

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-seventh day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Senator Crawford. Please rise.

CRAWFORD: Thank you, Mr. President. And good morning, colleagues. Please join me in an attitude of prayer. Spirit of the living God fall fresh on us today. We come with gratitude for all that you have helped us to accomplish thus far. We marvel at the creativity of the human mind of so many here, the compassion that has driven so much work, and the negotiations and collaborations that have occurred. We come today asking for a renewed creativity, a renewed compassion, a renewed vision of collaboration for the work ahead of us today and the rest of the session. We pause this morning to lift up those who selflessly work to serve others in our communities across this state. We lift up those who have been impacted by Covid in our state. We pray for healing, wholeness, protection and provision. We pray-- we pray-- pray for peace for those who have lost loved ones. We pray for all those who must make difficult decisions about how to proceed, including our education leaders, our public health professionals, and our parents. We pray for medical breakthroughs and for mercy. Finally, as we begin this new day, we come with gratitude for how you have gifted each individual here. We offer our gifts to your service. Open our eyes, hearts and minds to truth, justice and wisdom. Help us to be humble and gracious and open to the power of your spirit here with us today. Bless our deliberations, our conversations and our communications with those outside of this building. Bring us to the end of the day rejoicing in how you have moved among us and inspired us to further truth and justice for those you call upon us to serve. Spirit of the living God, fall afresh on us today. Amen.

FOLEY: Thank you, Senator Crawford. I call to order the forty-seventh day of the One Hundred Sixth Legislature, Second Session, to order. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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Floor Debate July 23, 2020

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

CLERK: There are, Mr. President. A series of confirmation reports signed by the Natural Resources-- offered by the Natural Resources Committee, six separate reports. And I have an amendment to LB911A by Senator Quick to be printed. That's all that I have, Mr. President.

FOLEY: Thank you. We'll now proceed to the agenda. First item, a motion to suspend the rules. Mr. Clerk.

CLERK: Mr. President, Senator Wayne would move to suspend Rule 5, Section 4(c), so as to permit the introduction of a new bill, bill request number 6133.

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

WAYNE: Thank you, Mr. President, and members of the Legislature. I rise today to ask for your vote to suspend Rule 5, Section 4(c), allowing me to introduce a new bill, request 6133. This is not necessarily unusual. In 2010, this body voted to suspend this exact rule. 2018, we voted to suspend the rules to allow a new bill introduction. And actually this year we voted to suspend the rules to allow for a bill introduction. Members, you should have received on your desk a statement of intent for the purpose of this bill that I would like to introduce. Request 6133 would adopt the Municipal-- Municipal Police Oversight Act and place trust-- and the basic thrust of this bill requires each city that employs a full-time employ-- police officers to appoint a citizen police oversight board to monitor, investigate, and evaluate police standards and practices. I necessarily won't go into all of the details, but it will start January 1, 2021, and it requires and actually just gives the-- the villages and cities who employ full-time police a tool, a tool in which the mayor appoints this board, and the city council will have to confirm this board. I'm not asking you today to support this bill. This vote is not about whether you support this bill or not. This vote is about the opportunity to introduce a bill to a-- a conversation to a bigger picture item that we have seen play out on the news across this country for the community that I represent. This bill has a lot of obstacles to overcome. One, we don't have a lot of time left, as everyone knows. But if you vote to suspend the rules today, this bill still has to go to the Exec Board, it has to be referenced. Then there has to be a public hearing and I think it's important to understand that. That public hearing has to be seven days out from when the-- the Exec Board references it. So at best, let's say they execed under the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

balcony, which we know they won't do. At best, it would be next Thursday that you could have a public hearing. Most likely, it will be next Friday or the following Monday. But this will open up a big conversation around what we should do with police oversight, particularly across the state, but particularly across municipalities that employ full-time police. I am really asking this opportunity to make sure we can have this discussion this year. This is about being compassion-- compassionate to a community's needs. The community that I represent, that other people represent in east Omaha, is looking for some leadership on this issue, is looking for the ability to make sure that there is proper oversight, to make sure that we build community and police relationships. This is an opportunity for this body to show compassion to these communities and say, yes, we will suspend the rules to allow this conversation to happen this year, not next year. So that's what this is about. I'll answer any questions. What I hope our colleagues do today is not get into the weeds of the bill. I don't want to get sidetracked with all the discussions that's going on nationally because this bill may or may not even come out of committee. But I do think it's important that we allow this conversation to happen today. I will tell you that if I'm reelected, I will bring this bill back next year and I will make sure that we have these difficult conversations next year also, but our community is looking for a response immediately. And by suspending the rules today, we will let our community be heard and we will let a bill move forward, at least introduced to the committee process where the committee, and quite frankly, the police unions and every interested party can be heard and we can start having a bigger conversation about what to do with police oversight. And with that, I'll answer any questions. Thank you, Mr. President.

FOLEY: Thanks, Senator Wayne. First three senators in the speaking queue are Senators Chambers, Friesen, and Vargas. Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, I will not take much time either. The Judiciary Committee some days ago, maybe weeks, held two hearings to allow people who are concerned about what was going on nationally and locally. One hearing was in Omaha, the other in Lincoln. We had hundreds of people who came. And to expand on what Senator-- I was going to say Senator Chambers, but he said-- he's Senator Wayne. To expand on what Senator Wayne said, it was not just members of the minority committee-- community, as we are referred to collectively, but there were far more white people who came and they spoke. And everybody who commented on what happened was

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

pleased with the fact that they had the opportunity to address a government body, members representing that governmental body about these serious issues. This would be in the context of a legislative standing committee hearing while the Legislature is in session. It would give those who might be of a mind to think that the only avenue for bringing about a change is to have massive collections of people in the streets that some politicians have listened, have heard, are willing to give the public an opportunity in a formal setting to express what their concerns are. Personally, I support something like this from comments I've heard from the chief of police in Omaha. I don't think he would oppose it. But on the issue of suspending the rules, in western Nebraska some years ago, there were trucking-- there were truckings in of chemicals from abutting states, from their mines or whatever they were doing and injecting it into wells in Nebraska and the people didn't want it done. But there's a state agency I never heard of before, gas and something, and they wouldn't do anything. So as often happens when nobody else will, the people in that community reached out to me. We were in session. I collected signatures to take away fear of my colleagues here to allow me to introduce a bill, it was far beyond the date for automatic allowance of introductions, so there could be a hearing. That bill was allowed to be introduced. And it just happened to be a black man on the other side of the state who was called on by people on the far western side of the state because they couldn't get any senator from that area to do anything. So not only has this rule suspension occurred before, it has been engineered at least once by a black man acting on behalf of white people, but that's not the way I phrased it. I told people that I'm elected by a district, but my title is State Senator. So all residents of this state, and I didn't limit it to citizens, all residents of this state are a part of my constituency and if they cannot get redress anyplace else, they're welcome to come to me. That doesn't mean I would be able to give them what they wanted, but this was something I could at least attempt to do, and the attempt having been made was successful. So I hope for the reasons Senator Wayne gave, and the few that I've tried to give you this morning as clearly as I could, we will vote to allow the introduction of this bill by suspending the rule. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Senators Friesen, Vargas and Scheer. Senator Friesen.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

FRIESEN: Thank you, Mr. President. Senator Wayne, would you yield to a question?

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes.

FRIESEN: So if I understand it right, this bill could have been published in the-- in the register so that we would have had access to at least read it?

WAYNE: No, the-- the rules actually only call for the statement of intent. And actually, I'm following what happened in 2010, 2018 and 2020 with both Kolterman's bills where he only published a state-- statement of intent. I shouldn't have to go above and beyond what the rest of our colleagues do.

FRIESEN: Well, OK, I just was-- but you could have had it published in the register so that we would have had access?

WAYNE: Yes, but we don't publish our bills ahead of time. We usually drop them.

FRIESEN: I mean, this is extenuating circumstances too. And I-- I-- sometimes I think this body, we react to emotions rather than thoughtful debate. And having only a few days less-- left in the session with some pretty heavy topics to discuss already, I'm not afraid to have the discussion but I am concerned that at this time in the session, when we're at the end of it, it does kind of, like you say, it's-- it's a hard carry just to get it done with the time remaining and it is a weighty subject.

WAYNE: May I respond?

FRIESEN: Yes, you may.

WAYNE: That's exactly what I'm asking you. I'm asking you to allow me to put this burden and all the obstacles on my back and carry this through the last 14 days for my community. I'm not asking for anything else. That burden is on me to get a hearing, to get it out of committee, to get it on the floor, find a vehicle without a prior-- prioritization and carry that burden. All I'm asking from this body is to give me the opportunity.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

FRIESEN: OK. Thank you, Senator Wayne. I-- I'm still-- I am reluctant. I'll listen to some more debate. I'm sure there will be some more. But again, when we react to emotion rather than just thoughtful debate and we're pinched for time, I am a little reluctant to do this. Otherwise, we could be having a flood of-- of bills that want to address numerous other issues that are getting blocked here and there. And so it does-- there's-- there's important issues out there so I keep that in mind when we do this. Thank you, Mr. President.

FOLEY: Thanks, Senator Friesen. Senators Vargas, Scheer and DeBoer. Senator Vargas.

VARGAS: Thank you very much, President. I rise-- I rise in support of what's-- what Senator Wayne is trying to do. And I'm-- I'm going to try to explain the reason why. I've often got on the mike and I've talked about the need for diversity in every way, shape, or form that we need voices here. I don't think diversity in this instance-- in all instances is just when we're talking about race and ethnicity. I think diversity of voices in terms of socioeconomic status, jobs, careers, work, gender, gender identity, sexual orientation, a lot-- a lot of different areas where we-- we-- we need more voices. The one area where right now, and what you're seeing is a group of some of the senators that identify as individuals of color standing up and-- and-- and saying that this is something that is not only within the rules, but is a worthwhile conversation. And the ask isn't to debate the issue of the Municipal Police Oversight Act. What we're asking is if we can suspend the rules to take some action. We are hampered to some extent by how we are structured. And I'm not saying we should ultimately change the structure of the Legislature, I do understand that there's a reason why we're operating all year-- part year and not all year round like other places, or every other year like Texas does. And we have a very limited amount of bill introduction time. There's-- there's a significant rationale for that. So I'm not saying we need to change that, but-- but for those of you that might not necessarily connect this issue or the issues might not have been happening in your municipalities or in your cities, I just ask you to consider the meaning of being able to have a conversation on the mike and on the record about this issue. Even though it might not hit you, you may not have faced some level of bias or prejudice in any type of the system, for individuals of color, and we've used this term, disproportionate minority contact, that it's not-- that that's a term that's actually in statute because it's a-- it's a factual certainty that individuals of color are overrepresented in our justice system, criminal justice

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

system, juvenile justice system. We've seen that data from our long-term legislative planning committee. And we've seen it in-- in numerous bills that we've-- we've brought in-- in the record in terms of hearings. But the most important opportunity we have is whether or not we have a-- have the conversation about something that is people in our communities and across this country are crying out for a genuine dialogue about racial justice. And I know it's really difficult if you haven't been experienced with race-- racial justice or injustice to understand that. But for those of us that are on the mike that have and have communities that are higher percentages of individuals of color, that also may have faced this racial injustice, conversations like this are not-- are not fleeting, they're necessary. That's why we're working within the rule. That's why Senator Wayne is trying to work within the rules. Because if we can have a conversation about it, we're sending a very clear message to the Legislature, well, to Nebraska that there's a dialogue that's needing to happen. Again, suspend the judgment on whether or not you agree that even a Police Oversight Act may or may not be the right legislative solution to some of the issues happening.

FOLEY: One minute.

VARGAS: There are not many times where we get to have-- sometimes timing is everything. And I see protests and demonstrations and I-- and I see that that's a cry out from our communities that something is inherently wrong. And I know that many of you feel this way personally about other issues. We had this on the mike, Senator Wayne said this the other day. Many of you feel this way about issues like property taxes. So nobody is going to disagree that there's something that hits you harder. But this is something that is so unique, that just represents a small-- may represent a smaller proportion of our population in our state. But that doesn't mean that the injustices or-- or the feelings or any of the inequities that come across with being an individual of color across our country means any less. So it's worthwhile-- worthwhile to have a conversation. It's worthwhile to even debate.

FOLEY: That's time.

VARGAS: And there are many legislative hoops. Thank you.

FOLEY: Thanks, Senator Vargas. Speaker Scheer, Senator DeBoer and then Senator Hilgers. Speaker Scheer.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

SCHEER: Thank you, Mr. President. Colleagues, although well-intended, I am speaking in opposition to the motion. It's-- it is a point in time where what we're wanting-- where what Senator Wayne is wishing to do becomes virtually impossible. We can vote and allow the suspension of rules. He can enter the bill. We can wait seven days to have a hearing in whatever committee it would be referenced to. And if the bill got out, it's still unprioritized. So, yes, it could become an amendment, but I want you folks to realize where we're gonna be. By that point in time, we will be past General File, so we will be all at Select File or at Final Reading, because this is now probably looking towards not next week, because literally you would be having your hearings next week. So it would be within the last four to five days of the session, but everything will be on Select or Final. If what we're trying to have is a discussion, I understand that and maybe it's not in reference to the bill itself. Personal opinion, what we're trying to do is legislate a local problem that is not a state problem. What a community would like to have in regards to control or supervision or oversight of their police force is truly a local decision, not something that should be mandated by a state policy. That is my opinion. I-- and I respect Senator Wayne, he has a differing opinion. But from logistics standpoint, what we're trying to do today makes it virtually impossible. Those people that are-- that have done a pull motion over the period of time that I've been Speaker, every time that that has come up, and my friend, Senator Kolowski next to me also will verify this, the only time I've allowed a pull motion is if it's a priority and if they can show me that it has 25 votes to be successful, or we're not going to burn the time up. When we get to the end, time becomes important. I'm not trying to kick this down the can. It is an important issue, but it also is a timing issue. And I respect Senator Wayne immensely. I think he feels very passionate about this. And you folks all have to make your own determination. But just by simply allowing this to happen doesn't mean that it gets a fresh sharp-- shot, it will come to the floor and we will discuss it because it's not prioritized. And yes, somebody could probably throw it on as an amendment somewhere. But if we want to talk about the integrity of the system, where does that fall into? Anybody that comes up with an idea, whatever it might be at some point in time in the future, all we have to do is suspend the rules so that even if it's in a normal session and we've got 40 days left, at least then I can throw it on as an amendment on something. That's not how the system is set up to work. So although I-- I-- I fully understand the concerns of Senator Wayne, I think right now at this point in the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

session, it does not make sense to me to vote in favor of this. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senators DeBoer, Hilgers and Howard. Senator DeBoer.

DeBOER: Thank you, Mr. Lieutenant Governor. Colleagues, I just wanted to draw your attention to something that the pages have been handing out to you. I am a member of the Judiciary Committee, as you know. And we had listening sessions, as you know, and I took 40 pages of notes that I was trying to sort of faithfully represent what was said in those days. But I thought perhaps passing out 40 pages of notes wouldn't have worked. So then I got it down to eight pages, but then I couldn't figure out how to get it shorter. My staff, thankfully, has made an-- a shorter version trying to elevate the voices that we heard that day-- those two days, sorry, it was two days. And I wanted to include this just for you to get a sense of it as you're thinking about these issues and thinking about this motion this morning. But also, if you would like to see the longer version of my notes, I have those available. I think, you know, it's really important that as many of us as possible hear what was being said those days. So hopefully many of you watched it. And if you didn't, at least now you have these notes. And I'm certainly willing to give you either of the longer versions if you would like to see them. Thank you, Mr. President.

FOLEY: Thanks, Senator DeBoer. Senator Hilgers, Howard and Kolterman. Senator Hilgers.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I think this is a very good discussion to have this morning. I appreciate Senator Wayne bringing the motion. I think as we've talked over the last couple of days with the various issues that are going on around in our country between Covid and the unrest around the country, there's the question I think that the public asks, what can we do? And a lot of the times the answer has been, well, we've-- we've baked the cake in this session back in January when we introduce bills. And the right process to overcome that, those rules is through what exactly what Senator Wayne is doing. He's not trying to attach some new material in a nongermane way to a pending bill, he is doing exactly what the rules call for. And so I commend Senator Wayne for that and I'm glad he's brought this motion to the floor so we could discuss it. This rule, like the pull motion, is not one that I view should never be exercised. I-- I-- the rules state very clearly in Rule 2 that the body can't allow for this to happen. And so I don't-- there is no

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

standard like the pull motion, there is no standard for when we-- when you should vote yes or no. We don't have a lot of data points as precedent in this, in this body, especially with term limits. Many of you have never-- have never dealt with this particular motion or maybe just once or twice before. So I do think this is a great conversation for us to have both today and in the future. I also want to say that as a preliminary point, that a vote for this or against it is not a vote on the merits. The pull motion, in my view, was not a vote on the merits. This is not a vote on the merits. We should determine whether or not this is an issue that ought to be introduced on day 46 and heard in the last 14 days of session or not. If you vote for this motion, you have every right to vote against the bill if it ever comes before your committee or on the floor. So I think that's a very important point to make preliminarily. I would also say to-- to-- to sort of echo the points made by the Speaker and by Senator Wayne that while there-- certainly I think if you do the math on the calendar this-- there is time for something like this to be passed. It would be very, very tight. But I think there would be time. But by-- by virtue of the tight timeline, I think it's necessarily true that this would be rushed, and that segues into my thoughts on the subject and why I'm currently, and I'm gonna listen to the debate, currently leaning to vote no. This is-- this will be a rushed process. And if it was-- if we were in April when the session would have originally should have concluded and if it was a clear solution and not one solution of many possible other solutions, and if it was a solution that maybe wasn't charged and had a lot of potential opposition and the motion was before us, we had a long interim in front of us, the motion was before us to say, we need to act now because we can't wait until January, I think it would be a very strong case to allow that to happen. That is not the world in which we're living in currently. As the memo, I think Senator DeBoer passed around, this memo I was reading from Senator DeBoer with all her notes. It's incredible the number of policy proposals that were suggested from the listening sessions, all of which should have serious consideration. Only one of which is before us in this pull motion. So what the body should ask itself, if we-- if we vote for the pull motion today, will we receive-- I'm sorry, not pull motion, the motion to suspend the rules, will we have a motion to suspend the rules on Monday or Tuesday. Does it send a signal that these other issues are not important? Or how do we deal with them on Monday or Tuesday if we have motions to have-- to suspend the rules to allow these other policy proposals? I think it also suggests that there might be many different ways to approach the particular problems that are trying to be solved. If that is true, then I don't think a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

rush process, 14 days, with 14 days left in the session is the right policy approach. I will say also, and it's not in the notes that I saw on Senator DeBoer, but I know that it is true from the feedback I've received from constituents and others, that these are highly-- highly charged issues with potentially very strong opposition which suggests to me that a rushed process with 14 days left is not the right approach. Now, Senator Wayne in his comments, and I agree with this, has said one of the important things to do is to have a conversation. And I agree wholeheartedly with Senator Wayne on that. And for those of you who are part of a listening session who have engaged in your community and with your constituents on these issues--

FOLEY: One minute.

HILGERS: -- it is absolutely the conversation we ought to have. And if we were in April and we had a long interim waiting before us, maybe this analysis would change. But the reality is this session will be done in August, a mere four months away from the next session. We have a deadline on Tuesday for interim study resolutions. Those interim studies have the opportunity to have committee hearings, additional listening sessions, have the opportunity to-- to grasp and work with stakeholders, people who might oppose this and come forward in January with something that might have broader support and actually be comprehensive and deal with the issue. I completely and genuinely understand Senator Wayne's arguments where this bill is coming from and the motion, and I respect it a great deal and I completely get it. If the circumstances were different sitting here today, I would probably lean towards voting yes. I'm going to continue to listen to the debate because I think this is exactly the kind of conversation this body have. But as of right now, as of 9:34 this morning, I'm leaning as voting no on the motion to suspend. Thank you, Mr. President.

FOLEY: Thanks, Senator Hilgers. Senators Howard, Kolterman and Crawford. Senator Howard.

HOWARD: Thank you, Mr. President. Good morning, colleagues. I rise in support of the rule suspension, and I want to sort of give you my reasoning and my thought process behind it. There are two-- two issues that I believe if this body was going to suspend the rules and allow a bill introduction in this sort of strange cycle that we're in, that I think that we would consider it for. One is if there was something that we absolutely had to do around Covid or the CARES Act or something relative to public health. And the other one is something

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

relative to social justice issues and issues that are impacting people of color in our state. These are two issues that came up from the period of time when we stopped working on March 12 until July 20. They are new and they are exigent, and they're something that I do believe that we need to have a conversation about. Senator Wayne had three options here, and I'm sure our Clerk can think of about 14 more. But in my view, he could have brought an amendment, had-- to a bill, and had the committee hear that new amendment in a hearing. He could have done that. He could have waited for us to adjourn and then tried to bring us back on this specific issue in a special session, which I'm sure we all would have been wild to do that. Or he could have asked us to suspend the rules and do a full process on a new bill. He's made the decision to do this. I like this idea because it's a new bill. It's not-- it's new subject matter. I don't want to attach it to another bill and see what happens. I want it to have its own hearing and be considered on its own merits. One of the reasons why I don't like pull motions is because it undermines the committee process and the committee's opportunity to be deliberative. What's nice about what Senator Wayne is doing here is he's asking us to allow the committee to be just as deliberative as it always is when we're in a normal session. Let me introduce the bill, let the committee have a hearing, let the committee work on it, let them make changes and let them bring it to the floor if that's the right thing to do. Let's get it into the right shape for the floor to be considered. It may be impossible for the time that we have, but I don't understand why we wouldn't allow a colleague the opportunity to try. I believe extending that courtesy to our colleague who views this issue in his district and across the state as something that is urgent, and I agree with him on the urgency, is a courtesy that we should extend to Senator Wayne today. With that, I fully support the rule suspension. I support Senator Wayne, giving Senator Wayne the opportunity to have the Judiciary Committee deliberate on this bill. I don't-- I won't speak to the merits of the bill. I don't know what they are. And I would yield the balance of my time to Senator Kolterman. Thank you, Mr. President.

FOLEY: Thanks, Senator Howard. Senator Kolterman, you've been yielded 2:00, and you're next in the queue, so you have 7:00.

KOLTERMAN: Thank you very much, Mr. President. Thank you, Senator Howard. I rise in support of this bill or this-- this rule suspension. In January, I brought the rule suspension to the floor. I had unanimous support of that. It was to make a change to something that had happened on the federal level as it pertained to pensions. We

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

passed that bill yesterday or the day before, and hopefully it will get signed by the Governor and it will become law and it will allow people to make the proper changes to their retirement plans that needed to happen. I guess, from my perspective, more than anything, a lot has changed since we left here last. Covid has devastated our-- our-- our way of thinking to a certain extent. You know, we-- when we left here, we thought we had plenty of money to do property tax relief. We thought we had plenty of money to do incentives. We were cruising along pretty good, our economy was very strong. But now all of a sudden we're down the road several months and things aren't quite as rosy. In the meantime, we had the problems that existed in Minneapolis, St. Paul area with a person of color. There was a lot of blame that was placed on the police officers, criminal charges filed against them. And as a result of that, we've had a lot of unrest in our nation and even in our own state here, right here in Lincoln, Nebraska and Omaha. So more than anything, I-- and I-- and I have a lot of respect for Senator Hilgers and Senator Scheer, who've talked against-- I know they support the idea that we need to have this conversation. The timing issue, I get that. But at the same time, I think we're putting the onus on Senator Wayne to get it done if he thinks he can get it done. I will tell you this, I think that if we do pass this, even if it doesn't get done, it sends a very strong message to the people in this state that we believe that it's important enough that we're willing to take 14 days if he can get it done and give him a chance to get it done. To me, it's, it's supportive of the cause it's going on. There's nothing that says you have to support the bill, there's nothing that says you have to vote for the bill. But at least give him the opportunity to try. And with that, I would yield the rest of my time to Senator Wayne. Thank you.

FOLEY: Thank you, Senator Kolterman. Senator Wayne, you've got 4:30.

WAYNE: Thank you. Thank you, Senator Kolterman, Senator Howard and speak-- Mr. President. So, first of all, there was this issue of local issue. Beatrice Six is not a local issue, it's not an Omaha issue. That affects all of us. In fact, we had to pass a bill to help speed up the process because of abuses of local law enforcement. There is a problem across the state that we need to address. And Senator Howard made a great point that I could have attached this to Senator Walz's bill if this goes to Urban Affairs. I could attach it to Senator Chambers' bill, which is sitting on, both of them on Final Reading. But if you'll recall, Senator Hughes last year did a NRD-- a public power bill, where he introduced a new amendment that had a whole new

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

concept and he had to go back and have a new hearing. I opposed that bill, not just because of the content, but the process. I don't think it's right to introduce a new bill to get around the 10 days and have a new-- and attach it to an amendment, to a committee amendment and have a hearing on it to get around 10 days. The proper way, as I think Senator Hilgers articulated, is to suspend the rules. And we did this for Kolterman just this year, 41-0. And what is frustrating, and I have all the respect for the Speaker, but to get up and say we shouldn't do this when Senator Briese and Senator Brewer have hearings next week on amendments that are new, and that's why they're having hearings, is disingenuous and it's disingenuous to my community. We-- I am following the proper way of doing what I believe is suspending the rules to introduce a new bill. I could have easily attached it to Senator Chambers' bill, which he would have said yes. It would have went to Judiciary, would have had a hearing. We would be on Select File. But I am doing this the right way, I believe, to give the committee the full time to vet this. What's interesting about our rule, which I believe deserves a rule change. If anybody wants to read Rule 5, Section-- Section 4: No bill shall be introduced after the 10th legislative day of any session except A bills, appropriation bills, and bills introduced at the request of the Governor. If this was a Governor bill, we wouldn't be having this debate. So I have, I guess, a couple of options, I can get a party bus that we've got a new bill on and send every chairman to Iowa and the Governor and the Lieutenant Governor for the day, and then I technically would be acting governor and then I could introduce a bill that way, because the Governor can. We are talking about how much time I have, how hard it would be. That's not the burden you have to carry, that's me. I'm asking for permission to introduce a bill that my community is demanding that change since we left this body. That's it. You want to not vote for the bill because you don't think I can--

FOLEY: One minute.

WAYNE: -- get it done? Well, there was a lot of people who thought I couldn't get public transportation passed, and we got that not only passed, we got a veto override. Let me carry the burden. And if we can't extend this to me, then I have to ask, why did we extend it to Kolterman 41-0? Not just once this year. This is this year, with this body. But also in 2018, and that was 39-0. Because something at the federal level changed and our rule said no, Senator Kolterman, you can't introduce the bill. It has to be done in a-- in the first year of the biennium. And he said, well, I got to suspend the rules because

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

something happened at the federal level. Well, something happened at the federal level in our community, it happened 400 miles away. And it's still happening every day that there are protests going on in my community.

FOLEY: That's time. Thanks, Senator Wayne. Senators Crawford, Wayne and Matt Hansen are in the queue. Senator Crawford.

CRAWFORD: Thank you, Mr. President. Good morning, colleagues. Good morning, fellow Nebraskans. I rise in support of this motion to suspend the rule to introduce this important bill that Senator Wayne is bringing before us today. I hear and respect the concerns that the Speaker has raised about the timing and the difficult road ahead for us being able to hear this bill on the floor. However, I believe it is of value still to suspend the rules to allow Senator Wayne to introduce this bill and to have a hearing and to see what we're able to do before the end of our session here. It is an issue that has become so much more-- so much more present in our discussions and in our communities recently. And it is something that has changed since we met in January and had the opportunity to introduce our bills before-- in the first 10 days. So I do think this is a worthwhile change in the world that does justify providing of support for a motion to suspend the rules to introduce a new bill. I want to, on the record, just publicly thank and recognize the work of our Judiciary Committee while we were in-- in pause during this Covid crisis, when we also had this important crisis where we needed to have conversations about order and police and racial patterns in policing. And I appreciate that they were willing to come together and spend many hours listening to the concerns that people have raised. And I, like many of you, spent that time safe in my home listening on the computer, and was very touched by the stories that so many shared about the terrible experiences that they had had, that I know that we do not want to have happening in our state. And I appreciate, again, the leadership of Senator Lathrop and the Judiciary Committee, their willingness to come out in the midst of the Covid crisis. I appreciate the courage of those who came to testify to those two listening sessions. Again, coming out amidst a health crisis to make their point and share their stories, to illustrate how critical it is that we work toward racial justice in our criminal justice system. And so I, again, support this motion to suspend the rules. Even if we are not able to pass a bill into law in this session, colleagues, much of what we do here as state leaders is to show leadership in expressing messages about justice and the future of our state. And I think that a vote in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

support of this motion to suspend the rules is an important message that we send to our citizens and residents of Nebraska, regardless of whether we're able to come back and have a vote on the final bill in this session. Thank you, Mr. President.

FOLEY: Thanks, Senator Crawford. Senators Wayne, Matt Hansen and Pansing Brooks. Senator Wayne.

WAYNE: Thank you, Mr. President. What I passed out just a minute ago was the 41 ayes. And you'll notice many of the people who have spoke against this bill voted yes for Kolterman. Let me just say that-- how many people in this body ever had to give their children the talk? I'm not talking about the birds and the bees, but the talk. The talk about when you get pulled over, you have to make sure you have you hand-- your hands on ten and two. I had to give my daughter that talk. So let me explain what happened to me about 15 years ago, when I'm riding with a group in a van of about six basketball players who were in the fifth grade and sixth grade on 30th Street. We were pulled over for a headlight that we had just got fixed at Midas. So why would I know it was out? The cop came up to us, young cop, rookie cop, and said, license and registration? That's fine. But then began to grab his weapon and pointed it at fifth and sixth graders who were fidgeting in the back too much, as he said. And said, next time somebody moves, everybody is going to get dragged out. I said, they're fifth and sixth graders, they're on their way to practice, what's the issue? I'm sorry, it was my taillight. And he said, your taillight is out. And I was like, damn, I just got it fixed. We just paid for it. Like, this is crazy. OK. Another cop pulled up. He's yelling at the kids in the back. Now his weapon is drawn. So I say, officer, they are fifth and sixth graders who are going to practice, there's no problem here. And I know the officer knew who I was or could at least run and realize this was, the van was registered to a nonprofit. But nevertheless, he said, your taillight is out. And at this point, I actually forgot their talk. I opened the car door because he was walking back and I was trying to explain to him, hey, I'll get the kids out. I'll get him calm. And he pulled his weapon on me. And he said, put your hands behind your back and put your hands up at the same time. So he said, both of them. And I said, well, which one do you want me to do? I can't do both. And luckily, the other cop knew me and said, lower your weapon. Hey, Justin, what's going on? I said, hey, I thought I fixed this taillight, but obviously I didn't. Here goes the receipt. I said, what's wrong with him? He's like, I really don't know him. So that day at practice, as we got let go, we didn't have practice. I had to give

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

the talk, that you can't move. And where that talk came from was Marvin Ammons. He lived around the corner from me and he got out of his car on 65th and Hartman, and the officer asked him to exit the vehicle and he did so with a cell phone and was shot. Officer claims he couldn't see it was a cell phone, thought it was a weapon. And back then, cell phones were a lot bigger.

FOLEY: One minute.

WAYNE: That night, I got the talk from my parents. Nobody else in this room probably has to do that. And you're telling me that when there are rioting, when there are protests, when there are people dying, we can't introduce a bill because of time? There are a lot of good cops. Whether you agree with Senator Chambers or not about them being their ISIS, there are many people in our community who feel that way. Because of the interaction that I had with kids as an elected official on the learning community at the time with a gun drawn towards me because he asked me to exit the vehicle and I was moving too fast. But I can't enter-- I can't suspend the rules--

FOLEY: That's time. Thanks, Senator Wayne. In the speaking queue are Senators Matt Hansen, Pansing Brooks and Lathrop. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. Since one of the procedures that's been alluded to this morning is the ability of committee chairs, committees to essentially gut a new bill or at minimum attach an amendment to a bill, have a new hearing, kind of circumvent to this rule, the 10-day rule, as well as this option to suspend the rules. And I want to let you know that I had a request to do that, not over social justice issues as we're talking about today, but about Covid. And there were some concrete policy requests about Covid and workplace safety and specifically some of the industries that have been hardest hit in our state in terms of the most employees who have been affected, and frankly, the most who've gotten sick, most who have gotten hospitalized, and the most who have died. And I had that power as a chair to-- the original request was to gut a different bill that I would say was not germane, but was still in committee and we would have that ability to do as a committee. I turned that down, even though it was a group I wanted to help, a senator I wanted to help, a problem I wanted to solve because I didn't think that was the right process. I thought that was me going out on a limb. I thought that was me kind of circumventing the rules or being at least asked to. I turned that down, I thought about it a little bit. I had to turn it down another time because the request was that urgent. And, and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

then that's insincere. This is kind of an issue of that same weight that we need to address at some point in this body. I understand, and I understand the concern that this is going to be a heavy lift for Senator Wayne. I think he acknowledged that in his opening. This is a tough timeline, even if it does get introduced to have anything done, happen this year. But at the same time, we are hearing from so many people on so many issues. This isn't a normal session and this isn't a normal time. And I've had to kind of remind people of that perpetually of we're not starting a new session, although the three months kind of makes it feels like it. We're trying to, as best we can, take care of the state's business at the end. Ultimately, I'm going to support this rule suspension and allow the introduction of a new bill. At a minimum, starting to build that public record, starting to build the concepts and ideas of this issue, as Senator Wayne touched on, as we've heard from so many constituents, as the Judiciary Committee heard repeatedly, is a-- is a subject of enough importance-- is a subject of enough importance and has been the subject of enough requests and enough scrutiny that we at minimum owe it to the people of Nebraska in my mind to start the process. I'm not optimistic about the chances of anything getting solved this session. But Senator Wayne has clearly identified an issue that he wants to work on, wants to take on that burden, wants to champion for his constituents, my constituents, your constituents, because I hear these stories too. And that's something we're going to have. I think this is something we should do in a very measured fashion. I'm not going to say a blanket way, one way of voting for or against the motion to suspend this rule and allow new bills. I think it's something we could probably have no harm in being a little bit generous with, because it still does have to go through the committee process. It still does have to find a vehicle for lack of priority. It still does, at that point, have to survive multiple rounds of votes on the floor. I think this is an issue that, like many of the other issues related to us, that have come up to us since we left kind of abruptly in March, is worthy and is significant enough that it is worth looking at. And I think this specifically, this procedure is the right way of doing it.

FOLEY: One minute.

M. HANSEN: Thank you, Mr. President. This procedure is the right way of doing it. So this is kind of a regardless of how you feel about the proposal, regardless of how you feel about the bill, I would hope you recognize that this is the correct mechanism for a senator to ask for. It is a colleague of ours who has asked for something that as he just

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

shared is very personal to him individually and has been repeatedly heard, and we've all heard from many constituents about. I hope you'll join me in sus-- supporting Senator Wayne's motion to allow the introduction of the new bill. Thank you, Mr. President.

FOLEY: Thanks, Senator Hansen. Senator Pansing Brooks, Lathrop and Hunt. 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, or no matter the amount of melanin in your skin, we want you here. You are loved. So we talked yesterday about the importance, or I did, of listening to some of the experts in our community and in our-- in our Legislature. I talked about Senator Arch and his knowledge about Boys Town and what they're doing that is really positive for juveniles. I talked about Senator Murman and his understanding of disability and what-- what his family goes through. Again, we need to listen to the experts within our community-- within our Legislature. I have never had the experience of being stopped because I-- because of the amount of melanin in my skin, because I am a person of color. We need to listen to Senator Wayne, to Senator Vargas, to Senator Chambers about what they are experiencing. We did a-- I feel very grateful, and I hope all of you heard the listening sessions that were organized by Senator Lathrop for the people in Omaha and Lincoln to be able to speak during the protests. These protests are not over. If we think it's quiet now and we can just go back to our same systemic racism, well, we're wrong. The people spoke, the people up-- up-- rose up. The people revolted. And if you think that this is-- that it's all over, this is the calm before the storm. I do not believe it's over. And for us to sit and act like this is a normal session, you know, nothing's very different. Covid would have made it different. The riots and the protests and the exclamations that we must do better as a state and a nation about the racism that is systemically within all of us and within our laws, we should be jumping at this. We should be saying, thank you, Senator Wayne, for-- for bringing this rule suspension. You're right, this is a special moment. Thank you for coming forward and speaking for a group of people and helping us to get to a point where we can make Nebraska even better. But instead, we're worried about the time. We're worried about what can be done. We're not worried about the people's lives that we heard about in the-- in the listening sessions. We're worried about the time right now. Well, I can think of very few things more important than the fact

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

that we had businesses destroyed. That wasn't part of the-- of the most of the protesters. But that is an effect that we need to deal with. People are saying enough. So I say enough. If we don't have time for this, what-- what else do we have time for? Somebody said it may be impossible. Well, it's certainly impossible if we don't try. Again, we need to listen. Senator Wayne, I have never had anybody pull me over or point a gun at my children. But not only have we heard this from you, we've heard it from Senator Chambers, Senator Vargas. We heard it multiple times in the listening sessions, multiple times. That's not reasonable. Nobody thinks that's reasonable. That kid-- my kids act up, used to act up in the backseat and joking and gosh, watch out, mom, they might arrest you or, you know, they'd just be joking.

FOLEY: One minute.

PANSING BROOKS: That's what kids do. So we need to give this a shot. We need to act now. We can't wait till January. Then we will act in January. We're going to bring a bill and then, of course, nothing is gonna happen till next July. Do you think the people are going to be happy about waiting till next July? I don't. Why not make an effort to show our ears are open, we are listening to the concerns of some Nebraskans that have spoken out loudly. Four months is too long. I would have changed my priorities, number of us would have, had we known what we know now. So I just totally support this rule suspension. I appreciate Justin going through the proper channels. And I hope you all will give him the chance to bring this forward and help us to listen even further to the people of Nebraska. Thank you, Mr. President.

FOLEY: Thanks, Senator Pansing Brooks. Senators Lathrop, Hunt and Vargas. Senator Lathrop.

LATHROP: Thank you, Mr. President. Good morning, colleagues. I'm going to support the-- the motion before us, and Senator Wayne began his remarks by acknowledging the uphill climb he has. It's not the subject that creates the uphill climb as much, and although that may be far more difficult than we can expect, but procedurally, because of the time, the difficulty with time, having a hearing, getting it through to the floor, amended on to a priority bill, if that's the process. I want to talk for a second about the fact that this is a motion to allow him to introduce a new bill as opposed to dropping an amendment. So we had two days when-- when we saw people protest across the country after George Floyd's death. The protesters-- the protests grew and we saw them primarily in Omaha and Lincoln. And they were-- there

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

were massive numbers of people. And we held two days of listening, and that was to provide an opportunity for those who were so upset to come in and express to the legislative branch of government their views on the current state of-- of racial discrimination and difficulties with law enforcement. At those hearings, I don't know, I can't remember a single person that came in that didn't say we have a problem. So we listened to the people who believe that there are problems in our communities right here in Nebraska. It really wasn't a forum for the city to come in or law enforcement to come in and say, hang on a minute, we have a different perspective. I will tell you, should you allow this bill to be introduced and a hearing takes place, we'll probably hear from other people who have not had a place to be heard yet. We may hear from the city that they're already doing what Senator Wayne is proposing or we may hear from law enforcement that they-- that their community isn't like Minneapolis. This wouldn't happen here because we have certain protections. But what it does do is, or what this bill would do is, provide another forum. And it's not just about passing bills around here. Sometimes it's important that the people who we represent are afforded an opportunity to come in and speak just to tell us their point of view. And this process, unlike our two days of listening, can involve a broader spectrum of interests. We can hear from the cities. They can say, this is not a workable solution, Senator Wayne. Or they may say, this works perfectly. Or we can hear from those who believe we have a problem and we can hear from law enforcement and they may say it's not, or they may have a different perspective. But what we haven't had yet on this topic is a broader discussion. I think the two days of listening that we did, and by the way, there was probably 100 people that testified, or close to that, in front of our committee. We asked no questions. We allowed people an opportunity to be heard. I think it was healthy for Omaha and for Lincoln to have that opportunity. This is a little bit of a different idea. And-- and maybe there's a practical aspect to this. We can extend this court-- courtesy to Senator Wayne. And if you want to say no, he can drop an amendment, set it for a hearing, just like a couple of people have done in here, and get to the same place. He's just asking for you to--

FOLEY: One minute.

LATHROP: --appreciate the process that he wants to do, the hearing that he wants to have. And then after that hearing is conducted, I would submit that he's got a-- a challenge ahead of him to get it through in the remaining days, but we ought to have that hearing and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

afford more people an opportunity to be heard on a narrow aspect of a broader subject. And for that reason, I'll support Senator Wayne's motion. Thank you.

FOLEY: Thanks, Senator Lathrop. In the queue, Senators Hunt, Vargas, and Chambers. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. I have some remarks to make on the floor about the integrity of the system with regard to what happened here Tuesday with LB814. And I will speak on that later at a different time because I respect this topic very much. I fully support this rule suspension and I support Senator Wayne. A lot of process arguments I'm hearing against this motion are contrary to other things we have already done in this session, right? And it also has the unfortunate effect, I think, of reconfirming the impression that many Nebraskans already have, that we avoid prioritizing working here on racial justice and equity. That that's not a mantle that we are very willing to pick up. A lot of people think that about the work we do here and I think that if we don't suspend these rules, that just confirms that to them. Justice is a choice and justice is never inevitable. But what we do here in the Legislature is also a choice. It's our choice. And as Hilgers said earlier, Senator Hilgers said, sometimes the motion to suspend the rules is necessary. Sometimes it's warranted. And this is the bill that is necessary to suspend the rules for at this point in session and at this point in our country, because systemic racism is a state problem, Speaker Scheer. It is not a local problem, it's a national problem. And we are in a unique position to do something about it, but we have to make the choice to do that. We're in the midst of a pandemic. The economy is shattered. Unemployment is the highest ever. And all of this is happening at one of the most racially tense moments in our lifetimes, the most for me. And I see at the federal level that we have a divided, incompetent, ineffective government that so far has not been capable of offering any compassionate or meaningful solutions. But at the state level, we can choose to be different. We can be responsive. I would like to see more action from elected officials at the state and local level, because people have to organize and activism has to happen, but people alone can't solve the cultural problem of racial inequity that is caused and sustained by bad laws and bad policy. Because people have been protesting for decades and decades and people have been fighting back against injustice for years, but until we change policy, we're going to just stay in this cycle of protests and elected officials giving lip service and nothing happening. And then the pain scabs over

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

until something like what happened to George Floyd or Ahmaud Arbery or Breonna Taylor or James Scurlock in Omaha happens again and rips off the scab. Government leaders, that's all of us, we have to understand that when the justice system doesn't work, it has wider implications for government than just that one single case. Because the people see what's going on and the impact of each of these instances of injustice leads to decreased public trust in our institutions, it decreases the public trust in what we are doing here in this body, in this institution that is so important to us. So this is the appropriate time to introduce something like this. It's the right process. And I do think that we need to bring accountability to law enforcement officers in Nebraska by passing some commonsense laws that we probably should have had in place all along. And we have many ideas around what those policies could be. Much of that is thanks to the Judiciary Committee and the listening sessions that they had, where many policy ideas were identified. And, you know, there are many, many other states in the country that are doing very innovative and helpful things right now that we could emulate if we chose to do that. But right now, we're in a reactive position. And if we put in some proactive policy, we can do more to prevent being in this position again. Senator Wayne's going through the right process. He has a tough row to hoe on this one, but I'll be right there to help him. And I think we need to adopt this rule suspension and give him a chance to do that. Thank you, Mr. President.

FOLEY: Thanks, Senator Hunt. Senators Vargas, Chambers and Scheer. Vargas.

VARGAS: Thank you very much, President. Again, I rise in support of this. And I'll confess-- actually, I want to respond to something that Senator Howard said, because I think it is-- is appropriate. There are times where there's a benefit to-- not a benefit, but there's-- there's a-- there's a way where we should-- we should look at the rules. And in this instance, there's obviously-- this is allowed. We're not usurping any type of process. There is-- the bill still has to try to go through several different stages of debate. It has to go through the normal iterative process that we go through. I know sometimes people get frustrated when we-- you know, bills get out of committee very quickly and then they get added on to other bills and, you know, some people think, well, it's going too quickly and some people would want-- want it to be more of a debate. I think Senator Wayne is asking for the opportunity to be able to have this. And what Senator Howard, and I agree with this, I think there's two instances

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

where this is warranted. One, we're in an age of Covid-19. And if there's something that we can do to better protect individuals in an age of Covid-19, then we should be suspending the rules to introduce bills to then be able to do so. And two, issues of racial justice. And I'll just reiterate that this is-- I haven't had that talk that Senator Wayne said with my-- with my kids, or with my daughter yet. But one of the hardest things about this subject matter is that the individual that-- that was killed, murdered in downtown Omaha, that was in my district. It was basically around the corner, by the name of James Scurlock. It's not just something that happens in other states. And I know that's not directly tied to the subject matter of this specific bill that would be introduced, but the issues of racial justice and what we heard, or what you had listened and were there in the listening sessions, I watched it on my computer, it's convoluted. This isn't the solution to the problem. This is a solution to a problem. And whether or not you disagree or agree with that, we have an opportunity to say, you know what? Yeah, I'm OK with suspending the rules so that he can try to go through the process and then-- and make his case because it's-- it's that important. You know, and I'll confess something. I-- the other issue that I care very much about that has to impact racial justice is how meatpacking plant workers are infected right now. Twenty-five percent of the individuals right now that are Covid-19-related are meatpacking plant workers. I've been trying to talk to individuals about how I can bring an amendment. I don't like doing things outside of the rules. I don't like doing things that would-- unfriendly amendments. I don't believe in those. So I've been talking to individuals about how to do something like that. This is also one of the options that I've been considering for that bill. We're not trying to have something skip over something else, we're just trying to ensure that a senator has a fighting chance to bring something. Just a fighting chance. And as a-- as a teacher, as a former teacher and as a former school board member, having fought with these issues with Senator Wayne--

FOLEY: One minute.

VARGAS: --I think the body has an opportunity to say that-- I know we're having a lot of debate on this. I really hoped we wouldn't have too much debate. Somebody wants to bring a bill and they want the opportunity to have a hearing. And whether or not we agree or disagree on the subject matter, we're going to give him the opportunity to do that because, again, we are hampered by the structure of our Legislature and of our rules. So that's what we're asking. I do

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

support that. And I think we're in difficult times. And keep in mind, if we don't, then we will be waiting until July of next year to at least have the opportunity to afford a colleague that ability to have this conversation that is so important during this period of time to individuals of color. So colleagues, I ask you support the rule suspension for Senator Wayne so that he can try his darndest to then try to go through the process in the correct way or in the way that it's--

FOLEY: That's time.

VARGAS: Thank you.

FOLEY: Thanks, Senator Vargas. Senators Chambers, Scheer and Groene. Senator Chambers.

CHAMBERS: Thank you, Mr. President. Members of the Legislature, I've been around this place a long time and I've seen things happen and I've helped make them happen. Several times with the Judiciary Committee we had exec sessions to pass-- to vote to advance bills in order that they could be added as amendments to bills out here. Every one of those bills was for a white senator, and I would make the motion, I would second the motion and facilitate that action. Yesterday, I was at the Exec Board. Senator Hilgers had a bill. He wanted to have the opportunity to attach it to a bill out here, so we processed it. We voted for it. We voted to do everything that was needed, and it's on the agenda today. Senator Hilgers' bill is on the agenda today and we dealt with it yesterday for white people and to help this Legislature. And I won't even be here, but I respect the Legislature as an institution, and it dealt with their subpoena power. So even though I won't be here and won't have to deal with it, I still feel somewhat of an obligation toward the Legislature as an institution. I've talked about the number of arrests that I've had. Senator Wayne gave you a rundown on an encounter. Going through some old papers, I happened to come across a transcript of a so-called trial that I had after being arrested, standing on the barbershop steps looking at a police officer in his cruiser. I'm going to make copies of that and show you what a young black man went through and I didn't take up a gun. You all don't know what you got standing here. You don't know how many times I have been the one to pour oil on troubled waters in my community. Some white people had the opportunity to see me down at the city-county building-- well, it was near the courthouse. And I just happened to be there and some young people were organizing and they were gonna have a demonstration. And they saw me

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

and they came and wanted me to talk to them. I talked to them. I pointed to boarded up windows. I told them, you, by your numbers and your action, have shown that you're a force to be reckoned with, don't destroy it. Don't break a window. You don't have to do that now. Register and vote because politics and money run everything and voting-- went on like that. I can't say that what I said to them that evening meant anything. But the article pointed out that the young people stayed there long after I had left, but there was no disorder that evening. I need leverage. Right now, a lot of young people, black and white, respect me. If I said, let's go break some windows, we'd break some windows. I have always counseled young people as I would counsel my own children, don't do anything that will justify them in hurting you. I want to talk to you now and I don't want to have to come down to the police station to bail you out or go to a hospital because some cop busted your head with a club. You all have no idea of the realities we face. And I will not, just to make a point to you all, let some bad things happen. Sheriff Dunning, this was some years ago, and I've got the email. I'm going to show you all these things. Petty thing, like with Senator Slama upsets you all. Then the Republican Party, the Governor and all them jump into it. You all are teaching me something here today. If this is done, I'm going to try to help make sure this bill is passed.

FOLEY: One minute.

CHAMBERS: He sent an email to all the members of a statewide committee that dealt with law enforcement or something. Sheriffs, state senators, and he put in there that he's sorry to miss the meeting, but he's got to miss it because Senator Chambers is going to conduct and-- a demonstration at the courthouse in opposition to this sweep of black men, making them give DNA samples. And in case we have to arrest him, I don't want to miss the opportunity. That's the sheriff writing about a senator. Which of you white senators ever had the sheriff put that in writing, or you be a target and they can do it openly? You think I don't know how to use a gun? When I was in the Army, they taught me, use this gun and use it on the ones we tell you to. You all don't know the restraint that I have shown--

FOLEY: That's time, Senator.

CHAMBERS: --and that I show on this floor.

FOLEY: That's time.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

CHAMBERS: Thank you, Mr. President.

FOLEY: In the speaking queue is Speaker Scheer, Senator Groene and Senator Hilgers. Speaker Scheer.

SCHEER: Thank you, Mr. President. First, just in reply to Senator Chambers, regards to Senator Hilgers' bill that's on the agenda, I would also note that that is a priority bill. It has every privilege and right to be on the agenda today. It was not-- it didn't circumvent any rules. It simply is a priority bill that was brought out of committee and it's now on the agenda. I originally-- that's an aside. When I looked at this, I don't know, an hour ago and made my initial comments, I took Senator Wayne at his word to the extent that not to consider the subject matter of the bill. We were talking about simply the motion, but it has not become that. But my comments were directed strictly to the procedure. However, in listening to the discussion, I've changed my mind. Senator Wayne had the ability to go about this a multitude of different ways, and he chose to actually use our rulebook and the vehicle that he was supposed to. I appreciate that. I admire that. And I will support that. Having said that, the preliminary subject matter, as I said before, I don't know that I necessarily will support whatever it is that comes out. I haven't seen the bill. No one has. I don't know that anyone can carte blanche say at this point in time that they support the bill other than probably Senator Wayne, because he knows or will know what's in it. But I also want to draw a little bit of attention to what I just said, because I think it happens way too little, and we are not flexible enough. It is OK to change your mind. It is OK to listen to discussion and make your decision. And as we go forward in the rest of this session, I hope that all of us will quit our preconceived ideas or impressions of different bills simply because of what we've been told or what we think. If we are going to accomplish great things in the last 14 days, we have to start acting as individuals, not as units of some group or some lobby or something else. Let's open our minds and be receptive to what is said on the floor, look at the items and make up your decision based on your thought pattern. Certainly, again, that does not mean that we will agree on everything that comes before us, but we can agree about a great deal that comes before us. There are some very important issues that probably will be coming back. I beg you, please listen and look. It is OK to change. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. In the queue, Senators Groene, Hilgers and Arch. Senator Groene.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

GROENE: Thank you, Mr. President. I fully understand where Senator Wayne is coming from. I, too, am trying to fix inequities in the treatment of students and teachers in our public schools, to train our teachers and children to make sure all children are treated equally. Get an early start, bring our children up in the way they should go. Have policies in our schools where all children are treated equally. The teachers understand them, the children understand them, the parents understand them. Heard a lot of debate about going to restrain children. Do you know right now if a chil-- if a child went into a dance on the-- in the school room, he can be and will be restrained probably? Do you understand that LB147 would forbid that? Do you understand that? I appreciate Senator Scheer. Excuse me if I think of racism and political affiliations when I see the opposition to this bill. Read the bill. Don't look at the sponsor, read the bill. I'm seriously considering helping Senator Wayne on this, even though I have repeatedly said I do not like his extreme use of the rules, which he did in LB147. But the same feelings that brought me to bring LB147 about unequal treatment of children in the schools is the same reason I'm considering helping him. I come from a rural background, I haven't seen it. I'll tell you what, when I was a teenager in a small town, I thought they were profiling me, and they were. Not that I needed to be. I got really frustrated couple times I got pulled over, but I don't know the feelings what he says about training your children to put your hands in a certain position. But Senator Wayne does have other ways to handle this. He could do an LR, he could do an interim study. Which, as Senator Lathrop said, you could really get a lot of folks in and it wouldn't be confined in that afternoon of a hearing. You could expand it to do it in North Platte, and Senator Wayne has. He brought TIF hearings out to North Platte, he did it across the state. You could get a rural's perspective, you could get a urban perspective. Excuse me on my thick tongue. But if this is not-- doesn't have an E clause, we're talking November before it's goes into effect. Month and a half before the session starts. So would it be a better way to do an LR, study it, bring a bill, a comprehensive bill next year? I think that would be the way to do it. He could even bring it to his committee if he wrote it right. Police departments are under the urban, I would think, in how a city is organized and lead it. But this all goes together, folks, I'm trying to fix the same problem and I was way ahead of the game. I knew it was there. Those young people rioting in the streets, they learned that they were not equal or didn't feel equal. Well, look how much time they spent in the public schools before they were in the streets. You please-- think maybe some of it came from their experience there? But no, Mike Groene has a bill

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

written by attorneys, some civil attorneys had their input, school board attorneys, administrative attorneys to bring a good bill.

FOLEY: One minute.

GROENE: It needs to pass, this all fits together. The LB147 will come back. Commitments were made for closure. I'm working with Senator Wayne, we've always worked together. Folks in Nebraska, when you see Senator Wayne and I go toe-to-toe, we're two honest, compassionate people. But off the mike we visit. I could list the many things that we've worked together with to come to an agreement and we'll get there on this. The rest who hate Mike Groene, I can't deal with them. I've got to live with them. LB147 needs to pass. I can't pass LB920, I got to hold it in-- on Select because it's tied directly to LB147. So rethink, listen to the Speaker's words about leave those biases behind. I'm going to follow the direction of what the Speaker said.

FOLEY: That's time.

GROENE: I still think he needs to drop an LR interim study. Thank you.

FOLEY: Thanks, Senator Groene. In the queue, Senators Hilgers, Arch and Brandt. Senator Hilgers.

HILGERS: Thank you, Mr. President. Good morning again, colleagues. Just briefly, for the record, I don't want it to be ambiguous at all as to what happened with my bill that's coming forward later today, LB681. That was a bill that I introduced last year for the express purpose of addressing any potential issues that the Supreme Court might create with its Frakes decision. That is what happened. I prioritized the bill as a priority of the Exec Board for that particular reason, we worked on an amendment. So just for the record is clear, and I'm not sure if Senator Chambers was suggesting this or not, but there was no-- this was just an amendment of a bill that was with the express purpose of addressing a specific issue that I introduced last year in 2019. At the issue at hand, I've listened to the debate and I appreciate the conversation this morning. And I want to-- there's three questions that I have that at this point have not been addressed in a way that I can vote yes, but I will continue to listen. So the first question I ask myself is, how can I have a principled response to someone who might tomorrow ask me for support for a motion to suspend the rules? As Senator-- Senator Wayne has eloquently talked about the issues that are-- he's facing and his community faces. Senator Hunt has spoken powerfully about the impact

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

of Covid. Senator Vargas has spoken powerfully about the impact of Covid in-- in the packing facilities. They equally could tomorrow or Monday bring a motion to suspend the rules on those issues. How could I vote green here, but potentially vote red on those? And if I can't vote red on those, how can I ensure that we don't have a flood of bills that overwhelm the remaining 14-- 14 days of the session? That is the first question I've asked myself and there's not an answer that I've been able to come up with that's principled. And it can't be simply that Senator Wayne and I both have our own law firms and I like them and we work well together. That can't be the right answer for a motion like this. That's the first question. The second question is not, can Senator Wayne rush this? Because certainly he can, and as many have said, it might be uphill but that's-- that's on the-- the introducer of the bill. That's his challenge. That shouldn't be a factor and it's not a factor for me in considering this. But the question to me is, should this be rushed? And I think here contrasts significantly with the bill that Senator Kolterman brought. And I think in this regard, it's both-- it's both too much and too little. Too little, is very clear based on just looking briefly at the notes that Senator DeBoer has passed around, and from the listening sessions. There are a number of issues and potential solutions to the problems that have been-- that have been identified, that were brought up at the listening sessions. How do those solutions look in light of the solution presented by Senator Wayne? Does it look better? Does it look worse? I don't know. Those issues won't be before us. But it's also too much in that this is sure to bring controversy in the near term. And I don't think, to be very clear, Senator Wayne, Senator Chambers and others, the fact that a bill could be-- be controversial is not in any way a reason to-- to vote no on this. But we have 14 days left, we have limited time left. And if we want to truly solve the problems that have-- that we are seeing, I think the evidence before us is that something that's comprehensive and takes advantage of the time available to us is the right way to go. So I can't answer the question of should we rush it? And I'm listening for answers. I've been listening to the debate. And like the Speaker, I'm willing to have my mind changed. And the third question I have is, if it is likely, and I think it's been at least acknowledged, although not conceded, we don't know what the next 14 days will look like. We don't know if Senator Wayne's bill if introduced will pass. Certainly, Senator Wayne, I think will hope it will pass, and I'm sure he will fight for it to pass. But I think it's acknowledged on the floor that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

an unprioritized bill at this late juncture, at least it has uphill odds. And if it is likely that the ultimate result of this--

FOLEY: One minute.

HILGERS: Thank you, Mr. President-- is that what we-- we will have is a dialogue about this issue and a conversation about this issue within the limited and narrow confines of a committee hearing and on the floor, why is it not an alternative path to have a interim study over a short-- very short interim where we can expand upon the work of the Judiciary Committee and do what they have done with a-- with a greater forum, with other senators and other stakeholders and asking the question that Senator Lathrop said was not asked, which is who might have opposition or what stakeholders might have other thoughts as to the solutions presented to us? So those are the three questions I've been asking myself this morning. Those are the questions-- they don't go to the merits of the particular bill, they don't argue that there isn't a problem that needs to be solved. And I listened every to word that Senator Wayne had to say and it was incredibly powerful, and I hope everyone here and around the state had the opportunity to hear it.

FOLEY: That's time.

HILGERS: But I am not voting yes at this juncture. Thank you, Mr. President.

FOLEY: Thanks, Senator Hilgers. In the queue, Senators Arch, Brandt, and Morfeld. Senator Arch.

ARCH: Thank you, Mr. Lieutenant Governor. I-- I-- I'm gonna have a question for Senator Wayne if he would be willing to yield. I've got-- it's a long question. So it won't be-- it won't be fast, but if he would be willing to yield.

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes.

FOLEY: He will.

ARCH: OK, thank you. Thank you. Senator Wayne and I serve together on Urban Affairs where he chairs that committee and I have-- I have observed his behavior and I've learned a great deal on his deliberative manner. We've seen interim studies. Last summer we did a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

number of those outside of the city of Omaha and within Omaha as well. And this is my long question, Senator Wayne, so please bear with me. So-- so my question is what-- what some have raised recently, and that is this question of an interim study and-- and why didn't you choose-- I'm sure that that was an option in your mind, that an interim study would be possible on something like this that would provide all parties that opportunity to prepare their thoughts, have a thorough discussion in-- in a deliberative manner? And I ask this question because I believe we recognize that the problem you're trying to solve is a-- is-- is a complex issue, a real issue and needs and deserves full discussion, something that's-- and that's not rushed. Given the fact that we're-- we're one month off of our interim now and I-- I was listening to Senator Lathrop and he talked about the need for a broad discussion, which I-- which I agree, are the questions of are there other solutions? Should we be proposing those other solutions? And-- and-- and-- and I-- and I guess my-- my desire is to see a deliberative process in this, something that's not rushed and that interim would provide that opportunity. So with that, I'll stop and-- and allow you to answer the question of the interim study and your thoughts on that.

WAYNE: Well, there's two. There's a sense of urgency to show that the state, that this body cares about this issue. And so a vote against this motion says that we don't even care about the issue because we won't even allow it to be introduced. And the reason I didn't do an interim-- interim study is, one, I personally don't like interim studies. I think they don't have the same effect, because you can do an interim study and then when you have a hearing on a bill, more people come because they now think it's serious. But the bigger reason why I don't want to do an interim study is we are unsure, body. And you need to hear this if you're wondering why I don't do an interim study, we are unsure if we'll be able to do an interim study in October. So if I do an interim study and we can't have it due to Covid or due to the ability to have people come in and talk, due to whatever restrictions we may have, then I have no way of getting that knowledge that I can right now, next week, where I know I can have a hearing.

ARCH: Thank you.

WAYNE: Thank you.

ARCH: I would-- I would like to see an interim study on this-- on this issue. That would-- that would be my preference. I would like to see an interim study where all parties can-- can come together, can

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

present alternative proposals, options and perhaps multiple options, where we're not just addressing one particular solution to the problems that we see in our society, but multiple. So with that, I would say I would I-- I-- I would encourage Senator Wayne to propose an interim study and not this bill. By the way, I am not in opposition to rule suspension. That is not-- that's not my position. I would just like to see a deliberative study on this matter. Thank you.

FOLEY: Thanks, Senator Arch. Senators Brandt, Morfeld and Chambers. Senator Brandt.

BRANDT: Thank you, Mr. Lieutenant Governor. I'd like to thank Senator Wayne for bringing this subject up. I serve on the Judiciary Committee with Senator Wayne. The Judiciary Committee spent two days in Omaha and Lincoln holding listening sessions, not hearings. We heard about 170 people and as a committee asked no questions of the people who spoke. Over those two days, we heard a wide variety of concerns from the people of Nebraska. If Senator Wayne's bill is allowed to go forward, it would be the next step in the process. The committee tasked with the hearing will hear both proponents and opponents in a regular legislative hearing that will allow the senators to ask questions. This give and take is critical in allowing the Legislature to craft good legislation. Colleagues, this is an opportunity we need to take up now. I will be supporting Senator Wayne's motion. If this motion fails, I would support Senator Hilgers' idea for an interim study. Thank you.

FOLEY: Thanks, Senator Brandt. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in support of the rule suspension for a few different reasons. First, I've been hearing overwhelmingly from my community that we need to take action, that we need to have a response and a robust debate and take action on the events that have not only occurred over the last few months, but have occurred over several hundred years in our country. And so this is our opportunity to do that. I was also a part of the Judiciary Committee hearings, and I heard from countless people tell us their stories, both young and old and everything in between. And there's clearly a problem. I think we've known that for a long time. We just haven't addressed it for a lot of different reasons, but we have the opportunity to address it now. We could have an interim study and then start addressing it next year, but we already know it's a problem. We already know it's a problem. And in my mind, we've already had the interim study. It was the two days of Judiciary Committee hearings

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

that we held where people came and told us what the problem was and what the potential solutions are. So to me, an interim study would be redundant. And not only would it be redundant, we already know there's a problem. It's already been put forth to us by the public. And there are solutions. I think Senator Wayne's bill is one potential solution. And I think, quite frankly, it's only the tip of the iceberg. I also have a concern sometimes with the Legislature, and granted I have a few other jobs, so I can't be down here all the time year-round, and we're not paid or set up to do that, but one of the disadvantages we have to being a part-time Legislature is that we cannot be responsive to the critical issues that often face our state. And one of the concerns that I have, particularly in this time where respect for institutions, governmental institutions has been declining in our country, is that our institutions are only respected to the extent in which we are responsive to the needs of the people that we represent. And there is a clear need that has not just come up over the last few months, but as I said, has been prevalent over the last several hundred years in our country that has been made clear that action needs to be taken. This is our opportunity to act. And I think that if we're going to be responsive to our communities and our institutions and the people that we serve, we have got to take action when people are calling us to. And right now, people are calling us to take action now. And we have the opportunity to take action now. This is our opportunity. There will be many other opportunities down the road but that doesn't mean that we shouldn't take this opportunity. And I know that this body takes action and sets aside certain norms that we follow when issues are important to us. That-- that was made very clear just a few nights ago with the pull motion. That's within the rules, that was within the prerogative of Senator Geist, and this body decided to take action on that. They prioritized that as an issue that we are going to set aside our norms and we are going to avail ourselves of the rules that are available to us, including a rule suspension, that's part of the rules, because that's an important issue to a majority of the members of this body. So we know that there's a problem, there was two days of Judiciary Committee hearings that demonstrate that. And if you didn't watch them, that's OK. I believe there's a transcript or you can talk to any of the members here.

FOLEY: One minute.

MORFELD: The problem has been identified. There are solutions. Senator Wayne is providing a solution and availing himself of the rules to do

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

so. Let's give him that opportunity and let's give a voice to the countless Nebraskans that have told us that there is a problem, identified a problem, and that there's evidence that there is a problem. This is our opportunity to address it. And this is using the rules pursuant to Senator Wayne's prerogative, just as Senator Geist exercised a different kind of prerogative, but a similar one, to be able to address this problem. I stand in support of the rule suspension and I urge you to do as well.

FOLEY: Thanks, Senator Morfeld. In the queue are Senators Chambers, Halloran and Ben Hansen. Senator Chambers.

CHAMBERS: Thank you, Mr. President. I don't want this individual to be shocked, but would Senator Geist yield to a question or two?

FOLEY: Senator Geist, would you yield, please?

GEIST: Sure.

CHAMBERS: Senator Geist, were you aware maybe even before you offered your bill on the dismemberment abortion, that I would probably be opposed to it? Were you aware of that?

GEIST: Absolutely.

CHAMBERS: When you made your motion to pull the bill, did I speak against that motion by saying it shouldn't be done at this time or in that fashion?

GEIST: I don't recall that.

CHAMBERS: No, I didn't. In fact, I didn't speak against your pulling the bill at all. But what I want to make clear to everybody here, you knew that I would be opposed to your bill, correct?

GEIST: Correct.

CHAMBERS: Thank you. That's all. Members of the Legislature, I tell you that I respect this place as an institution. Even if everybody in it is a rat, you have to maintain the structure so that if you get some better people, they have the tools and the mechanism for doing the kind of things that ought to be done by this branch of government. I would never chastise somebody for using a rule that we as a body put into place, even if I don't like the rule. If you don't like the rule, remove it, but don't condemn somebody for making use of what was put

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

there for the use that is being put to it at the time they use it. That sounds like a circle, but that's what you have to do to make a point clear. Senator Wayne is not doing anything not allowed by the rules. I would allow the bill that I have, which I call a "pee-wee" bill, dealing with implicit bi-- bias on the part of certain police officers training to overcome that, to the extent possible, use it as a vehicle to try to get this bill of his passed. I see the bill he has as being that important, but we have to take a step at the time. If there are 10 steps and we cannot get past the first one, there's no need in talking about all the others. We know it's uphill. Everything we try to do that would benefit our community is uphill. We know that. Both of us have chosen to come into a legislative body to try to bring about changes instead of responding to the people who have mistreated us in the way that they mistreated us. But if every door is closed, then a point is going to be reached where people will say, what's the use of even going that direction? It works for them, but it's not going to work for us. Different strokes for different folks. I've tried to be as rational as I could this morning, tried to be as restrained as I could be this morning because it's Senator Wayne's bill and not mine. Had I attempted to do this, there would have been an automatic knee-jerk no. I know that. There were things that based on what we heard as members of the Judiciary Committee that I would like to have brought bills to implement. They would have gone nowhere. And I did have other fish to fry, so to speak. So I think what you ought to do is think long and hard--

FOLEY: One minute.

CHAMBERS: --before you deny this opportunity to Senator Wayne. Don't be penny wise and pound foolish. Don't say that because of the amount of time that may be taken or you don't like the bill you can spare yourself by killing it. There is an expression, let sleeping canines lie. I relate more to felines. Let sleeping Black Panthers lie. Wake him up, and then I'd use in what they call an ellipsis, dot, dot, dot. You fill in the rest of it. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Remaining in the queue are Senators Halloran and Ben Hansen. Senator Halloran.

HALLORAN: Thank you, Lieutenant Governor. Good morning, colleagues. Well, there's no question that there is a serious issue that Senator Justin Wayne is trying to address, and I have no problem suspending the rules for this purpose. But I can hear the wheels turning within the minds of a few other senators thinking, well, now, if this flies,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

I've got an issue. I'm going to do the same thing. And that may be fine. We have been considered and called by-- by many people, the most deliberate-- deliberative institution in the country. That could be debated. But under the normal process, however arduous it might be, it does work. However, arduous it might be when a session starts, we have 10 days. After months of preparing bills as senators, we have 10 days in the first part of January to submit a bill, sponsor a bill. And then it has to go through, of course, this process of referencing to committees. And overall, that works generally pretty well. And then we spend several months with hearings and hearings and hearings to work through these bills to find people that-- have people that are proponents and opponents, and that strange role of being neutral on a bill. But we hear from folks regarding the subject matter of the bill. This is a short period of time, that's been expressed already. We have 14 days left. A concern, I guess I have is that Senator Morfeld mentioned that this may be just the tip of the iceberg. We haven't seen a bill. We don't know what it is. That will-- I'm sure it's been written, but we don't know what that is. And I have a concern that things could be added to the bill. That happens all the time, right? We-- we amend things into a bill that may not be germane, may be germane. Senator Vargas has expressed concern for-- for packinghouse safety, a legitimate concern that he has. And he's considered this possibility of suspending the rules to address that concern. I guess-- I guess my question is, will he attempt to amend that into this bill? I don't know. And I guess we can go through the process and find out and deal with it. Would Senator Justin Wayne yield for a quick question, please?

FOLEY: Senator Wayne, would you yield, please?

WAYNE: Yes.

HALLORAN: Thank you, Senator. Senator, can you give me or the body some assurance that-- that we-- this will be a one-topic bill, and that it won't be filled with a Christmas tree effect of amendments on various issues that may not be germane?

WAYNE: Oh, this bill deals strictly with police citizen review board oversight, and that will be the only topic in the bill.

HALLORAN: OK. Thank you, Senator. I agree with Senator Arch, I have my misgivings about the values and merits sometimes of interim studies. But nevertheless, it does give the-- the opportunity to develop a bill that has substance enough to be sponsored and put through the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

legislative process and the committees. However, arduous that is, and it is. But it allows proponents, opponents to come in and to testify, to help that committee build a bill that's substantive and can work for generally everybody. Interim studies are a part of the process that we have here in the rules.

FOLEY: One minute.

HALLORAN: And I agree with Senator Arch that this-- this would be a subject matter that I would prefer to see an interim-- interim study. Thank you, Lieutenant Governor.

FOLEY: Thanks, Senator Halloran. Senator Ben Hansen, Albrecht and Geist. Senator Ben Hansen.

B. HANSEN: Thank you, Mr. President. Sorry, I missed part of the discussion earlier today, I was driving from Blair. Got to go home and see my family last night, which was kind of nice. And I think Senator Halloran raised the exact same question that I had about-- obviously there's some concerns always when you suspend the rules to bring somebody's bill forward, and then will something else get attached to that. So it's nice to hear Senator Wayne mention that and assure the body that no other bills will be attached to this. I don't want to see something like this ballooning out of control, typically like government likes to do. But actually, I do believe it's a laudable effort by Senator Wayne, obviously a passionate subject from him. And we heard about it from many people. And I think that kind of tells us something as senators that maybe this isn't just a topic one senator is passionate about, but multiple senators. And so I'm actually considering voting for this. Probably not the most popular vote among my party, but I think we did a similar thing with LB814, which is-- which I'm much more passionate about. And I think it's-- I do have to bring up, I think it's a little ironic how one group of senators did not vote for LB814, to pull it out of committee, and a bunch of other ones will vote for this one. I think that kind of reeks a little bit of partisan politics to the highest degree, a little bit. I see them both as legitimate reasons to maybe bring something on the floor for debate, bring it in front of a committee for debate, some back and forth. I also like to mention a little something that Senator Chambers said that's something I do not buy into, is the fact that since he as a black man voted for something for white people, that means we as white people have to vote for something because Justin is a person of color. I fund-- fundamentally disagree with that notion. I'm more of an individualist, I don't buy into group politics or group identity. I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

like to judge a person individually, which is what I'm doing with Justin-- or Senator Wayne, excuse me. Sorry. And so I can definitely see where he's coming from and the idea that this should get on the floor for debate. Will it have time? Probably not. He's willing to take the burden, he said. And I do agree with what Speaker Scheer and Senator Hilgers both said, they made very good points. So a little bit on the fence, but I am leaning towards yes, actually, for voting for this. I do support our police, actually. I have to make that point. These are people who are putting their lives on the line for us every day. Are there bad apples? Yeah, there are. Come on. I'm in health care, there's a heck of a lot of bad apples there. We're not willing to discredit an entire substrata of people because there are some who are bad. Do I have a concern over the overmilitarization of our police force? Yeah. Do I have a greater concern about stripping our Second Amendment rights away to be a proper check and balance for that police force? Yes. We've seen it here in this body many times. The Second Amendment is something I will-- I will always stand up for. So I appreciate a lot of the senators talking about this and actually debating it and not getting too emotional about it. So just my two cents and I appreciate it. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Senators Albrecht, then Geist. Senator Albrecht.

ALBRECHT: Thank you, Mr. President. I rise with the same sentiment as Senator Arch. I'd like to see an interim study because this needs to literally go across our state. Everybody has a voice in what happens here, but not everyone has the opportunity if you don't have Internet at home to be able to Zoom in on a conference or to be able to be heard, to even get here, to leave work, to have your voices heard. We can't even talk to our lobbyist if we have a question. You better have their cell phone number or office number and hope that they're sitting at their desk to answer questions for us. I just believe-- the interim study just seems to me at this, at this juncture of time. You know, maybe if this would have come to us on the very first day, knowing the-- the seriousness of what's happening today in our society, we should have possibly been a little bit more prepared right after-- I sat and watched in my home for two days the-- the Judiciary listening session. But not all of us are going to have that same opportunity to listen in and see how things are going on this particular hearing. So I might want to call in my city police departments and city councils and city mayors and city managers to say, hey, this is, this is a big deal. If you want to be a player in it, you want me to, you know, help

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

represent you, make sure you're here. I mean, this is just so quick to-- to just think we can get something done overnight. If-- I believe everybody has advisory boards already. You know, I don't know if it's in state statute from 2014. I don't have enough time to research all this myself right now. So for that reason, I just stand in support of an interim study over the rule suspension. So thank you, Mr. President.

SCHEER: Thank you, Senator Albrecht. Senator Geist, you're recognized.

GEIST: Thank you, Mr. President. I-- I have concerns, and yet I'm-- I'm-- I'm feeling similar to Senator Hansen, Ben Hansen about this motion. And-- and I do think-- and this is what I spoke about on my Facebook page, which I'm not sure it was actually newsworthy, but some thought so. What Senator Wayne is expressing to us and expressed with his story is, is the fact that things for people of color in ordinary situations are different. That's not all law enforcement. And just as Senator Hansen expressed, there are bad apples there, but to-- with a broad stroke put that around the neck of every law enforcement officer is unfair. However, I can say that Senator Wayne and I, and some other people have been together in public situations. I've publicly watched Senator Wayne be the person treated differently than the rest of us who are white. When that happened, I don't think Senator Wayne knows that I called and lodged a complaint about the way he was treated because it was wrong. My only concern about doing this this way is not about suspending the rule. It's about rushing this through. I think we need as a society to have a conversation. That's what I was hoping would have come about at that very narrow juncture when the whole country came together and said what happened to George Floyd was wrong. We all agree that was blatant and we all agree. I've not heard a single individual disagree with that. That public discussion is worth having, and it's worth having a very deliberative process about that public discussion. However, I also respect Senator Wayne's attempt and ability. I'm sure if anyone can push this boulder up a hill in 14 days, Senator Wayne could probably do that. So I, too, am leaning towards allowing that. My preference would be we do this through a long session, which is coming in January, so we can have a discussion about how we treat each other in this society. Thank you, Mr. President.

SCHEER: Thank you, Senator Geist. Senator Moser, you're recognized.

MOSER: Well, I'm going to make it pretty quick. I don't have the feedback from my district that they've gotten from the larger cities.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

And so I didn't really see the need for this bill, and for that reason, the reason for the suspension of the rules. But after thinking about it a little bit, you know, I don't-- I'm not going to be the one who votes no just because it's not a problem in my district. I'm going to probably support the rule suspension so that it can move forward. I'm not saying I'm going to vote for the final bill. I'd be opposed to a kind of a one-size-fits-all kind of a bill where every police department that has one full-time officer has to have a committee watching him. You know, where there's not a problem, I don't know if that's necessary. But that's down the road a ways. We can talk about that if we get there. Thank you very much.

SCHEER: Thank you, Senator Moser. Seeing no one left in the queue, Senator Wayne, you're welcome to close on your motion.

WAYNE: Thank you, Mr. Speaker. Colleagues, I didn't think we would be here for two hours debating a motion to introduce a bill. I want to read-- and I don't-- very rarely will you ever hear me quote Senator McCoy. But in 2010, he said: Thank you, Mr. President. Members, I rise in support of Senator Campbell's motion to suspend Rule 3.-- 3.5 under Rule 5, Section 4(c) to permit the introduction-- introduction of her bill. I want to make it very clear, however, that my support for this motion before us is not to be construed in any way as a support for the bill in its present form. Some of us whom this bill is unacceptable is going to vote for the introduction of this and be deliberate in the committee to make sure a decent bill comes out. The point of it is, we're not debating the merit of this bill. While I appreciate everybody saying we're rushing the process, the fact of the matter is October, we don't know if we'll have the ability to have an LR. And there's no simpler way for me to say this, but a vote against allowing a bill to be introduced, regardless of if you think I can do it, if you think I won't be able to put a meaningful thought in a bill, I won't be able to do X, Y and Z, but not to be able to introduce a bill on a subject that has organically risen throughout this nation sends the message from this body that we just don't care. That we don't care. I don't know how else to say that. We can debate the merits of the bill if it ever gets to the floor. I'm going to say when it gets to the floor. We can debate whether Imperial, Nebraska needs this. We could have a committee process, which I'm sure Senator Lowe is going to bring up when this comes to Urban Affairs, that Kearney may not need this. That's what the committee process is about. But to suggest let's do an LR at a time where we can barely even have hearings in most of the cities around the state where this is impacted

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

is a problem. And nobody knows what October is going to look like. So if it's not OK today, maybe later, maybe next year, that sends the wrong message to the community I represent. Now, let me be clear, this is not my priority bill. My priority bill is still in Government Committee, which may or may not get out. That bill deals with alleviating poverty. That is an economic bill for small businesses. That is my priority bill. But I can't in good faith continue to walk down my community after seeing what has happened, after a riot broke out in Omaha and within 36 hours tell me a full investigation was done and no charges would be filed, without doing something. So I listened to the Judiciary Committee. I listened to people. And the police oversight board is not new. Omaha used to have one. From my understanding, Lincoln has one. It's not a new concept. So the bill I'm introducing is not some foreign that just came in on-- foreign object that just came in on a comet,--

SCHEER: One minute.

WAYNE: --that's gonna be mind blowing. I don't need 400 hearings across the state to know that this has worked in other states. And yes, there are some safeguards. And this isn't about being antipolice. Chambers had a bill a couple of years ago that he hated that I brought on behalf of the police. Juvenile fel-- juveniles who commit a felony being able to have a gun. This is not antipolice, this is proaccountability. The one that Senator Hilgers argued about the land bank for three hours. The citizens having the ability to oversight-- to oversee police at the discretion or the appointment of the mayor-- at the appointment of the mayor and confirmed by the city council. This is local government at its best. We are giving them tools. I am only asking--

SCHEER: Time, Senator.

WAYNE: --for the ability to introduce this. Thank you.

SCHEER: Thank you, Senator Wayne. There's been a request to place the house under call. The question before us, shall the house go under call? All those in favor, please vote aye; all those opposed vote nay. Please record.

CLERK: 33 ayes, 1 nay to place the house under call, Mr. President.

SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Linehan, would you please--. All Senators are accounted for. There's been a request for a roll call vote in reverse order, Senator? Mr. Clerk.

CLERK: Senator Wishart.

WISHART: Yes.

CLERK: Voting yes. Senator Williams.

WILLIAMS: Yes.

CLERK: Voting yes. Senator Wayne.

WAYNE: Yes.

CLERK: Voting yes. Senator Walz.

WALZ: Yes.

CLERK: Voting yes. Senator Vargas.

VARGAS: Yes.

CLERK: Voting yes. Senator Stinner. Senator Slama.

SLAMA: Not voting.

CLERK: Not voting. Senator Scheer.

SCHEER: Yes.

CLERK: Voting yes. Senator Quick.

QUICK: Yes.

CLERK: Voting yes. Senator Pansing Brooks.

PANSING BROOKS: Yes.

CLERK: Voting yes. Senator Murman.

MURMAN: Not voting.

CLERK: Not voting. Senator Moser.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

MOSER: Yes.

CLERK: Voting yes. Senator Morfeld.

MORFELD: Yes.

CLERK: Voting yes. Senator McDonnell.

McDONNELL: Not voting.

CLERK: Not voting. Senator McCollister.

McCOLLISTER: Yes.

CLERK: Voting yes. Senator Lowe.

LOWE: Not voting.

CLERK: Not voting. Senator Linehan.

LINEHAN: Yes.

CLERK: Voting yes. Senator Lindstrom.

LINDSTROM: Yes.

CLERK: Voting yes. Senator Lathrop.

LATHROP: Yes.

CLERK: Voting yes. Senator La Grone.

La GRONE: Not voting.

CLERK: Not voting. Senator Kolterman.

KOLTERMAN: Yes.

CLERK: Voting yes. Senator Kolowski.

KOLOWSKI: Yes.

CLERK: Voting yes. Senator Hunt.

HUNT: Yes.

CLERK: Voting yes. Senator Hughes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

HUGHES: Not voting.

CLERK: Not voting. Senator Howard.

HOWARD: Yes.

CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: Yes.

CLERK: Voting yes. Senator Hilgers.

HILGERS: No.

CLERK: Voting no. Senator Matt Hansen.

M. HANSEN: Yes.

CLERK: Voting yes. Senator Ben Hansen.

B. HANSEN: Yes.

CLERK: Voting yes. Senator Halloran. Oh, I'm sorry, Senator.

HALLORAN: Not voting.

CLERK: Not voting. Thank you. Senator Groene.

GROENE: Yes.

CLERK: Voting yes. Senator Gragert.

GRAGERT: Yes.

CLERK: Voting yes. Senator Geist.

GEIST: Not voting.

CLERK: Not voting. Senator Friesen.

FRIESEN: No.

CLERK: Voting no. Senator Erdman.

ERDMAN: No.

CLERK: Voting no. Senator Dorn.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

DORN: Yes.

CLERK: Voting yes. Senator DeBoer.

DeBOER: Yes.

CLERK: Voting yes. Senator Crawford.

CRAWFORD: Yes.

CLERK: Voting yes. Senator Clements.

CLEMENTS: Not voting.

CLERK: Not voting. Senator Chambers.

CHAMBERS: Yes.

CLERK: Voting yes. Senator Cavanaugh.

CAVANAUGH: Yes.

CLERK: Voting yes. Senator Briese.

BRIESE: Yes.

CLERK: Voting yes. Senator Brewer.

BREWER: Not voting.

CLERK: Not voting. Senator Brandt.

BRANDT: Yes.

CLERK: Voting yes. Senator Bostelman.

BOSTELMAN: Not voting.

CLERK: Not voting. Senator Bolz.

BOLZ: Yes.

CLERK: Voting yes. Senator Blood.

BLOOD: Yes.

CLERK: Voting yes. Senator Arch.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

ARCH: Not voting.

CLERK: Not voting. Senator Albrecht.

ALBRECHT: No.

CLERK: Voting no. 32 ayes, 4 nays, Mr. President, on the suspension to allow for the introduction.

SCHEER: Thank you, Mr. Clerk. The motion does pass. That required a 30-vote margin, which it exceeded. I raise the call. Moving to the next item. Mr. Clerk.

CLERK: Mr. President, with your permission, may I read some items?

SCHEER: Yes, please.

CLERK: Thank you. New bill, Mr. President. LB1222, a bill by Senator Wayne. It's a bill for an act for pro-- or excuse me, it's a bill for an act relating to municipalities. Adopts the Municipal Police Oversight Act. That will be referred to Reference. Study resolutions: LR361, LR362, LR363, LR364, and LR365, all offered by Senator DeBoer. They will be referred to the Executive Board. Senator McCollister has LR366, that will be laid over. Senator Dorn, LR367, it will be referred to the Executive Board. Mr. President, Final Reading. Place-- bills placed on correct-- on correctly engrossed: LB247, LB797, LB803, LB803A, LB808, LB832, LB881, LB912, LB1060, LB1183, and LB1186, all reported correctly engrossed. Mr. President, preceding LB783 was a bill originally introduced by Senator Lowe. It's a bill for an act relating to health care facilities. It amends Section 71-405; refind-- redefines ambulatory surgical center. Introduced on January 8 of this year, referred to Health and Human Services, advanced to General File. There are committee amendments, Mr. President.

SCHEER: Thank you, Mr. Clerk. Senator Lowe, you're welcome to open on LB783.

LOWE: Thank you, Mr. Speaker. LB783 is my personal priority bill for this year. It is designed to allow ambulatory surgical centers more flexibility when it comes to how long a patient may stay at the facility. The original language of the bill would have allowed patients-- a patient to stay at the center for 24 hours after anesthesia was applied. After talking with the Department of Health and Human Services, it became clear that the language went a little too far. So we drafted AM2775 and changed the time to 23 hours and 59

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

minutes after a person was admitted to the facility to ensure compliance with federal standards. Current state law requires a patient to leave a surgical center the same day they enter the facility, which means they cannot stay past 11:59 p.m.. This language is far stricter than federal guidelines, which allow for a patient to stay up to 24 hours. Nebraska is one of only 13 states which have such strict regulations. Thirty-six other states and Washington, D.C. allow a stay between 23 and 24 hours. LB783 will allow medical officials to keep patients under care for a longer period of time if they have concerns with how the patient is handling the pain from the surgery. It will also benefit those who may not have someone to help them home. LB783 creates more flexibility for ambulatory surgical centers, improves care for patients, and gets Nebraska in line with recommendations from centers for Medicare and Medicaid services. In response to the current pandemic crisis, the Governor promulgated a temporary executive order to allow patients extended stay. And it has been-- and it has shown to be very beneficial for patients and highly feasible for the facilities. This bill, while more restricted than the temporary measure, will provide a similar benefit and flexibility to the caregivers in providing high-quality care for their patients. You will notice that there is a fiscal note in the cash funds. I was notified yesterday that this fiscal note will disappear and it will not cost. With that, I urge you a geen vote on LB783 and the attached amendments. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Lowe. Senator Arch, as Vice Chairman of Health and Human Services, you're welcome to open on the committee amendments.

ARCH: Thank you, Mr. Speaker. I first want to thank Senator Lowe for allowing me to amend a couple of my bills onto his priority bill. As mentioned by Senator Lowe, AM2775 contains the amended version of LB783, which changes the definition of ambulatory surgical centers and can be found in Section 2 of the committee amendment. Section 1 of the amendment is a proposal originally offered in LB838. The bill was brought to me by the Nebraska Medical Association and it clarifies that a physician can, and this is a very important word, assign tasks to uncredentialed employees as long as those tasks are appropriate to the skill and training of that person. An issue arose when DHHS took the formal position that only registered nurses, in other words, not-- not MDs, could delegate tasks to uncredentialed health care staff. The problem revolves around the term delegate, which in its definition under the Nurse Practice Act means to actually delegate nursing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

interventions. This caused some confusion among physicians and concern that having uncredentialed persons, for instance, medical assistants on their staff could cause some liability issues. As amended in AM2775, we clarify a physician can, quote, assign routine tasks. Those tasks that pose no risks, have predictable results, and don't require clinical judgment, such as weighing patients, entering electronic records, what's called rooming patients, putting patients into their rooms, the exam rooms. I do want to commend the Medical Association, as well as the Nebraska Nurses Association for working together to address everybody's concerns and bringing a good solution forward. Section 3 of the committee amendment is what was LB1104, also brought to me by the Nebraska Medical Association. This is really a cleanup bill from a bill I introduced last year regarding-- and it passed-- regarding the Health Care Quality Improvement Act. In that bill, we created the definition of, quote, professional health care service entity to ensure employees and physician run clinics were given the same protections as hospitals with respect to peer review. We inadvertently left out nonprofit physician-run clinics, and this bill would simply add medical clinics organized under the Nebraska Nonprofit Corporation to the definition of, quote, professional health care service entity. Otherwise, it does absolutely nothing to change the peer review process established under the Health Care Quality Improvement Act. All three measures contained in AM2775 were unanimously approved by the Health and Human Services Committee and I urge your green vote on the committee amendment and advancement of LB783. And again, thank you, Senator Lowe, for accommodating these measures.

SCHEER: Thank you, Senator Arch. Going to the queue for discussion. Senator Crawford, you're recognized.

CRAWFORD: Thank you, Mr Speaker. Good morning, colleagues and Nebraskans. I rise this morning in support of LB783 and in support of AM2775. I just want to take a moment to acknowledge and thank the Health and Human Services Committee for the-- and the leadership of Senator Howard for their hard work in packaging so many bills with bipartisan agreement on so many critical issues facing our state. I just really appreciate as a senator seeing these bills and seeing these packages come across on the floor and having the opportunity to put them into law. And that's only because of the hard work of the committee and many hours spent in hearings and many more hours spent in deliberations to ensure that the bills were in a-- in a form that members of both parties could agree to and that the committee could

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

support unanimously. And I just want to thank Senator-- Senator Howard as chairperson of the committee and all the members of the Health and Human Services Committee for their work on that front this session. I want to just raise attention to LB838, Senator Arch's bill, which is a part of this package and the committee amendment. This is an important innovation in licensure in the state. It continues a legacy that many of us of both parties have worked on through the years to try to improve licensure in the state, to open up opportunities for people across the state, and improve opportunities for-- for employment and opportunities for-- for progress across the state. And I want to thank him for his work on that bill. And I want to thank the Nebraska Medical Association, the Nebraska Nurses Association, and the Nebraska Medical Association for their help and support of this bill as well. I urge your support of AM2775 and LB783. Thank you, Mr. Speaker.

SCHEER: Thank you, Senator Crawford. Seeing no one else in the queue, Senator Arch, you're welcome to close on the amendment. He waives closing, and the question before us is adoption of AM2775 to LB783. Colleagues, all those in favor please vote aye; all those opposed vote nay. Have all voted the wish to? Please record.

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

SCHEER: AM2775 is incorporated into LB783. Senator Wayne, you're recognized.

WAYNE: Thank you, Mr President. Colleagues, I just want to say thank you, because I can't walk around and necessarily thank all of you with the Covid things and everything. And I'm kind of weird about it, but so I figured it would be just easier to say thank you on the mike. I really do appreciate it. I know many of you off the mike were coming and talking to different people and really thinking hard about this or that vote and so I do appreciate it. I just think it's important that sometimes we recognize after yesterday, long debates of not coming together, I really do want to appreciate and say thank you for coming together today on this important issue for my community. Thank you.

SCHEER: Thank you, Senator Wayne. Senator Chambers, you're recognized.

CHAMBERS: Mr. President, members of the Legislature, we never grow too old to learn. I'm 83 years old. Let's say that when I was 40, I stopped learning. All I would be now is an 83-year-old, 40-year-old man. So I'm going to follow the lead of Senator Wayne, not to thank

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

you all, but some people around here think that I'm against all police. The Governor even made some remark about the horrible things I've said about the law-- about law enforcement, but he didn't specify. Ordinarily, I wouldn't do this. But I'm going to bring you all a copy of a letter that I wrote to the superintendent of the State Patrol thanking a trooper for having done what he was paid to do. And, you know why I put it like that? Because he said: This is what I'm paid to do. But I told him, whether you're paid to do it or not, it doesn't hurt to say thank you. And then some of you small-minded people who don't know what I do, have no idea, especially that devil over in the Governor's mansion. That's what he is to me. And he's a law violator. And I brought it to his attention, but he's accountable to nobody. Then he's gonna jump in this thing, defending Senator Slama. Me thinketh he protesteth too much. But here's the point I'm getting to. Before you all start jumping on this gun, this hobbyhorse of saying I'm against all cops and I mistreat them, talk to some of the patrol, the troopers around here. Talk to some of the cops you might know. But I'm going to bring you all that transcript. And instead of letting you all read it, I might read it on the floor and comment. I'm on private property where I work. A two-man cruiser parks in the bus zone, an elderly black woman has to catch the bus. Now, if I was parking in the bus zone, whether anybody wanted the bus or not, I'd get a ticket. They just continue to sit there. That's how the incident unfolded. So I'm looking at the cop. How many of you, to show how stupid your white cops are that you all love-- what does it mean to be using a pencil in an investigating manner? That's one of the objections he had. And I'm looking at the cruiser. And he talked about what-- that I was writing about the cruiser. But then in his testimony, he didn't know whether I had the-- brought the thing in with me or not. He didn't know what I was writing. But he lied. He's so dumb. And when they speak against us, they can contradict themselves. But here's the point. How many of you think as a white person you'd be arrested for looking at a cop? Looking. Looking at a cop and you go to jail, that's what happened to me. If anybody should take up a gun, it is me. You're looking at him. And in those days, I worked very hard to try to help my community stand up right and I was young. And then when we were in the cop car, I had no fear of them. And we were arguing. That came out during the trial. I wasn't afraid of them. And one cop said that when he came out of the fish place where he was going to buy a sandwich, that I was having a heated exchange with his partner. Am I scared of cops? No, I'm in the belly

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

of the beast. In those days they were busting black people's heads. And then he even said--

SCHEER: One minute.

CHAMBERS: --he tried to pick an argument with me. He asked me, aren't you supposed to be riding back here with me? How many people would say that to a cop in the car when they arrest him and they had taken him to jail because he looked at them? I had contempt, utter contempt. And when you treat me with contempt, that's what you get back from me. And now the Governor has reopened the sleazy-- the sleazy, slimy Slama affair. And he was talking to black men and used a racist term from the old south: you people. But anyway, I wanted that on the mike, mainly that I'm gonna show you this letter I wrote to the colonel thanking a trooper for having done his job. Which the trooper himself said, that's all he's paid to do. Thank you, Mr. President.

SCHEER: Thank you, Senator Chambers. Seeing no one left in the queue, Senator Lowe, you're welcome to close on LB783. He waives closing. The question before us is the advancement of LB783 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 42 ayes, 0 nays on the advancement of the bill, Mr. President.

SCHEER: LB783 is advanced. Next item, Mr. Clerk.

CLERK: Mr. President, LB1158 is a bill by Senator Arch relating to Medical Assistance Act. It requires information regarding job-skills programs and a report. Introduced on January 22 of this year. At that time referred to the Health Committee. There are committee amendments pending, Mr. President.

SCHEER: Thank you, Mr. Clerk. Senator Arch, you're welcome to open on LB1158.

ARCH: Thank you, Mr. Speaker. Good morning, colleagues. Eleven-- LB1158 is my priority bill for this session, and I am happy we are finally able to consider it. Because of the Covid-19 pandemic, I believe this bill is more important than ever. The bill was heard by the Health and Human Services Committee on February 19. There was no opposition, it advanced unanimously with a committee amendment. It's a very simple bill with no fiscal impact. LB1158 requires the Department of Health and Human Services to inform each adult applicant for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

Medicaid about the opportunity to participate in job skills programs within the department, the Department of Labor, or other programs in the community that can assist in improving employment opportunities. This is not a work requirement. This is entirely voluntary. Under the bill, the department is charged with following through and connecting those applicants who are interested with the appropriate program. I'm assuming most of this will be done at the time of the application. I purposely drafted the bill broadly to limit the fiscal impact and to give DHHS and the Department of Labor the flexibility to develop the collaboration as these departments see fit. So even though an applicant might not be eligible for Medicaid, the person can still take advantage of a job skills program. I have every confidence a successful program can be developed because these two departments have already created a similar program with the SNAP reemployment pilot program, which helped inspire this bill. Again, I have to give Senator Howard credit for alerting me to this pilot program, which identifies SNAP recipients who may benefit from the federal Workforce Innovation and Opportunity Act, or WIOA. Just as envisioned in-- in LB1158, this program is voluntary and helps with job searches, resumes, interview preparation, job skills training, coaching, as well as assistance with things such as child care and transportation. The pilot program, which began in 2016 in Grand Island, is in its fourth year and has been expanded to all of Hall County, Adams County, Platte County, Madison County, and I believe Scotts Bluff-- Scotts Bluff County. The program has been such a success, it is my understanding there are plans to take it statewide. The success of the SNAP reemployment pilot program is due to the collaboration of state agencies in their efforts to maximize their outreach. That's my intent with LB1158, maximize outreach to those Nebraskans who may benefit from already existing resources. Medicaid expansion is scheduled to come online in October. Initial estimates were 90,000 Nebraskans might sign up. Of course, with Covid, we could anticipate this number may be higher. The Kaiser Family Foundation estimates nationwide that nearly 27 million people may lose employer-sponsored insurance due to job loss or a family member's job loss. Nearly half of these individuals are assumed to be eligible for Medicaid. So you can project the potential impact on our state. As drafted, the provisions of LB1158 would not start until 2021. However, now is the time to reach out to unemployed and underemployed Nebraskans. So I do have an amendment pending that would move up the start date to October 1st of this year to coincide with Medicaid expansion. LB1158 also includes reporting requirements, and those due dates are moved up as well. Those reporting requirements are in place so that we can understand whether or not this is effective.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

We want to take a look at that and see-- and see if-- if it has its impact. I have been in contact with the Department of Health and Human Services and the Department of Labor. Both have indicated there would be no problem providing this service from day one, October 1st. In fact, when I met with both departments in drafting this bill, the Commissioner of Labor, John Albin, welcome the opportunity to serve more people interested in job training. Currently, the Department of Labor receives over \$7 million in WIOA funds, those are federal, annually, and manages 13 American jobs all across the state, the entire state. In fact, a majority of the centers are west of Lincoln. As we know, unemployment, underemployment and poverty is not just a big city, urban issue. According to a 2015 report from our Legislative Research Office-- Office, the picture of poverty in Nebraska, the poverty rates are fairly equal throughout the state, regardless of urban or rural location, and LB1158 gives us the chance to connect people across the state with statewide resources. Though I'm assuming the Medicaid expansion constituency will be the most likely to take advantage of this resource, LB1158 is not limited to just those who apply under the expansion provisions. It will be available to any adult Medicaid applicant. I've been asked, does that include people in the aged and disabled categories? Yes. Currently there are over 34,000 individuals over 65 who qualify for Medicaid. And according to our Planning Committee's 2019 annual report, 22 percent of Nebraskans 65 and older are in the labor force. In addition, Nebraska's Commission for the Blind and Visually Impaired and vocational rehab services are to be mandatory partners with the Department of Labor under WIOA, so there is no reason to limit this outreach to just Medicaid expansion applicants. There are a number of reasons people may be employed-- unemployed, I should say, or underemployed, whether it be due to health reasons, other employment barriers or an unforeseen pandemic eliminating your job. LB1158 will give us the ability to reach out to those individuals through the Medicaid program. And again, I want to stress this is not mandatory, but optional. Those people would self-identify. We know mandatory work requirements have resulted in lost coverage, lawsuits and mixed results. On the other hand, voluntary employment betterment options show promise. In fact, the Kaiser Foundation has found that in some proactive and voluntary job skills programs, clients enrolled in workforce development programs saw wage growth between 83 and 84 percent, and that was from the state of Montana. With the expansion, the Medicaid program has changed and we're in a position to change with it. As we gain a better understanding of this newly covered constituency, perhaps we'll find other ways to assist them to improve

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

their lives. Perhaps we'll discover some recipients who may for the first time feel well enough to enter the workforce or move from part-time to full-time employment, or who want to seek a better job but don't know how to access the right resources. By directing our agencies to work collaboratively as opposing to functioning in silos, we can take a more holistic approach to state government services, and by better coordination, can improve more lives. LB1158 gives Nebraskans the opportunity to improve their financial health while taking care of their personal health. It gives our businesses the opportunity to hire a workforce trained for their needs, and it gives the state an opportunity to better serve Nebraskans. Thank you, and I urge you to vote green on LB1158.

SCHEER: Thank you, Senator Arch. Senator Howard, as Chairman of the Health and Human Services, you're welcome to open on your committee amendment.

HOWARD: Thank you, Mr. President. Good morning, colleagues. Committee amendment AM2851 incorporates the amended provisions of LB1158, as described by Senator Arch, and LB836 and replaces the green copy and becomes the bills-- the bill. Both bills relate to Medicaid. So I'm going to outline the provisions of LB836. I'm going to tell you the plain language of the committee amendment, and then I'll use my own time to tell you my personal thoughts about LB836. LB836 would create a managed care access profit fund and the amended provisions of LB836 can be found in Sections 1, 2, 3 and 5 on pages 1-4 of the committee amendment. All contracts and agreements relating to Medicaid managed care organization service delivery for health services will provide for the return of the following: any remittance of the contractor does not meet the minimum medical loss ratio; any unearned incentive funds; and any other funds in excess of the contractor limitations identified in state or federal statute or contract. Those overages will be returned to the State Treasurer for credit to the Medicaid Managed Care Excess Profit Fund, which is created in Section 3 on page 2. The new fund is used first to offset any losses that might be incurred by the provider and then provide for services addressing the health needs of adults and children receiving Medicaid services such as filling service gaps, providing system improvements and sustaining access to care as determined by the Legislature. Both LB1158 and LB836 had unanimous yes votes to attach it to the committee amendment to LB1158. And LB1158, as amended by AM2851, was voted unanimously out of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

committee. And I would urge your green vote on AM2851. Thank you, Mr. President.

SCHEER: Thank you, Senator Howard. Senator Arch, you're welcome to introduce your amendment to the amendment.

ARCH: Thank you. In her opening, Senator Howard did an excellent job covering the provisions of LB836. So I won't repeat what the bill does, but I will explain why I introduced it in the first place. In October of last year, I received a call from a World-Herald reporter who wanted my thoughts regarding the proposed expenditure of nearly \$20 million in excess profits earned by one of our Medicaid managed care organizations in 2017. I was not necessarily opposed to how these funds were being spent, but who actually made the decisions as to how they are spent. These are taxpayer dollars. I believe the Legislature, individuals elected to be stewards of tax dollars and duly held accountable, should be the body determined-- determining the expenditure of tax dollars. With my interest naturally piqued, I decided to look into the issue further, which of course began with a call to our Appropriations Chair, Senator Stinner. Turns out Senator Stinner received the same call and was equally as interested. In fact, LB836 is a hybrid of the bill I originally introduced and a bill Senator Stinner introduced, LB1092. The provisions now contained in LB-- excuse me, in AM2851 represent a collaboration between Senator Stinner and myself, as well as input from the Department of Health and Human Services representing the MCOs. The section of statute 71-831, was first enacted in 2012 when the state was embarking on a new model of delivering Medicaid behavioral health services through at-risk managed care. In 2016, the statute was amended to adapt to another new model of integrated physical and behavioral health and pharmacy benefit manage contracts. While this statute establishes an important framework for managed care contracts, including establishing caps on administrative spending, pulling-- putting caps on profits and losses, and providing performance guarantees and incentives, in looking at, at the legislative history, it appears there was little discussion regarding the appropriate entity to determine the reinvestment of excess profits. The law as written now avoids our appropriation process. It doesn't provide for transparency and it limits stakeholder input. As mentioned by Senator Howard, in the committee amendment we create the Medicaid Managed Care Excess Profit Fund. How much will eventually be deposited into the fund is unclear. These are not reoccurring funds. In 2017, there was an unusually high profit for one of the MCOs, it was likely because this was the beginning of the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

Heritage Health program and that MCO simply had a healthier clientele. I am trying to get the 2018 numbers, but it is nearly a yearlong process between the MCO reconciling profits and CMS releasing excess funds to the state. Any funds that are deposited must be first used to offset any losses that are incurred by a provider and then appropriated as determined by the Legislature to provide services addressing health needs of adults and children receiving Medicaid services. So it will not be a slush fund, but rather a reinvesting of those dollars back into the Medicaid program. The only difference is the Legislature will be making that determination and not the MCOs and DHHS. The amendment, AM2980 is a simple change of dates to move this up to October 1 of 2020. I encourage you to support the underlying amendments and the bill itself. Thank you.

SCHEER: Thank you, Senator Arch. Going to discussion, Senator Howard, you're recognized.

HOWARD: Thank you, Mr President. I rise in support of LB1158 and the underlying amendments that we're considering. And Senator Arch really outlined what happened in 2017, but what I want us to understand here is for every-- when we talk about why there was so much excess profit here, for every taxpayer dollar that we give to a managed care company to provide services to Medicaid recipients in the state of Nebraska, 85 percent of it has to be used for their health care. They can only take 15 percent for administration and profit. And so when WellCare had an excess of \$40 million, it means that we gave them \$40 million of taxpayer money and they didn't use it for direct health care services for their clients, for our Medicaid recipients. So the federal government came in and said, you have too much profit. You're not allowed to keep that profit because of the minimum medical loss ratio, and that's outlined in the Affordable Care Act. So \$20 million reverted back to the federal government of the 40 million and 20 million reverted back to the state of Nebraska. And there was-- there is an underlying statute here that said you're not-- you're only going to use it for Medicaid. Right? Previously, prior to that statute, the Department of Health and Human Services could have taken that \$20 million and used it for anything within their own agency. And so what's great about what LB836 is doing is it's really making sure that when these excess profits are coming back to the state in these enormous amounts, because, you know, when we're thinking about managed care companies and how they're pooling and when we think about Medicaid expansion, their pools are going to change and so there may be some excess profits there, we don't know. When that money comes

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

back to the state, it's up to the Legislature to appropriate funds. We and the taxpayers are not a piggy bank for the Department of Health and Human Services. This was not a windfall for them to say, oh, we're going to take this \$20 million and use it for whatever feels right. And so what's great about LB836 is that it's really bringing the appropriation authority back to where it belongs, in my view, a coequal branch of government. It's bringing it back to the Legislature. And so I urge in strong-- I am in strong support of LB1158 and the underlying amendments, and I would urge green votes all the way through this morning. Thank you, Mr. President.

SCHEER: Thank you, Senator Howard. Seeing no one in the queue, Senator Arch, you're welcome to close on AM2980. He waives closing. The question before us is adoption of AM2980. All those in favor please vote aye, all those opposed vote nay. Have all voted that wish to? Please record.

CLERK: 40 ayes, 0 nays on adoption of Senator Arch's amendment to the committee amendments.

SCHEER: AM2980 is adopted. Seeing no further discussion, Senator Howard, you're welcome to close on AM2581. She waives closing. The question before us is adoption of AM2851. All those in favor please vote aye; all those opposed vote nay. Have you all voted that wish to? Please record.

CLERK: 42 ayes, 0 nays on adoption of committee amendments.

SCHEER: AM2851 is adopted. Seeing no one left in the queue, Senator Arch, you're welcome to close on LB1158. He waives closing. The question before us is the advancement of LB1158 to E&R Initial. All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

CLERK: 42 ayes, 0 nays on the advancement of LB1158.

SCHEER: LB1158 is advanced to E&R Initial. Mr. Clerk.

CLERK: Mr. President, items. LB705, LB751, LB760, LB850, LB911, LB911A, LB1028, and LB1020-- or LB1028 and LB1130, all reported correctly engrossed. Senator Kolterman offers LR368, a study resolution. That will be referred to the Executive Board. Senator Hughes would move to recess the body until 1:30 p.m., Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

SCHEER: Colleagues, you've heard the motion. All those in favor please say aye. All those opposed. We are in recess.

[RECESS]

LINDSTROM: 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: There's a quorum present, Mr. President.

LINDSTROM: Thank you, Mr. Clerk. Do we have any items for the record?

ASSISTANT CLERK: Mr. President, we do. New resolutions, LR369, LR370, LR371, all by the Urban Affairs Committee. Those will be referred to the Reference. LR372 by Senator Wayne, is also an interim study, will be referred to Reference. LR373 by Senator Albrecht. Also, an interim study resolution that will be referred to the board. Your committee on Urban Affairs, your Chairperson is Senator Wayne, reports LB1021 to General File with committee amendments. And finally, Mr. President, Senator Hansen has amendment to LB927 to be printed. That's all I have at this time.

LINDSTROM: Thank you, Mr. Clerk. Before we proceed, Speaker Scheer for an announcement.

SCHEER: Thank you, Mr. President. Colleagues, I just wanted to let you know that I have invited the Governor to come address us tomorrow morning at 9:30. It's been 120 days since we were last together. A lot of things have happened. I know that a lot of us are curious in regards to what we've been doing with the Covid response and so forth. And so I've asked him to just come give us sort of an update and so forth where-- where his perception is. And I just thought it would be beneficial for us all to have-- have a better idea, and thought it'd be a good use of, you know, 20, 30 minutes of time. So just bear in mind that will show up on the agenda tomorrow morning at 9:30 and then we'll proceed. And as I had said earlier, my full intent is to try to have us out of here by 12:00 to 12:30 tomorrow morning. So thank you very much.

LINDSTROM: We will now proceed to the first item on this afternoon's agenda. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

ASSISTANT CLERK: Mr. President, the first bill this afternoon, LB283, introduced by Senator Pansing Brooks. It's a bill for an act relating to climate; to provide duties for the University of Nebraska; transfer funds; and require reports. The bill was introduced on January 15 of 2019. It was referred to the Executive Board. The Executive Board reports the bill to General File with committee amendments attached.

LINDSTROM: Senator Pansing Brooks, you're recognized to open on LB283.

PANSING BROOKS: Thank you, Mr. President, members of the body. LB283 fulfills an important recommendation made by the LR455 special committee of the Nebraska Legislature in 2016. LB283 will create a plan, a plan, not a study, a plan to meet the challenges posed by extreme weather events so we can reduce their negative impacts on our state. Pests, drought, floods, high winds, and other extreme weather events prevent-- present, serious, diverse, and ongoing issues for Nebraska. Many sectors and resources are impacted by such extreme weather, including agriculture, water, healthcare, energy generation and usage, ecosystems, forestry, rural and urban communities, transportation, and commerce and industry. Nebraska's life-giving water and production resources continue to subject-- be subject to new stressors and risks. Recognizing these challenges, the Nebraska Legislature created the LR455 special committee in 2016 to study and examine issues related to extreme weather events or climate change. Former Senators Tyson Larson and Ken Haar cochaired this committee. Former senators on the-- on the committee included Senator John Kuehn and Senator Ken Schilz, as well as Senator Stinner. I also sat on the committee. The unanimous decision of our final report, unanimous decision, said, quote, It is time for the state of Nebraska to create a climate action plan. The plan should be based on empirical evidence and Nebraska-based data making use of Nebraska expertise and develop through outreach to the public and coordinating of public and private sector interests, end quote. I have provided copies of the LR455 report for your information. The LR455 recommendation follows a 2014 University of Nebraska-Lincoln report entitled Understanding and Assessing Climate Change: Implications for Nebraska, quote, unquote. This report also recommended that Nebraska develop an-- a climate action plan. Now is the time to finally develop the plan. LB283 is the next step to move us toward that goal. LB283 as amended by committee amendment AM2481 directs the University of Nebraska to develop a strategic action plan that will help us meet the challenges of these extreme weather events. Thirty-four states have already adopted plans or are in the process of developing a plan. And with so much at stake

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

in Nebraska, it is long past time that we follow suit. As the UNL report stated six years ago, action now is preferable and more cost effective than reaction later. Since I first brought LB283, the urgency to take action has only increased. We all remember the devastating effects of the flooding in the spring of 2019. Following that flood, I introduced LR241 to look at environmental impacts of extreme weather events primarily focused on the most recent flood. I cochaired that committee and that study with Senator Bostelman. We-- we did a lot of work with the committee touring the state to assess the damage and to talk to people from state, local, federal, and nongovernmental agencies who were part of the recovery response and efforts. Flood damage was estimated at more than \$1.3 billion, which included \$449 million in damages to roads, levees, and other infrastructure. In the agricultural sector, there was \$440 million in crop losses and \$400 million in cattle and animal losses. In our tours of the flood damage as part of the LR241 committee, we saw the aftermath of the Spencer Dam collapse in Boyd County and learned that Boyd County residents had lost their drinking water supply after this collapse. Other parts of the state suffered their own damages. For instance, the levee system protecting Offutt Air Force Base was the same one protecting Omaha's treatment plant in Bellevue, causing more than \$45 million in damages to the levee and to the plant. We visited the small village of Winslow in Dodge County, where we talked about-- talked to the locals about how the flood ravaged their town, damaging virtually all 48 buildings in the community and forcing movement by those community members. The damage was felt in communities around our state. The new 2020 rural poll, an annual survey of 7,000 rural households, conducted by the UNL Department of Agricultural Economics showed that 26 percent of respondents reported their household was either harmed a moderate amount or a great deal by the extreme weather in 2019 and 57-- 57 percent said it was harmed at least a moderate amount. In terms of community experiences, 53 percent reported their community experienced a flood. In the light of the 2019 flood, our second 500-year flood in over-- in-- in-- within a decade, which happened after I initially brought LB283, this bill, I decided we needed an amendment to focus our efforts on these extreme weather events. So I worked with Senator Vargas to have something new brought before the committee, the Executive Committee. As a result, AM2481 advanced by the Executive Board. AM2481 replaces Section 1 in the original bill. It also includes new legislative findings and adds language on the impacts of extreme weather events to reinforce legislative intent. The amendment further changes the cash fund used to pay for the study. The petroleum-- the Petroleum Remedial Action

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

Collection Fund is a better funding mechanism due to its available funds according to the Legislative Fiscal Office. There was some concern about the fund we originally chose, the Waste Reduction and Recycling Incentive Program because that fund had also been tapped for some other important projects. Since we were able to tap into a cash fund for this one-time expense, there is no General Fund impact. And by utilizing our own state experts to develop the plan, it will be more cost effective than hiring out-of-state contractors. I want to thank the members of the Executive Board, including Chair Hilgers, for working with us on this compromise. I also want to thank Senator McCollister for prioritizing the bill. And I want to thank the-- the advocates and everybody who came out to support and work on this bill. I'm gratified for their protect-- for their passion and to protect our future. They've worked so hard. We have so many experts that we are working with, including the Elders of the Earth. And I just want to thank everybody for their great work. And now I want to give the rest of my time to Senator McCollister.

LINDSTROM: Senator McCollister, you're yielded 2:45.

McCOLLISTER: Thank you, Mr. President, and good afternoon, colleagues. Rather than go through my prepared remarks, I'm gonna simply discuss the amendment, AM2481, and what the features are in here. Some of the senators in this body have-- have a fear of this particular bill. And I think if you simply look-- simply look at the amendment, AM2481, you'll see that there's nothing to fear, nothing. LB283, Section 1 contains legislative findings of fact that is a recitation of the science of climate change. AM2481 takes a very different tact for those legislative findings of fact. AM2481 shifts and expands the focus of LB283. It shifts from solely a climate change to extreme weather or climate change. And it shifts the recitation of the science to listening of economic development opportunities and identification of sources of the science. AM2481 shifts the focus from climate change to economic development opportunities. Nebraska's always had and will continue to have extreme weather. The frequency of extreme weather will increase if climate change forecasts are correct. AM2481 welcomes all efforts to reduce those risks, grouping together both renewable, solar, and wind energy and nuclear energy. AM2481 welcomes the Natural Resources Committee on biofuels. It welcomes their LB899 on biofuels.

LINDSTROM: One minute.

McCOLLISTER: AM2481 acknowledges the concerns raised by Senator Brewer regarding the use of eminent domain for infrastructure projects. And

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

finally, AM2481 encourages new revenue streams for agricultural producers by selling new products, biofuels, process carbon sequestration services, and others. Thank you, Mr. President.

LINDSTROM: As the Clerk stated, there is an amendment from the Executive Board Committee. Senator Hilgers, as Chair of the committee, you're recognized to open on AM2481.

HILGERS: Thank you, Mr President. Good afternoon, colleagues. Senator Pansing Brooks, I think, ably described AM2481. It's a short amendment. I'll describe it for you here for the record this afternoon. There are essentially two changes. One, is to Section 1 of the bill. The original bill outlines several findings in reference reports regarding climate change. The new language strikes amendment 1 [SIC], and-- and the new language focuses on the opportunities that exist for Nebraskans to plan for and respond to extreme weather risks, including taking advantage of economic opportunities as well as reducing potential negative impacts. The second change is-- it-- it changes the funding source. And so the funding-- for the-- the cost of the Strategic Action Plan in the green copy of the bill was originally from the Waste Reduction Recycling Incentive Fund. And it was changed in response to-- and partly in response to opposition at the hearing to the Petroleum Release Remedial Action Collection Fund. There is an additional amendment that I believe Senator Vargas has, which is a technical change to the naming of the fund, not the source of the fund. Thank you, Mr. President.

LINDSTROM: Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Vargas would move to amend the committee amendments with AM2576.

LINDSTROM: Thank you, Mr. Clerk. Mr. Clerk, I'm not seeing Senator Vargas. Is anyone in the body authorized to open on Senator Vargas' amendment? I am not seeing-- Senator Pansing Brooks, you're recognized to open on AM2576.

PANSING BROOKS: OK. AM-- the amendment just changes a word, as Senator Hilgers just stated. Senator Vargas is in the-- is in the Appropriations Committee meeting, and so I have no objection to that amendment. It was just a clarification, a word change. So I hope that you will support Senator Vargas' AM2576. I know that he hopes that as well.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

LINDSTROM: Thank you, Senator Pansing Brooks. Mr. Clerk. Turning to discussion, Senator Hughes, you're recognized.

HUGHES: Thank you, Mr. President. Good afternoon, colleagues. I'm gonna have a lot to say about this bill this afternoon. I have expressed that to my colleagues and certainly Senator Pansing Brooks and Senator McCollister are well aware of my-- trying to think of the right word, dislike for this bill. The biggest problem I have at the moment, the first thing I want to talk about is where they're taking the money from, the Petroleum Fund. That fund is used to help keep our Superfund in the state of Nebraska intact, at least at a hundred-- or \$1.5 million level. If there is a leaking underground tank at some place in the state, that fund is available. That is part of one of the bills that I brought today, that the-- that fund did sunset the end of June. So we didn't have to move a bill through the process. I think it's on Select File now that we'll make sure that the-- the small tax that we pay on each gallon of gas and diesel in the state continues to contribute into that fund. The first fund that they tried to tap, the \$250,000 for this study to the University of Nebraska. You know, I-- I guess the funding is the problem I have. There is Environmental Trust Fund. That certainly would fit under their purview to pay for something like this. If it's that important to the university, the university has a huge budget that they could certainly pay the \$250,000 for this fund. Quite frankly, this is a study that I do not feel needs to be done. There is a lot of other entities within the state that are charged with looking at ways to prepare for extreme weather. And as most of you know, I'm not a believer in the climate change. We have-- we are in a very active weather cycle right now. I've been in active weather cycles before in my life. It's always interesting that-- I'd like to take a poll of the body here that how long have you really been interested in weather and climate? Ten years, maybe fifteen years. You know, as an ag producer, I live and breathe by the weather. For over 60 years, I've paid very close attention to the weather and I've seen a lot of extremes in my lifetime. And they've been throughout those 60-plus years. You know, those things leave a mark. That's probably one of the reasons why I am so adamant against wind and solar energy, because I lived without electricity for three weeks in the winter of 1977. That leaves a mark. That storm, a blizzard came in and took down all, and I mean all the power poles in a very sizable region, and we were kind of right in the middle of that. And it took that long for the snowdrifts to go down

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

and to be melted off enough for the crews to come in and put the poles back up.

LINDSTROM: One minute.

HUGHES: And I had livestock that had to be cared for. Try living without electricity. You know, reliability has to be number one. And wind and solar just don't fit that bill. I know both Senator Pansing Brooks and Senator McCollister have been to my house. They've seen where I live. They see it's wide open spaces and they understand the challenges of living in rural Nebraska. I consider them friends, they've been to my home. But on this issue, we are going to disagree. I appreciate the discussion that we're gonna have. And I'll be up several more times, but first off, I really do not agree with where the money is coming from. We've got to find a different place for that money. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Hughes. Those in the queue are Senators Lathrop, McCollister, Matt Hansen, and Crawford. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President, and colleagues. I'm in support of LB283. And a lot of you may not know this, but before I left, before I was term limited in 2014, if I'm remembering right, I was very involved for a year in water. Senator Christensen invited me to come down and-- and look at the Republican River valley to understand the water issues, particularly in the Upper Republican NRD. And it began a one-year process for my committee counsel, Molly Burton, and I, to fully understand this. At same time, Senator Carlson was doing a listening tour, if you will, where he went around the state and talked to a number of people. And we came back in 2014, each with a bill that addressed water resources in the state. And the finding, and I'm going to paraphrase, Senator Carlson's group concluded that we needed to make investment in water structures. In some cases on the east part of the state, it was to build dams, to capture water, and to avoid-- it was flood mitigation primarily. And out in western Nebraska, where it's more of a almost a desert environment, we needed to find ways to preserve the aquifer and capture water for later use. I would suggest to my colleagues from rural Nebraska that this isn't and maybe shouldn't be about whether you believe or don't believe in climate change. It might rather be better viewed as what opportunities do we have to preserve water resources in the state? I think it is imperative going forward that we do those things necessary, make those investments to recharge the aquifer when we have excess water so that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

that water is available for our ag producers to put on the corn or whatever other commodities they're growing. And that's part of this, I believe. Weather extremes, whether you attribute them to a weather cycle or whether you believe that this is the result of greenhouse gases and climate change, it really is beside the point. It's really important if you're watching and understand the aquifer, it is being depleted in some parts of the state at an alarming rate. It needs to be recharged or some management take place. And those are the kinds of things that we can plan for so that our ag producers are in a position to access water resources they need to grow the commodities and maintain the production of corn and other row crops in the state. I think that's a-- a very important part of this. It is the reason why I support this. I also think there are opportunities in this state as nationally we move towards or away from petroleum-based energy sources and move to renewables, that we have an understanding of what opportunities there are in Nebraska to take advantage of that. Oftentimes, when we talk about the business tax incentives, we're looking for opportunity to bring investments into the state. This is a part of that as well. What investments can be made? What can we do to stimulate the economy, diversify the economy in rural parts of the state? And I think this is an important piece of work and important legislation in that respect, and I will support the bill and the accompanying amendments.

LINDSTROM: One minute.

LATHROP: Thank you.

LINDSTROM: Thank you, Senator Lathrop. Senator McCollister, you're recognized.

McCOLLISTER: Thank you, Mr. President, and good afternoon, colleagues. Climate change is a life and death threat. It's for this reason that I designated LB283 as my personal priority bill this session. Climate change, whatever the cause, is altering environmental conditions in every region. It affects the health, safety, and security of all the world's inhabitants. Humans, animals, plants, all life on Earth. What sort of future do we want for our descendants? Do we want a world full of rising tides, greater weather variation and severity? Compelled migration of people suffering climate disasters? Or a world where countless species are erased from the face of the earth? Not me. We must do better. A year ago, the stark reality of our weather climate was painfully demonstrated in Nebraska. Heavy rainfall and rapid snowmelt triggered massive flooding and inundated countless homes,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

farms, and communities. Fremont and Valley became islands. Norfolk evacuated a third of its residents. The Platte River swelled to historic proportions. Governor Ricketts declared a state of emergency to counter the most extreme damage our state has ever experienced at a cost of \$1.3 billion. Summer followed spring, but weather did not improve. July 2019 was the hottest month ever recorded on our planet-- planet and the 415th consecutive month with above average temperatures. At both Poles, sea ice retreated to its lowest point since records were first recorded. The concentration of carbon dioxide in our atmosphere ballooned to over 410 parts per million and increased 100 parts per million since 1960. Such a rapid rate of carbon dioxide growth is estimated to be 100 to 200 times faster than the warming that occurred after the last ice age. Is climate change real? How-- how much more evidence do we really need? Nebraska public utilities have responded to the climate change problem. We must build on Nebraska Public Power District's announcement of going 100 percent carbon free. All Nebraska utilities must commit to eliminating emissions on an accelerated timeline. The key to reducing our emissions comes from solar and wind energy with battery backup. Nebraska has the third best wind energy generating potential of any state in the country. Embracing the potential of wind and solar in Nebraska will enable us to fight against climate change and establish a safe and sustainable future for all Nebraskans. Widespread implementation of wind energy can revitalize our state by boosting the economies of agricultural communities and creating new jobs. Solar and wind energy are cash crops. Nebraska farmers have an immense opportunity to lease portions of their line-- land for the installation of wind turbines and receive money in return. Landowner lease payments in 2008 equal \$280 million nationwide. In Nebraska, landowners receive between \$5 and \$10 million in land lease payments. State and local taxing entities receive property tax payments of \$8.5 million. This additional income provides stability for farmers and ranchers by affecting-- offsetting decreases in farm revenues and reducing property taxes, which all rural residents should appreciate. The creation of nearly 4,000--

LINDSTROM: One minute.

McCOLLISTER: --high paying jobs is also a benefit for rural Nebraska. The history of our nation is replete with crises that have required single-minded responses from our government. Life-threatening circumstances we face now must compel even stronger commitments toward meaningful solutions. It is essential that we marshal all of our

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

national resources to combat climate change before manageable solutions are beyond reach. This essential movement as defined by people who are willing to stay committed to a cause over a long period of time. I want to thank Senator Pansing Brooks for her leadership on this issue and the Executive Board for listening to the public testimony and for advancing the bill to the floor for debate. Climate change is the most pressing issue of our time. Covid-19 is devastating, but we will one day have a vaccine. We don't have a vaccine for climate change.

LINDSTROM: Time, Senator.

McCOLLISTER: We must act now.

LINDSTROM: Thank you, Senator McCollister. Senator Matt Hansen, you're recognized.

M. HANSEN: Thank you, Mr. President, and good afternoon, colleagues. I rise in support of LB283 and the ensuing amendments. I would just like to thank Senator Pansing Brooks and Senator McCollister for their work and their leadership on this, as well as everybody who's worked on the committee. I actually punched on my light just to kind of address a comment I made this morning. I kind of gave some background and some things I had been asked to do in terms of hearings and amendments in the context of Senator Wayne's motion to introduce a new bill. I didn't want that to come off as being seen as critical or-- or-- or dismissive of the people who had asked for the hearing. I meant it to-- to, in fact, be the opposite, to show that I appreciated the people felt strongly and that it puts people like myself in leadership positions in a tough situation, you know, balancing the needs and priorities we hear from constituents versus kind of the norms and procedures of our Legislature. And I really appreciated that people reached out to me and felt comfortable, you know, to ask for my perspective. And-- and-- and I felt comfortable to give it to them. So I just wanted to make sure I had that clear on the record. I do support LB283, and I would actually yield the rest of my time to Senator Pansing Brooks should she need it.

LINDSTROM: Senator Pansing Brooks, 3:45.

PANSING BROOKS: Thank you, Senator Hansen. I would like to have you all look at the final report of the LR455 committee that was presented in 2016. You will see the number of very conservative senators that were part of that plan. And you-- if you look at page 1 on the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

executive summary, the last-- the last point says there was one recommend-- quote, There was one recommendation which received universal support throughout the process, which was the need to create a climate action plan for the state of Nebraska. It goes on to talk about if you look at the next page is the legislative recommendations adopted by committee that were adopted. These are the overarching recommendations that were adopted 7-0. So I didn't just make up this bill. This was all because of what was going on in 2016. It was a very diverse committee. I understand that people have a barrier that comes up when they hear the words climate change. In fact, the first year I brought that bill, after we did this study and the study said to create a plan, which is what this is, I didn't even use the words climate change. I used extreme weather preparedness and mitigation of-- of weather events and damage. And I understand there have been all sorts of wild weather things that have gone on through all of our lives. I had a wild snowstorm when I was little, and I remember going out and everybody, you know, was stuck or there was the snowstorm in 1996 and all the electricity. We all know these extreme things happen, but why not have a plan? Why have-- why not have somebody look at our levees and say, no, these aren't sufficiently built. In fact, what we know about the levees from the flood is that we went and looked at these places and they had built up the levees to stop the flooding any further, and then they were told by the Corps of Engineers to take them back down to pre-flood levels, back down. So our plan is just OK, let the flooding happen. And, you know, when-- when we're so surprised because it's probably gonna go over the levees again, then we can build it up and take it back down. The aggravation and consternation from the various people we talked to as we went across the state, in Fremont and Winslow and all those communities that were so devastated. Are-- they were just blown away that they had to spend money and time, and most of them are run by volunteer groups. They had to take back down the dirt that--

LINDSTROM: One minute.

PANSING BROOKS: --they had because of the fact that the Corps of Engineers didn't have a plan, didn't-- they just said, I don't know what to do. We can't figure out if you putting that levee up is gonna affect the people farther downstream. Well, we need-- we need a plan, a plan to determine is this going to affect the levees further downstream? Are the culverts beside our roads, our key roads and transportation areas, are those deep enough? Do they-- are they

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

properly built to actually move water down to the larger river basins?
Thank you, Mr. President.

LINDSTROM: Thank you, Senators Hansen and Pansing Brooks. Senator Crawford, you're recognized.

CRAWFORD: Thank you, Mr. President. Good after-- good afternoon, colleagues. And good afternoon, fellow Nebraskans. I rise today in support of LB283. Colleagues, first I just want to remind you of where we were last year. I know all across the state we had extreme weather and many damaging-- damaging effects of extreme weather. The flooding, the blizzards, we have extreme weather. And what is the harm of studying and doing research and planning to try to help us better prepare for future extreme weather that will happen. I remember in the discussions of flooding, we heard again and again that it's more likely we're going to have flooding more often now, that that was well-recognized fact of science. And so it is something that we need to prepare for. So I-- I urge you to recognize the importance of preparing and planning for extreme weather. Now, it doesn't only-- it does impact our agricultural sector. And I do want to thank Senator Hughes for his hospitality. I had an opportunity with Senator Pansing Brooks to visit his wonderful farm. I've learned a lot about dry beans and wheat from Senator Hughes. I'll just respectfully disagree with him today about this issue. But it's critical also in our urban areas that we deal with extreme weather. My district was heavily impacted by the flooding, and I know this is a critical issue that we need to address. I'm gonna start in this turn just responding to a couple of the comments that were made. First, I want to respond to the concern about the source of funding. So the funding now comes from Petroleum Release Remedial Action Fund. And Senator McCollister has already handed out a handout on your desk. So if you file through your papers, you'll find it that shows the things that we've spent this money on in the past. And you'll notice that there's quite a bit of money that goes to things like water policy and environmental issues such as that. It's clearly something that a fund that we have used when we have issues with the environment and with water. And again, I want to reinforce what Senator Lathrop said about the importance of water in our state and planning for our water needs in the state. So clearly, this has been a-- a fund that we have used for these kinds of purposes. I know Senator Pansing Brooks said the Fiscal Office recommended it. And I take the recommendation to heart that it's an appropriate source of funds for this study. I asked to be copied and passed out a copy of the balance of this fund. So you can see we have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

over \$4 million in this fund. So we have plenty of money in this fund for other needs that arise to be able to spend \$250,000 for this study. There really is no concern about our ability to fund this study. No concern about the ability of the Petroleum Release Remedial Action Cash Fund to be able to sustain this cost of the study. There's currently over \$4 million in that fund, and again, recent uses have been for very similar purposes. How much time do I have left, President?

LINDSTROM: One minute and twenty-eight seconds.

CRAWFORD: Thank you. So I'm just going to end-- first, in case I don't get a chance to speak again, I just want to put on the record a paragraph that from a letter that we got from students, the students from UNL, from Doane, and from Creighton, and other young-- young students who have sent us a letter asking us to pass this policy. And I think it's really important for us to recognize and hear from students who will be the ones that will experience the impacts of extreme weather and our ability to mitigate it or our ability to create opportunity from it. Researching the state climate plan is an integral step in Nebraska's efforts to mitigate the most harm and adapt to the effects of a changing climate. Extreme weather has a tremendous impact on working-class families, indigenous peoples, rural communities, low-income households, and communities of color. Nebraska needs sensible infrastructure and meaningful preparations for the extreme weather events of the coming decades. Colleagues, I urge you to see your email to see the rest of their statement. I just wanted to get some of their statement on the record. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Crawford. Senator Pansing Brooks, you're recognized.

PANSING BROOKS: Thank you. Thank you, Senator Crawford, for your comments on the fiscal Petroleum Release Remedial Action Fund. I just wanted to add a couple more comments since you brought that up. That-- that gets its money from a fee on petroleum sold at wholesale-- wholesale, and it's used to replace the underground storage tanks. It gets about \$12 million per year in revenue. And there's been a lot of transfers out of that fund for-- over the years for various reasons. This is a quote from-- from the Fiscal Office. It's probably the main source of money and the least source of resistance since so many transfers have been made in it-- from it from in the past. So I had looked at the Soil and Water Conservation Fund. I've looked at the Clean Air Title V Cash Fund and the Volkswagen Settlement Fund. Again,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

people have concerns about every fund. So in a way, it's all smoke and mirrors. But the fact is that this needs to be done, a plan needs to be made. It needs to be given to the Transportation Department, to Health and Human Services, to all of the-- all of the-- you know, at one point, Senator Gragert asked me why there were so many different entities listed in the bill. But-- but, you know, all of these weather events do affect so many different facets of our economy and of our society. I want to also raise a couple of comments by a Dr. Jesse Bell from UNMC. Dr. Bell was talk-- was talking and said that a clear example of the health impact on climate change, other than the fact that we knew that the hospitals did have trouble with the flooding, they were having overcrowding and-- and had to send people to different hospitals because of the flooding, because of access to roads. So-- so a clear example also just of the-- of-- of weather impact is the relationship, quote, between rising temperatures and the lengthening of season-- of the pollen season for many allergic to plant species. It talks about parents with children that suffer from asthma and other respiratory illnesses may find these trends much more serious. He went on to say that Nebraska has one of the-- has one of the highest death rates associated with asthma in the United States. Further, Dr. Bell said heat waves likely kill more people in the United States than any other extreme weather event. Evidence shows that Nebraska and other-- and other parts of the country have experienced an increase in the frequency and intensity of heat waves, and those are going to continue in the future. He also talked about the life cycle of mosquitoes extending and ticks and other pests that carry diseases like West Nile virus and Lyme disease. And those are directly tied to precipitation and temperature. So-- and he went on to talk about it could also lead to mental and behavioral health issues, such as because extreme weather events can destroy homes and livelihoods. Farming communities are especially susceptible to these issues, as well as the well-being of the community is directly connected to the land. The severity of this issue cannot be overstated as the suicide rate in our agricultural workers are among the highest of all occupations. As droughts and floods increase in severity and magnitude, the potential for them to impact our communities in Nebraska also increases. And finally, he said that numerous health departments across the country are already evaluating and addressing health risks from climate change. So I-- I just-- it-- it's-- we are talk-- in this study, we're talking more than just water. We're talking more than crops or animals or healthcare. It's-- it's the whole economic strata of our--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

LINDSTROM: One minute.

PANSING BROOKS: Thank you, Mr. President. -- whole economic strata of our society. And we have got to respond. I have sent out-- I have given to you the Lincoln Action-- Lincoln Climate Action Project. And again, if you don't like climate change, I am happy to change those words. The point is, we need to make a plan. And if you look, since 1980 to 2020, it gives you a list, a-- a graph of the billion dollar disaster events that have occurred. I mean, we can't afford not to make a plan. Thank you, Mr. President.

LINDSTROM: Thank you, Senator Pansing Brooks. Mr. Clerk, for a motion.

ASSISTANT CLERK: Mr. President, a priority motion. Senator Erdman would move to bracket the bill until August 13.

LINDSTROM: Senator Erdman, you're recognized to open on your motion.

ERDMAN: Thank you, Mr. President, and good afternoon. I sat and listened to the conversation thus far, and I would say in my opening comments that Senator McCollister and I are on the same page when he talks about the dangers of global warming. And I am not of the same opinion he is. What I'm of the opinion of is that this policy requiring Americans to end the use of fossil fuels will end life as we know it. So it is a life-threatening thing, Senator McCollister, but it's not as you perceive it to be. Several years ago, I served on a national board that afforded me the opportunity to go to several conferences. And one of those conferences I attended there was a speaker in a breakout session and his name was Dr. Jay Lehr, L-e-h-r. And if you want to look it up, he's a well-renowned scientist who was instrumental in starting the EPA. And so some of you in the room are not old enough to remember this, but perhaps Senator Friesen is, we at one time talked about the ice age was gonna return. We tried that for about a year, maybe two. No one bought into that hoax. So we tried a different hoax called global warming, and that one seemed to stick. And so the climate change catastrophic theory is a hoax. And according to Dr. Lehr who helped start the EPA, he says the following: being in 1980, with a very poorly thought- out Comprehensive Environmental Regulation and Comprehension Act legislation, also known as the Superfund, the environmental zealots took over the EPA, and to date, not another significant thing or bill has come out of the EPA. So they did an interview. They did an interview with Dr. Lehr and they asked him several questions, and I want to read that for you because it makes a lot of sense. First of all, the question was asked, you were

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

instrumental in getting the U.S. to implement the EPA and established it back several decades ago. How is it that in your view, the EPA has changed over the years? What has happened? And he said, as I read earlier. beginning in 1980, not one good thing has come out of that. He said instead of the EPA pushing good legislation, all they do is increase the budgets, expand its authority beyond what the law allows. And the environmental laws and regulations since 1980 have only served to inhabit the economy and wreck people's lives and livelihoods, and no corresponding benefit to the environment or health has been accomplished. Then they asked him another question. You have repeatedly called the theory of human-caused global warming the greatest scientific hoax in the history of civilization. Those are strong words. Do you really mean-- what do you really mean by that? There is absolutely-- this is Dr. Lehr's response. There is absolutely no physical evidence to support the theory humans are causing a dangerous global warming. The whole theory is bet-- built on an absurd mathematical equation said to stimulate-- said to stimulate the way the Earth responds to the hundred or more variables that attract the Earth's thermostat. Yet, we do not currently understand obvious variable impacts such as the way energy moves between the sea, the land, and between the light-- between the land and the atmosphere. The regulation of ice on the planet and the role of clouds and the movement of the transonic planets between the earth and the ocean and a different movement between the Earth, liquid core, and the crust. Many, many more variables affect the climate. Man-made global warming does not. The climate models are a joke, but the public does not understand this. And the modelers are ethically scientists reaping massive amounts of government funding. That's the goal. It's the money. Another question, proponents in the theory of humans are causing climate catastrophic changes and pushing policies to the end of the fossil fuels to replace them with renewables. Having edited an academic encyclopedia on energy, what are your thoughts on this policy? And that's what I said earlier when I read that getting away from fossil fuels is gonna end life as we know it. And I think, Senator, you spoke quite eloquently to the fact that renewables, wind energy, and solar is not gonna work when you need it every day of the year. It said-- and he went on to say, it can only happen-- but along the way, the attempt of many to accomplish this is to create more wealth, capital stock, and innovations the nation has built through the years to be eliminated by climate change. So when we continue to look at that and we continue to look at climate change, they will tell you-- and most people now that have graduated from school in the last 35, 40 years believe that climate change is real, man-made climate

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

change. And a good friend of mine wrote an article a couple of weeks ago. And let me read what he wrote. And I believe that what he has said is actually true. He said since the country is shut down because of the pandemic, the CO2 levels have fallen to levels not seen since 1970. One would conclude the world's climate would be a little cooler now as a result of-- and there would be fewer hurricanes, less heavy rainstorms, as well as slower melting of the ice. The fact is, here's the facts. Siberia has experienced the hottest summer on record. Some areas in Siberia, the temperatures reached over 100 degrees. And there are also more hurricanes, more heavy rainstorms this year, and the glaciers are melting just as fast as they always have. So now what are the climate change alarmists going to do? The reduction in CO2 levels are now below the targeted levels proposed in any protocols by the Paris accord, the United Nations resolutions. Who will be the new culprit for climate change if their main suspect, CO2, now has an alibi? Over 70 percent of the greenhouse gas is water or vapor-- water, vapor, or dust. Only 400 parts per million of our atmosphere is CO2 with human activity contributing to only 10 percent of that amount. It is so small that it's incredible to think a man-made CO2 could have an impact on our climate. The amount CO2 contributed by human activity is like pouring-- now, listen to this. It's like pouring a 12-ounce can of beer into an olympic size swimming pool once-- once each year. To make matters worse, the toolmaking renewable energy equipment like electric cars, wind tower, solar collection have a larger carbon footprint while being manufactured, then the amount of carbon it reduces during its operational life before it wears out and must be replaced. So they can tell you all they want that there is such a thing as man-made climate change. And they have all of the information from the university, whoever else is making money from writing such articles about the climate change. And we have been teaching our young people since 1980 that climate change is real and their lifetime-- their life as they know it is gonna to come to an end if we don't do something about climate change. So if you would, answer this question. What do you think China calls their branch of their government, their EPA? Anybody know? They don't have one. They do whatever they want. I have a good friend that is an architect and he works all over the world and does a lot of work in China. He was there last year and they were gonna build a new pipeline similar to our Excel pipeline here. He said they made an announcement on Monday that they were gonna build a new pipeline.

FOLEY: One minute.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

ERDMAN: Thank you, sir. And the next Monday, they started building a new pipeline. So we function under all these restrictions that we've put in place by the climate change alarmists and the other countries we're competing with have no such thing at all. And so to say that climate change, man-made climate change is the reason for all these catastrophic things that are happening is, as Dr. Lehr said, it's a joke. It's a hoax. So to stand up on the floor of the Legislature and say, here's the reason we have to do this is because the CO2 levels are this or that, when, in fact, they're not. When, in fact, it's a fault-- a very small percentage of the CO2 is actually man-made. But we don't want to talk about the reality. So on the floor of the Legislature, what I realize is sometimes facts aren't important. Don't confuse me with the facts because what is true to you is true to you and there's nothing I can say to change that.

FOLEY: That's time.

ERDMAN: Thank you, sir.

FOLEY: Thank you, Senator Erdman. Senators Slama, Linehan, and La Grone. Senator Slama.

SLAMA: Thank you, Mr. President. I rise today with several thoughts on LB283, AM2481, AM2576, and Senator Erdman's new motion, MO188, to bracket the bill until August 13. One of the thoughts I did have about this bill is potentially reading the Gettysburg Address, but that didn't go over too well the last time. So we're gonna talk about the bill at hand here. I've got a few questions and perhaps this can be addressed later in debate. Why in LB283 has UNL been selected? We have a number of great universities in our state. Also, a lot of great colleges too. UNO, UNK come to mind. Also, Peru State College, an outstanding educational institution in District 1. Go Bobcat's. It's my understanding that there is nothing stopping any of these universities from doing that research themselves. UNL, I know has a budget well into the millions for research and they're free to research this subject all to their heart's content. So I don't understand why we need a bill to demand that they do it when they're free to do so themselves and it would fall well within their budget to do so. I do have a question about the cost of this bill, \$250,000. It seems in the state budgeting process we go \$250,000 here, \$500,000 there. Pretty soon you're talking about real money. I think this money could be used for other things like property tax relief. Moreover, if the funds that this money is being drawn from, the Petroleum Release Remedial Action Cash Fund and so much money sitting in it that's not

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

being used, why don't we put that towards property tax relief? And it is important to know the irony here of pulling money from a fund meant to help clean up oil spills to study climate change. And I just like to take a moment to talk about what the Petroleum Release Remedial Action Cash Fund is with the remainder of my time and probably with any other times I can get on the mike in the next couple hours. So this is according to the statute describing the remed-- the Petroleum Release Remedial Action Cash Fund. Subsection (2), money in the fund may be spent for reimbursement for the costs of remedial action by a responsible person or his or her designated representative and costs of remedial action undertaken by the department in response to a release first reported after July 17, 1983, and on or before June 30, 2020, including reimbursement for damages caused by the department or a person acting at the department's discretion while investigating or inspecting or during remedial action on property other than the property on which a release or suspected release has occurred. Payment of any amount due from a third-party claim, fee collection expenses incurred by the State Fire Marshal, direct expenses incurred by the department in carrying out the Petroleum Release Remedial Action Act. Other costs related to fixtures and tangible personal property as provided in Section 66-1529--

FOLEY: One minute.

SLAMA: Thank you, Mr. President. -- 66-1529.01, interest payments as allowed by Section 66-1524, claims approved by the State Claims Board authorized under Section 66-1531, the direct and indirect costs incurred by the department in responding to spills and other environmental emergencies related to petroleum or petroleum products. And up to \$1,500,000 each fiscal year of the department's cost share obligations and operations and maintenance obligations under the federal Comprehensive Environmental Response Compensation and Liability Act of 1980. Thank you, Mr. President.

FOLEY: Thank you, Senator Slama. Senator Linehan.

LINEHAN: Thank you, Mr. President. I appreciate Senator Slama's comments. I, too, am confused as to why the university would need additional funding for a study that it seems to me that they have the ability to do now. And especially at a time when our president of our university is trying to control costs so he can navigate the future of universities because that does seem to be-- I think he's somebody that has one of the largest challenges in the state whether students are gonna return to college, whether they're gonna live in dorms. I don't

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

know why we as a Legislature would pick right now to put another thing on the plate and money that-- my understanding is we appropriate money to the university and they do-- it's where, according to some Supreme Court case at the University v. Exxon, I'm not a lawyer so that could be off, that we're supposed to stay out of their stuff, so to speak. So with that said, I would like to yield the rest of my time to Senator Hughes.

FOLEY: Thanks, Senator Linehan. Senator Hughes, 3:45.

HUGHES: Thank you, Mr. President. Good afternoon, colleagues. Thank you. Senator Linehan. As I stated before, you know, part of my heartburn with this bill is the funding source. And it has been pointed out to me-- you know, the original bill asked for \$250,000 out of the Waste Reduction and Recycling Incentive Fund. If you look at the transcript, there were people there who came and opposed the bill on that basis. Now we have an amendment that's gonna take it out of the Petroleum Release Remedial Action Cash Fund. I can guarantee you, if that had been in the original bill, there would have been more people come in opposition to the bill than there were supporters. The petroleum marketers in this state are very, very protective of that fund. That is their lifeblood. They understand if there's-- if they have a problem on their property with a leaking tank, you know, and they have to get it fixed, it's a self-insurance fund for them. They have got to have that because they can't buy insurance to cover a leaking tank. You know, and when they install new tanks, they use all the latest technology and they measure on a daily basis. They do everything they can, but accidents happen. And the liability to those individuals who provide a very necessary service to the citizens of, well, not just Nebraska, but everybody, everybody who travels through the state of Nebraska, a huge impact on our economy are the fueling stations across the state. So this fund should not be tapped for this reason. I mean, it is collected for very specific purposes. Now, looking at the sheet that was passed out, I think by Senator McCollister, you can see that we have taken some money from that fund for special projects, but not recently. In 2017, we raided that fund for \$1.7 million to help balance our budget. And the 788-- 800-- \$700,881 into the Superfund cost share, that's what I was referring to, that the EPA, the United States Environmental Protection Agency, requires the state of Nebraska to have that much in the fund just for something that comes up and we do have cost sharing from the federal government by having that minimum amount in there.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

FOLEY: One minute.

HUGHES: So this is, this is not a-- excuse me?

FOLEY: One minute.

HUGHES: Thank you. This is not a fund that can be-- can be or should be tapped for this, even if it's a small amount. I had visited with Senator Pansing Brooks about funding sources, and I'll do that my next time on the mike. But I-- I can't emphasize enough how important this fund is, the Petroleum Release Remedial Action Cash Fund. If they had known they had a target on them when that hearing was going on, there would have been-- it would have been a much longer hearing for the Executive Board. And, you know, that is a very specific fund collected for a very specific pur-- purpose, and that is to protect a very vital industry in the state of Nebraska. So I would certainly urge the body not to try and raid that fund because we need that there--

FOLEY: That's time.

HUGHES: --in case of emergencies. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes. Senator La Grone, to be followed by Senator Brewer and Senator Friesen. Senator La Grone.

La GRONE: Thank you, Mr. President. And as Hughes has laid out, my issue with this bill is the funding mechanism. I have a constituent who-- his entire business is cleaning up these leaks in these leaking tanks. And these can be really serious problems. But what can be-- what can be an even more serious problem is if you have, let's say, an old gas station who goes out of business and they've still got a tank in the ground and that starts leaking. That's the type of stuff that this fund is for. This is to prevent actual environmental damage. These can be serious safety hazards for the communities they're in. And to me, it doesn't make any sense to take money from a fund that's cleaning up real environmental damage to study environmental damage. I'm not saying we don't need to do the study. I'm simply saying as long as this is the funding source and we are taking money away from cleaning up our communities, cleaning up safety issues in our communities, I cannot support this bill. I'd yield the remainder of my time to Senator Hughes.

FOLEY: Thanks, Senator La Grone. Senator Hughes, 4:00. Senator Hughes. Senator Hughes, you've been yielded four minutes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

HUGHES: Thank you, Senator La Grone. I appreciate that. If Senator Pansing Brooks would yield to a question.

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

PANSING BROOKS: Yes, I will.

HUGHES: Thank you, Senator Pansing Brooks. So when you initially wrote this bill, you used the Waste Reduction-- Waste Reduction and Recycling Incentive Fund. How did you-- you alluded to you looked at several other funds. How did you land on that fund?

PANSING BROOKS: As I read just a few minutes ago-- you mean, how did I land on the current fund or--?

HUGHES: How did you decide that the Waste Reduction and Recycling Incentive Fund was the one in the original bill, that's the one you wanted to tap.

PANSING BROOKS: In the original bill, we had talked to a number of different people, and I was-- that was what people decided was the best.

HUGHES: So was-- was someone from the Waste Recycling-- the Waste Reduction and Recycling Incentive Fund, they were the people you talked to and they were all right with taking the money from that fund? I guess, who's the they that you talked to?

PANSING BROOKS: I talked to Appropriations. I talked to a number of different people in Fiscal. And that's-- those are the they that I spoke with.

HUGHES: OK. OK. Did you talk any about the Environmental Trust Fund?

PANSING BROOKS: Yes, we did.

HUGHES: And--

PANSING BROOKS: Every, every single group doesn't want their-- their money touched. We all know that to be true. And this fund is rejuvenated every single year with \$12 million. So this is a one time-- it's \$150,000 the first year, \$150,000 the second year. So, again, Appropriations and the Fiscal Policy Office felt this was the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

best fund to use. And I have not received a-- a-- a boatload of calls from this group. You can sic--

HUGHES: So you--

PANSING BROOKS: --you can sic them on me now, but I haven't--

HUGHES: Clar-- well--

PANSING BROOKS: --I haven't received it yet.

HUGHES: Clarify for me, you said 150,000 this year and 150,000 next year, that's 300. I thought the bill said 250?

PANSING BROOKS: Oh, 125. Sorry, I misspoke.

HUGHES: OK. OK. You had me going there for a second.

PANSING BROOKS: Misspoke. Gosh, don't worry.

HUGHES: Yeah. So the-- this was just Fiscal and Appropriations looking at funds that they thought were in excess?

PANSING BROOKS: Yeah, of course. I-- I went to talk to them to say what funds do you think are most available, where do we take money sometimes? These were also funds that related to environmental issues. And so that's why they-- they suggested that. And the Petroleum Fund was-- was brought to my attention because we have taken money from it in the past. This-- it rejuvenates itself all the time. And there-- there was not a big hue and cry on using any of those funds because they're going to be replaced again.

HUGHES: Well, there-- there wasn't the-- a cry because they weren't included in the hearing. They did not know--

FOLEY: One minute.

HUGHES: --that they were going to be tapped. You know, I guess both of-- I'm, I'm carrying a bill that extends the sunset-- sunset date for both of these bills. So I'm-- I'm pretty familiar with what they do. And, you know, I have been lobbied, I guess, before I carried the bill to understand, you know, what those monies were used for and why they're collected. And I agree with you, finding extra money around here is extremely hard. You know, if you would have asked me, I'd have said, I think the universities got plenty of money to do it. You know,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

if they want to do this-- if they want to fund the study, let them go ahead and fund it. I-- I can't stop that.

PANSING BROOKS: It's not a study, it's a plan.

HUGHES: Yes, I-- I stand corrected. OK. Thank you, Senator Pansing Brooks. Thank you, Mr. President.

FOLEY: Thank you, Senator Hughes and Senator Pansing Brooks. Senator Brewer, to be followed by Senators Friesen and Bostelman. Senator Brewer.

BREWER: Thank you, Mr. President. I was going to sit this one out. Yesterday, I think I was next up in the queue for both LB720 and LB1106, so. But since someone decided to bring up my name in this conversation, I decided that I would jump in and we would discuss at least one part of it. Don't get me wrong, I think there are issues that need addressed. I am not necessarily an enemy to solar energy. We have seen it work well in the Sandhills, especially in remote locations for water wells and things like that. But on the issue of wind energy, and that's what I'd like to address this time at the mike, there are burning issues that I have been forced to fight in the 13 counties that I represent, and I would be remiss if I didn't walk those that are not that educated on wind energy through it. I know Senator McCollister likes to make it sound like it's God's gift to the world. In reality, I think it's a plague. It's a plague on generations to come. And let's talk about why I think it's a plague. First off, wind energy is not reliable. If you need power, you need power. And if the wind quits blowing and now everything goes dark or brown or black and you are not able to function in whatever business or-- or livelihood that you have, that's an issue. So if you can't depend on it, you need to step back and consider how much time, energy, and money we want to put into something like that. Wind turbines are expensive. I heard-- heard numbers, which Senator McCollister loves to throw out huge numbers, but the reality of this is, you're gonna spend millions in government subsidies to build these things. They're gonna last somewhere between 15 and 25 years. Germany has had limited success. And later, we'll talk about the issue of decommissioning and the challenges there. The issue that was the-- the final issue that stopped, what we'll come to know as the R-Line, was the issue of the birds or the failure on the part in this case of NPPD to recognize that there would be a loss of raptor and whooping cranes if they went forward with the power lines, let alone what the wind farms would do. If you've never been near a wind tower, they are noisy. Everyone says,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

well, they just spin, they don't make any noise. I suggest you spend some time around them. The pollution that they put on the terrain so that you no longer will have the same view that you've had for how many thousands of years here in Nebraska will be changed. That doesn't seem to register with a lot of folks who don't have them in their counties or their districts. Now what I'll challenge someone and any of them who's standing up in support of this bill is if you've got one of these in your backyard, then, hey, more power to you. You have the right to stand there and say it's a good idea and we ought to do it. But if you don't have one and you don't have to deal with the issues of them, you've got no right to talk because for where they are it has split families, it has split communities. It has caused a situation now where it becomes the number one thing besides property tax that I deal with day in and day out. The other hazards that seem to be forgotten are those like fire hazards. When you put these in the middle of nowhere and they come apart and eventually some of them will come apart and a fire starts, who's-- who's gonna be accountable for that? A lot of that's hidden in-- hidden in agreements that no one ever gets to see.

FOLEY: One minute.

BREWER: Thank you. Right now, Nebraska produces 900 megawatts of extra power. So what we're saying is we can-- we can run pretty much another Lincoln, Nebraska, on the extra power that we're selling to other people. And what we're gonna do is we're gonna go and litter the landscape with these wind towers, not because we need them, because trace the money. Somebody wants to make money. And if you look at the names on this report, Senator Haar benefited from it, Senator Larson benefited from it, Senator Schilz benefited from it, Senator McCollister benefits from it. So there are reasons why people support wind energy. And it all goes back to the money. And we'll talk more about that later. Thank you, Mr. President.

FOLEY: Thanks, Senator Brewer. Senator Friesen, Bostelman, and Gragert. Senator Friesen.

FRIESEN: Thank you, Mr. President. So I-- I stand in support of the motion to bracket. And if not that, I mean, I do believe that if the university wants to come up with a plan, they can come up with a plan. I think that we fund them quite adequately that they can do this. One of the things that I think everybody needs to stop and think about, though, is that, you know, when we talk about trying to mitigate severe weather, whether it occurred now or 50 years ago or 100 years

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

ago or 10 years ago, right now, the Department of Transportation, whenever they do a road, even if they currently just resurface a road, I mean there's a lot of studies done. They look at a lot of the drainage issues. They look at sizes of culverts. They look at the floodplain of that area. And they try to look at what they can do to make sure that that road doesn't flood. But you got some areas where the cost of building a road up so that it could accept an extreme weather event, a 1 in a 500-year flood perhaps, the cost gets so-- so extreme you can't do it. One of the things working with the NRDs in the past that I've been on, that, you know, we talk about a lot of cities are built in floodplains and more and more the federal government is-- and when you have a flood and they pay people for flood damage, they should not allow them to rebuild in those areas. So there's programs that buy out those floodplains and they turn them into parks or trails or whatever else it is but the zoning wouldn't deny anybody the ability to build there. So again, we have I think as time has gone on, we have built more structures in floodplains. So therefore our damage levels go up. And obviously the value of the property in those floodplains has increased. So if you'd take into account inflation and things like that, the dollar amount of damage that we're seeing today probably is more respective of just the fact we've allowed people to build in those floodplains that's subjected to more times to that extreme weather. And the value of those properties has obviously gone up. But again, if we're gonna stop some of the damage that's happening here, we have to change our zoning laws. And in most cases, you'll find that we cannot build or design a road or a bridge that would absolutely withstand any type of flood or ice damage that could happen. I think they look at the percentages, they-- they look at the costs and they make decisions based on that evidence and once a while we're going to get caught. And obviously, the flooding was a once in Nebraska occurrence that we can say highest damage once in a my lifetime probably event. Can it happen again next year? Yes. Do we know if it's gonna happen again in the next 100 years? No, we have no clue. Again, they can't forecast the weather tomorrow reliably for at least my purposes. I don't know why I trust them when they try to go out more than five or seven days. They've been proven reliably wrong. So when I-- when I look at this, we are-- we do a lot of planning already. And I don't know what the, you know, the overall picture of this is what we're supposed to do, but I mean, NRDs do a lot of floodplain surveying. We do mapping. I know the DOT does a lot of GIS data where they're taking elevations and computerizing them and putting them in and so there's a lot of data out there. Can all that be aggregated into a plan? We can talk about climate change if you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

want to. The climate is changing. When I-- I do remember in the 70s, I think it was TIME magazine on the front cover talked about our new global cooling. We're gonna go into the ice age. We're not gonna be able to produce enough food.

FOLEY: One minute.

FRIESEN: We were gonna actually-- this world was gonna starve. And that lasted for a couple of years and that went away. Again, I have very little faith in them predicting what can happen in our climate. We are fairly insignificant when it comes to that. You know, when we talk about digging down in the ice in the Antarctic and finding vegetation, must have been a lot hotter at one point in time before that ice got there. Yes, our climate's changing. How much impact do we have? That's my question. I don't think it's that much. But again, a study, if the university wants to do it, let them do it. We have a lot higher budget priorities for dollars than putting them into the plan like this where I don't think any action comes from it. It turns into a plan sitting on a shelf. Thank you, Mr. President.

FOLEY: Senator Bostelman, Gragert, and Moser. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President, and good afternoon, colleagues. Good afternoon, Nebraskans. I'm not here to debate climate change, those type of issues right now. I do stand-- listening to the bracket motion right now, I am opposed to the funding mechanisms and the AMs. And the underlying bill, I have questions on that, so I'm here to listen to that. And let me explain that a little bit. I'm really confused as to what the bill's gonna do or what's proposing to do. Is this a study? Is it a plan? Is it about renewable energy? Are we talking about flooding? My LB1201 addresses water, flooding, that's already on Select File. Why are we looking at it here? Are we talking about tornadoes? Are we talking about agriculture? Are we talking about utility costs? Are we talking about conflicting science? I-- I think there's multiple subject matters that are in this bill. And that's an issue for me as we-- as-- as we continue to discuss this bill, so let me move on. I think the bill looks to be tailor-made for the retired academic cited in the-- in the World-Herald July 19 article, as well as a high-ticket consulting firms hoping to win a moderator rights. You know, other states have done similar studies on energy or on plans on climate and they've wasted a lot of time and a lot of funds. And in time here, I will talk about that specifically, although not exactly the same, but energy strategies is one examples of taxpayer waste, which will be discussed later as we talk about the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

state of New Hampshire. I found an article, July 6, 2020 on the-- on the Physics.org-- or Phys.org website about Climate economics Nobel may do more harm than good. It's by Marlowe Good [SIC] about climate economics-- economic Nobel laureates may do more harm than good. And after I read that, I took away not even the Nobel, the Nobel economists can agree on how to do the economic studies related to climate change. So I thought to myself, why would we even think that for \$250,000 the state of Nebraska is going to get something of value to make a policy decision? And I can tell you off my flood plan-- flood study and what we're looking at there, \$250,000 doesn't even begin to scratch the surface. I also found an article from the energy and science researcher Roger Pielke, who in fact is, if it matters, is Democrat, about all the corruption and climate-- climate science studies. That was eye-- it was eye opening, as it comes from a well-noted writer about energy written January 20, 2020. Quote, How billionaires Tom Steyer and Michael Bloomberg corrupted climate science, end quote. So now the skeptic in me does not know what to believe. Related to representation, concentration pathways, or CPs, which are the so-called technical scenarios of the future, and the Risky Business report written in 2014 titled, Risky Business: The Economic Risks of Climate Change in the United States. So how will the new climate-- climate science economic study be utilized for forecasts for Nebraska? And that's another piece of-- of the bill that I'm not certain on. So I also found in the Brookings Institute study that already points out county by county-- county by county economic impacts here in Nebraska. It was written in January 2019 and points out that the--

FOLEY: One minute.

BOSTELMAN: --Climate-- Climate Impact Lab that looks at county by county impacts granularly. So again, I thought to myself, if this granular data is already there again, why do we need another study? For Nebraska, this Climate Impact Lab has calculated a 2.06 percent economic impact as a result of climate change. Their best case model indicates an average for Nebraska as a negative 1.19 percent impact or a gain. The worst scenario calculated 6.6 percent impact. This Climate Impact Lab looked at the economies by county for all-- the economics by county for all 3-- all 93 counties in Nebraska. So again, what will the value of this new study do since this work is already being conducted, it's something new.

FOLEY: That's time, Senator.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

BOSTELMAN: Thank you, Mr. President.

FOLEY: Thanks, Senator Bostelman. Senators Gragert, Moser, and Cavanaugh. Senator Gragert.

GRAGERT: Thank you, Mr. President. Good afternoon, colleagues. I would first like to ask Senator Pansing Brooks if she would yield to a couple of questions?

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

PANSING BROOKS: Sure, I'd be happy to.

GRAGERT: Thank you. I, as I do on all the bills, I sit here and I listen. I listen to both sides and just a couple of things I'd like to clear up for myself as I continue to listen. Oh, will this plan result in recommendations or will there possibly be mandates as a result of the plan?

PANSING BROOKS: We purposely made it very-- there are, as I said before, 34 states. And some of those states are very prescriptive. We made it really direct of just giving ideas and-- and thoughts about. So the goal is not to make it direct-- prescriptive at all--

GRAGERT: OK. Thank you and--

PANSING BROOKS: --or man-- have mandate. Sorry.

GRAGERT: Thank you. Just one other question and you referred to it earlier. Actually, it's on page 4 of the bill, line 10, and the impacts that this bill is so broadly covering or will be broadly covering in my, I guess, in my opinion, but I was just wondering, would you consider removing any of these impacts out of this bill?

PANSING BROOKS: Yeah, I-- I would always-- you know, I got those directly from the LR50-- 455 special committee report. That was a study. This is for the plan. So I'm happy to work with anybody. If you have something that gives you heartburn, I'm happy to work with you on that and take it out.

GRAGERT: OK. Thank you. Well, for me, I see the concept being proactive in-- in dealing with extreme weather events. And I think that's probably enough of this for this bill would be dealing with extreme weather events, which are, you know, and specifically, you know, our state in northeast Nebraska, specifically for me,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

experienced in 2019, the flooding event. I see the concept very good as-- as long as that is where we stay is at the extreme weather event portion of this. Personally, I believe-- I believe through my many years that there's been a number of studies and I think the time is-- is over with as far as past for many issues on doing another study. And it's time to spend this money on prevention and/or mitigation measures. Let me talk about a process that is being worked on as we speak. Last year we passed LB243, a healthy soil task force. That was tasked-- that task force was tasked to come up with the conservation plan for improving the health of our soils in Nebraska. And I'm looking forward to that plan. And one of the results being the resiliency of the soil, which will be-- be better to handle both flooding and droughts. So that's going on. Now this process, which I have been part of, consists of many different entities, representatives from the NRCS, the NRD, UNL, ag businesses, producers, and many professional organizations for input to this plan. To me it is very important to have the buy-in as the action plan is being developed or it will end up with the other shelved studies and plans. So I believe the concept is good and is-- and needed to be proactive and preventive-- or be proactive on preventive and/or mitigation measures to extreme weather events. And that we should look at the same process used in LB243, a task force--

FOLEY: One minute.

GRAGERT: --and possibly for less money allocated in this planning process is currently asking for. Thank you, Mr. President.

FOLEY: Thanks, Senator Gragert. Senators Moser, Cavanaugh, and Groene. Senator Moser.

MOSER: Good afternoon, colleagues. I stand in opposition to LB283 and in support of the bracket motion. The source of funding is my number one complaint. This fund is an insurance fund to pay for oil spills. And in '16-'17, it took in \$11,385,000, spent \$11,598,000; '17-'18, it took in \$11.5, spent \$12.8; 2018-19, it took in \$11.5, and it spent \$9.273 million. So it's spending about \$10 million a year on trying to mitigate these oil spills. A sheet I got from the Nebraska Petroleum Marketers stated that there are 881 known leaking tank sites. And then they predict that there will be another 221 discovered that they haven't yet found. The estimated liability of known in future sites is \$70 million. So there's a potential for some huge expense here. I don't think we should be taking that money out of the cleanup fund. And if we were going to, we should have declared that from the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

beginning, and I think that the Petroleum Marketers would have attended the hearing and objected to that. Furthermore, the handout that I got from Senator McCollister here, is a letter written by Donald Wilhite, and he said he served as one of the four authors of the climate change report by the University of Nebraska in 2014. And it examined the science, looked at projected-- projected changes in the climate and implications of these on key sectors in Nebraska. On the bottom of the page, he says: Nevertheless, state leadership has not addressed the implications of our changing climate. He said-- and skipping further along, he said "no legislative action has occurred." So we did a study in 2014. We didn't do anything with it. We're gonna do another study here. We're probably not gonna to do anything about it. It's a feel- good thing to show-- to show the people that, yeah, we're trying to-- to battle climate change. But the problem is so big. And so the way we would live to climate-- to battle climate change is so different, that we don't have the political will or-- or the citizens don't have the will to change the way they live. So I think it's a waste of time. Senator Bostelman's bill is gonna look at future flooding and the way that we can change the way that we control water so we can do a better job if we have future flooding events. I think that bill is still up for-- it's along in the process. I think it serves some of the same purpose. But this thing, I think is kind of a can of worms. It's got too many moving parts and it could evolve into heaven knows what. So I'm against it because I don't think we should raid the LUST Fund and I'm against it because we just did one in 2014. Climate change is a long-term trend. It's about the same now as it was in 2014. Another study is not gonna tell us anything different. We need to do something about it if we're gonna do something about it. And I don't think that the Legislature is gonna do anything about it. And I don't think the citizens are gonna change the way they live. If you Google the top ten things to change your life to mitigate climate change, it doesn't say initiate studies. It says lower your thermostat, travel less, travel in smaller, more efficient cars,--

FOLEY: One minute.

MOSER: --have a white roof on your building to reflect energy into the sky. And from the state's standpoint, cut our state budget, spend less money, lower taxes so our-- our citizens don't have to work so far-- work so hard to pay them. So, thank you.

FOLEY: Thanks, Senator Moser. Senator Cavanaugh.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

CAVANAUGH: Thank you, Mr. Lieutenant Governor. I commit to bring black and brown voices in every conversation surrounding public policy, not just when public policy is specific to people of color. I commit to be a partner in the work ahead, not a leader. I commit to take real concrete action on concerns and issues of people of color. This bill is a step in that direction of addressing issues that face people of color. People of color experience the adverse effects of climate change at a higher rate than white people. And so I am grateful to Senator Pansing Brooks for introducing this bill. I am grateful to Senator McCollister for prioritizing this bill. And if she would like it, I will yield my-- the remainder of my time to Senator Pansing Brooks.

FOLEY: Thank you, Senator Cavanaugh. Senator Pansing Brooks, 4:10.

PANSING BROOKS: Thank you, Mr. President or Mr. Lieutenant Governor. OK. I think there's enough confusion. We-- we had the study in-- the study was in 2016. It was a bipartisan group that did a study, and the main number one issue that came out of the study was to create a plan for the state of Nebraska on extreme weather events. And yes, we all know that there are extreme weather events. I've heard from you all about, yes, there are. We've all lived through these events. The point is, what can be done to better protect Nebraskans? If nothing, then fine, nothing. But I don't believe that's so. Yeah, I-- Senator Friesen said, well, you know, we can't build up every road and make sure that it's high enough to protect from every flood, but there are things we can do. And it was quite clear when we were going around the state that there were things that could have been done to help. If there's a weakened levee or if there's a weakened dam, then-- then the communities need to know that that exists both for their safety and for-- and to protect their livestock and their own lives. So, again, this is creating a plan. Thirty-four states have done this across the nation. It's not anything that's supposed to promote wind energy, Senator Brewer, it's not something that's supposed to promote anything whatsoever. Senator Slama said, well, you know, why are we supporting-- why are we promoting the University of Nebraska? Well, in the-- in the previous study, which is not what I'm asking for here, it said in the study there were three overarching themes of the hearing. One, postsecondary institutions are engaged in a wide variety of education outreach efforts related to climate change. Their words, not mine. Number two, the University of Nebraska was identified as having the background staff, resources, and expertise on Nebraska climate issues to create a climate action plan for the state. If some other

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

school wants to pop up and do this and/or work together with the university, I don't have a problem with that. That's just what came. I didn't make this out of the blue. This was a-- a plan created by Tyson Larson. It was a study created by Tyson Larson, by Ken Schilz, by Heath Mello, John Stinner, John Kuehn, and Ken Haar. So again, this was not anything out of the blue. It's not something extraordinary that some crazy liberal from Lincoln has-- limousine liberal, as-- as Senator Groene likes to say, has brought up out of the blue. This is something we've worked on for a-- a number of years. It's something we've discussed. It is something where we didn't just have one flood in 2019, we had two 500-year floods within the past 10 years. So this isn't just--

FOLEY: One minute.

PANSING BROOKS: --a whim that-- thank you, Mr. President. -- this isn't just a whim that gosh, we need to look at it. OK, well, maybe we are changing into a heat zone. I don't know. But we have extreme weather events. We have levees that aren't built to sufficient heights. We have dams that are in extremis. So why not let a group go forward, study what's going on across the state. And it affects healthcare, as I said before, because the hospitals-- there was trouble accessing hospitals during the flood. So it's not just-- it is not just looking at infrastructure. It's looking at healthcare. It's looking at-- at production of crops. It's looking at-- you know, it's working in tandem with Senator Gragert's healthy soils because, you know, as we went across the state again looking at the floods, we saw whole areas where tons of soil had been placed over crops that will never be the same again--

FOLEY: That's time, Senator.

PANSING BROOKS: --because of the flooding.

FOLEY: That's time.

PANSING BROOKS: Thank-- thank you, Mr.--

FOLEY: Thanks, Senator Pansing Brooks. Senator Groene, Hunt, and DeBoer. Senator Groene.

GROENE: Thank you. I stand in opposition to LB283. Climate change, of course, is climate change. All-- always have been since the beginning of time. Drive the Interstate and look far off to the north and far

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

off to the south and you'll see bluffs. That was all carved out by the river with huge floods in the past. I have a place where-- on a river valley, a small river on the loop. You look off to the north, you look off to the south and you see bluffs, half-mile wide river valley, the rivers, 20-yards wide. It's happened since the beginning of time. Go-- Senator Hughes can correct me, but I think it's by Indianola, there's a monument there. When in the 1930s, '20s, something, a flood came through there, worse than the Niobrara flood, wiped out the city of McCook, wiped out cities. Guess what? Back then, it was less-- the population of the world was less than half of it is today. Nature and God does what it does, and it does it over time. And now we're gonna change it? We're gonna change it? I don't think so. This thing says-- all of a sudden it gets down here and says, all right, all of the-- a flood is all of a sudden a new event. Weather change. A snowstorm in June is a-- is a new event. I've seen those in my lifetime before. They're claiming all these weather events are new, and that we can address it as men and women. This is not a study. This is a plan. What-- what is the plan going to do? Are they gonna stick windmills in my area so that Omaha can have electricity? They did it. They just did it recently. Let me tell you about people-- other people telling other people to do. I just had my two NRDs that don't have an acre of land in my area pass that we're gonna put windmills on government land in court. I don't like that. But now you're gonna change my-- the economy. This-- this is telling people what to do and how to live. This is big brother coming in. I'm scared, folks. I went to a restaurant last night and I was told I had to wear a mask. The owner-- I-- I took it. When I got to the table, he came over and he says, sir, I agree with you, this mayor is out of control. He says if somebody took a picture of you and sent it to this website, you don't get fined, I do. That should scare all of us that the government now is fining people for-- for being responsible for somebody else's behavior, but that-- this is a big picture of that. A big picture of that. We're gonna have these piled higher and deeper, people just looking at models and computers, deciding a five-year plan or a ten-year plan. You know where that comes from? Socialism. That's what they do. They plan their economies. This is planning an economy. This isn't a study. This needs to go away. Climate change, sure, it happens. Oh, some of you would like-- well, who causes the carbon dioxide? Humans. There's a cure for that one. I think we debated one cure the other night. How far do they plan a generation from now? This-- this doesn't help anything. This-- I mean, the world is round. The air's connected. The wind currents travel the world. China's got four times the amount of people, three and a half or whatever more

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

than us. And in Nebraska, little Nebraska, with 1.9 million people, we're gonna change the world's climate?

FOLEY: One minute.

GROENE: Oh, yeah, that's right, one little state at a time. That's how we build things, don't we? We're gonna hamper our economy. Let's go the opposite direction. When all these other states do this and hamper manufacturing and companies, you want to talk about economics. We can go to Nebraska. We can go to Nebraska. Let's open up our state. Might as well, that's what China's doing. They're doing just fine. This is feel-good legislation again. It's absolutely foolishness. It's-- it's a bunch of academics sitting in a room and saying with a computer model and saying they're gonna save the world. It ain't gonna happen. So I would appreciate everybody voting no on LB283. Thank you.

FOLEY: Thanks, Senator Groene. Senator Hunt, DeBoer, and Halloran. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor. If you aren't a person who believes in climate security, that's OK, because that's not necessarily what this bill is about. Whether you attribute the climate to man-made causes or you think this is just a weather cycle that's normal, it doesn't really matter in regard to what this bill could accomplish for you. Conservation is a very important part of this. So even if you don't believe that climate security is important, you can assure yourself that this doesn't mean you're saying it is. You can be assured that this bill just says that we are going to develop a plan for conservation in case of extreme weather. It's about preparedness. And I think in a way, these changes in our climate are a lot like the virus. It doesn't matter if you believe in it or not. If it's gonna roll you, it's gonna roll you. But you can control how prepared you are. The Chair of the Natural Resources Committee and the Chair of the Agriculture Committee here ought to have an interest in conservation to a state with 40 percent of its economic output reliant on agriculture. We need to do everything we can to preserve the integrity of that resource, the integrity of our land, our soil, our air, our crops. That's important to me and that's important to people in my district too. Agriculture, water, healthcare, energy, forestry, rural and urban communities, all of these sectors are impacted by this. Nebraska's water and soil resources continue to be at risk. Urban Nebraskans understand this in my district and rural Nebraskans understand this too. One of the most frequent questions I get is you probably get it, too, what is the best part of your job? And to me, my

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

favorite part of this job is always talking to young people. It's talking to student groups. It's going to classrooms. It's talking to kids outside the Rotunda when they are allowed to come here to the Capitol. And I-- I'm speaking on behalf of the students in my district who have met with me numerous times asking me to not just support this bill, but to demonstrate commitment to their future. I often get letters from classrooms, and it's so interesting to me to see the top issues that they identify as being important to them. Across the board from kindergarten to 12th grade, students care most about, first, equity and nondiscrimination issues. Kind of across the board, however, they express that. And the second thing they care about most is climate security. One letter I got from a seventh grader at a school in my district said we just visited the State Capitol on Friday. I enjoyed it when you came to speak with us. I found it interesting that you told us if a bill does not pass, you can alter it and then put it into a new bill. I agree, that's very interesting. He talked about how he liked my bill prohibiting conversion therapy, and he said, I wish that you would take some steps toward greener renewable energy, such as solar and wind energy. This could greatly benefit areas such as Dundee. That's our neighborhood. You could also take steps to enforcing climate change. Please consider some of these ideas. This is exemplary of just the type of letters I get every day from kids who want us to take their future seriously and see them as worth investing and protecting. In March, my daughter's school closed, but then I found out that she and some of her classmates were working on a Google document together on a newsletter about climate change. So this is where the future is going and this is going to continue to follow us into the future, whether we do something about it or not. but I think that we should be proactive. We have a failure of imagination in this body to solve the big problems facing the future. There's a lack of intellectual integrity, but mostly it's a failure of imagination. And that's been kind of an unnecessary disappointment because it could certainly be different. I'll say that I don't appreciate the consternation about the funding source because I promise Nebraska will spend more than \$250,000--

FOLEY: One minute.

HUNT: --defending LB814, an unconstitutional abortion ban that you're all ramming through the process. But then again, I think that you all think that money's worth it. This argument is made by people who don't support any legislation that they perceive as addressing climate security. Appropriations and the Fiscal Policy Office agree this is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

the best place to pull the funds from. I don't have an issue with the funding mechanism, neither do they, and I think the hand-wringing about it is artificial and not in good faith. I think the bill is very straightforward, direct, easy to understand. And some people are claiming it's confusing in order to sow confusion themselves. And that's a good tactic if you want to defeat the bill. But I get contacted by kids who understand what the bill does. We are smart adults, we're smart enough to understand what the bill does. We don't have to act like we're confused. I also want to make sure Senator Moser and others understand that this is not a study. A study already occurred. This is a plan. Most of Nebraska's ag land, not like 51 percent, but like 92 percent, I mean, almost all.

FOLEY: That's time, Senator.

HUNT: This is a bill to conserve and protect that land. Thank you.

FOLEY: Thanks, Senator Hunt. Senators DeBoer, Halloran, and McCollister. Senator DeBoer.

DeBOER: Thank you, Mr. Lieutenant Governor. All right, I've got a bunch of different notes written in a bunch of different places. One of the things I do want to make sure that we're all clear about, even I wasn't clear about it originally, is that this is not a request for a study, but a request for a plan. It comes out of this final report of the LR455 special committee, which had a number of your colleagues before I entered and some that are still here including Senator Pansing Brooks and Senator Stinner. And the conclusion of that was, it is time for the state of Nebraska to create a climate action plan. The plan should be based on empirical evidence and Nebraska-based data making use of Nebraska expertise and developed through outreach to the public and coordination of public and private sector interests. That doesn't seem very difficult to understand to me. That seems like what we need to do is develop a plan. It's not about studies. It's about a plan. And it's also not about whether or not you believe in climate change. That's a word that has become politicized. This is about us and our reaction to our environment. It's not saying what we should do, but asking that we should have a plan if we need it. I'd rather like to have a plan for things that come up. I know it's making us take sides right now on whether we believe the near consensus of scientists who spend their entire lives studying this thing or whether we believe our own individual experiences. Senator Hughes and I are good friends. I think he would say that. But Senator Hughes says he's been watching the weather longer than me. He's-- he's right because

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

he's older than me, so I've got to give him that. But I have to say, the scientists have been at it longer than you. And if you ask me to make a decision on the floor of this Legislature, much as I love Senator Hughes and I do, he's-- I really consider Senator Hughes a friend. I've told him that we're gonna have an appointment 20 years after we both get out of here and have lunch. He says he hopes he's alive and I said he better darn well be or he's gonna have to answer to me. So if I have to choose between my good friend Senator Hughes' opinion about something and an entire field of scientists and their opinion about something, I'm sorry, Senator Hughes, but I'm going to choose the scientists. And now you'll say to me, there are outliers, they're individual scientists who don't agree. Well, I've been in academia for a long time and so I can tell you, yes, of course there are. Science is an inductive, not a deductive way of thinking. That means that we don't have a law of gravity. We might call it that. This is how we know gravity exists. I dropped a pen and it went down. Wait. I dropped a pen and it went down. Wait. I dropped a pen and it went down. Science is an inductive endeavor. It means that we observe data. We can't prove that it'll happen every time that way, we can just say we've seen enough times. So scientists create studies which isolate variables and then they-- they perform experiments. They look at the data. They do it over and over again. It is something that you have to spend your life learning how to do properly. And occasionally we have an outlier. OK. Let's talk about that for a second. One of my relatives has been spending a little too much time on the Internet during Covid, and every time there's an outlier research or data position by a scientist, this person is through the roof concerned. It's in the air. You can get it several weeks later off of cardboard, things like that. I understand why they're concerned. We see-- we see this study, it seems concerning. Right. But what I-- I told the person was, you got to look at the consensus. Now, it's harder to do with Covid because we're in the early stages of science. Not true with climate science, but with Covid it is and so sometimes there are outliers. You've got to look for consensus of scientists. You got to look where the scientists-- this is true of any academic area. You look for the group, the large consensus, the peer-reviewed, not individuals, not the outliers. That's what you look for. That's what we can trust.

FOLEY: That's time, Senator.

DeBOER: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

FOLEY: Thanks, Senator DeBoer. Senators Halloran, McCollister, and Crawford. Senator Halloran.

HALLORAN: Thank you, Lieutenant Governor. Good afternoon, colleagues. Well, I appreciate what Senator DeBoer said. She started off by saying this is not a debate about climate science and then spent four and a half minutes talking about how climate science is really something that there's a consensus in climate science. I agree, climate change happens, has since the beginning of time. Back in the ice age, this state was covered by several miles of ice. Now, I'm not saying-- suggesting that Senator Pansing Brooks is-- is-- is promoting the idea of a plan for another ice age that would take quite a bit of hardening of our state to deal with several miles of ice. It's been discussed several times that the funding mechanism is not right, and I agree with that. I have a floor amendment that we're not gonna see, and that's fine because there's a bracket and I'm OK with the bracket. I support the bracket, but my amendment was to on page 5, lines 5 and 6, strike "Waste Reduction and Recycling Incentive Fund to the University of Nebraska" and simply insert "current University of Nebraska Budget." We fund the university \$600 million dollars, plus or minus a little bit. Their total budget's a little over \$2 billion. It's a land grant university. I think it should have, doesn't always, does not always act in a manner that would suggest it's a land grant university and has the best interest in Nebraska all the time, but it's a land grant university. I think they can find a quarter million dollars within their existing budget. Would Senator-- Senator Pansing Brooks yield for a quick question, please?

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

PANSING BROOKS: I will.

HALLORAN: Thank you, Senator Pansing Brooks. I-- I think we have a general rule here, obligation that suggests that we do not obligate future legislators to spending or mandates. And this plan, and this-- we have a plan in front of us. You're-- you're talking-- you're-- well, you want a plan, right? Is that correct?

PANSING BROOKS: Yes. I would like to have a- a plan. Yes.

HALLORAN: And-- and at this point in time, that's-- that's kind of vague. We have no idea what that plan's gonna cost. Is that correct?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

PANSING BROOKS: Well, we-- we know that the plan will cost \$250,000 to create. Then we can-- then the Legislature will decide what it does with the plan.

HALLORAN: OK. We've had a-- a horrendous lack of planning in this state for property tax relief for over 50 years. Where's the plan for prop-- thank you, Senator Pansing Brooks, I appreciate that. Where's the plan for property tax relief? Well, we spent three hours on LB1106 and there's at least 17 people that think it's not necessary to plan for that. There's more damage from high property taxes that we don't seem to be able to manage than there is from any pending weather event. We managed the last one. Sure, we had to come up with some extra monies to deal with the flooding, but we managed it. The study that was made is laced with all kinds of proposals about wind generators, solar panels.

FOLEY: One minute.

HALLORAN: It gives you kind of a-- it gives you a-- a matrix or a prediction of where this-- this plan will go. And you're right, we can leave it to future legislators to come up with bills and proposals that will cost money. And I'm guessing if history is any indicator of the future, future legislators won't deal with property tax relief either. But we'll plan for a major weather event that we can't predict. And-- and so Nebraska property taxpayers hold on tight because we'll-- we'll spend more money in the future with this plan and give you less of a chance for property tax relief. Thank you, Lieutenant Governor.

FOLEY: Thanks, Senator Halloran. Senators McCollister, Crawford, and Pansing Brooks. Senator McCollister.

McCOLLISTER: Thank you, Mr. President, colleagues. Senator Hughes is my friend. In fact, I went out to his farm, looked at his land. I looked at his shop, and his shop is actually bigger than Memorial Stadium. So I have been there and we have talked about such things. We've talked about energy reliability, and that is an important topic. My power is out for three weeks as well in 1889 [SIC], when we had a big snowstorm, it's not good. It's makes life impossible without energy reliability. But I will tell you, my friends, that batteries, battery technology is changing such that renewable energy will have a-- a more prominent effect in Nebraska more than ever. And batteries will be the backup source that we have. And when the wind is blowing and the sun is shining, we'll devote some of that energy for battery

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

backup. That is good. Another point, Senator Groene got up here and talked about big brother telling us what to do, the heavy hand of government. We're talking about prescriptive things. Isn't that what occurs with LB632, where we tell people, no, you can't have any kind of regulations that limit plastic bags or anything like that? Isn't that also the heavy hand of government? We also talk about money spent on contingencies, and we do that all the time. Insurance. We buy insurance for contingencies. We build levees. We build dikes for that 500-year flood. So planning is good. So why should this be any different than some of those other things that we do? We've also talked about the Petroleum Remedial Cash Fund. And I contend that those expenditures out of that fund-- that fund have occurred often and for varied reasons. Like what? What do I mean? In 2002, we spent \$150,000 for the Water Policy Task Force Cash Fund. We also spent \$6 million to balance the budget. How about 2002? Four million dollars to the General Fund. Low-level Radiation Waste Cash Fund to provide funding for a lawsuit related expenses. Or how about 2003? Three hundred thousand dollars to carry out the federal Lead-Based Hazard Reduction Act in Omaha. Oh, OK, how about 2004? One point five million dollars to the Water Resource Trust Fund. Going on. How about 2004 and 2005? A transfer of \$1.5 million to the Ethanol Production Incentive Cash Fund. Ethanol. We devoted a million and a half dollars for that. Or how about 2017-19? One point seven million dollars to balance the budget. So, as I contend, we have used that particular cash fund often and for varied reasons. Why not now? I ask you that. We've been talking about whether climate change is real or whether it's man-made or caused by long-term environmental issues. Dr. Wilhite had a couple of bullet points I think speak to this pretty well. Climate change in the past will continue to change in the future in response to both natural and anthropogenic or human-induced forces. Globally, recent changes in climate are confirmed from many data sources and are the result of human actions. There's a strong scientific basis for this conclusion as confirmed--

FOLEY: One minute.

McCOLLISTER: --in the 2018 Fourth National Climate Change Assessment Report issued by the U.S. government. This is in 2018 under the Trump administration. The congressional mandated report concluded that the effects of global warming are intensifying and getting costlier-- costlier. Natural forces or forces that affect our climate change on long-term timescales, thousands of years. These forces will include solar variability, such as changes in the Earth's orbit, changes in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

the solar energy the Earth's-- Earth receives. These changes and natural forces have always occurred and continue today. Both natural and man-made sources have caused those climate changes. So, my friends, it's coming time, I think we've got perhaps 45 minutes left on this particular bill.

FOLEY: Time's up.

McCOLLISTER: Excuse me.

FOLEY: That's time.

McCOLLISTER: Thank you.

FOLEY: Thanks, Senator McCollister. Senators Crawford, Pansing Brooks, and Slama. Senator Craw-- I'm sorry, we're just gonna pause for a moment here. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr. President. New Resolution, LR374 by Senator Wayne is an interim study that will be referred to the Exec Board. New bill, LB632A by Senator Hughes, would appropriate funds to carry out the provisions of LB632. Committee on Enrollment and Review reports LB835, LB889, LB944A, LB1080, LB1166, LB1185, LB1185A, all as correctly engrossed and placed on Final Reading. In addition to that, Enrollment and Review reports LB153, LB858, and LB924 placed on Final Reading Second. That's all I have at this time.

FOLEY: Thank you, Mr. Clerk. Now, Senator Crawford.

CRAWFORD: Thank you, Mr. Lieutenant Governor, and good afternoon, colleagues and fellow Nebraskans. I rise in opposition to the bracket motion and in support of LB283 and the amendments. I want to first thank Senator Pansing Brooks for her persistence. I've been here for a while. Well, as long as anyone else since we have term limits, and I know that many times it takes many years and many efforts to accomplish important things in this-- in this body. And so I was here in 2016 when this plan was-- when the study was done to recommend this plan. I was not a part of the committee, but I was very proud that our body had created such a-- such a research report and the recommendations. And I've been happy ever since then to support this efforts by senators to actually put that recommendation in place. And Senator Pansing Brooks has been tireless in working on that front and I appreciate that very much. I want to speak just a little bit to some of the discussions about why doesn't the university just do it

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

themselves? So I am a faculty member at Creighton University, so I have a bit of an understanding of-- of university workings. And first, I will say I thank President Carter and all the folks at the university who have worked so hard to plan and address the coming Covid concerns and their efforts to bring students back to campus safely and their efforts to deal with reductions in revenue. And so I-- I do think it's important for us to recognize that we are currently in a time when there are serious cuts at our universities. And so this is critical that the funding that they have gets spent on those critical needs that they face immediately before them in terms of reducing tuition and covering the cost to provide education for our students. So the-- one of the functions of a university professor in research is to bring in additional resources and you bring in additional resources for projects and that then helps to pay your salary. That then provides opportunities for graduate students who are furthering their learning so the-- the-- the efforts to bring in additional money-- research funding is a very important part of how a university functions and it's part of how we are able to have such a high quality university with only the amount of money that we provide to them. It's-- it's subsidized a great deal by the work of so many faculty members who are working on research projects that bring in outside funding. So why should we do this? I think it's very important. Again, this was a recommendation by a bipartisan group of our fellow senators. And one of the things that a research grant does is it focuses collaboration and attention. So we have great scientists at the university who do climate work and have a lot of climate data already. What a research-- what a grant like this planning grant would do is to focus attention on the discussion and collaboration of pulling those resources together to produce a particular product. And in this case, that product would be a plan that we would have as a state to look towards and consider how we can move forward when what are our risks we need to mitigate and what are our opportunities we can take advantage of. So the other thing that I want to emphasize is that part of a planning process like this with researchers would also include discussions with stakeholders. So this is not going to be something that is dreamed up in some faculty members' office by themselves. This planning process will be one that is driven by faculty members with research experience, but will also include attention to stakeholders and also include attention to what we already have out there. And so I am confident that they will pay attention to the drought plan development group that's coming out of Senator Bostelman's bill, which is a very important bill that we're talking about and moving forward this session. That will be one less

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

effort that they need to take. They'll know that there's already a group working on that effort. So I urge your support for LB283 and urge your recognition that this small amount of dollars buys a great deal in terms of opportunities for students and in terms of--

FOLEY: That's time, Senator.

CRAWFORD: --furthering our information in the state about how we can move forward. Thank you, Mr. President.

FOLEY: Thanks, Senator Crawford. Senator Pansing Brooks, Slama, and Hughes. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr.-- Mr. Lieutenant Governor. So I just wanted to clarify a couple of things and I really appreciate the comments that Senator Crawford just made, very articulate and bright as normal. What I wanted to add on her comments about the university is that there seems to be this feeling like the university is asking to do this. They never asked to do this. They-- this is something that in the previous study, not to be confused with this plan, we-- they were sugg-- it was suggested that the University of Nebraska has the most resources to be able to-- to be able to do this plan and include various-- a wide array of experts and including numerous departments and other-- and other experts from around the state, so, and that it will range from health implications from UNMC to agriculture and university extension and many areas in between. So that's why the University of Nebraska, and people are saying, well, they should just pay for it themselves. We are asking them to do it. It's not they saying, could we do this for you? So there is a difference there. Furthermore, Senator Gragert asked about whether or not there are man-- mandates or not. Again, I just want to reiterate and clarify that this plan simply provides a framework for adjusting and responding to things happening in the state as a result of extreme weather events. Thirty-four states have adopted these plans. And according to the LR455 report from 2016, some states have been more, quote unquote, proscriptive in their plans, while others have been more, quote unquote, descriptive. As the LR455 report recommends, it is-- it makes the most sense for our state plan to be descriptive and to provide options for response, not mandates. So it's pretty clear that it doesn't mandate anything. It's simply intended to give us policy options to prepare and plan for weather in the future. And any of you growing up in Nebraska, as I did, understand that, you know, back in-- back in the 60s and 70s, some of the you weren't there, no one had any idea what the weather was going to be tomorrow. Now, you

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

look at WeatherBug and they're almost exactly right all the way for the next ten days. That is a change. So no, we can't predict whether or not, you know, a year from now we're going to have another flood, but we are doing a lot better at predicting weather variability and what-- what is happening. I wanted to also discuss the rural poll that was released in July-- July 16, 2020. It was a rural poll on severe weather in Nebraska and impacts in nonmetropolitan-- to nonmetropolitan Nebraskans. The annual Nebraska Rural Poll has given a voice to rural Nebraskans for 25 years and has-- becomes a benchmark of conventional measures of well-being for rural Nebraskans. This report asked a series of questions relating to extreme weather events, particularly those of 2019. The majority of respondents to this 2020 poll, 57 percent said their own community was harmed by extreme weather events of 2019. At least three in ten nonmetropolitan Nebraskans reported minor or major impacts in the following areas, having to drive extra miles for shopping, damage to their house, increased level of anxiety and stress. The reported incidents of harm to their own household was higher among those living in-- near smaller communities less than 500 population. That's the point. Make a plan and help these smaller communities that don't have the ability to plan and to--

FOLEY: One minute.

PANSING BROOKS: --respond. Finally, I wanted to just add a-- a quote from the Lower Platte South NRD who said that they had some uncertainty. However, they believe that a credible study conducted by our own University of Nebraska would greatly assist the state and local political subdivisions at this-- at this time. And they went through a lot of discussion about this and support LB283. And I hope that you will do so too. Thank you, Mr. Lieutenant Governor.

FOLEY: Thanks, Senator Pansing Brooks. Senator Slama, Hughes, and Briese. Senator Slama.

SLAMA: Thank you, Mr. President. I was wondering, I've been listening to debate on LB283 and the debate on the bracket motion as well. And something that I think is an interesting factoid that I was not aware of came up and I was wondering if Senator McCollister, if he's on the floor, would be willing to yield to a question?

FOLEY: Senator McCollister, would you yield, please?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

McCOLLISTER: Most definitely.

SLAMA: Senator McCollister, in just a moment of-- of lighthearted debate here, you mentioned on the mike that your power went out in 1889. Would you mind telling us what that was like?

McCOLLISTER: I must have apparently misspoke.

SLAMA: Thank you, Senator McCollister. I just wanted to make sure that we weren't improperly recognizing him as not being the oldest member of the Legislature, and he is not. I'm still listening to LB283. I do not support the bill. I find it interesting that we're dealing with this study and plan and getting \$250,000 for it when everybody else in this body is facing the same issues with trying to find money for their projects. One such example was, you may recall during the budget adjustment debate before we adjourned for Covid-19, that I had a request as an amendment to the budget for \$125,000 for an engineering study to estimate the cost of what it would be to repair the levee that was decimated in our 2019 floods, like Senator Gragert's district, southeast Nebraska suffered considerably. And this was a real solution, a study that actually accomplished something, a study to get a cost estimate so that the citizens of Peru and the landowners could then pursue a potential fix through private funding. Because at the time, we were struggling to find a way to get funding for that repair on a federal level. And that's something that is a real thing that we can be doing that I can't get funding for anymore. And we're saying we can spend \$250,000 to give to the university who has a research budget in the hund-- in the millions of dollars. I'm just not buying it. I-- where's the money for my great project? Where's the money for every other project that's on this floor? If we're in such dire straits with funding, why are we spending \$250,000 here? That's just my take on the situation. It's nothing personal, but it is interesting that everybody else's things have to be put on hold while we're looking at spending \$250,000 out of a fund to clean up oil leaks to study the impacts of climate change. So that's my take. I'm guessing looking at the queue, this will be my final time on the mike, but I do appreciate the debate today. I think it's been a great debate. We've had a lot of viewpoints talked about. So thank you to all of the senators whether I agree with you or not for taking part. And thank you, Mr. President.

FOLEY: Thanks, Senator Slama. Senators Hughes, Briese-- I'm sorry, Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

ASSISTANT CLERK: Excuse me, Mr. President. An announcement. The Executive Board will hold a Referencing meeting in Room 1525 at 4:00.

FOLEY: Thank you, Mr. Clerk. Senators Hughes, Briese, and La Grone. Senator Hughes.

HUGHES: Thank you, Mr. President. I do want to clarify things. I'm-- I'm going to extend the invitation to Senator McCollister to visit my farm again and to all of my colleagues as well to see that my shop is not bigger than Memorial Stadium. It may look pretty good sized, but I'm hoping that Senator McCollister made a misstatement, and I'm-- I'm here to tell you that my shop is way smaller than Memorial Stadium. It is not big enough, but I'm-- I am very proud of that. So that is something that is cluded-- included when you come to my farm, because it is-- I've worked very hard to get that and we use that a lot. The discussion today-- you know, when I started out, I-- I had a-- had some heartburn with the funding. And, of course, since then it has evolved into a whole bunch of different things. You know, this-- the study that, you know, Senator Pansing Brooks wants the university to do, you know, that-- that's immaterial at this point. We have gone far beyond that. I want to talk a little bit about renewable energy. There's been discussion of wind generators and solar panels. And during my tenure as Chairman of the Natural Resources Committee, we have had a lot of hearings in place wanting, you know, government assistance with building more renewable energies. We've had multiple hearings from the Sandhills area of individuals coming down and, you know, making sure that their voice is heard that they do not want wind development in their backyard. I think Senator Hunt made the point that in her community of Dundee there in Omaha, you know, there-- her constituents want more renewable or green energy. You know, if they're willing to put wind generators in Dundee, good for them. You know, there's a project occurring in the planning stages and development stages just south of Lincoln here in-- in Gage County. And I've got some homeowners in that area are not very happy that they're going to have to be looking at wind generators on their horizon, you know, spoiling the view, you know, from their back deck. So the challenge we have with balancing the lifestyle that we have that is heavily demanded on electricity versus the-- the quality of life, I guess, that we have. Solar panels aren't as high. You can't see from them-- them from as far away, but they certainly take up a huge amount of land in order to generate enough electricity. But I guess the point I wanted to get to today and-- and for those of you who are watching or listening, let me be very clear that if you think you're using green

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

energy all the time, you're not. You know, I had one of the lobbyists for a wind company. I asked him that question. I says, well, how do you produce green energy when the wind is not blowing after dark? That was my exact question. How do you produce green energy when the wind is not blowing after dark? And he said, it's a matter of accounting. And he said it pretty quietly.

FOLEY: One minute.

HUGHES: So for all of you folks who-- out there and-- and if you want to make the choice that you want to use green energy, good for you. You know, if you want to pay a little bit more for it, good for you, but don't expect me to pay more for it. If it makes you feel good, go for it. But understand, we have to have coal and gas and nuclear and hydro. If you want to keep the lights on, we have to have those other sources. And the more of our coal plants we dismantle-- dismantle, the less reliable our electricity is. And as I stated before, living without electricity, even for a day, is very inconvenient. And the more days go on, the much harder time you will have living.

FOLEY: That's time.

HUGHES: Thank you, Mr. President.

FOLEY: Thanks, Senator Hughes. Senators Briese, La Grone, and Brewer. Senator Briese.

BRIESE: Thank you, Mr. President. I would yield my time to Senator Bostelman. Thank you.

FOLEY: Thank you, Senator Briese. Senator Bostelman, 4:50.

BOSTELMAN: Thank you, Senator Briese. Thank you, Mr. President. I want to continue on, on some of things I was reading about before to just to finish out the-- my thoughts on that. So we'll get through some of this here and specifically talking about studies and the need for studies and how those studies are used. The Manhattan Institute published something in 2018. It's called Overheated: How Flawed Analyses Overestimate the Costs of Climate Change. About flaws in relying on economic-- economics for climate change if relying only on temperature data only and not including adaptation. So once again, a thought to myself is, who's going to make the decision on even starting the point? What methods and validity-- validity are going to be used for an economic study for sectors in Nebraska? Is it retired

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

professors? Is it senators prioritizing bills? Is it citizens? Is it ag producers? Is it power generation companies? Who is it that's gonna do it? Or in this case, the NRDs? Who's gonna be a part of that? I'm gonna move on. Now, we're gonna talk specifically about New Hampshire. One example of a state's waste, and I'll say waste on an energy study, and here again, we're talking about studies, which although not climate science, is an analogy-- is an analogy study on how state funds can be wasted when not established at the start. Vali-- to-- to start to validify is how in 2014, New Hampshire spent \$200,000 on taxpayers' dollars to fund a 10-year energy strategy, with part of the focus being on long-term uses and potential generation. The taxpayer-funded report required stakeholder involvement over a 15-month period. The end result was a report issued in 2015 with recommendations that everyone knew could not be met. Again, with recommendations that everyone knew could not be met. Per statute, the 10-year plan that was assembled needed to be updated every three years. So in 2018, with a different administration, the original plan was gutted for a more pragmatic and practical plan, which definitely pointed out problems with government--government interventions, especially related to areas such as renewables. And then 2018, we'll go on to that in their report, it says the risk with any policy that is-- that it misidentifies the most efficient source of achieving the policy aim. End quote. The renewable technologies will continue to grow in importance and market impact. The market selection should steer those investments, not government sponsorship. It should not be controversial to seek an ultimate outcome where production technologies are not subsidized by ratepayers or taxpayers. The uneconomic resources will not exist absent subsi-- subsidization. Yet, those same resources may be wise investments in the near future when costs curves are more favorable. The end goal with energy infrastructure should be unaided market competition where the technology competes on the merits, not on the deman-- not one that demands on taxpayer support. New Hampshire energy policy should not seek to mimic neighboring state renewable energy policies. Instead, New Hampshire should seek the most appropriate investments and goals, given our state's geographic location, environmental--

FOLEY: One minute.

BOSTELMAN: --considerations, land use requirements, and need to deliver cost-effective energy. The RPS framework depends on mandates that segment renewable technologies from each other and from the broader competitive electric-- electricity market. If reducing

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

emissions is a primary objective, then in order to have conceptual consistency, the RPS should be redefined to include other zero carbon or low-carbon resources. If the goal is to pursue the most cost-effective, low-carbon options, then segmenting energy technology types thwarts that outcome using an infinity-- infinitely replenishable fuel is only one component of sustainable energy projects-- products production. Government intervention in energy markets should be limited, justifiable, and technology neutral.

FOLEY: That's time.

BOSTELMAN: Thank you, Mr. President.

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

La GRONE: Thank you, Mr. President. Colleagues, like I previously said, my issue with this bill is purely with the funding source. That's what I have a problem with. And the reason I'm so passionate about that is I know there are a lot of these leaks in my district and they can be incredibly costly. They can be incredibly harmful if they aren't cleaned up properly. I know there are-- there's an area in my district that you probably all drive by frequently if you live in the Omaha area where they've had at least ten leaks over the past few years. Further, I asked my constituent who cleans these up, what happens, what's the risk if one of these goes uncleaned, what happens then? And he said, well, obviously the containment is an issue, but it also depends what the property becomes after it's no longer a gas station or whatever property had the tank on it. So let's say, and this is what he told me, let's say you had a tank and then there was a house built near it and the tank was at basement-- somewhere near basement level and started leaking, then you could have a real explosion risk. Other times you might have vapor risks. Think about if there was a park or something like that built in that area, then that-- that could be a very serious issue. So that's why I'm so passionate about this funding source and why I can't support the bill with the funding source and where it comes from. And with that, I'd yield to the remainder of my time to Senator Briese.

FOLEY: Thank you, Senator La Grone. Senator Briese, 3:30.

BRIESE: Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

FOLEY: He waives the opportunity. Next in the queue are Senators Brewer, Friesen, and Bostelman. Senator Brewer.

BREWER: Thank you, Mr. President. Well, I feel a bit obligated after Senator Hughes did the invitation for Senator McCollister to see his shop to invite him out to the Sandhills. I don't have much of a shop. Maybe we invite you to go hunting or something. It'll be safe. I promise. The-- the-- the issue, after looking at LB283 more, really isn't the base bill itself as when I went into AM2481 that I had the issues and I'll read through them now. All right, and this is just the center paragraph, it talks about: Opportunities exists for the people of Nebraska to respond appropriately to the risk, including economic opportunities through development of renewable energy from our abundant wind, solar resources, biofuels, nuclear energy-- nuclear power, through a reduction in pollutants, through efforts to reduce the use of fossil fuels, through strengthening private property rights and having public input on infrastructure and reducing eminent domain. Some of that, I-- I can't argue with. The-- the private property part of that is, is one part of this I think we need to remember in that you should have the right to do what you feel is right on your private property. Unfortunate with wind energy, where it comes in is, for example, say we build the wind tower where we stand right now. It's gonna be 600-plus-feet tall. The base is gonna go 40 to 60 feet down into the ground depending on the soil. And if you happen to own the house, say where Billy's is right now, every morning for the rest of your life, you're gonna wake up, you're gonna look out your front door, and you're gonna look at this monstrosity of a tower. And the house that you spent a lifetime paying for is gonna virtually become worthless because who's gonna buy that house and want to look out there and see that every morning? Who's gonna want to listen to the sound of those blades spinning? The situation we're dealing with in my district is the Kilgore wind project, 19 towers. That don't sound like very many. But they're scattered along Highway 20 in absolutely the most beautiful part of the state in Nebraska. It's where people come to see the beauty of the Sandhills. And we're gonna straddle that highway and you're gonna drive through a forest of these steel behemoths. And we wonder why the people are up in arms. Why are they going out of their way day, night, weekends to fight these wind farms? I've helped them in the 13 counties in my district, I've helped them in Pierce and Stanton. Next week, I'll be in Gage County. Everywhere they want to build a wind tower, I will fight them. I will-- I will tell the truth about what these towers are gonna provide to them. And we had a hard choice because we knew that the R-Project-- and again,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

those of you who aren't familiar with the R-Project, major power line, clearly the biggest power line we'd build that would leave the gentle-- Gerald Gentleman power plant in Sutherland, and instead of heading toward Neligh, Nebraska, decided to dogleg north almost 100 miles. Why? To meet wind farms. Because the wind farm don't do you any good unless you move the power somewhere. The problem is there's backdoor deals been made. And again, track the money. That's where it all comes back to. And there are nonresident landowners who want nothing more than to pad their pockets with money, and they don't care if the Sandhills are ruined. They don't care if Nebraska's tourism goes south. So they agreed to put wind towers on their places.

FOLEY: One minute.

BREWER: And people-- and the people stood up, fought. The problem was, when I came into office, it was almost a done deal. NPPD had pretty much had it greased and it was gonna happen. But because of efforts of a lot of really good people, we filed a lawsuit. When it was reviewed, it was determined they did not follow the law with endangered species or the route through the historical areas. And as a result, the judge stopped the R-Project and with it the wind farms. So that is the result of the people standing up and saying, listen, enough is enough. We're not gonna do it. That's my heartache with wind energy. Thank you, Mr. President.

FOLEY: Thank you, Senator Brewer. Senators Friesen, Bostelman, and Wishart. Senator Friesen.

FRIESEN: Thank you, Mr. President. So I'm gonna start a little bit and I'm gonna go back and I talked a lot about some of the work now that we do to help try and mitigate some of the extreme weather events. And so I contacted the Department of Transportation and tried to, you know, get a feel for what they spend doing an average project, what they expend in dollars to do that project, just an environmental impact, the flood studies, those types of things. And the comment I got back was the average project they spend \$500,000 just doing the-- the study. This isn't building the road. This is trying to get the permission to build the road. So when I look at \$250,000 to come up with a plan that we're supposed to-- supposed to guide us into the future to mitigate these extreme weather events, I-- I look at a plan that will not be sufficient and it'll end up on the shelf somewheres. And worse yet, maybe that that plan then is used to try to mitigate things and increase the cost of everything we do, and in the end, we still won't be able to mitigate those extreme weather events. There

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

are just some events that will never be mitigated. One of the things that I guess we could do is prevent urban sprawl. We keep pouring more concrete. We're gonna have more flooding, there's more runoff. And when we talk about the dikes, everyone builds their dike a foot higher, but somewhere downstream, water seems to find the weakest spot. And so unless you're gonna build up the whole system, which, again, the costs will be impossible to fund. We have to hold-- redo the whole system. And the more you try and push water into a narrower waterway, the higher it rises, and sooner or later it finds the lowest spot. Part of the process for doing this plan was one of the main things, I guess, you know, was listed, extensive opportunities for public common engagement. I would hope that this plan is based more on facts rather than emotional testimony about how somebody was flooded out or how many-- somebody was damaged. This plan should be based on, I guess, extensive, knowledgeable engineering people, things like that, and public comment probably would not be needed or should be taken into account. The next item I want to touch on a little bit as we keep hearing over and over, I've heard that wind energy is going to save us or renewable energies. And there's just a little article that was written by Ernie Goss. And he talks a little bit about the French and how they have kind of given up a little bit on wind energy. Here's a study that the U.S. Department of Energy showed in 2016 that electricity producers in the U.S. received \$15 billion in subsidies, approximately \$6.7 billion of that going to renewable energy. And thus, despite the accounting for only 17 percent of the electricity production, renewable energy producers received almost 45 percent of the subsidies. But even with the subsidies, renewable electricity costs per megawatt hour of production, including plant equipment costs, greatly exceed that of conventional methods of generation. For example, nuclear power costs per megawatt hour was for wind was five times that of nuclear; solar, it was six times that of nuclear. You know, if we-- if we want to talk about climate change and quit using fossil fuels, we will never have 100 percent renewable energy because it's not reliable. And so instead of wasting our time and energy building these, we need to focus on nuclear power.

FOLEY: One minute.

FRIESEN: We have the technology, we have the knowledge, and instead we're-- we're gonna build all these other systems. And in the end, they're not reliable enough. We are going to end up depending on something other than wind and solar. Solar power at least comes in during the heat of the day when the peak demand is there. I get that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

But longer term, there is no one can say that they are based simply on 100 percent renewable energy or else they are not gonna have electricity at some point in their day. So I, I-- when somebody says they're 100 percent renewable, that is a lie. And so I think we need to focus on nuclear power. That will talk about fossil fuel use and it is clean energy production and otherwise a study-- again, if a study is just there to be put on the shelf, I don't think we have the funds or the ability to mitigate these severe--

FOLEY: That's time, Senator.

FRIESEN: --weather events. Thank you, Mr. President.

FOLEY: Thanks, Senator Friesen. Senators Bostelman, Wishart, and Murman. Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. Again, I'm not debating-- I don't want to be debating the climate aspect of this. But I will want-- I do want to read something into the record, I think, to-- to bring fact, updated information that's just been published. The new-- the new good news is that the carbon emissions have been declining in developed nations for more than a decade. In Europe, emissions in 2018 were 23 percent below 1990 levels, and in the U.S., emissions fell 15 percent from 2005 to 2016. The U.S. and Britain have seen their carbon emissions from electricity specifically decline as-- at an astonishing 27 percent in the U.S. and 63 percent in the United Kingdom between 2007 and 2018. Most energy experts believe emissions in developing nations will peak and decline, just as they did in developed nations once they achieve a similar level of prosperity. As a result, global temperatures today appear much more likely to peak at between two to three degrees centigrade over preindustrial levels not for where the risk, including from tipping points, are significantly lower. The International Energy Agency now forecasts carbon emissions in 2040 to be lower than in almost all of the IPCC scenarios. Can we credit 30 years of climate alarmists for the reduction in emissions? We can't. Total emissions from energy in Europe's largest countries, Germany, Britain, and France, peaked in the 1970s thanks mostly to the switch from coal to natural gas and nuclear. And I'll go on to a different section. Some appear to be moder-- moderating their views of climate change as-- as well, in December 2019, David Wallace-Wells, the-- the author of the apocalyptic 2019 book, *The Uninhabitable Earth*, which claimed climate change was much, much worse than you think wrote that, for once, the climate news might be better than you thought. It's certainly better than I've thought, said Wallace-Wells. Pointed to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

research by Pielke and others showing that the PCs-- the IPCC's high coal use scenarios known by its technical name RPC8.5 was highly improbable and temperatures were likely to peak below the three degrees centigrade above preindustrial levels. In 2019-- in December 2019, the IPCC invited an expert reviewer to its next assessment report and we'll be seeing that come out in the near future. So we're talking a little bit-- I just want to put that factual information out there because we keep hearing about carbon and everything's changing and we need to do this for a reason. On what they're saying the reason is, but what we're seeing factually is, is that actually the emissions are declining and temperatures are not gonna be affected as much as what they think or what they have said before. And I only want to say that just as a matter of fact, to be put on the record. I spoke earlier about a Brook-- Brookings report. It says how the geography of climate damage could make the politics less polarizing. And back to again, we're talking about a study, a plan or what are we talking about?

FOLEY: One minute.

BOSTELMAN: And in this, I have it right here in my hand and I have the results right here in my hand. This is a county-by-county assessment that studies are already done showing the impacts. So why do we need more? So if you look at the damages per climate impact, lab data economics, I have it. In Nebraska, 2.05 percent is the average. If we look on count-- that's for the state. If we look county by county, the likelihood damages best and worst case scenarios by county climate impact had by data economics is by county. You can look up your counties if you want. But the best case scenario is a negative 1.19 or 1.2 affect, which is a positive. Or the worst case scenario would be a 6.6 percent.

FOLEY: That's time.

BOSTELMAN: Thank you, Mr. President.

FOLEY: Thanks, Senator Bostelman. Senators Wishart, Murman, and Groene. Senator Wishart.

WISHART: Question.

FOLEY: Question has 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

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

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

ASSISTANT CLERK: 17 ayes, 4 nays to go under call.

FOLEY: The house is under call. All members, please return to the Chamber and check in. The house is under call. Senator Wishart, when we get to a vote, how did you want to proceed on that vote to cease debate?

WISHART: Roll call vote. Reverse order.

FOLEY: Roll call in reverse when we get there. Thank you. All members, please check in, we're under call. Senators Bolz, Wayne, and Chambers. Waiting for Senators Bolz and Chambers. Senator Walz, we're informed that Senator Chambers is on his way, but I don't know about Senator Bolz. Do you want to wait for Senator Bolz or proceed? Excuse me, Senator Wishart.

WISHART: I'm gonna wait.

FOLEY: You prefer to wait. Senator Bolz is here. All unexcused members are now present. Members, the immediate vote that you'll be taking is whether or not to cease debate. There's been a request for a roll call vote in reverse order. Mr. Clerk, please call the roll.

ASSISTANT CLERK: Senator Wishart.

WISHART: Yes.

ASSISTANT CLERK: Voting yes. Senator Williams.

WILLIAMS: No.

ASSISTANT CLERK: Voting no. Senator Wayne.

WAYNE: Yes.

ASSISTANT CLERK: Voting yes. Senator Walz.

WALZ: Yes.

ASSISTANT CLERK: Voting yes. Senator Vargas.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

VARGAS: Yes.

ASSISTANT CLERK: Voting yes. Senator Stinner. Senator Slama.

SLAMA: No.

ASSISTANT CLERK: Voting no. Senator Scheer.

SCHEER: No.

ASSISTANT CLERK: Voting no. Senator Quick.

QUICK: Yes.

ASSISTANT CLERK: Voting yes. Senator Pansing Brooks.

PANSING BROOKS: Yes.

ASSISTANT CLERK: Voting yes. Senator Murman.

MURMAN: No.

ASSISTANT CLERK: Voting no. Senator Moser.

MOSER: No.

ASSISTANT CLERK: Voting no. Senator Morfeld.

MORFELD: Yes.

ASSISTANT CLERK: Voting yes. Senator McDonnell.

MCDONNELL: Yes.

ASSISTANT CLERK: Voting yes. Senator McCollister.

MCCOLLISTER: Yes.

ASSISTANT CLERK: Voting yes. Senator Lowe.

LOWE: No.

ASSISTANT CLERK: Voting no. Senator Linehan.

LINEHAN: No.

ASSISTANT CLERK: Voting no. Senator Lindstrom.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

LINDSTROM: No.

ASSISTANT CLERK: Voting no. Senator Lathrop.

LATHROP: Yes.

ASSISTANT CLERK: Voting yes. Senator La Grone.

La GRONE: No.

ASSISTANT CLERK: Voting no. Senator Kolterman.

KOLTERMAN: Yes.

ASSISTANT CLERK: Voting yes. Senator Kolowski.

KOLOWSKI: Yes.

ASSISTANT CLERK: Voting yes. Senator Hunt.

HUNT: Yes.

ASSISTANT CLERK: Voting yes. Senator Hughes.

HUGHES: No.

ASSISTANT CLERK: Voting no. Senator Howard.

HOWARD: Yes.

ASSISTANT CLERK: Voting yes. Senator Hilkemann.

HILKEMANN: No.

ASSISTANT CLERK: Voting no. Senator Hilgers.

HILGERS: Yes.

ASSISTANT CLERK: Voting yes. Senator Matt Hansen.

M. HANSEN: Yes.

ASSISTANT CLERK: Voting yes. Senator Ben Hansen.

B. HANSEN: No.

ASSISTANT CLERK: Voting no. Senator Halloran.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

HALLORAN: No.

ASSISTANT CLERK: Voting no. Senator Groene.

GROENE: No.

ASSISTANT CLERK: Voting no. Senator Gragert.

GRAGERT: No.

ASSISTANT CLERK: Voting no. Senator Geist.

GEIST: No.

ASSISTANT CLERK: Voting no. Senator Friesen.

FRIESEN: No.

ASSISTANT CLERK: Voting no. Senator Erdman.

ERDMAN: Not Voting.

ASSISTANT CLERK: Not voting. Senator Dorn.

DORN: No.

ASSISTANT CLERK: Voting no. Senator DeBoer.

DeBOER: Yes.

ASSISTANT CLERK: Voting yes. 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.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

BRIESE: No.

ASSISTANT CLERK: Voting no. Senator Brewer.

BREWER: No.

ASSISTANT CLERK: Voting no. Senator Brandt.

BRANDT: No.

ASSISTANT CLERK: Voting no. Senator Bostelman.

BOSTELMAN: No.

ASSISTANT CLERK: Voting no. Senator Bolz.

BOLZ: Yes.

ASSISTANT CLERK: Voting yes. Senator Blood. Senator Arch.

ARCH: No.

ASSISTANT CLERK: Voting no. Senator Albrecht.

ALBRECHT: No.

ASSISTANT CLERK: Voting no. Vote is 21 ayes, 25 nays, Mr. President.

FOLEY: Debate does not cease. I raise the call. Continuing discussion, Senator Murman, you're recognized, to be followed by Senator Groene and Clements. Senator Murman.

MURMAN: Thank you, Mr. Lieutenant Governor. I stand in support of-- well, in opposition to LB283. Colleagues, is our planet getting warmer? Yes. Is it the catastrophe the alarmists would have you believe? No. The idea that even minimal warming is proof of upcoming disaster has been one we have heard since the earliest days of the environmental movement. I don't think the scare tactics are-- are really helping. It's kind of like the situation we're in right now with the Coronavirus. Only with the Coronavirus, there is reality to it. But with the global warming, they're not doing any good, they're causing a lot of psychological stress. Just one popular example would be a quote from the Green New Deal sponsor, Representative Alexandra Ocasio-Cortez. The world is going to end in 12 years if we don't address-- address climate change. That's probably the most popular quote other than possibly a quote from our former Vice President, Al

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

Gore. But these-- these alarmists don't help at all. And now I'm going to go on to some quotes that-- and they're from Michael Shellenberger, he's a TIME magazine "Hero of the Environment" Green Book Award winner, and they all kind of indicate some-- what-- some of the things that we're doing, both nationwide and especially here in the state of Nebraska, that we're already mitigating the effects of climate change. There's been a 99.7 decline in the death toll from natural disasters since their peak in 1931. Ninety-nine point seven percent decline. In 1931, there were 3.7-- 3.7 million people that died from natural disasters. In 2018, the-- the latest statistic that's available here in this report, there were just 11,000 that-- that died. So 3.7 million compared to 11,000. And in that time, the global population has actually quadrupled. So a huge difference there. Since the environmental movement started, I've heard all kinds of reasons that climate change, at first it was called global warming, are affecting our environment. There were some-- several years that we had an unusual number of hurricanes in the country. And-- and, of course, the discussion was that the large number of hurricanes was because of global warming or climate change. But since then, we've had several years that have had an unusually low number of hurricanes. And then there was a stretch of years that we had a lot of tornadoes. And the-- the idea was that this large number of tornadoes in the country was because of climate change. Well, since then, we've had less tornadoes than usual for several years. There's been droughts. Whenever there's a drought, the-- the discussion is that the droughts are the result of climate change. Well, in recent years, the recent years we've had here in Nebraska has been unusually wet. Famines early in-- in the climate change when climate change was first being discussed, they said famines all around the world were a result of climate change. And I've got a quote here from Dr. Shellenberger that says, Humans today produce enough food for 10 billion people or actually 25 percent more food than what we need. And, of course, Nebraska can take a lot of credit for this. Our agricultural producers are-- are very good at what they do. Wheat yields have increased 100 to 300 percent around the world since the 1960s. And a study of 30 models found that yields would decline by 6 percent for every one degree Celsius increase in temperature. Well, if yields are gonna go up 100 to 300 percent, a 6 percent decline--

FOLEY: That's time, Senator.

MURMAN: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

FOLEY: Thanks, Senator Murman. Items for the record, please.

ASSISTANT CLERK: Thank you, Mr President. Amendment to be printed to LB918 from Senator Wayne. Have a Reference Committee report for LB1222. New resolution, LR375 by Senator Kolterman, that will be laid over. And finally, a motion and an amendment to LB283. That's all I have at this time.

FOLEY: Thanks, Mr. Clerk. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. We've exhausted the time available for this bill on its first shot. So we'll move on to the next item, please.

FOLEY: Thank you, Mr. Speaker. We'll move back to where we left off at lunch time. Mr. Speaker.

SCHEER: We would be moving down to LB681 is the next item, then we would move back.

FOLEY: I apologize, my mistake. Thank you, Mr. Speaker.

ASSISTANT CLERK: LB681, introduced by Senator Hilgers, is a bill for an act relating to the Legislature; to change provisions relating to legislative subpoenas; repeal the original sections. The bill was introduced on January 23 of 2019. It was referred to the Executive Board. The Exec Board placed the bill on General File with committee amendments attached.

FOLEY: Thank you, Mr. Clerk. Senator Hilgers, you're recognized to open on LB681.

HILGERS: Thank you, Mr. President. The next-- I've got a committee amendment. Can I get that on the board and just open and take that time?

FOLEY: Yes, please proceed.

HILGERS: Thank you.

FOLEY: You can open on the committee amendment, Senator Hilgers.

HILGERS: OK. OK, thank you. Thank you, Mr.-- all right, there we go. Good afternoon, colleagues. I'm opening on LB681, which is really AM3149, which becomes the bill. This is gonna be a little bit dry. I'm

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

gonna give you a little bit of history, but I think this is a really important bill and a very important amendment to protect the legislative authority of this body. So this relates to-- you may recall, and for those new members who-- who came in 2019, this preceded you coming into the body. But it-- it went into the last year and a half. And so what happened in 2018, the Legislature issued a subpoena. The Judiciary Committee issued a subpoena on Director Frakes of the Corrections Department. And that ultimately led to, and I won't go into all the details of the lawsuit, but ultimately there was a lawsuit pending at the beginning of 2019 that challenged the Legislature's ability to issue that particular subpoena. And so for those of you who are not aware, the Legislature has the ability, it's in our rules, it's in statute, to-- to issue subpoenas in the course of its investigatory oversight ability. So the standing committee has authority to do it. When specifically authorized by a resolution, a special investigative-- investigatory committee or an oversight committee, also has the authority to issue subpoenas. The Legislative Council has the authority to issue subpoenas, as-- as does the Exec Board. There's a particular procedure in our rules and there's a particular procedure in statute that we have to follow in order to issue those subpoenas. But nevertheless, we have the authority to do so. Now, that-- that authority has not often been used and it has even less often been challenged. And that is precisely what happened in the Frakes case. And in 2019, when this case was pending, I introduced LB681 with the express purpose of being in a position in case there was a decision that was adverse to the Legislature, that-- that had some impact on our authority that needed to be mitigated. And that is unfortunately exactly what happened. So the Supreme Court issued a decision in the Frakes case the beginning of this year. And I want to talk about some of the impact that that-- that case, that order had on this Legislature's authority. Ultimately, what the court found and there were multiple-- or held and there were multiple pieces of this and I'll try to unravel it as best I can. and happy to dig in any further as needed. But what the-- the primary holding of the Supreme Court's decision is that legislative subpoenas lose their authority, become moot, are rendered dead, are-- are a nullity at the end of the two-year biennium. So when this led-- so we're in the One Hundred Sixth Legislature, we're in the second year of the One Hundred Sixth Legislature, if this body introduces a subpoena, issues a subpoena through a standing committee, a special oversight committee or the like, if that subpoena has not been responded to, documents have not been provided and the end of the session comes, the end of the year and the new One Hundred Seventh Legislature is convened pursuant to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

the constitution, that subpoena would die. And so what that means is, is that there is-- that order creates an inherent timeline, a shot clock for our authority. Now, that problem is a real one, because now you can only issue subpoenas if there's enough time for them to be adjudicated before the end of the two-year session. That's compounded because there's no timing in the statute that requires the court to act. So for those of you like Senator Lathrop and others who practice in courts, Senator Wayne, subpoenas, you often can issue them two weeks out or three weeks out, but oftentimes it takes some time even if someone is going to comply with a subpoena to get the documents to sit for a deposition. But if they want to challenge a subpoena, especially what happened in the Frakes case, they challenge it to the district court level and then it gets appealed, that can stretch for months. And so one of the big problems of the Supreme Court's order that was compounded by the process that's in play when you're dealing with subpoenas, is that essentially it might-- it effectively renders the ability of the Legislature to-- to be sure that its subpoenas will be complied with to those subpoenas that are really only issued potentially in the first year of the two-year biennium. So if you're talking about something that goes to the core of our legislative powers, our oversight power, our ability to subpoena is a critical part of that power. And if we can't be sure that we're issuing subpoenas in the second year of a biennium and that those subpoenas will be complied with, that is a real problem for this body in my view. And so LB681, and specifically AM3149, is meant to address that particular problem. Now, that wasn't the only problem. And I'll talk about what it does to address and mitigate those problems. There are a couple other issues that came up in that particular lawsuit that I think we tried to address here. One is that the Attorney General in that case attempted to challenge our referencing decision as a body. Now, this wasn't ruled upon by the Supreme Court, but it was a challenge. And so I think that's a-- the legislative rules and how we apply those rules are a legislative function and in my view, should not be challenged. And I think that's an encroachment on the legislative authority and prerogatives to have another branch of government determine whether or not we applied our own rules. There are rules. We're applying those rules. We determine how they should be applied and whether or not they're correctly applied-- applied. The other problem that we had, and for those of you who are on the Exec Board or on the Judiciary Committee and those-- those are the two, the Judiciary Committee actually issued the subpoena, and the Exec Board approved it. You know this first hand, because we had a gigantic party problem because we had about 20 different defendants in the lawsuit.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

We had every member of the Judiciary Committee and every member the Exec Board named as defendants in 2018 when the lawsuit was filed. And then we added all of the new members of the Judiciary Committee because there were some, and of Exec Board, there were some, into the lawsuit at that point. That also created a problem. The Supreme Court also pointed out that there are some potential problems with the process of the subpoena, not the issuing of the subpoena, but the process of the subpoena and the contempt process. So there was a hearing and there was no finding of contempt. So sometimes you have to do that in order to sort of to-- to set the procedural foundation to actually enforce your subpoena. And Supreme Court said that that was a potential issue as well. So these-- these were some of the issues that came out of the Supreme Court's decision that AM3149 was meant to address. So we reviewed very closely-- I worked very closely with the Clerk. I worked very closely with legal counsel for the Exec Board and also stressed test this with other members of the body. Certainly the Exec Board, but also Senator Lathrop and I want to thank him for his-- for his insight and feedback into this draft. So here is what AM3149 is trying to do as its primary set of purposes. And I'm happy to dive into this because I'm not gonna describe every line and page, but here's the primary point. Point number one. This bill is intended to ensure that the Legislature does not have this shot clock that will force its subpoenas to be expired. Now, what we can't do is we can't change the constitution. This-- this bill doesn't purport to change the constitution. So I can't put it in the constitution, but what I can do is give the next Legislature a mechanism to renew that subpoena and have it relate back. So it's a core of a concept in the law. You can always renew something and it-- it can go back to where it started as if it never expired. And so what AM3149 sets out is a mechanism by which the next Legislature can-- can vote. They have to vote. It doesn't happen automatically. They have to decide is this a subpoena that we continue to want to enforce. And if they vote that way, it relates back in a way so that the subpoena never expired. So the first and I think the primary mechanism to-- to address this issue of a shot clock and expiration of our subpoena power is to give the next Legislature the power to renew it in a way that doesn't restart our clocks so we have to start the whole litigation process all over again. The Supreme Court's ruling sort of made it worse for us in a way, because before that ruling, we could serve the subpoenas and they would be live and less challenged. I think this at least mitigates the impact of the Supreme Court's decision. The second thing we did is we said, look, trial court has to act within a certain period of time. So the trial court has 20 days in this AM to act on the subpoena. So that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

was one of the concerns I mentioned and that it really exacerbates the problem of the shot clock. If the-- if the litigation process can be drawn out, then you could maybe get a subpoena served in February of 2020, for instance, and you could draw it out until January 2021 it would go. So this way we're-- we're-- we're-- and I think reasonably we've done this in other areas of statute, other parts of the law told the trial court, you got to act within a certain amount of time and here's 20 days. And in all candor, with a subpoena, that's more than enough time for a trial court to be able to rule on something like that, and hopefully it'll be even faster. So that's another thing we did. Another thing we did is we-- we addressed the party problem. So now instead of having all of the--

FOLEY: One minute.

HILGERS: Thank you, Mr. President. I may not be able to get through the entire introduction on this in the time that I have remaining, but I've hit my light and I'll-- I'll try to wrap this up.

FOLEY: Senator Hilgers, you passed up the first ten minutes on the opening so you can continue.

HILGERS: Oh, OK. Thank you, Mr. President. Thank you. It's a good lesson. I probably shouldn't have done that I suppose the first time around. Thank you. So the next thing that we did is we handled the party problem. So if you recall the mess that occurred-- and by the way that we had members who were no longer members, former members, former Senator Watermeier, former Senator Larson, former Senator Ebke, who were still-- were still parties to the-- to the litigation. And that actually causes a real problem from an attorney-client privilege perspective, from a determination of what the strategy should be perspective. And it didn't really-- that problem didn't really manifest itself in our litigation. It was at the Supreme Court at that point. There wasn't really-- it wasn't as if there was a question of settlement or strategy. It was all kind of-- at that point, it wasn't an issue, but it absolutely could be an issue if you had 20 different senators and everyone wanted to do a different thing and you didn't have alignment. So now we've-- we've-- we've cleaned that up and said, hey, what-- who really will be the entity will be the committees and the Chair. So the standing committee, so the Judiciary Committee, Senator Lathrop. Exec Board would be Exec Board and myself, and those would be the parties. At least you've streamlined it. It doesn't fully solve the problem because you could still have some-- some issues, but it creates a much more manageable issue instead of having 20 people or

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

25 people, now you might have 2. We also did-- we also clarified the process of the contempt process, the hearing process. And really this is meant to give future legislatures, future committees some guidance as to how to go about this process in a way that's clean and sets the procedural foundation. What we don't want to have happen is if the Legislature standing committee, the Exec Board oversight committee is really trying to enforce legislative prerogatives through the subpoena process, what we don't want is, you know, if we don't do this very often, which we haven't, that we're sort of doing it differently every time. And maybe this time we do it right, but this time maybe it's procedural, there's a procedural defect. So this was meant to really give guidance, statutory guidance for how this process should go to address one of the other problems that the Supreme Court referenced in its decision. The last thing that it did, it's sort of big picture again, there's multiple-- there are more multiple changes in here, but these are the primary changes. The last thing it did is just help-- the original statute had some ambiguities relating to the process and the procedure. And so what this intended to do was actually do some clean up and reorganize and harmonize the provisions in a way that made a little bit, sort of, I think, a stronger, more uniform procedural process. And really give future legislatures again that direction on how to go about enforcing the subpoenas that we issue. So big picture, colleagues, there isn't a subpoena pending right now. There may not be for the rest of the year, but this is an absolutely critical bill and amendment to help protect the prerogatives and authorities of this branch of government. I'm very happy and proud to say that the amendment was passed without any opposition. It was a 9-0 vote in the Exec Board. We ensured that all the stakeholders in the legislat-- in the-- in the Legislature from the Clerk, and as I mentioned, the legal counsel, we just spoke to other senators outside of the Exec Board, people who had subject matter expertise on this issue, including Senator Lathrop, had the opportunity to weigh in. Certainly, if there are any changes or ways we can-- we can make it better, I'm certainly open to doing that. The reason why we're, by the way, that we're bringing it now and not a little bit earlier this year was because we were waiting on some United States Supreme Court decisions, as you're all aware, I'm sure. At the end of the term, there were two decisions from the United States Supreme Court relating to subpoenas as to President Trump. One of which actually went to the-- to the House of Representatives' prerogatives and authority, and so we wanted to see if there's anything that we needed to react to from that decision. So there's been a lot of work put into this. If there's a way to make it better, we're certainly open to it. But I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

hope to get the body support for the amendment and the underlying bill. I'm happy to answer any questions that anyone might have. And I, again, thank all the stakeholders for working with me on this particular piece of legislation. I think it's one of those we may not use in our-- in our time here, but I think it's one that will make the body stronger and really mitigates the harm that occurred this year. So thank you, Mr. President.

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

ASSISTANT CLERK: Mr. President, Senator Hunt would move to recommit LB681 to the Executive Board.

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

HUNT: Thank you, Mr. Lieutenant Governor. Colleagues, I don't want another day to go by without addressing what happened in this institution on Tuesday. And I'm gonna take a little time on Senator Hilgers' bill to speak on this, because his bill deals with the authority of the Legislature as an institution, the committee structure, committee power, subpoena authority, etcetera. And Senator Hilgers, I apologize for not giving you a heads up that I was doing this, but I wasn't sure we were going to get to it, so it moved a little bit fast. We have to talk about an important matter regarding the fundamental legitimacy of our deliberative body. And I'm gonna tell you why I believe the Lieutenant Governor should refrain from presiding over the Legislature when we are debating or considering LB814 or any legislation relating to abortion or abortion restrictions. The Nebraska Constitution provides that the Lieutenant Governor shall be the presiding officer when the Legislature is in session. Similarly, Rule 1, Section 5 of our rules provide that the Lieutenant Governor is generally the presiding officer. The same section of rules provides that the Speaker shall serve as the presiding officer when the Lieutenant Governor is unable to do so. I would submit to the body that the Lieutenant Governor-- that Lieutenant Governor Foley's explicit and public support of LB814 renders him incapable to preside in a fair and impartial way when the Legislature is debating this bill. And that's illustrated by the debate that we had on Tuesday on Senator Geist's motion to advance LB814 from committee. That debate was illustrative of the Lieutenant Governor's inability to ensure that there is fair, full, and complete debate among the members. In fact, the Lieutenant Governor was unwilling to enforce the most basic rules of decorum with our body. He was unable to ensure that the Legislature followed simple rules of

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

procedure, and he was incapable of requiring members to abide by the standard of rules of speaking and addressing other members of the body. The way the Lieutenant Governor abandoned his duty was in his handling of the premature call of the question and the seemingly orchestrated way in which the Lieutenant Governor shepherded adoption of the motion. The question was called with less than half the members wishing to speak and nearly 20 minutes in the queue waiting to speak, including Senator Lathrop, the Chair of the very committee from which LB814 was to be advanced. Proponents of the motion had spoken a majority of the time during the debate. Some members more than once in the little amount of debate time. It was barely an hour and a half of debate. Many of the other members in the queue had not spoken at all on this motion. If the bill is so pressing and so important to advance from committee, as Senator Geist repeatedly claimed, then it is important enough for at least a majority of the members to speak on it. And what I felt was a misleading way after the question was called, the Lieutenant Governor announced that he would allow us senators to decide whether there had been full and fair debate, intimating that we would be given time to continue to speak. Instead, he inexplicably and hastily proceeded to a roll call vote. That vote was rushed, sloppy, confusing. We had problems with the machine and all of this happened in service of one goal to get LB814 to the floor no matter how. The Lieutenant Governor did nothing to explain the voting process to members during or prior to the vote-- the vote, nor did he do anything to explain to members what was happening during the malfunction and the propriety of the second vote to cease debate. In a particularly egregious instance of a violation of decorum, Senator Groene made an obscene hand gesture directly to Senator Pansing Brooks and told her to shut up at the end of his speaking time during debate. For viewers to understand the context of this, Senator Pansing Brooks had previously made the point that many senators ask us to respect unborn life, but then don't respect those people when they are born and they are not heterosexual. This was the context for Groene to say shut up to her-- Senator Groene, and use that obscene hand gesture the next time he spoke. This was witnessed by several members in the Chamber and immediately provoked discussion on the floor off the record. This offensive act was witness-- witnessed by many people and was promptly reported in the press and on social media. The Lieutenant Governor did nothing. Admittedly, it's no secret that the Lieutenant Governor is an antichoice advocate. He has that prerogative as an official and as a private person. That's OK. But Lieutenant Governor Foley has publicly advocated for the passage of LB814 specifically. He is expressly and decisively not neutral as to this bill becoming law.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

He fully supports its passage and he wants it to become law. For instance, he was a speaker at the annual Walk for Life held on January 18, 2020 in Lincoln. At this event, he proudly wore a button urging support for LB814. I have a picture of that. The Lieutenant Governor appeared at the Tri-City Pro-Life Legislative Coffee with Senator Geist and some of the cosponsors of LB814 on February 8, 2020 in Grand Island. At this event, which was dedicated to the discussion of LB814 and the pro-life movement, the Lieutenant Governor spoke with hosted senators where the speakers offered tips to the attendees as to how they could contact senators to encourage LB814 to become law and shared insights into the legislative process. This was all described in an article from The Independent on February 8, and I have a typed transcript of that entire discussion, which is also full of little gifts to me for debate. But these public expressions of support for LB814 should be enough to question whether the Lieutenant Governor should preside while LB814 is before the body. I have questioned that in advance. I was vigilant during debate on Tuesday to detect whether or not he was handling debate fairly and he did not. The Lieutenant Governor's inability or unwillingness to enforce the basic rules of fairness during debate show that he cannot be fair and impartial on LB814. He should not preside when LB814 is debated again. During the debate on the motion to advance LB814 and at other points in the session, there has been considerable-- considerable discussion about the integrity of the legislative process. Fundamental to the integrity of our process is the notion that each side or all sides of a debate are entitled to speak and that we're all entitled to the same procedures and rules that are applied to everybody. This is particularly true and particularly important on such a controversial and polarizing issue as abortion. I talked to senators after the Lieutenant Governor disrespected the process. I talked to senators in the queue who were barred from sharing their perspective and opinion. They were elected and are as equal as the 21 senators who had the opportunity to speak. When you silence them, you're also silencing the people they represent. We all say that we respect this institution, but where's the line? Until when do we respect it? The line is abortion. Then everything is out the window because there is a side that will do whatever it takes to force these restrictions into law. We learned on the LB814 motion that institutional norms, decorum, and collegiality don't apply when abortion is on the agenda. For the sake of our institution and the success of other matters before the Legislature, it would be appropriate that Lieutenant Governor Foley not be in the Chamber presiding the next time LB814 is debated. And

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

with that, I'll withdraw the motion. Thank you, Mr. Lieutenant Governor.

FOLEY: Thanks, Senator Hunt. The motion is withdrawn. Senator Lathrop, you're recognized.

LATHROP: Thank you, Mr. President, and colleagues. You probably know that I've chaired a couple of special investigative committees, and in 2014 I chaired a special investigative committee into the Department of Corrections. That particular committee was authorized by resolution that started out in the Exec Board, came to the floor, and was passed by the body to issue subpoenas and put people under oath. And we did that in the case of that particular special investigative committee. It was a very, very important tool. Our job as state senators is not only to make policy, but to provide oversight of the Executive Branch and in some cases, not all cases, but in some cases that needs to be done by committees or by special investigative committees. And in certain circumstances, those committees need power, the power to compel the attendance of witnesses and the power to secure documents. If you don't use a subpoena, then you rely upon somebody doing a search and maybe they give you everything, maybe they don't. But when you issue a subpoena, they don't-- if they don't give you information, they do that at the risk of being found in contempt. This is a-- this is a very consequential bill. I have read the bill. I have-- I've also have read the opinion from the Nebraska Supreme Court that necessitated the bill. I agree with the amendment and the bill. I think they're very important tools. And we essentially ran into two problems in the last opinion or the last effort to issue subpoenas. One was that it got drug out and it wasn't resolved in a timely manner. And then as Senator Hilgers said, essentially they ran out the clock and we were into the next Legislature and it turned over. Senator Ebke was no longer Chair of the Judiciary Committee, but she was still the plaintiff in a case. This addresses both of those concerns. Number one, it reestablishes our right and our power to do investigations as an inherent power of the Legislature. It also shortens the judicial time frame to resolve these issues. And we had litigation in the-- in the-- in the case of the special investigative committee. Most of the time, it happened to be in front of Judge Stacy in Lancaster County. We go there. Most of it had to do with the breadth of this subpoena and not whether it was lawful or not. Those things get resolved. This shortens that time frame. And then if we happen to not get what we need through that process, by the time a new Legislature is sworn in, then we have the opportunity through the Exec

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

Board to continue that with a vote of the Exec Board. And finally, if someone doesn't show up, the burden is on them to establish their failure to appear or failure to provide subpoenaed documents was not willful. And that's in keeping with the standard in litigation in which if someone doesn't show up for a hearing, doesn't show up for a deposition to which they've been subpoenaed, then a show cause is issued and they must come in and show to the court cause why the court shouldn't hold them in contempt. So the burden of proof then is on the person who didn't show or didn't produce the documents. In this case, that explanation would be provided to the committee, who would then make a determination as to whether or not there is a sufficient excuse on the part of someone who failed to comply. And I think, all in all, it is an improvement in the process. It addresses the issues that were presented and caused this Legislature problems in the last Supreme Court case. And I would encourage your support of both the amendment and the underlying bill. Thank you.

FOLEY: Thanks, Senator Lathrop. In the speaking queue are Senators Cavanaugh, Hilgers, and Slama. Senator Cavanaugh.

CAVANAUGH: Thank you, Mr. Lieutenant Governor. I rise in support of the statements made by my colleague, Senator Hunt, and I support this bill and I'll yield the remainder of my time to the Chair. Thank you.

FOLEY: Thank you, Senator Cavanaugh. Senator Hilgers. He waives the opportunity. I see no further discussion on the bill or the pending amendments. Senator Hilgers, you're recognized to close on the committee amendment.

HILGERS: Thank you, Mr. President. Thank you again, colleagues. Thank you, Senator Lathrop, for your comments. And thank you for everyone throughout this process. I just-- this is a-- this is an issue that cuts across ideology. This is a protection of the institution and our legislative authority to be able to discharge the powers that we have under the constitution. So I'd appreciate your green vote on-- for AM3149 and the underlying bill. Thank you, Mr. President.

FOLEY: Thanks, Senator Hilgers. Members, you heard the debate on AM3149, Executive Board amendment. Those in favor of the amendment vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate July 23, 2020

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the amendment, Mr. President.

FOLEY: AM3149 is adopted. Any further discussion on the bill as amended? I see none. Senator Hilgers, you're recognized to close. He waives closing. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance the bill.

FOLEY: LB681 advances. Items the record, please.

ASSISTANT CLERK: Mr. President, new resolutions: LR376 by Senator McDonnell, calls-- will be laid over; and LR377 by Senator Pansing Brooks is a proposed interim study. That will be referred to the Exec Board. Notice of committee hearing from the Urban Affairs Committee. A motion from Senator Vargas for the introduction of a new bill (Req. 6234). And finally, Mr. President, priority motion, Senator Matt Hansen would move to adjourn until Friday, July 24, at 9:00 a.m.

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