

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate August 5, 2020

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

**GEIST:** Thank you, Mr. President. This morning, I am going to read a prayer that was sent to me by my son, who happens to be a youth pastor at Mercy City Church here in Lincoln. Let's pray. Heavenly Father, thank you for this body of legislators that you have called to lead this great state. Each one has been appointed by you for such a time as this. Today we ask for your wisdom, wisdom that doesn't come from man but wisdom that comes from God. Give this body today your words, your thoughts, and your intentions. We also ask you for unity. We understand that unity doesn't always equal uniformity. We pray that today and every day we could see the humanity in one another that extends far deeper than what side of the aisle we reside on. We pray that when we look at one another, we would see each other, a person made in your image, worthy of love, respect, and the grace which you so generously poured out on us. And lastly, we pray for grace, grace as we lead in the midst of these unknown and unprecedented times, grace as we strive to create a better Nebraska for all who have the blessing to live here. Father, we ask that your favor would be upon this body, upon this state, and upon this country. In Jesus' name, amen.

**FOLEY:** Thank you, Senator Geist. I call to order the fifty-sixth day of the One Hundred Sixth Legislature, Second Session. 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.

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

**CLERK:** Just one item, Mr. President. Bills read on Final Reading yesterday afternoon were presented to the Governor at 4:55 p.m. yesterday (re LB681, LB783, LB956, LB1158, and LB1160). That's the only item I have.

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**FOLEY:** Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR460, LR461. Mr. Clerk, we'll move to the first item on the agenda, General File 2020 senator priority bill, LB814.

**CLERK:** Mr. President, LB814 was a bill introduced by Senator Geist. It's a bill for an act relating to abortion. It prohibits dismemberment abortion. Senator Geist placed the bill on General File pursuant to a Rule 3, Section 20(b) on March 11. Pending to that bill, Mr. President, is a motion by Senator Hunt pursuant to Rules Section 3(f) and that motion is to indefinitely postpone the bill.

**FOLEY:** Before we jump into the debate and hear first from Senators Hunt and Geist on a refresh, I understand Senator Wayne has a point of order.

**WAYNE:** Yes, Mr. President, thank you. My point of order is to rule or to have-- it's a-- it's a procedure violation of the bill that will be at 1:30. But per the Mason's Manual, I have to raise it before the bill is heard, and so I have to raise it now. I do not believe that a designation of a Speaker majority is-- is OK within our rules for two reasons. One, the plain language of the rule of Speaker majority proposals, Rule 1, Section 7, only lists three bills. Two, based on our custom and historical practice of what Speaker bill-- Speaker priority bills are versus senator and committee priority bills does not conform to allow this to be a Speaker majority proposal. So I would like to be heard on those two issues, and I'll start with number one. What is being passed out before you all is the rules. And I'm going to walk through these rules so people have a clear understanding that for four years we've operated under certain rules and now, the last five days, we are going to ignore those rules. Section 1 of-- Sec-- Rule 1, Section 17, that I've outlined in front of you, and it should be passed around, specifically says determinations made by the Speaker pursuant to this subsection shall be limited-- and we're talking about Speaker majority proposals-- shall be limited to the bills or resolutions prev-- previously designated as a committee priority, senator priority, or a general appropriation bill and approved by two-thirds of the Executive-- Executive Committee. If you'll flip to the next page of what should be handed out-- I'm looking for pages, they're handing it out-- you will see that LB1106 was designated by Senator Scheer-- Speaker Scheer as his personal priority February 1, 2020. If you flip to LB1107, the bill that will be coming up today, you will see that on February 25 this was designated as a Speaker priority. The plain language of our rules does not allow LB1107 to be a Speaker majority proposal. Again, that is the

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plain language of our rules. Now it's important because yesterday I heard Senator Kolterman and Senator Lathrop, who are both a part of the "super seven," stand up and say that there are certain things we have to do, customs, traditions, procedures; the sanctity of this body matters. And I heard Senator Lathrop give a passionate speech where he pounded a table and said that, what is wrong with this body, think for yourselves, that we have to make sure that we follow and uphold this institution in a way that we follow its per-- its-- its greatness. I also heard him say that that's why the adults are in the room or at the table. My question to Senator Lathrop and Senator Kolterman is, what kind of message are we sending to the children in this body if we don't follow our own rules, if we don't follow the plain language of our rules? Now I would like to turn to point two. Flipping to the third page-- I'm sorry, page-- page 4, we have historically always treated committee priorities, Speaker priorities, and senator priorities differently. We have to go no farther than our own Web site where we list current priority listings, which is page 4. I circled senator priorities. If you keep flipping, you'll see committee priorities on page 7. And if you flip a little more, you'll see Speaker priorities. They have been three separate types of priorities. Our rules do not allow for us-- our rules do not allow for us a Speaker more-- majority proposal unless it is a senator priority, committee priority, or appropriation bill. This is simply a Speaker priority. And the last thing, as Senator Hilgers will point out to customs and tradition and history, if you think it is vague-- which I don't believe our rule is vague at all-- if you happen to think it is vague, then you have to look to no farther than page 11 of Speaker Scheer's own memo where he treats Speaker priorities, senator priorities, and committee priorities, three times in his letter, differently. The first one is on page 11. There is a different deadline. Our priority deadline was February 21; requests to him were February 19. The second one, which is part of the deadline to the first one, is on the next page, page 12. His deadline was not to announce until February 24 or 25. We are purposely treating Speaker priority bills different than senator priority bills, and that is how the-- it's consistent with the rules. The last one, and I'm going to read this verbatim because this is exactly the issue here, is number 3 on page 12: The Speaker procedures will only apply to the Speaker priority bills and not senator and committee priority bills. So let's think about this, colleagues, and why this is a violation of our rules. This is a violation of our rules because the plain meaning on page 1 says that only three bills, three bills can be designated as a major proposal. This does not fit those three bills. Our past practice, so even if you were to argue that, well, in the rules, it says the Speaker gets an additional 25 priorities, I will submit to

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you Rule 5-5 tells you each and separate one of them. That's-- they're listed out separately. Had the people who created the rules said that all priorities are the same, they would have said each senator gets 1 priority, each committee gets 2 priority, and the Speaker gets 26 priorities. They didn't say that. It is a separate, lower-tier priority. And in fact, it is such a lower tier and not treated the same, in the Speaker's memo, he specifically outlines that if you add amendments of two or more, it won't be scheduled. The-- the original bill must be included. There is no other Speaker-- there is no other senator priority bill do we put this limitation on. So colleagues, we have operated underneath Speaker Scheer's rules for four years and it has been consistent. It has been consistent and many of us have sometimes won on the three-hour rule, lost on the three-hour rule, but it has been consistent, and for four years we operated under these rules. And today, colleagues, at 1:30, we are throwing away our rules. We are throwing them away and simply saying we're going to do what we want to do. So if that happens today and if you vote green on any bill related at 1:30 to LB1107, you are endorsing throwing away our rules. So I don't want to hear passionate speeches about the sanctity of this and that Senator La Grone can't drop 20 amendments. I don't want to hear that we have to get along because we worked on a bill for two years because we are saying that our rules don't matter. Rule 1, Section 17 is clear, and all this will do is set us up for a lawsuit, one that I might file myself. We are not following our own rules. We are not following our own history and practice by making this a major Speaker proposal. That is why I'm asking the Chair to rule this out of line, and to change the agenda will be my next one, to make it just a regular Speaker priority bill. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Your concerns have been heard and relate to LB1107. They will be taken up when we get to that bill. We're on LB814 currently. We've got a long list of senators in the speaking queue. But before we get to that speaking queue, I'm going to ask Senator Hunt and Senator Geist to give us just a quick recap on where we left off on this, and then we'll proceed further.

**WAYNE:** Point of order.

**FOLEY:** Senator Wayne.

**WAYNE:** While I respect the Chair, we'll take it up at 1:30, at 1:30, pursuant to Mason's Rules, if the bill is read across, my objection is no longer valid. There is not a timeliness issue, and we can get into the arguments of that. And so at that point, if you're ruling-- this is what I'm trying to figure out. Are you ruling this is untimely? If you-- if you are ruling that--

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**FOLEY:** What-- Senator-- Senator Wayne--

**WAYNE:** --I would like to challenge--

**FOLEY:** --we're not making any rulings on anything related to LB1107 at this time.

**WAYNE:** Then the point of order should be addressed right now. And if you're saying it's untimely, that is a ruling and I would like to challenge the Chair.

**FOLEY:** I've not made a ruling on L-- on what you brought [INAUDIBLE]

**WAYNE:** So then the point of order should be determined now.

**FOLEY:** No, we're not on that bill at this time. We're on LB814. Senator Hunt, you're recognized.

**HUNT:** I would actually like a point of personal privilege.

**FOLEY:** Please proceed.

**HUNT:** I'm going to get a page to distribute this letter that I sent to Speaker Scheer on July 23 objecting to the Lieutenant Governor presiding over this bill. Rule 2, Section 11 allows for me to raise a point of personal privilege to make an object-- an objection. It takes precedence over all other questions. And each person could speak once if my objection is overruled. But I have a strong objection to the Lieutenant Governor being in the Chair for this debate. My letter, which I'm distributing, which never got a response, by the way, which was never taken seriously, as I feel I have not been taken seriously through this whole abortion ban debate, it says: Speaker Scheer, I write to you today regarding an important question, important matter regarding the fundamental legitimacy of our deliberative body. We are requesting that you direct the Lieutenant Governor to refrain from presiding over the Legislature while we are debating or considering LB814 or any legislation relating to abortion or abortion restrictions. Article III, Section 10 of 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 legislative rules provide that the Lieutenant Governor is generally the presiding officer. This same section of rules provides that the Speaker shall serve as the presiding officer when the Lieutenant Governor is unable to do so. We submit 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

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is debating this bill. My concern is illustrated by the debate from Tuesday-- that's last week-- 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 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 procedure, and he was incapable of requiring members to abide by the standard 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 had spoken a majority of time during the debate, some members more than once in the little amount of debate time, but there were opponents who never got the chance to speak at all, including the Chair of the committee. It was barely an hour and a half of debate on one of the most controversial bills that we have up this year. Many of the members in the queue had not spoken at all. If this bill is so pressing and important to advance from committee, as Senator Geist and others have repeatedly claimed, then it is important enough for at least the majority of the members to speak on it. In an apparently 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 call a roll call vote. The vote was rushed, sloppy, confusing, we had problems with the machine, and all of this happened to achieve one goal: to get LB814 to the floor, no matter how. The Lieutenant Governor did nothing to explain the voting process to members prior to or during the vote, nor did he do anything to explain to members what was happening during the-- the malfunction and the proprietary of the second vote to cease debate. An particularly egregious instance of violation of decorum, Senator Mike Groene made an obscene hand gesture directly to Senator Patty Pansing Brooks and told her to shut up at his speaking time during debate. That was the context for Groene to say shut up to her, to use the hand gesture. She was talking about how many people in the body want to protect innocent life until the life turns out to be gay.

**FOLEY:** That's time.

**HUNT:** That's not time. I have a point of personal privilege.

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**FOLEY:** Senator, it's our practice to allow five minutes for points of personal privilege. You've exceeded five minutes.

**HUNT:** I object to you being in the Chair, and I would like a ruling on it.

**FOLEY:** Mr. Clerk.

**HUNT:** Mr. President, I have a priority motion. Senator Matt Hansen would move to recess the body until 10:00 today, 10:00 this morning.

**FOLEY:** Speaker Scheer, you're recognized.

**SCHEER:** Thank you, Mr. President. Colleagues, I would ask you to vote against this motion. Part of the concern, I believe, from this motion, as I've been told, is there's a concern that we will not deal with Senator Wayne's objection to the major proposal status. And I am giving my word to Senator Wayne and others that are concerned that we-- at 1:30 when we reconvene from recess, we will take that up before the bill is brought on to play. I'm not trying to use a technical way to circumvent Senator Wayne from having his position heard, but we do have things that we probably need to get done today. So in reference to that, I would appreciate a no vote on this so that we can continue on. I'm also giving my word to the body and to Senator Wayne that we will take up his concern before the bill is read or crossed, if that's the technical problem that we have. I'm not going to try to circumvent his ability to do so. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. The question for the body is whether or not to recess until 10:00 a.m. Those in favor of recess say aye. Those opposed? Roll call vote's been requested. Mr. Clerk.

**CLERK:** Senator Albrecht voting no. Senator Arch voting no. Senator Blood voting no. Senator Bolz.

**BOLZ:** Yes.

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

**BOSTELMAN:** No.

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

**BRANDT:** No.

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

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**BREWER:** No.

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

**CAVANAUGH:** Yes.

**CLERK:** Voting yes. Senator Chambers.

**CHAMBERS:** Yes.

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

**CLEMENTS:** No.

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

**DeBOER:** Yes.

**CLERK:** Voting yes. Senator Dorn.

**DORN:** No.

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

**ERDMAN:** No.

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

**FRIESEN:** No.

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

**GEIST:** No.

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

**GRAGERT:** No.

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

**HALLORAN:** No.

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

**B. HANSEN:** No.

**CLERK:** Voting no. Senator Matt Hansen not voting. Senator Hilgers.



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**HILGERS:** No.

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

**HILKEMANN:** No.

**CLERK:** Voting no. Senator Howard not voting, Senator Hughes.

**HUGHES:** No.

**CLERK:** Voting no. Senator Hunt voting yes. Senator Kolowski. Senator Kolterman.

**KOLTERMAN:** No.

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

**La GRONE:** No.

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

**LINDSTROM:** No.

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

**LINEHAN:** No.

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

**LOWE:** No.

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

**McCOLLISTER:** No.

**CLERK:** Voting no. Senator McDonell.

**McDONNELL:** No.

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

**MORFELD:** Yes.

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

**MOSER:** No.

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

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**MURMAN:** No.

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

**PANSING BROOKS:** Yes.

**CLERK:** Voting yes. Senator Quick.

**QUICK:** Not voting.

**CLERK:** Not voting. Senator Scheer.

**SCHEER:** No.

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

**SLAMA:** No.

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

**VARGAS:** Not voting.

**CLERK:** Not voting. Senator Walz not voting, Senator Wayne.

**WAYNE:** Yes.

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

**WILLIAMS:** No.

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

**WISHART:** Not voting.

**CLERK:** Not voting. 8 ayes, 29 nays to recess.

**FOLEY:** Motion is not successful. Senator Cavanaugh.

**CAVANAUGH:** Thank you, Lieutenant Governor. I'm taking a point of personal privilege.

**FOLEY:** Please proceed.

**CAVANAUGH:** Thank you. I echo Senator Hunt's sentiments. I object to the Lieutenant Governor being in the seat. It politicizes this body. It politicizes our public policy. I do not agree with your presence in this Chamber for this particular piece of legislation.

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**HUNT:** Need a ruling.

**CAVANAUGH:** I need a ruling on Senator Wayne's motion, and I think it is disrespectful to put it off. We should be addressing his concerns immediately, not this afternoon. This body should not be in chaos like this. We should have rules that we follow, not just because of your political affiliation.

**HUNT:** We need a ruling to my objection.

**CAVANAUGH:** And we need a ruling to Senator Hunt's objection. Thank you.

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

**CLERK:** Mr. President, Senator Wayne has filed a motion and that is to overrule the Speaker's agenda by placing the 1:30 item on the agenda for 9:30 this morning.

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

**WAYNE:** Thank you. Colleagues, we need to get a ruling on this, because if-- if today we start this day by not following our own rules and we're just going to throw away our rules, then there-- then there's no point of trying to keep decorum. There's no point of trying to preserve the sanctity that everybody talked about yesterday. Colleagues, we have outside a blue piece of paper that also separates Speaker proposals versus senator priorities versus committee. We have always treated these different and the fact of the matter is, I'm following the rules that you guys written-- wrote. And the Mason rule, which, again, I'm going to tell everybody, get a rule book, and outside of our rules, our Mason Rules cover, Section 20-- Section 245, talks about the submission point of order in the house, talks about the purpose of point of order, and you can't even move to other business. He can-- he can delay. The Chair can delay all he wants the ruling, but you cannot move to other business until the violation is corrected first. That's in the rule book. That's in the rule book. And by saying you're not making a decision, you are making a decision, and that's appealable, too, but you can't move on until the rule that is being violated is addressed. And if the Chair doesn't want to recognize that, then we're going to file a motion to bring the agenda forward so we can have this ruling. The issue is, this body knows I'm right. This cannot be a major proposal based on our own rules. And we're going to try to figure out all morning how to get around that. I followed the rules. I begged, almost in tears, to open up a new bill. I didn't go the route of attaching it to another committee. I am

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working within the rules. I have a priority bill that is out on the floor that has not been scheduled. Fine, although the rules said it should be scheduled before Speaker priorities, or least that's the custom. But I'm not raising that issue because it's a custom. Customs change as people change. But in this matter, the rules are clear. There are only three bills. And this issue needs to be ruled on. We could move it to 9:30, rule on the issue. The Speaker has the authority to move it back to 1:30 and we could move forward. This is a motion. This is debatable. You can be in the queue. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. As previously indicated, there's a long list of senators in the speaking queue, but those senators punched their lights related to LB814. I'm going to preserve that queue. If anyone wants to speak directly to Senator Wayne's motion to overrule the agenda, I think the best way to proceed is simply raise your hand and I'll recognize you as I-- as I see you. I see Senator Bolz in the back. Senator Bolz, you're recognized.

**BOLZ:** Thank you, Mr. President. The rules are a fundamental part of our democracy. They're a part of transparency and good government. Setting aside the rules when they're inconvenient simply isn't good procedure. One of the reasons I want to speak on this issue is because I think the floor deserves to understand the process that the Executive Board used to determine the bill that Senator Wayne is discussing to be a major proposal. We did not meet as a committee. That's not unprecedented, but we did not have a conversation about making it a major proposal. We did not have the language of LB1107, the bill that we were making a major proposal, before we were asked to vote to make it a major proposal. And that's the reason I abstained, is I said I'm not going to make a determination that the whole piece of this bill should be a major proposal when I haven't had an opportunity to see it. I was being asked to limit this body's ability to amend and refine a major piece of legislation without having an opportunity to review it. It's up today with little chance for senator or stakeholder review or input. In contrast, colleagues, when we have made the budget a major proposal, we have had multiple agency hearings; we've had a preliminary budget that is published before our final budget. Usually, that final budget is published and set on your desks before we make that a major proposal. I am concerned about the direction that this body is heading, both in terms of procedure and decorum. We're here to be the people's house. We're their only house and we are proceeding at great speed on a train that's leaving the station, and I'm not sure that our constituents are on the train with us. I think that the integrity of this body should be primary. I think

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it's important to protecting our diplomacy and our procedure and good policymaking, on and off the floor. I think Senator Wayne deserves a determination on his point, I think that we need to sort out the rules of how we're going to proceed today, and I think we need to make major decisions for this body with due diligence and determination. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Bolz. The next three senators to be recognized to speak to Senator Wayne's motion are Speaker Scheer, Senator Chambers, and Senator Morfeld. Speaker Scheer and then Senator--

**SCHEER:** Thank--

**FOLEY:** --and then Senator Hilgers. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, I would ask you to vote against this motion. As I said, we will work on Senator Wayne's concern before we move on to LB1107. There's no reason to adjust the agenda. We are working on a bill at this point in time. When that bill is next, before we talk about that bill, we will address the concern at that point. It seems a little odd to try to move the agenda, to talk about rules that we could talk about after lunch, at that time when the bill is going to be heard. Senator Wayne suggests that we change it and then I unilaterally change it back after we have the discussion. That seems like a lot of wasted time. If we're going to discuss it, we can discuss it before the bill. There's no reason to adjust the agenda to do so. We'll follow the rules and we'll make sure that everything is done properly. But there certainly are other items to discuss as well. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Senator Chambers.

**CHAMBERS:** Mr. President, members of the Legislature, I'm interested in both bills that are on the agenda. But I think when a point of order of the kind that Senator Wayne is raising now is before us, we need to get some kind of definitive resolution of it. I don't know if I've seen where the Speaker's agenda was overruled by a vote, but I've seen cases in my long tenure where somebody had an issue and the Speaker voluntarily changed the agenda. So this is going to be new territory for probably everybody on the floor. There are shenanigans being played, as there have been all session. I don't think Senator Foley is-- Governor-- Lieutenant Governor Foley is objective enough to preside today. And in the past, Governors, who had more integrity than the present one, who puts out lying comments about those who oppose his choices, would meet with the Speaker. And there would be an

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agreement that, because of the nature of the bill and the division of the body and the Governor's position on it, that the Lieutenant Governor would not preside. Well, the Governor is interested in having his way. And Senator Foley, who used to have a lot of integrity when he was a state senator, because I was here then, that I've seen eroded and I've seen it change. So I'm going to see how the body votes on Senator Wayne's motion without my participation in terms of saying anything one way or the other. But I'm going to have some things to say on that LB814, because some things of a legal and constitutional nature need to be put on the record. That's what I intend to do. I'm not going to question anybody. I'm not going to debate anybody because the one who is bringing LB814 doesn't know the law. Senator La Grone, who has tried to talk about what an undue burden is, doesn't know the law. And to make one point, there is already a Supreme Court decision based on a lawsuit that originated in Nebraska, and the court ruled specifically that any interference with the D&E method or procedure places an undue burden on the woman's choice and her right to make that choice previability. And furthermore, in the argument, Nebraska agreed; Nebraska agreed that if the late-term abortion law, as they called it then, Nebraska agreed that if it impinged upon the D&E process, it would be unconstitutional because it would put an undue burden on the woman's choice. Nebraska has already taken that position. And I'm sure if this bill, LB814, does pass, anybody, any organization that challenges it, can use the position that Nebraska took, and which the U.S. Supreme Court acknowledged, that any interference by the state previability--

**FOLEY:** One minute.

**CHAMBERS:** --with the D&E process is unconstitutional. It places an undue burden on the woman. This undue burden, based on the number of abortions, is not what the court talked about. It talked about the specific woman who is seeking the abortion and the specific judgment by a doctor that the D&E method is the best. I'm giving you a preliminary view of what I intend to do later, and I'm going to listen to what proceeds this morning without tipping the scale one way or the other. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. The next three senators to be heard from are Senator Morfeld, Hilgers, and Lathrop, and then Senator Hunt-- Senator Pansing Brooks as well. Senator Morfeld, you're recognized.

**MORFELD:** Thank you, Mr. President. Colleagues. I just want to echo some of the things that Senator Wayne said. The rules matter. And for those of us that were here about four years ago, we debated the rules,

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or a particular rule or two, for about 60 legislative days. And I respect it when sometimes I come out on the other end of the rules, either good or bad. But in the end, we have to respect the rules because if we don't respect the rules, then we start making exceptions for other people, and then we have an inherently unfair process that's unpredictable and that people don't know the rules in which we play the game by. Just three days ago, we were sitting on the floor talking about transparency. I think Senator Albrecht brought up some transparency questions and had some questions on a bill, a bill I supported, nonetheless, but she had some questions. Just five or seven days ago-- I can't remember now, it's all a blur-- we were just talking about a bill I-- or an amendment I had to a bill and whether or not it was germane. And yet here we are faced with a bill that apparently not all the members of the Exec Board were able to see before it became-- before it came before them for a major Speaker priority. We're talking about a bill that has three very different and succinct subjects in it: UNMC proposal, LB720, and property tax relief. So if my bill, my legislation, my amendment was not germane to Senator Wayne's bill and they both dealt with housing, how is UNMC, LB720, and property tax relief germane? How is that all in one bill? And it's my understanding that some of the people that are behind this bill discovered major flaws in it last night and were working on it through the night. This is not good policymaking. I get that many people are desperate to do something about property taxes, desperate to do something about business incentives, desperate to do something about making sure we have one of the world's best medical facilities out there. But this is bad policymaking and we all know it. And yet we're being faced with this, at the last hour of the last few days of session, with essentially a gun to our head, a legislative gun to our head-- vote for this. I know that there's some people that don't care for wind energy, but you know what? In order to vote for property tax relief, they've got the legislative gun to their head saying, well, you better vote for this, otherwise you'll be against property tax, have fun facing your voters in November, all in one bill. This is bad policymaking. This is bad policymaking from a rules perspective and being fair. This is bad policymaking from just even the perspective of addressing each issue on its individual merits, which is the point of germaneness. This isn't germane. But you know what? There's so many people desperate to pass something, even if they know it's poor policy, that they'll probably rule it's germane anyway. If this is such a good proposal, then introduce it in January and let it go through the public process and let it stand on its merits. But instead, what we're doing is we're bending the rules, the Speaker's own rules, and I'd like to see his vote count at 33 before it gets sent to a vote, a cloture vote, because that's what he's required from

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all of us. I want him to make that vote count public. Let's see it. Let him stand the same scrutiny that we've had to stand to get our bills on the agenda and ready to a vote. We're bending rules, both formal and informal, that this body has had to live by for many years. Why? So we can all say that we did something, even if we know it's not the right way, it doesn't actually live up to the public scrutiny that we expect all of our bills to go through, and it doesn't follow our rules. So don't be surprised when there's challenges here this morning and people are upset, because this matters.

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

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

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

**HILGERS:** Thank-- thank you, Mr. President. Good morning, colleagues. I rise in opposition to the motion before us, which is a motion to overrule the agenda. There will be, I think, an opportunity to discuss and debate the-- the merits of the argument that Senator Wayne has brought. I think the appropriate time to do that is at 1:30. I would defend Senator Wayne's right. I think he's absolutely right to be able to bring this type of point of order. I disagree with it. We can discuss the merits of that particular point of order when it comes up. But there's no right that it has to be done this morning. I understand, off the mike with Senator Wayne, that his concern was that he can't bring this point of order once the bill, LB1107, is read across. I understand that. And if-- and if-- and if there was a real risk that he would have that waived, I would agree and I would vote to have this heard now, because I don't think Senator Wayne, having brought the issue to the body's attention, ought to have that issue then be waived. So I agree with that. But we have the Speaker's commitment that this will be heard before LB1107 is run across. We will have the opportunity to discuss the Speaker's request for a major proposal. We will have the opportunity to discuss the rules. I'll be able to walk through the Exec Board's action on the major proposal and why I think it was consistent under our rules and process. We'll have that conversation. So what we're asking on this motion would be instead, I think, a fairly-- fairly-- it would be certainly, I think, a new precedent in the four years that I've been here. And as Senator-- I thought I heard Senator Chambers say he has not seen a motion like this. Maybe he has, but I thought I heard that he hadn't said-- he has not seen one. This is a pretty drastic motion, one that might be justified if the failure of the motion would mean that Senator Wayne's point of order would not be heard. That's not the case. Rules certainly do matter. The question here is not the question



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of the point of order. It's not the question of germaneness, as Senator Morfeld just raised. The question is, should we as a body overturn the agenda to have a motion, a point of order on a bill that will be heard this afternoon, and the point of order that will be heard this afternoon now brought up this morning before LB814? I think the answer to that, colleagues, is clearly no. This is-- this is not the time to do it. There is a commitment to do it this afternoon. Senator Wayne will be heard. And whatever the ruling of the Chair will be at that point, I'm certain that there will be some attempt to overrule it by one side or the other, and we'll have that opportunity to have that debate, and we'll be able to vote on that. So let's take one piece at a time. The question before us right now is not whether or not Senator Wayne is right. The question is, should we upend the schedule and discuss LB1107's-- the Speaker major prop-- proposal designation on LB1107 this morning before LB14 [SIC] when it will instead be discussed, I think, consistent with the topic this afternoon. So I rise and will be voting red on the motion to overrule the agenda and we'll have the debate on Senator Wayne's point of order this afternoon. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hilgers. Senator Lathrop. He waives the opportunity. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. I agree with what Senator Morfeld said about how we have to follow the rules. I watched that 60-day, 30-day, whatever, million-, billion-day rules debate in 2017, and that's actually what made me want to run for the Legislature. That debacle was-- made-- made me seal the deal and go, look at how they're acting down there, like I'm going in, I'm going to give it a try. It is no secret that the Governor is an anti-choice advocate. He has that prerogative as an official and as a private person. But he has publicly advocated for the passage of LB814. I distributed some-- some pictures to the body that show him wearing a button that says vote for LB814, him speaking at different pro-life things. But I think him wearing that button, plus how he handled the call of a question-- the call for cloture during the pull motion, plus the fact that he didn't clear the speaking queue to have this conversation here, it's another example of his inability to handle this bill fairly. He's not clearing the queue from LB814. He's preserving the speaking order. And I wonder if it's the standard to leave the queue up when they move to a different issue or a bill. This is-- this is just another example of why I feel like the integrity of this institution from the executive branch bleeding into the legislative branch, taking over our ability to have order, is a huge problem that Nebraskans need to understand and raise some hell about because it's messing up your state. The

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Lieutenant Governor's public expressions of support for LB814 should be enough to question whether he should preside before this body. His inability or incapacity or unwillingness to enforce the basic rules of fairness and decorum during debate on this bill shows that he is not fair and impartial and he should not be presiding when this bill is being debated. During the debate on the motion to advance this bill to General File, there was a lot of discussion about the integrity of the legislative process, but fundamental to the integrity of our process is the right for all of us, on every side, to participate in the debate, and that we're all entitled to the same procedures, and that the rule of processes should be obeyed by everybody. And all of us represent 36-- 38,000 people who might like to hear what we have to say about abortion and a pandemic when the executive branch, represented up there in the presiding Chair right now, is stopping my city, trying to stop Lincoln from having a mask mandate in a pandemic. And we have to talk about abortion this morning? For the sake of the institution, for the sake of all the other matters that are coming forth before the Legislature in the coming days, it would be appropriate if the Lieutenant Governor was not in the Chamber presiding when LB814 is debated. And as to Speaker Scheer's promise to take up Senator Wayne's motion after lunch, Speaker Wayne [SIC] told me yesterday that I could have some say in when this bill was scheduled. I took that as a courtesy. And we talked about if it could be at 6:30 and he said we're not going to have a late night, and I said we could do 1:30. And he gave me a call last night and I missed it. But he texted me and he said it's going to be at 9:00. And so that's the kind of stuff that just doesn't engender trust in this body, and I would like to take up Senator Wayne's motion to overrule the agenda now. And I also insist, and my colleagues will join me in insisting, on a ruling from the Chair about whether the-- the Lieutenant Governor should be presiding over this bill.

**FOLEY:** One minute.

**HUNT:** Thank you, Mr. Lieutenant Governor. I'm finished.

**FOLEY:** Thank you, Senator Hunt. The next three senators in the queue are Senators Pansing Brooks, Senator Matt Hansen, Senator Wayne. Senator Patty Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. President. First off, I'd like a clarification. Is the time running on-- on LB814 right now?

**FOLEY:** It is not.

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**PANSING BROOKS:** It is not. So meanwhile, we've kept the names in the queue, which on the LGBTQ bill that I-- that Senator Morfeld and I had a few years ago, because there was an intervening motion, the queue was taken down. We discussed it and then people had to reconnect and put it in their-- put-- push their button to get in the queue. So that's one thing that is not consistent and what we've done in the past. I also want to discuss the fact that I appreciate that Senator Wayne has been looking at the rules. I spent March through July looking at the rules and the constitution. I think you're all quite aware of that. And I want to clarify for the Nebraskans at home, if anybody is watching this show with their popcorn maker on just shaking their heads, we're talking about two bills here. Senator-- Senator Wayne's discussion deals with LB1107, which is the grand compromise that's coming up this afternoon that puts together property taxes, UNMC, and LB720, the tax incentive bill. So that's part of what he's talking about, the germaneness of putting three bills that really don't relate to each other together. Then we are also on LB814 and Senator Hunt is talking about the fact that there is, in-- in her opinion and mine, some-- you know, that-- that it's not appropriate that somebody that-- that has fought for an issue very publicly, a pro-life issue, can that person-- can-- be fair and to each person, and by keeping the queue, to me, that does not seem fair because that has not happened before. So anyway, but, of course, that was on our LGBTQ bill versus a pro-choice bill. So, you know, I'm sure many of you don't care that that happened on our LGBTQ bill. Anyway, as I was saying, I spent March through July looking at the rules and the constitution. I was desperate, not about the property taxes, not about the UNMC, not about LB720 and the tax incentives, although I am supportive of much of that, but I was desperate about keeping people safe in this body. So far, we've been pretty darn fortunate. Couple people have been with family members who have the disease. Senator Moser got it himself. We are on this mission where you get a temperature taken and three days later, then you don't have it if you-- if you-- if you get tested. Nowhere in CDC guidelines does a three-day temperature span indicate safety. So, yes, so far, we've been safe, and that's great and I'm-- I'm very happy about that. But I was told the rules say we cannot possibly make remote voting available for somebody who needs to be home and-- and helping family members. Senator Slama could be home helping her family. But again, I sat down and was quiet on it because the rules matter. The rules matter. And now, all of a sudden, we were handed-- I got it last night at 5:00 p.m.-- a 149-page bill, 149 pages. And I was supposed to read that between 5:00 p.m. last night--

**FOLEY:** One minute.

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**PANSING BROOKS:** --thank you, Mr. President-- 5:00 p.m. last night and 9:00 a.m. this morning, or-- or I guess right now, too, I'm supposed to be reading it. How many of you have read the bill? That's what I'm interested in. I doubt very many of us have gotten through that bill last night. I skimmed parts of it. I've talked to people about parts of it. Again, I haven't had time to cull through and look at that bill. The rules matter. Thank you for bringing it up. And this is, again, a big cluster ahead. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Pansing Brooks. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President. And good morning, colleagues. Colleagues and those watching, in case anybody missed it, I was the one who filed the recess motion earlier today, and I think it's appropriate for me, kind of in this context, to get up and explain why I did it. As you might be aware or might have seen or might have guessed by this morning, a recess motion is one of our highest priority motions. It's not debatable. Only the Speaker can speak to it. And the reason I brought that up is a recess motion is very much just a pause on the agenda for the moment. It doesn't disrupt any bills. It doesn't hurt anybody. It just says we are not conducting business for this amount of time. And I picked it for about half an hour because, at the moment I filed the recess motion, the moment I grabbed my motion pad and wrote 10:00 a.m., it appeared that one of my colleagues, frankly, for lack of a better word, just got steamrolled, just got ignored on a very important point of order and was potentially going to lose his only opportunity to address that. Following that motion, the Speaker talked to me. I went over and gave the Speaker a heads-up. I went over and gave Senator Hilgers a heads-up because he was standing there, too. I talked with Senator Wayne. I understand that there's a path moving forward that I think at least people have talked about, which is why I ultimately ended up not voting for my own recess motion because of what it said to me. I didn't believe and didn't have time to talk with the Clerk on to whether or not I could even withdraw a recess motion. So that's why we had to go through the ultimate vote. So that's the process we had there, was I thought there were some conversations that pretty clearly needed to happen, and if we didn't have them happen in the moment, we were going to lose the opportunity for a colleague of ours-- just simply as a courtesy to a colleague who has a point, has a point of order that he raised and wanted to clarify. I'm going to continue to support Senator Wayne as he seeks to get clarity and a final ruling on this. And I understand he's going to speak to this motion at some point, but I'm the one who filed that. That was my rationale. I tried to give as many people-- the Speaker, the Clerk, Senator Wayne,

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Senator Hilgers-- a heads-up as I could, and that's what we went through this morning. Thank you, Mr. President.

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

**WAYNE:** Thank you. And, Senator Chambers, you're the one who taught me this motion because our first year, the Speaker didn't file a motion for re-reference and you filed this motion to change the agenda, so I appreciate that. Senator Hilgers, to your point, let me be clear. Section 244, consideration of a point of order: It is the duty of the presiding officer to immediately take notice of any point of order, although the presiding officer's division-- decision may be deferred. And it tells you that it can only be deferred to get input from the members or to do research. That is not what's going on here. He is deferring it to a time later when the bill comes up. This is procedure, Senator Hilgers, not a substantive motion. So I filed this motion and I'll withdraw it if this-- if the Chair will rule like he's supposed to, according to the manual we go off of. There is no defer on a procedural issue until the motion comes up because, if you do so, you lose your right to bring up that procedural. Second, I'm supposed to take belief that this body, when they give me their word, is going to follow through. Senator Morfeld raised a great point. And if you turn to page 12 of the document that I handed out about Speaker priorities, it says that a Speaker priority can have no more than two other bills in it. This one has three. We're not following our own rules. So I will withdraw-- not now. We're going to get to vote. But I will withdraw if we can get a ruling. And the plain language is clear, so I have no other choice but to operate underneath the rules you are operating under when you don't want to follow the rules that we're supposed to be operating under. It says that the Chair will immediately pick it up-- this is a procedural rule-- and address the issue. And what could happen at LB814 is, I could be downstairs on a conference call and the ruling goes and the vote's done, and you could read it across. And the Speaker will move my IPP and put the amendment above mine and I lose my right to wait-- to bring it up at that point. So you want me to put trust in an institution when the last four days we're not following our own rules. So we can go back and forth, but the issue you're trying to address, Senator Hilgers, is substantive, substantive to an amendment, whether the amendment is out of order, whether the amendment is correct, whether it's germaneness. Any of those points of order deal with the time in which the bill is called. But here's the bigger problem. My IPP motion doesn't even allow the bill to be read across. My IPP motion-- my IPP motion has to be done first. The bill is not even on the floor. So why are we waiting until 1:30? The bill's not going to be on the floor at 1:30. The bill won't

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even be up because my IPP motion is prior to the bill being read across. So the bill is not even on the floor, just like it isn't right now. This is a stall tactic, and the only time you can do a stall tactic is to do research. And if the Chair wants to say he needs to do research, that is fine, but you cannot move over to a new order of business. Everything halts until the point of order and the violation of the rule is-- is or-- is ruled upon. And even if you say you want to do it for research, I have the opportunity to appeal that to the body by overruling the Chair. There is never a decision that can be made by the Chair that we, as a body, can't pick up on appeal. And that's what just happened. So if we want to throw out the rules, let's throw them all out, and then I'm going to start filing sine dies every hour on the hour. There is a rule that I can't file--

**FOLEY:** One minute.

**WAYNE:** --back-to-back motions and then I'll file a motion to recess on the half-hour because rules and decorum don't matter. Don't get up here and pound your fist and say rules matter and the sanctity matters when we're OK with not following the rules and we're OK with the presiding officer not following his duties. My people have only been able to move forward off of laws and rules. That's why they're so important to me. That's why I went into law. And if we're going to throw them out the last four days, this is going to be a very long four to five days. I'm simply asking for a ruling on my point of order. Thank you, Mr. President.

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

**HILGERS:** Mr. Pre-- thank you, Mr. President. I again rise in opposition to the motion. I-- I do think there's actually a lot of good being discussed here as to what our rules say. And I-- I very much believe strongly-- I very-- I believe very strongly in our rules, and so let's just be clear about what Senator Wayne's citing. So there's no rule in our rule book. And so if you're watching at home and you're wondering what in the world is-- what is this discussion about, there's no rule in our rule book that says when a point of order needs to be addressed. Now, Senator Wayne is correct that when there's not a rule, we tend to look to Mason's Manual. That's not binding, but we do look to Mason's Manual. So when Senator Wayne referenced Section 244, he was referring to Mason's Manual, which I have in my hands here, and I'm going to read from 244 because what Senator Wayne said just at the end, what he's looking for is a ruling on his point of order now. Now what the presiding officer must do under Mason's Manual-- and I'm citing Section 244-- presiding officer must take notice of the point of order immediately. There is no

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requirement, colleagues, that the presiding officer rule on that immediately. Now Senator Wayne-- and I was walking over here. I didn't have Mason's in front of me, so I didn't hear his full citation to it. But let me be-- let me read it into the record just in case he didn't read it. A ruling on the point of order, and I'm quoting-- this is page-- this is Section 244 of Mason's Manual. A ruling may be deferred. So exactly what Senator want-- Senator Wayne has asked for, which is a ruling on the point of order, Mason's Manual says a ruling may be deferred. Now in what instances? Well, there are two. One, it says, when the presiding officer-- the-- it may be deferred by the presiding officer to first give the presiding officer an opportunity to look into the precedents, which is what Senator Wayne referenced, or to reach a decision. Now, in my view, deferring a ruling in order to reach a decision is a pretty darn big and broad grant of discretion to the presiding officer. The presiding officer is deferring that ruling. There's going to be an argument and there's going to be an opportunity for the presiding officer to consider the argument on the point of order later today, and I think this is well within Mason's. Now, even still, we have discretion as a body to create precedent. We don't have to follow Mason's. It's-- to be very clear, this-- this is not a rule of our rule book that we're trying to ignore. This is a Mason's precedent that, even if Senator Wayne is right-- and I disagree with his reading of it-- that we can create our own-- we can create our own precedent here. And so the question here is-- the question is not even, is 244-- do you agree with Senator Hilgers or do you agree with Senator Wayne, does 244 bind us or not? I think it's a pretty broad grant of discretion. The question is, should we take the drastic action of over-- overruling the Speaker's agenda to address an issue that the Speaker has committed to having addressed before the bill to which the issue actually relates and not before LB814? On that question, which is the question before us, the answer, in my view, has to be no, and that's why I'm going to vote red. Senator Wayne will have his-- he will get his ruling, and the body will have the opportunity to weigh in on that ruling. He will get his ruling pursuant to the rules, pursuant to our reliance on Mason's, and pursuant to our ability, as a body, to sort of create common law precedent about how this-- this place ought to function. Nothing we're doing by voting no, if we vote no on the motion to overrule the agenda, is contrary to our rules. So I appreciate-- this a good conversation. In the era of term limits, this may be one of the only times some of us address a motion to overrule the agenda. I appreciate Senator Wayne bringing this issue. And I've always appreciated-- and I've said it on this mike multiple times before-- I always appreciate Senator Wayne operating within the rules; I think we all ought to operate within the rules. So I appreciate his arguments. I appreciate

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why he's brought it. I appreciate his concern about potentially waiving his ruling. But in light of the fact that this-- I think the presiding officer has the discretion to deal with it before the bill, in light of the fact that there's a commitment that Senator Wayne will have his-- his re-- point of order ruled upon--

**FOLEY:** One minute.

**HILGERS:** Thank you, Mr. President. In light of the fact that we're-- what we're being asked to do is, I think, fairly drastic under our rules, which is to change the agenda, I'm going to-- I'm going to vote no on the motion. Thank you, Mr. President.

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

**CAVANAUGH:** Thank you, Mr. President. I rise in support of the-- the motion to change the agenda. I've only been here for-- this is the second year of my first session, so learning the rules is a constant activity here. I learned a lot from Senator Chambers on how the rules work and how to utilize the rules to move things forward or slow things down, depending on what the goal is. I think it's important to be transparent in use of the rules, and fair. And what I have been witnessing over the last couple of weeks is neither transparent nor fair, making a bill a major proposal, and when that conflicts with the rules, that that bill doesn't even qualify as problematic. Not having a committee meeting to discuss the bill that you are discussing making a major proposal is extremely problematic. Not having a copy of the bill that you are deciding to make a major proposal before you decide to make it a major proposal is problematic. I mean, it's just flying blind 24/7 here, making agreements in-- in back rooms, not in the light of day, and forcing them on the body and then forcing them on the people of Nebraska, and I disagree with that wholeheartedly. There was a vote taken by the Executive Committee. The body wasn't told about the vote. It was read into the record. You had to have happened to hear it being read into the record to know. It's not posted; the vote's not posted on the bill. So you have to call down to the-- to the Executive Board to find out how the vote went. There was no meeting on record. This is not transparency in government, and this bill didn't even qualify for that designation. It's-- I feel like we're in chaos. I respect this institution. I agree with the things that Senator Lathrop said yesterday about how things have been going and what this institution needs and how we should be treating this institution. But I am sick and tired of being sick and tired. I get it. I'm not in leadership here. I am not in the majority here, both by gender or political affiliation, so apparently that means that I don't count. But I do count, just like everyone else here counts, and I



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deserve respect and the people of my district deserve your respect, just like everybody else's districts. And we are doing big, big things on today's agenda in a rushed, disorganized, back-room deal way. This is what people don't like about politics. This is what is disgusting about politics, deals being made between a handful of people and shoved on the rest of us. Meanwhile, we have people across this state who are in crisis, who are being evicted from their homes. We can't get a vote on rental assistance. We can't get a vote on an eviction moratorium. We can't get a vote on policing when people of color are being killed. We can't get a vote on SNAP. We can't get a vote on childcare subsidies. I spent last night going back and forth between reading this--

**FOLEY:** One minute.

**CAVANAUGH:** --lovely document and looking at Districts at-a-Glance. And it is very enlightening to see Districts at-a-Glance as to whose districts are thriving in all the demo-- demographics and who's getting the most out of this bill. You all should take a look at that, see if this bill really serves the people of Nebraska, see if this bill really serves your constituencies, because it probably doesn't unless you're in that group of seven. Thank you.

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

**WAYNE:** Thank you, Mr. President. Again, Senator Hilgers, I don't disagree, but if you listened to what Lieutenant Governor said, he said he-- we will take it up at 1:30. It was not to delay to make a decision, and to make a decision is not very broad, as you think it is. It is simply to make a decision. My question and my next point of order after this is, can the Chair ignore a point of order? See, I can tie up this body the whole day off of procedural questions, and then I can raise another one, because what happens is, can he ignore? Can he ignore that? It's a point of order, and when he says yes, because he's going to have to rule on it, that doesn't tie it to a bill. I can overrule the Chair again. So however we want to play this game, we can play this game. But there needs to be a decision on the issue of whether a major proposal was done the correct way. There needs to be a decision on that. That is why, in our rules, that you can actually interrupt-- think about this, colleagues, how important a point of order is. If Senator Clements was talking during his five minutes, I can actually get up and say, point of order, order. The presiding officer has to cut him off and address my order. That is the priority of a point of order. It is one of the highest priorities we have. And it is to ensure that everybody has a voice, no matter what, to deal with the injustice of not following rules and procedures. And the rule

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in this situation is clear. There are only three bills that can get a major proposal. And when the Speaker said we're just going-- when the Lieutenant Governor just said, we're going to wait, we're just not going to decide it right now, we're not going to delay to make a decision, we're not going to delay to research, we're just going to wait to the bill comes up at 1:30, that's not permissive under our rules. And I wish Senator Hilgers would just go with the plain language of what it means. There was a mistake. Own up to it, make a decision. There was a mistake because after this goes through-- and we're going to go roll call vote, call of the house; we're going to wait until everybody gets here. That'll be 10:30. I'm going to say point of order. Can the Chair ignore and not rule on a point of order? His answer is going to be yes or no. That is a direct question. Then I'm going to overrule the Chair. Everybody gets to speak once. They can't yield me time, but they can ask me an open-ended question and I can answer their question with their five minutes. See, I've studied these rules the first year because we spent 45 days arguing them, or 30 days. So yeah, I don't even have to get to the underlying bill today. I can tie us up all day with just procedural questions that are based off of the book, our rules. In the banking industry. Senator Clements, you got rules you have to follow, can't just waive them. And sometimes you've got to make a determination before the loan's given out. You can't just say I'm going to wait until tomorrow or maybe the next day. The presiding officer has a duty to rule. That is his one job. It's in our constitution. He is up there to do one job-- well, maybe two, but we got an odd number, so it'll never come to a tie vote. Second job is to vote if we've got a tie. The only other job is to rule on order and keep us in order and to rule on these points of order, to follow the agenda. Well, we're going to change the agenda. I've never seen it done. Most people are going to vote no. I get it. Then we come back and say again, can he ignore a point of order? He's going to say no. I might even challenge that. Then I could ask another question. We're saying, why are we taking up an hour and 15 minutes? This could have been done at 9:30 with a ruling. I could have lost, took my lumps, and dealt with the 1:30 at the 1:30. We chose to make it complicated. We chose not to follow our rules. We chose to make a Speaker majority proposal out of a-- a-- a Speaker priority that we are not allowed to do. And it's disheartening because I know it's going to come down to a political vote whether our rules in this body even matter. And after that happens, I don't care what side you're on, no more pounding the fist, no more saying we can't do surprises, no more things about decorum, no more getting teary-eyed and your lips quivered up because you're upset about where the body's going, no more of that. And then if we vote on the bill and we did it as a major proposal, whoever votes for this bill, don't talk to me about rules.

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**FOLEY:** That's time, Senator. Thank you, Senator Wayne. Senator Geist.

**GEIST:** Thank you, Mr. President. And I'm going to-- I'm addressing the body, I know, but I'm really addressing the people at home and my constituents and those people that think LB814 is important. I have heard already enough about how unimportant people think this bill is. I know the people that are listening to this today know how important this bill is, and I want you to see the lengths that those who oppose this bill will go to keep this from getting heard. This bill will be heard. The majority of Nebraskans want this to pass. You don't scare me. I will talk on this bill. There are pro-choice women and men who agree with this bill. This is not a partisan issue. It is in this body, but it's not across our state. We are talking about eliminating a procedure that is barbaric. We are not keeping women from getting a second trimester abortion. If you don't know that, you have not been listening. We will debate this bill. You can take as much time as you want this morning. We will get to this bill. The childishness that was scolded yesterday better go for both sides of the aisle. Thank you.

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

**CHAMBERS:** Mr. President, we're ranging far afield, which often happens in a Legislature. We have a rule, and it describes division of the question. Any member may call for a division of the question. It's not a motion. That division shall occur if the components can stand alone. So when you bring something out here with three distinct parts, I'm going to demand a division of the question, then each one will have to be taken on its own and you'll vote, against or for, whichever these things are. Now as far as what Senator Geist said, that doesn't mean anything when it comes to determining the constitutionality of a law. I did not get in the discussion the first time around because I wanted to see if anybody made any substantive constitutional arguments that would justify this bill. I do have a case, and it's not just-- it's in the Eighth Circuit, but it originated in Nebraska. And I said it once and I'll say it again. The court, the United States Supreme Court, said, and mentioned Nebraska's agreement, that any statutory interference by the state with the D&E method is unconstitutional because it places an undue burden on the woman's choice and it nullifies a doctor to use appropriate medical judgment, which Planned Parenthood v. Casey specifically allows. Those things I'm going to get in the record. Senator Geist can have everybody in Nebraska saying a thing is a certain way, but the court's going to make the decision and it's not going to be on this piffle that she and others are making in the guise of arguments. Emotion is not an argument; assertions are not evidence. Supreme Court decisions are precedential, not presidential,

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p-r-e-c. And I'm compiling, from that case, statements not only that the court made, the-- the United States Supreme Court, in term of what places an undue burden on the woman's choice. They mention that the rarity of the use means nothing; that's irrelevant. So somebody led Senator Geist astray, because she didn't know the law, by saying, well, you have some other method you can use. Well, the doctor makes the decision. The D&E method has been approved in all kind of medical journals, textbooks, and so forth, and all of those things were gone through in the Carhart decision. The court listed all of these things. The court described all of the different methods of abortion--

**FOLEY:** One minute.

**CHAMBERS:** --all of them, and mention that the D&E is the most common late-term abortion method. And anything that the state tries to do by calling it something else, if it impinges on the D&E method, then it is unconstitutional as placing an undue burden on the woman, and Nebraska's Attorney General agreed, and that agreement was acknowledged in the court Opinion where Senator Geist and those who put her on this message-- this mess-- this quest did not read either. But I'm going to read them into the record. And what you all are talking about now is very interesting, and I'm listening with one ear while I'm concentrating on putting my arguments together. Thank you, Mr. President.

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

**PANSING BROOKS:** Thank you, Mr. President. So I just find what Senator Geist said completely appropriate to what I was standing up to say, and that's because I am aggravated that the time isn't running. There are all sorts of instances where motions are put forward after a bill has been read where we don't stop the time. Are we going to start stopping the time? Poor Ms. Buck, who helps us all the time, is going to have to say, OK, well, somebody put up a motion now, so we're going to have to stop the time and then, OK, well, now we're off the motion, we're back onto the bill. How are we keeping track of that? I was looking into the rules here and I have a thing that says 3/29/18 Lieutenant Governor Foley reset the queue. It was on LB1069. It was a pull motion. So I don't get why we have to have this queue but meanwhile we're being told that the time isn't running. But meanwhile, Senator Geist and others, Senator Chambers, are talking about LB814. There are many times that people have a motion and it stops the senator who brings the bill from being able to summarize what's-- what's happening or remind us what's happening in the bill. So why is this so special? Why is this special? Why does this get its own hallowed time and, oh, well, if somebody brings up a motion, well,

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that's not a-- then no problem. We're going to hold the time. Let's see, we had-- we have a bill called. We have the queue set, but this is about abortion so it's special. It gets pulled from committee. It has its queue, which we get to hold. And now I have to stand out in the middle of the aisle, a representative of 40,000 people, and wave and wave to get the attention of the Lieutenant Governor. It is embarrassing. I represent 40,000 people and I have to make an action as if I'm waving down an ocean liner. What the heck? This is so special that we have to make new rules and the senators have to go out and make a fool of themselves trying to get the attention to be able to speak. I resent that. I resent not being able to push my button. Then write down the 30 names that we have. Why couldn't you have done that? If you want to keep this special queue the way it is, as opposed to making people reset the-- the queue, as happened on March 29, 198-- or 2018. This is-- this is ridiculous. So we've already had discussions of abortion. We've already had discussions and-- but we're going to reset the time and then go ahead for another three hours because that's what's fair; that is what is reasonable. We get to have a special time here for this discussion because it's just going to go on and on. So if we-- you know what, we'll just keep bringing up motions. I-- I'm with Senator Wayne. We'll keep bringing up motions, and it's going to be confusing when we finally get the time to talk about this bill. It's absurd. It is absurd. Special treatment-- special treatment of certain bills is unfair. That is what makes Nebraskans mad. That is what makes our constituents not trust what we're doing-- special treatment. And that's what we're--that's what this day is about-- special treatment of LB814, special treatment of LB1107.

**FOLEY:** One minute.

**PANSING BROOKS:** I don't get it. Follow the rules. Follow the rules that you all set. Shame on me for trying to bring up a new idea about making people safe, letting somebody remote in if they're sick. Shame on me. How silly. Somebody said, oh, you're the big constitutional lawyer now. Shame on me. I'm-- I'm so sorry that I came up and made a rules argument. Fine. You disagreed with that argument? That's fine. But then don't throw the rules at me on something you want and then expect us to lay down the minute-- lie down, my mother would say-- lie down the minute something doesn't go your way on the rules. Makes no sense. Thank you, Mr. President.

**FOLEY:** Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good morning, colleagues. So basically some of the last speeches-- I did want to address Senator

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Geist's point, and Senator Pansing Brooks touched upon it. This debate isn't running the clock of LB814. And I can't speak for anyone, but I know for myself, I'm not debating LB814. I'm not delaying LB814. We're going to get a full three hours. We're going to get a vote. I'm sure we're going to get a Select File and a Final Reading vote, like Senator Geist's bill, LB814, is going to go and get its time. This is about just simple courtesy to one of our colleagues who made a legitimate argument about the rules and was ignored by the Chair. We can kind of get some assurances by the Speaker that we're maybe doing something special for him. There's been some discussions going on, but there has absolutely been a questionable rules procedure. It's been addressed several times. There's been a questionable rules procedure. There's been, in my mind, a very wrong decision to give something, a Speaker's major proposal designation. There is an argument that it has to be done before the bill is read into order, and there's an argument that if the Chair doesn't rule, Senator Wayne loses his argument entirely just because he's been dismissed out of hand, dismissed inappropriately. That's what we're talking about here. People want to tune out their ears and they're like, this is a stall tactic, this is whatever. Fine, make your accusations, do whatever. This is a legitimate concern that the rules weren't being applied, and Senator Wayne basically asked a yes-no question and got told, I'll tell you later. That's what we're grinding to a halt about. That's what we're grinding to do a halt about, and I just want to make that clear. We are-- so Senator Pansing Brooks and Senator Geist, both their speeches seem to kind of agree and contradict at various points in the sense of we are not running time in LB814, to Senator Pansing Brooks's frustration. But we're also not running time on LB814, which is Senator Geist's kind of seeming frustration. We need a determination on how the rules are going to work for the Speaker's major proposal, the point of order Senator Wayne made, and it just needs to be clear. If that's going to take all morning, until we get some sort of clarity, that's fine; and I'm sure LB814 will get the first three hours after lunch, but that's where we're at. There is a motion. We haven't opened on LB814. There-- we haven't discussed it. This is about whether or not Senator Wayne is going to get treated with the common courtesy that every senator on this floor deserves from the presiding officer. That's what we're stalling about, and that's why I felt the need to jump up in the queue a second time. That's-- that's all this is, is are we going to actually get to Senator Wayne's point of order, which I think is legitimate, that the Exec Board made a mistake? I understand Senator Hilgers and the Speaker probably feel different and I would like the time to have that discussion. And now we're having an argument about whether or not we're actually going to have that discussion and whether or not that timing is appropriate. I

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know this is very much getting into the weeds, but there is a very simple answer that Senator Wayne has laid out multiple times that would resolve it. We can immediately move on to LB814. So if those of you in the queue are eager and desiring to do that, you should be supporting Senator Wayne because it will resolve and we'll start the debate on the next bill automatically. I just want to put that all out on the record. Obviously, you guys know me. I've talked about process. I talked about norms. I'm happy to debate and proceed under any rule book we have. I just need to know what the rule book is and what my options are at any given moment. And if we take something away that I like to do, we give something new that kind of hurts me, that's fine. That's fine. I just need to know what it is and that when I decide to use that in a different bill, in a different moment, that's there too. So with that, thank you, Mr. President.

**FOLEY:** Thank you, Senator Hansen. Senator Pansing Brooks, I don't know if you're listening to me at this moment, but you'd raised the question earlier about whether or not the time was running. I should have paused to check with the timekeeper to see if it was running, and indeed it has been running. The Speaker has determined that it has been running, so that matter has been decided. Senator Wayne, you're recognized close on your motion.

**WAYNE:** --because she doesn't want to talk about it. Thank you, Mr. President. I don't-- I don't even agree with the idea that time should be running because this was raised before-- let me just back up so everybody understands how-- how I got to the frustration I'm at. Last night, yesterday, when we were on our last bill-- and I'm going to raise a point of order on whether times should run. But as we got on the last bill, we subtracted \$80,000 for sex trafficking, and I got up, furious, and I looked over at my colleague and I've never seen her like that before. And so I sat back down, and I was disgusted with this body that the "super seven," the only woman in the room had to take \$80,000 out of her bill, but Senator Lathrop pushed across a \$100,000 bill that morning for parole. So not only did her bill not get to where it was supposed to go-- for whatever reason, that's legit-- but to remove \$87,000 and then push across \$100,000 the same day just completely bothered me. So then I went home and I looked at the major proposal. And I won't tell you who I had a conversation with, but they were on the other side of the aisle and they agreed with me. And so I said, I'm going to bring it first thing in the morning so I don't interrupt and dis-- and distract from Senator Geist's bill. She has her time. It's her time to have her bill. A 15-minute, 20-minute, maybe half-hour, tops, discussion, and we could have been onto her bill having a conversation. The issue is the plain

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language agrees with my interpretation. The issue is our historical practice of what we do with Speaker priorities does not match a senator priority, so it agrees with my interpretation. And that is a fundamental problem going into LB1107. That is the issue. So they want to delay it to figure out how to get there, and that's not the role of the presiding officer. So I had no choice but to file another amendment to make this point. I do not believe the clocks should be running on that big of a-- important of a bill. Everybody's voice should be heard on that bill. It should go to three hours, go to a cloture vote. That is our rules. But again, we're going to bend the rules again. I brought this up before this bill was read across so Senator Geist can have her time on her bill. But to figure out how to get around me and the plain language, we decided not to follow our rules again. And this is for both sides of the aisle. My speeches have been impartial. I got on both sides who get up here and stand about procedures and decorum of this body and how we should interact, and we're just saying we're not even going to follow our own rules, that the "super seven" is going to continue to railroad us anytime that we want to, that the only woman in the room has to take \$80,000 for sex trafficking, but Senator Lathrop can do \$100,000 for parole. For that matter, I can do \$250,000 for African American commission. It shouldn't be an either/or. But we're doing that because the "super seven" continues to say this is what we're going to do. All I've asked is for a ruling on my point of order, and now we got this up here. This should have been dealt with by 9:30.

**FOLEY:** One minute.

**WAYNE:** Colleagues, we got to do better. All we have is our rules. That's all we have is our rules. If we're going to go the majority or the "super seven" is all that matters, then, Senator Erdman, let's file a motion to suspend all the rules. And every time the Chair rules, we just overrule the Chair or not overrule the Chair, so the majority just makes up the rules as we go along. I would ask for a call of the house.

**FOLEY:** There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. You have ten seconds, Senator.

**WAYNE:** Thank you. Vote wisely.

**FOLEY:** Record, please.

**CLERK:** 19 ayes [SIC], 5 nays to place the house under call.



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**FOLEY:** The house is under call. All senators please return to your desk and check in. The house is under call. A roll call vote in reverse order has been requested by Senator Wayne. When-- we-- we're lacking a number of members. All members please return to the Chamber and check in. The house is under call. Senator Pansing Brooks, check in. Senator Hilgers, check in, please. All senators please check in. Senator Hilgers, please check in. Senators Stinner, Hilgers, and Hunt, please check in. All unexcused members are now present. The immediate question before the body is whether or not to adopt Senator Wayne's motion to overrule the agenda. Senator Wayne has requested a roll call vote in reverse order. Mr. Clerk.

**CLERK:** Senator Wishart.

**WISHART:** Not voting.

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

**WILLIAMS:** No.

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

**WAYNE:** Yes.

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

**WALZ:** Yes.

**CLERK:** Voting yes Senator Vargas.

**VARGAS:** Not voting.

**CLERK:** Not voting. Senator Stinner voting no. Senator Slama.

**SLAMA:** No.

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

**SCHEER:** No.

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

**QUICK:** Not voting.

**CLERK:** Not voting. Senator Pansing Brooks.

**PANSING BROOKS:** Yes.

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**CLERK:** Voting yes. Senator Murman voting no. Senator Moser.

**MOSER:** No.

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

**MORFELD:** Yes.

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

**McDONNELL:** No.

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

**McCOLLISTER:** No.

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

**LOWE:** No.

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

**LINEHAN:** No.

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

**LINDSTROM:** No.

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

**LATHROP:** No.

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

**La GRONE:** No.

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

**KOLTERMAN:** No.

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

**KOLOWSKI:** Yes.

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

**HUNT:** Not voting.

**CLERK:** Not voting. Senator Hughes.

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**HUGHES:** No.

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

**HOWARD:** Not voting.

**CLERK:** Not voting. Senator Hilkemann.

**HILKEMANN:** No.

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

**HILGERS:** No.

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

**M. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen.

**B. HANSEN:** No.

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

**HALLORAN:** No.

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

**GRAGERT:** No.

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

**GEIST:** No.

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

**FRIESEN:** No.

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

**ERDMAN:** No.

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

**DORN:** No.

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

**DeBOER:** Not voting.

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**CLERK:** Not voting. Senator Crawford.

**CRAWFORD:** Not voting.

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

**CLEMENTS:** No.

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

**CHAMBERS:** Yes.

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

**CAVANAUGH:** Yes.

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

**BRIESE:** No.

**CLERK:** Voting no. Senator Brewer. I'm sorry, Senator?

**BREWER:** No.

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

**BRANDT:** No.

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

**BOSTELMAN:** No.

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

**BOLZ:** Yes.

**CLERK:** Voting yes. Senator Blood.

**BLOOD:** Not voting.

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

**ARCH:** No.

**CLERK:** Voting no. Senator Albrecht.

**ALBRECHT:** No.

**CLERK:** Voting no. 9 ayes, 31 nays, Mr. President.

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**FOLEY:** The motion to overrule the agenda is not successful. I raise the call. Mr. Clerk.

**CLERK:** Senator Hunt would move to reconsider that vote.

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

**HUNT:** I'd like to raise a point of order. Is the time that we're discussing this procedural motion counting against LB814? I've heard-- you said no and the Speaker has said yes.

**FOLEY:** Senator, that's a good-- Senator, thank you for that question. Senator Pansing Brooks asked that question earlier, and I should have checked with the time people to confirm whether or not the time was being kept. I was not aware that she was keeping the time. Speaker has confirmed that, yes, the time clock is running.

**HUNT:** The time clock is running. OK. I would-- I would request a ruling on my-- on my--

**FOLEY:** Senator-- Senator--

**HUNT:** --request, on my objection to you presiding today.

**FOLEY:** Senator, you're-- you're being recognized to speak to your reconsideration motion.

**HUNT:** OK. Can I yield time?

**FOLEY:** Yes, you can.

**HUNT:** I'll yield it to Senator Wayne.

**FOLEY:** Senator Wayne, you've been yielded 9:00. We're not able to locate him at the moment, Senator Hunt.

**HUNT:** Take it back? Yeah. I think we have a lot of problems this morning, the fact that Lieutenant Governor Foley preserved, rather than cleared, the queue on LB814 and is having people raise their hands, another example of how biased he is and how he is shepherding the legislative strategy on LB814 and has from the beginning. Senator Pansing Brooks talks about how-- how fortunate we are in this body that we haven't had a COVID outbreak in here, but we don't even know that because we're not being tested. If TestNebraska is so great, why don't we have a testing station out in the Rotunda for everybody so that we know that we are not bringing COVID into here? We keep having

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scares. We keep having people put up in the penalty box in the-- in the balcony. I'd like to challenge the ruling that the time is being kept on this bill, because this is time that should be reserved for discussing Senator Wayne's objections, the fact that we haven't had a conversation about how the rules were broken to put the afternoon bill on the agenda. And I agree with his points, that many others have made, too, that we need a ruling on that before we continue with our schedule this morning. And I'll yield my time to the Chair.

**FOLEY:** Senator Hunt and Speaker Scheer, I wonder if you might confer with me at the desk. We've got some clarification on what Senator Hunt's requesting. Members, before us is the reconsideration motion. Those wishing to speak to the reconsideration, please call the desk or raise your hand, whichever, come to the desk, whichever is most convenient for you. Senator Hansen.

**M. HANSEN:** Thank you, Mr. President. I guess I'll just talk for a moment here. There-- I see various discussions going up front. Two things: I stand by my principle and my statements earlier that I did not at that time believe this counted till the time for cloture on LB814. I still don't have a clear answer on whether that's the case. Preemptively, I would apologize to Senator Geist for being incorrect in addressing her comments like that if I was in fact incorrect. I do think LB814 probably deserves its own continued debate, its own three hours. I got in the queue, frankly, to help another senator who is going to raise a constitutional question, much to Senator Hilgers' request on LB814, that we get it in the record and see what both sides look like on the constitutional question. We've not had the opportunity to talk about that here because we've been, in my mind, debating the rules all morning before we even opened on LB814. Part of the reason I thought that, two reasons I thought that: (1) Normally when we open on a bill, the-- the tradition and norms is the introducer of the bill and the person with any sort of priority motion gets to open and debate that, as well as we get to utilize the speaking queue. For me, I relied on talking to another senator or two, our interpretations-- granted, it was secondhand-- as well as the fact that the speaking queue was preserved made me assume that the speaking queue was preserved for when we actually got to LB814, as opposed to all of these rule motions. With that, I've taken enough time, but various other people have made some discussions, so hopefully they'll jump in and we'll get some clarity. With that, I did want to just kind of preemptively-- if I misspoke and I corrected Senator Geist and if she was, in fact, correct this was burning her time on her bill, I would apologize and I would also agree with her frustration that this really shouldn't be burning time on her bill and agree that we should

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get the full time that needs to be debated, because that is, frankly, an issue of emotional weight and constitutional muster that we need the full time here in this body. Thank you, Mr. President.

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

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I'm trying to speak with my mask on, so I hope it doesn't sound like I'm yelling because I've also been told by a few of you that I'm too soft spoken sometimes on the microphone. So I-- I'm a little confused as to where we're at on things. And I-- if the time is running on LB814, I would like to speak to LB814, so I am going to take this time now to speak to the bill that is on the board, whether this is the time on it or not. I am very unclear, but I rise in opposition to LB814. This bill has been determined in numerous courts to be unconstitutional. It is dangerous for women and mothers. It does not take into consideration the life of the mother. If the mother needs to have this procedure done in order to save her life, it is determining medical procedures without considering extenuating circumstances, and that is reckless and dangerous for us to be doing. This is a common procedure for women who have had miscarriages, late-term miscarriages, to have, but it is also a procedure that women whose lives are in danger might need to have, even if they have not yet miscarried. You can't save a baby, you can't save a fetus, you can't save an unborn child, whatever you want to call it, you can't save that being if the mother is dead. And this bill, as it is written, does not allow for deviation, does not allow to take into consideration saving the life of a mother, and that is not pro-life and it also is not constitutional. It is our job as legislators to uphold the Constitution and this bill is in opposition to the Constitution; it is in opposition to considering the life of the mother. And I know that there are those in this body that do not support abortion, even if it's to save the life of a mother, and that is unfortunate, but this bill does not take that into account. And I cannot support something that doesn't even take into account saving the life of a woman in peril and allowing her to have the opportunity to have future children, or, if she already has children, to be a mother to those children without losing her life for a fetus that's not going to be viable if she's dead. So I don't support this bill. I don't support the cost that it's going to bring for a legal battle that it's going to lose because it is not constitutional. And since we don't have \$87,000 for sex trafficking, I'm guessing we don't have the millions of dollars that a lawsuit would cost. I also don't support this because it does nothing to address the underlying issues that women in poverty, women of color, face every day. We are not supporting women. This Legislature, not that long ago, had to fight,

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had to vote to override the previous administration on prenatal care for low-income women. When we unfunded prenatal care for low-income women, abortions increased in this state. And I haven't had a chance to pull up the data. I know there's a report on it, and I will do that sometime today. I'm sure I'll have time. But abortions increased in this state when we cut prenatal care because women in poverty couldn't afford to have a child, and yet here we are, still not addressing intergenerational poverty, systems of racism, the underlying causes that bring women to difficult choices in their lives. We're just taking away options. We're taking away life-saving options and we're not dress-- addressing the systems in place: SNAP, childcare subsidies, rental assistance. It's really difficult to be pregnant and homeless.

**FOLEY:** That's time.

**CAVANAUGH:** Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Senator-- Senator Geist, you're recognized.

**GEIST:** Thank you, Mr. President. I-- I just want to address one of the concerns that Senator Cavanaugh addressed and-- in her time, and that is that LB814 does have a clause, an emergency clause for the life of a mother. That's something I certainly respect. I respect that and the entire medical profession and wouldn't bring forth a bill that did not give respect for the-- an emergency situation. Another thing that I would-- I'd like to address, and-- and something that-- that I think it's left out of the conversation, and it was very well addressed in an op-ed in The New York Times just a couple of weeks ago, and that is how racism and abortion are very closely linked. And I'm just going to read some snippets. If you want to go back and look this up, you can do that, but I'm just going to read some snippets of the article that tells you where I'm coming from on this. And it's "The Ghost of Margaret Sanger," and it's by Ross Douthat. I don't know if that's the correct pronunciation of his last name, but it says: This week, Planned Parenthood of Greater New York announced that it would remove Margaret Sanger's name from its Manhattan health center. The grounds were Sanger's eugenic ideas and alliances, which for years have been highlighted by the anti-abortion advocates and minimized by her admirers. Under the pressures of the current moment, apparently, that minimization isn't sustainable anymore. It skips down and says: When abortion was legalized in the United States, with Planned Parenthood's strong support, its initial effect-- now listen to this-- was a sharp decline in minority births. According to the Wellesley economist Phillip Levine, white births dipped only slightly after legalization,



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while the nonwhite birthrate dropped by 15 percent. Now, 50 years later, the abortion rate is five times higher for the African Americans than for whites. There is a further twist that over the longer run, Roe v. Wade and the sexual revolution probably changed family structure as well, as George Akerlof and (future Fed chair) Janet Yellen argued in the 1996 paper, by creating a wider space for men to expect sex without commitment and to behave irresponsibly toward pregnant women. By making the birth of the child the physical choice of the mother, the sexual revolution has made marriage and child support a social choice of the father. Like the abortion rate itself, this trend, the long rise of fatherlessness, has been steeper in poor and vulnerable communities. So it, too, has helped to sustain racial inequality by reserving the whiter upper class the socioeconomic advantages that two-parent families enjoy. So if you keep following this logic, you might conclude that if Planned Parenthood really took anti-racism seriously, it would repent of its support for abortion and devote itself to helping support African American pregnancies instead. How much more time do I have?

**FOLEY:** 1:20.

**GEIST:** OK. Thank you. Following rigor-- rigorously to their conclusions, they may lead to surprising or inconvenient ideological conclusions to the intersectional dilemmas that no doctrine can resolve, or just to a deep uncertainty about the best-- best path to racial redress. Or they might even lead to a creeping sense that Clarence Thomas has a point: that at the very moment that America finally granted African Americans full citizenship, it also embarked on a separate social revolution whose most ruthless feat-- feature, the belief that equality and liberty require removing protections from unborn human life, left a specific stamp on the African American experience, just as the most ruthless feature [SIC] of our history always do. Thank you, Mr. President.

**FOLEY:** Senator Blood.

**BLOOD:** Thank you, Mr. President. Since we're just all over the place and apparently we can talk about LB814, I want to go ahead and talk about LB814. So fellow senators, friends all, I'm not scared either, by the way, Senator Geist. I want to make sure that my voice is heard today. I want to remind everybody that Senator Geist and I have discussed her bill. And actually, because amendments have been promised to be made, I'm going to support her bill out of General and pass it on to Select File, so you know where I stand on that. In fact, I want to remind you that I voted for LB209 and my amendment actually made that better. But one of the organizations that put out a

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newsletter said I voted against closure-- closure, you know, to stop debate-- because I hadn't felt there had been full and fair debate. They didn't let you know that I voted yes on the final bill because they want to keep this a wedge issue. In fact, when I was excused and not voting on this bill, LB814, the GOP did a ridiculous press release saying that I wasn't pro-life because, you know, they know what goes on between God and I, and my priest and I, and my church and I, and everything's about whether someone on this floor is going to get reelected or not. So they own that issue. So senators like Walz and Quick and I, who have convictions and lean frequently sometimes what you would call, I don't know, conservative, we're not allowed to have those views because you guys, you own that. And I can't hear myself talk. Can you quiet down under the balcony, please, because no one's going to give you the gavel? So I want to say that I read the bill, I heard the debate, and I wanted to know what's the goal of the bill. They said it was to stop dismemberment abortion, but it doesn't do this. I never opposed this bill. I had legitimate questions. Two or three of my concerns were shared with the sponsor. They were shared with the Catholic Conference. They were shared with everybody that reached out to me because I answer my own email, by the way, for those of you watching. I still remember my conversation with Ms. Consbrook [PHONETIC] from Senator Halloran's district, and I told her the same thing every time she reached out for-- to me. And when we received those threatening phone calls, because I dare speak out that there were problems with this bill, we let the State Police know about it, by the way, for those of you that it called up and thought you were anonymous, and I responded to those mean emails because I'm not scared, because if this bill doesn't stop abortion, why aren't we just doing a symbolic resolution? Or is the true intent about the litigation part of the bill, punishing providers? I don't know, because I can't tell this, because I heard everybody stand up and tell you that this is going to put a stop to this type of abortion. It does not. They can still suck out a baby, limb by limb, with suction. They just can't use the forceps, so know that. And so I want on record that many who spoke with such conviction on this bill have zero interest in changing the infrastructure that you view as promoting abortion. Most of these women make decisions based on financial constraints, lack of healthcare, and the like. And why are those who stood here and misinformed Nebraskans on what this bill does or doesn't do aren't getting to the real root as to why women feel the need to have an abortion in the first place? Justice is a very Christian concept. That concept grew out of communities that were not being served, not being served because those voices simply fall on deaf ears, because their parents don't write big checks to partisan causes to protect their privileged lives--

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**FOLEY:** One minute.

**BLOOD:** --because some of those same people who want to protect innocent babies don't give a damn about what happens once they are born. But I give a damn. Partisan people want you to believe that senators like me, Walz, Quick, and others don't support this cause. Not only do we want to protect the unborn, we want to end the systemic issues that led to the abortion. The words "no justice, no peace," apply. Equity, fairness, compassion and answers that lead to change, that's what removes hurdles to peace. Thank you, Mr. President.

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

**McCOLLISTER:** Thank you, Mr. President. Good morning, colleagues. Would Senator Chambers yield to a question or two?

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

**CHAMBERS:** I had said I will not debate this and-- but I'll-- on this-- at this point, I will, but I'm working on something, so--

**McCOLLISTER:** Just a couple short questions--

**CHAMBERS:** All right.

**McCOLLISTER:** --Senator Chambers. A couple of mornings ago, we walked into the Capitol Building and we talked about a Pyrrhic victory. Can you tell me what that phrase means?

**CHAMBERS:** Yes. There was a king who had a battle with Rome. It was a sea battle. Pyrrhus, as I'd pronounce his name, won that sea battle. But in doing so, he lost so much of his forces that when the real battle that would determine the outcome of the war came, he lost the war. So a Pyrrhic victory is one where you win the battle, but you lose the war.

**McCOLLISTER:** Do you see any application of that phrase in the current debate on LB814?

**CHAMBERS:** Well, I'm going to have much to say on it, so I don't want to give a yes-or-no answer to that. But I'm going to give constitutional arguments by quoting from the Supreme Court who said that the D&E method cannot be interfered with; if it is, it's an undue burden on women; and how Nebraska's Attorney General agreed with that. The Attorney General had said we're talking about a different kind of late-term abortion which does not involve D&E because any burdening of D&E would be unconstitutional. Since--

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**McCOLLISTER:** Thank you, Senator.

**CHAMBERS:** Since you asked me, and this-- just a sentence. Since Senator Geist's bill specifically does that, it has already been ruled unconstitutional, so this is much ado about whatever you want to say.

**McCOLLISTER:** Thank you. Mr. President, would Senator Geist yield to a question or two?

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

**GEIST:** Yes, I will.

**McCOLLISTER:** Senator Geist, in Section 3, sub (2), it talks about the Board of Medicine and Surgery on whether the performance of a dismemberment abortion was necessary due to a medical emergency. Tell me about the Board of Medicine and Surgery. Is that a hospital organization or a state organization? Tell me about that group.

**GEIST:** I believe that group is a state organization.

**McCOLLISTER:** Are you certain of that?

**GEIST:** No, I'm not.

**McCOLLISTER:** OK, is it-- is it part of HHS?

**GEIST:** That I do not know.

**McCOLLISTER:** Well, since a major part of this bill relates to rulings by this body, I think we'd-- we better have some information about that before we vote for this bill.

**GEIST:** But actually, I would say the major-- that's actually the secondary part of this bill. The major part of this bill is to stop the procedure. The secondary part of this bill would be if-- there is an appeal or an issue where a woman who has been wronged then has the right of redress. So that would be the-- the secondary part of the bill. Actually, what typically happens in cases like this is when a bill like this is passed, the-- because a physician does not want to incur the wrath of the state--

**McCOLLISTER:** Thank you.

**GEIST:** --then the practice itself ends.

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**McCOLLISTER:** Thank you, Senator Geist. I am very curious about this group, because whether or not--

**FOLEY:** One minute.

**McCOLLISTER:** --a doctor is willing to utilize this, this particular method of abortion, you know, if that doctor is going to be called into some group and we still don't know what that-- who that group is, we need to know how that group functions. And so that's a major problem. Lastly, this bill is likely to be considered to be unconstitutional. How many states currently allow this particular-- have this particular law on the books?

**GEIST:** Hello? I believe currently there are two that are functioning under this bill, but the conditions of those states are-- are the ones who have been ruled unconstitutional are quite different from the conditions of this state. And I understand Senator Chambers has a dispute with that. However, the attorneys that-- that we're visiting with feel comfortable that we're on good constitutional grounds.

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

**McCOLLISTER:** Thank you.

**FOLEY:** Thank you, Senator McCollister and Senator Geist. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you, Mr. President. I just want to stand up and talk about-- I-- I support the reconsideration motion by Senator Hunt. But I do want to talk about some of the issues. Today I wore white because this is Women's Suffrage Month; 2020 [SIC] the year that women actually got the vote. I-- I have some friends that actually have said to me, would we have received the vote if it were up for debate or election or discussion today? I-- I really sort of wonder whether the people in this body would actually give women the vote at this point, because women continually are treated as the second-class citizens, the ones who can't make the decisions about their own healthcare, the ones who can't figure out whether or not they are competent and capable to bring a life into this world. And women are continually the ones that-- that politicians continue to play doctor. We don't-- we don't do thing-- we don't play doctor on vasectomies. No, those are men's decisions, hallowed men's decisions, even though the Catholic Church is basically against it. But, boy, the minute a woman has to decide some issues that are a struggle to their lives, boy, just pop right in there and you guys tell us what we should do. A woman's health, not politics, should guide the important medical decisions at

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every point in pregnancy, a woman's health, not the politics, the woman and the doctor. This ban-- this bill bans care women need and that doctors recommend. The decision about the most appropriate method to end a pregnancy belongs with a woman and her doctor, not those of us sitting here playing doctors in the Legislature. Every pregnancy is different, and that is why a one-size-fits-all law has no place in our healthcare decisions. Politicians need to stop trying to impose their personal beliefs on women when it comes to abortion and women's healthcare. Medically, there is no reason to deny women and their doctors the ability to use this method of abortion care. The only reason is political. It is not medical. Politicians standing in the way of a woman's decision and her doctor's recommendation are interfering with a doctor's ability to make-- use their best medical judgment and to provide the best care for patients that's possible. The American College of Obstetricians and Gynecologists opposed outlawing this method of abortion because it will limit the ability for them to practice and provide the best medical care for women. But you all know better, so we're trying to listen to your arguments about how much you know about taking care of our bodies. This ban makes it a crime for doctors to use their best medical judgment, a crime for a doctor to use their best medical judgment. I think we need to start going through some of the other-- the other-- other reasons doctors might use their best medical judgment. Politicians have no place interfering with the personal healthcare decisions, and they--

**FOLEY:** One minute.

**PANSING BROOKS:** And politicians do not know better than doctors or the woman herself what should be done. Last time I ended with-- and I don't know if I'm going to have the chance to speak again, but as a woman, as a person of faith, as a mother, as a lawyer, as a state senator, I will help my neighbors and I will not stand for the politicians in this body playing doctor about my healthcare, my daughter's healthcare, and the healthcare of the women around me. Thank you, Mr. Lieutenant Governor.

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

**HUNT:** Thank you, Mr. Lieutenant Governor. Even between conversations off the mike with the Lieutenant Governor, with the Speaker, with others, there's still confusion. Time doesn't count. Time does count. Speaking queue is frozen. The rules are being exempted for some people but not for others. I couldn't even get a ruling on my request for the Chair to step down, even knowing how that ruling would go, even knowing how that vote would go. I know what the constitution provides. My letter that I distributed said that. I know the Lieutenant Governor

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has the right to be in the Chair, but I think there is a conflict of interest. And I'm not a child. I'm not an idiot. They should take my request seriously and they shouldn't ignore it. This whole thing is getting shoved through the body. And even though it's getting all kinds of assistance from the Speaker and from the Lieutenant Governor, they still can't figure out what the rules are going to be around this discussion. Senator Geist has two amendments that she filed today. She couldn't even answer the most basic questions about it when Senator McCollister was asking her. She's carrying this bill. She does not understand this bill. Does she even know what the statutory penalty is for the penalty for the-- the-- that this bill provides? And she says that there's redress for the patient. But once the patient has been denied the care, it's too late. That's not a workaround. That's not-- that doesn't make the bill OK. That makes the bill unconstitutional because it causes an undue burden on the patient, as the Supreme Court has decided many times. I'm actually taking-- I'm going down swinging here for a conservative position that the Supreme Court has ruled on multiple times. And this is a conservative Supreme Court. This is something that Justice Roberts upheld in June. And I'm just saying let's uphold that in Nebraska, stop wasting this time in a pandemic, and save the taxpayers what could be millions of dollars in court fees that we are certainly going to pay, because as soon as this law is passed, there's going to be an injunction and it's going to be overturned. But none of you are going to pay a political price for that, are you? Because you did what the anti-abortion lobby wanted you to do, and you don't have to worry about a mailer being sent out for your reelection. So let's call that what it is, and that's the time that we can all read on the clock. The courts have already recognized that there are no workarounds that can make a D&E ban constitutional. These are points that, that the Supreme Court has not wavered on for more than 40 years. If a law places a substantial obstacle into the path of a woman seeking an abortion, including Justice Roberts' concurrence in June-- this is a conservative Supreme Court-- it's unconstitutional. Laws that ban this method are, by definition, substantial obstacles and they are unconstitutional. And the thing that hasn't come up in this-- in this debate is the women, the patients, their stories. Speaking about my experience, when I was 20 years old, I had never been to the gynecologist. And that's very late and that's actually very unsafe for women to wait that long because women should start seeing a gynecologist every year when they turn 18 or when they become sexually active. It's where you get STD and STI tests; you get pap smears; you get pregnancy care; you get contraceptives. A lot goes on for women physiologically that a lot of men don't understand to this day. So it's very important for us to see a gynecologist for our health. Anyway, I was 20. I'd never been to one

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because I was afraid of the stigma. I didn't have money. I didn't feel comfortable asking my parents to help me make an appointment. I was embarrassed. I thought I would be judged. And I told a friend of mine that I'd never been to the gynecologist, and they encouraged me to go to Planned Parenthood because it was affordable and they were nonjudgmental. It made me feel irresponsible; it made me feel embarrassed because there was a stigma there. I was afraid to go. I didn't want to tell anybody. But it was actually the most responsible thing I could have done for myself because it was a decision about my health. And after that visit, I had an abnormal result and I found out that I had cancerous cervical tissue and that I would need surgery to remove it, and I was 20. And it makes me think of all the shame that had been instilled in me and how, if I hadn't overcome that shame and fear and just gone to the doctor, I could have gotten very sick. And today, I have my beautiful ten-year-old daughter who is the light and love of my life. And I think sometimes about how I may not have her today and I may not be able to have future children and I may not be here today if I hadn't gathered the courage, with the support of my friends, to overcome that stigma and get the exam. But this story is-- to me, this story is not about abortion, but it's about why we cannot stand in the way--

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

**HUNT:** --of physicians-- that's time? Did you--

**FOLEY:** That's time. That's time. Senator-- Senator Cavanaugh.

**CAVANAUGH:** Mr.-- Mr. Lieutenant Governor, I--

**FOLEY:** Excuse me. Excuse me, Senator Cavanaugh. Senator Chambers, for what purpose do you rise?

**CHAMBERS:** Me?

**FOLEY:** Oh, I-- Senator Cavanaugh, please proceed.

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I spoke previously about legislation that was passed in 2012. It was LB599, introduced by Kathy Campbell. The Governor vetoed it and the-- the Legislature overrode it. And there are actually people in the body today that participated in that, including Senator Lathrop and Senator Chambers. It created prenatal care, covered prenatal care for low-income women. It was a massive, bipartisan, cross-industry effort to ensure that our most vulnerable populations were getting access to prenatal care. So this would include women in poverty, undocumented women. It was a



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really big thing to happen. And it was a time when those in the body who called themselves pro-life stood up for those values and fought to make sure that every baby in the state of Nebraska has the best opportunity for a healthy start. These are the things that we should be doing for the children of Nebraska. We should be working to make sure that every child has the best opportunity for the best start, for the best life. And we still-- still do not do anything in this body to talk about what is happening with this pandemic, with families being evicted from their homes during a pandemic. I cannot imagine how terrifying it would be to be pregnant right now-- under any circumstance-- but to be pregnant right now and have the likelihood of losing your home, perhaps having other children in the household. It's a pandemic. Are you supposed to show up to work? In May, I had people from your districts, not mine, in rural Nebraska, contacting me because they were scared. I had several women who were pregnant who were being forced to go back to work because they wouldn't qualify for unemployment insurance, because we lifted up our mandates. And so they had to go back to work during a pandemic where there is no mask mandate in this state, because if they didn't, then they couldn't pay for their health in-- they wouldn't actually have health insurance. And if they didn't go back to work, they couldn't pay for their rent and they'd be evicted because we don't care about that in this state. I-- I really don't understand why we can't focus on the right things.

**FOLEY:** One minute.

**CAVANAUGH:** Why can't we work together to address the problems that families are facing every single day in this state? Why can't we work together to talk about how to utilize the federal dollars that were sent to our state that are sitting in a piggybank to be used for a narrow portion of this population, those that own property? Spoiler alert: Not everybody in the state owns property, but everybody in the state needs to have shelter and food and water. Everyone needs those things; every single person needs food, shelter, water-- oh, and healthcare. But we are not talking about that. We are talking about banning scientifically sound medical procedures that can save women's lives. We are talking about giving away hundreds of millions of dollars in perpetuity.

**FOLEY:** That's time. Thank you, Senator Cavanaugh. Senator Morfeld.

**MORFELD:** Thank you, Mr. President. Colleagues, I wanted to talk a little bit about some of the different legal aspects that I brought up the last time that we spoke, and, you know, in particular talking about Justice Roberts' concurring Opinion, and then also some of the other issues that I think Senator Hilgers and Senator La Grone brought

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up. First. I think it's important to note that 12 out of the 14 states, 12 out of the 14 states that have passed this, have found this to be unconstitutional. I'm still trying to find-- figure out what the disposition of the two other states are, and if I get on the mike again or have that time, I can talk a little bit about where the disposition of those cases are. That being said, I think it's important to read Justice Roberts' concurring Opinion and to put it on the record. So if you look at page 40, I believe, of the Opinion in *June Medical Services*, the most recent one by the Supreme Court, Justice Roberts talks about the importance of *stare decisis*. And I won't read that, but I will read a little bit from his concurring Opinion, because it's on point here and it shows that this case-- or, excuse me, what will be a case if we pass this legislation-- which we should not-- will lead to. And Justice Roberts begins, for those that have the case open, on page 4 and states-- I'm going about two thirds of the way down-- Casey reaffirmed "The most central principle of *Roe v. Wade*" is "a woman's right to terminate her pregnancy before viability." At the same time, it is recognized that the state has an important, legitimate interest in protecting the health of pregnant women and protecting the potentiality of human life. Going down a little bit, he states-- and this is on page 5-- under Casey, the state may not impose-- so however-- the state may not impose an undue burden on a woman's ability to obtain an abortion. A finding of an undue burden is "shorthand for the conclusion that a state regulation has the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." It's pretty clear, colleagues, and it's pretty clear, based on what other jurisdictions have found in federal courts, that this is an undue burden. And in case-- and in this case in particular, this was about admitting privileges. This was saying that the admitting privileges that they had put in place, or the restrictions on the admitting privileges, created undue burden. This-- we are talking about the actual procedure, a procedure that doctors have testified before this body-- and I'll try to pull up their testimony-- doctors have testified before this body in the committee that I sit in that, in many cases, this is the only safe procedure at this-- at this trimester for the mother, Dr. Steinauer, who testified before the Judiciary Committee, stated: Well, it's truly the safest method, so it is recommended by the American College and many of us evidence-based-- who practice in evidence-based medicine-- medicine. There is only one specific circumstance where it is really necessary, and that-- for that reason, I spend a lot of my time making sure that every OB/GYN resident learns how to do this procedure. And that's in the setting of an emergency as well. Colleagues, the Supreme Court just ruled and upheld the standard. They upheld the standard. It was the same Supreme Court

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ruling that, when we heard a similar bill a year or two ago, my two colleagues who are attorneys on the other side said, hey, we've got to wait, we've got to wait for the June Medical ruling, there's a case coming down. Well, we've waited, and the Supreme Court, that has a conservative majority, ruled to uphold the same standard. And the same standard is fairly clear here. And when 12 out of 14 other states, similar bans have been stricken down by those federal courts, then I think it's pretty clear what the constitutionality of this potential law is. And it's my understanding that the two other states that have not struck it down yet, have not struck it down because it hasn't been challenged yet, so it's only a matter of time.

**FOLEY:** One minute.

**MORFELD:** Colleagues, we all took an oath to uphold the Constitution. Under the Supreme Court precedent that has been put in place, under the court rulings on similar laws that have been found, this law, this potential law, is clearly unconstitutional. And we can make mental somersaults all day long and point to dicta and all kinds of other Opinions that aren't relevant, but it's clearly unconstitutional here. And if you want to ignore that, that's fine. I'm not going to because I took an oath. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Morfeld. Senator Geist-- oh, I'm sorry. Speaker Scheer; I apologize. Speaker Scheer.

**SCHEER:** Thank you, Mr. President. Colleagues, just a heads-up. The three hours on this will be up at 12:17, so your lunch will be a little delayed. Just wanted to give everybody a heads-up, if you had made lunch plans, that we'd be going just a little bit later this morning. Thank you.

**FOLEY:** Thank you, Mr. Speaker. Now, Senator Geist.

**GEIST:** Thank you, Mr. President. I do just want to respond to a few of the things that have been said and then let you know about the amendment that we have agreed to, that is coming. If we can't get it here on General File, I'm committed to attaching that in Select or-- or Final or as soon as we can get that amendment attached. But first let me just say that I think, as we all stand here as legislators, we impose what our perspective is on every piece of legislation we bring, so to say that this is the only time that we impose our personal belief on legislation isn't correct, because we always do that. We do that every single day. We wouldn't bring a bill to the body if we weren't imposing our belief on it. The other is, when Senator Hunt said that patients are denied care with this bill, that's absolutely

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not the case. A patient will not be denied care with this bill; they will be given an alternative procedure. That alternative procedure is clearly defined in this bill as not a suction abortion; that would be ruled unconstitutional. I understand the difference of making this a broad bill which would include suction abortion and an abortion that uses forceps to rip apart a live baby. The difference is, between the 12th and 24th week, a baby will no longer fit through the suction and is pulled apart while that baby is living. That's clearly defined in this bill. It's clearly stated that the-- this does not include a suction abortion. I'll also respond to Senator Mc-- McCollister. Sorry. Every now and then I get a brain freeze. I did that. I do know my bill. I apologize for those of you who think I don't know my bill, because I do. This is the department-- the Board of Education-- I'm sorry, the Board of Medicine, and it's under DHHS-- this is where a physician would go and plead his case that he performed, if questioned-- this is if questioned-- where he performed this procedure for the emergency use, for the life of the mother. This is where he would go. That evidence would then be turned over to the court. That's how this works. Let me explain quickly about my amendment. Senator Blood and I and Senator Wayne-- Senator Blood voiced a concern. Senator Wayne also voiced a concern. I worked closely with Senator Blood to define the father. In the amendment, we are striking that the father has to be married to the mother. We want to tie the father, the legitimate father, to this baby, so we have struck that the father has to be married to the mother. We're also clarifying that if this is an incident of sex trafficking, that the woman is not-- she is a victim. She is not a criminal. So we're making it clear that this doesn't apply to any woman who is a victim. We want this to apply to the individual who is the perpetrator-- the John, the rapist, the trafficker-- that they cannot profit and get damages from the court for this procedure being performed on a woman who was their victim.

**FOLEY:** One minute.

**GEIST:** One other thing that we clarify in the coming amendment is, in the hearing, there was some question about the anonymity of the women, the women who are being wronged, and we rewrote that section so that it is very clear that we are going as far as constitutionally possible to protect the anonymity of that woman. This is not a women-shaming bill. This is a women-empowering bill. And we want to make sure that she has anonymity at the most constitutional degree that we can. I think my time's about up. Thank you, Mr. President.

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

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**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. So I just want to reconfirm what the law has been stating. The Supreme Court has had ruling after ruling protecting women, protecting people in their personal decisions related to marriage, procreation, contraception, family relations, child rearing, and education. Judge-- Chief Justice Roberts wrote the Opinion this summer and based it on the legal theory of stare decisis, which is already decided, stand-- you stand by things already decided and former precedents. And one of the former precedents is that there is a constitutional right to abortion and that there cannot be an undue burden placed on those constitutional rights. That's what the Opinion this summer said. This attempt to inhibit and place a barrier to a woman's ability to get an abortion is an undue burden on constitutional rights of a woman. And people are talking about-- I-- I don't know if it's clear what people are talking about, the cost, the costs that are going to come to this state to have to have a case that's filed against the state, and then they've got to represent the state in supporting this bill that is clearly unconstitutional. We had the-- we had the Supreme Court rule this summer. Any undue burden on a woman's-- a woman's constitutional right to an abortion is unconstitutional. What part of that are we not understanding? What part of that is not clear to people? The Supreme Court has ruled on all sorts of decisions regarding the private realm of family life since the '40s. Skinner v. Oklahoma was on sterile-- sterilization and infringed upon the fundamental right to have offspring. Of course, Roe v. Wade was-- was founded in the Fourteenth Amendment concept of personal liberty. Birth control decisions by the Supreme Court have also said that-- that people have a Fourteenth Amendment right to privacy to allow the termination of an unwanted pregnancy. And I know that Senator Geist does not want to shame women, but that's-- that's what happens. That's what is happening, shame on the women for having to make a decision about their own lives. You all hate mandates, especially unfunded mandates. The ultimate unfunded mandate is forcing a woman to carry a baby to term and then expecting her to raise that baby, who may have health issues, who may have extra problems, who may be entering a family of abuse and neglect. But you all know better. You all know those situations way better than the woman herself. And I don't know if you're all stuck in that old, crazy notion that people use abortion as birth control. That's just sick and twisted and it does not happen. No one would go forward and get pregnant and then decide, oh, I'm just going to keep having abortions as my form of birth control. Again, 100 years ago this month, women got the vote.

**FOLEY:** One minute.

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**PANSING BROOKS:** Thank goodness, because I just do not trust this body to even consider that again and to give women the power that they need to protect themselves to know what's right for them. It is not for us to judge another. You must walk in the shoes of another to be able to understand what that person is going through, how their heart is beating. And for us, any one of us, to sit and judge another? We are not God. It is between that person and their spiritual power, their doctor, to determine what is appropriate and correct for their lives.

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

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor.

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

**SLAMA:** Thank you, Mr. President. And good morning, colleagues. It's actually almost the afternoon now. I rise in strong support of Senator Geist's LB814 and in strong opposition to the other motions that are on the board right now. And I wanted to take a little bit of time, especially for those who are watching at home and wondering, well, why the heck is no one standing up in support of LB814, to discuss procedurally what has gone on this morning, because this has really squashed the ability of the proponents for LB814 to get up on the mike, because we have some motions being made in bad faith in an attempt to squash proponents from speaking on this bill. So right now we have a motion from Senator Hunt to indefinitely postpone this bill that was brought over six hours ago in debate-- no, wait, actually, five-and-a-half hours ago, a motion to overrule the agenda, which was a motion brought at around 9:00 to move the grand bargain bill, LB1107, up to 9:30 in the morning, and then a motion to reconsider the failed vote on that. Now the proponents of this bill theorized that if we really did appreciate the sanctity of the institution, which has been a running theme of discussion over the last few days, we would be talking about the motion to reconsider briefly, taking a vote on that, and then moving onto the indefinitely postponed motion, likely calling the question on that to allow Senator Geist to get her compromise amendment, which she has bent over backwards to try to form, on the board. We're going to go through six hours of debate stuck on an IPP motion that was put in place to intentionally block Senator Geist from getting her compromise amendment up on the board. And I want to yield the rest of my time to Senator Geist because she's been put on the spot with "gotcha" questions on the floor and belittling comments, and she hasn't had the chance to defend herself adequately because we have moved procedurally from this body from hitting our lights to get in line to going up to the front to request that we be placed in line,

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even though we are technically on the bill, LB814's time right now. So I yield the remainder of my time to Senator Geist.

**FOLEY:** Thank you, Senator Slama. Senator Geist, 2:20.

**GEIST:** Thank you. And thank you, Senator Slama. And just so you know, I-- I'm-- I'm pretty tough. I can handle sideways comments and things like that. I-- I appreciate the-- the nod, but I'm doing good. I-- I do want to-- to reiterate the focus of this bill. It's on a procedure that's rarely done. It is done but rarely done. And I-- I also want to-- to say, and this is one thing that we've yet to cover and that-- how people who-- who are pro-choice and pro-life both seem to focus on the women. What's not recognized is how pro-life people also focus on the women. I can tell you I have no judgment of women who are in this situation. Now I could go on and on, and I'm sure you're not going to take that as being from my heart. People that know me know that's the truth. This bill does not focus on women. This focuses on the physician's procedure. Now I understand that that indirectly is about the woman.

**FOLEY:** One minute.

**GEIST:** But this is a focus on a physician's procedure. There are many pro-life groups that have healing ministries, both for women who have had an abortion, have had this type of abortion, need help raising a baby, need help with a pregnancy they didn't plan. If you, as a young woman, are listening, Google help with an abortion, help after abortion, postabortion help, Rachel Ministries. There are many people out there who will help you make it through this time. We are not just about the baby. We are about the mother. We are about the family. That needs to be said, because that's often--

**FOLEY:** That's time.

**GEIST:** --missed in this conversation.

**FOLEY:** That's time.

**GEIST:** Thank you.

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

**DeBOER:** I'm actually first in the other speaking queue, so I got into this queue because I was told I wouldn't get a chance if we were getting to that queue. So I would like to speak to the bill, although technically I'm speaking to the reconsider motion. I haven't talked on

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this bill yet, so I do feel like I deserve a little time to discuss it and my logic. I have struggled on this bill and I've struggled and I've lost sleep. And, yes, I've prayed, including last night when I got about three hours of sleep. And I listened and I have searched, and I think there are several senators in this body who would attest to the facts of my struggle. The procedure sounds just horrible. It sounds horrible. I've listened to Senator Halloran describe the process from his own perspective, imagining, I don't know, somehow, how he thought he could describe it, and he paints a very vivid, horrific picture. I heard these same descriptions in the Judiciary hearing as well. And someone could make an argument about doctors being in a better position than we are in this room for making the decisions with their patients. And that might seem especially true this week when we haven't, any of us, including me, exactly been our most shining example of intelligent and mature decision-making, and there is logic to that argument. But the procedure just sounds really bad, so it's sort of hard to pit the logic of wanting to defer to doctors to use their best judgment and experience for their patients against the emotion of Senator Halloran's description. And I just simply, pure and simple, couldn't overcome the emotion of that. And I know as a lawmaker I'm not supposed to be making law based solely on my own emotions, without logic, but I'm human and sometimes that happens. I shouldn't decide that way, but I might really want to. But I reflected upon a time earlier in this session when I voted in a way which I discovered later was unconstitutional. It was from my own lack of diligence. There was a constitutional question that I-- that I missed, and another senator brought it to my attention and he called me to task on it. And I have-- I have lost a lot of sleep about that in the meantime. And as soon as I could, I told the bill person that I was-- the introducer that I was not going to continue to vote that way. I take the Constitution seriously, extremely seriously. I know it isn't perfect, but I believe in it. I believe in the years of jurisprudence that have developed around it. And I swore-- I swore-- some people affirmed-- I swore to uphold it. I swore to uphold it whether I agreed with it, whether I liked it or not. I swore to uphold it. And I sometimes look at that very spot, right there on this floor where I stood and I raised my hand. Senator Hunt was to my right, Senator Lathrop to my left; Senator Hughes was behind me. I can remember the moment. And I swore to uphold the Constitution, not only if I wanted to, not only if I agreed, not unless I was really, really against it. No matter what, I, Wendy DeBoer, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska. So I can't decide based on emotion here. I must decide based on the constitutional guarantees, because if I do not, what is next, the right to bear arms, free



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speech? What goes next if I think really strong emotion, but emotion nonetheless, allows us to violate the consti-- constitutional freedoms--

**FOLEY:** One minute.

**DeBOER:** --we swore to uphold? I'm not even going to be able to get into my argument here because there's not enough time. But I want to be clear that I'm not trying to accuse anyone of anything or trying to make this about anything but my decision. I tried to find a loophole in the constitutional claims here. And I want to be very clear. I wanted to be sure, but I cannot find one. I read June Medical, I read Whole Woman's Health, I read Casey, and I could not find any evidence that the burden has changed, that the standard for examining these things have changed. And then-- I'm-- and this is just me skipping ahead in my argument. We have a case decided by the Sixth Circuit Court of Appeals, which is not binding on us-- we're in the Eighth Circuit-- that literally talks about the same kind of bill that we have here. And it says, and I'm quoting the court now: Fetal demise procedures are not, by definition, alternative procedures. A patient who undergoes a fetal de-- demise procedure--

**FOLEY:** That's time.

**DeBOER:** --must still undergo the entirety of-- is that time, sir?

**FOLEY:** That's time.

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

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

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, I think some things ought to be in the legislative debate, so I'm speaking from a case that was from Nebraska. Oh, I have my glasses on. It's Carhart-- Stenberg v. Carhart, a 19-- oh, a 2000 case. I want to put a few specific things into the record. The U.S. Supreme Court said-- first of all, the district court struck down Nebraska's law at that time. They call it late term, but because it also affected D&E, the district court struck it down in the court. It went to the Eighth Circuit on appeal by the state. The Eighth Circuit agreed with the district court that it affected D&E, therefore, it was unconstitutional. It then went to the U.S. Supreme Court in the case that I just cited. And the court says: The question before-- and this is on page 929 of that decision: The question before us is whether Nebraska statute, making criminal the performance of a partial-birth--

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birth abortion, violates the federal constitution as interpreted in the Casey case. We conclude that it does. It imposes an undue burden on a woman's ability to choose a D&E abortion, thereby unduly burdening the right to choose abortion itself. So there the court mentioned the D&E specifically. On page 917 of that case, the court said: Nebraska does not deny that the statute imposes an undue burden if it applies to the most commonly used D&E pro-- procedure, as well as to D&X. Here Nebraska agreed that if their law applied to the D&E procedure, it would place an undue burden. On page 938, the court said: Nebraska does not deny that the statute imposes an undue burden if it applies to the more commonly used D&E procedure, as well as to D&X. And we agree with the Eighth Circuit that it does so apply to the D&E. So when they got through with all of their discussing and came to the point where a definitive decision had to be reached, the court said, on page 946: In sum, using this law, some present-- oh. In sum, using this law, some present prosecutors and future attorneys general may choose to pursue physicians who use D&E procedures, the most commonly used method for performing previability second trimester abortions. All those who perform abortion procedures using the D&E method must fear prosecution, conviction, and imprisonment. The result is an undue burden upon a woman's right to make an abortion decision. We must consequently find the statute unconstitutional. And that's what Senator Geist--

**FOLEY:** One--

**CHAMBERS:** --is bringing to you all today.

**FOLEY:** One minute.

**CHAMBERS:** I will, if this makes it to Select File, have written up a statement where I give the page numbers, give the quotes, and make it clear when I read that into the record what was going on. It was my question to the introducer of that so-called late-term abortion which led to it being struck down as unconstitutional. And you can get that from the district court decision, and I will make all that available on Select File if it gets there. Thank you.

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

**GRAGERT:** Thank you, Mr. President. Good morning, colleagues, I guess-- well, right at noon. I'm going to put a little different spin on the entire situation here. I-- I do strongly support LB814 and for the reasons that I-- I really feel that this is probably, as I sat here for the last two years, one of the most important bills that has come up on this board. Why is that? Well, first of all, my wife and I-- or

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my wife Donna and I were recently blessed with our fourth grandchild, Owen, and I would hate to see anybody miss out on that amazing experience. Also, I have spent much of my life on-- on life-saving missions through the 30 years of volunteering with the volunteer fire department and 40 years in the military, of which 23 of those years I was a medevac pilot. Two of my four deployments in serving was as a medevac pilot. And I've made some difficult life and death decisions in completing those missions. But I have to tell you, you have the most amazing feelings being part of saving a life. LB814 for me-- well, for all of us, is the opportunity to be part of saving, of a life-saving mission. My promise is, if you don't feel this amazing feeling after joining us in voting yes for LB814, give me a call, day or night, and I'll pray for you. Please vote yes on LB814. I yield the rest of my time to Senator Albrecht. Thank you.

**FOLEY:** Senator Albrecht, 3:00.

**ALBRECHT:** Thank you, Senator Gragert. And I, too, rise in support of LB814. I had a letter from a-- a constituent and friend, and she said that she had copied a script from my legislative page. On Wednesday, July 29, the Legislature had their first-round debate on LB814, which would prohibit abortions that dismember an unborn child in order to cause its demise. As you might expect, this is an emotional issue for many in the Legislature. She says: I fully support LB814, and although it stalled on the first round of debate, I'm hopeful that LB814 will return to the floor once again this session. This lady is a teacher. She said: I use bold letters in underlining "unborn child" in your script. Personally, I have started using a little bit different verbiage when it comes to the word "unborn." I'm using the verbiage "a child waiting to be born." This verbiage takes away from the "un," which gives the negative impression of not or not worthy of being born. Perhaps you might consider tweaking your talking points to a child waiting to be born-- just a thought, Marcy [PHONETIC]. You know, I do rise to say that a child waiting to be born, who has no voice but feels the pain, never had a voice in coming into this world but must have those of us being the voice for the voiceless. I thank all senators in advance for standing for a child waiting to be born. I thank Marcy for-- for bringing this letter to my attention. There is a child waiting to be born. Thank you, Senator Geist, for bringing this barbaric practice to light. We must be the voice for the voiceless, a child waiting to be born.

**FOLEY:** One minute.

**ALBRECHT:** Thank you, Nebraska, for your support of pro-life bills. A child waiting to be born should not be using the "un" in unborn,

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because unborn gives a negative impression of not wanting or not being worthy of being born. A child waiting to be born is worthy of being born. And I just thank you, Marcy, for bringing this to our attention, and I just ask for your support of LB814. Thank you.

**FOLEY:** Thank you, Senator Albrecht. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. And I'd like a one-minute warning this time. And I'd like to bring this back to the values conversation. Senator Gragert, I am a mother. I understand the joy and magic of parenthood, and I understand also that all pregnancies are different. And that's why this one-size-fits-all bill has no place in our statute. I don't care if you're a teacher. I don't care if you're a lawmaker. I don't care what your job is. If you are not a physician, a patient, then you have no place telling doctors what is best for those patients. Seventy-five percent of the women who have this procedure already have kids. I trust women, and that reflects the values and also the law that our conservative Supreme Court has consistently upheld. Seventy-five percent of the women who get this procedure are not stupid. They're not childish. They don't need us to condescend to them and tell them that we know what's best for them and they don't. They know the difference between a fetus and a baby. They are in conversation with their doctor. They are fully informed. And as I explained in my personal story about how I delayed getting an important medical procedure because of stigma, I want you all to understand, especially you moderates who do not want this bill to come back up, who do not want to be on cloture, when we pass bills like this, when we hear some of the statements my colleagues make, that's what contributes to the stigma that women experience around the choices they make about their own health, including reproductive health. Laws like this contribute to stigma that prevented young girls like me from getting a pap smear that could have prevented me from getting cancer because I was too afraid to go to Planned Parenthood because of stigma that people like us perpetuate. I'm willing to believe that Senator Geist and a few other proponents of this bill care about women. I can accept, from a starting place, that some of you have personal values that drive you to care for women in earnest. But you can't have those values and advocate for this thing that hurts mothers, that hurts women, that is shoddy science, that turns doctors who are exercising a standard of care into felons. If LB814 passes, for women who have what most of us would consider a "medically necessary" abortion, in the case of the life of a mother, a miscarriage, some-- some fetal diagnosis, someone-- people like someone who is very close to me, and I won't say who because it's their business, but someone who's close to me, who is Catholic, who is

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anti-abortion, who was miscarrying and in danger, who already had a young child at home and a family, if this bill passes, the only legal way for her to terminate that pregnancy and save her own life and avoid the medical danger that she's being put into is to induce labor, which is not always safest for the mother. Induced labor presents a whole host of other risks. It can take days to complete. It requires hospitalization. And because most Nebraska hospitals won't perform elective abortions, many women won't get that option even if they want it. And that's why this is personal to me. We don't know best here. We just don't know best here. The alternatives that Senator Geist proposed would also require additional doctor's visits. A dioxygen [SIC] shot can take up to 24 hours to work if it works at all. So what we're doing is we're saying we don't trust women, we don't trust physicians, we're turning them into felons. And if you go through one of these "alternative methods," or whatever we think that women are going to be able to get if they can't get a dilation and evacuation abortion under this bill, those procedures are not necessarily right for every patient.

**FOLEY:** One minute, Senator.

**HUNT:** Thank you. We have to bring this back to the values, and we have to talk about what this is really about. It's a concerted effort to put abortion care out of reach. We already have a 20-week ban in Nebraska. This bill has nothing to do with the procedure. The-- the-- the proponents of this bill are the ones who oppose all abortion, and birth control, and sex education, and support for sexual assault survivors, and on and on and on, all of these policies that would lead to better outcomes for women who have unwanted pregnancies. Those are not the values that Nebraskans stand for. Most Nebraskans do not want this bill to pass. Most Nebraskans want us to focus on COVID relief. Thank you, Mr. President.

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

**CAVANAUGH:** Thank you-- thank you, Mr. President. I am a mother and I am a mother who has experienced loss. This is personal. Whether people think I should take it personally or not, I do. As far as I know, no one in this body is an M.D. I have a koozie that I like to use for my sparkling water that says, I'm not a doctor, but I play one in the Legislature. I am ever so grateful to have not had any of you involved in the medical exam room during my pregnancies and my losses. Your lack of understanding, Senator Halloran, for describing procedures for theater, your lack of compassion, Senator Halloran, is unconscionable. I yield my time to Senator DeBoer.

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**FOLEY:** Thank you, Senator Cavanaugh. Senator DeBoer, 3:50.

**DeBOER:** Thank you. In the Sixth Circuit case, *EMW Women's Surgical Center v. Friedlander*, for those of you who-- not in the legal side of things, a Sixth Circuit case is not binding on our federal court because we're part of the Eighth Circuit, but the logic is pretty irrefutable and is exactly what will be decided, I'm sure, in the Eighth Circuit-- involves the exact same fact pattern as what we have before us, the same statute in effect that we have, that we're looking at here. I'm sure the words are different, but the effect is exactly the same. It was also decided in June, two months ago, and the other courts who have decided on this issue have all come to the same conclusions, as far as my legal research could find. And perhaps Senator Hilgers might have a case that he could come up with and show me-- I'd like to see that, I really would-- that hasn't been overturned that would suggest otherwise, because I can't imagine what possible scenario there could even be to argue for the constitutionality of this statute or this bill that we have before us. In *EMW*, the Sixth Circuit Court of Appeals ruled a law, identical in effect with this one, was unconstitutional because it presented a substantial obstacle to abortion rights. You ask, what is the obstacle? And that is twofold. The obstacle is both requiring an extra procedure, which I didn't say this but the court in *Danforth*-- that's the Supreme Court of the United States in *Danforth*-- says that that's unconstitutional. And this is perhaps an even bigger hurdle to overcome. The bill that we're looking at pro-- provides the obstacle that this fetal demise procedure is not available to everyone, not always successful, and it is impossible to know whether it is going to be successful in every case before the procedure begins. We talk about the chilling effect with free speech and how that is unconstitutional, but that's much more than-- but this here is much more than that. A doctor, not knowing whether or not he or she will successfully complete or will be able to complete that step at the outset, either because of weird ana-- anatomy, drug failure, ineptitude, or whatever reason, the doctor will not know if they're committing a crime before beginning the procedure, so that itself is a substantial obstacle and frankly will make doctors unwilling to do the whole procedure. Who would risk going to jail in the hope that absolutely nothing goes wrong in a procedure? So it doesn't matter if we like the result. We are sworn to uphold the Constitution. And it doesn't matter. I don't understand the point of these arguments being made by Senator Geist and others about the small number of D&E procedures which have been done in recent years in Nebraska. Constitutional rights are not corporate rights; they're individual rights. We can't have the state take away our right to the jury for just a small number of people and

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think that that's OK. We can't just occasionally lock up the press, but not very often, just now and then, and say, well, it's not a large number of people who were affected.

**FOLEY:** One minute.

**DeBOER:** And it's not like some constitutional rights are better than other constitutional rights. It's not like the First Amendment gets-- rights get more protection than the Second Amendment rights because they're first. That is absurd. All constitutional rights are equally protected for each person here in the United States. And I can't, in good conscience, knowingly vote for a bill that violates the Constitution of the United States. And somebody else said, well, everything's constitutional until we get it declared unconstitutional, but that is a crazy argument. That means if we passed a law that said we're going to lock up the press every time in session if they say anything negative about us, then in the time period that it takes for that injunction to be put into place, we could lock up Paul Hammel and whoever else is sitting up there today, and they'd be sitting in jail. And that means if later it's declared unconstitutional, do they have to stay sitting in jail because at the time that they were convicted of it--

**FOLEY:** That's time.

**DeBOER:** --they would still be there? This bill is unconstitutional. Thank you, Mr. President.

**FOLEY:** Thank you, Senator DeBoer. Senator Blood.

**BLOOD:** Thank you, Mr. President. I just want to say a few comments. First of all, I'm very proud of my peers who are standing up, both for and against, because they were speaking their truths and they feel that they're speaking the truth that-- that best represents our constituents. But there are things I want to finish getting on the record since this ended up being about LB814 and-- and not everything else that's up on the board right now. You know, I'm ready to vote, Senator Slama. I also don't speak for others and say that other people have a plan and that we're up to something, that this was all preplanned. I must have missed that meeting. And when you spoke, it had only been two-and-a-half hours, not five hours, by the way. But I do express-- I appreciate the fact that you're always really nice and clear in explaining how bills work to people and to the body. So what I do want to say, though, and I mean this very respectfully, is the only time that I've ever seen the Lieutenant Governor in my office was in reference to abortion bills. The only time the Governor has ever

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called me was in reference to an abortion bill that got tagged on to a budget bill-- I think that was my freshman year, maybe-- even though my entire freshman year I had asked to meet with him and was never allowed an appointment. When I wanted to talk to him about making sure that we respected the nonpartisanship body called the Nebraska Legislature, I had concerns because he was consistently having press conferences and only inviting a particular party to those press conferences to promote their careers, to promote their thoughts, but not to promote anybody else's, apparently, in the body. And-- and as a result, I'm sure that that's why the Governor has given my opponent over \$10,000 to help run against me, but that's another issue that has nothing to do with this bill. I'm really glad to see so many strong women coming and talking and sharing their views, be they pro or be they con, on this bill because it is about women and the children that they bear. And I'm glad that we're not talking right now about the men who wantonly spread their seed and cause these unwanted pregnancies, because if we talked about that, we'd have to talk about the root cause of what causes unwanted pregnancy: men and their irresponsible ejaculation. And so for all of you men that are on the floor today supporting this bill, I know that abortion is a horrible thing and that we need to protect these children, and so I'm really looking forward to your bills next year to help us address the root cause of this problem. And I will proudly stand behind you and I will cosponsor that bill. And so I just want to make sure, too, that we talk about the compromise that I asked for. You know, I believe in the process. This bill was pulled out of committee. If allowed to go through the process, this bill could have been corrected, could have been written better, could have addressed the compromises that I had asked for, for seven months, but it was pulled from committee without any type of amendments. When I came to Senator Geist-- and, Senator Geist, I'm sorry, but this is the truth, and-- and I'm not saying this to be mean-- and I had grave concerns, one of the things you said to me was like, I need to talk to the lawyers. What lawyers? When you have a bill, you have ownership. What-- what lawyers do I talk to, the lawyers from the committee where it was pulled out of? Do you have lawyers in your office that wrote this bill-- lucky you, because I don't have any lawyers in my office-- or lawyers behind special interest groups? And if it's the lawyers behind the special interest groups, whether I am for or against the bill-- and I am voting this bill yes, but I say this about all bills--

**FOLEY:** One minute.

**BLOOD:** --if it's about lawyers getting involved in-- in the Legislature for special interest groups, I think we need to take



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people to task for that. We're the lawmakers. This body creates the laws. We have lots of qualified people in this body to help us make this laws. Let's make sure that we take better ownership in our bills, whether we are for or against them. And again, gentlemen, I look forward to your bills next year to make sure that we sincerely stop these unwanted pregnancies. Thank you.

**FOLEY:** Thank you, Senator Blood. Mr. Clerk, do you have a motion on the desk?

**CLERK:** I do, Mr. President. Senator Geist would move to invoke cloture pursuant to Rule 7, Section 10.

**GEIST:** Call of the house, roll call vote, regular order.

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

**CLERK:** 34 ayes, 1 nay, Mr. President, to place the house under call.

**FOLEY:** The house is under call. All senators please check in. The house is under call. Senator Matt Hansen, check in, please. Senator Matt Hansen and Senator Crawford, check in, please. All 49 members are present. The immediate question is whether or not to invoke cloture. Senator Geist has requested a roll call vote in regular order on the cloture motion. Mr. Clerk.

**CLERK:** Senator Albrecht.

**ALBRECHT:** Yes.

**CLERK:** Voting yes. Senator Arch.

**ARCH:** Yes.

**CLERK:** Voting yes. Senator Blood.

**BLOOD:** Yes.

**CLERK:** Voting yes. Senator Bolz. I'm sorry, Senator?

**BOLZ:** Not voting.

**CLERK:** Thank you. Not voting. Senator Bostelman.

**BOSTELMAN:** Yes.

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**CLERK:** Voting yes. Senator Brandt.

**BRANDT:** Yes.

**CLERK:** Voting yes. Senator Brewer.

**BREWER:** Yes.

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

**BRIESE:** Yes.

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

**CAVANAUGH:** No.

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

**CHAMBERS:** No.

**CLERK:** Voting no. Senator Clements.

**CLEMENTS:** Yes.

**CLERK:** Voting yes. Senator Crawford.

**CRAWFORD:** Yes.

**CLERK:** Voting yes. Senator DeBoer.

**DeBOER:** No.

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

**DORN:** Yes.

**CLERK:** Voting yes. Senator Erdman.

**ERDMAN:** Yes.

**CLERK:** Voting yes. Senator Friesen.

**FRIESEN:** Yes.

**CLERK:** Voting yes. Senator Geist.

**GEIST:** Yes.

**CLERK:** Voting yes. Senator Gragert.

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**GRAGERT:** Yes.

**CLERK:** Voting yes. Senator Groene.

**GROENE:** Yes.

**CLERK:** Voting yes. Senator Halloran.

**HALLORAN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen.

**B. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Matt Hansen.

**M. HANSEN:** No.

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

**HILGERS:** Yes.

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

**HILKEMANN:** Yes.

**CLERK:** Voting yes. Senator Howard.

**HOWARD:** No.

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

**HUGHES:** Yes.

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

**HUNT:** No.

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

**KOLOWSKI:** No.

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

**KOLTERMAN:** Yes.

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

**La GRONE:** Yes.

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

**LATHROP:** Not voting.

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

**LINDSTROM:** Yes.

**CLERK:** Voting yes. Senator Linehan.

**LINEHAN:** Yes.

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

**LOWE:** Yes.

**CLERK:** Voting yes. Senator McCollister.

**McCOLLISTER:** No.

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

**McDONNELL:** Yes.

**CLERK:** Voting yes. Senator Morfeld.

**MORFELD:** No.

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

**MOSER:** Yes.

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

**MURMAN:** Yes.

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

**PANSING BROOKS:** No.

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

**QUICK:** Yes.

**CLERK:** Voting yes. Senator Scheer.

**SCHEER:** Yes.

**CLERK:** Voting yes. Senator Slama.

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**SLAMA:** Yes.

**CLERK:** Voting yes. Senator Stinner.

**STINNER:** Yes.

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

**VARGAS:** No.

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

**WALZ:** Yes.

**CLERK:** Voting yes. Senator Wayne.

**WAYNE:** Not voting.

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

**WILLIAMS:** Yes.

**CLERK:** Voting yes. Senator Wishart.

**WISHART:** Not voting.

**CLERK:** Not voting. 34 ayes, 11 nays, Mr. President, to invoke cloture.

**FOLEY:** Cloture motion is successful. We're still under call. Next vote is on Senator Hunt's motion to reconsider the overruling of the agenda. Those in favor of Senator Hunt's motion vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 6 ayes, 34 nays on the motion to reconsider, Mr. President.

**FOLEY:** The reconsideration motion is not successful. Our next vote is whether or not to indefinitely postpone the bill. Those in favor of the motion to indefinitely postpone the bill vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 6 ayes, 32 nays on the motion to indefinitely postpone.

**FOLEY:** The IPP motion is not successful. The next vote is whether or not to advance the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 34 ayes, 9 nays, Mr. President, to advance LB814.

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**FOLEY:** LB814 advances. Items for the record, please?

**CLERK:** I do, Mr. President, thank you.

**FOLEY:** I raise the call.

**CLERK:** Mr. President, items, new resolutions: LR468 by Senator Hilkemann and LR469 by Senator Hilkemann. Both will be laid over. Amendments to be printed to LB1107 by Senators Scheer [SIC] and Wayne and LB814 by Senator Geist. Mr. President, your Committee on Enrollment and Review reports LB1004 and LB1004A to Select File. And another amendment to LB814 to be printed, Mr. President. Name add: Senator Slama to LB1107. And, Mr. President, Senator Lowe would move to recess the body until 1:45 p.m.

**FOLEY:** Members, you heard the motion to recess to 1:45 p.m. Those in favor say aye. Those opposed say nay. We are recessed to 1:45 p.m.

[RECESS]

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

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

**FOLEY:** Thank you, Mr. Clerk. Do you have any items for the record?

**CLERK:** I do. Mr. President, your Committee on Enrollment and Review reports LB-- Enrollment and Review reports LB1089 and LB1021 to Select File. A motion with respect to LB814 to be printed and a confirmation report from Natural Resources Committee. That's all that I have, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Members, pursuant to the agreement between Speaker Scheer and Senator Wayne, we are not going to take up LB1107 at this point. We're first going to address Senator Wayne's objections to the bill as being named a Speaker major proposal. And he set forth a number of grounds this morning as to why he believes the bill should not be designated as a Speaker major proposal. It's the ruling of the Chair that the bill is a Speaker major proposal. Senator Wayne, for what purpose do you rise?

**WAYNE:** Overrule the Chair.

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**FOLEY:** There's been a motion to overrule the Chair. Senator Wayne, you may speak first. Members, those of you punching into the queue, you're, you're asking to speak on the motion to overrule the Chair. You're not getting into the queue for the bill because the bill is not yet before us. Senator Wayne.

**WAYNE:** Colleagues, I am thoroughly disappointed. Rule 1, 17 says that there are three bills, three bills that can be Speaker majority-- major proposal Speaker bill, I mean, a senator, senator bill, committee bill, and a A bill. LB10-- LB1106 was Speaker Scheer's priority bill as a senator. LB1107 is a Speaker priority bill. What we are going to do today is embark on a completely different precedent where our rules don't matter. This isn't me being lawyerly. This isn't me putting on a lawyer hat saying, read the rule and I'm coming up with some case law. Read the plain language of the rule. The plain language. We have always treated this differently. Speaker Scheer's own letters to us outlining Speaker priority bills treat this differently. If we are saying rules don't matter, then again, I, I don't know what we're going to do moving forward. And I don't have an opponent, so there won't be any rules here next year. All I've asked this morning and all I'm asking now is to uphold the sanctity of our rules. There are three bills that can be a Speaker majority: speaker priority bill, committee priority bill, and an appropriation bill. We are in-- we are going off into a dark, dark endeavor. The Speaker's own letter have set different designations: February 21 for committee and Senator priority bills 20-- his own Speaker priority bill wasn't announced until the 25th and we have special procedures per his rule for Speaker priority bills. You know, I was offered a deal in this, you know. I was offered a deal for my community, Senator Chambers, and I thought, I thought the minority in this group, the Democrats, would at least band together and say we should have basic rules, Senator Chambers. And they peeled. So once again, Senator Chambers, we're going to get left out of this. And by the way, we're going to have a lot to talk about this bill because there is fundamental structure problems with it. We're not even following the own Speaker's rules. I'm not adding more than three bills to it, but we're-- we don't care. Let me read the rule one more time: The Speaker shall be authorized to: (a) designate up to five bills or resolutions proposed to amend the Constitution as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to the bills or resolutions previously designed-- designated as a committee priority, comma, senator priority, comma, or a general appropriation bill and approved by a vote of two-thirds of the Executive Board. You don't have to go into history. You don't have to go into anything else. The plain language. And I know there's

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people who want to run for Speaker next year, but if you can't stand up to our rules this year, what are we doing? I know what it's about. It's about property, profits over people. Go read the bill. If we're going to have a debate about the bill, let's have a debate about the bill and it's going to get uncomfortable. But this isn't about the bill, this is about a major proposal when our rules clearly say that shouldn't happen. And by the way, Senator Geist, you have constitutional problems on the last bill because the Chair doesn't know what a underlining [SIC] motion is. Overriding the Chair-- overriding the Speaker's agenda is a underlined [SIC] motion. It's a mainline motion. It can't be underneath. It can't, that's the rules. So you just added a extra constitutional issue that can't be corrected because we voted on a cloture bill that wasn't even on the right motion. So I'm going to mention LB814, so when they pull the legislative history, they're going to see what I just said. We didn't follow our own rules. That's what happens when you don't follow your own rules. You added an extra layer to a constitutional challenge because we didn't follow our own rules. And that's what we're doing here too. And if you don't believe me, go look it up. There are cities and counties all across the state who lose their ability to do something because they don't follow their own rules. And that's what we just did in LB814 and that's what we're doing here. Now this is a little different because we're going to overrule the Chair or not overrule the Chair. But the other went to-- to go to cloture on a mainline motion is improper and you can't take that back. That's why I let it go because you need to know your own rules. The rule is clear. And if anybody votes for this on my side, we-- don't talk to me about my community and anything else going forward because we're giving up right now. Every school district is against this bill. It's thrown together, they're still using evaluations, not what's paid in. Must be a typo. And by the way, the value of me during slavery was three-fifths, the value of me for tax credits underneath this bill is only one-half. Yeah, read page 23. The value of the people who work in urban areas is only at 4 percent. The value of people who work in rural areas is 6 percent and they're counted twice. That's where I get the 50 percent. I'm only half a person. I'm half-- I am less underneath this bill for tax credit purposes than what I was under slavery, but that's OK because our rules don't matter. Thank you, Mr. President.

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

**SCHEER:** Thank you, Mr. President. In response to Senator Wayne's filing, I think you have to think-- first things first, if you look to Section 5 (f), the wording is: "The Speaker may designate up to 25



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additional priority bills." It doesn't say Speaker priority bills. It says priority bills. They still belong to the senator or the committee that presented them, period. You can't have something in a rule that doesn't exist. Speaker priorities are a term that has been used on this floor by senators, but it does not exist in the Rule Book, nowhere. It is a term that we've used. No different than if I prioritized Senator Kolowski's bill as my priority. It is not my bill, it is Senator Kolowski's bill. He is still in control of that bill. I could understand Senator Wayne's comments, but I'm not trying to put anything additional, exactly what Senator Wayne said. Read the item. Five-- Section 5 (f), page 33: "The Speaker shall designate up to 25 additional priority bills." It doesn't call them Speaker priority bills. The only bills that are available to prioritize are on individual senators or a committee bill. That's it. You can't have something in another rule that does not exist. I would urge your-- you to vote against overruling the Chair. I understand Senator Wayne is upset. He doesn't like the bill. He doesn't like parts of the bill. I've heard a lot of comments in regards to how it was developed. Every bill was developed by senators. There was no unique selection process to the group that got together. It was a group of senators that wanted to try to come up with an alternative that had already been presented, that simple. If people's feelings are hurt that they were not included, I would just simply ask the body to look at the folks that were included. Every one of them have experience in all three of the items that we're talking about. This is no grand compromise. This was a-- an item that was put together truly by six senators. I was a moderator. They had long conversations, heated discussions. We presented it to the Revenue Committee. They had the option to do whatever they wanted with it. They chose to advance it as a committee amendment to this bill and then released the bill. Everything followed the rules. It was set up as a major proposal. It was signed by six of the nine members of the Executive Committee. There's no shenanigans here. Everything was above board. Now you can disagree with my analysis, just like I disagree with Senator Wayne's.

**FOLEY:** One minute.

**SCHEER:** Fair enough, but mine's pretty simple too. Nowhere in this Rule Book will you find the term or definition for a Speaker priority. It doesn't exist. It can't be in a rule if it doesn't exist. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. Members, just as a reminder, because we're on a motion to overrule the Chair, the members can speak one time and you may not yield time. Senator Bolz, you're recognized.

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**BOLZ:** Thank you, Mr. President. I agree with Senator Wayne on this particular point. I do think this is a new precedent if we are to move forward. But more broadly, and perhaps more importantly, I'm concerned about the process that we're using on this floor. I think we have rushed process. We have under-appreciated the value of stakeholder input and we have been less than diplomatic on this floor at times. I spent my night last night trying to review and understand the 153-page amendment that was filed yesterday and that I was asked to vote to make a major proposal before having set eyes on it. And I spent the morning with my sleeves rolled up, talking in good faith with colleagues of all kinds of different perspectives, representing all kinds of districts. We find compromise. We do this work best. We can work in good faith when we have good process and I am deeply concerned that I don't believe we are executing using good process. This is a significant proposal. Whether you vote to determine a major proposal or not, procedurally, this is a hefty, significant proposal for the people of this state and how it is debated and amended must be taken seriously. We must take our due diligence and our time and people's voices need the opportunity to be heard. We discussed this morning some serious policy concerns. These are not dilatory motions. They are not motions to gen up the other side. They are not concerns that I'm making out of thin air. They are concerns based on 8 years of working my tail off to make this budget balance, to serve the people of this state, and to do right by the constituents of District 29. And all we are asking for is the time to do that appropriately and the opportunities to file the amendments to get something important right. So vote your conscience on the motion, vote your conscience on the bill, but join me in trying to figure out a way forward that does right by the people and gives us breathing room to do that work. Don't ask me to vote to make a procedural change on something that I haven't even seen and then stand up on this floor this morning and say it's the right thing to do. I'll keep working on it. I'll spend as much time as I need to to try to do the right thing. But to do that well, to do that in good faith and good conscience, we need to follow the rules. Thank you, Mr. President.

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

**HILGERS:** Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to the motion to overrule the Chair. I'm going to confine my remarks to the motion before us. I'm not going to speak on the underlying bill, LB1107, or any of the point-- points of order that were raised this morning or the motions that we discussed this morning. I'm just going to talk about what's before us which is, should the Chair be overruled as to whether this is an appropriate

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major proposal? And I want to give a little history and context. This rule was instituted in 1996. The whole idea behind the major proposal is to allow, especially at the end of session, the opportunity for the body to tackle and grapple with very complex issues that matter a great deal to the state of the-- of the state of Nebraska. If there's anything that fits that category, colleagues, I think it's the bill that's going to be before us and we will have ample time, I'm sure, to debate that particular bill and all its merits, faults, or, or the rest. Now Senator Wayne's argument is to the rule and I, and I respect Senator Wayne a great deal and I respect his reading of the rule and the research he's done. And what he has pointed to is in Rule 1, Section 17, which says determinations-- it's limited to determinations made by the Speaker, pursuant-- pursuant to the subsection, to those that have been designated as committee priorities and senator priorities or appropriations bills. The problem is that there's nowhere in the rules that actually says there's a Speaker priority. Now the rules do say the Speaker has additional priorities. But if you do a search throughout the rules and I did one this morning, I did a word search. I went through all the rules. There's nothing-- there's no distinction made between, quote unquote, a Speaker priority and a senator priority, a committee priority elsewhere in the rules. It's not as if it's defined as a Speaker priority. Now the Speaker, and I think previous Speakers have, by custom, applied the rule in their own way with different deadlines and with different criteria. But the rules-- we're not dealing with the customs of how the Speakers have instituted or decided which should be Speaker priorities or not. What we're dealing with are the rules and the rules don't make that distinction. The rules say, the Speaker, and he's a senator, gets additional 25. So I don't think the rule is as unambiguous as Senator Wayne suggests. I think at best, it is ambiguous. And so here we have a ruling of the Chair. We're asking to overrule the ruling of the Chair, which I think is itself a, a motion that has I don't think been successful since my time here in the Legislature. So we're ask-- I think we have a burden to overcome and pointing to what I think is, at best, an ambiguous portion of our rules because of what's in the rules, not because of some custom or some approach of Speakers past, but what's in the rules. I don't think we've overcome that burden, certainly not sufficient to overrule the Chair. And here we have a, a very important, momentous issue that a number of people have worked on and there will be vigorous debate. I have no doubt Senator Wayne is going to make all the arguments that he at least previewed on his opening on this particular motion. I have no doubt Senator Bolz is going to make additional arguments. And I also have a lot of faith in this body that where there are good faith arguments that can win the day, that this bill could be made to be better. So I will not be

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voting to overrule the Chair. I do want to make one more comment as it was raised this morning because I was this morning confining my remarks to the question, the point of order, and not to the work of the Exec Board on this particular major proposal. I didn't address it and that is any suggestion that this particular proposal process was outside of the norm or unlike some other process. At least since I have been Exec Board Chair, I've had-- given-- we have walked many of these around and had one-on-one conversations with senators and I have never, not once, and I would never, at the request of a senator who, who wanted to walk through these issues and have a meeting, deprive the senator or the board the opportunity to have that discussion. Never, not once. And in this case, I discussed with each-- individually with each individual senator--

**FOLEY:** One minute.

**HILGERS:** --thank you, Mr. President-- and gave them time. I did not turn in the major proposal request until everyone had the time to consider it. And had anyone asked me for the opportunity to be heard as a body or as a board, I would have, of course, honored it like I had in the past. The reality is, much of this bill, not all of it certainly, but significant portions, including LB720 and LB1084 are issues that are not new to the body. They're also not issues that are new to Senator Kolterman or Senator McCollister, two of the senators-- or the Speaker, three of the senators who voted for the major proposal. So from a process perspective, we followed the process that I've had and the board has had over the last two years understanding that if any member of the Executive Board wanted to have a conversation, we, of course, would have honored that. So I'm going to vote to over-- motion to overrule the Chair. I think Senator Wayne brings some very good arguments and I understand where he's coming from. I disagree and I certainly-- not enough-- I certainly don't agree enough to overrule the Chair so I'm going to vote red on the motion. Thank you, Mr. President.

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

**CAVANAUGH:** Thank you, Mr. President. Good afternoon, colleagues. I rise in support of the motion. I have read over the rules. I have-- I've followed along as Speaker Scheer was saying, Section 5, page 33, for those of you following along, "(f) The Speaker may designate up to 25 additional priority bills." It does not say anywhere that those are senator priorities. It-- and even when these are put on the agenda, they are under the section on the agenda as Speaker priority bills. So clearly, it is confusing that Speaker priority bills are not a thing. I was under the apparent misconception that they were a thing, that we

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had a timeline on getting them. There was a process for getting a Speaker priority. It says the Speaker may designate 25 priorities. So I guess maybe it's just my lady brain, I don't know, but looks to me-- not a lawyer, maybe if I spoke a little bit more Latin, I'd understand it better. But it looks to me like we do have Speaker priorities and Speaker priorities don't get major proposal designations. But it also has come to my attention that our rules actually are irrelevant as long as they cater to the whims of those in leadership. So I'm going to vote for-- to overrule the Chair on the major proposal because that's all I can do in this body. There seems to be a vacuum of morality here where no one cares anymore about integrity and order. We should. I am very concerned about LB1107 and I plan on speaking on-- to those concerns on that bill. But regardless of if I loved LB1107, I would not think that we should circumvent our process to play political games. I wonder if Senator Wayne has any additional thoughts.

**FOLEY:** Senator Wayne, would you yield to a question?

**WAYNE:** Yes, I'll yield to a question. The answer is yes. We've got other-- so the answer is yes, I have additional thoughts. What the Speaker is quietly leaving out, and Senator Hilgers, and I'm the one not lawyering in this, I'm not bringing amubi-- ambiguous terms and all this. I'm saying read the plain language for yourself. But if we want a lawyer it to death, all you have to do is read Rule 5(h). There is a distinction, Senator Hilgers and Speaker Scheer, that a senator or a committee may withdraw a priority designation at any time, but will not allow-- would not be allowed to designate another priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker, not as a senator, but as the Speaker. There is a distinguish between a Speaker priority bill and one where he serves in individual capacity as a senator. The rule is clear. You can only have one Speaker-- you can only have one senator priority bill. Any bill that has a priority outside of that is some other senator's or the Speaker priority. Rule 5(h) distinguishes between a Senator bill priority and a Speaker priority. So yes, they don't use the word "Speaker priority," but there is a clean-- clear distinguish between the value and how we hold it. Furthermore, look no farther than the Speaker's letter himself. Here's the ironic part. The Speaker is going to have to answer this question on the mike as he's bending his own rules--

**FOLEY:** One minute.

**WAYNE:** --because this bill includes LB1107, LB930, LB720, LB1084, LB615, and LB605. That's more than two. He had an avenue, LB1106. He

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could have designated his own, his own priority as a major proposal moot and it would have been already on three hours. So we didn't have to do anything special. He could have had 33 votes, brought it back, we could have moved forward. We are throwing away our rules and that's unfortunate. And I'm just disappointed. I'm not upset, Speaker Scheer, I'm just disappointed in people personally. Lathrop said, we-- people snap when they take orders. I used to defend a lot of people in here, a lot of people in here. But we all know a Speaker priority isn't the same and they've never been treated the same. We all know that, but we're going to say now it's a major proposal.

**FOLEY:** That's time. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. I rise today and I want to address several points and I'll try and get them all into my time. I bring this up time and time again. I think back to, I think the beginning of last year, I spoke on process and cited some historical examples about calling the question when we had an opportunity to call the question and it was actually overruled by the Chair. It isn't to bring that up, don't spend too much time thinking about it, but I just wanted to, like, put myself out on the record as being a norms, being a rules, being a process-focused person. This is not consistent. This is not me picking an opportunity, throwing a tactic up. This is when we've had a rules debate, there are several senators who get involved, myself is typically one of them. I would encourage more senators to get involved and I would encourage more senators to read the Rule Book cover to cover more often. That being said, Senator Wayne has hesitated a little bit from going all, as he said, lawyerly on this. I do think there is one thing that I want to say. So we have had this discussion on the Rule 1, Section 17, Speaker's major proposals. The plain language talks about committee bills, sorry-- committee priority, senator priority, or a general appropriation bill. And now there's a dispute whether or not the Speaker priority or-- is separate from a senator priority or a Speaker priority. I want to bring that one rule of statutory interpretation and it has a fancy Latin name that I frankly can't remember, but I know it's there. It's the inclusion of one thing is the exclusion of the other is, through the concept, is when you make a list and you take some time to put some specific things down, that means you mean those specific things and you do not mean other things. So we didn't say all priority bills, we said senator and committee priority bills and, and the general appropriations bill, the budget, which I think we all recognize and all understand the budget just always has its own mechanisms and is treated differently throughout the rules. But we're saying specifically here, a Speaker's major proposal has to be

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somebody's priority or a committee priority. And you ask yourself what rule, what other section of priorities did we intend to exclude by this rule that a past Legislature wrote and said-- and we adopted? But a past Legislature wrote and said Senator priority and committee priority. We all know that category that we are now-- that is, that is not included, that is not in those two categories are Speaker priorities. Senator Wayne has already covered this, but there are different deadlines, different applications. There's been a-- it's-- they're listed on the agenda separately. They're listed on the website separately. I know that's not necessarily a binding obligation, but that just reaffirms every sort of norm and tradition and standard that these are, in fact, a different category of bill, a different category of priority. And I would say-- I would be OK to say, support the ruling of the Chair and be-- hey, this is a murky subject area, but obviously it-- whatever. It's an important enough issue or something of that nature or there's enough vagueness that I can defer this way. But for me, time and time and time again, I have seen similar rules just all of the sudden, it twisted and changed. And that is why I think we need to start overruling the Chair and start, as a body, affirming more norms ourselves in the way we used to. I mean, we could do that as we want. I've seen this time and time again throughout this body that sometimes calling the question is OK, sometimes it isn't. Sometimes it matters who's in the queue, sometimes it doesn't. Sometimes it matters what time of day it is, sometimes it doesn't. I would like to us and find all of the situations and norms and things that aren't necessarily in the Rule Book, but that we just understand, we just understand are the rules of the game. And if that's going to be Speaker's major proposals are more and more common, Speaker's major proposals can include Speaker priority bills, all right.

**FOLEY:** One minute.

**M. HANSEN:** But that's not what the Rule Book says right now and if there's a certain point where we have to back it up and if it's, like, OK, we could just put words into the Rule Book whenever we want, you know, why do we have a Rules Committee? Why do we have a rules process? So that's just kind of fundamentally what I want to get. I know we're running out of time. I know we'll have-- many of us will be gone. We'll have a new Rules Committee. We'll have a new thing beginning of next year. But both today, I would encourage you to overrule the Chair just as a point of principle to make the plain meaning of our rules work. At the same time, as we move forward, as we look at new rules, members, new rules, new leadership, let's have some norms we can at least understand and know how it's going to work on a day-to-day basis because that's something that I feel, as we've seen

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this morning, is just leaving and falling apart. And with that, thank you, Mr. President.

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

**FRIESEN:** Thank you, Mr. President. I rise in opposition to overruling the Chair. You know, my six years that I've been here, I've been on both sides of this argument. Last year, we had LB720 designated a major proposal. I didn't like that. I didn't throw a tantrum. We still stopped the bill. Let's get to debating the bill. It doesn't matter. You know, we, we keep saying we're throwing the rules out the window. Well, I could say that for six years. No matter how often you say it, it doesn't make it true. In the end, we have the opportunity to overrule the Chair when they make a decision and whatever that decision is, we live by it. And like I said, I've been on both sides of this numerous times. Call the question, you name it, it pops up. Depends on-- you're right, exactly right. It could be the time of day. It could be who's in the Chair, could be that there's nobody paying attention. Numerous reasons, but those things happen. They've happened in six years. I've been on the losing side too many times. Doesn't matter, you just keep moving forward. You talk about the bill. It's not the process. We're following the rules. So there's an interpretation of the rules. Me not being a lawyer, when I read it, I don't think there's anything special about this-- the priority designation. So the way a common person would read this, I'd say we followed the rules. Now there's a disagreement on whether or not we followed the rules and we're going to decide whether or not we're going to overrule the Chair. And then we're going to go talk about the things in the bill, whether it has merits of passing or not. So with that, I urge you not to overrule the Chair and we proceed to talk about the bill. Thank you, Mr. President.

**FOLEY:** Thanks, Senator Friesen. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. Colleagues, perhaps if we hadn't spent three hours fighting over the scheduled debate over an unconstitutional abortion ban, people might be in a mindset to work together more cooperatively on something that is much more important, namely the budget, tax relief, tax incentives for businesses, plus COVID relief and the issues affecting food-processing plant workers, long-term care facilities, Nebraskans in poverty, etcetera, who have been reaching out to us for aid, not for business tax incentives, not for abortion bans, but for assistance. Generally, courts are deferential to how legislatures pass bills and what rules that the legislature follows so long as those rules are consistent with the constitutional requirements for passing laws. But what happened this



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morning, and because of what's been done with LB1107, that process may put the constitutionality in jeopardy. And if there is, we'll find out when the bill is passed. When we don't follow our own rules, that puts into legal jeopardy what we are able to accomplish here in the Legislature. But to pick up on what Senator Wayne was saying, this just again shows the slapdash, cobbled together, sloppy way that the Lieutenant Governor and the political forces behind this unconstitutional abortion ban are running this through the process. I tried to bring these procedural issues up in my point of order to figure out what we were doing as a body, what we were debating, how we were talking about it, how the queue was being operated, how the time was being operated. And I got many different answers at different points in debate and it was unclear the entire way through. And in that lack of clarity, colleagues, my request was simply ignored. I insisted on a ruling from the Chair and I never got one. When we had our vote for cloture, it was Senator Wayne's motion that was pending on the board. Was that even a legitimate vote? Senator Wayne's motion to overrule the Speaker's agenda is a main motion. LB814 shouldn't have been on the floor, the speaking queue should not have been reserved, and cloture should not have applied to that motion. We shouldn't have had time running on LB814. And there are serious issues with this precedent and that's what really concerns me. I think it's because a lot of people in power did the math and they realized there's only five days left and they need at least four to pass this unconstitutional abortion ban. And now this ban may come up tomorrow on the schedule and we will continue through this slog for the rest of the session. And I don't care if we go until the last minute every day. To me, it's about the integrity of the rules and consistency applied equally to every senator and every bill. It's not about, Senator Friesen, whether we like the proposal or if we like the underlying bill, that has nothing to do with the legitimacy of the rules. It has nothing to do with it. It's about an expectation of consistency, especially when we have what appears to be flagrant bias in our leadership. That is when consistency and rules matters most. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hunt. Senator Wayne, you're recognized to close on your motion.

**WAYNE:** Thank you, Mr. President. Senator Friesen, I would object to the word "tantrum." At the end of the day, I think I've introduced more bills than anybody in the last four years and probably got the lowest batting rate of getting something across the aisle. So taking losses isn't a problem if it's within the rules. And the problem-- what played out today was we didn't get a ruling. So people can go in

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a backdoor and come up with the rule, secure their votes to make sure that at the end of this, this is a major proposal. That's the issue. The issue that-- the reason we're doing this at the last hour is because certain people wouldn't come off another bill is just disingenuous. And everybody just continues to throw everybody under the bus until they get five or six votes and we decide we can move a bill or do whatever we need to do. Have, have amendments added, gut new bills, have hearings, just do everything we want to do outside of the rules. It's just-- it's sad. And the same people who pounded their, their, their desks yesterday are going to vote for this bill no matter how it got here. The same people who stand up and come to me and say, Justin, can you stop? You know, can you do this? Can you do that? The other day, Groene's bill just flew through. I didn't-- matter of fact, the first time it was held up had nothing to do with me or Groene, something else. I'll sit down to work with anybody if we have a baseline understanding of what the rules are. It's simple. When you list something of what's priority, you list, your words mean something. As a banker, Senator Clements, you know that. And then if there's ambiguity, you look at, you look at how we do it. And it's clear from his own letters we treat these differently. But because the issue is so big, we're just going to ignore the rules. I thought we were better than that. Clearly, we're not. Clearly, it's about politics so you can run a campaign, say you voted for property tax relief, say you didn't. It's not about how we got there. Process matters. And I know some of the people who are going to vote for this proposal got stabbed in the back, did the stabbing in the back, none of that matters. We're going to bend the rules because we have to vote a certain way and that's unfortunate. If this was a constitutional argument or a contract argument, Senator Hilgers, you know, you don't have a leg to stand on. To stand up here and say it that way? Man, that's just disingenuous. Like, there's no other way to say it. When you're in a court and somebody is arguing that way, you just look over at him and you no longer respect that lawyer. I guess one thing to advocate for your side, but it's another thing just to be disingenuous about it. But we're not in court. We're supposed to be moving Nebraska forward. And I'm listening to the deals being cut over here to put Dems on board and it's amazing to me. It's amazing.

**FOLEY:** One minute.

**WAYNE:** Just remember, guys-- and I hope my Dems are listening, hope our conservatives are listening-- there's no constraints on this bill. And when we cut a billion dollars our first year, we increased the property tax relief refund. Let's hope all the projections work out.

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Let's keep violating the rules and see if it works out for us. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Wayne. Members, you've heard the debate on the motion to overrule the Chair. The question for the body is whether or not to overrule the Chair. Those in favor vote aye; those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.

**CLERK:** 24 ayes-- 25 ayes, 7 nays to place the house under call.

**FOLEY:** The house is under call. All members, please return to your desk and check in. The house is under call. Senator Wayne, check in, please. All unexcused members are now present. The question before the body is whether or not to overrule the Chair. There's been a request for a roll-call vote in reverse order. Mr. Clerk.

**CLERK:** Senator Wishart.

**WISHART:** Yes.

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

**WILLIAMS:** No.

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

**WAYNE:** Yes.

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

**WALZ:** Yes.

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

**VARGAS:** Yes.

**CLERK:** Voting yes. Senator Stinner.

**STINNER:** No.

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

**SLAMA:** No.

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

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**SCHEER:** No.

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

**QUICK:** Not voting.

**CLERK:** Not voting. Senator Pansing Brooks.

**PANSING BROOKS:** Yes.

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

**MURMAN:** No.

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

**MOSER:** No.

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

**MORFELD:** Yes.

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

**McDONNELL:** No.

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

**McCOLLISTER:** No.

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

**LOWE:** No.

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

**LINEHAN:** No.

**CLERK:** Voting no. Senator Lindström.

**LINDSTROM:** No.

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

**LATHROP:** Not voting.

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

**La GRONE:** No.

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

**KOLTERMAN:** No.

**CLERK:** Senator Kolterman, voting no. Senator Kolowski.

**KOLOWSKI:** Not voting.

**CLERK:** Not voting. Senator Hunt.

**HUNT:** Yes.

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

**HUGHES:** No.

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

**HOWARD:** Not voting.

**CLERK:** Not voting. Senator Hilkemann.

**HILKEMANN:** No.

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

**HILGERS:** No.

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

**M. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Ben Hansen.

**B. HANSEN:** No.

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

**HALLORAN:** No.

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

**GRAGERT:** No.

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

**GEIST:** No.

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

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**FRIESEN:** No.

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

**ERDMAN:** Not voting.

**CLERK:** Not voting. Senator Dorn.

**DORN:** No.

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

**DeBOER:** Not voting.

**CLERK:** Not voting. Senator Crawford.

**CRAWFORD:** Not voting.

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

**CLEMENTS:** No.

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

**CHAMBERS:** Yes.

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

**CAVANAUGH:** Yes.

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

**BRIESE:** No.

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

**BREWER:** No.

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

**BRANDT:** No.

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

**BOSTELMAN:** No.

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

**BOLZ:** Yes.

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**CLERK:** Voting yes. Senator Blood.

**BLOOD:** Not voting.

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

**ARCH:** No.

**CLERK:** Voting no. Senator Albrecht.

**ALBRECHT:** No.

**CLERK:** Voting no. 11 ayes, 29 nays, Mr. President.

**FOLEY:** The motion is not successful. I raise the call. Pursuant to the agenda, we'll move to General File 2020 Speaker major proposal LB1107. Mr. Clerk.

**CLERK:** Mr. President, LB1107 was a bill originally introduced by Speaker Scheer. It's a bill for an act relating to revenue and taxation. It changes provisions relating to notice of preliminary valuations. Introduced in January. At that time, referred to the Revenue Committee. The bill was advanced to General File. I do have Revenue Committee amendments pending, Mr. President.

**FOLEY:** Speaker Scheer, you're recognized to open.

**SCHEER:** Thank you, Mr. Pri-- President. Colleagues, this is something that we all have to think about. We have to determine if it's in the best interest of the state of Nebraska. I have no, no doubt that there are people in the state of Nebraska that are hurting, that are having problems paying their rent, that are having problems, perhaps, buying food. All those things are true. Through the funds that were allocated by the federal government, we have provided assistance for all of those things. To my knowledge, I've not heard that those funds are depleted as of yet. But my best guess is that the folks that are needing that assistance, and maybe those that have been laid off in hopes of getting back to work soon, are those that have been fired simply because there's no job that exists and the business is closed, would like to be employed. They want a job. Nebraska has to be open to increase the employment and increase the population in the state of Nebraska. What we have an opportunity to do is make Nebraska not only a more inviting place, but a better place to live in. It's no exaggeration that the great multitude of people feel their property taxes are too high. That's not a guess. We all know that. If we are going to try to encourage people to come to Nebraska, we have to make

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Nebraska a more competitive place. We have to do something to try to reduce the burden on the individual taxpayers to own a home, to farm a farm, to have a business and stay in business. That's direct overhead. You know, we-- we've always called the ownership of home the American dream. Those people that are having problems with their rent, believe me, they'd like to own their own home. And even if they could save up enough to cover the down payment, would they have enough cash flow to continue to cover that ever-increasing property taxes? We need to find a job for them. We have to entice businesses now to not only expand in Nebraska, because they know how good a state and how good the people are in Nebraska, to hire more of them. But also, there's going to be companies that are looking at other states and Nebraska. We need to have something to entice them to at least look at Nebraska. You know, I'll be honest, I don't necessarily love incentives. No one does. But we're naive to think that we don't have to have anything in order to attract new business, existing business to expand in Nebraska. If we can't treat those that are already here better, they'll go somewhere else. It's that simple. We have the opportunity, as Senator Morfeld said, to turn the UNMC campus into a world-renowned facility, a chance of a lifetime. We have the opportunity to at least be able to encourage that selection. We're not going to be out a dime if we don't select-- if we aren't selected. If we are selected, thousands and thousands and thousands of jobs follow that, not only in construction, but in the employees of the facility. Those aren't \$9 an hour jobs. Those are good-paying jobs with benefits. What we've talked about for the last three or four years is improving what we're requesting to get incentives. It's in the bill. Senator Kolterman did a darned good job of doing that. We have an opportunity to move the state forward for all of our citizens, hoping to find new citizens. I have three grandchildren that live in the state of Nebraska. I wish I had more. I've got five others, but they're not here. And why? Because the limited job opportunities. I want to make darn sure that my grandkids have the opportunity to stay in Nebraska. Anybody that's got grandkids know exactly why. You love them to death. You forget about your kids, you love the grandkids. It's that simple. I could care less if my kids come home, I want to see the grandkids. That's what's important. I'm doing this for them. We passed on both the proposals. Fair enough. Couldn't get along, it wasn't the right deal. All of that's true. Is this a perfect bill? Absolutely not. We're working on it as we speak. We didn't have a lot of time to put something together. We put it together in principle and now we're trying to write it. Most of it's done, but there's still some things that have to be done. I beg you to please keep an open mind. This is for all Nebraska. Nebraska is watching us today. They want us to do something. They want us to do something in relation to jobs. Those that are unemployed, they want



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hope. We've got to show some leadership. We've got to give them hope. We've got to give them the idea that we want to do something. We want to find employment for those people so they're no longer trapped with government subsidies-- subsidies. We have to do something to keep people in Nebraska. I'll just ask each one of you to think in your own mind, how many people do you know that have retired? And what happened? They left Nebraska. We've got to keep the people we have here, here. Things don't get better until we start growing numbers. We have great people in the state of Nebraska; hard working, intelligent, well-educated. Let's find them a job. Let's help them have the American dream and be able to buy a home and be able to afford it. Let's turn our state medical center into a world-renowned facility that will attract people from all over the world, will provide tens of thousands of jobs. We have an opportunity to do great things. Please join me. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Speaker. As the Clerk indicated, there are amendments from the Revenue Committee. Senator Linehan, you're recognized to open on the amendments.

**LINEHAN:** Thank you, Lieutenant Governor. Good afternoon, colleagues. I rise to introduce AM3166 to LB1107. Before I start, I would like to thank a number of individuals. First of all, I'm going to start with the staff in my Revenue Committee-- the Revenue, the Revenue Committee staff and my personal staff who have worked from January until this day, including all the days we were on the phone when we were out in March and April. I want to thank Senator Scheer for his leadership on this issue. And I want to thank Senator Stinner for his leadership and his expertise with the budget of which without, we couldn't be here today. I want to thank the Revenue Committee as a group and individually for their hard work, expertise, and support: Senator Curt Friesen for always providing the perspective of agriculture; Senator Tom Briese, his legal mind and intellect are a gift to this Legislature; Senator Sue Crawford for always coming prepared and asking thoughtful questions; Senator Mike Groene for being one of the hardest-working senators whose intellect rarely lets him relax; Senator Mark Kolterman for always supporting property tax reform and being a considerate ally; Senator Brett Lindstrom, our quiet ally with the ability to always bring us back to middle ground when our conversations veer off track; and for Senator McCollister always putting his constituents first and bringing forth questions on their behalf. I'm going to go through a summary of this bill and if you have questions, Senator Briese, Senator Stinner, other senators who've been involved in this, I may redirect, so-- but I will try to answer. The existing property tax credit first and we refer-- refer to it as tier

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one property tax relief. The provisions of LB930 incorporated Senator Briese's bill. It sets the minimum requirement of \$275 million per year in the fund. And there is a petition on the ballot this fall that says if it passes and it may not pass, but if it does pass and it says on the ballot the funds generated-- 70 percent of the funds generated will go to the property tax credit fund over and above the \$275 million floor. Nebraska Property Tax Incentive Act, the new part, is a new property tax refundable income tax credit. It's a refundable income tax credit based on the amount of school district pop-- property taxes paid in the prior year. It can be claimed on a corporate or individual return. And there's-- I want to stop here. It's refundable because I've had several questions, what if I don't pay income taxes? You still file and you'll still get the credit. It starts at \$125 million in fiscal year 2020-21. School taxes paid excludes levy for bonds-- this is now the question I heard frequently-- levy for bonds or levy for override. Then how do we pay for it going forward? And Senator Stinner can address this much better than I can, so I would suggest if you have questions on this, you ask Senator Stinner and he's very prepared. If net receipts exceed forecast by 3.5 percent and Cash Reserve is below \$500 million, then 50 percent the excess over 3.5 is certified to be added to the original \$125 million to increase the amount of refund. So this protects the programs that are already in the budget. Senator Stinner insisted on this. So we are not going to be short of programs that we already are responsible for. If net receipts exceed forecasts by 3.5 percent and the Cash Reserve is at or above \$500 million, then 100 percent of the excess over the 3.5 is certified to be added to the original \$125 million to increase the amount of refund. Another-- as we all know, Senator Stinner has told us multiple times he is very focused on getting the Cash Reserve up to \$500 million. These provisions notwithstanding, by the fifth year, the amount available for the credit must be \$375 million. Once the amount reaches \$375 million, it will increase annually by the amount of overall statewide increase in valuations. If you have questions on that, I have a chart on my desk I can show you that varies like all increases vary. I think the last year, it was a little over 2 percent. It will be available to resident and nonresident property taxpayers. That's an Attorney General Opinion from 2018. So it has to-- if you pay property taxes, you will get a credit. Here's another thing that's been overlooked and this has been in several versions of bills that we've talked about the last two year-- years and it's to help pay for-- I think that's what we call those-- repeals the personal property tax exclusion, which is about \$15 million. So that will go toward paying for this bill. Changes to the ImagiNE Act-- and here I would suggest if you have real detal-- detailed questions, to go to Senator Kolterman, who has worked

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very hard on this. The new caps are as follows: \$25 million each in years one and two, beginning in 2021; \$100 million in year three and four; \$150 million in year five. This is down from the original LB720. After year five, the cap will be equal to 3 percent of net tax receipts, which is where the old Advantage Act was. These are hard dollar caps on funds that may be paid out as refunds are claimed as credits upon income tax returns. So one of the problems that Senator Stinner brought to us, and the Speaker, was they earn the credits and then Imagine, a bunch of people have outstanding credits that they earn and they all come to you at the same time. This limits the number that we would have to pay out in any single year so it helps us make sure our budget does not get stressed, stressed in any given year that we're not expecting. Completed applications as defined in the act will be approved unless the hard cap on annual credits is expected to be exceeded. Employees-- and this was an ad and it's, I think, an important one. Employees must be residents of the state of Nebraska to qualify for incentives. Changes to the Nebraska Transformational Project Act, the NExT act. And have no doubt, if we get this, this is a huge plus for all of Nebraska and especially for our medical students and nurses and pharmacists and therapists, all the people that will be able to access, the more students we will be able to have at UNMC. No funds, however, will be expended under this act until the applicant has been selected for participation in the federal program, funding totaled \$1.3 billion has been received from the federal government and private donations. The way we have generally talked about that is we need-- they need to be able to show they have \$1 billion from the federal government and \$300 million from private donations. To make sure we could get this all in under our forecast going forward and to leave room for programs that I know were important to each and every one on this floor, no funds or transfers will occur for this project until FY '25-26. I know this is a lot and I know that everybody's got a heavy--

**FOLEY:** One minute.

**LINEHAN:** --we've got big decisions to make here. I think as Speaker spoke to, this helps everybody in the state. It helps us create more jobs. It helps ag and homeowners and businesses who are stretched very thin to pay their property tax bill. It helps develop an incredible institution that we can be proud of, that will educate many more students than we are occurring-- currently educating. I have a son-in-law who's a graduate of the pharmacy school. I-- this is very important, so, please, I will be here all afternoon. If I don't know the answer, I will help find someone who does. Thank you very much.

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

**CLERK:** Mr. President, pursuant to the Speaker's scheduling ability, Senator Linehan would move to amend her committee amendments with AM3349.

**FOLEY:** Senator Linehan, you're recognized to open on AM3349.

**LINEHAN:** I will get copies of this. There were-- we had a meeting this morning and there were three things that were brought up. I may have-- Senator Crawford, I didn't ask you, but do you want to talk about this briefly? Yeah, I just asked for them. So Senator Crawford, we had discussions this morning, which you were very helpful and you-- oh, I'm sorry. Senator Crawford, would you yield?

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

**CRAWFORD:** Yes, I will yield.

**LINEHAN:** Sorry, thank you. One of them was just the language-- or a, a drafting error.

**CRAWFORD:** Do you want to just ask me if they were?

**ALBRECHT:** Yes, would you-- yes. Senator Crawford, would you please tell us your concerns when you looked at--

**CRAWFORD:** Yes. Yes, please. Yes. So this, this morning, we had conversations really trying to go through some concerns and what was in the language of the bill as it was-- as the amendment, as was drafted. And there were three main pieces that we did not see in the language yet that is our understanding were part of the agreement of the ten. And one is a hard cap on the incentives in LB720 without a Governor override. A second was what we-- was that the growth in the, in the new property tax program needed to be-- needed to grow at a percent of valuation growth and as it was written, it was growing at the amount of proper rate of growth. And then the third one was important to Senator Stinner, was making sure we included language that said we would not spend from our rainy day fund on meeting the needs of this property-- new property tax program after the first year until there was \$500 million in that rainy day fund. So these were the three things that we talked about that we were concerned to make sure that the new language has for General File. Thank you.

**LINEHAN:** Thank you, Senator Crawford. So I just filed an amendment and I'm going to read from-- again, thank my Revenue-- our Revenue

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Committee staff. Section 1, subsection 13, page 3, makes a one-time transfer from the Cash Reserve to fund the General Fund to assist in carrying out the provisions of AM3316 to LB1107. It prohibits-- so it's a one-time transfer-- it prohibits any further transfers from the cash reserve fund for this bill until the Cash Reserve Fund reaches \$500 million or more. Section 2-- Section 3, starting at the bottom of page 3 on, on to the top of page 4, strikes language that would allow the Governor to authorize additional authority to exceed the hard dollar caps. Section 4, page 4, clarifies the annual increase for the Nebraska Property Tax Incentive Act is based on the percentage of annual-- annual growth in statewide valuations. Section 5, page 4, cleans up language regarding how the amount of the credit is calculated under the Nebraska Property Tax Incentive Act once it gets to \$375 million. Going forward, the annual amount is the prior year amount, plus the percentage growth in state valuations. And again, I have a chart on my desk if you want to look at the average. Thank you.

**FOLEY:** Thank you, Senator Linehan and Senator Crawford. Moving now to the speaking queue. Senator Briese.

**BRIESE:** Thank you, Mr. President. And like Senator Linehan, I would like to thank a lot of people also, but I would risk leaving some folks out. But I do want to give a shout-out to Senator Linehan and thank Senator Linehan and recognize Senator Linehan for her hard work, dedication, and perseverance on the issue of property tax reform, business incentives. We appreciate what you've done, Senator. You know, we've been talking about business incentives and property tax reform for over a year now. And today is the day to put our differences aside and do what's best for Nebraska. It's time to recognize the importance of both property tax reform and business incentives to economic growth in our state. And I've been looking forward to the day for a long time that I could stand, stand with my friend Senator Kolterman and support the same package of business incentives and property tax reform. And this is the day. And this is the package deal that we've all been working towards. And whether you represent homeowners, business owners, ag producers, or renters, this bill represents property tax relief for your constituents. Every Nebraskan needs relief. Every Nebraskan deserves relief and this bill delivers relief to every Nebraska property taxpayer. This new mechanism dedicates an equal percentage of relief for every Nebraska property taxpayer. And if you had concerns with this bill, if you have concerns with this bill, this amendment, these amendments, you're not alone. I don't like everything in this package. If I had my chance, if it was up to me, I'd be changing some things. But you know what? Nobody gets everything they want. It's called compromise. And this

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bill, these amendments represent compromise. Compromise that will move our state forward, compromise that will help us grow our state. And so you can criticize the bill all you want and that's what we're here for today, to air out concerns and differences on these things and, and I could criticize the bill also. But you know what? It's still a good bill. It gets things done that need to be done. Before this proposal, we had an education funding and property tax reform bill, LB1106. And in my view, it was an excellent framework. But our friends in the education community, they had a, a litany of concerns about it. This proposal, relative to property tax reform, takes those concerns off the table, period. And that's what many of you wanted and that's what you've got here today. If you want property tax reform relief, this amendment is for you. And clearly, some, some of our colleagues have priorities other than what's reflected in this amendment and I certainly look forward to hearing their concerns also. And, you know, again, that's what we're here for today, to air our concerns, and I look forward to that. But the bottom line is, it's time to put our differences aside, recognize the importance of what we're doing here, recognize the importance of property tax reform, business incentives to the future of our state, and it's time to do what's best for our state and move this proposal forward. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Briese. Next three senators in the queue are Senators Stinner, Erdman, and Williams. Senator Stinner.

**STINNER:** Thank you, Mr. President. Members of the Legislature, before I get into my analysis of how we got to this bill and the different parts of it, I'd like to thank Senator Linehan. There's nobody that's been more dedicated to property tax relief over the last two years, certainly, than she has. She's also demonstrated great statesmanship as her ability to, to actually change and shape a new concept relative to LB1106 and LB1107. I will want to-- I just want to introduce and I think Senator Linehan did a great job introducing the legislation. When we sat down to talk about this, one of the guidelines was and one of the criterias was putting safeguards in place. Safeguard number one is that 3.5 percent, I call baseline spending. If you have ever listened to me on the floor, I've been talking about delivering a budget at 3 percent. I believe 3 percent is the right number, but we needed to show some flexibility so we went up another half a percent. That sets a floor. I did not want to have anybody say that we're cutting government spending to do property tax. This is a good proposal. It safeguards what we have in place. It acknowledges that the state has to spend a certain amount of money to run the state government. We expect them to not only run it efficiently, but effectively. So the 3.5 safeguard is in place before

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we ever get to adding to property tax relief. The second part of this thing is-- and I think we talked about rainy day funds. I've talked about it for a long time. This sets our fiscal posture. And so I know over the COVID periods, we're going to have to utilize and lean on the rainy day fund. I recognize that. But as we lean on that, we need to reestablish. So I needed to have some criteria that says that pot right there, we're going to stay under current law. And current law, by the way, is still defined as any excess over 3.5 percent is computed, half of that goes into replenishing the rainy day fund. So that's the operating part of it. Then the other part is 100 percent of the money that is-- at the end of a fiscal year is computed actual versus what the certified forecast is; 100 percent of those dollars go in. So you got two ways of replenishing that fund. So as we worked down through this, we said, OK, we'll dedicate 0.5 percent of that excess goes to property tax. So there is a start on the property tax in terms of funding, but it's funded through growth. Do you get that? It's funded through growth. It is not funded through cutting spending. It's cutting-- it's actually funded by the growth. That was the initiative. That's the basis of property tax and property tax bill. The next criteria, obviously, was what do we do? What amount is right? Well, I've been in business most of my life and I will tell you that you have to set a target, a monetary target if you want to accomplish what you want to get done. So as we sat there, we said, OK, we've got 275 already in there, we're not going to touch that. We're going to set up a second tier, which we think is a fairer tier, so the people in Scottsbluff, Nebraska, to get a 15 percent property tax relief, also get a 15 percent in Omaha, Nebraska. We think that's a fair way of looking at it. We also understand that the current formula provides certain reliefs and we didn't want to touch that. So everything will go into tier two. We set a goal of \$376 million--

**FOLEY:** One minute.

**STINNER:** --for that tier. That tier then is funded through the 0.5 percent. Once we get to \$500 million, we can then start to dump funds out of that on the approval of the Legislature to help this process. So how did we get the-- how do we get to the point that we think that this can work over a 5-year period of time? And setting a time framework is all part of that goal-setting idea. So how, how do we do this? What's, what's the criteria? If you go to your budget book, page 23 and page 29, it's interesting to note over five years, we've averaged 4.5 percent growth. Interestingly, over 38 years, 7.4 percent growth in the up years. That's 24 out of the 38 years is up 7.4. So there's a baseline, there is an idea. This is historic information.

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**FOLEY:** Time. That's time.

**STINNER:** The second criteria that you need to look at is--

**FOLEY:** Senator Stinner.

**STINNER:** --how did we do?

**FOLEY:** That's time.

**STINNER:** Thank you.

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

**ERDMAN:** Thank you, Lieutenant Governor. Good afternoon. I would say like Lee Corso says, not so fast. I want to read something to you people. I passed it out to you earlier. There's two, two ballot initiative questions-- or statements on a blank piece of paper. And this was the ballot initiative I had in '18 and it said the Legislature shall provide for a refundable income tax credit equal to 50 percent of the property tax levied for the common schools exclusive to property tax levied and the buf-- for bonded indebtedness paid by the taxpayer each year. Then last year, I had a ballot initiative that would have reduced your property tax by 35 percent. Now when that is my idea to reduce property tax by an income tax credit, everybody thinks it's stupid, never gets out of Revenue Committee. But when the "Super Seven" get together, in their infinite wisdom, then they use what I was attempting to use and it's a good idea because it was theirs. So generally what happens in society is people say, I hate your idea, but I don't have one. That's not the case with me. Every year I've tried to bring something for property tax relief. Well, let me tell you this: LB1107, now get ready, LB1107 is not property tax relief. Relief means that I pay less taxes next year than I paid this year. LB1107 is a minuscule, unrecognizable amount of reduction in your taxes. Example: a good friend of mine told me his valuation went up, his property tax went up \$500 this year. This bill will give him \$90 back. Ninety, it's a good deal. Yeah. No, it's not. This is a decrease in the increase. And here we are in the 11th hour talking about what we think is property tax relief in the 11th hour. We had January, February, and March to do something. What did we do? We wait till August 5th or 6th, whatever today is. All right? This is not property tax relief. Now let's talk about the \$125 million that we supposedly need for property tax relief. It's an income tax credit. We never talk about funding LB720. We never say we need to find \$25 million the first year and the second year and \$100 million the third year and \$150 after that. We don't talk about that. It's exactly the



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same thing. It's a property tax-- the income tax credit goes to those people who meet certain criteria in LB720. Same thing. This 7-- this LB1107, with the property tax supposedly in it, says, we're going to give you a credit on your income tax. The state does not have to write a check for that. People just don't pay their income tax and there are a few people who don't make enough money that they will, they will not have to file an income tax and they will get a refund check. That's all the money you need. You only need the money in the state coffers to pay those people who don't owe state income tax. So why is it we need to collect \$125 million or some way come up with an appropriations of \$125 million for property tax relief, but we don't have to come up with any appropriations at all for LB720? Does that make any sense? It's either/or. You can't have it one way on LB720 and another way on property tax relief.

**FOLEY:** One minute.

**ERDMAN:** So if somebody's got their light on that don't use all their time, I could use a little more. So just let me tell you about LB720. There is no measurable way-- there's no way to measure the value of LB720. And some people have stood up on the floor and they've said, well, this seed company came to Nebraska because of the, of the incentives we had. No, they came to Nebraska because we've got the greatest soil, the greatest water, and we can-- and we got the greatest farmers. That's why they came here. And these businesses they think they're trying to entice to come here are going to come here whether we give them an incentive or not, all right? And so what we try to say is our taxes are too high, all right? We know that. So we give them TIF, we give them incentives, we do all these things that are created to bring people here, right, when, in fact, we don't ask them, would you have come here without it? I spent 45 minutes on a conference call with Wall Street Journal last Wednesday morning. They've analyzed 34 states. The question was asked, would you have come to that state if you got any incentives or not? Seventy-nine percent said we would have come without any incentives.

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

**ERDMAN:** Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Williams.

**WILLIAMS:** Thank you, Mr. President, and good afternoon, colleagues. I would, first of all, like to say a special thank you to Senator Scheer, our Speaker, for his introduction of this amendment and bill and also talking during that about the intent to grow our state and

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all three of the ingredients that we are building into this legislation are all intended to do that. Property tax, economic development, and the NExT project in Omaha all clearly fit together as part of the piece to grow our state. Some of us have been here for six years, some longer, some less, but my entire time here, I was looking forward to the day that we could talk together, as Senator Briese said, about those things that grow our state. Finding a way to cut property tax, finding a way to create new economic development incentives, and then looking at a project that is a once-in-a-lifetime opportunity like the NExT project in Omaha. This is about growing our state. I've talked at length and won't do that today about the importance of economic development and how that clearly is a piece of how we address our property tax issue, along with the longer-term issue of just flat growing our state. But I do want to comment quickly about the process because there have been some questions raised about the process that's been used. And I would suggest to you that the process that has been used to gain access to LB1107 has been the proper process and a normal process that always happens with complicated legislation. As Senator Linehan talked, the Revenue Committee worked diligently for over a year on putting a package together. Senator Stinner has, has worked from the appropriations side all along with them with that process. Senator Kolterman, with both LB1084 and LB720, has, has worked tirelessly through this process. The committees met, they voted things out, and then at the end of the day, what happens and should happen is a group of very concerned senators started working overtime to put the pieces together and I want to thank all of them on-- especially the guidance in that process from Senator Lathrop who was masterful in bringing people together on that. We've had a senator talk up lately about trust and respect. And I would tell you, trust and respect are only acquired through earning them in this body. And some people have it and some people are attempting to earn it. The big question behind everybody's mind is, is this proposal sustainable? I know of no one in my mind that has a higher level of trust and respect than Senator Stinner. He has devoted a lifetime to looking at numbers, analyzing these-- setting goals, working those directions. I trust and respect his judgment in this area. And with that, I would yield the balance of my time to Senator Stinner.

**FOLEY:** Thanks, Senator Williams. Senator Stinner, 1:30.

**STINNER:** Thank you. I'd just like to continue that discussion in terms of how we arrived at, at the numbers and the timetable, but I'm going to refer you to your budget book, 23 and 29. I talked about up years, out of 38 years, 7.4 percent is the up year average. The low-- the,

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the bottom side or below average is still a growth factor of 1.2. We have averaged 4.9 percent based on the computation here. Now you're going to say, well, how can we fund this? Well, in the up years, if you look over your shoulder and just look at what happened right before COVID, OK, right before COVID, we started out putting in the rainy day fund, '18, '19, \$62 million. Then \$176 the next. We were on schedule, certainly to 275, but I'm going to tell you we were on schedule to do over \$300 million and that would take care of what we're setting as a goal of \$250 million. That's what we have to raise over the five years. Let's go back to the net-- the next period of time that you can look at is 2010 all the way to 2016. You have 145, 104 and 85 to start out that. That is sufficient dollars to fund that. Go back again to the next up, up series. And if you look at this, you can see business trends, business cycles--

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

**STINNER:** Thank you.

**FOLEY:** Thanks, Senator Stinner. Next in the queue are Senators McCollister, Kolterman, Cavanaugh, and Clements. Senator McCollister.

**McCOLLISTER:** Thank you, Mr. President. Good afternoon, colleagues. Without a doubt, property tax is the preeminent issue in Nebraska. It has been that way for a number of years, at least the six years that I've been here. And in 1967, we instituted a sales tax and income tax to reduce our property tax. And here we are in 2020, doing that yet again. We need to deal with it. Nebraska is seven, eighth, or ninth highest in property taxes. Inexcusable, inexcusable. You take a look at farm-- ag values right now and with commodity prices as low as they are, our Nebraska farmers are at a competitive disadvantage. LB1107 also includes an incentive package. An incentive package is an absolute necessity in this bill. The states that have not included an incentive package in their structure have ultimately ended up providing one. You need to have that, that kind of incentive in order to come-- to draw companies into the state and make them grow. LB1107 is a very good, very good bill and perfect, it is not. It is not. What comes next? I think in the next few years, we need to modernize our sales tax structure. We need to take a look at the taxing services. We did that last year with LB-- the sales tax bill where we started taxing Internet sales to products. And that was, was a good move and gave us 30 to \$40 million worth of additional income. But our sales tax structure is too narrow. We need to start taxing additional items and getting rid of so many exemptions that we have. We also need to take a look at how we value farm ground. I think it needs to include an income component, much like Iowa has. Perhaps a 50 percent

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component for income and then relate the other half to the value of the ground. I also would like to thank a few people that have done such a masterful job in bringing LB1107 to the body. First of all, Mark Kolterman. Senator Mark Kolterman has been the driving force of LB1107 and the bills that preceded it, LB720. He was able to bring people from different shades of the body together and he is a-- no one else could have done it as well. Speaker Scheer was also the driving force to get the various people in the body to come together. Senator Stinner, with his acumen in terms of financial analysis, he is also very good. And of course, Senator Linehan, her dogged efforts to provide property tax relief in this state has, has been an incredible force and we have to thank her for the great work that she's done. With the balance of my time, Mr. President, I give to Senator Stinner.

**FOLEY:** Thank you, Senator McCollister. Senator Stinner, 1:40.

**STINNER:** Thank you, Senator McCollister. Just to again briefly go through some of these historical datas, you can tell that, first of all, we are using to analyze whether this is doable, historical trends. I've actually backed off some of those. Then you can also go back and take a look at the business cycles that reinforce where we're at with this bill. So what we've done is provide safeguards. We've provided a formula, we've provided a strategy, we've provided a target, and I think that's really important that everybody understand. This wasn't just slapped together. This was thought out. We're going to do this with growth in our state. We're not going to have any kind of, you know, major league cuts like a lot of-- I-- you hear a lot from TEEOSA. Oh, we've got to fully fund-- well, 3.5 percent, at least as far as I can see, based on a formula, looks like it certainly is an appropriate amount. And then we get back to-- so now we've put the historical case together, why now? Well, the reason is we got sunset coming on a business incentive program. I do not want to have the state of Nebraska putting a sign out or allowing the business community to think this Legislature, we're not open for business, especially now. We got businesses that are really hurting. As far as the University of Nebraska Med Center, what a more perfect time to start approaching the different government agencies, proving their case that they could be the institution that deals with pandemics, bioterrorism, and all the rest of it. So the timing for that is perfect.

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

**STINNER:** I will tell you, all I hear when--

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

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**STINNER:** --I go home is property tax relief.

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

**STINNER:** Thanks.

**FOLEY:** Senator Kolterman.

**KOLTERMAN:** Thank you, Mr. President. Good afternoon, colleagues. I rise in support of LB1107, as well as the amendments that have been introduced. I'd like to talk a little bit about my aspect of this bill, my part of this bill. Over the last two years, we've listened intently to all of you colleagues that had concerns about the bill and we've tried to incorporate many of those changes into the bill. I think that if you were to take a look at the bill today and look where it was two years ago, you would wonder if it's the same concept. The most important thing you need to remember about this bill is, it's going to take the place of two pieces of legislation; one that was done in 1986 that ran till 2005, the other one was done in 2005 and ran till now. That was both LB775, as well as the Advantage Act. And while we have had substantial growth in our economy from those bills as a result of some of the work of those bills, I believe it's time to make the possible changes that are going to give us better investments, better jobs, more robust reporting. And most importantly, there's tremendous transparency built into this new bill. We have a cap in this bill that-- it's a hard cap. And one of the reasons we adjusted the cap as low as we did was so that we could allow for property tax relief. So the first two years, there's a \$25 million payout cap. In other words, we can't pay out more than \$25 million a year under the, under the new rules that, that we're putting into the legislation. In years three and four, that goes to \$100 million and then year five, it's \$150 million. But overall, over the first five years, we're talking about \$400 million potential. That doesn't necessarily mean we'll use it because people have to qualify before they get paid under those items. The other part of this bill is the NExT project, the Trans-- Transformational Project Act. You know, when they asked me if I would carry LB1084, I was, I was awestruck by the, by the potential that that has to help our state. But in working with the Med Center and the University of Nebraska, we discovered that what they're looking for was a public-private partnership. And the, and the private partnership wants to know that the state is willing to invest some of their dollars to make this before-- to get them-- to get money from the philanthropists of the state. So we're, we're going to invest \$300 millions at some point in time to, to put together a \$2.6 billion project. I don't know where you can get a better return on your investment. And by the way, by the time that project is all complete,

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we'll have created at least 80-- 8,800 new jobs. And during the project, there's somewhere in the neighborhood of 32,000 jobs for building it. I would tell you that working this summer, you know, people say, well, things are done behind closed doors. Yes, they are. I would be the first to tell you that. I had the opportunity to work with three of my colleagues this summer with the Chamber of Commerce. I'd like to thank Senator Morfeld, Hunt, and Cavanaugh because we worked very closely with them to get some language that the Chamber could endorse as it pertained to LGBT community. And I think that our overall cooperation and they're willing to work with us was-- is very much appreciated. Also, when you--

**FOLEY:** One minute.

**KOLTERMAN:** --thank you-- when you say that things are done behind closed doors, you know, I worked very closely with some of the senators, our biggest critics on this bill, to get them what they wanted, whether it was rural manufacturing tier, whether it was a tier that was designed specifically to help our, our urban senators where they live in pov-- impoverished areas. And we put that bill together with their help. I think that was done behind closed doors as well and it's all part of this bill. So you can be as critical as you want, but I will tell you this: sometimes when you're working behind closed doors, you can listen more intently. You can get things done. And at the same time, you see all the transparency is coming out today. And while we are short timed, I agree with that. I think this is really good legislation and a tremendous amount of work went into it by the Revenue Department, Revenue Committee, as well as Senator Stinner's Committee--

**FOLEY:** That's time.

**KOLTERMAN:** --and the Speaker. So thank you very much.

**FOLEY:** Thanks, Senator Kolterman. Senator Cavanaugh.

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I am-- I have a lot of feelings about this, starting with-- I apologize, I have to take this off-- starting with that I don't think that-- I guess it's a committee amendment, so it's automatically germane. It's three very different subjects. I would love to divide the question, but I realize that that wouldn't really yield a result of us taking these subjects independently. I never agreed that-- I never thought that this was a good idea. I never thought it was a good idea to put three major policy proposals into one package. They are independent on their own merits, as everything should be, so I'm disappointed that this is how

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this has come to the floor. I appreciate Senator Kolterman's comments. However, for the past two weeks, not a single person from the group of seven has spoken to me, including today. So I wouldn't say that that's very collegial or collaborative. I have continually had concerns about the LB720 piece of this and the property tax piece of this and that's your, your decision to not speak to me about those concerns, so I will speak to them now on the floor. So going through the amendment-- or the statement that was sent to all of us yesterday on AM3316, I think that's sort of what we're debating. So the new property tax refundable income tax credit puts into statute and takes it out of the appropriations process. Instead of appropriating \$275 million each year, it will be in statute. I sure hope that the Appropriations Committee has a big problem with that. That seems like we're just abdicating our job right there. The refundable income tax credit: schools can increase their levy, but next year, the Legislature could cap the levy for the future. So how is that not gutting school funding? I hope we're going to do something about that too. Now I heard that there's-- I had a concern about the Governor being able to go over the \$25 million. I hope that that is actually going to be in an amendment. Maybe somebody will, will show us that and share that with us because the AG's Opinion just said that we couldn't give authority to the Executive Board. It didn't say that we had to give authority to the Governor. We could have just put in statute how much we were going to set the caps at. But we also are not requiring a report, which I am fairly certain was a huge criticism of the Nebraska Advantage Act, that we had no idea. I think Senator Erdman actually just spoke to that. We had no idea the impacts of that bill. For the employees: yes, benefits are offered, but they are not paid for. Wages are still so low that a family of four qualifies for public assistance under these wages. Of course, they qualify for public assistance under our very low threshold, or I should say high threshold for qualifying for public assistance, because public assistance is not important to this body. People not having access to food or childcare is not important, but making sure that the wages are low enough that we are double subsidizing businesses? That is pretty important. The pay for: \$100 million from the Cash Reserve. I guess we're securing that the Cash Reserve has to have a certain amount in it. I believe we're going to be spending the COVID dollars that are sitting--

**FOLEY:** One minute.

**CAVANAUGH:** --unutilized, which the federal government has not even authorized us to do and should be going to unemployment or rental assistance. We're taking \$200 million budget growth. We're limiting the budget growth, so departmental budgets are going to suffer.

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Programs are going to suffer. Things that you want to bring in future years are going to suffer. We can't give veterans or military members any sort of tax break. We can't help sex trafficking victims. We can't help children in poverty. I have a whole slew of children in poverty in this state and the disparities in this state, but this is great, guys, gals, everyone, this is great. We can't talk about anything that actually helps citizens in crisis. Property tax relief is important, but it does not help citizens in crisis.

**FOLEY:** That's time. Thank you, Senator Cavanaugh. Next in the queue are Senators Clements, Friesen, Lathrop, and Matt Hansen. Senator Clements.

**CLEMENTS:** Thank you, Mr. President. I stand in support of LB1107 and AM3316 and AM3349. Could I have a, a gavel? Thank you. Well, first of all, I want to address the property tax section. It's been a high priority for four years in my district. Talking to constituents, that's usually the only thing they ask me about. What are you doing about that? And you got to do something and I think this is a good first step. As a banker and an ag lender, I see the stress property taxes have had on agriculture every year. As a tax preparer, I often gasp when the client tells me the property tax amount. Very often the tax paid is more than the bottom line net income, especially in agriculture. Would Senator Linehan yield to a question?

**FOLEY:** Senator Linehan, will you yield, please?

**LINEHAN:** Yes, thank you.

**CLEMENTS:** The summary says that \$125 million will be beginning in fiscal year 2021. Will taxpayers get a refund on this year's 2020 income tax return?

**LINEHAN:** Yes, they will.

**CLEMENTS:** Thank you. I just wanted to clarify that it was-- when it says fiscal year 2021, that it-- for income tax, it applies to income tax returns in 2020, this year. And thank you for that, Senator Linehan. I did some examples of what I think the effect is going to be. Looks like 6 percent of the school tax paid this year, 12 percent the next year, and 18 percent when it's fully funded, which could be the third year, but looking at future revenues, may not be till the fifth year. But at least it's getting a start and I hope we can find ways to fund it by the third year. And I think it's fair because the more taxes you pay to your school district, the more credit you're getting as opposed to the current property tax credit. I do really



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support the way that's been drafted this way. I wanted to speak about incentives also. The annual caps were important to me for budget planning so we have at least an idea how much revenue is not coming in and a limit to it in the future. I'd really rather reduce overall state tax burden to attract businesses, rather than giving them incentives. But that's not going to be possible this year and until we can do that, we need to be able to compete for new business and not be the only state in the country that has no incentive for bringing in new companies and new growing businesses. And then the re-- improvement of reporting to the Legislature, it was mentioned that there is not reporting. I think there is reporting in this and especially to cities. We had cities that had their sales tax revenue loss in the millions of dollars and they're going to be getting a lot more heads up on that. Would Senator Kolterman yield to a question?

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

**KOLTERMAN:** Yes, I will.

**CLEMENTS:** It was mentioned that there is not reporting to the Legislature in the incentive bill. Would you respond to that?

**KOLTERMAN:** No, actually, there's a tremendous amount of reporting. And I, I can't go right to the bill and tell you exactly where it's at, but that's one of the improvements of the bill. On an annual basis, anybody that's taken in any money from this--

**FOLEY:** One minute.

**KOLTERMAN:** --program will have to re-- make an annual report to the Department of Economic Development, Department of Revenue. And from there, that will be-- that information will be given to us as a legislative body.

**CLEMENTS:** Thank you, Senator Kolterman. Yes, that-- I had thought that was the case and I-- that was an important feature to me also to be able to support the incentive package. And with that, I urge your green vote on the amendments and LB1107. Thank you, Mr. President.

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

**FRIESEN:** Thank you, Mr. President. So when we look at what the final package has put together, all of you know how much I love incentives, I think we have improved that process. It's made better. There's caps in place. There's two sets of caps in place. The things that we always looked at, I mean, again, we have taken a, a bill and tried to improve

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it. Could we have gone further? Yes. Is this a compromise on my part? Yes. When I look at what I've tried to get done in the past six years, we've always-- we've worked at every aspect of this that you can think of. We've tried to tweak TEEOSA. We've tried to work with schools. And all we ever heard from them was no. Do not give one single penny to a nonequalized districts because you'll delete the-- deplete the treasury and put us at risk for TEEOSA. Well, then help us fix TEEOSA. When you got 165 school districts that don't receive state aid, we have a problem on how we fund education. Does this fix that? No. Am I going to continue to work on finding a distribution model that fairly funds K-12? Yes, and I think that's where we sometimes get lost in the weeds. If all of Nebraska was included in some sort of state aid, we'd all be fighting for these state aid dollars. But under current law, the way it looks, you know, every time we want to tweak TEEOSA and not fully fund it, it doesn't matter to me. It affects not my district at all. We can cut their TEEOSA dollars, it's no problem. But include us all in that, we'll all be fighting for dollars for education. When we look at the compromise that's been reached, yeah, everybody can say, well, didn't have my chance. Well, you've got a chance to bring amendments to the floor, they, they can be lined up. If they're sincere amendments that fix the bill, bring them to the floor. Let's talk about them. But we've come to the point where we constantly are just trying to either we pass a bill or we kill a bill, one of the two. It's never in-between. I think this is a huge compromise between all parties involved, me especially. Is this the ideal way to fix this problem? No, it's not. I, for one, have not-- I, I don't think the property tax credit relief fund is a fair and equitable way to distribute money. This method we're using here is a lot better. But again, it, it-- if anybody thinks it's favoring ag, it does not. I think it treats high-levied districts better and it should. They have been paying more tax. Those farmers in the York school districts that are paying \$100 an acre should be getting more relief than somebody that's in a \$40 an acre school district. This does help that. So I, I think when you look at everything in the package, you can, you can argue about whether or not we're constitutionally saying we-- or statutorily saying we have to put money in this year and this year and this year. We've put flexibility in. We all-- I think when we look at our, our numbers, we all recognize that probably next year, there will not be probably a transfer of \$125 million into this fund. The possibility is there. And if we think optimistically, it may be there, but we're not required to do it and jeopardize anybody else's funding.

**FOLEY:** One minute.

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**FRIESEN:** I think it's a thoughtful way of approaching this, rather than the statutory way where we just say it had to be done. And so I guess look at the flexibility that this thing has provided. We've finally put caps in place to where we know what the incentive program is going to cost us. Before it was a total unknown, now we at least have a lid. Will we expend just as many dollars? Yes, but they'll stretch it out into where it's not going to come and surprise us at the end when we're trying to build our budget. I think there's a lot of compromise from both sides, all parties involved, and just keep listening. And if you do things-- see things wrong with the bill, let's talk about it. Let's bring an amendment. Let's fix it. We have time to do that yet. So I'm, I'm looking forward to the discussion. This is the first time we've had a good discussion, I hope. Let's keep it going and let's see that we can pass this bill before we leave this session. Thank you, Mr. President.

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

**LATHROP:** Thank you, Mr. President and colleagues. I would encourage your support of these amendments and the underlying bill. I want to maybe take you back over the last year and a half and, and, and in particular, those people who are involved in education, K-12 education. There was a great deal of concern for the last year and a half that the solution to property tax would be some change in the way we fund education. In particular, the proposal that was front and center for a year and a half would have provided foundation aid, made some changes, provided for some limitations in spending, a great deal of concern coming from the K-12 education community. And frankly, I shared that concern. The solution that we have arrived at-- and I'm going to talk about the property tax piece-- it does something that I think is, is-- been missing. It, it does something important and that is it's not changing how we fund education. Now there are plenty of people here that would like to have seen that. They're willing to support this, notwithstanding the fact that it's not changing the way we fund K-12 education. That was the big concern and I'll say it was the big concern right up till about a week ago. And all of the people that had that concern were, like, put the money into the property tax relief fund and let's move on to next year. What we're doing today is creating another tier to this idea of a property tax relief fund. And why is that important and why is it an improvement? That's what I'd like to address with these remarks. The current model, which is sort of tier one or what we've been doing, is paid out based on valuation. And here's the problem if you live in a high-valuation-- pardon me, a high-levy district-- and the Revenue Committee is probably tired of hearing this one, but York County, their school district's at

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\$1.05 and right across the-- literally right across the road is Centennial and they're, like, at 40 cents or some-- quite, quite-- it's half of or less of the, of the levy. Their ground may be valued at the same thing and they're getting the same check and so-- in terms of relief from the property tax relief fund. So there is an inequity if you are in a high-levy district. What we're doing with this new level or tier, if you will, of property tax relief, is saying we're going to provide the relief based upon what you paid in property taxes for your school district. Now why is that important and what makes that different? If you're in a high-levy district like most of us are in the urban areas, Ralston and Millard, you will be receiving more under this property tax relief formula than we would if we simply continued what we've generally referred to as tier one property tax relief. This is a good thing. And I have to tell you, I have run for this office three times and I knock a lot of doors when I do that. In Ralston and Millard, when I knock doors, people say, Lathrop, I need property tax relief. I remember distinctly, it was about three days into knocking doors. In 2006, I ran into a fella in Ralston. He lived in the Ponderosa neighborhood. I would mention his name, but I'm not going to. But I remember it only because of the conversation. He couldn't get out of his chair. He told me to come into the house because the, the door was open and I came in there and he's-- and emotionally, he said, Lathrop--

**FOLEY:** One minute.

**LATHROP:** --if my taxes go up anymore, I'm going to have to leave the house I raised my family in. I had another fella who was not yet retired that I talked to this last time when I was knocking doors. And I knocked doors during the week, so I talked to a lot of retired people. I talked to one guy who said, my wife and I are going to retire and I'm going to leave because the property taxes are too high. Property taxes aren't just a rural issue, colleagues. They're an issue for those folks that live in urban areas and this tier of property tax relief is an improvement over the existing tier one distribution system. And it'll get to the people who are in high-levy districts, your urban property taxpayers, people that live in Ralston, the people that live in Millard, the people that live in Omaha, Lincoln, York. Those folks are going to get some relief finally where they were really getting a disproportionately low level of relief under tier one.

**FOLEY:** That's time.

**LATHROP:** Thank you.

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**FOLEY:** Thank you, Senator Lathrop. Next in the queue are Senators Matt Hansen, Vargas, Bolz, and Wishart. Senator Matt Hansen.

**M. HANSEN:** Thank you, Mr. President, and good afternoon, colleagues. Here, let me get this right with the mask. Good afternoon, colleagues. Based on the queue, I'm going to guess this is the one time I'm going to get to speak today and I have a lot of points and a lot of things I'd like to cover, so I'll try and go in order of priority. First, I know we've had some debate on the procedures in this bill. I can separate the policy from the procedure. I thought Senator Wayne had a very valid point on the rules and me taking up time and me trying to address that was trying to establish some norms and precedents in the body. It was not necessarily diehard opposition to this bill. This is a bill I want to get to yes on. This is a bill I have cosponsored one component, worked extensively on another component with Senator Kolterman, and the property tax stuff is a little bit new, but certainly spent many times-- a significant amount of time talking with education groups and ag groups over this past summer trying to understand and work on the issue. That being said, moving forward, I have to say my next step on this bill and the thing I am still grappling with is, can we afford it? As it's broken out, it's programs I like. It's tax relief I like. It's tax relief that would benefit my constituents. And the question is, am I handing a ticking time bomb of a problem to a future Appropriations Committee? And that's the puzzle piece I'm missing at this moment. We talk about it escalating. We talk about it-- there's various different components that I'm, by no means, an expert in the 24 hours I've had to study this. But there is a various component that escalate on a variety of different levels over the next five years, I think some might be six. Don't quote me on that. And the question is, is my predecessor-- sorry, not my predecessor, my successor. I've only got two more years. Is my successor going to have some impossible budget to balance in 2024, 2025 because we made some decisions today and obligated some funds much longer than we can have? This is a problem I'd like to get a clear answer of. I was really appreciative of Senator Stinner explaining his rationale on this. I worry that there's some obligations of-- and some mechanisms we're relying on, funds that might not be there or might not add up. And that's my big hesitation at this moment. Now that is not wholehearted opposition to this bill. That is not die-on-the-hill opposition. That is not burn-down-the-building opposition, but that's something I'm going to need to get some more clarity on and try and solve at some point. I'm trying to do my due diligence. I've talked to several members of the seven that negotiated it. I've talked to several members of Revenue. I've talked to several members of Appropriations. I'm trying to get

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the puzzle pieces to line up and that's where I kind of stand on this bill. I'm not intending to be obstructionist today, but I also don't know if my vote today is going to be indicative of my vote all the way through. I'll be perfectly honest, I'm not 100 percent what my-- sure what my vote is today is going to be. I haven't committed. That being said, I do want to address it. It has come up. People say this. Property tax issues are, I grant you, a big issue. I hear them. I've heard them more from-- it's-- I've, I've heard them. Let's please acknowledge that for every person in Nebraska, for every district, for every city, they're not necessarily the number one issue. I cannot tell you about the unemployment crisis that we're about to face. I cannot tell you about all of the things that I think are pending on the horizon related to this pandemic that we as a state just haven't had the ability to address. And that's not designed to be a criticism of the Governor. That's not designed to be criticism of the body. I'm just saying this is an incredibly unprecedented time.

**FOLEY:** One minute.

**M. HANSEN:** Thank you, Mr. President. This is credibly unprecedented time and there are things we just haven't been able to even plan for or see or predict. I understand that this bill is a culmination of multiple, multiple, multiple years of effort on a variety of different subjects and I understand why there's such passion and heat for the issue. I want everybody to peg in the back of their mind that there are things we're going to see in Appropriations Committee next year and we don't even know what they are yet and we don't know how big they're going to be and we don't know how important they're going to be to our constituents, but they're looming up. With that, I would like to thank everybody involved in this process sincerely. This has been a huge lift in so many parts. I thank all the people who've taken the time to work with me and talk with me and I'll be really curious how this bill ends up in its final form. Thank you, Mr. President.

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

**VARGAS:** Thank you very much, President. So we got an interesting pathway here. LB720 is one of the, one of the bills that I've been working on, on one-- a couple of different specific things in conversations with Senator Kolterman and, and many others. And a lot of the things that I, that I really cared about is whether or not we had some-- what we like to lovingly call fiscal guardrails. So there are some good things that I see in this. I still have questions, but the good that I'm seeing in this is that we have some fiscal guardrails in place for LB720. We have a caps or more of an actual cap in place than we've had in the past. We're not, at least in these four

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shirt-- these first three years, not having a significant amount of-- we have a spending authority or cap in terms of how many, how many actual credits are going to be taken in and that's good. The reason why you hear me hesitating is because I'm not entirely, not entirely satisfied. But in terms of where we, where we are now, I'm still worried. I'm not worried that, you know, that there needs to be some level of property tax relief and anything we do-- again, if you've been sitting in Appropriations, I'm looking at Senator Dorn, like, we, we allocate funds to the property tax relief fund every year. Every year we do it. To some extent, we're doing it. The question is, people don't want us to put it to the property tax relief fund, they want to-- because they don't like the property tax relief fund. And so in some ways, we're actually putting this in, in, in obviously a different tier. And so ultimately, there is property tax relief going. It's just in a different mechanism. And then there's going to be accumulating amounts of it. On the campaign trail, I don't hear property tax relief as a major issue, at least not as the top three. It is one of the issues that come up to everybody, but when I ask them what is the top issue to them, when you have to rank them, it usually is somewhere around fourth. And that's just indicative of my district and I-- it is a little different. But I've been on the mike every single time talking about any of these property tax bills saying-- it doesn't mean I don't hear it from my colleagues, doesn't mean that I don't hear it from my-- from other constituencies I don't represent. It means that I've-- I'm genuinely trying to listen and I'm also trying to figure out what does that look like? But here's where my fears are because if, if this is something that is deemed a compromise and is moving forward and I-- and I still will look towards this next stage, if it gets to the next stage, to see how the conversation moves. The thing that I worry about, as most of us won't be here, if there are concerns for the long-term fiscal health of our state. And I say that-- really trying to say that lovingly because the hardest part is if you're not sitting in Appropriations, you may not see how hard it is. In our first year where we're having to make deep, deep cuts to existing programs and agencies, it is just hard. We don't have a choice. We do it. Now this year is better, Mark, just a little bit. But in those first couple of years, we were mostly doing cuts. We were having to cut programs and services and supports to vulnerable populations. And my biggest concern is, again, I won't be here.

**FOLEY:** One minute.

**VARGAS:** I won't be here for when we have to then make those decisions. If everything goes well, which historical numbers do show that we will have-- we could have-- be OK, but we couldn't predict for these last

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couple of years either. And so that's the only concerns that I have because ultimately, and Senator Wayne has said this on the mike, it is extremely difficult to get things passed for us to then help our more vulnerable populations. It hasn't been getting any easier. I want it to. I'm going to hopefully be here, knock on wood, for another four years. And if I am, I hope that I can look my colleagues in the eye and then get more support for issues that are going to help our vulnerable populations so that they can get into jobs, have better schooling, better health outcomes, so they can do better. But if not-- it's OK-- but if not, we're really making this hard for our future generations--

**FOLEY:** That's time.

**VARGAS:** --and that's the concern I have. What did you say?

**FOLEY:** That's time.

**VARGAS:** Thank you.

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

**BOLZ:** Thank you, Mr. President. I have a few comments that I would like to make regarding good aspects of this bill and a few words of caution. And certainly you, you don't have to turn your attention this way, but I would ask that you do. I've put eight long years into balancing our budget and I have a few things that I think are worth clarifying and commenting on. First, would Senator Stinner yield to a few questions?

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

**STINNER:** Yes, I will.

**BOLZ:** Thank you, Senator Stinner. You and I share a appreciation for building a strong Cash Reserve Fund. And this amendment requires that a minimum reserve of \$500 million is included in our Cash Reserve before any dollars will flow from the Cash Reserve to the Property Tax Incentive Act. Is that your understanding as well?

**STINNER:** Yes, it is.

**BOLZ:** Thank you. And my understanding is that no money that-- in current law would flow to the Cash Reserve will be diverted to the Property Tax Incentive Act. If it is in current law, it continues to flow to the Cash Reserve; is that correct?



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**STINNER:** That is correct, yes.

**BOLZ:** Thank, thank you, Senator. And is it your understanding that this bill allows your future Appropriations Committee to manage at least the potential of a 3.5 percent growth in your annual budget; is that accurate, Senator?

**STINNER:** That is, yes.

**BOLZ:** Thank you very much, Senator. The last question I have for you, Senator Stinner is, it is your understanding, I believe, as it is mine, that there are caps on the tax incentives that cannot be overridden without the budget authority from this body. Is that your understanding, sir?

**STINNER:** Yes, it is.

**BOLZ:** Thank you. Thank you, Senator Stinner, and thank you to everyone who included those provisions and worked on those fixes and changes. Those are important fiscal guide rails to me to protect the long-term sustainability and integrity of our budget process, so I'm grateful for those changes in this legislation. And in good faith, I'm going to vote on General File to move this bill forward because adopting these amendments put those protections in place and I think they are wise. At the same time, I do want to put some cautions on the microphone. And I will not be here. You will shepherd this body forward without me and I'll be glad to watch you do it. But I want you to have some considerations in your mind as you vote on this bill about what this will mean for the future of your budget process. First is that we will be adding \$375 million in property tax relief over five years. Please put that in balance with the other unmet needs we have in this state, including tuition assistance, the developmental disabilities waiting list, provider rates, K-12, work force development, and everything else. It's, it's doable, but there must be a balance and you must consider that for your district and yourself. The second thing I would ask you to consider is that a \$500 million Cash Reserve is not ideal. It's pretty darn good, but it's not ideal. What's ideal is a two-month cash flow, which is closer to 16 percent. Five hundred million is somewhere around 10 or 11. It's not ideal. The next thing I want you to understand and hang with me, please, it's, it's a little hard to follow, but in the short term, I don't see a pathway forward for you next year as you shepherd that budget forward to balance your budget without using one-time funds for ongoing purposes. That's tough. That's tough, colleagues, and I'm not saying it's not--

**FOLEY:** One minute.

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**BOLZ:** --something that we should consider. I'm saying it's not typically how we do business and it's not a best practice in terms of sustainability. The last thing I want to say is that we have the potential for making some very big commitments over the long term while our global economy is recovering from a pandemic. I am hopeful. I am optimistic. But it is possible that we will not be able, in a fiscally responsible way, to keep up with the demands of this bill and you will have tough choices in front of you. I beg you to put the best interests of this state ahead of everything else as you balance and manage all of those needs. Colleagues, I admire everybody's passion and hard work. I think we've got some tough choices and tough, hard work in front of us. I continue to grapple with the long-term implications of this bill, but I'm also inspired by some of the opportunities in front of us.

**FOLEY:** Time.

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

**FOLEY:** Thank you, Senator Bolz. Senator Wishart to be followed by Senators McDonnell, Brandt, Pansing Brooks. Senator Wishart.

**WISHART:** Thank you, Mr. President. Colleagues, I rise with actually a pretty similar speech to Senator Bolz, but I think in, in this case, repetition is not always a bad thing as we're all digesting this material. I want to step back for a second and just talk about something I have noticed this session and, and frankly, have noticed over the past few years. You know, I, I practically grew up in this Legislature as a staff member, so I had the honor and the opportunity to watch from the sidelines the way that senators work and the way they negotiate. And one of the concerns I've been seeing is that we are starting to prioritize leverage in our decision making over debating over good policy. And what happens with that is both sides-- and I'm not saying this is a Democrat or a Republican or an Independent issue, this is happening across the political spectrum. What is happening then is instead of sitting down and talking about the policy, we are holding leverage over each other. And the only way we break and start talking about the policy is when the shoe drops, which is usually in the last minute. And then we end up scrambling like we have this week on very significant issues that take time. And it's frustrating to me that we are finally starting to talk about this policy when really, we should have been doing this months ago. So that's my gripe and I hope moving forward as a body, we will start to reverse our course and start to work together, talking through the policy decisions and working that way. I think it'll be a lot more productive. I, like Senator Bolz, have very deep respect for the

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senators who have been working on this issue, especially Senator and Chairman Stinner who I've had the honor to work with for four years. I see there are significant positives that come out of LB1107. LB720 that my friend Senator Kolterman has worked on tirelessly for many years has many benefits for our state in terms of economic development. And when I ran as a senator, that is one of the number one issues I ran on is growing our economy. LB720 also has benefits to property tax relief. We have incentives in LB720 that will allow us to grow our renewable energy sector. And so we will be able to harness the potential of our energy economy here in the state, as other states have done like Wyoming, that then result in lower taxes for their constituents. The UNMC project, many senators have talked about that. It is one of the most timely pieces of legislation we can work on. I also am in agreement with this development of a second tier of property tax relief, which I think is far more fair and will bring more property tax relief to District 27 residents than the current property tax credit fund. I also am encouraged by Chairman Stinner requiring a budget of--

**FOLEY:** One minute.

**WISHART:** --3.5 percent before we put additional dollars into the new tier. So all of these areas I support. And so I will give the grace of time for our body by voting in support of this on General File. But with that said, I still have very significant concerns. Senator Bolz has addressed those. I also have concerns on constitutionality on some of these issues in terms of requiring future appropriations to make decisions and those are all issues that I look forward to working with this body on before Select File. Thank you.

**FOLEY:** Thanks, Senator Wishart. We'll pause the debate for a moment. Senator-- Mr. Clerk, items for the record.

**CLERK:** Thank you, Mr. President. New resolutions: LR470 by Senator Slama; LR471 by Senator Linehan will be laid over. Amendments to be printed: LB1107 by Senator Wayne. Enrollment and Review reports LB814 to Select File and the following bills were reported as correctly engrossed: LB518, LB992, LB1002, LB1053, and LB1056. Thank you, Mr. President.

**FOLEY:** Thank you, Mr. Clerk. Senators McDonnell, Brandt, Pansing Brooks, and Halloran. Senator McDonnell.

**McDONNELL:** Thank you, Mr. President. Good afternoon, colleagues. Yesterday, I was in a fellow senator's office and, and waiting for the, the meeting to begin and I was looking out the window and there

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was a, a family out in front of the building. I assume they're on vacation and evidently, they had asked someone to take their picture. And they wanted that picture because how special this place is. That was important to them on-- I assume is their vacation. And it made me take a step back because sometimes, I get in a position where I, I forget how special it is to serve here and how we are different, how we, we caucus on ideas and issues. We don't caucus as Democrats and Republicans. We leave that at the doorstep. But this place is far from perfect because we're not perfect. But I do believe we're the best state government in the country because the way we conduct business. When you dedicate yourself to trying to help people and you're working with people that you respect, agree with or disagree with sometimes, but you're definitely trying to help people, I think you can feel the hand of God in it. It's special. We're looking at trying to take steps forward, not perfect steps, but steps. I believe Speaker Scheer, in the last four years, has led by example. I believe that he has helped the state of Nebraska on LB1107. I believe he's continuing to try to help the state of Nebraska and all of our citizens. That's not easy. But I want to thank him for the example that he's, he's set and the help that he's, he's given me and I believe all of us. Now Senator Erdman had brought up earlier about business incentives. How can you measure them? There's really not a perfect way to measure those business incentives, to say, really, is that dollar really making that kind of impact? But I know also we have to be competitive and we cannot be the only state without an incentive package. Then we talk about taxes. How do you eat an elephant one bite at a time? This is not easy and it's not going to be easy. And it's far from perfect, but we are trying to take that step forward because I do hear in my district from a number of people about taxes. Now we talk about the NExT project, \$2.6 billion project; \$1.3 billion coming from the federal government, \$300 million coming from the private sector, bonding some of it, and the commitment we're going to make. But that is a true investment. We are talking about construction potentially four-plus years with 5,000 people on the job site, 2.5 million square feet, the largest construction project in the history of Nebraska. We're talking about what that does to help us anchor Offutt Air Force Base. Then we're looking at the permanent jobs, two-plus thousand permanent jobs, 80-plus thousand dollars a year with benefits. That is a game changer, not only for the city of Omaha, for the state of Nebraska. That doesn't, that doesn't come around very often, that kind of project. You look at what the, the Cancer Center has done on the UNMC campus. We're talking about six times the size of the Cancer Center and the economic impact the Cancer Center has made. So here we are today with an opportunity to take a step forward, continue to work together to try to make improvements to LB1107, and help our state in

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a number of different areas. Again, not perfect, because we're not perfect. But with that effort of us trying to work together and listen to each other, I think we can continue to improve things for all the citizens of the state of Nebraska. Now you look at what's going on with the CARES Act and a number of the, the dollars, \$10.8 billion is coming into the state of Nebraska to individuals, to businesses, to government.

**FOLEY:** That's time.

**McDONNELL:** Thank you.

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

**BRANDT:** Thank you, Mr. Lieutenant Governor. I would like to thank Speaker Scheer, Senator Kolterman, and Senator Linehan for bringing this bill. LB1107 will invest \$125 million in year one for statewide property tax relief for homeowners, business owners, and ag land owners. This will grow to \$375 million down the road and would be in addition to the \$275 million currently in the property tax credit relief fund. This is real money helping our rural communities that are hurting from low commodity prices, tariffs, increased farm bankruptcies, and COVID. UNL just came out with their annual report on ag land values and they will be going up 3 percent statewide this year. Translation: Your property taxes will be increasing. We have work to do on changing the way Nebraska values ag land, but LB1107 is a good first step and I support the bill. My hope is that we can continue this discussion and introduce legislation next session to address this problem. I would yield the rest of my time to Senator Briese.

**FOLEY:** Thank you, Senator Brandt. Senator Briese, 3:40.

**BRIESE:** Thank you, Mr. President. And good after-- good afternoon again, colleagues. And I just wanted to rise and address maybe a few of the issues that have come up. And some have asked about the property tax credit fund and the provision in the amendment here. Section 134 provides a statutory minimum in the property tax credit fund of the current \$275 million that we appropriate now, plus any amounts dedicated to the fund by other state law to add to that minimum. And I've always maintained that the property tax credit fund is fair, effective, easy to understand. I know that some disagree with that perception of it. I think Senator Lathrop maybe explained that well, why some do-- don't necessarily agree with that. But a lot of folks do rely on the property tax credit fund and I think that's why we have maintained it as part of the plan here. But because of that

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perceived unfairness, we've developed this other program, the property tax incentive program. And really, you know, I do support the new mechanism because it is a very fair method of distribution of property tax relief. Someone asked earlier about why put some of this stuff in statute? Why not just rely on appropriations? And it's really to give Nebraska taxpayers a little more certainty and I think that's a worthwhile goal. And a lot of folks have expressed concern over the fiscal uncertainty. But you know what? There's no guarantees in life. But I'm comfortable with what we're doing here. And Senator Stinner did a great job of explaining from his perspective why he's comfortable with it. You know, we're protecting that first 3.5 percent of revenue growth and that's a good cushion. We're only dedicating dollars in excess of that 3.5 percent and not all the dollars, depending upon where the Cash Reserve Fund end. And that gives us plenty of breathing room. And, and really, I'm, I'm more bullish on the economy the most. We have the lowest unemployment rate in the nation, our ag-based economy is fairly recession resistant. And the federal government has kicked in an enormous amount of money into our economy. You know, the Paycheck Protection Plan alone-- Program alone, you do the math on that and the revenue coming into our state from the tax on that-- not that those items are taxed, but because the nondeductibility of the expenses those loans are used for, that's an enormous amount of revenue to our state right there. But anyway, I-- it's time we move forward with this and move our state forward. Thank you, Mr. President.

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

**PANSING BROOKS:** Thank you, Mr. Lieutenant Governor. As I've mentioned before earlier this morning, I think this is a lot to be thrust at us and I am very concerned about it. I think-- I've talked to a number of people on the floor. One of the things I'm interested in is whether or not the people who have been pushing for property tax help have-- are satisfied with this. Is this, is this something for this next few months and then in four more months, we're going to hear that we need to do more? So I would like to ask some people some questions on that. So, so how about Senator Briese first?

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

**BRIESE:** Yes, I would.

**PANSING BROOKS:** Thank you, Senator Briese. So do you feel that this does a sufficient amount for-- on property taxes that we won't have to be rehashing this issue again about needing to increase or to decrease property taxes again next year?

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**BRIESE:** This is a very substantial amount and I would predict that there would not be concerted efforts to add to these dollars. But I would predict that there may be some efforts to try to re-- reallocate some things and adjust how, perhaps, how we utilize some of these dollars.

**PANSING BROOKS:** So is that a yes or a no?

**BRIESE:** I'm not sure what that was, but--

**PANSING BROOKS:** Exactly what I'm worried about. OK.

**BRIESE:** But, but to clarify, this is a substantial amount and folks will be talking about repurposing this, talking about education funding. But actually adding to these dollars, I would predict that there won't be a concerted effort to do that at this point.

**PANSING BROOKS:** You do not intend to bring a bill too, next year?

**BRIESE:** No, I do not.

**PANSING BROOKS:** To decrease? OK, thank you. How about Senator Scheer?

**FOLEY:** Speaker Scheer.

**PANSING BROOKS:** Or Speaker Scheer. Yeah, I know he's term limited, but he has been in the discussion. So I would like to know from Speaker Scheer, in your ongoing discussions on this bill, do you believe and do you think that there is an intention not to continue bringing back property tax reductions because this handles a lot sufficiently?

**SCHEER:** I would say that is correct. The-- one, prefacing, I've not talked to every farm organization, but those that I have talked to, and those people have talked to other groups, all believe this is substantial and are, are satisfied with the product that we've got on the floor, if that answers your question.

**PANSING BROOKS:** So the groups you've spoken with feel this is substantial and not--

**SCHEER:** I'm sorry, I, I didn't hear that.

**PANSING BROOKS:** The groups with whom you've spoken and dealt with feel this is substantial?

**SCHEER:** Yes, by all means.

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**PANSING BROOKS:** What groups might they be?

**SCHEER:** Farm Bureau, Cattlemen's, Dairy Association, and many others.

**PANSING BROOKS:** Thank, thank you.

**SCHEER:** And those folks have talked to other groups as well.

**PANSING BROOKS:** OK. Senator Friesen, are you here?

**FOLEY:** Senator Friesen, would you yield to some questions, please?

**FRIESEN:** Yes, I would.

**PANSING BROOKS:** Thank you, Senator Friesen. Also, thank you, Speaker Scheer. So I, I have the same question for you. I know that you have been concerned about property taxes since day one. Is this, what, what's happening here, going to be sufficient, in your opinion? And we aren't going to hear more, more efforts to decrease property taxes if this were to pass?

**FRIESEN:** I for one, I have two years left.

**PANSING BROOKS:** Yes.

**FRIESEN:** I will not try to put more money into the property tax issue. This is substantial. But I will look at how we reallocate and how we deal with, with ag land. I mean, ag land has experienced 180 percent increase in taxes paid.

**FOLEY:** One minute.

**FRIESEN:** You have people paying 50 percent of their income in property taxes. There--

**PANSING BROOKS:** Yes.

**FRIESEN:** --has to be something done yet. But more money? No, not necessarily.

**PANSING BROOKS:** Did you remember that people in my district are being evicted and unable to pay for their food and their children's medical needs?

**FRIESEN:** Yes. And I have, I have people who are being evicted also.

**PANSING BROOKS:** OK, thank you. I think I'll ask Senator Stinner as well if he has a minute.



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

**STINNER:** Yes, I will.

**PANSING BROOKS:** Senator Stinner, do you believe that this is sufficient enough of a property tax change that we will not continue to have to be discussing decreasing property taxes from here on?

**STINNER:** Yes, I do.

**PANSING BROOKS:** And is it your intention to not continue?

**STINNER:** And if there is a contention that we-- that isn't enough, you'll see my reaction to it.

**PANSING BROOKS:** OK. Thank you. Thank you, Mr. President.

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

**HALLORAN:** Thank you, Mr. Lieutenant Governor. I would like to yield the balance of my time to Senator Erdman, please.

**FOLEY:** Thanks, Senator Halloran. Senator Erdman, 4:50.

**ERDMAN:** Thank you very much, Senator Halloran. Thank you, Lieutenant Governor. Senator Pansing Brooks, let me answer your question. This is insignificant. This is a decrease in the increase. This is not property tax relief. Property tax relief means I pay less next year than I paid this year. This is not property tax relief. So I'll answer your question about what will I do going forward? I have the answer and we need to revamp our whole tax system. And our whole tax system needs to start with a consumption tax. One flat rate, eliminate property tax in its entirety. Income tax, inheritance tax, and sales tax. One flat consumption tax rate. It is the answer. It is the solution. So when we pass LB1107, it looks like everybody loves it to death and we're going to pass it. Just remember, this is a decrease in the increase and it is insignificant, all right? Let me share with you, and there's only three of you listening, so maybe the people out in the audience are listening. Last-- in '15, property tax went up \$216 million, excuse me, '15-16, and the year 2016 went up 123; '17, 150; '18, 125; and last year, just \$200 million. So we're going to supposedly give \$125 million in property tax relief and property tax is going to go up \$200 million. That's relief? I don't think so. I don't think so. So I was wondering if Senator Stinner would yield to a question?

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

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**STINNER:** Yes, I will.

**ERDMAN:** Senator Stinner, thank you. Do you know how much is outstanding on LB775 in the Nebraska Advantage Act?

**STINNER:** I think it is expired. I don't know the exact number, but I think the expiration is something like 2024 or '23. I can't remember.

**ERDMAN:** Would it, would it, would it be fair to say there's about \$780 million in tax incentives that have been earned, but not collected so far?

**STINNER:** That's not just LB775, that's also Nebraska Advantage.

**ERDMAN:** Correct. And that's what I asked, both of those together.

**STINNER:** Oh, OK.

**ERDMAN:** So here's my next question. So when we do a budget, do we accrue for that \$780 million that the state is going to owe those people?

**STINNER:** It's not accrued for. It's accounted for in estimated sales tax refunds.

**ERDMAN:** OK. So what you're saying is they get a refund in taxes paid, is that correct?

**STINNER:** There is one component of it that's sales tax refund availability.

**ERDMAN:** OK.

**STINNER:** And another component, I believe,--

**ERDMAN:** OK.

**STINNER:** --has to do with withholding.

**ERDMAN:** All right. Well, thank you for that answer. I appreciate that. So here's my point. I stood up last time and asked why we have to have funding to give property tax credit, but we never talk about funding for LB720 and the incentive packages, never once. We don't have an accrument for that. We don't do anything to account for those. It's because somebody just doesn't pay them. So nobody wants to answer the question that I asked. And I understand why they don't, because they don't want to be in the situation where they do it one way for

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property tax relief and another way for LB720. But the point is this, if it's an income tax credit on the amount that you pay to your public schools, the 3 percent or whatever it is, the state does not owe those people any money back unless they don't pay income tax. So we don't treat LB720 that way, but we treat property tax that way. That is peculiar.

**FOLEY:** One minute.

**ERDMAN:** Does anybody else in the body think that that's kind of strange or am I the only one? I don't get it. And maybe it's because I'm too simple, but common sense would tell me that you've got to do them both the same way. And so we never, ever consider what's the cost of the Nebraska Advantage Act? And I talked to some of the people on the forecasting board and they don't take much consideration of what we owe either. But at some point in time, there's going to be \$780 million taken out of our revenue. But when it comes to property tax, we've got to put money in an account to give somebody an income tax credit. Now that doesn't make any sense. And I don't expect anybody to stand up and answer that because they don't want to, but people out there listening understand this is sleight of hand, all right? This is not the way we do things. It doesn't make sense that we do one way and one the other.

**FOLEY:** That's time.

**ERDMAN:** Thank you.

**FOLEY:** Thank you, Senator Erdman. Senators Hilkemann, Murman, Wayne, and Dorn are next. Senator Hilkemann.

**HILKEMANN:** Thank you, Mr. Lieutenant Governor. And welcome-- or hello, Nebraska. It's good to get a chance to finally speak on this issue. You know, I've been-- this has been a wonderful debate this afternoon. Everybody's been civil to one another. We've-- I think the people have created some wonderful questions and have good comments and so we can debate well and I appreciate that today. And we look at the property tax relief fund. Certainly it was, when I went door to door six years ago and two years ago, it is one of the number one issues. And, and I'd like to tell people that we, you know, we, we have these property tax bills and people kind of, well, we have to-- you have to get on this. Well, some of the property tax bills that have been proposed, frankly, are not good. And so I think we're looking at one here that has good potential here. And, and I appreciate those who have worked hard on this. I thank Speaker Scheer for putting together the group of seven and I appreciate the work that the group of seven. I've had the

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option to work with Senator Stinner all six years that I've been here and I have the highest regard for his, his ability to work with numbers and to see situations. And so his putting-- helping put this together, along with Senator Koterman and Linehan, should give us some good id-- that this is a bill we need to look at. And I'm certainly-- saying that, I still have a couple of reservations. Some-- I'm going to throw out-- that are, that are a few concerns here for me. There-- part of it is that there's no cap that's been set on the property tax relief fund. And as you well know, that that's-- I feel that the way that money is distributed is not particularly fair. And frankly, I'd-- one of the questions I had when we were-- this was presented to me was, can we put the property tax relief fund into the new fund? I think it would be a little fairer. I was told that would kill the bill. But so at either rate, we are starting another line item that we're going to be dealing with on our budget every year. And let me just tell you that since I've been on that Appropriations Committee, the year that we had to take 3 percent out of the budget, everything got cut 3 percent. But guess what didn't get cut? The property tax relief fund never got cut. And when we-- whatever the name we're going to set up for this new fund that sets up here, I can assure you that if we have a year when we have to take 2 percent or 3 percent or 4 percent out of the budget, that isn't going to happen. You remember just last year, I-- the Appropriations Committee took out \$53 million in the process of appropriating the money from the property tax relief fund. Came up on the floor and the floor put the \$53 million back in. So those are, those are some of the concerns that I do have about this going forward is, is that once this gets in place, it will take a prior-- precedence and it will take precedence over a lot of the other programs. Certainly the education, healthcare, university, those things will all take a backseat. These line items will definitely be funded going forward. And the other concern I have is, you know, we say we have to have a bill that we can get 33 people to agree with. That is a high threshold. I'll tell you what a higher threshold is, is to get 33 people to vote this out. And so once we put whatever we put in in statute, it's going to be, it's going to be very difficult to get that to change. And our property taxes are very high in Nebraska. I'm not going to--

**HILGERS:** One minute.

**HILKEMANN:** --but so is our income tax rate, our-- to license a car in the state of Nebraska is ridiculous. We-- that, that, that-- we're about the fifth or sixth-highest state in the country. So it's not just property taxes. One of the things I've pushed for would be to, to-- and I want us to continue, Senator Pansing Brooks on, on that we

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need to put together-- still, let's look at our tire [SIC] tax structure. Can we come up with a better way of doing it? And I would challenge the leadership of this state to come up in that manner. We did it with Blueprint Nebraska. Maybe we can do it with the-- with a blue-ribbon panel to look at overall tax structure for the state of Nebraska. And thank you, Mr. Speaker.

**HILGERS:** Thank you, Senator Hilkemann. Senator Murman, you are recognized.

**MURMAN:** Thank you, Mr. President. I stand in support of LB-- of LB1107 and the amendments. And I'd like to thank Senator Linehan and, and the Revenue Committee and all those that worked so hard to bring together this compromise. I'm going to stand up first to represent my district, District 38 out there around Hastings, Grand Island, Kearney area and south and east and west. We've been waiting for decades for some property tax relief. District 38 is very rural. There's a lot of farmers there. And of course, farming is a very capital-intensive business, especially in Nebraska. The number one input that we need is land. So we've either got to buy it or rent it. And with the high property taxes, this just makes us very uncompetitive with the states around us and nationwide. We're, we're way out of line with the rest of the country. And this is good for the whole state. Of course of-- a quarter of the jobs in Nebraska are directly related to agriculture. So making farmers more competitive will be good for the whole state for that reason. Some of the latest figures I've got are from 2017. They're a little bit old, but things have not improved since then. We were the second-highest property taxes per farmer in the nation, second only to California. California was \$17,229 per farm. Nebraska was \$16,161. So really close. The next highest one was-- I don't have that right in front of me, but it was at least a third lower than that. The average nationwide per farm is \$4,902. So a lot of difference there. In 2017, farmers paid 20-- or excuse me, 47 percent of their net income in property taxes. And when you figure in state and federal taxes, that made an effective tax rate of well over 60 percent. So I looked at some countries in Europe, we're right there in line with a lot of countries in Europe on our tax rate when we compare tax rate to farmers. But those highest tax rates in Europe are, are typically only to extremely high incomes, several hundred thousand dollars to \$1 million. Actually, their tax rates for more moderate incomes are much lower than that, even in Europe. Agriculture got us through the Great Recession about ten years ago. And now we need simple support, starting with lower property taxes to help get us through this COVID recession we're in right now. Urban Nebraska is really starting to feel the pain also of property taxes. Valuations

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are really going up, as we all know, in urban areas. Whether you own your home, you're paying mortgage, or you're paying rent, you're paying for high property taxes through your home or where you live. I'd much preferred LB1106, I thought it gave us a better mechanism going forward to addressing this problem. But the compromise of LB1107 is, is before us and I will support that right now. I'm on the Education Committee and we hear--

**HILGERS:** One minute.

**MURMAN:** --heard loud and clear of the object-- objections from education and from the big school superintendents. And this, this bill will do a lot better to address those objections. I'm also on the Health and Human Services Committee and I think this will keep our rainy day fund intact and keep our state well funded to support those necessary social programs there. I also support the LB720 part of the bill, but I do think lower taxes are the best way to attract business to the state. We do need to revamp our tax system. I do support the military hospital in Omaha. Also, I think it will be a great thing to help--

**HILGERS:** Time, Senator.

**MURMAN:** --increase taxes to the entire state. Thank you very much.

**HILGERS:** Thank you, Senator Murman. Senator Wayne, you are recognized.

**WAYNE:** Thank you, Mr. President. It's kind of ironic that I'm going to be making these comments because Senator Pansing Brooks, you asked some questions on the mike that quite honestly, the answers, I think, weren't necessarily factual. And the reason I say that is right now, yes, this is substantial property tax relief, but it's all based on the state growing more than 3 point-- 3 percent-- 3.5. But if school districts grow at 6 percent, two years from now, we're back here in the same situation where they're asking for property tax relief because there's no controls at all. And I can't believe I'm the one making that argument. But more importantly is, I think right now this bill is going to create a bigger urban and rural divide. And not just urban and rural divide, but small business. On page 23, if people will look at it, I will explain to you that, and it's pretty simple, that if you're under a county of 100,000, first of all, your employee counts as 2 employees. That's why I said earlier, my community is only one-half. I mean, we were three-fifths under slavery, but today, I guess we're one-half for tax credits for that top ten. In addition, if you have a county above 100,000, you only get 4 percent of the average, whereas under 100,000, rural Nebraska, you get 6 percent. So

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I, I think I know the reason behind it. But the ironic part is it was clear the day I walked through my district, we're not getting a \$50 million project, we're getting small businesses, which is identical to what rural needs. But there's something that rural has that, that we don't have and it's called the Rural Development Act. And for \$125,000 investment, you actually get tax credits if you have \$15,000 or less. Now I had a bill that was-- halfway incorporated this around ERAs and poverty. But the ironic part about the ERAs and poverty is that it has to be \$250,000 to \$1 million and it has to be 70 percent of the average wage. Now why that's ironic is that means I have to pay, I did the math, \$17 an hour. But that same requirement isn't necessary for rural. They can pay minimum wage and still get a tax credit. But in my community, I can't. So I would ask the "Super Seven" look at that, because again, you're treating the area that is struggling with poverty and ERA, by definition, different and treating them harder than you would somebody in rural Nebraska or anybody else. This is a big business bill. There is nothing in here for small businesses, that \$100,000 to \$250,000 business, mom-and-pop shop who needs help to get off the ground. The bigger hindrance, even at \$250,000 investment, is the application fee, nonrefundable application fee is \$5,000. Now I know Senator Clements is going to do the math on this, but if I make a \$1 million investment and I hire ten people or I hire five people, I'm only going to get back \$10,000. So I'm going to pay \$5,000 as a small business to hopefully get back \$10,000 after I go through an audit. That makes no sense, colleagues, because I'm going to spend another \$5,000 on my accountant and my payroll to make sure I can get the audit done. So I would encourage those who are pushing this bill to make sure we do something for small business. And here's why I know small business is important. And this is ironic, I'm going to actually quote what the Governor did. The Governor set aside CARES dollars to go after small businesses for up to \$12,000. He did that because most of the businesses in Nebraska, across Nebraska--

**HILGERS:** One minute.

**WAYNE:** --are small businesses where their payroll is around \$12,000 for a couple of months. That's who the backbone of Nebraska is and this bill doesn't address it. So I hope on Select, this bill addresses the small business, \$100,000 to \$250,00, and also the ERAs, which are our most poverty-stricken areas. It lacks there and there's no control spending. So in two years, we'll be having the same conversation about schools and why they're going up and why you need property tax relief again. So I hope people look at the small business Imagine Act that came out of Government unanimously, which Government Committee never votes anything out unanimously. And I hope they

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incorporate this in this bill because we're talking about small businesses and that's what we need to focus on in Nebraska, not large businesses. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Wayne. Senator Dorn, you are recognized.

**DORN:** Thank you, Mr. Chairman. Thank you, colleagues, for the opportunity I think we've had today to have a discussion on this bill. I very, very much appreciate that. And just as Senator Wayne got done talking there, it brings up some things, I think, that still need to have a discussion on this bill and still be a part of this. But my comments are going to-- first of all, I wanted to thank everybody who worked on this bill, who brought this bill together. I wanted to thank some of the people who worked on the amendments and brought that together so that we have an opportunity as a state to visit about this bill, to look at and understand the importance that it is for the state of Nebraska. Wanted to talk a little bit about the funding and the concerns about a lot of that. Several days ago, I remember getting up here on the floor and talking about-- I don't know what bill we were on, but I was talking about the strong fiscal shape I thought our state was in. And I wanted to explain that a little bit more in the fact that, as we're facing this COVID situation, there are many, many states that do not have, I call it the rainy day fund or the revenue stream coming in in the first three or four months of this COVID situation that our state has had. And it shows the strength that our fiscal shape of the state was in. We don't know what's going to happen with COVID. We don't know where that revenue is going to be in the next one, two, or three years. I think Chairman Stinner has talked about this quite often. What has happened, though, is our state, when you look at several articles or different numbers, our state is in one of the top five as far as the issues we are facing or the lack of issues we are facing. There are many states that rely on oil or gas or tourism that have been profoundly impacted in their budget. That does not mean that going forward, we don't-- we will not have an impact. We do not know. We can see projections, but we do not know where that will be. Part of what this bill does that I am particularly mindful of and look at is, in our budget process, it protects that 3.5 percent budget growth, our allowed-- our growth that we will have in the budget before we start incorporating some of these. I think as people are going forward and looking at the funding, they're concerned about the unknown and the unknown in the future years of what will happen, what will happen to many of the programs or agencies that we currently have, how will they be affected by this bill? That 3.5 in there speaks that we will now, as a state, be mindful. We will have that as part of the budget process so that those entities, those social programs are



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accounted for in the budget process. This property tax, a lot of this bill does not come in front of them. It comes as part of it. We have to meet those guidelines or that funding formula before some of these are implemented. That is very important to me in the fact that, yes, we are working on property tax relief or we were working on LB720, but we have a funding mechanism now in place that we are also very, very mindful and aware of many of our current issues and making sure that we do--

**HILGERS:** One minute.

**DORN:** --take the responsibility of looking at those as part of this thing. One last comment I'd like to make about, I guess, I heard several people talk today about the future of the state of Nebraska. When Senator Vargas was talking there, Senator Wayne was talking, those are people that have young families. We need to, as a state, be very, very mindful that we need to put in place programs and statutes so that we are making this the best state to live for their families. Some of us here, we won't be around forever. But those young kids are the future of this state. And we need to give them every opportunity to have the best state possible that we possibly can so that they stay here, they are a part of our state, and that they live here and enjoy many of the things that we have here.

**HILGERS:** Time, Senator.

**DORN:** Thank you.

**HILGERS:** Thank you, Senator Dorn. Senator Lindstrom, you are recognized.

**LINDSTROM:** Thank you, Mr. President. And good afternoon, [INAUDIBLE]. Good evening, colleagues. First, I stand in support of the amendments and LB1107. I think the provisions before us could be summed up in one word and that's perseverance. We have been-- I say we, a member of the Revenue Committee, and we've been working on some of the underlying issues for almost two years now and we're right on the cusp of being able to vote on that. And I want to first thank Senator Linehan, who's the Chair of the Revenue Committee, along with the members, in particular, Senator Kolterman and his willingness to work with the members of the body and specifically with LB605 and including that, which is my bill dealing with the renewable chemicals, which I think is vitally important and a sector in our economy that will be beneficial long term. As I look at the underlying bills, particularly LB1084, that allows us-- you know, Senator Dorn just touched on it, when it comes to we make decisions here every day that have short-term

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implications, intermediate, long-term. I think this bill and its provisions have all the components of that. You know, it's been brought up that there's risk involved with the decisions that we make. But we do it every day on every-- almost every bill that we deal with, whether it's political risk, maybe not voting the way our party sees it. From a policy standpoint, we take risks. We, we vote on what's maybe unknown and whatever the future holds because we don't know what, what will happen in the intermediate and long term. And then we take a risk when we deal with maybe angering colleagues or people. We're not going to satisfy all of what people need or want, but we can come together to, to work together on a policy. And I think this bill in particular represents that. Senator Pansing Brooks brought up an interesting point, an interesting question I often think about when we talk about it, is what we're doing, will it satisfy where people are at? And I don't think it ever well, you know, the fact of the matter is when we have term limits, we have new members come in, people have needs and wants. And those, those issues will be addressed in the form of bills that they introduce. And I would hope that nobody's ever satisfied in this body. I hope Senator Briese is not ever satisfied with the property tax or Senator Pansing Brooks satisfied with her work on LGBT issues. You can go down the list of all the members in the body who have issues that they have worked on over numerous years. And we can't be satisfied. You know, we, we-- this, this body operates with a push and a pull and that, that's what makes it healthy. Not always with people leaving here with smiles on their face, but it is the process and it does, it does work. And I do appreciate that. So, you know, again, thank you to all the folks that have worked on this. I know it's not perfect, but nothing that we do really ever is. And so I encourage your support of, of this bill and look forward, look forward to, to seeing it on Select File. So thank you, Mr. President.

**HILGERS:** Thank you, Senator Lindstrom. Senator Hughes, you are recognized.

**HUGHES:** Thank you, Mr. President. Good afternoon, colleagues. I, too, want to take this opportunity to thank, first off, Speaker Scheer for getting us to this point, for his wisdom and guidance of getting the right people in the room to bring this package forward. And to the Revenue Committee, you know, that has been a very difficult committee all year long, for the last two years. They've worked very hard to try and get a package together that was something this entire body could support and I think we're very, very close to, to that point at this time. And I want to talk to the people who are listening or watching on TV. You don't see me talk on the mike very much because I truly believe most of my colleagues have got their mind made up on this bill

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before they show up today, at least I hope they do. They've done their homework. The discussions on the mike, I don't believe really change anybody's mind very often. So I don't take up the time. But the process we're going through today, we have to take a certain amount of time, as per our rules dictate, in order to make sure that we all have the opportunity to identify issues with the bill at hand or whether there are fixes that can be made and that's part of our process. I-- do I like this bill? I will vote for it and the amendment. Is it what I would have written? No. Nobody gets everything they want. That's the problem with representative government. We all come together, we all have different backgrounds, we all have different experiences, and we all have different priorities. And thank goodness none of us gets our entire way. We have to compromise and this is a compromise that, for lack of a better term, it's like kissing your sister. It's OK, but you don't want to do it too often. I appreciate what Senator Stinner has done. You know, as our number cruncher, he is extraordinary. There's no question about it. I have full confidence in him and his ability. If he tells us that the dollars are there and we can spend them, I'm good with that. There's been a lot of talk about future appropriations. Do we have the money going forward? Are we encumbering a future Legislature? That's what we do all the time. You know, you look at the TEEOSA formula that we have. We are forced to fund K-12 education every year one way or another, whether we have the money or not. So the argument that we do not have-- we don't want to encumber ourselves next year, the year after that, five years down the road, we do that all the time. We have to rely on the process that we've got to make sure we have the funds needed to, to do the things in the state. There's been question about the process. You know, each of these bills, you know, we introduce bills the first ten days of the session and we're on day 55, 56 now. There has been plenty of time to talk about these bills. And a lot of these bills were introduced last year in the First Session of the One Hundred Sixth Legislature. So there has been ample time to talk through a lot of these bills. So saying that the process, we need to slow it down, I need to think about it more? What have you been doing? We have a lot of things that we need to address and we can't all be experts in every single thing. That's why we have to--

**HILGERS:** One minute.

**HUGHES:** --rely on our colleagues who are experts in those areas. You know, I'm not a lawyer. I'm not on the Judiciary Committee. If I have a question in those areas, I'd look to Senator Lathrop or someone else on the committee. Same thing in Health and Human Services, I reach out to Senator Howard. She's who I view as an expert, subject matter

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expert. I have opinions, but I need to base my decisions off of facts. I appreciate the work that everybody's done and hopefully at some point today, we will get a vote on this and be able to move it forward because it is significant legislation that the state of Nebraska needs. Thank you, Mr. President.

**HILGERS:** Thank you, Senator Hughes. Senator Groene, you are recognized.

**GROENE:** Thank you, Mr. President. First, I'll say a couple of positive things about this bill. The rural manufacturing tier, when I took that idea to Senator Kolterman, he was very susceptible and it is in the legislation. That perked the ears up of some of the bigger manufacturers. And they came and asked for Kawasaki, Nucor, for a little help, too, because manufacturing just don't pay, can't pay. And he added that, too. So finally, we heard on this floor how great the Advantage Act was for Nebraska. Since the Advantage Act went into effect, 68 rural counties out of 93 total lost population. We were told that business incentives would bring us more money to the state and then everybody's taxes would go down. I haven't seen it. Ask any farmer, anybody with property taxes. The second good thing is that this new proposed property tax is a credit to income taxes. It's not a placebo put on the property tax bill as a credit to make you think your property taxes went down. You not-- will still know how much your property tax are because you will pay them. And the other thing is it balances the property tax credit fund on valuations versus what you pay. Besides that, I'm still where I was on Friday when I said I'm a fiscal conservative. Good policy, this is throwing money. The adults in the room went to Washington and took their model and said, let's throw money at the problem. That's all this does. We still spend. We still increase spending. Senator Erdman made the point, property tax has gone up \$198 million last year, \$125, \$150, \$123, and \$216 back-- million a year back to 2015. We're going to get \$125 million for the next 3 years. Personal experience in Lincoln County, everybody's acreage, if you lived in the country, went up \$24,000 because TERC said they were under values. That's on average, well over \$500 in property tax increase in one year. You know what this great-- I don't want to put a pin in your balloon, but you know what this gives those people? A \$90 credit on a \$500 increase. It's \$125 million for the next 3 years, but by the fourth year, it has to be at 375. I don't see it. I don't see what we're doing here. This is peanuts thrown at the gallery, folks out there. Don't let the politicians tell you they're doing something great for you. They're not. I was left out of a group, was fine because I thought LB1106 would come out of that group. It didn't. That was good policy. Schools, beware of what you don't like.

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LB1106 funded you, you just lost property tax valuations that you could tax. You will be cut in the future if this is funded. Revenues have gone up the last four years. Even when it went up 5.7 percent in 2018-19, it was only \$200 million state revenues. Last year at 5 percent, it was 268; the year before, it was 296. In 20-- well, that's the projections. Excuse me, '20-21, it went up 110. Year before that, it was \$80 million. I'm trying to figure out where we get 3.5 percent increase and still fund this property tax credit. I don't see the money. I like it because it takes money out of, out of the budget where those who like to spend aren't going to have anything to spend. But I'll tell you what, folks out there, when we don't fund public education, you will get a tax override like Westside and Millard and Hastings. You will get a tax increase because people support their schools and the people who will vote for it--

**FOLEY:** One minute.

**GROENE:** --don't own the property. I promised Senator Kolterman a closure vote on this and he will get that. But Nancy Pelosi, I'm not going to vote and take a stand on a 150-page bill that I've had ten hours to look at and analyze, because I analyze stuff. This is what I did on a quick analyze-- analysis. Seven adults in the room, I love all of them, but they needed an economist because this don't work. So all the promises in the world and you go get elected and say you voted for property tax relief. But this isn't property tax relief. Five hundred dollar increase, \$90 credit. And the lids are a joke on the, on the LB720. It rolls over, folks. Twenty-five million becomes 50 if you don't spend it the next year.

**FOLEY:** That's time.

**GROENE:** It goes to, to 400 max after four years.

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

**GROENE:** Thank you.

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

**MORFELD:** Thank you, Mr. President. Colleagues, I've been listening to debate here today and learning a lot along the way. I want to thank Senator Linehan and some other people, Senator Stinner, for explaining some things to me and clarifying. Much like some of my colleagues have, have gotten up and talked about, particularly my colleagues on the Appropriations Committee, I do have concerns about the future sustainability of this. I do know that we have put in some guardrails

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and I appreciate that. I do have a question for Senator Stinner, if he would yield to a question? And then I do want to yield a little bit of time to Senator Bolz. Is Senator Stinner here? Of course not. Taking a break. Good for him. But that being said, I guess where I'm at right now is I know that there's a few different amendments in the works. I understand that some people are working on this between General and Select. I do feel passionate about making sure that we get the UNMC project funded. I'm also passionate about making sure that we have a responsible incentives bill and I've committed to supporting that. So those are two pieces that I do support in the legislation. I am concerned about grouping all of this together and the implications. I do understand that one way of getting around germaneness is just simply having it all in one committee amendment and saying it's automatically germane per the rules. But I don't think that that's the right approach in the future for these major policy pieces. I think we should vote on them separately and they should stand on their own merit. That being said, I'm going to remain open-minded. I'm probably going to be not voting on cloture and on the bill, but I'll make sure that I support the amendments because I think it gets us in the right direction. So I'm going to remain open-minded, but I also want to be realistic about the obligations that we are obligating future Legislatures to having to hold them to. So that's, that's a concern for me. With that, I'll yield the balance of my time to Senator Bolz.

**FOLEY:** Thank you, Senator Morfeld. Senator Bolz, 2:50.

**BOLZ:** Thank you, Mr. President, and thank you, Senator Morfeld. Senators Lathrop, Linehan, McDonnell, Stinner, Briese, and anyone else who is a part of this bill, Kolterman, I'm-- please listen for a minute. I want to mention to you that I've had a conversation with Legislative Fiscal and they've raised some serious concerns about the technical language in the bill, provisions related to budget growth versus revenue growth. And I, I have asked them for their advice and their input on technical changes, but I do want to alert the body that some fixes may be necessary. They seem technical and important and I ask for partnership as we try to work through the technical changes. This bill has been moving quickly and we need to get it right. We have to be responsible and we have to get the language right. That said, if Senator Groene is still on the floor, I just want to say, Senator Groene, look at that. What a good day. You and I agree. You and I are both looking carefully at this legislation, wishing we had more time to analyze it, and expressing some frustration that there is not more time to make sure that the caps language and that the revenue language and that the budget language is correct. So I expect full partnership from everybody on this floor to get the technicalities lined up with

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the expectations and the intentions of the people who have made agreements. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Bolz. Next in the queue are Senators Erdman, Williams, Geist, and Albrecht. Senator Erdman.

**ERDMAN:** Thank you, Mr. Lieutenant Governor. So as I sat and listened to Senator Hughes and he said, you shouldn't kiss your sister too often, that might be a rule in Venango, I guess. But anyway, I was listening, a few do. But he was correct when he said, seldom, if ever, does anybody change their mind when they come to the floor. I have asked the same question at least three times. Not heard an answer from anybody. The question is, why do you have to fund property tax relief if it's an income tax credit, but a tax credit for LB720 doesn't have to be funded? That's the question. Nobody wants to answer that. Well, maybe nobody's listening. So I wonder if Senator Briese would yield to a question?

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

**BRIESE:** Yes.

**ERDMAN:** Senator Briese, I should have maybe spoken to you off the mike--

**BRIESE:** That's all right.

**ERDMAN:** --but I have a question. Senator Pansing Brooks asked you a question, if you thought this was significant property tax relief. Do you, do you still feel that way?

**BRIESE:** I do feel it is significant property tax relief, Senator.

**ERDMAN:** Did, did you, Senator Briese, listen to when I said a person's property tax went up \$500 and this bill would give them \$90 in relief?

**BRIESE:** Yes, I heard that.

**ERDMAN:** Is \$90 significant when your property tax goes up \$500?

**BRIESE:** Well, close to 10 percent, I guess.

**ERDMAN:** It's 3 percent.

**BRIESE:** 3 percent.

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**ERDMAN:** It's a little over. Five hundred, 10 percent would be 5-- yeah, OK. Anyway, the point is this. It's insignificant because they're still paying \$410 more next year than they did last year. So thank you for answering that, but--

**BRIESE:** Yeah, and to correct myself, it's closer to 20 percent, but--

**ERDMAN:** OK. So Senator, Senator Clements had run a spreadsheet on some of his properties and he has one that's valued at \$275,000. And I think this year's property tax relief would be one \$163-- \$167, he just told me. So it would be far better if we would say this is a decrease in the increase. It would be easier for me to sell that back home, that it's a decrease in the increase and not relief. Because it is not relief. And if you go out of this room today and you think this is property tax relief, you are mistaken. So we are going to give property tax relief of whatever number we say it's going to be. But over the same period of ten years, we're going to give \$1 billion away in incentives in LB720, \$1 billion in ten years. And we're not funding that. We don't say we have to have the funds to do that because it's a, it's a credit. But yet to fund property tax, we have to have the funds. Now I don't know if I'm the only one in the room thinking that-- I must be wrong if I am. But they say if you're not the lead dog, the scenery never changes. So maybe that's it. The other question I have to ask is maybe this statement is true. If everybody in the room is thinking alike, is anybody thinking? This is not significant property tax relief. This is giving away more tax incentives in LB720. It is what it is. And several have commented that they only had a short time to look at a bill that's 149 pages long. We should have done this back in February, but here we're doing it on August 6. This is not the way to make laws, throw three bills together. So what you have done, what they've done with this bill, they're painting me and several others into a corner to vote for LB720.

**FOLEY:** One minute.

**ERDMAN:** And LB720 is a bill that doesn't mean anything to anybody. And they will tell you that it means something, but it doesn't because those businesses are going to come here whether we give them money or not. And if you listen to Senator Wayne, when he explained what it would be for a small business, it doesn't mean anything to them either. And so this is not what we're bragging it up to be. And so I'm between a rock and a hard spot. I have to vote for some kind of property tax relief, even though it's insignificant. And then I also have to vote for LB720, which takes away all the money that we, we gave back in property tax or more. So at the end of the day, the Nebraska citizen is going to pay more taxes because we passed this



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bill, because LB720 is going to take away anything that we may have given them back. And Senator Groene rightly explained to you property tax went up \$200 million last year. If that happens again and we give \$125 million in property tax relief, we're behind again. This doesn't make any sense.

**FOLEY:** That's time.

**ERDMAN:** Thank you.

**FOLEY:** Thank you, Senator Erdman. Senator Williams.

**WILLIAMS:** Thank you, Mr. President. And good afternoon again, colleagues. And I remain excited and appreciative of the opportunity to stand on the floor today, to vote today on something that's important to most, if not all, of my constituents and your constituents. That said, I, I would point out that as a state, we continue to struggle with and have for years with a revenue problem. Each one of us and our constituents want to drive on good roads. We want to send our kids to high-quality schools that are safe. We want to lock the bad folks up and take care of them and provide programming for them. And we want to take care of those people that are less fortunate than we are. How do you do that when you're always struggling with the pie not being big enough? The only way I know is to grow the state. And we grow our state by increasing the business that is done in our state. And we do that by encouraging businesses to expand, grow, hire more people, provide more benefits, which puts more kids in our school. And we spread the tax base among more people, increasing business, which is what happens with LB1107. That's one of the reasons I stand in strong support. We've talked a lot about compromise today. When I was a freshman senator in 2015, our friendly senator in here that writes poems wrote this poem to me. Below unfolds before your eyes in four words, the ideal compromise. Neither side is satisfied. And maybe that's where we are. And with that, I would yield the balance of my time to Senator DeBoer.

**FOLEY:** Thank you, Senator Williams. Senator DeBoer, 2:40.

**DeBOER:** Thank you very much, Mr. President. And thank you, Senator Williams, for giving me a little bit of your time. I rise today thankful for the work of the Revenue Committee, for Senator Linehan, and for the folks who have put in a lot of time in this particular compromise bill. Out of deference for our Appropriations Chair, Stinner, and those who work with him, although I have some fiscal concerns, I am going to vote this onto-- through General File. But I do have two concerns. One is sustainability, the second is what

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happens if we get a very bad year and we need to dig our way out? Is there a guardrail for that problem? So those are two things that I'm thinking about. But I'm, I-- you know, it's not a perfect bill. We don't have to have a perfect bill in order to get property tax relief. I really want to be able to do this. This was one of the things that I promised to my constituents when I was running. But I have to make sure we can do it without hurting our basic programs and our basic functioning as a government. So I'm still concerned, but I'm still listening. We'll see if we can get some work done over the weekend. Thank you.

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

**GEIST:** Yes. Thank you, Mr. President. And I will just be brief. I would just like to commend those of you who spent so many hours working on this. Several us-- of us have been talking, of course, on, on the side and saying, well, I like this, I don't like this. And maybe that's the nature of compromise. I do commend all the senators who were involved, Senator Kolterman, Senator Linehan, Senator Stinner. And I know there are many others, the entire Revenue Committee. I know you've worked tirelessly and I know with Senator Linehan for at least two years on this. It's not everything you want. It's not everything anyone wants. But I do stand in support of the amendments and LB1107. And I appreciate that this gives something to residential homeowners. The-- that is the biggest part of my district, though I do have a significant amount of ag in my district, whether that is in landmass or within a home that owns ag outside of this county. So I do stand in support. And that's all I have. Thank you. Thank you, Mr. President.

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

**ALBRECHT:** Thank you, President Foley. I just don't want to see these farmers have to sell out and move out of our state. I don't want to see our children move away and I don't want to see our hometown businesses close their doors. This document is important to our state. The super schools that didn't want to participate in sharing, careful what you ask for or demand because the people are watching. I'll not be bringing \$11 to \$12 million back to my home schools in my district. And Nebraskans, we owe a debt of gratitude to Lou Ann Linehan, who-- are we doing OK over there? Thank you. We owe a great of debt-- a great gratitude to Lou Ann Linehan. That woman has gone before so many people, and I watched her because she helped me through my district, in trying to make light of what the bill was before it is today. And for that, Lou Ann Linehan, you are one tenacious woman and we are lucky to have you leading the revenue department. To the farm families

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and the homeowners and the businesses, I will always stand in support of property taxes, the business incentives, and the opportunity for our state to have a world-renowned hospital. If that comes into fruition, that would be an amazing opportunity for all of us. It's not what we started with, but I am very grateful to all the parties who came together, the "Super Seven," you know, that's when we got to talking about this and getting it closer to the finish line. I just believe that it does take all parties to try to understand that we're not always going to get what we want, but this is a start. The last three years with property taxes, it was never enough for anyone. We have to start somewhere. I am happy to be a part of that. I stand in support of LB1107, AM3316, 11-- and AM3349. And I'll work to make sure that this is the best bill between now and Select. I think we all need to take some time to rest over the weekend and understand what we would be leaving on the table if we did not act. So again, I just want to thank everyone that was involved. And again, Senator Linehan, you're pretty amazing. Thank you.

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

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I would second that statement that Senator Lou-- Lou Ann Linehan is amazing and has done an amazing job working on this issue on behalf of our state. So thank you, Senator Linehan. So-- one second. I support property tax relief. I actually think that property taxes are a regressive tax and not indicative of one's ability to pay. And I would love to see us address that issue as far as how we are funding government in this state. My concerns throughout today around procedural issues are related directly towards procedural issues, not this bill. I am again not thrilled that these three major pieces of legislation have been tied together. I think that each is important and warrants its own debate on the floor. And to have three hours or however many hours we will have to debate all three of these when they should each have three, we should be spending nine hours on these very important pieces and figuring them out on their own merits. I am extremely disappointed that that is not what we are doing. That doesn't mean that I don't support what we're trying to do. I just don't agree with the way that we're doing it. So I support property tax relief. I have significant concerns. I feel that Senator Bolz has really spoken to my concerns about the sustainability of how we are going about this. And I look forward to learning more over the coming days as to how this is actually going to be sustainable. Because if we can get there, that's wonderful, and I would support that. Tax incentives. Whoo, boy, those things. They're driving me crazy for sure. LB720 has been something that I have worked on and talked about with those involved in it for a

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very long time. I really would love to support tax incentives because I know that the business community feels strongly that they are important. But I will not support tax incentive package that subsidizes companies that do not pay a living wage, do not pay benefits, do not pay leave to their employees. That is unconscionable. Businesses that are getting tax incentives should be the best of the best. They should be the best jobs, the best pay. They should be recruiting and retaining the best. They should have the best policies. They should not discriminate against LGBTQ. They should have a workplace policy that states that. They should offer paid leave and have a policy about that. UNMC, I love UNMC. UNMC gave me the gift of ten years with my mother-in-law after she was diagnosed with cancer and told she would only have months to live. And we got ten years because she came from South Dakota to UNMC and saw specialists there. I love UNMC. My husband worked there for five years. It's amazing for our state. It's amazing for Omaha to have. I wholeheartedly support UNM-- I'm a cosponsor of the bill that includes-- that is UNMC. It should be its own bill. I would have prioritized it.

**FOLEY:** One minute.

**CAVANAUGH:** I would have prioritized that bill. I continue to be disappointed in the lack of political will in this body to do things to address those in the middle of a pandemic. Did you say one minute?

**FOLEY:** Yes.

**CAVANAUGH:** I will just get back in the queue because I have something to read. Thank you.

**FOLEY:** Thank you, Senator Cavanaugh. Senators Hunt, Vargas, and Moser. Senator Hunt.

**HUNT:** Thank you, Mr. Lieutenant Governor. Colleagues, one reason to be skeptical of this bargain is that tax cuts for corporations are not the solution to every problem. But one side always seems to think it is. When times are good, when times are bad, whether we have an earthquake or a flood or a pandemic or a tornado, whatever it is, the answer is always tax cuts. And the argument that they advance is that the cuts will pay for themselves in economic growth. We saw that this didn't happen with the Trump tax cuts in 2017. Basically, those tax cuts increased stock buybacks and firm investments were flat. So instead of helping workers, the tax cut needlessly ballooned the deficit during an economic boom. And the unemployment rate, which was already historically low, continued on its trend with no detectable change. So to me, to masquerade a tax cut to corporations as COVID

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relief is immoral. There are many small businesses in need of COVID relief right now. But this calls for a COVID-specific plan narrowly tailored to fit the problem and not a tax cut that many colleagues already had on their wishlist and we're reaching for an excuse to pass, an excuse that has now presented itself with COVID-19. So I think it's really immoral to use COVID as a rationale for something like business tax incentives when the senators who are working on business tax incentives are unwilling to do any actual work on a COVID-targeted, narrowly focused relief bill. Any bill to support businesses needs to be coupled with support for workers, period. And that includes evictions, meatpacking workers, unemployment insurance waivers, SNAP automatic recertification, etcetera. And you can say that we already did that, but the pandemic is getting worse in Nebraska and a lot of those benefits have expired for people. But they are paying an increased economic cost that we are not addressing. Instead, we always get a bait and switch. It's always to help workers, we need to give money to corporations who will help workers. But why not help workers directly? Most workers have not seen an increase in wages since 2017. And instead, it costs them, the taxpayers, trillions of dollars when we passed that tax cut bill in Congress in 2017. So here's the most important point. The economy is in trouble because of the virus. Demand is way down because people are afraid of the virus. A tax cut is not going to stimulate anything until the virus is under control. People are not going to go back to restaurants, bars, theaters, football games, etcetera, until the virus is under control. And tax cuts or tax incentives will not address the consequences of the virus until the virus is under control. But the people behind this won't even support doing the bare minimum to help stop the cause of the economic crisis, which is the transmission of the virus. They won't even agree to allow cities to mandate mask wearing, which is a free, simple, effective, and scientifically based method for stopping the virus. My whole position for the remainder of this session in the year of our Lord 2020 is that stopping the virus is the best way we can stimulate the economy. On this specific question, do tax cuts for businesses help support local economies? I'm not an expert. There are some authorities on this. There's many. Two are Owen Zidar, who's at Princeton; and Cailin Slattery, who's at Columbia. They have surveyed the literature. They've done the research on this. And the answer is basically no. They're expensive, they have limited employment benefits, and they have limited effects on local growth. And we saw this, for example, with Cabela's. We saw this with T.D. Ameritrade.

**FOLEY:** One minute.

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**HUNT:** The Governor's family's own business, which was happy to take Nebraskans' money and then leave. In 2018 and 2019, Ameritrade took over \$7 million in tax cuts and now they're out the door. And we see that time and time again in this state and there's no reason to think that won't continue at the expense of workers. Corporate tax incentives are not going to help people who lose their jobs during-- to the pandemic. I also have doubts about this idea of a pass-through with the property tax stuff because saying, like, if you decrease costs to property owners, it will pass through to renters. And it's an idea that comes up from time to time, but I haven't seen any evidence that that works. It's always a conservative solution to help renters by helping landlords, but there's no evidence that that works. Finally, these bills shouldn't be bundled together. These ideas should stand on their own merits and be worked on on their own. I support a responsible incentives bill. I obviously support UNMC. That is in my district and I want them to be strong. But I'm concerned that we will not be able to keep up with the demands of this bill over the coming years fiscally, especially as we continue to experience economic fallout of this pandemic. Thank you, Mr. President.

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

**VARGAS:** Thank you very much, President. I just wanted a couple more things that I wanted to say before I got cut off before. The underlying compromise that we're talking about in this bill, I understand it, I get it, and I, I know it's not perfect and not everybody's happy. Ultimately, wherever we end up in terms of the vote, the main thing that I want to make sure people know and is clearly on the record is that we individually have a responsibility to ensure that our future Legislature and our future Appropriations members and, and Revenue are, are finding that delicate balance between ensuring that we are protecting and supporting our most vulnerable in our state. That's the concern that I have. And I've really-- all I have to go off of is how we have typically approached this in our last couple of years. And yes, we've been able to find compromises on, on changes in legislation that have largely been of no, no General Fund impact. And this is coming from an appropriator working with Senator Stinner and, and the whole committee to make sure that we are keeping our costs down in terms of our revenue-- in terms of our spending growth. We've been keeping it very, very tight. But now the issue here is when we have growing concerns and we need to meet our growing demand of our state. And I've mentioned this on the mike before, poverty continues to increase in our state. Poverty right now in urban and rural Nebraska is for the first time in recent memory, in recent years, the same. And that rising poverty and our

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rising number, percentage of individuals that are working in one or more jobs still living in poverty means that there is still work that needs to be done. Part of one of the reasons where, even last year, I was negotiating with several others on LB720 to work on wages and to work on our spending cap was because we wanted to make sure that the jobs that were being provided through this were better jobs. Now it's gotten better. It really has. So I commend, I commend that on, on those that have worked on this. But I'm still concerned and my concern comes from when we're not here, and when I'm not here, that we're going to still be able to prioritize how do we grow our state. I don't think it's that dissimilar from what Senator Williams said. He's looking at this and looking at the investments from LB720 and the investments that we're seeing with the NExT project and seeing this as an investment in our future. And that's great. I also want to make sure that I'm calling out our body, that we are seeing an investment in our future in terms of our most vulnerable populations: those that are uninsured, those that are underemployed, unemployed, those that are-- the percentage of individuals that don't own their own home, that are renters, those that are on many of our public programs. And we need to make sure that we are meeting that need as well because that's also part of the economic footprint of our state. So I say that because maybe-- maybe nobody is completely happy with this compromise, and I would probably be one of those as well, but I also understand it's an issue that supersedes my district. But I still have trouble and I'll see this in Select. I, I reserve and look to Select File to see if there is more that we can do to provide any type of financial or fiscal restraints because I still am concerned that we could be putting ourselves or making it harder for us to then do what we need to do in the future when we're not here and react if we have some economic downturns, a couple different bienniums with economic downturns. I applaud those that have been working on this. I know it's not easy. And I'll still look to Select File to see what happens and making sure all these things get fixed, especially the technical amendment that Senator Bolz mentioned. So hopefully we keep that north star in mind and that we don't lose sight of that with bills that we even bring next January--

**FOLEY:** One minute.

**VARGAS:** --that can help ensure that our highest-need Nebraskans that don't always have a voice here are taken care of in the future. Thank you.

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

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**MOSEER:** Thank you, Mr. President. Well, this bill, I don't think is a finished work. It has some good things in it. The property tax relief is really a pretty small percentage compared to the problem. And I think that the LB720 funds, even though my district has more LB720-type projects in it than in per capita than any other area in the state. Of the dozen or so companies we had come prospect, none of them said we didn't have enough money for them, they were going somewhere else. There has to be more to it, why they want to be there, than just the money. So as we move forward, I'd like to look at the expense of the LB720 part of this bill. Got \$300 million for the NExT project, \$150 million a year of-- in out-years for incentives. I think we need to look at those numbers. I know there's probably not more money for more property tax relief right now. But I'm not satisfied, just like I don't think if you'd ask any of the people who work for nonprofits in here who are providers for health and human service-type companies, I don't think they're happy. You know, we spent an extra appropriation, and I don't recall exactly what it was, \$50 million or something on that order. And some of that's going to repeat now every year. And we didn't ask those people in support of that, is that enough? Are you going to quit coming back and asking for more? So I don't apologize when I say this is not enough for property tax relief. It's a step in the right direction. And people have worked their butts off to get us where we are and so I'm not going to torpedo it, but we need more. Thank you.

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

**GROENE:** Thank you. I want to clear something up. I think Senator Linehan, Briese, and Dorn did an outstanding duty in that group of ten and in the group of seven-- well, Dorn wasn't in that-- defending and defending good policy and walked in there with good faith that LB1106 would be part of this package. And I'll be blunt, senator that stood up the other day, talked about adults in the room? There was one walked into that room and said, I got 20 people who are not going to support LB1106 and I'm not budging. It was won, I guess they won. He won. But no, Senator Linehan, Nebraska is the best Revenue Chair I've served under. Briese-- Senator Briese has supported rural Nebraska and so did Senator Dorn in that group and Senator Scheer tried too. But I can't support this thing. Let me give you some-- I'm a numbers guy. In five years, property tax is supposed to go to \$375 million, all right? The last five years, property taxes went up \$813 million. From \$3.5 billion to \$4.4 billion. It ain't going to stop. You urban folks are getting hit now with residential increases. This is peanuts. This is throwing money at it. Didn't we learn from the property tax credit fund, folks? It did nothing to slow down spending. If the property tax



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credit fund worked, we wouldn't be here today. We wouldn't have madder-than-heck taxpayers across the state because the property tax credit fund worked and we went from \$105 million to \$275 million in just a few years. Why? Because we didn't control spending. Every-- I tell folks everyday they tell me about the property taxes. I said, every single property tax dollar that is collected in the state of Nebraska is spent. Every single income tax dollar, every single sales tax dollar is spent. You can move them around with credits and stuff, but they spend it. We are a high-spending state. We love government and we are a stagnant economy. We are a stagnant population because of it. Anybody with any gumption, that doesn't look to government for the answer is not going to live here. They want to keep what they worked for. The reason I'm not-- I'm going to vote for closure when Senator Kolterman says he needs it, he's getting it. But I can't vote for this bill because I've got to stand up next year when I go after property taxes and good policy. I've got to look myself in the eye and say no, I've always supported that. I didn't support anything else but it. I want to talk about the Omaha-- \$300 million for Omaha's economy for that hospital. That \$300 million will do more for western Iowa than it will do for anybody west of Grand Island. Well, heck, Seward. Iowa will get more economic development out of this than the-- three-fourths of the state. And they tell me it's all these jobs. I don't live in Omaha. I don't go there, I avoid the place. You know what we do in western Nebraska? We go to Denver to Front Range when we go to the hospitals and we go shopping. So don't tell me it's great for Nebraska. I've got-- my community is trying to work hard, my development corporation, to bring in a-- build an industrial rail access park. We have the largest classification yard in the world, but UP would never allow us to bring any local traffic into it. No different than O'Hare Airport won't let Piper Club-- Cub airplane. But they finally said, yes, they'll work with us. I want \$25 million.

**FOLEY:** One minute.

**GROENE:** We're going to build the economy in western Nebraska, in central Nebraska. We're going to bring manufacturing. Just think about it, folks. The largest classification rail yard in the world. I-80 to-- one of the highest traffic of freight in the world. But that's not important to you. Bunch of jobs for western Iowa is. Mayor of Omaha said, without Omaha, Nebraska doesn't move. I guess this body believes that. Maybe it's true. Three hundred million for the-- this isn't a credit of taxes they pay. This is write them a check. You're going to pay income tax and sales tax Nebraskans, higher ones, so you can write a check to Omaha for \$300 million. I want \$25 million, is that fair? Let's see an amendment come up. We'll build that rail park

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and we'll bring blue-collar jobs to central Nebraska, rural, rural Nebraska, and that whole area will grow. Let's do it. No.

**FOLEY:** That's time.

**GROENE:** We don't have the votes.

**FOLEY:** Thank you, Senator Groene. Senator Arch.

**ARCH:** Thank you, Mr. President. I have not spoken on this bill and I just wanted to have a couple of comments. First of all, my second year in the Legislature and I have been hearing about property tax relief for as long as I think I've lived in the state of Nebraska. And I know, I know even this, even this year, people would say, you think you're going to get something done? And I would say, I hope so, because we have to. And people say, nah, you're never going to get anything done. That's never going to happen. It's been, it's been talked about for all these years. I think we're almost there. And I congratulate those people that have put that, that heavy lift into getting this bill to where it is. And everybody has said it, it's not perfect. It's not, it's not everything that everybody needs or wants or any of that. But the balancing of, of trying to understand the incentives and the property tax relief is real. That's what faces us and that's, that's what this group has put together. And we do need both. We need those incentives to stay in the game and we need property tax relief. We're all experiencing that as homeowners and as ag producers all across the state. But it's a reminder to those that are continuing to listen, if you've stayed with us all this time on this bill, that the state of Nebraska, the state doesn't collect property taxes. That is a local issue. That is the collection. So what we're doing is we're trying to find those funds that are-- that the state does collect in income tax, sales tax, and other taxes and, and, and transferring those to the local, so that, so that local property tax owners can have some relief. But we don't collect property taxes. Senator Groene mentioned that this is an issue-- this is an equation of two pieces: revenue and expenses. And right now, we're dealing with some revenue issues, but we're really not dealing with expense issues. And what we're seeing across our state to varying degrees, ag, of course, has had significant valuation increases on their land. Residential is going up. And then when you put-- and then if you, if you're fortunate enough to live in, in counties where there's, where there's real growth going on, that is increasing property tax collection as well. And if expenses-- if spending increases at the same rate that valuations and growth go up, we're not going to keep up with this. We're, we're not going to-- there isn't enough money from the state side to, to give that property tax relief that's real. So

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it's complicated. You push on one and something else pops up and you push on that and something else pops up. And, and because there is no, there is no one entity that controls all the levers of, of this entire equation, it requires vigilance of citizens. It requires vigilance of legislators. It requires vigilance of those who are at the local level, elected officials in understanding expenses and budgets and all of that. But I congratulate, I congratulate the group. I do support this bill and will vote yes on cloture. It is, it is a heavy lift that they have gone through. As we have said many times, not perfect, but it is definitely a step in the right direction, more work to be done and I'm sure it will be next year. Thank you very much.

**FOLEY:** Thank you, Senator Arch. Senator Cavanaugh, you're recognized for your third opportunity.

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. Senator Arch, you took us on quite a journey. I wasn't sure where you're going to land on that, but it was interesting to listen to. Thank you. So I want to read, this is something that I wrote for the Omaha World-Herald about the CARES Act dollars that we discussed. And I realize that most of the people in this Chamber are not listening to me or nor do they care what I think, but I know that I speak for the people in my district. And it is important for me to continue to voice the things that are important to my district. I'd like to thank my fellow stateswomen for encouraging me to continue to advocate for my district. Thank you, ladies. Nebraskans are facing unprecedented challenges. In times like these, we look to our leaders to stand up and work even harder for the voiceless. We need to respond to the needs of our vulnerable-- most vulnerable Nebraskans, which includes our frontline healthcare and meatpacking plant workers. This global health pandemic is far from over and our economic impact of the public health crisis continues to reverberate-- reverberate, sorry, in our communities. The effects of the pandemic continue to be deep and widespread and its health and economic impacts have fallen hardest on Nebraskans of color. These disparities are reflected in barriers to healthcare, to safe and stable jobs, to paid leave, and to overall financial stability. According to information provided by the nonprofit organization Nebraska Appleseed, 5,100-- 51,502 jobs have been lost since the onset of the pandemic and 38 percent of Nebraskans have experienced income loss. It is clear that Nebraska families are hurting, and with the July expiration of expanded unemployment benefits, this hurt will only become more acute. On March 27, the federal government passed the CARES Act and a few weeks later, \$1.25 billion was sent to Nebraska's coffers. The Legislature announced in May that they would reno-- reconvene July 20. Meanwhile, Governor Ricketts announced his plans to

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distribute the CARES dollars with minimal public input and no official consultation with any members of the Legislature. Transparency in government is one of the hallmarks of Nebraska. The Legislature holds public hearings on every piece of legislation. Anyone who wishes to share their thoughts on any bills considered by the Legislature may share. I'm sorry. As COVID-19 spreads across our state, it's even more important than ever that our government operate in the light of day and with complete transparency. The handling of the distribution of the CARES dollars undermines the voice of Nebraskans' third house, the people of Nebraska. In the absence of leadership and transparency, I have endeavored to shine a bright spotlight on the needs of Nebraskans during this crisis. After public forums, press conferences, constituent emails and phone calls, I've heard from Nebraskans that what they need is support for their families during this significant crisis. Policy-- policymakers must meet the demands of this moment, appropriating the remaining federal coronavirus funds, or CRF, to support individuals most impacted by the pandemic is how we meet those demands. This past Monday, July 27, I introduced AM3205 to the state's budget bill, LB1008. This amendment would give the Nebraska Legislature control over the remaining \$260 million of the CRF. To be clear, these funds, earmarked to aid struggling Nebraskans, have not been spent by the Governor. If these funds remain unspent, they will be returned to the federal government. My amendment would infuse millions of dollars into the Nebraska economy through increased funding to childcare facilities across the state, stimulus checks to low-income families, investment in food subsidies, and rental aid. The amendment failed in a vote of 16-28.

**FOLEY:** One minute.

**CAVANAUGH:** I brought this amendment to the budget bill earlier this week to respond to the unmet needs of our communities by appropriating the remaining federal CRF in the following ways: to make critical investments in our childcare infrastructure, minimizing the impacts of the virus on childcare businesses, and enabling workers-- working parents to remain in the work force, dedicate investment and housing stability through rent and utility assistance, effective and efficient investment in food assistance while needs are in high demand, and existing safety nets. Infrastructure is unable to, to keep up with those needs and investment and economic stimulus by directing investment in Nebraska families. These investments will supplement the allocations of the CRF already made by the Governor. I believe I'm almost out of time. There's only two sentences left, so I will leave it at that. Thank you.

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**FOLEY:** Thank you, Senator Cavanaugh. Senator Linehan, you're recognized to close on AM3349.

**LINEHAN:** Thank you. I would ask for your green vote on AM-- I'm going to have to get better glasses-- AM3349. I don't have them on, but they don't help when I'm looking.

**FOLEY:** That's correct. That's the correct number.

**LINEHAN:** Got it? OK, thank you.

**FOLEY:** Members, you heard the debate on AM3349. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Senator Cavanaugh, what--

**CLERK:** You want to be not voting? OK, thank you.

**FOLEY:** Have you all voted who care to? Record, please.

**CLERK:** 42 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments.

**FOLEY:** AM3349 has been adopted. Back on General File, the bill and the pending committee amendment. Senator Wayne.

**WAYNE:** I'd like to divide the question.

**FOLEY:** Senator Wayne and Senator Linehan, Mr. Speaker, if you could come to the desk, we can work out the division of the question. The amendment is divisible. There will be three pieces: incentives, UNMC, and the property tax piece. I understand Senator Linehan wants to take up the property tax piece first. Mr. Clerk.

**CLERK:** Senator, the three pieces, the property tax component is-- will be AM3341.

**FOLEY:** Senator Linehan, you're recognized to open on AM3341.

**LINEHAN:** Thank you, Mr. President. So I think when I heard everybody talk today that most of us agree that we have to address property taxes. And I would rather we didn't divide this question, but that was Senator Wayne's choice. So I get-- it's like, well, I don't even want to go to that analogy. I want this all done. I think I've been abundantly clear for the last two years that we couldn't do any of them unless we did all of them. Now maybe we've all talked enough that all of them fly by their own. I think there's a chance that that's

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possible. But I know they all fly together and I know it's the best thing for Nebraska. We need incentives. I am an old person. I was here in '87 when we did the first ones. Corporations were already moving headquarters to Texas. It was unpopular, but it saved us. I have worked on UNMC projects for 25 years when I was at the federal level. I remember where there were no Durham research towers. There are now two of them. I remember, we all remember when the Buffett Cancer Center was built, that was a public-private partnership. It's huge rewards to Omaha and the rest of Nebraska. That is a school, a medical school. Most rural communities' only chance of having a doctor and be able to have enough nurses to have a hospital is if their students, their high school graduates have a place to go to school in Nebraska. So unless all the doctors west of Seward are from Colorado, I think the Medical Center serves a purpose statewide. On property taxes, we just don't have a choice, folks. And is it enough? Nope. Nope, it's not. But it is a start in the right direction. We have elderly people who depend on the Homestead Exemption. But what if you're not in a house that falls below that, but you raised your family there? Should we really force those people out of their house? So they have to go to the kids' house for Christmas? Should we really have farmers having to go to the bank to borrow money to pay their property taxes? Really? We all know we shouldn't. We need to be addressing all of these issues. I want them again to fly all together. But I have confidence right now that we've had enough discussion, that we all know-- we all want it. Nobody came here except for the good of the state and to improve the lives of their constituents. You could argue in some legislatures that that's why they might be there. But it's definitely not why anybody in this body is here. And yes, we have spirited debates. And yes, I understand where Senator Groene is coming from. He and I have spirited debates on a regular basis. I have spirited debates with several people. I was going to make a remark earlier that when I was thanking people, I left two of them out because I thought it would be more harmful. But I'm going to say Senator Lathrop and I have had many spirited debates over the last few months. And Senator McDonnell, when I try to debate with him, he tries to argue with me for two minutes and then he tells me a joke and gets me to laugh and then I forget why I'm mad. Everybody in here has helped me. We all help each other. I think the way-- best way to handle this is however we keep voting. We push this package forward and we do what we need to do for Nebraska. Thank you.

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

**WAYNE:** Thank you. I thought it was odd that Chairwoman Linehan got to pick the order in Speaker Scheer's bill. But nevertheless, let's-- I

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just want to tell everybody what's going on. So underneath our rules of the cloture rule, what happens is if it becomes-- if the, if the original amendment has been divided, and this is on page 53, then the vote shall be on the original, undivided amendment being considered. So here's what's going to happen. What I'm going to find out here at 6:30, is Speaker Scheer going to follow his own rules or not? See, we had a three-hour debate rule for the last four years. You debated for three hours, you count your vote card. It comes back the next day. That can't happen today. So I sat here and waited for this moment because are we going to follow our rules or not? Think about how many times we've lost or we accidentally went into a three-hour debate and you got-- it gets pulled off. You can't get back on till the next day and you got to go show Speaker, Speaker Scheer your vote card. That has been our rule for four years. And today, the only way this bill makes it to the finish line is if we break that rule. So what happens is we're going to go till 6:30. We might go to 6:45. If he does cloture motion, those who are worried about voting for one bill or-- all that goes away, guys, you're good. It comes back to one amendment. You vote on the one amendment and the bill moves forward. So that's all this is about. I know many of you want to kind of not vote for one and maybe not vote for the other. And I know many of you don't want to be put in that position. So I waited until this moment. I could have divided the question way earlier. We could have talked on it. We could have voted on it. And you can ask Senator Linehan, when we were up there, I said, there's a simple solution. We go till 6:30, it comes back to one. That's why I walked away. I'm being very transparent. Are we going to follow our rules, take this off the agenda, have 33, bring it back first thing tomorrow on file-- on General File or are we going to move it tonight? Everybody's got to think about that tonight. We followed that for four years. Remember, I got all upset because Senator Groene accidentally went into three hours and I had to go get 33 and I had to go take it off the agenda and move it forward? So what's going to happen is people are going to start peeling off. And if I got to talk, other people got to talk. We just have to go to 6:30. If we got to go to 6:45, we can vote on this one. But then there's another amendment that's going to be ten minutes to open up and I get to push three times. Then it's going to be another amendment, the third one that I divided into three. I could have divided it into four, but I didn't. I said three. There's going to be another opening that could be waived, but then I get to push the button three times. Those are three separate amendments. That's 45 minutes by me, by myself. I don't care what the body does, I just want to know what the rules are going forward. Are we going to follow the rules that we followed for four years or are we not? And I get it, this is a very important bill. I even have an amendment that I'm

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trying to fix the bill to deal with it's supposed to do for my, my community. But it's really urban core in Omaha where we can create some jobs and some investments that kind of match rural. So I, I'm not-- I'm still working on it. But I think the rules that we are governed by are important. And we have set this tone for four years and this is a really interesting quagmire we're in right now. Do we follow our rules that we've lived through for four years where--

**FOLEY:** One minute.

**WAYNE:** --people have lost their bills because they couldn't get 33, but they had 28 or are we going to say it doesn't matter? Now I know my running for chairmanship won't happen next time, but I'm OK with that. I know I've made a lot of people upset today and I'm OK with that. But I also understand we have to have rules. We have to operate in a certain way. And these aren't my rules. So if you want to break your own rules, fine. But I'm pointing it out. Thank you, Mr. President.

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

**BRIESE:** Thank you, Mr. President. I think we're confusing our rules with a customary practice. What we've done the last four years, that's just our customary practice and the Speaker can change that when he wants. It's not in the rules. And so by the discussion here and by what's happened here, we could potentially jeopardize this package. You know, you-- if you want to do that, you go tell young homeowners living on a budget whose house payment is probably 30 to 40 percent of property taxes that they don't need property tax relief. Tell elder-- elderly folks living on a budget, held captive by the third-highest property taxes in the country, that they don't need property tax relief. Tell young couples forced out of the housing market by house payments 100 bucks higher than they would be in our neighboring states that they don't need property tax relief. It's ridiculous. We hear all the time about the need for rental assistance. Property tax relief in this amendment is rental assistance. Helping our landlords with their property taxes can essentially subsidize rents. We've been talking about a package deal for the last year and a half. Business incentives, property taxes, now we're talking about the UNMC NExT project. We need to hold this package together. If we deviate from it, Nebraskans lose. And so if we're going to be forced to a vote on the individual pieces, folks, let's hold this together for the good of the state, for the good of Nebraskans and move it forward. Let's don't be distracted by procedural moves like this. Let's hold it together. Thank you, Mr. President.



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

**CAVANAUGH:** Thank you, Mr. President. I'm sorry, I didn't realize I was next in the queue. I just was looking through the rules book because I was curious about what Senator Briese was saying about the 33 not being a rule or the, the Speaker can do what he likes. And not questioning your, your intelligence or, or, or being well-versed on that, I just-- it's another thing much like the Speaker doesn't have priority bills, but he can designate priorities. I guess I-- some of the things that we just do generally as a function in this body, I took for granted that they were more than just etiquette. So I am learning my lessons as a freshman legislator that apparently most of what we do is just etiquette. And our etiquette is crumbling right now. So I stand in support of dividing the question because I very firmly believe that these three pieces of legislation, while all very important, are very different. And if they hadn't come out as a committee amendment, would likely not be germane to one another. So dividing the question seems pertinent and seems like an opportunity for us to work on each piece of legislation individually. But Senator Wayne is correct that they will go back together and we'll vote on it as one package deal at the end of all of this regardless. So it is an interesting exercise in procedure that we are endeavoring in right now. This day has been an interesting exercise in procedure, rules, and etiquette for the body. So yeah, I'm just going to grab some papers off my desk. So I have an amendment drafted, probably not going to introduce it because this is-- I'm not even sure what the appropriate word is beyond cluster. But I have an amendment for a childcare assistance expansion to 185 percent and to 200 percent for transitional, paid for by TANF rainy day funds. But I'm not going to introduce this because it's been made very clear to me and to the people of Nebraska that there is no political will to do anything for poor people. My district is 50 percent renters. And Senator Chambers' district is-- has 54.2 percent of his district that is renters spend over 35 percent of their income on rent. I'm sure Senator Chambers knew that, but I'm not sure that the rest of you did. And then I go to home ownership. And Senator Chambers, your district is 47th in homeownership. It's almost like redlining is a thing that happened in your district, Senator Chambers, and has had decades of consequences. But we're not addressing that. I'm sorry, my lady brain again today. We're not addressing that. We're addressing property tax relief and tax incentives for large companies that are going to pay wages that require their employees to-- well, doesn't require them. I guess they don't have to seek public benefits, but they will certainly qualify for public benefits and they won't have paid benefits as well. So good thing, hey, everybody in Nebraska, you can log on now and register for

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Medicaid expansion. And if you work for one of these companies, you too can get Medicaid expansion--

**FOLEY:** One minute.

**CAVANAUGH:** --in Nebraska. If you are underpaid and overemployed, you can get Medicaid expansion. You won't get very good benefits because we are changing the benefits to be less than they currently are, which is contrary to what the people of Nebraska voted on, but, but you can still do it. And we're going to give your company tax incentives for that privilege. And then we're going to have to draw down federal dollars to pay for that. And everybody is going to be cool with that because we'll get-- we'll have had property tax relief and no discussion about anything of substance that impacts Nebraskans. So happy days are here again. Thank you.

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

**FRIESEN:** Thank you, Mr. President. So it gets us another opportunity to talk a little bit more. We're, we're getting close to 6:30, but-- you know, I-- one thing I've learned here is that when you make a commitment, you will stick with a commitment. So whether we divide the question or not, I will be voting for all three of the divisions, whether I like them or not. A commitment is a commitment. I've told people in the past, when you come to this body, all you bring with you is your integrity, nothing else. Your word is your bond. You can do as you want. You can make promises, you can trade votes, you can do anything you want. But in the end, when you leave here, you have to do what you feel is right and you try to accomplish some of the things that you came here for. But in the end, you're supposed to look out for the good of the state, good of your constituents, your district and I think that's what we all probably are trying to do. Somewhere in the middle is a compromise. Whether this is the answer or not, we'll find out shortly. But we've all had probably a long day. And, you know, things have actually been going pretty civil. We've almost loved this bill to death. So it's kind of a, kind of a unique experience sitting on the floor here and seeing that happen. So again, I will commit to voting for all three of the above. We can divide the question, we do what we want. I still think that if people have, you know, specific amendments that are legitimate, they should be brought forward. And when we get to Select File, I, I do think they should be looked at. People have come to me with serious concerns. They don't like portions of it that maybe could be tweaked. But again, this body can decide at that time if, if they are legitimate complaints or not. So I have at least committed to voting for it and I will stick with that. So with that, thank you, Mr. President.

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**FOLEY:** Thank you, Senator Friesen. Senator Ben Hansen.

**B. HANSEN:** Thank you, Mr. President. I really wasn't planning on speaking on this, but since we have a few more minutes to talk, I figure I could share a couple of my thoughts about the bills. And I don't want to echo too much of the sentiments from my colleague, Senator Friesen. But-- and among others that have shared their opinion on the microphone lately, you know, is there-- is this what everybody wants? No, I don't think so. Some more, some less. I think that's kind of goes to the heart of a negotiating process. You both come with exactly what you want and kind of meet in the middle and I think that's what's happened here. I do have some concerns, obviously, with the property tax bill portion of this. I think is-- it is a good step in the right direction. Do I believe it is tax relief? Yes, to some extent. Is it as much as we need? No. Is it tax reform? No. And this is what some of the other senators have mentioned on the floor as well. Taking a strong, hard look at how we actually fund our school system and the formula that we use to fund our schools, I think, is broken and "unequitable" and to some extent unfair, which is something I think I would like to see looked at. Also, somebody also mentioned our sales tax structure, I think that's something that could be looked at as well, our income tax. And so I'd like to see something, some kind of package in that way to look at tax reform, true tax reform, and not just tax relief. I think something really does fundamentally need to be done in the state of Nebraska, that other states have done. They've taken big steps, bold steps. I think North Carolina and Utah are a couple states that used to be one of the least tax-friendly, least business-friendly states in the nation, now they're one of the best. And so do I have some other concerns about the other portions of this bill? Yeah, I always have a concern whenever we're a partner with the federal government. Are they going to hold up their end of the bargain? I hope they do. So I am going to support this, this bill because it does take a step in the right direction. So with that, I will yield the rest of my time. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Hansen. Senator Linehan.

**LINEHAN:** I'm sorry, am I in the queue?

**FOLEY:** Yes, you are.

**LINEHAN:** OK. I'm standing up so I can thank John McCollister because if he wouldn't have yelled at me on that last vote, I would have forgot to vote for my own amendment, much like I did two or three years ago when a bill for dyslexia was up of Patty Pansing Brooks' and I forgot to vote and then had to answer mail for like six months as to

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why I didn't care about dyslexia. So thank you, Senator McCollister. Is he still here? He left. He's here somewhere. So thank you very much that you-- and with these things up, it's not as easy to yell at each other. So you kind of got to be at the right angles. So I'll yield the rest of my time.

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

**CHAMBERS:** Thank you. Mr. President, members of the Legislature, this is interesting for me to watch because it shows there is no integrity among you all at all. There's a song, which I'm not going to sing, but some of the lyrics, "Love for Sale." Love that's fresh and unspoiled. Love that's only slightly soiled. You all's consciences are far more than soiled. Your soul has been sold out. And you sold out for what the Bible referred to as a mess of pottage. You've given each other a hiding place. And that's what all of you are doing. But I've seen enough of this in being down here that people ordinarily you'd think have integrity, you can expect it to fly out the window once a test is put before them. And this apparently is that test. Now the rule says that once the question is divided, a portion which prior to the division may have been germane, may not be. And it then is subject to a germaneness challenge. These things are far more different from each other, from some of the things that this body has voted on as being not germane. But all that will go out the window and you all get angry when I say white people don't keep their word, that they cheat. Well, you're showing exactly what you are now. It's just a matter of determining what your price is. Well, this apparently is the price. And some of you all, I can't say you disappoint me, but you surprised me. And you really did hoodwink me because I thought you had some integrity. Whether these bills pass or not is of no moment to me. The people that I'm concerned about will not benefit from any of them. This is a big shots bill and you all knuckle under to that and you can do what you want to. This that you're doing, this deal with the devil and compact with Hell is like the Constitution that John Brown condemned because it protected slavery. Well, this is protecting under its wings things that ought not be brought together. There were people who talked to me during this session about how they would not stand for LB720, for example. They were roped in. Some said as much about other aspects of what is now before us. But you can do what you want to. And I, in the same manner as Senator Wayne, will watch to see if the Speaker is going to throw the rulebook out. I have been involved in discussions of bills, at least one of Senator Groene's recently, and I was prepared to continue, but the time was out and it came off the agenda. They come off the agenda when those-- when that time runs out. If this is different, then the Speaker has sold out also. None of

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you have any integrity. And that will show me what the rest of the session ought to be. I deliberately stayed out of the discussion of all of this. I wanted to see just how many of you will sell out. So don't talk around me about the things you believe in or the principles that you have.

**FOLEY:** One minute.

**CHAMBERS:** Even my-- I won't say good friend anymore. I call him the "man with the Ipana smile." He can tell you of whom I am referring, if he chooses. I'm learning about all of you and it is very informative. I won't be back here, but I'll still live in Nebraska. I will be aware of the damage and harm that you all have done and I will be able to see it in action. You all should be like that pit bull that was by the-- it was like a small Victrola, a record player with a megaphone. And the words underneath it, the little dog is there: His master's voice. You all are responding to your master's voice. And I know who your respective masters are now. Thank you, Mr. President.

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

**WAYNE:** Thank you, Mr. President. And again, colleagues, I was very transparent when I was in the front of the room. I've been transparent on the mike. This isn't even about this session. This is about next year, in January, because I will be back. And I am really trying to figure out where each individual is because I spent a lot of time building relationships. I spent a lot of time getting to know people where they were. And I had been trying to struggle-- I've been struggling with when there's votes. And I understand there's some political votes, I, I get that. But when we are going to put \$125 million into property tax credit relief and we can't find \$80,000 for sex trafficking or \$60,000 for kids we know, we know were in error. And we passed a bill because three or four tribes have a different age of majority. It was an error on our part and we were going to say, let them fall through the cracks. And when I sit there and I see people oftentimes using people from my community to move things forward and then I see the votes where they put property and profits over people, I used to write it off. I used to write it off all the time saying, well, that was political. But it's not. That's my family. That's my neighbors, my cousins. And I can't rectify it in my head. So I'm, like, let me just see procedurally if we can just read the plain language. Speaker made an argument, we can disagree on that. Fine. But this one we can't disagree on. Four years. I've seen people's bills die because it went three hours, even when we're asking good questions. It comes off the agenda for that day, it goes back on tomorrow. It can go right on tomorrow if you have the votes that day.

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But we've never taken a vote three hours in on the same day. You're right, Senator Briese, it's not in our Rule Book. But every year, we get an email with a letter attached saying here are the Speaker rules and how we're going to conduct ourselves and it's at three hours. In fact, our first year when we were down here, Senator Briese, we were having a rules debate. And Senator Chambers asked you about how much does a feather weigh. And during that rules debate-- so I do have a very good memory-- during that rule's debate, Senator Bolz was bringing up the fact that we don't have a set time for how long we can debate. And the issue was, and the Speaker kept saying, I will be clear, I'm going to treat-- it's going to be three hours and three hours. That is my rule. Where it used to be eight hours. And that Speaker said it's a straight eight-hour-- have these straight eight hours. For four years, we've followed this Speaker's rules. And this isn't even a question to the Speaker. If the Speaker puts up the motion for cloture, the question is, is this body going to hold ourselves to that same custom and tradition? So when I say, are you going to vote for this bill next year or we're working on a bill, in the back of my mind, I am thinking about this vote. Is something so important in your district--

**FOLEY:** One minute.

**WAYNE:** --that you're willing to back out on a rule or a custom that we've lived through for four years with the same Speaker? Are we going to hold ourselves accountable? That's not too much to ask. We demand-- our, our people demand better. This is an opportunity for us to hold ourselves accountable. And there's a way you can still move this bill forward, even if you bring it back tomorrow. There is an exact way to do it and if you don't know, come talk to me. We can still get it done in the right time, but this ain't the right way to do it. Follow the rules, follow our traditions that we've lived by, Senator Briese, for the last four years, because one of your bills got caught up in the 33 and got taken off. Or let's just ignore them.

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

**STINNER:** Thank you, Mr. President. Members of the Legislature, I feel like I might be the last one to speak on this subject, but I want to cover a couple areas. First of all, I want to compliment the Legislature for this debate today. I thought we had some thoughtful discussion. We had great questions. And I think people now have a clearer idea of what our bills are about, the protections that we tried to put in, especially on the property tax, and on how we stairstepped Senator Kolterman's bill, LB720, on incentives. So I think we have the fiscal guardrails in place. I think is what some

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people call it, to protect what-- as we go forward. I strongly believe that these bills should be put together, maintained together. It's about economic development. It's about growing Nebraska. It's the right thing to do. It's prioritized in the right fashion. So let's try to get together. Let's push this thing forward and let's have these healthy, good, thoughtful discussions. One of the concerns that came up, and I think my, my wingman, Kate, Kate Bolz-- or Senator Bolz, excuse me, was concerned about, she'd talked to Fiscal Office and they were concerned about some language. It happened to be, I was concerned about that language that wasn't consistent with what I'm telling you all there. So I have an amendment. We'll give it to whomever, maybe Senator Linehan, maybe Senator Scheer, to true up the language so that it says what we're supposed to do. So we're-- it's a little bit of a work in progress. We're still taking a look at it. Thank goodness that we have a whole weekend to really kind of take a look, get ourselves educated, and make sure that the bill actually looks like and acts like what we're talking about here today. But I did want to congratulate you and I know that we've had some pretty ugly discussions up here and people frustrated and angry. And we've had some contentious bills. But this-- I, I guess my expectations were that we're going to run into some of that today on this property tax, as well as the entire bill, but we did not. So thank you very much. We'll still work on making sure we got the guardrails in place, the language is consistent. I think we all understand now a little bit better about the bill and how we have to move it forward. I'm-- I've always been a proponent of business. I think Mark Kolterman, Senator Kolterman has done a great job of putting-- and I've never seen a senator work with so many groups, so many groups so hard and kept that constant, constant diligence as it relates to his bill, trying to get it right, trying to get the measures right within that bill. It's a very, very, very good bill. It's a huge improvement over what we have today. And I think it will make a positive statement as it relates to the business community. So in closing, I just would like to keep this bill together. I'd like to make this statement as a positive economic development statement, doing the right things for the state of Nebraska, covering concerns that we have, covering the time limit that, that the current incentive bill goes off. So I just want to thank you. And with that, thank you, Mr. President.

**FOLEY:** Thank you, Senator Stinner. Mr. Clerk, you have a motion on the desk?

**CLERK:** I do, Mr. President. Senator Scheer would move to invoke cloture pursuant to Rule 7, Section 10.

\_\_\_\_\_ : [INAUDIBLE]

**FOLEY:** Senator Chambers.

**CHAMBERS:** Mr. President, this is not the way business has been done around here. The Speaker is not above the rules. Maybe he's like Teddy Roosevelt. Teddy Roosevelt was the one who said no man is above the law. Then when he wanted to build the Panama Canal, he took the attitude of the Speaker. Teddy Roosevelt then said, damn the law, build the canal, and he placed himself above the law. Blackstone said that it is appropriate that the king is not bound by the law. He is above the law.

**FOLEY:** Senator Chambers.

**CHAMBERS:** Yes.

**FOLEY:** What is your point of order, please?

**CHAMBERS:** I couldn't understand you.

**FOLEY:** What is your point of order? You'd raised a point of order, what is it?

**CHAMBERS:** That there should not be the allowance of a cloture motion at this time. If the three hours--

**FOLEY:** Senator Chambers.

**CHAMBERS:** --elapsed,--

**FOLEY:** Senator Chambers.

**CHAMBERS:** --then the bill should come off the agenda.

**FOLEY:** Senator Chambers, a cloture motion is not a debatable motion.

**CHAMBERS:** I'm not debating the cloture motion. My point of order is that that motion is out of order. But you're all white. Tell me what you white guys got together and I'll go by it because you might have a rope somewhere.

**FOLEY:** It's the ruling of the Chair--

**CHAMBERS:** And anything anybody doesn't like from me, say it to me when we're off this floor.



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**FOLEY:** It's the ruling of the Chair that the cloture motion is in order.

**CHAMBERS:** Your ruling is that it's in order?

**FOLEY:** Yes.

**CHAMBERS:** I would challenge the Chair.

**FOLEY:** Fine. You may speak to it, your motion to overrule the Chair.

**CHAMBERS:** I can speak on that motion?

**FOLEY:** You may.

**CHAMBERS:** Members of the Legislature, you've heard me say white this, white that. You're showing that I'm right about white. White people say things not because they're right. They're right because somebody white says it. I've been in too many discussions this session on too many bills when the time was out, then it was taken off the, off the agenda. In case your memory is short, Senator Groene had a bill, LB147. Nobody spoke against it. There was an era of good feeling, like on this bill. When the time was out, Senator Groene's bill came off the agenda. He was not told that he could make a cloture motion should he desire to do that. Now do I think you're going to vote to overrule the Chair? Absolutely not. But I want some things as a matter of record, I want the people watching us to see what is being done. And I'm not going to talk about white law behind my hand somewhere in a corner. I want to say it right here in the face of these white people who are showing that their rules mean nothing when those rules get in the way of what they want to do. There have been the brokering during this deal of souls. Senator Stinner talked about a good discussion. No, it was not discussion, it was a deal. And once the deal was cut, everybody else had to be quiet and accept it. And that's why we're deviating from what has been done. I-- you cannot say anything, I guess, but you can speak once because this is on a motion to overrule the Chair. You have seen how many times, when the three hours were up, bills came off and people had to go to the Speaker and show that they had enough votes to stop a filibuster and then they could get back on the agenda. Tell me that's not the way it happened. You all know it, but you're going to sit here like you don't know it. I'm looking at some of you. You're so sanctimonious around here all the time. You sit in a sanctimonious way, you talk in a sanctimonious way. You pray every morning. Some of you pray successively, like my friend, Senator Williams. But I've told you, even his prayers don't mean anything. And you know why they don't mean anything? Because they don't mean

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anything to the ones who are uttering them. Why don't you show your principles, why don't you let your morality come into play when it means something? Morality doesn't change based on how many people vote a certain way. You all are the ones who like to say morality is not relative. It is what it is. And you're either going to behave in a moral fashion or you're not. Well, you can take a vote and say that's morality because that's the way you voted. But I know what you are. I see through you and I'm going to remind you of that the rest of the session. I don't dislike the Speaker, he's a likable person. But I don't like what he's doing today. And because of this, I've lost respect. Not all of it, but I didn't know that he would buckle in the way that he's doing. And that moral authority, which he once had, he doesn't have with me. He's got the voting authority because you all can vote me down. But you're not voting me down today, you're voting down your morality. When you took that oath, you swore to discharge this duty to the best of your ability. The Supreme Court said that means you've got to give your best. But if this is the best that you've got, you're pretty poor stuff. And in order that nobody will get nervous and think I'm not going to abide by the rules, I always abide by the rules. I will stop at this point. I've made my position clear. Thank you, Mr. President.

**FOLEY:** Thank you, Senator Chambers. Members, I think you know this, but I'll say it anyway. You can speak one time, you may not yield time. Senator Williams. He waives the opportunity. Senator Kolterman. He waives the opportunity. Senator Wayne.

**WAYNE:** Thank you, Mr.-- thank you, Mr. President. So there is still a way that you can do this correct. But what you don't know, and Senator Hilgers may hop on the mike and talk about this, but what we're doing right now is setting ourselves up for a Supreme Court challenge on the single subject rule. Because let me, let me be clear here what's going on. The Speaker for four years has said fair debate-- I'm going to use the exact words because I found it in one of the transcripts, we always got to say. "Fair and full debate" is six hours, three hours and three hours. We are cutting that short. We have precedence. We've done it the entire four years that way. Four years that way. There is still a way for you to be able to do this the correct way and have it through, but I'm not going to talk a whole lot on it. I'm going to watch because, I mean, the votes are there. I see that. I mean, I got-- I said I have an amendment on the bill. Hopefully it probably won't be heard after this. I mean, I know the punishment of what I've done the last couple of days is my unanimous government bill that came out of Government Committee priority bill, I think, is the only priority bill that hasn't been heard on this floor. I get it. I'm not

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causing a temper tantrum around that, Senator Friesen. I'm letting that go. I get it. Sometimes you've got to punish people for not falling in line, I guess. I'll take that. But I'm going to follow the rules. There is a way to do this constitutionally. There's a way to do this through case law. There's a way to do this through our rules to make this right. Thank you, Mr. President.

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

**CAVANAUGH:** Thank you, Mr. Lieutenant Governor. I seem to-- I think I maybe stole somebody's Rule Book. I thought it was mine, but mine's sitting right here, so I apologize. I, I know this is all going to move forward and that's fine. I just think that we should be caring about the rules. We had a speech on the floor yesterday about, about the integrity of the institution and rules and collegiality. And this, this whole day seems to be just-- I don't even know how to describe it. I'm just-- goodness. But I did make some comments today about my lady brain and I did want to speak to those on this real quick. So when I say lady brain, lady brains are more intricate than men's brains. We are good at intricate evaluation of risk scenarios and contemplation. We recall more information and we recognize social cues more often. That seems about accurate. I would suggest that several of the men in this body start recognizing social cues of I don't particularly like my colleagues touching me. I really don't like my colleagues touching me during a pandemic. Please keep your hands to yourself, gentlemen. Thank you very much. Since that's not a social-- since you don't recognize those social cues, just wanted to share that with you. And I think also lady brain, the recognition evaluating risk scenario contemplation. I think that really speaks to Senator Linehan's ability to navigate all of this in a room full of men. So thank you, Senator Linehan, for your lady brain. And I support the rule to-- the motion to overrule the Chair, but have at it. Thanks.

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

**HUNT:** Thank you, Mr. Lieutenant Governor. We've had more points of order today than we have in the last, what are we, 54 days, because the process is completely corrupted on every bill that's been on the agenda today. And we knew it was going to happen. We forced-- we-- this was foreseen and we went through with it anyway. We all know what the three-hour rule is. We've lived by it for years. We depend on it for order. And I will vote to override the Chair because we can't give certain bills special treatment, whether that's LB814 or LB1107. We have bills, senator priority bills that haven't even been scheduled yet. But, but LB147, which got taken out with a pull motion, in disrespect to the committee process, got scheduled over and over and

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over again and it got a fair chance to pass. And it didn't and now it's been put on some other bill. LB814, same deal, disrespect to the committee process, brought out onto the floor. And it's given every chance to pass this year. Being forced through, given its own special time slot when many of you senators, colleagues, you haven't even had your priority bill scheduled yet. Senator Wayne's priority bill has not been scheduled. Senator Patty Pansing Brooks's bill has not been scheduled. I think there are others too. So process is very important. It does not have anything to do with the bill or the introducer. But we have to have consistent processes in place. Would Senator Chambers yield to a question?

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

**CHAMBERS:** Yes, I will.

**HUNT:** I would like-- would you, would you like to say more on this topic?

**CHAMBERS:** I cannot accept time given to me and I won't accept any.

**HUNT:** OK. Thank you. I yield my time.

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

**PANSING BROOKS:** Thank you. I had an off-the-mike discussion with the Speaker. I, I really don't understand why we just don't go the extra two hours. So we all follow through our process. I don't care if we do it tonight. I'm willing to stay. It's another two hours or we could do it sometime tomorrow. I really don't understand why we want to race forward on this. Usually there is a day between you have to show your 33, but at least if we gave the whole six hours, it seems to me that's following our process. It's quite clear the votes are there. But that's not a reason not to follow our process, just because, well, the votes are there, we should just go home. That's not how we go. That's not how the process works. So I really don't understand this feeling that, oh, well, the votes are there, we might, we might as well go home, just vote and go home. That's not the process. That's not what we've done ever since I've been in the Legislature. This is the end of my sixth year, you'll all be sad to know. Two more years with me. Too bad. Anyway, I just, I really don't understand. I think we need to go forward. We-- if people don't want to end up talking anymore and we don't have a queue for two hours, then we can vote. Or if we get to the two-hour time frame and we're still talking, then we call for the cloture at that point and then we go ahead and vote. We all know the votes are there. We know that they're not changing significantly. But

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I do have concerns with calling cloture at this point. Thank you, Mr. President.

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

**CHAMBERS:** Mr. President, there's nobody's mind that I can change. I've said what I wanted to get into the record so that will constitute my close. Thank you.

**FOLEY:** Thank you, Senator Chambers. Members, you heard the debate on the motion to overrule the Chair. The question is, shall the Chair be overruled? Those in favor vote aye; those opposed vote nay. A record vote has been requested. Have you all voted who care to? Record, please.

**CLERK:** Voting aye: Senators Cavanaugh, Chambers, Hunt, Morfeld, Pansing Brooks, Vargas, Walz, Wayne. Voting no: Senators Albrecht, Arch, Blood, Bostelman, Brandt, Brewer, Briese, Clements, Dorn, Erdman, Friesen, Geist, Gragert, Halloran, Hansen, Hansen, Hilgers, Hilkemann, Hughes, Kolterman, La Grone, Lindstrom, Linehan, Lowe, McCollister, McDonnell, Moser, Murman, Scheer, Slama, Stinner, and Williams. 8 ayes, 32 nays, Mr. President, on the motion to overrule the Chair.

**FOLEY:** The motion is not successful, which takes us to the cloture motion. Mr. Speaker, for what purpose do you rise?

**SCHEER:** I'd like a call of the house. I believe everybody is here. It could be a check-in only. And roll call, reversed order, please.

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

**CLERK:** 37 ayes, 0 nays, Mr. President, to place the house under call.

**FOLEY:** The house is under call. All members, please check in. Senator Groene, could you check in, please? Mr. Speaker, did you ask for a roll call in reverse?

**SCHEER:** Yes.

**FOLEY:** The question before the body is whether or not to invoke cloture. A roll call vote in reverse order has been requested. Mr. Clerk.

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**CLERK:** Senator Wishart.

**WISHART:** Yes.

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

**WILLIAMS:** Yes.

**CLERK:** Voting yes. Senator Wayne.

**WAYNE:** Not voting.

**CLERK:** Not voting. Senator Walz.

**WALZ:** Yes.

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

**VARGAS:** Yes.

**CLERK:** Voting yes. Senator Stinner.

**STINNER:** Yes.

**CLERK:** Voting yes. Senator Slama.

**SLAMA:** Yes.

**CLERK:** Voting yes. Senator Scheer.

**SCHEER:** Yes.

**CLERK:** Voting yes. Senator Quick.

**QUICK:** Yes.

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

**PANSING BROOKS:** Not voting.

**CLERK:** Not voting. Senator Murman.

**MURMAN:** Yes.

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

**MOSER:** Yes.

**CLERK:** Voting yes. Senator Morfeld.

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**MORFELD:** Not voting.

**CLERK:** Not voting. Senator McDonnell.

**McDONNELL:** Yes.

**CLERK:** Voting yes. Senator McCollister.

**McCOLLISTER:** Yes.

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

**LOWE:** Yes.

**CLERK:** Voting yes. 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:** Yes.

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

**KOLTERMAN:** Yes.

**CLERK:** Voting yes. Senator Kolowski.

**KOLOWSKI:** Yes.

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

**HUNT:** No.

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

**HUGHES:** Yes.

**CLERK:** Voting yes. Senator Howard.

**HOWARD:** Yes.

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

**HILKEMANN:** Yes.

**CLERK:** Voting yes. Senator Hilgers.

**HILGERS:** Yes.

**CLERK:** Voting yes. Senator Matt Hansen.

**M. HANSEN:** Not voting.

**CLERK:** Not voting. Senator Ben Hansen.

**B. HANSEN:** Yes.

**CLERK:** Voting yes. Senator Halloran.

**HALLORAN:** Yes.

**CLERK:** Voting yes. Senator Groene. Senator Groene.

**GROENE:** Yes.

**CLERK:** Voting yes. Thank you. Senator Gragert.

**GRAGERT:** Yes.

**CLERK:** Voting yes. Senator Geist.

**GEIST:** Yes.

**CLERK:** Voting yes. Senator Friesen.

**FRIESEN:** Yes.

**CLERK:** Voting yes. Senator Erdman.

**ERDMAN:** Not voting.

**CLERK:** Not voting. Senator Dorn.

**DORN:** Yes.

**CLERK:** Voting yes. Senator DeBoer.

**DeBOER:** Yes.

**CLERK:** Voting yes. Senator Crawford.



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**CRAWFORD:** Yes.

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

**CLEMENTS:** Yes.

**CLERK:** Voting yes. Senator Chambers.

**CHAMBERS:** No.

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

**CAVANAUGH:** Not voting.

**CLERK:** Not voting. Senator Briese.

**BRIESE:** Yes.

**CLERK:** Voting yes. Senator Brewer.

**BREWER:** Yes.

**CLERK:** Voting yes. Senator Brandt.

**BRANDT:** Yes.

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

**BOSTELMAN:** Yes.

**CLERK:** Voting yes. Senator Bolz.

**BOLZ:** Yes.

**CLERK:** Voting yes. Senator Blood.

**BLOOD:** Yes.

**CLERK:** Voting yes. Senator Arch.

**ARCH:** Yes.

**CLERK:** Voting yes. Senator Albrecht.

**ALBRECHT:** Yes.

**CLERK:** Voting yes. 41 ayes, 2 nays, Mr. President, on the motion to invoke cloture.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate August 5, 2020

**FOLEY:** Cloture has been invoked, which now takes us to a vote on AM3341, Revenue Committee amendment in an undivided manner. Those in favor of the amendment vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

**CLERK:** 44 ayes, 2 nays, Mr. President, to adopt the committee amendments.

**FOLEY:** The committee amendments have been adopted. Next vote is to advance the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

**CLERK:** 43 ayes, 2 nays, Mr. President, to advance LB1107.

**FOLEY:** LB1107 has been advanced. I raise the call. Items, please.

**CLERK:** Yes, sir. Mr. President, amendments to be printed: Senator Vargas to LB1089; Senator Hunt to LB814; Senator Wishart to LB450. Name add: Senator Hilkemann would like to add his name to 47-- LR471. And Mr. President, a priority motion to adjourn the body by Senator Erdman until Thursday at 9:00 a.m.

**FOLEY:** The motion is to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.