --and into the rehabilitation. Did you say time?

**FOLEY:** One minute, sir.

**LATHROP:** I'm happy to answer questions. Colleagues, this is an important conversation to have. Do we want to commit ourselves to a significant annual outlay, in the years coming up, if this in fact materializes? We can't even staff what we have. We can't staff what we have and we're going to end up effectively borrowing money and committing future Legislatures and Appropriations' budgets to something north of \$70 million a year if you think that's the solution. I think there's a smarter way to do it. We can save money, lower recidivism and keep people in prison as long as they need to be and rehabilitate the people that are there--

**FOLEY:** That's time, Senator.

**LATHROP:** --and follow the people that are released. Thank you.

**FOLEY:** Thanks, Senator Lathrop. Before proceeding, Senator Blood would like us to recognize some guests today. We have with us 70 fourth graders from Peter Sarpy Elementary School in Bellevue, Nebraska. Those students are with us in the north balcony. Fourth graders, please rise so we can welcome you to the Nebraska Legislature. Mr. Clerk, for an announcement.

**ASSISTANT CLERK:** Mr. President, the Health and Human Services Committee will meet in Executive Session now in Room 2022.

**FOLEY:** Thank you, Mr Clerk. Discussion on the bill and the amendment. Senator Brandt.

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**BRANDT:** Thank you, Lieutenant Governor. I'd like to thank Senator Lathrop for bringing the amendment. As most of you know, I do serve on the Judiciary Committee and it has been quite an education, particularly about Corrections. I support this amendment. The state of Nebraska, we are in a crisis. We are now number one in prison overcrowding. We managed to achieve that last year by surpassing the state of Alabama. I think currently we're at 158 or 159 percent of our design capacity. This is actually quite a modest proposal to get us where we need to be. Would Senator Stinner be available to answer a question?

**FOLEY:** Senator Stinner, would you yield, please?

**STINNER:** Yes.

**BRANDT:** Senator Stinner, Senator Lathrop said that this proposal will cost \$52 million to build these 300 beds in Omaha. Have we budgeted that in this budget?

**STINNER:** We have not.

**BRANDT:** Would that be against this year's budget or would it be split between two years or, or how would we do that?

**STINNER:** It would be out of the rainy day fund. There is a little bit of a problem. The administration would have to obviously approve this and go ahead with this idea, but it would be out of the rainy day fund whenever they are able to put all of the specs together and start construction. So it's probably a two-years out.

**BRANDT:** But, but we do have the funds available to cover this?

**STINNER:** Yes.

**BRANDT:** Thank you, Senator Stinner. And with that, I would give the rest of my time to Senator Lathrop if he would like it.

**FOLEY:** Thank you, Senator Brandt. Senator Lathrop, 3:15 if you care to use it.

**LATHROP:** Yes, and thank you, Senator Brandt. Colleagues, this is not a stand-alone approach. This has to be coupled with some bills that you'll see later on this session. And it's not because, you know, the Judiciary Committee has gone soft on crime. That's a talking point

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that got us into this problem. We got to this problem because for a generation, politicians ran-- went into communities that were, were in fear for their own safety and said, I'm going to jack up the, the penalty for everything, right? We're going to have mandatory minimums, habitual criminal statutes, and we are going to increase penalties for everything; drug offenses, you name it. All those bills passed and now we're paying the price. And the difficulty is, those were, those were great ways to get elected and now we've seen what it costs. I've got to tell you, a lot of these kind of reforms that we'll be talking about that need to go along with the idea of Community Corrections capacity are ideas coming and embraced by conservatives. It's a little-- yeah, it's-- they're embraced by conservatives. These things are happening in conservative states. This is not, you know, stuff that happens in California and New York, places where you might think the liberals are, are running these kind of things. It's when the conservatives look at the dollars and say, that's not what I want to do. If we had to, if we had to develop a separate tax to pay for this, you wouldn't want to vote for it. You'd be telling me, let's look for other, other solutions. This 1,600 beds, colleagues. there's another way to do it. Other states are doing it. And Community Corrections is one of those pieces of the infrastructure that I believe need to be in place so that we can transition more people through Community Corrections, through work release and work detail, and get them back to the community. And if they violate-- if they have not, you know, not catch some parolee with a gun, but we could take guys that are struggling on parole and bring them back to Community Corrections instead of waiting for them to get picked up on a law violation--

**FOLEY:** One minute.

**LATHROP:** --and return to our Department of Corrections. Last year, there were 286 people whose, whose parole was revoked. Some of these people can go back to Community Corrections or we could send them back to Community Corrections for smaller violations instead of waiting for them to get caught doing something when they are off track. It is an important piece of a smarter approach to overcrowding and I would encourage your support of AM2844. Thank you.

**FOLEY:** Thank you, Senator Lathrop. Senator Geist.

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**GEIST:** Yes. Thank you, Mr. President. And I would ask if Senator Lathrop would yield to a question? I was just coming to ask you off the mike, so I'm sorry to put you on the spot.

**FOLEY:** Senator Lathrop, would you yield, please?

**LATHROP:** Yes.

**GEIST:** I just wanted to ask about the 2014 study. I was unaware of that and I'm just wondering if you could tell me who did this study.

**LATHROP:** Yes, I have a copy of it here. It was called the Dewberry study. It was commissioned by the Department of Corrections back in 2014. I can get you a copy of that--

**GEIST:** OK.

**LATHROP:** --or I can tell you where a link is, but it established a three-phase approach, each phase taking five years. It went through and projected the population-- by the way, it was exactly on. It projected the population of our, our prisons. It then said, to address the overcrowding and to address the capacity issues, you need to build these particular units. This was one of their recommendations in phase one.

**GEIST:** OK, thank you. And you did say something in your opening that I actually 100-- 100 percent agree with and that is programming. I think programming is what we really need to focus on. And I'm listening on your amendment, but I appreciate your emphasis in saying that programming is what we need. I think we need a good, strong Correctional system. I also think we need robust programming and ways to get inmates jobs and integrated back into the community in a successful way. So thank you. Thank you for answering the question.

**FOLEY:** Thanks, Senator Geist and Senator Lathrop. Senator Stinner.

**STINNER:** Thank you, Mr. President. I would like to stand and, and tell you what, what we're trying to get done here. This is a trailer bill for the budget and as a trailer bill, obviously when things come up, we can add to that bill and it will be part of the budget. Senator Lathrop and I had a discussion about where he needed to have this discussion. Believe me, you all that are going to be here for six years or better, this is a contingent liability that lays out there that has to be addressed. The reason we didn't advance it in the

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budget this time is because of the testimony from the director. The director says, I couldn't fill those beds. Plus, he was reluctant to ever commit to building it. So from an Appropriations standpoint, we kind of pulled off. But I want to, I want to address something. Over the six years I've been here, we have, we have actually-- going to build and have built 700 beds, 384 beds. We have capacity right now for 150 so if you do the math and you say we need 200 beds every year for the next ten years, which is in that study, you run out of beds in two years. We have put money into specialty courts. And as I addressed this morning, we're running out of judges. We've put money after money after money into the Supreme Court to try to address specialty courts. We also have put money into parole. We now have LB605 that we passed, which was sentencing reform. We were trying to describe what violent and nonviolent was and we were going to try to keep the nonviolent into the local place, where the violent goes to prison. Obviously, when I look back over my shoulder and I look at all the things that we've done-- and we've repurposed 100 beds within the Lincoln prison, so that's 800 beds. I look at that and the staffing problems that we have. Hopefully, we've addressed that with the pay increase, but I look over it and I still see accelerating numbers within the prison situation. The 384 beds will be just a temporary patch. We'll be back up probably over 150. We'll still be second or first in the country. We'll still be in a situation where we're not protecting the guards, we're not protecting the prisoners. We're not protecting, which is our duty, the safety and well-being of the people in Nebraska. Is this a solution? Yes, it's a solution. It's a part of the solution. It's another patch. It's a way forward. So the \$52 million, I can't speak to whether it's going to cost \$52 million. I would suggest community custody bed should be less expensive. But when I look at a proposition of a hundred--1,600-bed prison, one has to scratch their head and say, well, how are we going to staff it first? The second thing is to put \$30,000 against, which is a cost per prisoner, against 1,600. You get \$48 million of operating cost. So the 52 just speaks-- or the \$1.6 million, \$200 million is-- or north of \$200 million for the construction cost just speaks to that. You still have to operate it. On a lease purchase, you'll probably have 10 to 15, maybe \$20 million dollars of lease expense. So now all of a sudden, you're at about \$68 million, 55 to \$68 million of operating cost in your budget. We just passed Medicaid expansion. That's going to take some air out of the room. We all want to have property tax, property tax, hopefully, long-term reform on property tax. That's going to take some air out of it. Add another 60, \$70 million in your budget as you move forward to

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take care of prisons. There is no other initiative that you're going to be able to come up with--

**FOLEY:** One minute.

**STINNER:** --with workforce challenges that we have, with flood damages that we have to deal with, with all of the things that we would love to do. It ain't gonna be there. So I think it's a discussion we have to have. I think it's a-- one that we really need to dig down deep. We need to get the administration on board and everybody pull on that or work together to solve our overcrowding situation. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Stinner. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. The-- this AM2844 was a bill, separate bill that Appropriations heard and, and some of it's been discussed already, but we'd-- the problem I have with it; there were no specific building designs or building cost estimates-- broad. It was a \$52 million number without specific estimates and proposals and it seemed like it just might have been a number picked out of the air. That study I-- that he mentioned, maybe that was in that study. Another consideration was that the Department of Corrections says they're short of staff now and they're not sure how 300 more beds could be staffed. Whether-- if we built it, would it really be fully utilized? And the amendment, if you look at it, it says it's going to be \$52 million from General Funds and we didn't have \$52 million in our planning in General Funds. Senator Stinner said it would be out of the cap-- rainy day fund, which is a possibility if you switched it to that. It would be reducing our Cash Reserve. But I-- what I see is that we aren't working together with the Department of Corrections administration and I'd like to have seen the director be favorable towards some proposal. But whether-- we're working against what the administration is doing. It's hard for me to approve that and I'm not sure the 1,600-bed solution is the best either. But mainly, there was no specific building plan or design that we were given to our committee and also, it requested General Funds, which is the other reason that I think I did not support it as part of the budget. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Clements. Senator Hughes.

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**HUGHES:** Thank you, Mr. President. Good morning, colleagues. Wondered if Senator Lathrop would answer a couple of questions?

**FOLEY:** Senator Lathrop, would you yield, please?

**LATHROP:** Yes, I'd be happy to.

**HUGHES:** Senator Lathrop, in the study that you mentioned, the recommendation, I don't recall-- would you go over the the name of that and when it was--

**LATHROP:** It's the Dewberry report.

**HUGHES:** Yes and when was that--

**LATHROP:** 2014.

**HUGHES:** Did it mention the Work Ethic Camp in McCook at all?

**LATHROP:** Well, I'm sure it did because it went through a population projection, then it went through the facilities that we have to house the current inmates and the future inmates so that it necessarily would have covered the Work Ethic Camp.

**HUGHES:** OK. Thank you. During-- colleagues, during my time in the Legislature, I have been on a couple of different special committees looking at our prison situation and, you know, I am certainly aware that we do have a problem and we-- there are several moving pieces that need to be addressed. I think we do need more beds, but I think we knew-- we do need to do a better job of managing or rehabilitating the inmates that we have within the system, and getting them through the process better when they do get out of-- making them so we don't have repeat offenders. But my main point this morning is I, I really want to point out that in McCook, at the Work Ethic Camp, that facility was designed with expansion in mind. They have the land, they have the infrastructure. All they need are the buildings. So that absolutely is the cheapest space. If we're going to build more beds, I think it needs to be considered. The staffing issue; I don't think the staffing issue is going to be any better or any worse than it is anywhere else. I've got my staff making some calls to find out what the staffing situation is in McCook at the Work Ethic Camp, but I don't think we're probably any more lacking on staff than any other of the prison facilities. But I just wanted to put this on your radar, that if we are looking at building more beds-- and, you know, we do

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need to spend some state dollars outside of the Lincoln and Omaha area. You know, we cannot continue to suck everything into the Lincoln and Omaha area. And it does make sense in some aspects, but it does make sense to move some things to outstate Nebraska. And you know, if we're looking at dollars wherever dollar-- where every dollar is precious, you know, we need to spend them as wisely as possible. So just, just putting that out there as a possibility moving forward, that if we want to get the biggest bang for the buck, we do need to look at the Work Ethic Camp in McCook. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. President. 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. So I want to rise today to support Senator Lathrop's amendment, AM2844. Again, we have been in avoidance mode. That's, that's what we've been doing for every year since I've been in the Legislature. We have three bills that were completely avoided of mine that were ready to be heard on the floor of the Legislature and we avoided them and put other things in front of it. We actually started on the one-half rule, LB131, and we got into it a little bit. Senator, Senator Stinner and Lathrop said these are-- this is an important bill that will lead to sentencing reform that that's part of what CSG recommended for us. And yet, nothing was done. We-- we've somehow skipped over it, even though the discussion was-- I've never even seen this happen before, where we start a bill and then all of a sudden, we move to all the others and we didn't even go the three hours on the bill that we started. So that's something brand new that probably you don't realize has happened because it wasn't your bill. So-- and again, it was on sentencing reform. We also have-- I also have a bill on prison programming. I'm so glad to hear Senator Geist talk about the importance of prison programming. These are issues that need to be addressed. We have a-- we have an emergency being called in July, July 2020, remember, that the prisons are going to have to start releasing people if we're still overcrowded and the Governor has to call a state of emergency. Our, our Legislature has done nothing really to this point to deal with this issue. And Senators-- Senator Lathrop is the first to say we can't build our way out of it and I totally agree. We cannot build our way out of it. We have to do a multitude of things. We have to look at sentencing reform. We have to look at the programming issues to make sure that the people that we are releasing into the system out-- or into our

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community are safe to release. So again, this avoidance management is not working. It has been this way for six years. LB605 has not fully worked, but of course, we didn't follow all the recommendations of LB605. LB605 talked about sentencing reform. They talked about reinstating what was the one-third rule. I've added an amendment to make the one-half rule, but this pattern of avoidance, it is, is just our, our greatest downfall. We wouldn't even be talking about this had Senator Lathrop not put on this amendment. So I appreciate his willingness to do that. You know, it's interesting because every time we meet in Judiciary, Corrections says, oh, we need sentencing reform. We've got to quit stacking on all the, the penalties and putting so many people into prison that are people that we're mad at rather than the people were afraid of. That's what they say to us in Corrections-- from Corrections, Frakes has said that, Director Frakes. And then the county attorneys come in and say, oh, we don't need sentencing reform, we just need more programming. So we sit and listen to both groups. Actually, both groups are right. We need sentencing reform--

**FOLEY:** One minute.

**PANSING BROOKS:** --and we need programming. But every time one of those groups says something to us, we flinch. And so once we flinch, we're in our mode of avoidance again. We cannot build our way out of this. You know, we are not dealing with the mental health and the behavioral health issues for those that we keep putting into prison who really don't need to be put into prison. They need to be given help, mental health help and behavioral health help. So, again, we have got to stop this avoidance. We have to move forward. We have to have these discussions. Yes, there's other important issues, but really, what rule-- I hope you will ask yourselves what rule you are playing right now, that each of us is playing in this mental-- in this overcrowding crisis and this emergency that has to be called in July. Thank you, Mr. Lieutenant Governor.

**FOLEY:** Thanks, Senator Pansing Brooks. Senator Lathrop.

**LATHROP:** Thank you, Mr. President. Colleagues, I was in this body-- it had been ten years ago and we could see this coming. We could see it coming. And I stood on this floor right where Morfeld sits and said the ACLU is going to sue us. We need to do something about this, the ACLU is going to sue us because of the conditions in our prisons. And everybody looked the other way and they looked down at their shoes, metaphorically, and nothing happens. And now we find ourselves 120

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guys from completely full and we bring up a bill to help alleviate that. And we're down to about a third of the body still here listening to it because this is one of those things we can kick down the road, apparently, because we've been kicking it down the road for probably 15, 15 years or more. And it's not going to get cheaper. It's going to get more expensive. And I think we ought to start working it into the budget so that maybe people who have one issue, property tax relief, can appreciate that we're going to be spending \$70 million a year on this imaginary 1,600 dol-- 1,600 beds. They are not a solution. They are a stiff arm. What that proposal-- requests for information has done in this body is make people think that there is a solution on the horizon; it's not. If it were to materialize and it could be nothing but complete smoke, if it were to materialize, it's four years down the road at best, probably closer to five. Now we're filling that place up at the, at the rate of 200 men a year and we have room for 120 more. I don't, I don't understand why, why people aren't trying to get together and work this out. But I'm going to tell you what happens when the Director of Corrections comes in front of the Judiciary Committee. And he does the same thing in front of Appropriations Committee because I've seen Senator Stinner ask him the same questions that the Judiciary Committee asks him when he appears before that committee. And it is, what's your plan, director? I have no plan. He doesn't say, I don't have a plan. He just says, give me what I've asked for. Well, what do you want? Just give me what I've asked for. What do you want? Just give me what I've asked for. And he doesn't ask for anything. It's ridiculous. We have a crisis. We have a crisis. And everybody can't wait till we get this thing off of here so we can get on to property tax relief. We have an obligation to public safety, to run Corrections well. This isn't about a bunch of prisoners people don't care about. This is about 90 percent of them are coming back to our community. We want them reformed. We want them not to re-offend. Community Corrections affords them an opportunity to do work release before they get out. They pay rent. They pay money into the Victim's Reparation Fund when they work. This is, this is an important piece of a thoughtful approach, but I can tell you doing nothing is not an option. It's going to make it more expensive. I happen to have some experience at this. I watched us. The state ignored the Beatrice State Developmental Center, right? We were going to save money and we were going to ignore the problem. We weren't going to hire the neurologist, the professional staff. We weren't going to train--

**FOLEY:** One minute.

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**LATHROP:** --the frontline staff because we wanted to save money. That blew up. It cost us \$80 million in lost HHS funds because we lost our certification. When we ignore problems, they get more expensive. And there's not going to be a convenient time to address these issues. There won't be. This is one piece of a thoughtful approach and I would very much encourage you either to get engaged in this conversation-- and I'm happy to stand up here and answer questions. I have spent ten years on Judiciary Committee and chaired a special investigative committee. I understand the topic. I would appreciate more cooperation or more of a collaborative approach with the director. It's not happening.

**FOLEY:** That's time. Thanks, Senator Lathrop. Senator McCollister.

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues. I appreciate the sentiments of Senator Panning-- Pansing Brooks, Stinner, and Lathrop. They understand the problem better than most of us in this body, but it defies logic. While crime rates have dropped throughout the country, felony convictions have actually increased in Nebraska. Nationally, prison populations have declined by 7 percent over the last decade, while Nebraska's rates have increased by 21 percent. Using FBI numbers, Pew Research reported that violent crime rates fell 51 percent between 1993 and 2018. The U.S. property crime rate today is far below its peak and FBI data show that the rate fell 54 percent between 1993 and 2018. In Nebraska, as with the rest of the country, mass incarceration has reached a tipping point. During my time as a state senator, neither the Executive, nor the Judicial branch of our state government has adequately explained this, this aberration. The primary cause of this horrific overcrowding has been increasingly clear. Three-strike laws, minor, nonviolent felony drug offenses, and mandatory minimum sentences for gri-- violent crimes. The situation has resulted in vast sens-- sums of money dedicated to prison, sums that could be better fit to use for drug rehabilitation programs, job skill training, and of course, mental health programs. It's also unfortunate that sentencing guidelines don't incentivize incarcerated persons to complete training and take rehabilitation programs as a means to lower prison sentences. To over-- address overcrowding in the state, we must complete the task of sentencing reform that we started in 2015 with LB605. Passing LB131, sponsored by Senator Patty Pansing Brooks, would be a key step in this process. Enactment of AM1004 by Senator Steve Lathrop would help by making committed offender-- committed offenders automatically eligible for parole within two years of their mandatory discharge unless they are

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eligible for parole, parole at an earlier time. On tap-- on top of that, let's place my LB-- LR281CA with a ballot to give judges the opportunity to reduce sentences for those deserving a second look. Perhaps Nebraska should engage the Council of State Governments again to explore what would be necessary and proper solutions to the current correction problems. There is a saying, if you build it, they will fill it. The proposed quick-fix solution to build prisons will not fully address our longstanding problem of overcrowding. I firmly believe that we can reduce our overcrowding problems without jeopardizing public safety. I consider these ideas to be just the beginning of the critical criminal justice reform in Nebraska. It's time for the stakeholders to come together and finally, finally address this issue. Thank you.

**FOLEY:** Thanks, Senator McCollister. Senator Bolz.

**BOLZ:** Thank you, Mr. President. I, I debated about whether or not to stand up and speak on this issue, but Senator Lathrop reminded me that I was a member of that first special oversight committee and I want to reiterate things that were true then and are true now. We-- in order to address these problems, we need to focus on three areas, among many others, but three areas that are crystal clear to me. First, staffing. Second, behavioral health. Third, upstream solutions. And one of the reasons I wanted to stand up and speak is to tie the knots between those priorities and a few of the things that are in our budget this year. So I just pulled out the most recent race-- vacancy report for the Department of Correctional Services that I have available to me. It's from 2018 so it's a little bit old, but there are more than 290 vacant positions at the Department of Correctional Services. So staffing continues to be an issue. We can't have safe facilities or facilities that manage our population if we don't take care of our staff. So I do want to note for the body that in our budget this year, we have what reflects the union and the department's bargaining agreement, which costs an additional \$2.3 million in the first year and \$5.7 million in the second year. I think there's still work to be done in terms of, of, of responding to the needs of the Department of Correctional Services staff. But as we're thinking about passing a budget and as we're thinking about our priorities on this floor, staff at the Department of Correctional Services must be a priority and it needs to be placed on the list in the context of all the other things that folks are fighting for. The next thing I want to talk about is behavioral health services. And I think this is one of the things that is an important solution that deserves more attention when we're

talking about our Correctional challenges. Fifty-six percent of Correctional inmates have at least one mental health diagnosis and 16 percent have a serious mental health diagnosis. If we are able to serve those folks in the community, if we are able to prevent them from entering the Department of Correctional Services to begin with, we've both responded in a more humane way and decreased our prison population. What does that mean for us in terms of our responsibilities as state senators? It means we must support the providers of those services and we must expand their capacity. One of the things that you'll see in our budget proposal is about \$4 million in additional funds to right size the rates of the behavioral health providers. And let me be clear, colleagues, this isn't incentivizing best practices or giving them more than they deserve. It's getting them just a little bit closer to the actual cost of providing care. The third thing I want to talk about is upstream solutions, including specialty courts, competency restoration, and violence prevention. And we have some resources in our budget for those purposes; colleagues, not enough. And some of the things that I would really have liked to have done didn't get incorporated into this budget in the name of trying to manage multiple priorities. So what I want to communicate is that as we're talking about priorities, as we're deliberating about what is most important to all of us, as we're questioning or critiquing additional spending, I want you to understand the amount of resources that we're putting in for the priority of the Department of Correctional Services and how much remains yet undone. We have so much more work to do to fairly compensate the staff, to fairly compensate the providers of behavioral health services, to provide upstream solutions like violence prevention. We're not there yet. So I support Senator Lathrop in his efforts to be solution oriented, to look for community-based solutions. I also reiterate what we have done in the budget and what still remains to be done in the budget. I hope you consider those things as we debate the budget in the next days and weeks and as you think about other priorities, that you put in relief to the parliament of Correctional Services. They're all important. These priorities need funded and they need attention in future years. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Bolz. Senator Morfeld.

**MORFELD:** Thank you, Mr. President. Colleagues. I just want to say a few things on, on this. It's really hard to know where to start. And I think Senator Lathrop, Senator Bolz, and a few other senators have laid the groundwork fairly well, Senator Patty Pansing Brooks as well.

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As a member of that committee for the last six years, it's been tough to sit through those hearings, particularly as we talk about Corrections issues. We talk about these Corrections issues. Everybody knows that there's a problem. We've identified the problem. We understand the problem in general. But as Senator Lathrop has said, any time that we have the director come down, we go, what do you need? Well, just give us what we want. Well, we all know what they're asking for is either nothing in many cases or it's clearly not enough. It's a Band-Aid. We are not going to be able to build our way out of this problem and it's a failure at multiple different levels. First, I tell people when they come to me now, after six years of being on that committee, that this is not going to change until there is a change in leadership at the top or leadership at the top, period, on this issue. And there hasn't been. So until we have a Governor and an executive branch that takes this issue seriously and doesn't just respond with, hey, we just got to build our way out of this, then there's not going to be a substantive solution and we're going to keep filling those beds. As Senator Bolz just talked about, there are a lot of things that we can do with behavioral health that will make it so that we don't even have people going into the system that shouldn't be in the system in the first place because they didn't have their basic needs taken care of in the first place. There's a lot of folks that have nowhere else to turn. They have behavioral health issues. They have mental health issues. And we don't have any-- we don't have adequate community-based resources for them to address those concerns so they go out and they do other things that makes it so that they end up in the system. Because in many cases, the only way to get help now, the only way to get mental or behavioral health help now is to go into the criminal justice system. We have had prosecutors come down to the Judiciary Committee and beg us for more resources and other tools because they're put in the spot of we have nowhere to send these people. So the only option I have is to charge these people with something so that I can get them the resources and the help they need. That is not the criminal justice system that we need in this state. That is not the mental health and behavioral health system that we want in this state-- is to put prosecutors in the position of either charging this person so that they can get the help they need or just leaving them out on the street and potentially being a danger to themselves and their community. But that is the position that we are in today. It is a failure at multiple levels of our government. It's a failure at the top to provide leadership not only in the corrections system, but also in the behavioral and mental health system. It's a

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failure of local level officials and in some cases in judiciary and not taking advantage of the tools that we have given them in LB605 and in other instances for probation. I hear from some of our public defenders that we have prosecutors that are charging people for residue cases with Class IV felonies. That's insane. Residue-- automatic Class IV felony. That's where they start. There are a ton of other misdemeanor charges that would be more appropriate that they can charge. You know what happens then? That person sits in a county jail in that county. Want to talk about property tax dollars? If you go look at your county's budget, which I know many of you do, a lot of it is criminal, criminal justice and public safety.

**FOLEY:** One minute.

**MORFELD:** That's property tax dollars that you'd otherwise be paying. We have people going to prison for residue cases on a regular basis. It makes no sense. There must be leadership not only in the Legislature on this, but there has to be leadership on the executive level on this, on the state level. There has to be leadership on the local level from prosecutors and judges. They have to use the tools that we gave them. And it can't-- we can't-- the time for excuses and being tough on crime all the time, it doesn't make any sense anymore because what it is doing is it's making our public less safe. It's making our state less safe. There has to be leadership on this and we can't just gloss over because it has an impact on all aspects of our state public safety, property tax, and the future of our state in terms of the people getting the resources they need so they can be successful and they can provide for their families. Thank you, Mr. President.

**SCHEER:** Thanks, Senator Morfeld. Senator Morfeld would like to acknowledge 40 guests, the LBTQ [SIC] Nebraskans for LBTQ [SIC] lobby day across Nebraska. They are located in the north balcony. Would you please stand and be recognized by the Nebraska Legislature? Thank you all for coming. Returning to the discussion on the floor. Senator Stinner, you're recognized.

**STINNER:** Thank you, Mr. President. Members of Legislature, I'd like to clarify something, if you will. Senator Brandt asked me if we had the money. We do have \$731 million in the rainy day fund. If it is our priority that we spend money on building prisons, so be it. But we also have other priorities that are sitting out there. One of them is about a \$300 million request from UNMC for a biocontainment unit, a

research unit. Another one is uncertain times that we're in. How much is the Coronavirus going to cost us? And do we have to dip into the rainy day fund? So be careful about my answer and I'm-- and maybe it was my fault that I misled some people to think that we can just spend the \$52 million, put it in a rainy day fund and plan for it. That was not the case. I do want to add a little bit of balance to this whole discussion. I think when I came in, so did the current administration come in. They have supported LB605. They have supported specialty courts. They have supported 700 beds. So it isn't like the administration is ignoring the problem, the problem is just running away from us. The problem accumulated before we ever got here. So we are trying to take positive steps, trying to get a plan put together. And what I'm trying to do is call everybody together and say this is a contingent liability. This has to be addressed. I am not a big fan of spending precious resources to build prisons, but if that's the decision, if that's the priority, if that's how we address this, so be it. But right now, I am not going to support this \$52 million right at this point in time. I think that we need to draw back a little bit, put this on our radar screen, make it a priority to discuss these issues because you, who are going to be here longer than me, are going to have to confront it at some point. Now it might be sentencing reform. We've talked about that. Is that soft on crime? I'm not an attorney. I don't know the answer to that. I need these smart people to get in the room and say this is what we can do, this is what we can't do. But right now, you're running to 200 beds a year. That's what the study shows for ten years. You know, if, if that's a true story, then we'd better have some special meetings. We better have a task force taking a look at this and really getting together with the administration in a cohesive plan and moving forward. I don't think you'll get pushed-- pushback from the administration. As Senator Lathrop and I are both are pretty, I guess, frustrated with maybe some of the reaction that we get from Director Frakes. You know, I think he can come on board. Community custody beds are going to be a part of the solution. They're the cheapest beds we have. They're the cheapest operating costs. We just have to get some more programming put in place. There's a lot of things that we have to do, but throwing money at it at this point in time, this with-- because we think we need to throw money at it to say we did something I, I can't support that. So that's my position today. I'm sorry that I misled people that we got all this extra money. That is not the case, that we don't have extra money. Let's preserve what we have. We got a lot of uncertainties ahead of us. We'll be talking about the budget tomorrow. But good

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discussion and I think it's a discussion that Senator Lathrop needed to lead, needed to lead this discussion because I think you all that are only here for two years, you all that are leaving, it probably doesn't impact us as much as the folks that are coming in behind. You have to have this in-depth discussion. This is a contingent liability. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Stinner. Senator Linehan, you're recognized.

**LINEHAN:** Thank you, Mr. Speaker. And I want to thank Chairman Stinner for that clarification. I have-- I know that Senator Lathrop is very concerned about this issue and I appreciate this, but this is \$52 million. And I am not aware that we've had hearings. I don't-- I'm just kind of dumbfounded by this. We've spent hours and hours in Revenue Committee fighting over \$10 million and what to do with it, on trying to figure out property taxes. And to come with an amendment to the floor to spend \$52 million without-- I'm not clear on what the cost is going forward. It seems to me if we're going to do this, there needs to be a lot more information shared with all of us and we need to understand the long-term consequences of this. And it's-- I just-- I don't see us passing an amendment to spend \$52 million without a little more background. Thank you, Mr. Speaker.

**SCHEER:** Thanks, Senator Linehan. Senator Brandt, you're recognized.

**BRANDT:** Thank you, Mr. Speaker. I still stand in support of AM2844. Senator Morfeld was absolutely right. I don't say that very often, but when these next hundred beds are full, guess what the relief valve is? It's every county jail in the state of Nebraska. They're going to go to Jefferson County. They're going to go to Saline County. That's where the overflow is going to go. And usually, they try and ask the prisoners if they want to go back to their home county or whatever and they try and screen that as best as they can. And I've had my county sheriffs tell me the state is a little slow on paying the bills. So what's going to happen then is the local property taxpayers in that county are going to end up supporting these state inmates. Mark my words. Talk to your county sheriffs. It's happened in the past. Maybe it's not right now, but that's probably what's going to happen. Senator Hughes asked that maybe some of this could go to the rural areas. That's fine. Today, we hire people in Omaha, put them on buses, bus them to the Nebraska State Penitentiary every day and to Tecumseh. They get paid an hour and a half every morning to ride to Tecumseh and

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they get paid an hour and a half to ride back to Omaha every day. We cannot find enough people in our areas, certain areas of the state to staff these kind of jobs. It's somewhat also on YRTC's. We sort of see the same effect. You know, we've raised the-- raise the salaries and that has helped on that problem. Senator Lathrop, could you answer some questions for me, please?

**SCHEER:** Senator Lathrop, would you please yield?

**LATHROP:** I'd be happy to.

**BRANDT:** Senator Lathrop, you're proposing that this be a Community Corrections type of a facility. Can you describe for me what Community Corrections is?

**LATHROP:** It is the lowest level. It is where individuals, inmates are sent as they transition to their parole eligibility or, or release. Generally, there is no fence around the place and they are permitted opportunities to leave the, leave the facility. Typically, they start out and do a period of time, which is work programs. They may clean the office buildings for the state or they may pick up papers on the side of the road. At some point, when they establish their willingness to follow the rules and they've been there a while, then they're allowed an opportunity to work. They can leave the facility to work and they come back at the end of the day. While they are there, some of them are still getting some of the nonclinical programming.

**BRANDT:** Do these inmates pay rent?

**LATHROP:** Yes. Those that are there and earning a wage pay, I think it's \$12 a day to stay in Community Corrections.

**BRANDT:** So they help defray the cost of, of their incarceration; would that be a correct statement?

**LATHROP:** They do and they bank money. So when they are released, they have something in their pocket to go rent an apartment and perhaps get a cell phone or a car or something like that and pay child support. Things like that, things we want them to do.

**BRANDT:** So basically what we're trying to do is, is move these people from incarceration to essentially a halfway house so that when they come back to our communities and 85 percent of the people that are incarcerated today will be coming back home-- if your home is

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Fairbury, Lincoln, or Omaha, you want these people to get their programming. Would that be a fair statement?

**LATHROP:** That's true.

**BRANDT:** Thank you, Senator Lathrop. Senator Linehan, I couldn't agree with you more. We should all be concerned about this and--

**SCHEER:** One minute.

**BRANDT:** --in my short time on the Judiciary, this is a very modest proposal. If we don't do anything about this now, it's just going to grow out of control. The \$52 million being proposed today is going to be a whole lot cheaper than that 1,600-bed private prison. That if that private prison gets built, there will be a margin involved with that that all the taxpayers of the state of Nebraska are going to be forced to pay. So let's all keep that in mind and vote green on AM2844-- 2344-- 2844. Thank you.

**SCHEER:** Thank you, Senator Brandt and Senator Lathrop. Senator Wayne, you're recognized.

**WAYNE:** Thank you, colleagues. Thank you, Mr. President. Thank you, colleagues. I wasn't going to speak on this issue, but Senator Morfeld said something about a residue case, which I actually lost when, when I was a defense attorney. I still am a defense attorney so let me give you an idea what a residue means. Residue is a nonusable amount. That means if you have a pipe, it is what's left over after the-- you smoke it all or somebody else smokes it all. You cannot actually use it. There's no way for you to physically, chemically use the product, but because the pipe is yellow, it has residue and they can test that residue for some chemical, although you can't use it. So it's a nonusable pipe and it's a Class IV felony. In a Class IV felony, and this is a bigger issue and I guess the purpose of this conversation is, if we don't do something today, we are definitely going to pay for it tomorrow. So while I understand Senator Linehan's concern about dollars, well, the reality is, is we're spending the money anyway. So on a Class IV felony, there's a presumption of some type of probation. That presumption goes away after what they call a PSI, which is probation, does an interview with somebody, and it's a-- they do an evaluation based off of a chart that says you should go to prison or not. I can tell you, in my ten years of practicing criminal law, I've never had a PSI on, no matter what the charge is, that says probation.

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It always says straight sentence. So there are some flaws there, but I want to talk to you more from an economic standpoint. If we don't want to spend the \$52 million, there are other things we can do. I have a felony tax credit bill in Revenue that's only 3 to \$4 million. But now let me put this in conjunction with why Community Corrections works. And here's why this-- how it works together. In my district, I have about five to six companies that I meet with on a regular who can-- who tell me every year that second and third shift, they have 40 to 50 jobs that are currently open. They are literally less than a mile away from Omaha Community Corrections. Imagine if we could just simply move people down to these jobs. They're your best employees. They get drug-tested on a regular. They have an actual home where they have to go to every day called Community Corrections. So they'll show up to work on time because they actually are transported by Corrections. And I can tell you that if we were to start changing how we look at our prison system and go with the idea of Community Corrections, there would be places like Norfolk, Gering, Grand Island, all over the state where they are having a hard time finding jobs in the labor market and you can open up something like at the federal level that's in Hastings, like a halfway house. In Hastings, it works well. I can call Senator Halloran on the mike and he will tell you it works well. I believe he sits on the board. It works well because there is structure around individuals who are being released back into the system-- back into society. But the better part or the more important part is they are giving the opportunity to make dollars. Why is that important? Because if I jam out and I don't have dollars being made-- jammed out means I finished my sentence and I walk out of prison with no money. I call the same people who I was around to-- that got me in prison. I go back to the same family or friends that I have to stay with because I have no home or apartment to go to. So guess what?

**SCHEER:** One minute.

**WAYNE:** In the first six months, in the first six months, recidivism is high, particularly those individuals who don't have a place to live and who cannot live day to day off of what they have. Its basic sense, common sense. So we have got to have a conversation and maybe \$52 million isn't the number right now, maybe we have to spread it out and maybe we need to look at each community. I would challenge every senator to go back to your district and find employers who can-- who can't find 20 people over the last five years to fill a job and there's your answer. You're creating jobs in your district and you're actually reducing the prison population. And in hindsight, you'll

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actually come back to find out, five years from now, you lowered property taxes because there is a direct connection between your county jail and prison. And I can get into that a little bit more if, if, if I feel like it enough, I feel like keep talking. So--

**FOLEY:** That's time, Senator. Thanks, Senator Wayne. Senator Friesen.

**FRIESEN:** Thank you, Mr. President. Senator Lathrop, would you yield some questions?

**FOLEY:** Senator Lathrop, would you yield, please?

**LATHROP:** Yes.

**FRIESEN:** Senator Lathrop, you know, this bill, like you said, it came in front of Appropriations and they chose not to prioritize it. So if we, if we do provide the funding, what is-- what method is there that they will have to build a prison or they will spend it? We've done this before. We've sent money out and they didn't do anything with it. So is there a plan? Is there a, is there a-- I don't disagree with your rea-- your reasoning or anything else. I, I, I believe this is probably the direction we're supposed to go, but what makes this happen besides just the appropriation?

**LATHROP:** You'd have to ask somebody on Appropriations Committee. It is baffling that we would make policy in here, appropriate money, and they would say, I'm not spending it. If that's, if that's--

**FRIESEN:** But that has happened before in this place, has it not?

**LATHROP:** I can't-- I'm not going to say it hasn't. I know a long time ago, I tried to get more people over at the Department of Labor to enforce the misclassification statute and they wouldn't hire the people. So I, I don't know what they would do with this appropriation.

**FRIESEN:** I'm looking at the process and you've laid it out really well. I won't disagree with what probably needs to be done, but without some sort of plan laid in place, we can say that we're going to do this, but again, sometimes nothing happens. But thank you, Senator Lathrop. So I-- so I'm, I'm reluctant to stand here and say I'm going to support this, but I'm listening yet and I do like the idea of how this would work. And I think longer term, you're right, we could, we could bring this out into some of the rural areas where you get people out there and you do get them jobs where they're needed. So

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I'm not opposed to the principle of it. I think that is probably going to be the answer down the road. I wish that there was a more formal plan that it specifically went through this process and through a hearing process that we could address it in that manner. So thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Senator Wayne.

**WAYNE:** Thank you, Mr. President. So let me tie it back to how this would work in rural communities and how it would work over. And again, if you don't like \$52 million, I'm pretty sure we can sit down-- and I guess I'm not speaking for Senator Lathrop, but I'd be willing to sit down and we can figure out how to really create halfway houses. And we don't have to necessarily say we're going to give them money, they won't do it. We just appropriate certain crimes and we say-- every week, we pass bills around certain crimes. And your probation consists of being in a halfway house and we can do things, out-of-the-box thinking to make that happen. But here's how it works back to the bill that I introduced and why it's all connected because then you have employers such as employers in my district who now are incentivized or employers in Norfolk that I know need it. I know employers in Grand Island need it, that there are third and second and third shifts. They are now incentivized to hire these individuals because not only do they get a tax credit at the federal level, they get a tax credit at the state level. So all of their worries of background checks and all these things about drugs and everything else, all that is confined because people show up on time. People leave on time. They're drug-tested on a regular and we're actually building something. We're building something. We're building opportunity. We're building create-- we're building real jobs. We're creating real trades for these individuals and when they leave, they have something at the end of this. That is the key of how we change recidivism. Now let's talk about it from a taxpayer standpoint. How much money do we spend on prisons per inmate? I believe it's a little over \$40,000. And I said this in Revenue when I brought the bill, the bill pays for itself. Community Corrections pays for itself within two years, just by the simple fact studies have shown if people come out with housing and a job, their recidivism rate drops 15 to 20 percent. That means we reduce the \$41,000 we spend per year on a prisoner. Every time they're out, they're not coming back by 14 to 20 percent. It pays for itself within two years, two years. It pays for itself. But we're stuck in this mode of prisoners in a prison and nothing else. But at the end of the day, we have to remember this one fact. Ninety six of the

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percent-- prisoners in prison will one day be back out. And we have to decide whether we want 40 to 50 percent of them to go back in on a regular because that's really the recidivism rate we're talking about. About half of them, particularly those who don't have jobs and a place to live when they get out-- and I don't mean a place to live to go back to, I mean something different from the environment in which they had-- will, will commit another crime. That's the fact. So if you don't like this, I would, I would have urged you to come up with a different solution. If you don't like the number of \$52 million, come up with something. And we already have a vehicle on which we can do this. We can do this through the Nebraska Crime Commission. We can provide grants this year if we wanted to, to create halfway houses and get it done now. We don't have to wait. There's plenty of avenues to move. So if you don't like \$52 million, then pick, pick a number you do like. Pick a number you do like. Pick a number we can all agree on and let's try it. Again, you have to look no farther than Hastings. There is a federal program there. You have to look no farther than Council Bluffs. There is a federal program. There's a reason the feds have halfway houses because it works. It works to reintegrate people back in society and we need to do more of that. Yes, we have to have prison reform. If it's a nonviolent felony, it shouldn't be habitual. If it's a city ordinance, you shouldn't be sentenced to over a year consecutively so you have to do two years in the county jail. That-- there is issues like that. We can fix all that--

**FOLEY:** One minute.

**WAYNE:** --next year in a bigger discussion. But this year, pick a number. Let's provide some grants. Again, Hastings already has an example. We can expand Hastings right now and provide additional funding for them to show how it works, but it works right now in Hastings. And if you don't believe me, ask Senator Halloran. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Wayne. Before proceeding, Senator Moser would like us to recognize some guests today. We have with us 20 fourth graders from the Senator's alma mater, St. Bonaventure School in Columbus, Nebraska. Students, please rise in the north balcony. We'd like to welcome you to the Nebraska Legislature. Continuing discussion. Senator Ben Hansen.

**B. HANSEN:** Thank you, Mr. President. I first-- I want to-- I actually do want to thank Senator Lathrop for opening discussion about this and

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for his continued determination and fervency for a, for a proper Corrections reform and, and a kind of general promotion of the Corrections system to make sure that we're being adequate with what we're supposed to do as a state government. And most of you kind of already know my philosophy about government. It should be limited. It should only do certain things. It should-- it shouldn't have played a huge role in our lives, but I think one of the things-- this isn't something I discussed before. I think one of things that it should be doing is providing for the protection of our property rights, ensuring public safety. And I think that's where this amendment kind of falls into. So this is sometimes where I'm a little torn because I think this is a state's role and I think it is a priority. You know, there's, there's certain priorities I think we should have as a state government and sometimes I think we kind of forget about them. One of them is infrastructure like I've talked about before, roads and bridges. I think that's a general role of government that we should all appreciate. And also playing a role in the welfare of those who have no responsibility about the lives or about, about the condition that they're in in their lives, such as those who are developmentally disabled, physically disabled. And so when we have those who are children, adolescents who are developmentally disabled and we're not-- you know, we're talking about kids who have CP, kids who require around-the-clock care, parents who can-- cannot work because they're taking care of their children and they have a five to seven-year waiting list to get on Medicaid. I think that's-- I'm trying not to swear because there's kids. That's pretty ridiculous, actually. And we sit here and nitpick about little bills that cost a \$100,000 or \$500,00 or \$1 million and we're unwilling to look at those who actually do need help and who actually, the government should play a role in helping take care of because of the cost that's required to take care of these people. I think-- I just want to make-- I just want to remind everybody about that. And so anyway, back to Corrections. I think there is a role that we can play in Corrections, but I just-- I've been listening to discussion. I've been looking through this bill. I just feel like maybe this probably isn't the right approach. But I would like to see a little bit more direction or I want to say leadership, but more of a prompt plan from the administration to address the Corrections problem and I think that's what Senator Lathrop was trying to get to the heart here. He's starting the conversation. I think he generally wants to see something happen here, but I also generally think that he wants to see the discussion continue here and not be forgotten. Maybe push some people to kind of

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get some things done, which, which I think is admirable. And so a new facility that is adequate to house the current overflow and also the influx of inmates that we're expecting in the future, I think is probably the more-- the appropriate approach. But I think it is something that does need to happen sooner than later. I know we talk a lot, but I think it would be appropriate to start getting some plans put together from the administration to make sure that we can address this problem again sooner than later. So again, I do appreciate Senator Lathrop's determination here, but I just feel like this is probably not the right approach right now. And so I am going to vote against AM2844, but I feel like I at least had to get up here and say some before I do. I'll yield the rest of my time. Thank you.

**FOLEY:** Thanks, Senator Hansen. Senator Wishart.

**WISHART:** Thank you, Mr. President. I, I did want to ensure [SIC] the body that we did hear a version of AM2844 in front of the Appropriations Committee. Senator Lathrop brought a bill which would add about 300 Community Correction beds and we had a public hearing on it. I think most of you know, I tend to be somebody who usually keeps my cool and this is probably one of the most frustrating committee hearings that I've ever witnessed. And I actually did lose my cool a little bit in this hearing because what we heard from the administration is that if we are to fund this initiative brought by Senator Lathrop, the money would likely not be spent. And as a budgeting committee, when we have significant priorities in terms of funding people with disabilities and their providers and in terms of managing the floods and in terms of dealing with public health crises like we are now, we need to make sure that every dollar that we appropriate is spent. With that said, I commend Senator Lathrop on continuing to lead and push us on this issue. I represent District 27. We have four of the Correctional facilities within the district. So in a way, I represent over 50 percent of the inmate population who lives within those Correctional facilities, as well as many of the staff who work in the facilities and live in nearby neighborhoods. I remember when I went door to door, I would knock and unfortunately wake up sometimes some of the staff who work on third shift and I've never seen people so tired in my life. The issue is that when we think about overcrowding, we talk about the impacts it has in terms of recidivism, but we also need to talk about the impacts and the safety it has in terms of the staff who work within the facilities. I know many of you had an opportunity, hopefully last week, to meet the niece of a Correctional officer who was violently and brutally injured on the job

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and is currently within the hospital system now. And the issue that he was dealing with is that we are understaffed at our Correctional facilities. And not only that, but then you add in rooms filled above capacity with people and we're just waiting for more of these issues to happen if we don't address it this year. And she is incredibly brave. She's young and she's brave. And she came here to look us in the eyes of senators and say, what are you going to do to make sure that our facilities are safer for staff? Since that incident has happened, I have heard from maintenance workers. I've heard from other Correctional officers emailing me, concerned about their safety in a way that they haven't been before. So we need to do something this year, something more than what we're currently doing now. I will say in our budget, we are trying to do more with problem-solving courts. We're increasing Correctional officer salaries. We are, we are continuing to invest in programming. We're trying to do some more interesting things thanks to Senator McDonnell in terms of vocational training and apprenticeships, but it's not enough. It's not enough to solve what is one of-- should be one of the most priority issues we deal with.

**FOLEY:** One minute.

**WISHART:** And so I think if we're going to move forward on putting money towards a Community-style Corrections beds, we're going to have to think of a more creative way to ensure that those funds are spent. Thank you.

**FOLEY:** Thank you, Senator Wishart. Senator Lathrop, you're recognized to close on your amendment.

**LATHROP:** Thank you, colleagues, and thank you, Mr. President. So I want to respond or address a couple of things that I heard. One is that somehow, this is an idea that I hatched up, that there's no plan, that I haven't had any input from people that know what they're talking about, other than the ten years I've spent on the Judiciary Committee and the year I spent investigating the Department of Corrections. This is something that a report we bought and paid for after a facilities and a population study recommended. This is something that has been recommended by Marshall Lux, who was the Ombudsman for years and years and years and studied the issue. It's been recommended by the Inspector General and it is, it is consistent with a holistic approach that must involve some kind of Corrections reform. But the argument and Senator Friesen brought it up, which is,

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well, what if the executive branch doesn't spend it? I want to, I want to talk about that one for a second because we've lost sight of the fact that we are a separate branch of government. We make policy and it's time that we address this issue. It needs policy direction. I think this is an important part of that. And now I can't make the executive branch spend money, but I want to tell you how we got here or remind you how we got here because back in 2006, we had a facility study done. It was handed to the director and to the then Governor. It said if you want to meet the needs, you need to build 1,300 beds. And you know what we did or they did? The executive branch hid that report. They shared it with nobody. I was on the Judiciary Committee at the time. We had no idea that report was even done or shared with anybody. And instead, instead, the Governor said, let's go with the no-cost approach. That meant we start furloughing people in a program that was unlawful. We start putting people out on parole that didn't belong there. We started not taking away good time every-- and miscalculating sentences, all to get people out the door. I appreciate-- you need to appreciate how we got here. We will, we will need to make a policy decision about how we address overcrowding because it doesn't always come from the other branch of government. Now having said that, I appreciate that this Governor inherited the mess left by the last administration, all right? Governor Heineman could have authorized or found a way to pay for the 1,300 beds we needed back in 2006 and he didn't; built no beds. And that's where this administration found itself when he walked in the door and was-- and when the Governor was sworn in. That's true; doesn't change anything. It might be an example of what happens when you kick the can down the road again and again and again and say, I don't like the plan. Let's study it again. I don't want to spend the money. Those are all the things that got us to where we are today. Over 180 percent of capacity, within 120 percent-- or 120 people have-- completely full on the men's side. I didn't make this up. This was in a facility study. Marshall Lux has advocated for the same thing. It has to be part of a different approach. I can't make the Governor spend the money. I will recognize and acknowledge and, in fact, I supported the 384 high-security beds that we appropriated money for last time. And I appreciate the things that have been done, but they're inadequate. They're not addressing the problem. You'll see some bills that'll come from Judiciary Committee that deal with some thoughtful sentencing reform. You need to remember this conversation because it's the one thing we have control over. I can't make the Governor spend the money, but I do know what happens when they don't. We get into a mess and we

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hand it to the next administration three years down the road. And the RFI, colleagues, that's not money this administration is ever going to appropriate. They'll never have to because the whole thing will be kicked down the road into the next administration.

**FOLEY:** That's time.

**LATHROP:** Thank you.

**FOLEY:** Thanks, Senator Lathrop. Members, you've heard the debate on AM2844. The question for the body-- Senator Lathrop.

**LATHROP:** I'd like a call of the house and a record vote in reverse order,

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

**ASSISTANT CLERK:** 21 ayes, 4 nays to place the house under call.

**FOLEY:** The house is under call. All members, please return to the Chamber, check in. The house is under call. The house is under call. All members, please return to the Chamber and check in. The house is under call. Senator Bolz, could you check in? Senator Vargas, check in, please. Senator Geist. Senator Chambers, if you could please return to the Chamber? The house is under call. All unexcused members are now present. The question for the body is the adoption of AM2844. There's been a request for a roll call vote in reverse order. Mr. Clerk

**ASSISTANT CLERK:** Senator Wishart.

**WISHART:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Williams.

**WILLIAMS:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Wayne.

**WAYNE:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Walz.

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**WALZ:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Vargas

**VARGAS:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Stinner.

**STINNER:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Slama.

**SLAMA:** No.

**ASSISTANT CLERK:** Voting no. Senator Scheer. Senator Quick.

**QUICK:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Pansing Brooks.

**PANSING BROOKS:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Murman. Senator Moser.

**MOSER:** No.

**ASSISTANT CLERK:** Voting no. Senator Morfeld.

**MORFELD:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator McDonnell.

**McDONNELL:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator McCollister.

**McCOLLISTER:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Lowe.

**LOWE:** No.

**ASSISTANT CLERK:** Voting no. Senator Linehan.

**LINEHAN:** Not voting.

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**ASSISTANT CLERK:** Not voting. Senator Lindstrom.

**LINDSTROM:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Lathrop.

**LATHROP:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator La Grone.

**La GRONE:** No.

**ASSISTANT CLERK:** Voting no. Senator Kolterman.

**KOLTERMAN:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Kolowski.

**KOLOWSKI:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Hunt.

**HUNT:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Hughes.

**HUGHES:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Howard.

**HOWARD:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Hilkemann.

**HILKEMANN:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Hilgers. Voting--

**HILGERS:** No.

**ASSISTANT CLERK:** Voting no. Senator Matt Hansen. Senator Ben Hansen

**B. HANSEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Halloran.

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**HALLORAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Groene. Senator Gragert. Senator Geist.

**GEIST:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Friesen.

**FRIESEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Erdman.

**ERDMAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Dorn.

**DORN:** No.

**ASSISTANT CLERK:** Voting no. Senator DeBoer. Senator Crawford.

**CRAWFORD:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Clements.

**CLEMENTS:** No.

**ASSISTANT CLERK:** Voting no. Senator Chambers.

**CHAMBERS:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Cavanaugh.

**CAVANAUGH:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Briese.

**BRIESE:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Brewer. Senator Brandt.

**BRANDT:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Bostelman.

**BOSTELMAN:** No.

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**ASSISTANT CLERK:** Voting no. Senator Bolz.

**BOLZ:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Blood. Senator Arch.

**ARCH:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Albrecht.

**ALBRECHT:** No.

**ASSISTANT CLERK:** Voting no. The vote is 14 ayes, 13 nays on the amendment.

**FOLEY:** Thank you, Mr. Clerk. The amendment is not adopted. I raise the call. Is there further discussion on the bill? I see none, Senator Stinner, you're recognized to close. He waives closing. The question for the body is the advance of LB1198 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**ASSISTANT CLERK:** 39 ayes, 1 nay on the advancement of the bill.

**FOLEY:** LB1198 advances. Proceeding to the next bill, please.

**ASSISTANT CLERK:** Thank you, Mr. President. LB910, introduced by Senator Stinner. It's a bill for an act relating to the Secretary of State; provides for, changes, and eliminates fees and collection, distribution of fees; creates, eliminates, and transfers funds; eliminates provisions regarding failure to report interest in certain real estate and powers and duties regarding centralized computer system equipment; eliminates obsolete provision; provides an operative date; repeals the original sections and outright repeals several sections. The bill was read for the first time on January 10 of this year, referred to the Appropriations Committee. That committee reports the bill to General File with committee amendments.

**FOLEY:** Thank you, Mr. Clerk. As the Clerk indicated, there are committee amendments. Senator Stinner, it's my understanding you prefer to open directly on the committee amendment; is that correct?

**STINNER:** Yes.

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**FOLEY:** Please proceed.

**STINNER:** Thank you, Mr. President. Members of the Legislature, LB910 and-- as amended would consolidate four cash funds under the Secretary of State into a single cash fund to reduce General Fund reliance and align the organizational structure of the office with its funding structure. In support of the foregoing, it would change and restructure certain fees assessed by the Secretary of State, which also promotes consistency and uniformity among business filing as well as incentivize online filing. I would like to point out that most of these fees have not been changed in more than 20 years and most of those that would be changed under the bill are less than the inflation rate. The four budget programs and cash funds include-- included under the consolidation in this bill would be the Uniform Commercial Code Cash Fund, Corporation Cash Fund, Collection Agency Fund, and Administration Cash Fund. For management and accountability purposes, the activity of each of these four programs will continue to be separately tracked. Under LB910 and amended, General Fund reliance would be eliminated entirely from these four programs. Net effect on the General Fund is expected to be an increase of 163 in fiscal year '22. This would be 137 projected revenue loss, offset by \$300,000 in expense savings. This is important to keep in mind as there will be an estimated \$1.5 million in technology expenses coming within the next three to five years, with an ending cash balance in the new fund projected to be at a six months of expenses or 1.5. Finally, an important objective of this legislation is to streamline business entity filing fees and incentivize online filings. To that extent possible, initial filing fees were adjusted to be \$110 in-house and \$100 for online filing fees, while subsequent filing fees were set at \$30 in-house, \$25 online regardless of entity type. There is-- AM2163 would reinstate and strengthen the language on page 51 of the bill, lines 9 and 10 requiring filing-- requiring the filing office, which is usually the Secretary of State's Office, to accept and answer inquiries on records maintained by the Secretary of State's Office. I would urge you, your green vote, members, on AM2163 and LB910. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Stinner. Before proceeding, Senator Vargas would like us to recognize some guests today. We have with us a group called the Heartland Workers Center from Omaha, Schuyler, Columbus, Grand Island, Bellevue, Fremont, and Nebraska City. Those guests are with us in the north balcony. If they could please rise, we'd like to

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welcome you to the Nebraska Legislature. Debate is now open on LB910 and the pending Appropriations Committee amendment. Senator Morfeld.

**MORFELD:** Thank you, Mr. President. Colleagues, I rise with serious concerns about this legislation and I want to have a little bit of a discussion about it here today. First off, this is a lot of fee increases. And normally in the past-- my past six years, we've taken fee increases in a much more incremental approach. I'm not opposed to fee increases. I actually supported the marriage license fee increase even though I was one of the few people that would actually be impacted by that in this body at that time. I supported and introduced legislation that, quite frankly, made it so that we had a bigger fee and it was a \$1 fee increase at that time to be able to provide more services to low-income folks that needed legal help. In this case, I have a list here, there is 67 fee increases in this bill and that's an issue. I don't even know where really to start. And quite frankly, this only came on my radar yesterday so I'm trying to get the whole grasp and scope of this. I'm not necessarily opposed to the Secretary of State changing their cash fund and making and streamlining it and making it a little bit different. I, I don't have a huge issue with that. That's the Secretary of State's prerogative. It still has to be approved by the Appropriations Committee. I think that's fine. But this amount of fee increases, 67, if the math is correct, is something that deserves a lot of discussion. And from my understanding, the Secretary of State came in. I've not seen the committee transcript yet. I've only talked to some of, some of my colleagues. My understanding is the Secretary of State wants to use this for technology upgrades and some other things. But there is no-- I have not seen any solid exact upgrades or reasons why. And I'll be honest with you. In the past when we've dealt with fee increases that are in statute, the people that have come to us have come to us with very specific reasons why-- what this money is going to go towards. Exactly what initiative is this going to achieve? And this is very anomalous. I get it if a state agency wants to become cash based and fee based. I think that there's legitimate reasons for that, pro and con. But this amount of fee increases has a big impact. And when we're talking and particularly when we're trying to talk about increasing revenue so that we can, for instance, achieve property tax relief and the Governor's office comes down and says any revenue increase, doesn't matter; even if we're taking away a sales tax exemption or something, we see that as a tax increase. What is 67 fee increases then? This isn't, this isn't a tax, a tax increase? I mean, for corporations

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alone, I mean, if you want to start a small business, there's multiple increases in here for small business startups. If you want to talk about my industry, which actually has the least amount of fee increases, actually, is the nonprofit. I'm counting one, two, three, four, four fee increases. There are some-- to the Secretary of State's credit, there are some fee decreases in here, but they do not outnumber the fee increases as well. So colleagues, I give deference to the different constitutional executive officers on how they want to run their agency and their department. I don't have any problem with that. If they want to create a different type of cash fund system, as long as it has still the oversight of the Appropriations Committee, I'm generally fine with that.

**FOLEY:** One minute.

**MORFELD:** But 67 fee increases needs to be addressed and discussed a little bit more thoroughly. I understand that some of these fees have not been increased since the '90s. But some of these fees have been increased recently, as the 2000s. And so this deserves discussion and debate. I'm going to get back on my mike. We'll go through some of these specifically, but I just want to note that this has nothing to do with the Secretary of State in terms of how I feel about him. I think he's ran his department fairly well. I respect that he should have some discretion, particularly when it comes to his cash funds. But that being said, these deserve discussion. And I think we're going to have more discussion this morning and hopefully this afternoon. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Vargas.

**VARGAS:** Thank you, colleagues. So I was the lone not voting in this. And so there's a couple reasons why and so I wanted to provide a little bit of that background. I was not voting and I think to some similar vein to Senator Morfeld, when we had this hearing, I would have probably liked to have seen a more gradual increase in fees and then a little bit more pointed purpose to where the fees are going to go. As you know, in the past, we have debated fee increases here on the floor and some of them are really worthy and some of them are not. And we debate those. And then-- and we've had some big discussions and even negotiations off the mike on fee increases of \$1, 50 cents, \$1.50. I wanted to make sure that we at least have a conversation about it. I don't really plan to talk too much on the mike about this, but I wanted to make it clear my nonvote was more I would like to see

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something that was more gradual, a little bit more transparency on what specifically it would fund since this is also expanding to different cash funds. Ultimately, Appropriations will have oversight in, in what requests they have, which is great. And I-- and I'm thankful that our committee will continue to do that oversight. But having a user fee increase, let's say on filing for incorporating a business, will now be going into a cash fund where it wouldn't be going specifically just for that. And so I just wanted to make that really clear. We'll see where the conversation goes. I support moving to more cash funded. I support, too, very purpose-based cash funded away from the General Fund. But I do have concerns regarding going this far really quickly. That's why I didn't-- I'm not a no on this, but I'm not a yes. And that's why my no vote was recorded in the committee. Thank you.

**FOLEY:** Thank you, Senator Vargas. Senator Stinner.

**STINNER:** Thank you, Mr. President. I just need to clarify a few more points. The Secretary of State actually went to the Bar Association and the Bankers Association because they are impacted directly by these fee increases. And they got their concurrence because what they're going to use it for is technological. And I will pass out the cash flow, the combined programs and projections and what they're doing with rules and regs, licensing system, the business filing system, the new notary system. There is a considerable amount of investments by this, the Secretary of State. And I will tell you this, that I've been, been very much favorable to the fact of trying to turn a lot of these agencies that are specifically for a group of folks to be self-supporting from a cash standpoint. So what the Secretary of State's trying to do, I laud him for that. I'm 100 percent behind that. The other thing I want to emphasize is no part of these dollars will go to elections. I think when he was in our, our committee meeting, we talked-- we asked about that. He talked about the fact he believes General Fund should support the election initiatives that he has within that department. So none of these funds will go to that. They will go to technology and technology improvements. And based on what I understand, that's very, very badly needed. So after lunch, I'll try to pass out the fee adjustments. There is a column that shows the year of-- the last was changed, the average filing per biennium so that you get an idea of volume, the current fee that's been charged, an inflation computation, inflation based adjustment to the base fee, and then compare that to the proposed fee. So even on the first one, 2004, for an example, was a year-- the last change there, 7,800 of

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these types of UCC filing fees. The current fee is \$10. Inflation factors 35 percent so it should have been adjusted to \$14. They did adjust that rate, that column rate to \$14. But there's other ones that there actually are decreases. But the majority is increases comparing inflation. And what would have happened if CPI would have been applied to those fees compared to what they're actually adjusting him to? I like the cash-based idea. I believe that the Governor also has weighed in with the Secretary of State on this. Based on what the Secretary of State told me, I think the Governor is fine with him being self-supporting on this portion of the Secretary of State. So that's my clarification. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Stinner. Senator Morfeld.

**MORFELD:** Thank you, Mr. President, and thank you, Senator Stinner, for giving a little bit more clarification. I appreciate that some groups have been talked to, particularly the State Bar Association, some other impacted folks. But that being said, that's a very small portion of the people that would be impacted by this. Because the State Bar Association and their fees, for instance, that's just a very minor portion. Because if you look at these, it's really hard to know where to start with this. If you look at this, it impacts domestic corps. It impacts foreign LLCs, nonprofit, trade names. I mean, it's literally every single business. And I've started corporations before and I'll tell you that while we're not the most expensive, it does make a difference. And it does cost those new business owners and those new nonprofit entrepreneurs a lot of front-end money. That's a lot of money to them. And so I do think that, yes, while some fee-based services are important, I think it's also the prerogative and it should be the duty of the state to be able to subsidize some of these services, quite frankly, so that people have less barriers to being able to start a business, have less barriers to being able to start a nonprofit that employs people. The pages are handing out that document that Senator Stinner referenced so that you can actually see that and see all the different fee increases for yourself. As we're looking at this, I want to note that we're increasing all these fees and yet I still have not seen anything where there is an exact plan on how we're going to spend this. I like election technology upgrades. I love that. I'm in support of that. I told the Secretary of State when he was first elected that I will partner with him on that in making sure that there is funding for election upgrades. I've talked to several other members of this body and said that we need to make sure that we are supporting that. That being said, I need to know exactly what are

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those election upgrades? If we're going to be increasing fees and that's the rationale for actually increasing them. I want to know what the plan is. I want to know what the rollout looks like. I want to know what kind of technology. These are all questions-- when I introduced a fee increase just a year or two ago, these are all questions that were asked of me and that was only a \$1 fee increase. Just to give you an example, we'll read through some of these here. We have going down for the fee changes, one is a \$4 increase, another one's a \$3 increase, another one's a \$25 increase, one's 50 cents, one's \$4, one's \$3, one is \$50. Another one is a \$50 increase. Another one's a \$40 increase. One's a \$15 decrease. One's a \$20 decrease. Another one's a \$5 increase. I mean, we have up to \$50 fee increases per filing or document in this. And I guess I want to hear a little bit more feedback in terms of who came to the hearing and who was involved with the increases in this. Has the Chamber of Commerce weighed in on this? Actually, will Senator, Senator Stinner yield to a question?

**FOLEY:** Senator Stinner, would you yield, please?

**STINNER:** Yes, I will.

**MORFELD:** Senator Stinner, I haven't been able to look at the committee statement yet, but who all came in to testify in support of this and oppose this? Do you remember?

**STINNER:** Well, I testified because I introduced the bill. The Secretary of State and Bill Mueller for the State Bar Association testified in favor. There was no opposition and nobody neutral.

**FOLEY:** One minute.

**MORFELD:** OK, thank you, Senator Stinner. I appreciate that. So colleagues, if we're going to be increasing this and if we're going to a fee-based system and we're going to make it so that our agencies are cash based, then that's a big change in policy. And in fact, it's shifting. It's shifting the burden for people that want to start business or do business with the state to making it so that it's less subsidized by taxpayer dollars in the sense of we're all in this together and we think it's generally good to run these agencies and to subsidize some of the costs to promote businesses and nonprofits starting. Two, you have to cover that whole front-end cost if you want to start your business or nonprofit. I think that's a big policy

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change and I think it's something that warrants discussion. And what I see here is 67 tax increases in silence. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, I am not sure if you've noticed, but we've had some different reaction to our board up in front. The IT is experiencing difficulties this morning. If you try to pull up-- if somebody were to file an amendment, you would not be able to pull it up. So because of the lack of board or computers, in order to facilitate normal work, I'm going to request that we recess until 1:30. That hopefully gives another two hours that they can correct the problem. But right now, we're sort of in no man's land. We don't have the ability to get anything to the floor if they make any changes. And if we were lucky enough to get to a vote, we have no board to have a vote with or a computer to register it. So in deference to that, I would-- I file-- I will sign a motion for a recess. So, Mr. President, I move to recess until 1:30 this afternoon.

**FOLEY:** Thank you, Mr. Speaker. Items for the record, please.

**ASSISTANT CLERK:** Thank you, Mr. President. Amendments to be printed: Senator Wayne to LB865A and LB1186; Senator Linehan to LB1074; Senator Quick to LB840. And your Committee on Revenue reports LB1013 to General File with committee amendments. Finally, Speaker Scheer would move to recess the body until 11:30 p.m. or 1:30, excuse me, 1:30 p.m.

**FOLEY:** Members, you heard the motion to recess until 1:30. Those in favor say aye. Those opposed say nay. We are in recess.

RECESS

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

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

**FOLEY:** Thank you, Mr. Clerk. Members, we're gonna pick up right where we left off. Senator Pansing Brooks was next in the speaking queue. I don't see her back yet from lunch, but Senator Hughes, you are next. So you're recognized.

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**HUGHES:** Thank you, Mr. President. Good afternoon, colleagues. I was wondering if Senator Stinner would yield to some questions.

**FOLEY:** Senator Stinner, would you yield, please?

**STINNER:** Yes, I will.

**HUGHES:** So, Senator Stinner, I listened to your opening, but I didn't quite fully comprehend what you were telling me. So we're raising the fees for the Department of-- or the Secretary of State's Office on to make it more of a cash-funded agency or cash-funded operation. Is that correct?

**STINNER:** For those specific items that we discussed, yes, that is true.

**HUGHES:** So is there, does the Secretary of State's Office receive state dollars, general funds to operate now?

**STINNER:** They do.

**HUGHES:** So are those funds maintaining the same or reducing General Fund dollars and, and--

**STINNER:** This--

**HUGHES:** --increasing their operating with these cash funds?

**STINNER:** Yeah, these, it will reduce that portion of the Secretary of State's two cash funds and drop in out of-- about \$300,000 will drop out of general funds. They will all be cash, cash-funded.

**HUGHES:** So this is somewhat of a shift, tax shift. Is-- would that be a correct way of--

**STINNER:** Well, the way I look at it is the people who are using the service are now going to pay a user fee to, to access those services.

**HUGHES:** Well, I, I have a couple of corporations and an LLC, so I do report a couple annually or semiannual. I don't remember what the, what the time frame is. And it's, it's always frustrating to me that it costs me more to pay on-line than if I write a check and mail it in. You know, I don't know if they, if the credit card company or the-- it appears that it's more than the 3 percent, but the processing fee, that it's more expensive for the Secretary of State's Office to

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handle it through a credit card than it is someone who is opening an envelope, taking out a check, making sure it gets to the bank. That's just a, a pet peeve of mine. But I appreciate the information. I don't know where I'm gonna be out on this bill yet. I appreciate the clarification. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hughes. Before proceeding, Senator Murman would like to recognize some guests we have today. We have with us 25 high school students, grades 10 through 12th from Elm Creek High School, as well as one teacher, Mr. Runge. Those students and teacher are all up in the north balcony. Could they please rise so we can welcome you to the Nebraska Legislature? Continuing debate, Senator Morfeld, you're recognized for your third opportunity.

**MORFELD:** Thank you, Mr President. Colleagues, I'm gonna talk just a little bit more on this. And if I need more time, I'd ask that some people yield me some time. Or maybe I'll, I'll start making some amendments. In any case, again, my goal is not to filibuster this. My goal is not to debate this to death. My goal is to have a legitimate discussion about whether or not we're going to simply raise 67 fee, fees and have a discussion about it. And if this is the, if this is the path that we're taking, if this is the route that we're taking in terms of funding critical services and state agencies, that's fine. I've introduced a fee increase this year. I didn't advance it out of committee. I've introduced a fee increase two or three years ago. It was one dollar, and nearly filibustered for one dollar. This is 67 fee increases, much more than one dollar, up to \$50 in some cases. So if that's the way that we're going to start funding some of our critical agencies that do really important work then that's fine. But I'm coming back next year and we're gonna have a lot more fee increases. And I'm, I'm gonna be watching who's voting for this and who's not. Because I haven't decided, quite frankly, how I'm voting on this. I don't think I'm voting in opposition. I may be not voting this round of debate and look at this a little bit closer. I'll be honest with you, this was not on my radar until last night. Otherwise, I would have called the Secretary of State and talked to some other people. But I'm gonna be doing that in between General and Select File because I think we're setting a-- I think we're setting an important precedent here. And I'm not saying I'm necessarily opposed to it. I will say that fees are more regressive in terms of who they impact. But one could also say that fees impact the person that's trying to use the service a little bit more. I think there can be a legitimate policy discussion about that. But if this is the route that we're going then

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I can tell you that there's gonna be a lot more fee increases moving forward because there's a lot of other services and state agencies that, quite frankly, need critical resources and funding. And I will also tell you that in states that I've lived in that are more fee-based, careful for what you wish for, because just doing the most basic thing all of a sudden is \$100, \$200, \$300. And if we're talking about growing the state and if we're talking about being able to attract people to come here to do business and file a corporation, for example, then those are considerations that we need to make. And I think there is a legitimate discussion that needs to be had on that. I had a really good discussion right after we adjourned with Secretary Evnen, and he walked me through the process, how much his staff has thought about this and been thoughtful about it. I have no doubt about that. And I appreciate them looking at that. And I appreciate them having a pretty comprehensive approach, quite frankly, if you look at the chart on your desk. But again, I think this deserves a discussion. I'm not gonna be filibustering this and put on my light many more times after this. But this is a legitimate issue that needs to be discussed on this floor. And if this is the route that we're gonna go in funding our state agencies and critical services then I think we need to be ready to open that door to other things next session and the session after. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Wayne.

**WAYNE:** Thank you, Mr. President. Colleagues, this is a tax increase. We can call it fees or whatever, but it's still an increase. And I was told that this body, we were going to do some property tax relief sometime this year. So before we do any other increases on what I would deem small businesses, maybe we should look at some tax credits or some things for small businesses. This hurts small businesses, no if and ways and buts about it. This hurts small businesses. When filing fees go up, attorneys charge more because they've got to recoup that cost. Everything just goes up. That is the fact of the matter. This is gonna hurt small businesses. So I'm not going to-- I'll probably be present, not voting because I really don't understand the rationale. And this came on my radar last night when I was looking at the agenda and I saw Senator Vargas was a present not voting. So it made me dig a little closer. And now I see the handout. And at the end of the day, fees are going up. So if we're going to-- I guess I would like to see this bill come back after we actually do some other things that help small businesses versus what we're doing right now, which I think is hurting small businesses. So I'm gonna be present not voting.

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I will on Select maybe take more time, might even take it the full distance if, by then, this body decides not to do something for small business. I'm not gonna walk away this session by only hurting small businesses, because the fact of the matter is the bills that we've been producing right now are not necessarily helping or hurting small businesses. But this bill would directly hurt small businesses. So all the small business owners out here who care about small businesses, this will affect them. That extra \$25, extra \$30, extra \$100 would directly hurt them from starting a business and from doing filing fees. And if you think \$100 doesn't matter or 25 cents doesn't matter then we can have that conversation come during the property tax debate whether 5 cents matter or whether it doesn't matter. But to me, I've always thought this body said that a fee is a tax increase. And we've fought those on the floor. Sometimes I was on the other side of that fight because I think sometimes we can do things. But this is a directly small business bill that hurts small businesses. And with that, I will yield the rest of my time to Senator Morfeld.

**FOLEY:** Thank you, Senator Wayne. Senator Morfeld, 2:40.

**MORFELD:** Thank you, Mr. President. Thank you, Senator Wayne. You know, one senator came up to me and just asked me, is there a certain fee that you're concerned about? And it's, it's a good and it's a legitimate question. It's a very legitimate question. I'll be honest with you, again, just saw this yesterday, about 4, 4:00. Started reading through it. Started-- just was able to get the list today of all the different fee increases. So I'm concerned about all of them, quite frankly. But that being said, that's why I'm not gonna hold this bill up on General File. I'm going to look into it a little bit more and between General and Select have a discussion about it. I think the thing that gets me on this a little bit is two different things. One, is this the policy that we're shifting to to fund our different state agencies, particularly constitutional agencies? If so, I think we need to have a discussion on that. Two, in the past, when I have introduced a fee increase for one dollar, I have gotten stiff opposition in this body. And not everybody that's here now was there then, so that's fair. But I also want to understand from my colleagues here, if we're not concerned about fee increases, that's good to know on my end because I've got plenty of organizations and plenty of different types of agencies that need additional funding that have either been cut because of General Fund decreases, or two, they just have a higher demand because of a lot of other societal factors. So that's why I'm

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bringing up the conversation today. I'm sure there might be some other people with other concerns.

**FOLEY:** One minute.

**MORFELD:** But that's the kind of things that I want to bring out onto the floor for full disclosure, that are my questions and my concerns. Because if we do pass this then I'm gonna be bringing legislation that is gonna be similar for other causes and organizations moving forward. And I just want to get a baseline on, on where we're at with that and what the policy is gonna be moving forward. Now, obviously, we can pick and choose. Maybe everybody thinks increasing fees on small businesses and large businesses and nonprofits isn't a big deal, but generating revenue to help people with low income legal needs is a big deal. I'd like to know what the differentiate-- differentiation of that and what the policy rationale is. But I think that's a legitimate discussion to have. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I think it's important on this fee increase discussion that-- I, I am supporting this fee increase because it's lowering the general funds. And if anybody else wants to bring a fee increase in a department that's serving people and lower our General Fund budget asking, that's fine with me. I, first of all, the Secretary of State, you can look at the spreadsheet that was sent out, they limited these increases to inflation and they did a lot of work on analyzing how many years had it been since it was increased. And I think they were very fair about that. Then as far as the increase goes, the Bar Association, Bill Miller spoke, and he really liked toward the bottom of the page you'll see some red notes, a \$5 in the-- that's in brackets. It's a savings. That's per-page filing fees. So I'm looking at a little-- about in the middle, articles of incorporation did go up from \$60 to \$110, a \$50 increase. But if that's a 10-page document, there's no \$5 per page fee. It's gonna save \$50 of, of not having a \$5-a-page, per page fee. So it's not an increase at all if you file articles of corporation that are 10 pages. It's now all just a flat rate. And if it's more than 10 pages, you're gonna save money over what you were doing before. So I think, and if you, if you page through them, that's a corporation. The LLC also, there's no pay-- no filing fee per page. Partnerships, no filing fee per page. And so those fees that are increased on a flat rate for just the filing, if it's only one page, yeah, you'll have a higher cost.

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But if it's more pages, you don't. Mr. Miller said that with the Bar Association, when they're preparing a corporation, some of these documents, they're not sure how many pages it's gonna be. They're not sure how much, how much to send in to the Secretary of State, exactly how many pages they're gonna end up filing. And he said it's much more reasonable for them, easy to work with just to have a flat dollar amount. Then, let's see, on-- so, Senator Hughes, I wanted to just let you know about filing on-line. I think almost all of these if you file electronically, you get a \$5 discount off of these, as I recall the presentation. The ones that I looked at, if you file on paper, you get this schedule. If you file electronically, you get a \$5 discount each time, which would help cover what your objection was. Then the main thing was that we, the state has been having to give this business division of the Secretary of State \$300,000 of state dollars. Those are taxpayers who are paying for business services they're not using. This is switching that \$300,000 to the businesses who are getting the service of filing the paperwork. And we're reducing the cost to taxpayers. The \$300,000 is coming out of the General Fund asking. So the taxpayers have been supporting this division by \$300,000 when they weren't really getting anything in return. It's similar to the gas tax is what pays for our roads and people that are using the roads pay the gas tax. And I think it's more fair to do it this way. And I think one other thing. If we're worried about small business--

**FOLEY:** One minute.

**CLEMENTS:** --I'd be in favor of lowering the, lowering the corporation income tax rate. If we really want to start working on helping small businesses, let's do that, or consider that. And also, if we do get property tax relief, that is going to help small businesses as well, as well. And I hope we can get the property tax debate on the floor shortly. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Clements. Senator Wishart.

**WISHART:** Thank you, Mr. President. I actually think this is a good discussion for us to have. And I would encourage anybody who is working their way through this to reach out to Bob Evnen. I'm assuming, from what Senator Morfeld said, he's in the Rotunda and his staff, and have him kind of walk you through what their intentions were with this. I think we're kind of talking about two issues here that I want to unpack a little bit. The first is just philosophically, you know, does this body feel comfortable with moving an agency

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response-- an agency's responsibility to a completely cash-funded funding source? So that's, that's one. And I think in the case of, of this issue with the Secretary of State and the work that, that, that Secretary Evnen does with, with businesses, I do think it makes sense that we move towards a cash-funded way of funding that work. And I know Senator Stinner passed out a description of what different needs and dollars would be used for for this specific responsibility. So I think there is just the philosophical discussion around sort of the user fee vers-- versus sort of a General Fund obligation. And for me personally, I felt comfortable with moving towards a cash-funded way of funding this portion of the Secretary of State's obligation. I think the second issue that we're talking about is around the fee increases and some decreases within this, and some efficiencies that his, his staff has worked on. And that's another discussion to have. And I think that's a good one to have. And I think it's one where we need to look at each individual entity that's having a decrease or an increase and ensure that it's appropriate. I will tell this body that we had a public hearing on this bill and we did not have one person come in opposition to this bill. Not one person. I didn't get one email from constituencies in opposition to this bill. Perhaps now with us debating this on the floor, we will hear more. And I'll be willing to listen. But I think, but I think it's very important that people come and testify in front of us, especially in Appropriations Committee, because we really determine a lot of our decisions based off of feedback from constituents and community members. The last thing I'll say is, if we're concerned about a regressiveness around moving towards a cash fund sort of fee-based way of funding these, these obligations, then we could consider looking at doing some level of a hardship waiver that we could amend onto LB910 and AM2163 to ensure that those businesses or nonprofits or people who do not have the financial means to withstand a fee increase would not be impacted by that. And I would be in favor of, of looking towards that. With that, thank you.

**FOLEY:** Thank you, Senator Wishart. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. So I, I'm looking at the SOS fee adjust, adjustment sheet that Senator Stinner passed out. And I have a couple questions for Senator Stinner.

**FOLEY:** Senator Stinner, would you yield, please?

**STINNER:** Yes, I will.

**PANSING BROOKS:** So as I'm looking at this, at this sheet that you passed out, like if you look at the top line, it says the fee change is \$4. But then it says the average biennium, filings per biennium was \$7,835. So if you multiply 4 times 7,835, you get over 28,000. So do you know if the fee change is what is shown as the, the fee change in the last column is what is shown as the changes for the fiscal note? Or was it the ave-- the average filings per biennium multiplied by each of those? Because that seems like a lot bigger number.

**STINNER:** Yeah, and I think you have to be careful, biennium means two years.

**PANSING BROOKS:** Right.

**STINNER:** So one would think it divided by two, but-- or take the total and divide by two. I will check on that. I haven't redid the math. I guess I'm relying on Fiscal to do the math.

**PANSING BROOKS:** OK.

**STINNER:** They came up with the 463, I think, is what it is in your, in your fiscal note. I believe that's the right number.

**PANSING BROOKS:** OK. Thank you, Senator Stinner. I am, I am really grateful to Senator Morfeld for bringing this up. We have had pitched battles to change one fee by one dollar, and all of a sudden we have 67 here. And I don't know what all things are gonna go to. And we have had other instances where we have, have paid an amount and created a fee to help pay for technology. So that's what they're saying. But there were sunsets on that. It wasn't a continuing fee where you get to continue to have this, reap this money that's coming in. So I don't understand what all the money is going for. Secondly, our-- one of our main goals in this state is, is business development and making sure that people come and settle here. So now the group that has been fighting to make sure that we aren't hindering business, we aren't setting up barriers for business who want to come to the state, all of a sudden we're just throwing on a whole bunch of fees without even realizing what it exactly is for and how much, you know, whether each thing is necessary. My husband and I practice corporate law and we do a lot of incorporations. This is a lot of money for people. And I want you to know that entrepreneurs and people who are starting businesses have trouble paying the filing fees. And trying to, to all of a sudden

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increase all of this without, without much notice. Now, yes, I understand it was in front of Appropriations, but I would like everybody in this place to think about how many people are willing to go up against the chair of Appropriations. How many people, how many lobbyists are willing to go up against the chair of Appropriations? He wields great power in this place. We all know that it's true. You know, fortunately, he's-- we are good enough friends and we respect each other enough that I know he doesn't mind me raising these questions on these issues. The fact that only one group came forward, the Bar Association, and not the Bankers Association, not the chamber, not any of the chambers, that raises an alarm to me. Is their absence a, a hue and cry or did they really not care about imposing more fees on business in our state? And again, if it were one at a time and we could talk about it and look at it in a, in a piecemeal fashion, rather than being-- having 67--

**FOLEY:** One minute.

**PANSING BROOKS:** --new fees added, it's too much. It's too much for us to discuss. I'll give the rest of my time to Senator Morfeld and I'll be up again. So thank you.

**FOLEY:** Thank you, Senator Pansing Brooks. One minute, Senator Morfeld.

**MORFELD:** Thank you, Mr. President. Just going through this, I guess, you know, I'll go out right after I get off the mike here and talk to the Secretary of State's folks. But I'm just looking right here. I know that the collection agencies have strongly opposed my fee increases in the past. And I noticed here for the collection agencies, they haven't had their fee increased since 1989, probably one of the longest ones. And they don't have any fee increases for any of the collection agency fees at all. And based on their inflation, they should be paying \$413 for the initial license fee, \$413 for the initial investigation fee, and they're at \$200. And they haven't had a fee increase since four years from when I was born, in 1989. So what's the rationale on these? Are these equally applied based on the length of time and then also the, the amount of inflation? These are the questions that I think we need to ask, and these are the questions I'll be asking between now and Select File. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Dorn would like to recognize some guests today. We have with us 41 fourth graders from Bennet Elementary School in Bennet, Nebraska. Could those Bennet

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fourth graders please stand so we can recognize you up in the north balcony? Thank you. Continuing discussion. Senator Wayne.

**WAYNE:** OK. Thank you, Mr. President. So to Senator Clements' response about fees and how it's not necessarily hurt, hurting, hurting small businesses, I think it's just the opposite. I think what this does by eliminating the statements, fees, and the per page filing fees, if you think about it, if you're a small business, who's gonna have more pages to file versus a large business, versus a foreign corporation? The \$5 per fee, as Senator Clements said, they don't know how long it's gonna be. Well, that, that's the issue for big companies, companies that, like myself, these filing fees are not very much as they are right now. But I surely don't file 45, 50 pages of things to do. I do think it's interesting when you turn over to the last page: collections, private detectives, plainclothes investigators, athlete agents, none of those fees are going up. One of the most interesting fees which was pointed out to me by a colleague-- oh, and also on the third page, debt management fees are not going up. That's just odd to me. But one of the more interesting fees that are going up is the notary fee. Most of you know that notaries are individuals who, at least in my community, work out of their home and try to go actually meet people where they are to get things notarized instead of going to a bank. This is truly a small business. I just, when I look at these fees that are overall increased and the ones that aren't de-- that are decreasing, I look at this as a big business bill. This bill favors big businesses and nobody can tell me anything otherwise. So I think we really, if you're gonna talk about raising fees and changing fees, we need to look at the overall fees instead of just picking the ones that maybe won't have opposition to raise and decreasing the ones that might have opposition. I think that's not a way we should do business. And with that, I will yield the rest of my time to Senator Arch.

**FOLEY:** Thank you, Senator Wayne. Senator Arch, 2:45, if you care to use it.

**ARCH:** Thank you. I've got some questions for Senator Wayne, if he would yield.

**FOLEY:** Senator Wayne, would you yield, please?

**ARCH:** Yes, I will. I was, I was confused, but as I was going through those fees, I also saw that some were reduced as well.

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**WAYNE:** Correct.

**ARCH:** I mean, to as much as \$90 reduction in fees.

**WAYNE:** Correct. If you look at the ones that are \$90 or even \$50 reductions, those are all fees that would really hit big businesses. They're not the ones that will hit small businesses. So they're like, like the statements, when you have to file multiple-page statements. Or there's one filing fee for a certificate of limited partnership, that's foreign corporations, not necessarily domestic corporations, foreign statements are 90 fees. Yeah, when we talk about foreign corporations, they have to file more fees.

**ARCH:** I guess I was just, as I was going through those fees, I, I, I did see that some were reduced, some were, some were increased. It appeared to me to be an adjustment to, to what was appropriate fee. But that, that was my conclusion. Thank you very much, Mr. President.

**FOLEY:** Thank you, Senator Arch and Senator Wayne. Senator Dorn.

**DORN:** Good afternoon, Mr. Speaker. Welcome, colleagues. Enjoying the conversation, I guess, this afternoon a little bit. I think this is also a lot of the conversation that many of us in Appropriations, or a lot of the thoughts or discussion that many of us in Appropriations had early on in the session here when the Secretary of State did come and visit with us and brought up this concept of basically increasing some fees and then making part of his budget a cash budget. And not having or not seeing, until they appeared before us in the hearing, the fee schedule, a lot of us had the same questions or same thoughts of, oh, wow, what are we doing here? Why are we proposing this many all at once, at one time? Why are we making these adjustments? What many of us in this body would call a fee increase, and it definitely is a fee increase or a tax increase in the true sense. At the hearing then, the Secretary of State did bring this schedule of increases and decreases. And by the way, I think somebody had 67 increases. My quick addition here showed 24 decreases, many of them staying the same. And when you look at how the numbers flow through and how certain ones with certain activity now will bring in different funds and how they then incorporate it into his budget and now made four parts of his budget more of a cash funding. And as Senator Clements mentioned, now that's not gonna come out of general funds, it comes from the individuals who pay the fees. They will be supporting this part or part of his budget more so than they are now. Many of these he did tie

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to inflation, some of these, as Senator Wayne has pointed out quite accurately, some of these are not any increase. Why some and why others aren't, part of what we did in Appropriations and part of our discussion was this bill needs to be brought to the floor, this bill needs to have that discussion, what we're having here today. And this body needs to determine if this many increases, and what they are is increases, is that something that we're gonna support going forward to make now an agency more of a cash-funded agency instead of a general-funded agency? It's a concept that, as Senator Morfeld has talked about, this body has had a hard time doing. This body really hasn't taken up, you know, more on a one-on-one discussion then on here we're looking at his whole fee schedule, his whole proposal. I think if you look through another page also that Senator Stinner passed out, and it's kind of the Secretary of State's budget, and you start to look at where those numbers are flowing through and where the dollars that the current schedule is going to be taking in, the current amount of dollars and how that's gonna fund his budget going forward, to me it almost looks like we will be using more general funds over time to implement some of these programs that he is proposing or that are out there on the rising, that horizon that we know there will be costs for. So when you look at that aspect of the budget and you look at the fees put together, I think that's why I did, at least why I voted to bring this out to the floor--

**FOLEY:** One minute.

**DORN:** --so people could have-- thank you-- people could have the discussion. But they also could be aware of in future years, if this proposal doesn't go through, maybe what possible increased in costs and possible increase in funding will need to be in a way for the Secretary of State's budget if it gets improved-- if it gets approved to do some of those things in there. Thank you very much.

**FOLEY:** Thank you, Senator Dorn. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. Again, if this is for technology, we have always put a sunset on something like this so that the department can get up to speed in technology and then not continue to have that access to that money. The other thing I'm interested in is the fact that, you know, we try to get rid of all regulations and then all of a sudden we're increasing fees. And talk about the big arm of government. We, we try to be the Silicon Prairie. We try to be a place where it's welcoming and we want business here. But now all of a

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sudden, we are increasing these fees. And I don't know, I, I presume--  
Senator Dorn, I'll ask you a question, if you would, please.

**FOLEY:** Senator Dorn, would you yield, please?

**DORN:** Yes.

**PANSING BROOKS:** Thank you, Senator Dorn. Did-- so did, did the  
Secretary of State's Office go through each line item and explain why  
that fee needed to be raised or was it discussed in a lump sum?

**DORN:** It was discussed more in a lump sum. He based it on the fact  
that looking at inflation and also just their office had, researching  
these or looking at these, this is the proposal he brought forward. We  
were-- we did ask, or several of them did ask individual questions,  
but we weren't, I guess, we didn't have the discussion on each of them  
individually.

**PANSING BROOKS:** OK, thank you. That's what I thought, that it was a  
personal amount. We have had numerous bills where we have tried to  
increase the personal rate under Medicaid for people who are in a  
nursing home. And they have to, they have to go into poverty and  
into-- basically they end up divorcing so that their amount that they  
have meets the minimum so that they don't have to have all of their  
assets and their spouse's assets claimed. So I don't know. I mean, to  
be given a lump sum like this and not have a minute, a line-by-line  
explanation of why this is necessary. Again, under the right to  
counsel, we've increased a dollar fee under that bill to help the  
counties pay for any increase of costs. That's only a dollar. We've  
got in places here where it's \$20 times 13,610. These are vast amounts  
of money that I just, to, to all of a sudden be promoting this. So I'm  
sorry. It was all new to me too. A number of us just saw this because  
it came out of the committee and we did not realize this was all  
coming forward. But it is very concerning to me. And I again will have  
to hear more information between now and Select. I'll give the rest of  
my time to Senator Morfeld.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator Morfeld, 2:00.

**MORFELD:** Thank you, Senator Pansing Brooks. Thank you, Mr. President.  
This is the last time I'll speak on the matter until Select File. That  
being said, I did have a good discussion with the Secretary of State's  
Office out in the Rotunda. They did note that, and I just want to make  
sure we put it on the record, that for the collection agency fees,

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there is a board that helps determine those fees. We could do it statutory, but that's why there hasn't been an increase and there is also a low amount of filings in that area. Now, whether or not that's good justification or not, I don't know. Looking at some of these other fees, there could be low filing amounts in there and we could make the, the same case. The latest one that I've seen is 1967, so that's one. These are from 1989, the last time the collection agencies have had a fee increase. In any case, colleagues, I'm glad that we're having a discussion about this. I'm glad that we're raising some questions, and I look forward to talking more with you about this between General and Select. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Chambers.

**CHAMBERS:** Mr. President, members of the Legislature, I haven't been on the floor, but I've been listening to this debate. I've looked at the people who were discussing it. And you all aren't gonna get anywhere because the ones pushing this know that all that's going to happen is that people will talk and talk. They'll raise good points, valid points, but the votes are not here to do anything about it. I am especially concerned about these Republican hypocrites, these conservative Republican hypocrites who anytime you want to do something for the ones who need it, they won't talk about a dollar amount. They'll say, you're asking for a 10 percent increase here. You're asking for 12 percent. If a fee was \$10 and is now \$20, that seems to me to be a 100 percent increase in the fee. But they don't talk about it now. The Secretary of State can stand out here and buffalo this entire Legislature. It's why I don't have a lot of regard for you all. You are not the third branch of government, you are the appendage of whichever other branch, whether it's the court or the Governor, wants to have you be an appendage. And you do what that branch wants. This is the kind of fight that I'm not going to carry. I would kill this bill or take it to a vote after we had spent all the time on it that was necessary to move for cloture. You make them cloture enough of these kind of bad bills and they'll stop coming here. The other senators will see that their bills are not going anywhere. But they know I'm the only one who will say I'll go to the mat on it and I'll take all the time I want and you can't stop me. And they know that. Believe it or not, I've had people come to me and try to, they call it reason with me, or negotiate. Because I mean what I say and I say what I mean. And you all don't. You think the Secretary of State is worried about anything you say? You think Murante is worried about anything you all say? You've seen the kind of shell game

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he plays by putting what he called a branch office out there in the middle of nowhere, and nobody knew about it until the World-Herald wrote an article about it. Nothing's going on out there. He gave a 10-year contract to the company he used to work for. Now if it was a black person doing it, I know what you all would be saying. But this is one of your white brothers and he's making a fool and clowns out of all of you. Why are you gonna let somebody who is a flunky for a company be elected to an office and then give that company a 10-year contract for a building that nobody knows where it is or what it's doing and it's not even needed? That's how white people scratch other white peoples' back. And it's why you're not respected. I'm the only one who will tell you. There are a lot of people on this floor who do not respect you, but they're afraid to say it because they have bills that they know you're petty enough to try to do something about. But you won't stand up to these other branches. I'm not gonna fight your fight today. I'm laughing inside. You're hurting your kind of people, your business people, the ones you say you care about. You want entrepreneurs. Then you use an expression of the Governor that I hate: We want to grow the economy. We want to grow this, we want to grow that. Well, I grow sick and tired of listening and talking about he's gonna grow this and that. And I tell him, spend some time growing some hair on your head and it would give you less time to mess over everybody else. But he's a rich, spoiled brat and he's accustomed to having his way. And you all are giving him his way. And he ought to do it. If you find a sucker, bump his head. And they say there's one of you born every 60 seconds, and you demonstrate it. You know why you all get up-- get mad at me?

**FOLEY:** One minute.

**CHAMBERS:** Because I tell on you. I don't slap you around like the Governor, or show contempt for you like the Treasurer or the Secretary of State or these others. And then you all stand up here, you pule and you whine and, I don't like this, it shouldn't be this way. And they laugh. They'll go over to Billy's or Sally's or Jane's or wherever they drink and have a good laugh at the Legislature. And they ought to. You all are so easy to whip. And you ought to be ashamed of yourselves. I'm sure some of you all get invitations to talk to young people and I'm sure you all say the right things. Believe in yourself. You can make a change. You can make the world a better place. But inside, there's a little nagging voice saying: But they should not behave as you have--

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**FOLEY:** That's time, Senator.

**CHAMBERS:** --behaved.

**FOLEY:** Thank you, Senator Chambers. Senator Friesen.

**FRIESEN:** Thank you, Mr. President. Well, it's nice to have a good discussion about user fees today. You know, in the past we've, I've been approached by the county sheriffs, and they have to deliver lots of different papers. And those fees haven't been raised in, oh man, must be 20 years. You know, and they're, they're doing it for under costs by so far. That delivery service is pretty cheap. You know, let's, let's lump some fees together, let's, let's modernize our taxing process here that we're doing. And let's make it a users' fees. But that would, that one at least would be property tax relief. When they've approached me about this, I said it's just not a good time to do right now. It's just I remember raising marriage licenses like \$5. That was my first year here. That took a long time, as I recall. So I think, you know, raising some of these delivery charges would be good too. I'd kind of enjoy that discussion. I like the idea of user fees. We fund things with those that use them. So I'm not necessarily opposed to the idea of raising these fees to, to fund that operation. But let's keep that in mind next time we want to look at some other fees that are out there, especially those delivery fees for counties. I'd sure like to help them out and maybe we can work on something, I know it probably hasn't had a hearing though, and we have to go through that process. But I think a further look at this next year we can look at a lot of other fees that we have out there and we can see if we can get our taxes and fees that we charge. That term is kind of interchangeable, I think, but we'll call them fees for now. And let's see if we can modernize our, our fees that haven't been raised in a long time or see if they're still doing what they need to do. We've talked all about licensing reform and getting rid of things. So maybe there's an opportunity here for maybe a break-even or something. We can get rid of some fees that maybe need to be gotten rid of, raise others where they need to be raised. But this is a, a good discussion. I am enjoying it. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Friesen. Senator McDonnell.

**MCDONNELL:** Call the question.

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

**CLERK:** 22 ayes, 2 nays, Mr. President-- 23 ayes, 2 nays-- 24 ayes, 2 nays on the motion to place the house under call.

**FOLEY:** The house is under call. All members please return to the Chamber and check in. The house is under call. Senator McDonnell, you had 24 votes on the board, would you accept call-in votes? Are there any call-in votes for the motion to cease debate?

**CLERK:** Senator Howard. Senator Howard is voting yes.

**FOLEY:** Record, please.

**CLERK:** 25 ayes, 4 nays, Mr. President, to cease debate.

**FOLEY:** Debate does cease. Senator Stinner, you're recognized to close on the amendment.

**STINNER:** Thank you, Mr. President. I-- A couple of things that I do want to point out in, because people have asked why are-- what are we using this for? We've already used a million-six for technological changes within the department. It's projected about 2.5 million additional dollars will be spent from these fees. I want to remind people what general funds are. They're sales tax, they're individual income tax, they're miscellaneous tax, and they're corporate tax. By reducing our reliance on general funds, you are releasing those dollars back into the budget for property tax relief, for incentive programs, for a lot of things. I think it's, from my position, I have never been afraid to vote for a user tax. I think if you are a user specifically for these types of services, you should pay the freight. And it shouldn't be me as an individual taxpayer paying that. And that has been my position since I showed up here. I have actually talked to the Secretary of State about making this a cash-funded portion of his agency. Didn't ask for any-- general funds will support the election side. But look at who the users are for specific services. Why would the general population have to pay for those services when indeed banks have already weighed in, they're OK. Attorneys have weighed in, they're OK. Haven't talked to the chamber, sorry, but I haven't heard from them saying no. Small business, that's fine. I think Senator

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Clements hit the nail on the head. Let's use these dollars to reduce income tax. Or if I can also convert a few more of these agencies to cash-based, there will be some substantial dollars for other types of programs. Anyhow, I would appreciate your green vote on this. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Stinner. Members we're under call, I'm gonna ask you just first to please check in and then we'll take the vote. So just check in, please. We're under call. Members, please check in, we're under call. Senator Pansing Brooks, are you there? Check in, please. All unexcused members are now present. The question before the body is the adoption of the Appropriations Committee amendment, AM2163. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 30 ayes, 6 nays, Mr. President, on the motion to adopt committee amendments.

**FOLEY:** AM2163 has been adopted. I raise the call. We're now back on LB910 as amended. Senator Chambers.

**CHAMBERS:** Thank you, Mr. President. Members of the Legislature, I said I wasn't gonna fight your battle, and I'm not. But I'll fight the battle of the Legislature as an institution. And that's what we're looking at. When kids go to school, they're told that the Boston Tea Party, where these colonists destroyed property and so forth and other things that they did, it was to rail against the idea of taxation without representation. The stamp tax, tea tax, all the other taxes. Well, you can't say that today because the people have representation. Let me change that. They have representatives, but they are not represented by them. These different entities that want this kind of stuff that we're talking about will have a lobbyist, but the people don't have a lobbyist. Oh, let me correct that. The people have 49 lobbyists and they sent those 49 people here. But these 49 do not lobby for the people, they're at the behest of others who treat them, to use a bad expression, like a stepchild. They'll tell somebody, the Legislature, envision the Legislature as a person, and somebody tells the Legislature, hey, your shoe is untied. And when the Legislature bends over to tie the shoe, they get kicked right in the rump and are laughed at. You think these people respect you? Do you think-- would you respect you with the way you carry on? A tax is a tax is a tax. You can call it a fee if you want to. The different ones who are going to have to pay this increase, some of them, 200 percent will find out

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when they approach to pay this fee, as it's called. But it's a tax. And then you all on this floor will talk about a percentage increase being too much. You don't even mention the dollar amount because it's a small dollar amount, but you don't like the entity that is being funded. So you will say, well, they're getting a 20 percent increase. Well, now some of these increases are over 200 percent. That doesn't bother you conservatives? You yakety-yak about you want less government. You don't want less government, you want less regulation of the people who send you down here and tell you what to do. You cannot look beyond the end of your nose. I don't have a dog in this fight. The only dog I have in this fight is the Legislature, and I'm trying to get it to stand up on its hind legs and at least twitch every now and then. Not just your tail, that indicates satisfaction when the Legislature does it. You won't even growl, but you'll whimper. And the Governor said, shut up. Yap, yap, yap. And you go scurrying off. And there are 49 of us and you are put to flight by 1. You're worthy of contempt, you're worthy of ridicule, you're worthy of scorn. And that's the only kind of context in which I can attach the word worthy to this Legislature. If I were white, I'd be embarrassed. Oh, no, I wouldn't. 'Cause I look at all the white people here and you all are not embarrassed. If I were white and was as much of a man when I had white skin as I am a black man then I would not tolerate this. We would not tolerate it.

**FOLEY:** One minute.

**CHAMBERS:** But you like it. You need to look up some words in the dictionary. Look up sadist and masochist. You all masochists. You get sexual gratification from having pain inflicted on you. That's what you like. And the Governor is a sadist. The Attorney General, Secretary of State, Treasurer, the judges they're sadists. They like to stick pins in you. They like to hear you yelp. Then when you're dealing with some group who are helpless, like those whose children are ill-- I'm gonna turn my light on again.

**FOLEY:** Thank you, Senator Chambers. Senator Moser.

**MOSER:** Thank you. Appreciate the opportunity to speak. I think we've gotten off on a tangent here. Maybe it's not even tangent. Maybe it's a, it's a different fork in the road here. Primarily the people who are paying these fees are businesses, banks, corporations. Even my little corporation has to pay the occupation tax every other year. And I think it's \$25 or \$26 a year. And changing these fees does not

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change the revenue of the Secretary of State. It doesn't give him more money. It's not going to pay his people anymore. It just is a shift of the expense from the general populace to the people who need to register their corporation or find out about their-- if you want to look up somebody's UCC filings and find out more about a corporation. These are necessary business expenses. And so we're not, by approving this, we're not, we're not saluting the interests of the administration. What we're doing is we're putting the fees on the people who were using these services and who need them. And I'm just shocked to hear some of the more progressive members of the Legislature complaining about businesses having to pay a little bit more to register their corporation. I would think that they'd be glad that some senior citizen that goes to buy something at the dollar store and pays sales tax is having to have some of that sales tax spent to keep the Secretary of State's Office running when it could be paid from user fees. So it's not benefiting the Secretary of State, it's just shifting the expense from everybody to where it belongs. You know, I've talked many times here that money is what controls the flow of goods and services. And this puts the, the expense on the person who's enjoying the goods and service and not putting it on the retired somebody on a pension who buys something at Walmart or something and pays sales tax on it. This puts the expense on the people who are benefiting from it. I'm glad to be able to register my corporation. My corporation gives me some liability immunity, it, it, it has some benefits. And I'm glad to pay \$26 or if it's \$30 every two years. Better that than somebody else paying my fees. I think the fees should be paid by the people who are using it. So thank you.

**FOLEY:** Thank you, Senator Moser. Senator Chambers.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, this is not a fee-based government. Many people get the benefit of services for which they don't pay. You know the biggest spongers and moochers in this society, Senator Moser? People who don't pay to maintain streets, maintain street lights, pay for police protection, pay for fire protection, and yet they claim to be in touch with God. I'm talking about these sponging, mooching churches. They should pay taxes. You will not say they should pay taxes. I've brought bills to make them pay property taxes. You all talk a certain way. They call it transactional. And that term applies to different things. Whatever is suitable to the situation is the way people talk. We will talk about fair taxation. Well, either we believe in taxation as a means for the government, get the money to operate, or we don't. Or it's fee-based.

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And if you can't pay the fee, you don't get the service. But that's not the way it goes. Are you aware that there are wealthy people who have their taxes paid, have their medic-- medical expenses paid for by the public? Have you ever looked at the kind of medical programs available to the members of Congress? They don't pay for it. Members of the military, they don't pay for it. And not everybody in the military is honorable. I was there and I saw what they called goldbrickers and malingerers. People are people wherever they are, and the wheel that squeaks the loudest gets the most grease. And in this case, the big shots can get it. And the big shots are in these political offices. See, Senator Moser, I distinguish between the politicians who try to put the program in place and the people who might be benefited or harmed by it. This was brought by politicians. You, as a person who pays these fees, never got all the people together who pay them and say, let us pay these fees for the services we get because it should be fee-based. You didn't do that. Most of the people were not even aware of it. I'd venture to say you didn't know about these fee changes until maybe you paid it or you had this discussion and you were told about it. The public should not be tricked. And this is just another example of Republican conservative trickery. All of the people in office right now, state offices are tricky, dishonest, Republican, so-called conservatives. They're conservatives when it suits their purpose. They couldn't even tell you what conservative means. People on this floor who say they're conservatives can't tell you what the word means. They will go by what people and popular parlance mean when they use that term. In America, a true conservative would be a radical by the definition of these so-called conservatives, because the principles on which this country was founded are radical principles. And if you are a conservative, you can serve the principles on which your government is based and founded. And those principles are radical, radical. But you're so ignorant. You think in clichés and talk in slogans. "I'm a conservative" and you don't know what it is. You don't know what socialism is. What about the Tennessee Valley Authority?

**FOLEY:** One minute.

**CHAMBERS:** The government owns the means of production. The government supplies it. But you all don't know what conservative means, you don't know what socialism means. And you would run from it 100 miles an hour if you knew, but you're ignorant, and the people in this society are ignorant. And they listen to you and they reflect your ignorance. And they'll say they're conservatives and they can't even spell the word.

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But Trump is at least honest. He said: I love uneducated people. I love the dummies. But guess who's not coming to dinner with me? Not any of you all who love him. I remember how many times President Obama was condemned for going to play an occasional game of golf. And that's what your president does all the time and he gets your government to pay him for it.

**FOLEY:** That's time.

**CHAMBERS:** Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator McCollister.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, colleagues. I've enjoyed this user fee discussion. I was involved with the Game and Parks user fees increase here a couple, three years ago and we-- some of the same discussion occurred then. I wondered if summer-- Senator Clements wouldn't answer a question or three.

**FOLEY:** Senator Clements, would you yield, please?

**CLEMENTS:** Yes.

**McCOLLISTER:** Thank you, Senator Clements. You generally favor user fees?

**CLEMENTS:** Yes.

**McCOLLISTER:** What is your philosophical basis for that?

**CLEMENTS:** The people who are enjoying the use of a service pay for the costs to provide it.

**McCOLLISTER:** And in the cases of the Secretary of State that, that works to the benefit of the taxpayers because general funds are not expended for that purpose, correct?

**CLEMENTS:** Yes. In this case, that's true.

**McCOLLISTER:** Thank you, Senator Clements. Senator Moser, would you stand for a few questions?

**FOLEY:** Senator Moser, would you yield, please?

**MOSER:** Yes.

**McCOLLISTER:** Senator Moser, you generally favor user fees. Is that correct?

**MOSER:** In general, I would say so. And in this case, I, I do. If you, I mean, there may be some social purpose to not charging user fees. I mean, when we were talking before about police and fire protection, you know, user fees, fees may not be appropriate for that. But I think here there are corporations. I mean, even the biggest corporations in the world pay tax to do business in Nebraska. And I can't believe--

**McCOLLISTER:** Thank you, Senator.

**MOSER:** OK. Thank you.

**McCOLLISTER:** Thank you, Senator. I would contend, and it is true there's a, there's a nexus between the General Fund and user fees. What's the best example of that? Gas taxes. Those people that use our highways end up paying the fees necessary to maintain those highways with gas taxes. However, however, my friends, we also pay a quarter of one cent out of the General Fund to maintain the highway fund. And I've long thought that we should simply raise gas taxes and eliminate that quarter of one penny that we pay out of the General Fund for the maintenance of our roads. Just something to consider. Thank you, Mr. President.

**FOLEY:** Thank you, Senator McCollister. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, a priority motion. Senator Chambers would move to recommit the bill to committee.

**FOLEY:** Senator Chambers, you're recognized to open on your motion.

**CHAMBERS:** Thank you, Mr. President. They're not gonna shut me up today by calling the question. They're gonna get a chance to call it a lot of times, and we are going on 3:00. I don't know how long you all want to stay here today, but it doesn't make me any difference. I'll get my \$12,000 a year whether I stay here one day or come here like I do every day, even when we're not in session, when my car is the only one on the road as far as I can see. Because I believe in what I'm doing and you all don't. And that's why I get more irritated than you all do, because you don't care. There are some people are very comfortable in the presence of somebody starving and they got a loaf of bread

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under each arm and each slice is buttered on both sides, and it doesn't bother them. They say, let him get it like I got mine. I'm gonna tell you hypocrites something that happened with your Jesus that you claim to believe in. Now, Matthew was a tax collector. I don't know if you all knew that, he sat at the seat of cus-- customs. He collected taxes, so he knew about taxes. And so the people always wanted to catch Jesus in his words, people like you all. Do you believe in user fees? Yeah, as long as you don't have to pay them. So they came to Jesus, should we pay taxes? And Jesus had to give object lessons because he's dealing with people with childlike minds, even though he knew they were cunning and always trying to catch him in his words. So he said, give me a coin. And those people asking him had money. So somebody pulled out a coin. Ironically, I don't have a coin in my pocket. But imagine a coin. Jesus said, whose image and superscription is on this coin? Whose picture, and who put words on it? They said, Caesar's. He said, render unto Caesar what is Caesar's and unto God what is God. And Caesar says, you pay taxes. Pay your taxes. But Christians say, well, that doesn't apply to the churches because they don't want to pay their way. Senator McCollister doesn't believe in fee-based enjoyment when it comes to the churches. Why don't they pay property taxes when the streets are scooped in front of their churches, when the streetlights are placed near their churches, when all of these services are extended? Especially these huge Catholic churches. You want to see a huge Catholic church? Drive down Leavenworth and look at St. Peter Catholic church. It looks like a small city, and they don't pay a penny in tax, Senator Moser, not one red cent. And all these other sponging, mooching churches. And that doesn't bother you all. That's why I say you're hypocrites, because you apply it where it's safe for you to apply it. But you don't want to challenge those who have to be challenged if you say what you believe is based on principle. Your principle is as holy as a piece of Swiss cheese. That's giving you credit. It's as holy as a fishnet. There's more space than there is substance because you have so many entities you want to allow to get through. What is the purpose of government? To provide for people what they can't provide for themselves. Read the constitution. It talks about ensuring the domestic tranquility, all these other things. And it takes money. And the way the money-- the government gets money is through taxation. And why would I speak on this matter when I said I'm not gonna fight your battle for you? Because it's not your battle. It is the Legislature's battle. But it goes to what is fairness, what is appropriate. You all may not believe this, but even rich people are entitled to be treated

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fairly. Even though they lie, cheat, steal, and don't pay their taxes. There is such a thing as fairness. And the ones who are most in need of it are the ones who don't get it: the poor, the friendless, the defenseless, the widows, the orphans. And those are the ones you don't care about. Why don't you all stand on this floor and get upset about that bald-headed man not enforcing what the public said they wanted when it comes to extending Medicaid? And you're gonna get mad at me because I call him bald-headed. I won't call him bald-headed anymore. You tell that man with a head full of hair who sits in the Governor's Office that he ought to do what the people said when they voted to extend the coverage of Medicaid. And why won't you legislators get up off your rear ends and do the work of the people? They spoke. But you don't like what they said, so you said they can go to Hades. And you sit in here, and then when you talk to these kids and these other groups who don't know any better you pretend that you're interested in the law and justice and fairness. People don't come here and see how we carry on as the Legislature. When they talk about how the Legislature carries on, you know who they're referring to what that term carries on? Senator Chambers, who doesn't even know how to dress 'cause he doesn't dress in these monkey suits that these other guys run around here wearing. What's the value of a necktie? What do you use it for? In the old days, it had a use. If the napkin didn't work, then they just take the napkin-- the necktie and wipe their mouth with it. What is more ridiculous than a necktie? It serves no purpose. What's the-- look at them. What are these neckties for? They look funny. Take them off. But here's the thing, it's symbolic. It's a Freudian slip. It's not a necktie on the neck of these senators, it is a leash. Do you know what a leash is? And the other end of that leash is in the hands of the Governor. That man with that head full of luxuriant, flowing hair. That make you feel better when I say he's got plenty of hair on his head? You don't want me to say that? You get mad when I say he got plenty of hair on his head because he hasn't. So I say he's bald-headed, and then you get mad because I told the truth. What do you want? You don't know what you want. You don't like me, you don't like what I say. And I'll tell you something, brothers and sisters, when I am putting to flight the wicked, the unjust, the unfair, the hypocrites, that's when I'm in my element. And it's why I can stand alone on this floor. And by the way, I don't just speak like this on the floor. I have the Omaha police running scared of me. And they put things on the Internet saying that they should tell everybody else to be against me. The police. They carry guns and I don't. And they should tell-- they tell you all to make me apologize and tell me

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to resign. Some crazy people who are unfit, in my mind, mentally to carry guns. But when they want to kill somebody, it's like that cop told this white woman when they stopped her and she was shaking like a leaf on a tree. He said, don't worry, we only kill black people. And that was shown on television because it was picked up. And then you all say the police are fair and you say I'm imagining things. How many times have they stopped a white woman and beat her in plain sight of everybody else, taken a white woman to jail because her tire went over the center line and then two days later they say she hanged herself in her jail cell? They don't do that. You think we're crazy and we don't know what's going on. You have taken the lynch mob spirit from the Ku Klux Klan, who wore white suit-- sheets and given it into the hands of those who wear blue uniforms and those who wear judicial robes. And they do just as much, just as many vicious things as the Klan. But they are dishonest about it and they corrupt your law, they defame your constitution. They show your judicial system is a mockery. We as black people don't get fair treatment. You know who is concerned about people not getting a fair treatment in court? I am. And the complaints that I've filed against judges were because judges had mistreated white people. Gotten judges taken off the bench, judges disciplined, suspended because they did bad things to white people. And I'm the racist. I wish you all were racist toward us like you say I am toward you. Because there are enough of you, if you were racist in the way you say I'm a racist to make your laws be fair to everybody.

**FOLEY:** One minute.

**CHAMBERS:** Children go to schools, they have adequate textbooks, adequate equipment that might be needed in the lab. Teachers who are adequately trained. But we live it and you don't. So you can do the kinds of things you do and feel no qualms of conscience because you have no conscience. There's a line in a song by the Temptations: Desperate with no sense of values, just an evil mind lurking in the night. In the love of God, won't somebody stop him? Think about the children. It's a matter of life and death, you see. That's you all. You all are the ones that Elijah Muhammad called blue-eyed devils. And look at the way white people have done people and do people now. And they comport with the definition and description of the devil.

**FOLEY:** That's time.

**CHAMBERS:** Thank you, Mr. President.

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**FOLEY:** Thank you, Senator Chambers. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. So I just, I've been trying to look through the Internet and figure out the differences between taxes and fees and the, I think it's really interesting because what I see as the general definition for a user fee is that it's designed to defray the cost of regulatory activities of a government service. So I can see why people want to call this a fee. But there are other places that it goes on to say that taxes are designed to raise general revenue. So that's what we're doing here. We even had a comment, well, this will be good, this is a way to raise revenue and make the companies pay for it. So I'm sort of confused about whether this is truly a fee or whether it's actually a tax because it's going to the general revenue to ra-- to be used in our general funds. And so then, in actuality, it's not paying for an exact service as user fees are supposed to do, it's going to pay for the General Fund and, and be distributed for public education and for roads and other things not on the General Fund. Anyway, I'd like to ask some questions to Senator Stinner about this.

**FOLEY:** Senator Stinner, would you yield, please?

**PANSING BROOKS:** Thank you.

**STINNER:** Yes, I will.

**PANSING BROOKS:** Oh, thank you, Senator Stinner. So I was, I'm serious. I'm interested in your perspective of why this is not a tax, that it is a user fee. There are all sorts of things all over the Internet about the very fine line be whether-- between whether something's a tax or a fee. So could you explain your perspective of this?

**STINNER:** My, my opinion of this is it's for a specific purpose. A filing fee is-- for an example on the bank side, if we're going to file a UCC filing, a financing statement, we should pay that fee because it's for a specific purpose. It's for notification to the public that we have a secured interest. That would be an example.

**PANSING BROOKS:** And I would agree with that as long as it's specifically structured to the cost of that filing fee. But I thought you said that there could be extra money that will then go to the General Fund?

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**STINNER:** The money that now is supporting those types of activities is general funds money, general funds being described as sales tax, income tax, both corporate and individual and miscellaneous tax. That's supporting it now. I don't think that that needs to support it, it needs to be pushed back into the general funds which can be utilized for other things, such as property tax relief or other types of programs or reducing taxes period.

**PANSING BROOKS:** OK. So do you know what proportion of our general funds are now going to pay to supplement the costs of these fees?

**STINNER:** Right now, it's \$300,000.

**PANSING BROOKS:** OK. So once we, once we get to the \$300,000, because it shows that it's more than that, then what's going to happen to that money again after we--

**STINNER:** OK, the, the, the extra money that you're seeing in the fiscal note, all of that then will be purposed for the technology, \$2.4, almost \$2.5 million of technology spend by the department over the next three years, four years.

**PANSING BROOKS:** OK. And on, on the other times that we've paid for technology, haven't we had a, a sunset on that, on that amount?

**STINNER:** This is-- many times we do. This is a department, obviously, that has, has some flexibility relative to how they spend their money in that. Now, we do go through an appropriations process with them and we have allowed them a level of appropriation to do technology, to do administrative, to do all of the things that they need to do to administer whatever services there might be.

**FOLEY:** One minute.

**PANSING BROOKS:** Thank you, Senator Stinner. And again, I just, I'm, I'm glad to hear his perspective of this. I do think it's a, a fine line between whether this is an increase of taxes or an increase of user fees. If it is perfectly defined to the parameters of the use then I do think that that is more of a user fee. But when we're talking about helping the General Fund dollars then I start looking at it as more of a tax. So thank you for your time. Thank you for Senator Stinner's answering these questions.

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**FOLEY:** Thank you, Senator Pansing Brooks. Senator Chambers.

**CHAMBERS:** Thank you. Mr. President, here's what surprises me. I did not study economics in school. I took, when I was at the University of Creighton Law School, a course in income tax. That didn't teach you about the philosophy of a government's taxation or anything like that. But let me put something to you all. I'm gonna teach you all as I would teach students. There are functions that the government carries out and they're beneficial to the public at large. When the government needs money, it should do it by way of straightforward taxation, not by subterfuge like these so-called user fees. And some people might say the ones who pay the highest fees are those with the biggest companies and they make all this money. I say, well, don't say that, because some of them are not big, they don't make money. But even if that's true, here's how we make them pay their way. We let them pay a modest fee for the privilege of operating a business. And if they're a big business and make a lot of money then we get from them money like we do everybody else. We tax them, and we tax them at a higher rate based on how much money they are making from the public at-large due to the fact that they're given permission by the state to carry on this activity and gouge the public to make a living. We should get them through taxation. And Senator Stinnish knows-- I meant Senator Stinner knows this. Everybody on this floor knows that even if you don't know it, by that I meant you sense it. The way we make these businesses pay is to tax them. But you give them all kind of tax breaks. You right now are trying to find a way to give away hundreds of millions of dollars to them. That's what you do. And the ordinary people look at that and they say, they're gouging me. I can't even get the benefit of what I join people in voting for in order to change the law according to the way the constitution says we can do it. We will extend the reach of Medicaid to help people who cannot afford to provide for themselves and their families medical care that they obviously need. They can't get that. But then these big businesses, multimillion dollar businesses, come here and you people want to give them millions of dollars. You probably have a bill this year to give them millions of dollars, and the World-Herald will praise you for it 'cause you're giving the money to the ones that they kowtow to. What about the ordinary people? They're stupid. They go along with anything. They each got a ring in their nose and somebody is standing here with a stick and it's got a hook on the end of it. And you put that hook in the ring in the nose and you twist it. And wherever you go with that stick, the one with the ring in its nose follows. That's

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what the ring in the nose is for, not decoration, not ornamentation, like when human beings do it. It's a mechanism of control. And that's what you all want to do to ordinary people. And the big shots kick you in a rear end. How many of you all get invited to dinner? I don't mean these special feedings at the trough like you feed hogs, pigs, and chickens. That's what you all are. When they have a steak dinner, not for legislators, but a dinner to show you you're a social equal. A social equal, equal? Why I'd never invite these-- these two-bit legislators are gonna come to a dinner of me and my class?

**FOLEY:** One minute.

**CHAMBERS:** Guess who didn't come to dinner? Not you all. Then they have some kind of function where they feed chicken feed and they get you to go over there where the Governor lives or pretends to live, and you all feel like you're big shots. And you ought to be insulted. But you don't have any pride, you have no self-respect. You haven't learned the lesson that Whitney Houston sang. It was the greatest love of all, and that's when you learn to love yourself. And you don't love yourselves, you don't respect yourselves. You don't respect this institution of which you're a part. And as a result, you get kicked all over the place by everybody. Then they come outside your house and laugh at you. How many times have you all ever gathered in front of the Governor's Office to show your objection to something he's doing? You wouldn't dare do it. How many of you all would have a ring around the Governor's house--

**FOLEY:** That's time, Senator.

**CHAMBERS:** --or simhah to demonstrate against something he's doing that you think is wrong?

**FOLEY:** That's time, Senator.

**CHAMBERS:** Oh, I'm sorry, Mr. President. I didn't hear you.

**FOLEY:** Thank you, Senator Chambers. Senator Moser.

**MOSER:** Thank you, Mr. President. I think our discussion has kind of devolved from a discussion of user fees on corporations and LLCs and people doing business in Nebraska and got off track into a discussion of social injustice and other things where they're not connected. And I, I don't have as good of arguments talking about social injustice as I do this. I think this is a case where corporations who primarily

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have plenty of assets, the domestic corporations that are headquartered here have fees, even foreign corporations who just want to do business in Nebraska have to pay fees. And who are these foreign corporations? That they could be large, they could be small, but there would be big railroads, there'd be big insurance companies, big stock and bond trader companies. I don't want to name names, but there are lots of companies that want to do business in Nebraska and they might want to register their trademark so they're protected to do business in Nebraska. So nobody else could steal their name and trade off of their good, their good name. And these fees are going to be offsetting General Fund fees where everybody pays to user fees, where the corporations who essentially have way more assets than the general public will be paying more of their own way. And you know, it somehow, it caught some of the ire of the senators and got us off on a discussion of social injustice. And not that that's not a valid thing to debate, I just don't think there's any social purpose to defeating this bill, or for that matter, approving the bill, except that I think it helps the general public because it reduces the amount of their taxes that go to support business expenses of big corporations and LLCs, big banks, big insurance companies. We shouldn't be paying property-- or sales tax into the fund and have everybody support it. They should pay those expenses themselves. This doesn't, these fee changes don't help the Secretary of State in any way. They don't pay him more, they don't pay his employees more. They don't, for that matter, I can't imagine that it does anything to appease the Governor, if that's what the argument is. If that's why, why we're fighting about this, you know, the Governor's Office said nothing to me about this. So I don't know if they're even interested in it. I think this is between the Secretary of State and the Appropriations chair. I think they got their head together and said, let's put these fees where the expenses are, and that way we can control the expenses of the Secretary of State's Office in a more business-like manner. And that, you know, that's why I support it. And then, you know, the social injustice thing, we'll have to talk about those when we start talking about Medicaid expansion and those things. Those are where those arguments belong, I think. Thank you.

**FOLEY:** Thank you, Senator Moser. Senator Chambers, your third opportunity.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, what Senator Moser said indicates a serious defect and flaw in the education that white children get. And they carry it on until they're

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adults. You cannot divide the life of people in a society into neat little pigeonholes or compartments and give a number from one to 100. And what happens in number one you discuss only when you're talking about number one. And even if its impact reverberates into some of the others, you don't talk about the impact until you get to that pigeonhole. Well, Senator Morse [SIC] has lived the kind of life where that is suitable to him. He's white and privileged. His social welfare is taken care of every day that he walks in this society, every day as a white man. He has the privilege of standing on this floor and saying that what is of concern to black women and black men is not something this Legislature should be concerned about. And they're afraid to say the whole thing because this is a Legislature of, by, and for white people. Well, I don't enjoy the things and privileges that he enjoys. So I'm not in a position to say that some people should be treated in a way that I feel is unjust because they manage to get some money if that's the way Senator Morse-- Moser feels, let me go get a gun and just get it from him honestly. When I see a person who got plenty of money, I have a license to carry a pistol, I'll stick it on the guy's nose and said: Your money or your life. He said, take her. I said, I didn't say your money or your wife. I said your money or your life. He said, oh, that's different. You got to take my life then, I worked too hard for this money. You need somebody to remind you what it means to be a human being. And even though you've had it easy all of your life. And don't tell me that when you were little, you went to school and you walked in snow that was up to your neck and it was uphill both ways. That means nothing to me. As long as you're white, you're privileged in this society. If I was the guy who generally, and I'm white, I smell like a skunk and I kind of look like one. And I can't get a job because I stink. So you know what I do? I go and I take a bath, I steal some clothes off somebody's line or snatch grab out of the store, put on what they call a monkey suit. They don't call it that. I get a haircut and a shave. I brush my teeth so that my breath doesn't stink and then I walk into a place and say, I'd like to get a job. And just in front of him is a black person with a PhD, an MBS, and a BA who wants to get this job. And if things were going OK until the boss who's gonna do the hiring saw you come in, then he tells the black guy: We'll call you. And the black man knows what that means, there will be no call. Then this erstwhile, dirty, stinking individual who's white and got a haircut and a suit and took a bath, says, hey, I want to get that job. You say, OK. This is the time you have to come to work, this is the time you leave, and this is how much you get paid. That's how white people are treated. And we don't get that

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treatment. And I think nobody should be treated unfairly. But you all are not affected by that.

**FOLEY:** One minute.

**CHAMBERS:** Senator Moser says this has nothing to do with the Governor. I made it have something to do with the Governor. And I constantly talk about his violation of the law in terms of not doing what the people voted that he should do. And they call the people the second house. He calls them the second house when he says they should be able to carry guns in this Capitol building. Well, the second house said extend the coverage of Medicaid, and he tells them: Go to hell. I'll not expand it because I don't like it and I'm not going to do it. And the law is the law only when I say it is and I agree with it. And nobody can make me do it and certainly not those cowards, those flunkies, those bootlickers in the Legislature. In fact, watch this. He pops his finger and blows the dog whistle and you all go running with your tongue hanging out. He knows what you are and what you're not. And you know what you are and what you're not. And I'm trying to stir you all up into a star of manhood and womanhood. Take the respect that the law has given you--

**FOLEY:** That's time.

**CHAMBERS:** --if you will just accept it. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Senator Halloran.

**HALLORAN:** Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. This has been an interesting-- I'll call it a conversation because really hasn't been a debate to this point. But I would say I have a little confusion about some of the, the opponents at this point who have spoken on it. It's interesting to see progressives defending corporations and increasing their taxes or their filing fees. It's quite an anomaly. I'm glad Senator Morfeld pushed his light because I would like to have Senator Morfeld yield to a question, if he would.

**FOLEY:** Senator Morfeld, would you yield, please?

**MORFELD:** Yes.

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**HALLORAN:** Thank you, Senator Morfeld. So you have a lot of students in your district, correct?

**MORFELD:** Yes.

**HALLORAN:** So what you're-- and correct me if I'm wrong. I'm sure you will. So what you're saying is you're OK with your students with their hard-earned money, not much of it, but their hard-earned money paying sales tax to help subsidize through the General Fund to subsidize corporate filings?

**MORFELD:** Yes, so they can have corporations to work for after they graduate.

**HALLORAN:** I don't think this is gonna break corporations. But, but you're willing to have them subsidize those filings instead of the user fee, the user, actual user having to pay it in increase?

**MORFELD:** I'm willing to have everybody in the state of Nebraska that pays sales tax do that, including students. Yes. Because we're all in it together.

**HALLORAN:** So in other words--

**MORFELD:** Just like other people pay--

**HALLORAN:** So in other words--

**MORFELD:** --for students to be able to go to the university.

**HALLORAN:** So in other words, Senator Morfeld, you're willing to have your students help subsidize Warren Buffett's corporate filings?

**MORFELD:** I'm willing to have them help subsidize all the corporate filings in the state of Nebraska, because we're all in it together. And we need to make sure that there's good jobs for them and businesses that have a level playing field for everybody else.

**HALLORAN:** Thank you, Senator Morfeld. Senator Pansing Brooks, would you yield to a question?

**FOLEY:** Senator Pansing Brooks, would you yield, please?

**PANSING BROOKS:** I'm happy to.

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**HALLORAN:** Thank you, Senator. You probably have the same answer or something similar to it. But, but you defend teachers a lot, and we all should, they make a fairly modest, often, too often a meager income. So my question is the same thing. So you're OK with them subsidizing, say, Warren Buffett's corporate filings versus increasing Warren Buffett's filing fees?

**PANSING BROOKS:** I have been merely asking questions. We went through, as Senator Friesen said, we went through an entire debate about whether or not to, to raise one fee, and that was marriage fees a couple of years ago. Now, all of a sudden, we have 67 in front of us. And I'm, I'm confused with why people are OK with that when the same people that are OK with this were fighting against raising the marriage fees. So it's just interesting to me. And if you're saying that it's a raising of a tax, that that way that the teachers don't have to, have to work as hard-- or that they can get paid more, that's a different thing than a user fee.

**HALLORAN:** No, Senator. What I'm saying is that when they pay, when they purchase something, they pay sales tax. Sales tax goes into the General Fund. And what this is gonna do is gonna relieve the General Fund of some of that obligation, right? It's gonna cause the user to pay a little bit more instead of your teachers or anyone else in the state having to subsidize those filing fees.

**PANSING BROOKS:** I'm all in favor of people that, that are struggling and, and who are not paid as much not having to pay a greater proportion of taxes. But I'm also--

**HALLORAN:** OK. Thank you, Senator, I appreciate that. I yield my time. Thank you.

**FOLEY:** Thank you, Senator Halloran. Senator Morfeld.

**MORFELD:** Thank you, Mr. President. Just in response to Senator Halloran. You know, regardless of whether you're a progressive or a conservative, I think we all have a stake and an interest in this. I run a nonprofit, but I also run a small business. So these are fees that I've had to pay as a small business owner and then also as a person that has started or run a nonprofit. And I do think that this is a good discussion about who should be paying for these. Yes, I think college students, right along with everybody else across the state, can chip in a little bit so that we have a Secretary of State's

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Office that is accessible to everyone, regardless of whether they're a low-income person trying to start a business or really high-income person trying to start a business like Warren Buffett. I do think that we should be careful about how we increase our fees. That being said, I'm not necessarily opposed to all these fees, but I think that it's important to have a discussion about them. And if our state agencies are going to go to a user fee-based revenue model where they're all funded by user fees, then that's a discussion that we need to have. Because I've lived in a state like South Dakota for a while where, yeah, the taxes are lower on the front end, but they're very expensive on the back end through user fees. It's a lot more expensive to go to certain places in South Dakota because they don't collect taxes on the state level, but they, they collect them-- well, on the state level, but on a user fee type of basis. And so that's a discussion to have. I wasn't gonna say anything until Senator Halloran got up. It's not just, it's not just conservatives that are concerned about taxes and how we fund things. It's progressive's as well, because we're also small business owners. We're also user fee folks that, that pay for user fees. So I'll yield the balance of my time.

**FOLEY:** Thank you, Senator Morfeld. Senator Chambers, you're recognized to close on your recommit motion.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature. I listen to you all label each other a progressive. It used to be liberal. Then that stupid, war mongering, pathological liar in the White House talked about creeping socialism. Then that man over in the Governor's Office with the long, flowing mane on his head started using the same identical language. "Little Sir Echo." Creeping socialism. I don't accept labels. White people label me, but I don't accept it. If you call an apple tree a peach tree, does that apple tree stop producing apples and begin to produce peaches? Not on your life. You all are so arrogant. You think a thing is so because you say it is so. I'm against what's happening here. Am I progressive? I don't accept that term. That's a white people's term. Silly. None of them are moving forward. And that's what progress means to me, not mere change. Change is not the same as progress. You can move the chairs into different positions on the deck of the Titanic, but that would not stop it from being sunk by an iceberg. Strengthen the hull, strengthen the part of the ship that is likely to come in contact with an iceberg and then you have made progress, not merely a change. Liberal? I don't like liberals, those who call themselves that. But you all put the labels. I don't accept any label. There's a group

called, it's an organization for freedom from religion. And they call me an atheist because I don't believe what these white Christians believe or really what anybody believes. Maybe they do. I don't believe any religion. And I tell them I don't have religion. What do I believe in? I believe in algebra. And wherever algebra is in vogue, wherever it is in this world, algebra is algebra is algebra. But what is Christianity? Whether Coptic Christians, Baptist Christians, Methodist Christians, Catholic Christians, and yet they all are different, and they all hate each other and fight like cats and dogs. So I say take Christianity and throw it all in the ocean and the world's a better place. I don't accept any label, and if you want to call me an atheist because I don't believe in Judaism or I don't believe in Christianity or I don't believe in Islam, then call me a multiple atheist because I don't accept any of the Homeric gods either: Zeus, Hera, Athena, none of them. I don't need that. Why do you think I've got a brain in my head? So I can think. Not so when things are hard I fall down on my knees and say, make it go away. If I would listen, a voice would say, get up off your knees, you lazy rascal, and do something about it. Nothing is going to change if you don't put forth the effort to change it. And you all fall back on your religion when it's convenient to do so. But it doesn't govern your conduct. And your talk about justice and equity. I say if we mean it when we say all are equal before the law, then that's the rich man and the poor man. But the rich man gets a leg up and the poor man gets the foot on his or her neck. You all know it just like I do. You talk in these generalities when we're in an argument on this floor. I judge you by the way you live and carry yourself, the way you conduct yourself on the issues that we deal with. You all ought to be outraged that your Governor will not extend the reach of Medicaid to help the people--

**FOLEY:** One minute.

**CHAMBERS:** --you were sent here to represent. They look for you to represent them. They cannot come down here and do anything. You can, but you're too cowardly. All of you. Senator Moser, Senator Arch, Senator Lowe. I could go right down that list with a few exceptions. You're cowards. You're gutless. The people have voted specifically and the Governor says, I'm not gonna do it. And you all won't do anything about it. We ought to impeach him for violating the oath he took and the duty reposed on him by the constitution. Will you all vote for my resolution of impeachment if I draft it for the Governor and base it on the constitution that says his paramount duty is to see that all of

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the laws are faithfully enforced? And the Medicaid expansion law is more in a sense of a law than what you all passed, because the people spoke directly in accordance with what the constitution said.

**FOLEY:** That's time.

**CHAMBERS:** I would ask for a call of the house and a roll call vote.

**FOLEY:** Thank you, Senator Chambers. There's been a request to place the house under call. The question is shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**ASSISTANT CLERK:** 12 ayes, 1 nay to go under call, Mr. President.

**FOLEY:** The house is under call. All members please return to the Chamber and check in, the house is under call. All members please return to the Chamber and check in, the house is under call. Senator Morfeld, check in, please. Senator Kolowski, check in. Senator Chambers, we're lacking Senator Geist and Senator Hughes. We can wait. Senator Geist and Senator Hughes, please return to the Chamber and check in. We're hot-- we're under call. Senator Lathrop, check in, please. Senator Lathrop, would you check in, please. All unexcused members are now present and the question before the body is the reconsideration-- excuse me, the recommit to committee motion. A roll call vote has been requested. Mr. Clerk.

**ASSISTANT CLERK:** Senator Albrecht.

**ALBRECHT:** No.

**ASSISTANT CLERK:** Voting no. Senator Arch.

**ARCH:** No.

**ASSISTANT CLERK:** Voting no. Senator Blood. Senator Bolz.

**BOLZ:** No.

**ASSISTANT CLERK:** Voting no. Senator Bostelman.

**BOSTELMAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Brandt.

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**BRANDT:** No.

**ASSISTANT CLERK:** Voting no. Senator Brewer. Senator Brieese.

**BRIESE:** No.

**ASSISTANT CLERK:** Voting no. Senator Cavanaugh.

**CAVANAUGH:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Chambers.

**CHAMBERS:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Clements.

**CLEMENTS:** No.

**ASSISTANT CLERK:** Voting no. Senator Crawford.

**CRAWFORD:** No.

**ASSISTANT CLERK:** Voting no. Senator DeBoer. Senator Dorn.

**DORN:** No.

**ASSISTANT CLERK:** Voting no. Senator Erdman. Senator Friesen.

**FRIESEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Geist.

**GEIST:** No.

**ASSISTANT CLERK:** Voting no. Senator Gragert. Senator Groene. Senator Halloran.

**HALLORAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Ben Hansen.

**B. HANSEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Matt Hansen.

**M. HANSEN:** No.

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**ASSISTANT CLERK:** Voting no. Senator Hilgers. Senator Hilkemann.

**HILKEMANN:** No.

**ASSISTANT CLERK:** Voting no. Senator Howard.

**HOWARD:** No.

**ASSISTANT CLERK:** Voting no. Senator Hughes.

**HUGHES:** No.

**ASSISTANT CLERK:** Voting no. Senator Hunt.

**HUNT:** No.

**ASSISTANT CLERK:** Voting no. Senator Kolowski.

**KOLOWSKI:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Kolterman. Senator La Grone.

**La GRONE:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Lathrop.

**LATHROP:** No.

**ASSISTANT CLERK:** Voting no. Senator Lindstrom.

**LINDSTROM:** No.

**ASSISTANT CLERK:** Voting no. Senator Linehan.

**LINEHAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Lowe.

**LOWE:** No.

**ASSISTANT CLERK:** Voting no. Senator McCollister.

**McCOLLISTER:** No.

**ASSISTANT CLERK:** Voting no. Senator McDonnell.

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**McDONNELL:** No.

**ASSISTANT CLERK:** Voting no. Senator Morfeld.

**MORFELD:** No.

**ASSISTANT CLERK:** Voting no. Senator Moser.

**MOSER:** No.

**ASSISTANT CLERK:** Voting no. Senator Murman.

**MURMAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Pansing Brooks.

**PANSING BROOKS:** No.

**ASSISTANT CLERK:** Voting no. Senator Quick.

**QUICK:** No.

**ASSISTANT CLERK:** Voting no. Senator Scheer.

**SCHEER:** No.

**ASSISTANT CLERK:** Voting no. Senator Slama.

**SLAMA:** No.

**ASSISTANT CLERK:** Voting no. Senator Stinner.

**STINNER:** No.

**ASSISTANT CLERK:** Voting no. Senator Vargas.

**VARGAS:** No.

**ASSISTANT CLERK:** Voting no. Senator Walz.

**WALZ:** No.

**ASSISTANT CLERK:** Voting no. Senator Wayne.

**WAYNE:** Yes.

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**ASSISTANT CLERK:** Voting yes. Senator Williams.

**WILLIAMS:** No.

**ASSISTANT CLERK:** Voting no. Senator Wishart.

**WISHART:** No.

**ASSISTANT CLERK:** Voting no. Vote is 2 ayes, 36 nays, Mr. President.

**FOLEY:** The motion to recommit to committee is not adopted. I raise the call. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, Senator Chambers would move to reconsider the vote on the recommit motion.

**FOLEY:** Senator Chambers, you're recognized to open on your reconsideration motion.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, there's a saying: It's a terrible thing to fall into the hands of an angry God. Maybe you ought to let a sleeping lion sleep. You all called me up here. Now accept the consequences of making me come up here when I was minding my own business and the people's business by watching and coming up here when I thought there was some part for me to play. I would like to ask Senator McCollister a question, if he would answer.

**FOLEY:** Senator McCollister, would you yield, please?

**McCOLLISTER:** Yes, I will.

**CHAMBERS:** And Senator McCollister, there may be more than one question. Have you brought bills in the past to raise fees for Game and Parks?

**McCOLLISTER:** Yes, indeed.

**CHAMBERS:** Is there a particular senator on this floor who has fought tooth and nail against raising fees on occasion that he disagreed with?

**McCOLLISTER:** I do know that, Senator.

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**CHAMBERS:** You said what?

**McCOLLISTER:** I know that, Senator.

**CHAMBERS:** Does he, does that senator have a name?

**McCOLLISTER:** Yes, he does.

**CHAMBERS:** Would you give the name that he goes by rather than the name that people give him when nobody's listening?

**McCOLLISTER:** What I will give you is his license plate, which is "COUGAR 1."

**CHAMBERS:** Now, I don't mind that sobriquet. But the name that likely appears on his birth certificate?

**McCOLLISTER:** Ernest, I don't know the middle name, Chambers.

**CHAMBERS:** That's right. See, I've fought against fee increases before, and I'm going to find an article where a columnist pointed out that Senator Chambers saved all of you in Nebraska a dollar or two on these fees that Game and Parks was charging. This is not new for me. I look at process. And somebody who has been on the short end of the law for all of my life, I have to have respect for what the law is able to do, not how it's misapplied and misused. I would not say that because they deprived my people of the right to vote, I want to take the right to vote from everybody. Because when that is done then nobody benefits and the plight of my people becomes even worse. So I want the law to be as pure as is possible when it's administered by human beings. I know that it doesn't matter what words we put into the statute. It will mean no more than the one who's in a position to enforce or carry out that law. And that brings me again to that man with that beautiful, flowing mane of hair who sits in the Governor's Office. He says about himself what Blackstone said, Sir William Blackstone. He wrote a publication, is what I call it, but they called it his commentaries. And he's considered an authority on any number of aspects of the law. And he was the one who stole or lifted a comment from Voltaire and presented it as it is better that 100 guilty escape than that one innocent person suffer. So all of those fine words are uttered. When it comes to the law, they should not be aspirational, not hopes, not dreams, not wishes, not prayers. They are fiats, which are backed by the power of the state, and the state is able to coerce obedience or impose a punishment on you for not complying. We have a

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situation where another of Blackstone's comments is being misused by the man with all that hair on his head in the Governor's Office. Blackstone said it is necessary that the king should be above the constitution. In other words, the king is above the law. And it's necessary, in Blackstone's opinion, that that be the case. You all have the picture of an ugly guy called "He of the big teeth" who won, ran for the Bull Moose Party, called TR, Teddy Roosevelt, who said explicitly, "No man is above the law." No man. He should have said no person, but women don't count. And women will criticize me when I speak out for women, but they don't criticize the standards where everything articulated is with reference to the masculine or male gender. But that's how white women are because they're white. They were trained, they were conditioned. They were socialized to know their place and stay in it. Now, if they say wear long dresses that drag on the ground, that's what they wear. If it says wear short dresses, that's what they wear. If they say wear high heels that we're gonna call stilettos that will mess up your legs and throw your bones and your backbone out of joint, wear them, you'll wear them. Because you are owned. You are "thingified." And they see you as things. Now, somebody like me who, and I'm repeating it again, has been on the short end of the law in terms of it not being applied or being misapplied to deprive us of rights, I and people like me are the ones who say, obey the law. Senator McCollister has confirmed that I've fought against these kinds of fees. Now, you all are confusing a for-profit business with the government. You know who charges you a fee in order for you to take advantage of their services, but it's called an admission price and it's for the purpose of making profit? The government might, in some senses, be said to turn a profit. But that's not really true because they have a deficit, which means they're in the hole. But the businesses, the private establishments who charge an admission is nothing out of the ordinary. You cannot equate the government and what it does with a private business charging an admission, which is for the purpose of producing profit. You all are so smart, and yet you're the dumbest people that I've been around. I could be in an eighth grade class of kids and they'd have more sense than you all, 'cause you're not logical. You all are so lacking in knowledge you probably haven't heard-- I think I'll ask Senator Murman a question, if he will respond.

**FOLEY:** Senator Murman, would you yield, please?

**MURMAN:** Yes.

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**CHAMBERS:** Senator Murman. I'm going to ask you one question and there might be a follow-up. Have you heard, and it's from history, "Millions for defense, but not one cent for tribute." Have you heard that expression?

**MURMAN:** No, I can't say that I have.

**CHAMBERS:** OK. That's all I'll ask you. Thank you. Uh-oh, Senator. I had to get some consultation. Members of the Legislature, is the gentleman looking at me with his hand up to his face, which they said he should not do. Get your hand away from your face. And you too, Senator. OK. Is that Senator Dorn sitting there that I'm pointing? Senator Dorn, although it's considered impolite to point. I wanted to be sure that you knew it was you. I'd like to ask you a question, if you would yield.

**FOLEY:** Senator Dorn, would you yield, please?

**DORN:** Yes.

**CHAMBERS:** Senator Dorn, and I knew your name. We even worked together on a bill, too. OK.

**DORN:** Yes, we have.

**CHAMBERS:** Have you heard that expression? It was stated at one time, "Millions for defense, but not one cent for tribute."

**DORN:** Repeat the last word again.

**CHAMBERS:** "Not one cent for tribute."

**DORN:** I'm like Senator Murman. I probably haven't heard that. I've heard the "Millions for defense" part before.

**CHAMBERS:** OK, thanks. That's, that's all I'll ask you. I'd like to ask Senator Walz a question.

**FOLEY:** Senator Walz, would you yield, please?

**WALZ:** Yes.

**CHAMBERS:** Senator Walz, have you ever heard that expression, "Millions for defense, but not one cent for tribute"?

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**WALZ:** I'm afraid I haven't.

**CHAMBERS:** OK, thank you. I'm not gonna go around and some people are looking down to make sure I won't ask them, and I'm not going to ask them. But there was a time in history when there was a part of the world--

**FOLEY:** One minute.

**CHAMBERS:** Wait a minute, we have somebody who graduated from-- I'm gonna see if the Ivy League education is better than others. Would Senator Slama yield to a question?

**FOLEY:** Senator Slama, would you yield, please?

**SLAMA:** Yes.

**CHAMBERS:** Senator Slama, have you heard that expression, "Millions for defense, but not one cent for tribute"?

**SLAMA:** Yes. That phrase was used by American negotiators in response to French attacks on their ships. The French demanded tributes to their government, and that phrase became a rallying cry for an anti-French sentiment in the United States.

**CHAMBERS:** You get an A. Thank you, Senator Slama.

**SLAMA:** Thank you.

**CHAMBERS:** Members of the Legislature, I have a reason for what I do. And it was an area near the Barbary Coast, and it was a place which in modern times is called Libya. And they got even finally. And it was under Senator Obama, President Obama, and I'll never forgive him. He engineered the murder of Muammar Gaddafi.

**FOLEY:** That's time, Senator.

**CHAMBERS:** You said time?

**FOLEY:** Yes. Thank you, Senator Chambers. Senator Cavanaugh.

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Good afternoon, colleagues. Since Senator Chambers has made it clear he's taking some time on this bill and Senator Halloran was asking some questions about tax policy and views on tax policy, I thought I would take a few

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moments to share some of my thoughts on taxes in Nebraska, some bills we have in the Legislature and the coronavirus crisis that we're facing. So I don't like taxes particularly. I am not in support of raising taxing, taxes for car repair. I'm not in support of taxing food, I oppose taxing water. I-- possibly the biggest tax I'm against is what I would call, and what many call the poll tax, a tax that you have to pay by purchasing a license or an ID in order to vote. You shouldn't have to pay to vote. We eliminated poll tax in this country a very long time ago. And requiring voter ID is, in fact, a poll tax. I support expanding community programs and reducing our prison population. Makes economic sense, it's fiscally responsible. I support Medicaid expansion. If we had Medicaid expansion in the state, which the voters voted for in-- what was that, 2018? 2018, they voted for it. If we had Medicaid expansion today in this state, which we could, I would be significantly less concerned about the welfare of this state in the coming weeks as we combat the global pandemic, global pandemic. That is what it is being called by the White House. Not me, the White House of the United States calls this a global pandemic. And if we had Medicaid expansion, at least we would know how people are going to pay for their healthcare. We would have federal dollars that we would be drawing down. But as it stands right now, I think the state of Nebraska is gonna be paying for a lot of people to get healthcare, or else we're going to see a lot of people dying. So maybe we can, maybe tomorrow we will show up and Medicaid expansion will be implemented because there's nothing stopping it from happening tomorrow except for the Department of Health and Human Services deciding on their own to move forward with an 1115 waiver. The state plan amendment was approved by the federal government. They can implement it immediately. And I hope that they make that decision before it is too late for people in Nebraska to start getting treatment that aren't getting treatment for the coronavirus. This impacts all of us, every single person in this room. And if you are under six-- over 65 or you have an underlying health condition in this room, which I'm guessing quite a few people do, you should be calling the Governor's Office and demanding that they expand Medicaid expansion. Because otherwise, everyone you know is gonna go sick and get you sick, and you're the vulnerable population. We also could bring back my priority bill from last year, Senator Sue Crawford's paid family and medical leave, LB311, which would use the unemployment insurance fund to pay for family medical leave. Guess what qualifies for family medical leave? The coronavirus. That's right, folks. We can pay for the coronavirus through a bill that was my priority last year,

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that Senator Crawford introduced, that has money from the Unemployment Insurance Fund.

**FOLEY:** One minute.

**CAVANAUGH:** We can actively address this crisis right now as a Legislature. It's amazing. Another thing we could do is bring out of committee LB1084, Senator Kolterman's bill, and start working to build those biocontainment units here in Nebraska. We only have 20 beds, that wouldn't even be half the Legislature. This, this room right now, I think the people on the floor, hey, I call dibs. If you're on the floor, dibs, right? Yeah, dibs. We get the 20 beds because we're on the floor right now. So those of you that, I don't know where you are, if we do a call of the house, guess what? We already called dibs on those 20 beds. So I would just encourage us to be more mindful of our role here in the state, more fiscally responsible, also responsive to the citizens of Nebraska.

**FOLEY:** That's time.

**CAVANAUGH:** We can do this. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Senator Wayne.

**WAYNE:** Thank you, Mr. President. I did not know that quote when I pushed my button, Senator Chambers, but I usually listen to another philosopher, Tupac Shakur. Twenty years ago, he said: They got money for wars but can't feed the poor. And with that, I will yield the rest of my time to Senator Chambers.

**FOLEY:** Thank you, Senator Wayne. Senator Chambers, 4:40.

**CHAMBERS:** Thank you, Mr. President. Before Senator Wayne takes a seat and gets comfortable, I want to ask him a question.

**WAYNE:** Senator Wayne, would you yield, please?

**CHAMBERS:** Senator Wayne, often people who say meaningful things and try to engage in meaningful uplift will meet a bad end. Where is Shupak [PHONETIC] right now, if, you know?

**WAYNE:** Tupac was murdered like most great philosophers.

**CHAMBERS:** Thank you. Members of the Legislature, whether you are a rapper, whether you are a radical, not in the popular sense, but

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that's what they call anybody who steps outside the path that most people in society are walking. They'll find a way to do something to you. There was a man, he went by only one name. I don't know if it was his first name or his last name, but he used to ask people a lot of questions. And if somebody didn't know a subject, he would ask questions until he elicited from that person the answer to the question, which initially the person didn't know. But when you don't have a teacher, you will not know when you've correctly answered the question. So this person who asked the questions and elicited that information had to let that person know that you've answered the question that I asked you and you thought you didn't know the answer to. What you didn't know really is that you didn't know that you knew the answer. And that's the purpose of a teacher. A teacher can often take the different, undifferentiated knowledge and information you have, focus it, and you'd be surprised how smart you really are. And that person distressed the powers that be so much that they made him drink something that was not health-- good for your health. And it was called hemlock. And I'm not gonna tell you what this person's name was, but you'd know it if you heard it. I talked about labels. And let me tell you some of the labels white people hung on me that I never did. And I'm going to hand you all articles where they did this, and they never consulted with me. But white people are that arrogant. "A black nationalist." I never said that's what I am. "A black militant." I never said that's what I am. "A black leader." I never said that. "A black militant firebrand." I never said that. But white people are so ignorant they have to label, and as a result, they mislabel. And then based on how other people perceive that label, they treat the one who accepts it the way one wearing that label ought to be treated in the mind of the white person who wants an excuse to inflict some kind of harm. So I reject all labels. I'd like to ask, well, there are-- Senator Brewer is not here, I'm gonna ask Senator Moser a question. He looked at me. Senator Moser, would you respond to a question?

**SCHEER:** Senator Moser, would you please yield?

**MOSER:** If it's anything I know anything about, I'd be glad to.

**CHAMBERS:** Senator Moser, when I was a small lad, they used to have a long jelly roll, and it was called a Bismarck. Had you ever heard of a pastry called a Bismarck?

**SCHEER:** One minute.

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**MOSEER:** No. I worked in a grocery store, too, and I can't--

**CHAMBERS:** OK, and you-- usually you'd get it at a bakery, because they didn't sell these things in grocery stores in those days.

**MOSEER:** Oh, yes. OK, a Bismarck has a jelly-filled little donut.

**CHAMBERS:** OK. You got it right. OK. Have you-- are you familiar with that name applied to an individual? And he might have been called Prince Bismarck and he was in Germany?

**MOSEER:** Yeah, my, my history wouldn't be the best on that.

**CHAMBERS:** OK, that's all I'll ask you. Because we only have a minute and I don't want us to be in the middle of it. And Mr. President, at this point, I'll stop and wait till I'm recognized.

**SCHEER:** Thank you, Senator Chambers and Senator Moser. Senator Chambers, you're next in the queue.

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, I'll go ahead and tell you this. And I wrote a rhyme about it, I might share it with you and improve your education. Prince Bismarck had a nephew, and he had his little nephew sitting on his knee. And he looked at his nephew and he said, what do you want to be when you grow up? He said, I want to be just like you, Uncle Bismarck. And he, Uncle Bismarck was pleased, but he wanted to know why. He said, why do you, why do you want to be like me, nephew? The nephew looked up at him and he said, 'cause everybody fears you. And Bismarck was taken aback. And he said, you want people to fear you? Wouldn't you rather that they love you? He said, oh, no, Uncle Bismarck. So Uncle Bismarck proceeded with his interrogation. He said, well, why would you rather somebody fear you than love you? The little nephew, looking very serious like little kids do when they are allowed into the grown-up world. He said, Uncle Bismarck, when people love you, they cheat you. But when they fear you, you cheat them. That little boy learned one of life's very important lessons. But what Uncle Bismarck succeeded in doing was unifying a lot of countries against his country because he made some miscalculations. And that's what Hitler did too. He united the world against himself and his country. Now, I have a reason for saying those things. Sometimes when a person feels that he's got control of everything and everything is going his way, he is disregarding of everybody else thinks he's more than what he really is. 'Cause a man ain't nothing but a man, and a man is only a man. And a hero ain't

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nothing but a sandwich. But those are all titles that men arrogate to themselves to make them above other people. Why in the world would a governor not extend the reach of a program to help the sick, the afflicted, the infirm? And yet he claims he's a Catholic. Catholics have a branch of activity which is referred to as social justice. And yet this man over here is withholding from people who need medical care that which is within not only his power, but his duty to see is extended to them. Now, twice resolutions of impeachment were voted on by this Legislature, and I introduced both of them. And both of them were passed by this Legislature, and both of them were voted in favor by a majority of the Nebraska Supreme Court. But former Attorney General Paul Douglas escaped because four of the seven judges voted to convict him, but under the constitution it takes a supermajority. So although a majority of the Legislature voted to impeach, a majority of the, the Supreme Court voted to convict, he kept his position because there was no supermajority. The second resolution of impeachment I brought was against a regent at the university, and he had violated campaign laws. So I introduced a resolution of impeachment. The Legislature passed it. And this time there was a supermajority of the Supreme Court and he was convicted and kicked off the Board of Regents. And pursuant to the constitution, he can never hold a position in this state again. Well, maybe I should make a third resolution of impeachment. And I wonder how many of you will vote in favor of my resolution.

**SCHEER:** One minute.

**CHAMBERS:** And, Mr. President, I have to be reminded when I've gone to my third time, because I kind of lose track and I'm not offended. I'm going to draft, I'm starting to draft a resolution of impeachment against the man who sits in the Governor's Office. I don't care what you do with it. When Murante was chairperson of the Government Committee, he'd never allowed a resolution that had been referred to his committee to have a hearing until the tail end of a session the following year over the noon hour, because I told him I'd make a motion to pull it and that would give me a chance to discuss it on the floor. But by him having a hearing, they could refuse to advance it. And I was not going to make a motion to overcome that. But I'm going to draft a resolution of impeachment. You see the obligation I'm putting on myself, putting myself out on a limb.

**SCHEER:** Time, Senator.

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**CHAMBERS:** Say it again.

**SCHEER:** Time, Senator.

**CHAMBERS:** Thank you, Mr. President.

**SCHEER:** Thank you, Senator Chambers. Senator Moser, you're recognized.

**MOSEER:** Thank you, Mr. Speaker. I wanted to make a comment about the revenue for the secretary-- Secretary of State's Office. I think before I said that it was revenue-neutral change in fees. And if you look at the fiscal note, the general funds go down \$300,000, but the fees go up and then the difference between those fees are used for technology improvements. So in my generalization about this not benefiting the Secretary of State's Office, it does improve their technology, it doesn't improve their salaries or make their office run any more expensively, except for that it does pay for some technology improvements. So the intent of what I said, I thought was right. But I should have given those numbers so that you had the exact numbers. Thank you very much.

**SCHEER:** Thank you, Senator Moser. Senator Chambers, this is your second time, which would leave you one for a close.

**CHAMBERS:** Thank you, Mr. President. Members of the Legislature, let me tell you about this resolution of impeachment that I've been working on. I will start with the constitution. A person cannot be governor until he or she has received enough votes at the polls. But that doesn't make that person governor. That person is not allowed under the constitution to enter upon the discharge of the duties of that office until an oath stated in the constitution is subscribed to by the office holder. And if that person is like myself and doesn't swear, the constitution allows for affirmation. You swear or affirm. And to paraphrase it, discharge the duties of this office to the best of your ability. The number one duty of a governor under that constitution is to see that the laws are faithfully executed. That means they are to be carried out. A law exists and it came into existence as a result of the public. That group, which is referred to by many people as the second house of this one-house Legislature, passed by a sufficient majority at the polls a provision requiring, mandating the expansion of Medicaid. This governor for, and I'll have the exact number of months, has chosen to deliberately not execute that law. And no law can go on executed for this long without the

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governor being found to have violated his oath of office and that explicit constitutional provision that requires him to faithfully execute all laws. So I will have all of the T's crossed, all of the I's dotted and take it from the beginning, "In the constitution, when a person becomes governor," right up to the point where "he or she has an obligation to enforce laws." And I can show and prove beyond any doubt, not just reasonable doubt, beyond any doubt that he has contumaciously chosen not to enforce the law. And therefore he should be removed from office for violating the constitution. One thing people don't realize about impeachment, it is not a criminal action. Therefore, the standard of proof is not beyond a reasonable doubt. The purpose of impeachment is not to punish the office holder. The only thing it does is to remove that person. So the purpose and function of impeachment is to purge the officer-- office and protect it from somebody who has lost the right under the constitution and laws to occupy that office. So rather than bring a criminal charge for punishment, impeachment simply removes that person. And the act has to have been committed while that person is in office. If he would quit then impeachment does not lie, because his quitting has purged the office of the wrongdoer and therefore there is nothing for impeachment to achieve. So when I bring that resolution, I'm gonna see how many of my colleagues will vote in favor--

**SCHEER:** One minute.

**CHAMBERS:** --of purging that office of a person who is disregarding his duty. Do I care if you vote to impeach or not? I do care because I am a part of the population of this state, I'm a member of this Legislature. And both of those things I am, even though I'm not an American citizen. Oh, I was born here, I pay taxes. I served in the military, I got an honorable discharge, I got a commendation for how well I behaved. Sen-- Private Chambers, at that time, everybody knew that when Private Chambers undertook to do something it was gonna be done well. So I did all those unpleasant things. Yet, I still am not a citizen. What must I do to become a citizen? What would make me a citizen? Senator Moser--

**SCHEER:** Time, Senator.

**CHAMBERS:** --is a citizen by virtue of being born.

**SCHEER:** Time, Senator.

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**CHAMBERS:** You said time?

**SCHEER:** Yes, Senator.

**CHAMBERS:** Thank you, Mr. President.

**SCHEER:** Seeing no one in the queue, Senator Chambers, you're welcome to close on your floor amendment.

**CHAMBERS:** Thank you, Mr. President. What must I do? Not as the people who want to go to heaven. They said, what must I do to be saved? What must I do to be a citizen? Now, I've read your constitution. I have to say yours, because it's not mine, obviously. I have no rights that any white man is bound to respect, as Roman Catholic, fifth Chief Justice of the United States of America, Roger Brooke, with an E after the K, Taney, who was a slave holder, said in one of his official opinions. So since I have no rights that a white man is bound to respect, it's obvious I cannot be an American citizen. But in all of my reading of that constitution, and I've read it over and over, I don't see a definition of second-class citizenship, third-class citizenship, fourth- or fifth-class citizenship. So since those would embrace the car-- the categories of citizenship, if any, that I had, and there is no definition of such, then I am not an American citizen. An American citizen is entitled to all of the rights and privileges that are either protected by the constitution or bestowed by the constitution. In neither case am I on a par with a white person, who is a citizen just by virtue of being born in this country. But because I have voluntarily become a member of this Legislature and there's a loophole in the law that allows this black noncitizen to be here. I want to see that the laws are enforced, that the constitution is upheld, that nobody holds the highest elective office in this state who is going to violate the law and place himself above the law. So I'm going to bring my resolution of impeachment and I'm gonna see how many people on this floor vote for it. How many will vote or argue that he indeed has enforced that law, which they cannot argue? Argue that he does not have to enforce the law, which means he can violate the constitution. So I'm going to sit back, well, stand, because I won't sit here. I will watch and listen to my colleagues. And if I tell you a, a chicken dipped snuff, look under his left wing and you'll find tobacco stains. So I'm gonna tell you that I promise to bring my resolution of impeachment during the last rodeo of which I shall be a part. And if I'm on a bucking bronco, the bronco is going to be tamed and gentle down before I'll be thrown into the dust. And that man in the

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Governor's Office with a long, flowing locks that would rival Sampson's, is going to withstand an impeachment hearing. And if a majority of the Legislature, 25, do not vote to impeach, he will not be impeached. And although he violates the constitution every day that he doesn't enforce that law, you all have voted to keep a law violator in office. Yet you talk about being tough on crime. What is the worst crime, that committed by the highest selected officer in this state or somebody snatching a piece of bubble gum off a store counter and running out with it or smoking a joint? Which is worse? But you're concerned about being soft on crime when you want to put somebody in jail for a long time for smoking a joint. But I say you're soft on crime--

**SCHEER:** One minute.

**CHAMBERS:** --by letting the biggest criminal in this state retain his office. I'm going to see. And once again, a black man is going to lead the way in showing white people how they ought to obey their laws, follow their constitution, and purge an officer-- an office of a wrongdoer. None of you all would bring a resolution of impeachment. You won't even vote in favor of it, but I'm going to bring it and it can have a hearing. And it's entitled to come before the Legislature. And we'll just see what happens, won't we? How much time do I have, Mr. President?

**SCHEER:** Fifteen seconds.

**CHAMBERS:** I will ask for a call of the house and a roll call vote.

**SCHEER:** 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:** 12 ayes, 3 nays to go under call, Mr. President.

**SCHEER:** The house is under call. All those unauthorized personnel, please leave the floor. All senators away from the floor, please return to the floor. The house is under call. Senator Morfeld, could you check in, please? Senator Matt Hansen, would you check in, please? We have a request for a roll call vote. Mr. Clerk.

**ASSISTANT CLERK:** Senator Albrecht.

**ALBRECHT:** No.

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**ASSISTANT CLERK:** Voting no. Senator Arch.

**ARCH:** No.

**ASSISTANT CLERK:** Voting no. Senator Blood. Senator Bolz.

**BOLZ:** No.

**ASSISTANT CLERK:** Voting no. Senator Bostelman.

**BOSTELMAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Brandt.

**BRANDT:** No.

**ASSISTANT CLERK:** Voting no. Senator Brewer. Senator Briese.

**BRIESE:** No.

**ASSISTANT CLERK:** Voting no. Senator Cavanaugh.

**CAVANAUGH:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Chambers.

**CHAMBERS:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Clements.

**CLEMENTS:** No.

**ASSISTANT CLERK:** Voting no. Senator Crawford.

**CRAWFORD:** No.

**ASSISTANT CLERK:** Voting no. Senator DeBoer. Senator Dorn.

**DORN:** No.

**ASSISTANT CLERK:** Voting no. Senator Erdman. Senator Friesen.

**FRIESEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Geist.

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**GEIST:** No.

**ASSISTANT CLERK:** Voting no. Senator Gragert. Senator Groene.

**GROENE:** No.

**ASSISTANT CLERK:** Voting no. Senator Halloran.

**HALLORAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Ben Hansen.

**B. HANSEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Matt Hansen.

**M. HANSEN:** No.

**ASSISTANT CLERK:** Voting no. Senator Hilgers. Senator Hilkemann.

**HILKEMANN:** No.

**ASSISTANT CLERK:** Voting no. Senator Howard.

**HOWARD:** No.

**ASSISTANT CLERK:** Voting no. Senator Hughes. Senator Hunt.

**HUNT:** No.

**ASSISTANT CLERK:** Voting no. Senator Kolowski.

**KOLOWSKI:** Yes.

**ASSISTANT CLERK:** Voting yes. Senator Kolterman.

**KOLTERMAN:** No.

**ASSISTANT CLERK:** Voting no. Senator La Grone.

**La GRONE:** No.

**ASSISTANT CLERK:** Voting no. Senator Lathrop. Senator Lindstrom.

**LINDSTROM:** No.

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**ASSISTANT CLERK:** Voting no. Senator Linehan.

**LINEHAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Lowe.

**LOWE:** No.

**ASSISTANT CLERK:** Voting no. Senator McCollister.

**McCOLLISTER:** No.

**ASSISTANT CLERK:** Voting no. Senator McDonnell.

**McDONNELL:** No.

**ASSISTANT CLERK:** Voting no. Senator Morfeld.

**MORFELD:** No.

**ASSISTANT CLERK:** Voting no. Senator Moser.

**MOSER:** No.

**ASSISTANT CLERK:** Voting no. Senator Murman.

**MURMAN:** No.

**ASSISTANT CLERK:** Voting no. Senator Pansing Brooks.

**PANSING BROOKS:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Quick.

**QUICK:** No.

**ASSISTANT CLERK:** Voting no. Senator Scheer.

**SCHEER:** No.

**ASSISTANT CLERK:** Voting no. Senator Slama.

**SLAMA:** No.

**ASSISTANT CLERK:** Voting no. Senator Stinner.

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**STINNER:** No.

**ASSISTANT CLERK:** Voting no. Senator Vargas.

**VARGAS:** No.

**ASSISTANT CLERK:** Voting no. Senator Walz.

**WALZ:** No.

**ASSISTANT CLERK:** Voting no. Senator Wayne.

**WAYNE:** Not voting.

**ASSISTANT CLERK:** Not voting. Senator Williams.

**WILLIAMS:** No.

**ASSISTANT CLERK:** Voting no. Senator Wishart.

**WISHART:** No.

**ASSISTANT CLERK:** Voting no. Vote is 2 ayes, 36 nays on the motion to reconsider, Mr. President.

**SCHEER:** The motion is not passed. Mr. Clerk for a motion. Raise the call. Items first, certainly.

**ASSISTANT CLERK:** Mr. President, first, some items. Your Committee on Enrollment and Review reports LB858 is placed on Final Reading. LB909, LB944, and LB1016 all on Final Reading. New resolutions: LR340 by Senators Stinner will be referred to the Executive Board; LR341 by Senator Halloran, that will be laid over. Senator Gragert introduced LR342, which will be laid over; Senator Ben Hansen to LR343. New A bills: LB563A by Senator Bolz would appropriate funds to carry out the provisions of LB563. Senator Quick, LB911A, appropriates funds to carry out the provisions of LB911. LB965A by Senator McDonnell would appropriate funds to carry out LB965. And Senator Howard, LB1185A would appropriate funds to carry out the provisions of LB1185. Amendments to be printed: Senator Hilkemann to LB755, Senator Slama to LB1008. Your Committee on Revenue reports LB879 to General File. Additional bills placed on Final Reading: LB996, LB997, LB1014, and LB962 (LB1061). That's all I have at this time. Mr. President, next

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motion as it relates to LB910, Senator Chambers would move to bracket the bill until April 22, 2020.

**SCHAEER:** Senator Chambers, you're welcome to open on your bracket motion.

**CHAMBERS:** Thank you, Mr. President. Members of the Legislature, you all should have left me alone in my office. You brought me up here. Now there is a myth, a legend about a person whose name is Pandora. And Pandora was dealing with a box that nobody was supposed to open. And I'm not gonna tell you the rest of it. Figure it out. I was not bothering anybody. And one of Billy Joel's songs, it says: We were only having fun, not hurting anyone. But people wanted to mess with him. That's what often happens. The people who are only having fun and not hurting anyone are the ones who are set upon. And that's what happened to me. I was watching and listening. And had I seen fit to come up here, I would have come on my own. But you knew that somewhere in this building I was doing something that I would rather do than be up here with you all, so you wanted to show me that you're the boss. And since you know that I play by the rules, the rule is that when there's a call of the house, everybody who's within the realm should come. So I came. But you have to be aware of what it is that you're bringing within your midst. And I've told you on, on you all on occasion that the Speaker does set the agenda. But I determine how it's going to be carried out or if it will be carried out. And I don't want you all to think I'll make you promises and then won't keep them. Senator Lowe stands and looks at me sometimes when I'm talking, and I'm not gonna put it to him in the form of a question where he'd have to yield. But what would Senator Lowe think of me if I made promises and representations and did not deliver on them? I said what I could do and what I would do when I thought it was necessary. And today I thought it was necessary. So all I'm doing is delivering on a promise, Senator Lowe. And I couch it in the phrases, phraseology of Abraham Lincoln. The promise being made, must be kept. And that's all that I'm doing. And everything that I do is under the rules. And the rules are there to be utilized by anybody who knows how and chooses to do so. What brings me into all of this is the fact that there is an action that goes contrary to my philosophy of government, and so I must defend what it is that I believe. Even though some big shots may advant-- take advantage of it or be advantaged by it, but there are some little shots also. And the little shots are the ones who, if notice would be given, would not get it. They don't have lobbyists that they've hired. But I say again, they don't have to hire

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lobbyists, we are their lobbyists. We are more than lobbyists. We took an oath. You all swore to whatever it is you swear to. I gave my affirmation and my affirmation means something to me. And I have to discharge the duties of this office to the best of my ability. I would be using less than my best if I did not do what I'm doing today. I have to show you all how to be good legislators. Now, I don't say you should do it like I do it. We're not all the same. We act in accord to what our abilities and inclinations are. That's why it may have been Rouss-- not Rousseau, but Thoreau, who said something about marching to a different drummer. But here's what I couldn't understand. Why, if you have a band and everybody's marching, all the drummers are gonna be playing the same beat. And if somebody's marching to a different drummer that nobody hears, that person is not gonna be in the band. And maybe that was Thoreau's intent. If you look at this person and this person seems to be out of step, then maybe that person is in step with a higher drumbeat and all of you are out of step. And it is conceivable that one person could be right and everybody else was wrong. Everybody thought they were right when the shadows of evening turned into the pitch blackness of night. And they would go get their fire maker and they would light a candle. And that was the beat that everybody was marching to. When it's dark, light a candle. Well, a guy named Thomas Edison, and people don't realize it, he had a black man who worked with him. And many of the inventions that Thomas Edison is given credit for were really the work of this black man. And some of you can use your gadget and find out who he was. And if you don't find out, I will tell you at some point. But the white man always gets credit for it. To show that white people knew during slavery that black people were not indeed inferior, they had the law that declared the invention of any slave belongs to the master, as that person was called, who held him in captivity. Well, what am I as a slave going to be able to invent if I'm a subhuman being? Are you saying a subhuman being is smarter than the human being? Well, these white people knew, but they lay out a rationale for everything they do. And I have a thing or two that I have to say to and about white women. You all, through the insult delivered to your forebearers, should still feel insult today. I haven't in all of my reading found a law that said it's against the law for a white woman to marry a jackass. I have not found a law that said it's against the law for a white woman to bed down with a bloodhound. I didn't see any law that it said it's against the law for a white woman to have sex with a pumpkin. None of those things. Well, marriage is a voluntary activity. Why did they have to make it against the law for a white woman to marry a black man? They

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didn't make it against the law for her to marry a dog. Does that mean she could marry a dog or a jackass or have sex with a pumpkin? No. They were insulting white women as they did daily. Well, if we, as black men are so repulsive, certainly white men in their glory didn't have to worry about us or any white woman wanting to marry us. And we couldn't force her to marry us. But what happened when a white woman's love just came tumbling down on her and she couldn't resist one of those that they describe big, black, strong bucks. What happened then? Well, if she didn't get caught, nothing. But if she was caught, she was supposed say rape, rape. But she didn't holler that until she was caught. She wasn't screaming. Oh, she might have been moaning and growing-- groaning in the throes of that passion. She said, oh, Jesus. I didn't know I could have some heaven on earth like this. Give it to me, Daddy. That's what these white women must have been saying and some black men-- white men must have been watching and listening and said, she never says that when I'm with her. So white men pass a law that said white women cannot marry black men. Why would a white woman want to marry a black man? I'm gonna tell you why white men-- women had a lot of contact with black men. Not that they love every black man or even liked the one that they were dealing with. But it was to punish the white men who had treated them so poorly. And they knew that nothing hurt a white man so much as to see a white woman voluntarily being with a black man. You all don't want to face reality. Kids know that these kind of things happen. You all play like it doesn't happen. But it does. It did, and it's happening now. And if you all could understand there's only one race, the human race, and get all that silliness out of your head then the world would be a better place for everybody. If a woman doesn't want to be--

**SCHEER:** One minute.

**CHAMBERS:** --bothered with you, leave her alone. I've never done what Epstein did or Weinstein did. And Trump was Epstein's good buddy. They were photographed together. Birds of a feather flock together. Predators of a feather hunt together. And there was Trump. And then there's Trump paying off a prostitute. I'm going to have to teach you all something about the meaning of these words. I'm going to teach you all about whoring, w-h-o-r-i-n-g. Teach you what a whore is and what a man is who fellowships with a whore and purchases the favors of a whore. I can get it from the "Bibble." The "Bibble" calls him a whoremonger. That's what your President is.

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**SCHEER:** Time, Senator. Thank you, Senator Chambers. Colleagues, this bill has exhausted its first three hours. We will move on to the next item. Mr. Clerk, for items.

**ASSISTANT CLERK:** Thank you, Mr. President. Couple of things. Senator Wayne, amendment to be printed to LB790, and Senator Lindstrom to LB808. That's all I have at this time. With respect to LB1003, it is legislation that was introduced by Senator Walz. It's a bill for an act relating to cities of the second class and villages; to provide annexation powers for purposes of relocation due to catastrophic flooding; harmonize provisions; repeal the original sections. The bill was introduced on January 15 of this year, referred to the Urban Affairs Committee. That committee placed the bill on General File with committee amendments.

**SCHEER:** Thank you, Mr. Clerk. Senator Walz, you're welcome to open on LB1003.

**WALZ:** Thank you, Mr. President. Good afternoon, colleagues. LB1003 is a bill that has been brought forward after numerous conversations with, with constituents and friends of mine from Winslow, Nebraska. I'm sure many of you are aware of the struggle they faced. Over the past year, they have been dealing with a very unique situation due to the recent flooding. In fact, the flooding took out the entire town of Winslow, and they are now in the process of being reimbursed for the damages from FEMA. Unfortunately, Winslow is located in a floodplain. So should the village be flooded again in the future, FEMA will not reimburse them for any damages again. And it is highly likely that Winslow will be flooded again. This leaves the residents with a few options-- with few options left and a number of problems. The first being the fact that Winslow is a close-knit community and they would like to remain in that-- they would like to maintain that spirit. The second is that Nebraska does not have any provisions in a law that would allow a city to pick up and relocate. It is not possible for them to unincorporate the village and then incorporate a second village elsewhere and call it Winslow. And FEMA would not follow the funds to transfer to the second village. And that is why we're here today. Through LB1003, we are allowing a city to use spot annexation for the purposes of relocating part or all of such city or village due only to catastrophic flooding. To address some concerns about what would constitute catastrophic flooding, we have added a definition in to further clarify what we were expecting. Mechanisms were also put into place to allow local officials authority over the relocation.

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This bill would require a vote of the mayor and two-thirds of the village board or city council. If within 5 years following an annexation part or all of the city village has not been relocated to the annexed area, the city or the village would then be required to disconnect in that area. This is a very specific set of circumstances that we are adjusting statute for. Hopefully another event like this does not occur, but if it would, this would provide a mechanism for another city or village to relocate should they be located in a floodplain and it is prudent for them to do so. You may notice that through the committee amendment we are adding an emergency clause to this bill and there are a few different reasons why. The first one being that if the village were flooded again, they would not be reimbursed, as I've already discussed before. Another is the fact that construction needs to start as soon as possible if things are going to start moving this year. There is still some uncertainty in the process, but this bill is at least one of the last steps to get that ball rolling. Even with all of this uncertainty, there is still hope. A plot of land has been identified and a few gracious donors have stepped up to help fund the process. And the community is pulling together to get this done. I'd like to just take a minute and commend the community of Winslow and the people there for all the hard work that they've done. And I'd also like to commend Zach Kline, who was a real leader in making sure that people were together on this project. He spent hours and hours in meetings and on phone calls. The village of Winslow is facing a terrible situation and they are unsure of their future. It is my hope that with our support and the passage of this bill, we can ease their burden just a little bit and open up the, the door of opportunity. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Walz. As the Clerk noted, there is a committee amendment from Urban Affairs. Senator Wayne, as chairman, you're welcome to open.

**WAYNE:** Thank you, Mr. President, members of the Legislature. I want to thank Senator Walz for allowing the Urban Affairs Committee to use her bill as one of the committee's priority, and members of the committee for putting, putting together a comprehensive package of municipality-related bills for this body to consider. The committee amendment, AM2651, is a white copy amendment that replaces the bill. The amendment makes two changes to the provisions of LB100-- or LB1003, and incorporates the provisions of eight other bills heard by the Urban Affairs Committee that deals with municipalities. Members should have received a handout that summarizes each of the bills

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incorporated in the committee amendment. And I'll be here to answer any questions on the bill or the committee amendments. In addition, each of the bills in the committee amendment was advanced separately by the committee, so members can view summary information of those bills in their respective-- in their respective community-- committee statements. The committee amendment was advanced unanimously, 7 to 0 by a vote of the committee, and most of the bill incorporated what we would consider a consent calendar bills. But due to the short session, we were not sure if we were gonna have a consent calendar. Just so everybody knows, it's pretty safe to say if Senator Hunt and Senator Lowe agree on a bill it's pretty, it's pretty-- usually, usually it's a good bill. Just keep that in mind when thinking about this. In the underlying bill, LB1003, the amendment adds the definitions of "catastrophic flooding" and adds an emergency clause, but only for the provisions of LB1003. The bulk of the committee amendment incorporates two committee-introduced technical bills, LB799 and LB801. LB799 is an omnibus cleanup bill for statutes in the Chapter 15, which govern cities of the primary class. In 2014, you'll remember that the Urban Affairs Committee began a multiyear effort to update and modernize statutes governing various classes of municipalities. The Legislature has previously passed similar cleanup provisions for cities of the first class, Chapter 16; city of the second class and villages, Chapter 17; and most recently, some, but not all of the classes of municipalities in Chapter 19 just last session. The city of Lincoln is currently the only city of the primary class in the state. LB799 amended to more than 160 separate sections, and the type of changes contained in the bill are largely grouped in the 10 categories. The first one is terminology, which changes "governing body" to "city council", "primary class city" or "city of the primary class." Clarifying, clarifying references to legal papers, various sections of municipal statutes refer to newspapers used for legal notices in different ways. For example, located in the city, published in the city, or of gener-- general circulation of the city. Some statute required a legal newspapers and others just require newspapers. LB799 uses the same phrasing in all cases: Published for a period of X in a legal newspaper in or of general circulation in the city. There was an existing definition of legal newspaper in the statute and everywhere newspaper and, and every newspaper in the state currently meets that definition. Eliminating adequate, obsolete, or unnecessary changes in the language in a number of places, LB799 does. Among some of the archaic lang-- language eliminates under the bill references to mule and ox teams, telegraph poles, hitching posts and rails, and

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imprisonment of hard labor. In addition to those keys LB799 makes a large number of technical changes, including correcting subject-verb, clarifying references to the city's corporate limits and ETJs, correcting references to city officials, correcting gender references, eliminating run-on sentences, and correcting and harmonizing statute references. The committee technical bill, LB801, makes several cleanup changes to the community development law relating to TIF. As members of this body may recall, in 2018 we passed LB874, which was a product of Urban Affairs Committee interim study as it related to TIF in 2016. When LB874 passed, it represented the most significant changes in TIF statute since 1997. LB801 is a cleanup designed to primarily address a number of technical issues that have been raised by the new language. And those technical issues are mainly around reporting and timing of reporting. They were just off, based off of some of the cities. Major changes of LB801: notice requirements in single sections, reorganizing to make sure that's clear. Clarifying the annual TIF reporting to the governing body are only required if TIF projects-- are only required of TIF projects in the municipality, not all TIF projects historically. There, it was unclear, so they were listing all the TIF projects that have ever been done, and the purpose of the bill was only to those current projects so the public could be informed. Clarifying the language allowing reimbursements of certain specific costs incurred to the approval of TIF that does not meet the reimbursement of legal fees related to such cost. In addition to two Urban [SIC] Committee technical bills, AM265 [SIC] also incorporates the following six other bills that were all consent calendar, except for one, and I'll talk about it. LB795 was introduced by Matt Hansen, it amends enterprise zones to correct definitions to use-- to correct a definition used to determine eligibility for designations of enterprise zones. The second one was LB821, introduced by Senator Brewer, that allows the planning commission for cities of the first class, cities of the second class and villages to cancel a quarterly meeting if there's no business pending before that committee. Number three is LB885, introduced by Senator Bolz. Changes the requirements for grants under Civic Community Center Financing Act for the preservation, restoration, conversion, rehabilitation, and reuse of his-- historic buildings or district. Fourth is LB957, introduced by Senator Walz, allows the mayor of cities of the first class or cities of the second class to be deemed a mem-- member of city council for the purpose of establishing quorum when the mayor's presence is necessary to establish quorum. Fifth, LB980-- LB984, introduced by Senator Hunt, requires vacancies of certain municipality-appointed

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boards, authorities, and agencies to be filled no later than six months at the date of their vacancy. And finally, LB993 was introduced by Senator Lowe, which allows populate-- cities of populations 10,000 to 25,000 under the City Manager Plan of Government Act to expand their size of their city council from five members to seven members and transfers relevant provisions to the City Manager Plan of Government Act. Each of the bills included in AM2651 was advanced separately by the Urban Affairs and the details can be found in their respective committee amendments. The committee amendment was adopted 7-0 and represents a great deal of work by the Urban Affairs Committee to update and modernize municipality statutes. I would ask for a green vote on AM2651, and I'll be here to answer any questions if there's any questions to be had by the body. Thank you, Mr. President.

**SCHEER:** Thank you, Senator Wayne. We'll go into floor discussions. Senator Kolterman, you're recognized.

**KOLTERMAN:** Thank you, Mr. President. First of all, I rise in support of LB1003 and AM2651. I would like to compliment the Urban Affairs Committee and Senator Walz for bringing such good legislation, so, so well-thought-out. But you haven't heard from me for a while, and so I thought I'd just talk for a minute. How many in this body knows what Twitter is? Do you know what Twitter is, if you would raise your hand. I'm just curious. You know, I don't. I'm told that I have a Twitter account, but I'm not sure how that all works. But my staff is very intuitive of this. And they were following Twitter accounts today and they saw that Elon Musk, who is the CEO of, of Tesla, was putting some information out and he put on his Twitter account that he was scouting locations for, for Cybertruck Gigafactory, and he put it will be in central USA. So one of my colleagues, several of my colleagues replied to that. Senator Megan Hunt wrote: Try Omaha. What's the harm? That was last night. And then a few minutes later, she wrote: Try Omaha. See what happens. Then shortly after that, another one of my colleagues, Senator Tony Vargas, wrote: Nebraska, it's not for everyone. It is, however, a great place for the Telsa [SIC] to set up shop. And then we even got our, our friend Jane Kleeb involved, and she wrote: Omaha, Lincoln, or any of our small towns. We stopped the XL pipeline, we know a few things. Well, then Dave Rippe got involved, our past economic development director, and said: Certainly would be nice to have a competitive state incentive program in place. And then Jane Kleeb retweeted that. And then Elon Musk wrote: Telsa [SIC] incorporates decision on where to build a new U.S. automobile assembly factory will be influenced by state incentives, as well as access to a

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large work force and low logistic costs. Chief executive Elon Musk. That was his quote. I bring all this to your attention because I have the patience of Job and I've been waiting a long time to talk about LB720 and LB1084, and I haven't had a chance to do that recently. But my time is coming. And I want all those people that want to see these big factories move to Nebraska to get on board with my bill, including Jane Kleeb, and support it when the time comes. And let's continue to get property tax, LB720, LB1084, and a budget passed. Thank you very much.

**SCHEER:** Thank you, Senator Kolterman. Senator Friesen, you're recognized.

**FRIESEN:** Thank you, Mr. President. I believe it was Senator Hansen, would he yield to a question?

**SCHEER:** Senator Matt Hansen, would you please yield?

**M. HANSEN:** Yes, I would.

**FRIESEN:** So in the, in your bill, LB795, you talk about the American Community Survey estimate versus the census. Could you just, I'm just gonna let you go in to describe what the difference is between the two and why, why you're putting that in there.

**M. HANSEN:** Sure.

**FRIESEN:** With that, I'll yield the rest of my time to you. Thank you, Mr. President.

**M. HANSEN:** Yes. Thank you, Mr. President. And thank you, Senator Friesen. LB795 amends our Enterprise Zone Act, which is existing law. And we have different requirements for what zone can be designated enterprise zone, and they have to have certain rates of unemployment. Previously, the Census Bureau has tracked that through the decennial census, the one we take in 0-- years ending in 0, like this one. They have instead dropped that question from this census and instead are switching over to the American Community Survey, which is a survey they do in years ending in 5. And so this would update our law that we're still using data from the U.S. Census Bureau. But instead of getting it in the census in years ending in 0, we're getting it from the survey they do in years ending in 5. So it is just kind of a technical change to make sure we still have a data source. In theory, if we didn't update it, we could no longer have enterprise zones

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because the most recent census wouldn't have any of the data to prove you could be an enterprise zone. So with that, that's the quick explanation of my bill. And thank you for your question, Senator Friesen.

**SCHEER:** Thank you, Senator Friesen and Senator Matt Hansen. Seeing no one in the queue, Senator Wayne, you're welcome to close on the committee amendment. He waives close, and the question before us is the adoption of AM2651 to LB1003. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

**ASSISTANT CLERK:** 36 ayes, 0 nays on the adoption of the committee amendments.

**SCHEER:** AM2651 is adopted. Seeing no one in the queue, Senator Walz, you're welcome to close on LB1003. She waives closing. The question before us is advancement of LB1003 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

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

**SCHEER:** LB1003 is advanced. Mr. Clerk.

**ASSISTANT CLERK:** Mr. President, amendment to be printed, Senator Crawford to LB322. Name adds, Senator Hilke mann would add his name to LB755. Finally, a priority motion. Senator Cavanaugh would move to adjourn the body until Thursday morning, March 12, 2020 at 9:00 a.m.

**SCHEER:** Thank you, Mr. Clerk. Colleagues, you've heard the motion. All those in favor say aye. All those opposed say nay. We are adjourned.