

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
March 31, 2015

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LB199A LB243A LB289 LB324 LB356 LB357 LB413A LB426 LB449 LB605 LB610 LB627
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SENATOR COASH PRESIDING

SENATOR COASH: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS REVEREND KARLA COOPER OF THE QUINN CHAPEL, RIGHT HERE IN LINCOLN. SHE IS THE GUEST OF SENATOR COOK. PLEASE RISE.

REVEREND COOPER: (PRAYER OFFERED.)

SENATOR COASH: THANK YOU, REVEREND COOPER. I CALL TO ORDER THE FIFTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SENATOR COASH: THANK YOU. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

SENATOR COASH: ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON JUDICIARY REPORTS LB605 TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. SENATOR CRAWFORD WOULD LIKE TO PRINT AN AMENDMENT TO LB152. I HAVE ANOTHER RESOLUTION, MR. PRESIDENT, LR159, BY SENATOR CRAWFORD. THAT WILL BE LAID OVER. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1023-1024.) [LB605 LB152 LR159]

SENATOR COASH: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA.

CLERK: LB199A IS A BILL BY SENATOR HOWARD. (READ TITLE.) [LB199A]

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SENATOR COASH: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON LB199A.
[LB199A]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. THIS IS THE ACCOMPANYING A
BILL TO LB199 THAT WE PASSED YESTERDAY THAT WAS FOR SOCIAL WORK
STIPENDS USING A TITLE IV-E DRAWDOWN. I WOULD URGE THE BODY TO VOTE
GREEN ON THIS A BILL. [LB199A LB199]

SENATOR COASH: THANK YOU, SENATOR HOWARD. MEMBERS, YOU'VE HEARD
THE OPENING ON LB199A. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR
HOWARD, YOU'RE RECOGNIZED TO CLOSE. SENATOR HOWARD WAIVES CLOSING.
THE QUESTION BEFORE THE BODY IS, SHALL LB199A ADVANCE? ALL THOSE IN
FAVOR VOTE AYE; THOSE OPPOSED NOTE NAY. HAVE ALL VOTED WHO WISH?
RECORD, MR. CLERK. [LB199A]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB199A.
[LB199A]

SENATOR COASH: LB199A DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB199A]

CLERK: MR. PRESIDENT, LB413A IS A BILL BY SENATOR MELLO. (READ TITLE.)
[LB413A]

SENATOR COASH: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB413A.
[LB413A]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE.
LB413A IS THE CASH-FUNDED A BILL THAT'S ASSOCIATED WITH THE
DEPARTMENT OF ENVIRONMENTAL QUALITY REGULATORY FLEXIBILITY BILL
THAT WE PASSED LAST WEEK. I'D URGE THE BODY TO ADOPT LB413A. THANK
YOU, MR. PRESIDENT. [LB413A]

SENATOR COASH: THANK YOU, SENATOR MELLO. MEMBERS, YOU'VE HEARD THE
OPENING TO LB413A. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO
YOU'RE RECOGNIZED TO CLOSE. SENATOR MELLO WAIVES CLOSING. THE
QUESTION BEFORE THE BODY IS, SHALL LB413A ADVANCE? ALL THOSE IN FAVOR
VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB413A]

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CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB413A.
[LB413A]

SENATOR COASH: LB413A DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB413A]

CLERK: MR. PRESIDENT, LB106, A BILL ORIGINALLY INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) SENATOR WATERMEIER PRESENTED HIS BILL YESTERDAY, MR. PRESIDENT. THE COMMITTEE AMENDMENTS, AS OFFERED BY THE GOVERNMENT COMMITTEE, WERE OFFERED. WHEN THE LEGISLATURE LEFT THE ISSUE, SENATOR WATERMEIER HAD PENDING AM1029 AS AN AMENDMENT TO THE COMMITTEE AMENDMENTS. (LEGISLATIVE JOURNAL PAGE 1014.) [LB106]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR WATERMEIER, WOULD YOU GIVE US A BRIEF OPENING ON LB106? [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. GOOD MORNING, NEBRASKA. I'LL SUMMARIZE WHERE WE LEFT OFF YESTERDAY ON LB106 WHICH PROPOSES TO CREATE THE LIVESTOCK OPERATION SITING AND EXPANSION ACT, AS INTRODUCED YESTERDAY, WITH MY CONCERNS OF LIVESTOCK TRENDS IN NEBRASKA. AS A RURAL STATE THAT DEPENDS ON AGRICULTURE, WE MUST ENCOURAGE LIVESTOCK GROWTH. THIS PAST INTERIM, A GROUP OF LIVESTOCK PRODUCERS AND COUNTY OFFICIALS MET TO DISCUSS POLICY ISSUES THAT COULD BE HINDERING LIVESTOCK GROWTH. CONCERNS FOCUSED ON THE LOCAL CONDITIONAL USE PERMITTING PROCESS AND THE UNCERTAINTY OF THE CONDITIONS WHICH MIGHT BE REQUIRED, THE INCONSISTENCY AND LACK OF UNIFORMITY ACROSS THE STATE, THE SUBJECTIVE NATURE OF THE CONDITIONS OR REGULATIONS, AND THE EMOTION OR POLITICAL PRESSURE PUT ON THE LOCAL OFFICIALS. THE BASIC CONCEPT BEHIND LB106 EMERGED FROM THE DISCUSSIONS OF THIS WORKING GROUP. LB106 ATTEMPTS TO BALANCE LOCAL CONTROL, ORDERLY DEVELOPMENT, CONSISTENCY IN ECONOMIC OPPORTUNITIES IN RURAL NEBRASKA. LB106 DIRECTS THE NEBRASKA DEPARTMENT OF AGRICULTURE TO DEVELOP AN ASSESSMENT MATRIX FOR USE BY COUNTY OFFICIALS WHEN DETERMINING WHETHER TO APPROVE AN APPLICATION FOR A LIVESTOCK OPERATION SITING PERMIT. SUCH A MATRIX IS CURRENTLY BEING USE IN MADISON AND PIERCE COUNTIES IN NEBRASKA. SENATOR MURANTE EXPLAINED THE COMMITTEE AMENDMENTS WHICH PRIMARILY CLARIFY PROVISIONS IN THE BILL. SENATOR GROENE AND I OFFERED AM1029 WHICH STRIKES THE STATE REVIEW BOARD FROM THE BILL AS THERE WAS CONCERN THAT IT COULD RESULT IN THE LOSS OF LOCAL CONTROL.

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SENATOR GROENE SUGGESTED LANGUAGE TO REPLACE THE REVIEW BOARD WITH A VOLUNTARY MEDIATION PROCESS. I WELCOMED SENATOR GROENE'S INPUT AND FELT THAT HIS LANGUAGE IMPROVED THE BILL. THE REMAINDER OF THE AMENDMENT IS ALSO PRIMARILY CLARIFICATION. THE GOAL BEHIND LB106 WAS TO BETTER BALANCE THE SITING PROCESS BY PROTECTING THE LOCAL CONTROL OF THE COUNTIES IN THEIR USE OF ZONING WHILE ASSURING THE CONDITIONS PLACED ON FARMS AND RANCHES ARE CONSISTENT, REASONABLE, AND BASED ON FACTUAL OBJECTIVE CRITERIA. ANOTHER AMENDMENT IS PENDING, OFFERED BY SENATOR AL DAVIS, WHICH I HAVE AGREED TO SUPPORT. UNDER THE BILL AS INTRODUCED, COUNTIES THAT WERE ZONED AND REQUIRED LIVESTOCK OPERATIONS TO BE PERMITTED WERE REQUIRED TO USE THE MATRIX DEVELOPED BY THE DEPARTMENT OF AGRICULTURE. SENATOR DAVIS' AM1034 WOULD MAKE THAT VOLUNTARY. IT ALSO ALLOWS COUNTY OFFICIALS TO DEVELOP THEIR OWN ASSESSMENT MATRIX. COUNTIES COULD ALSO CHOOSE AGAINST USING THE MATRIX ALTOGETHER. ALTHOUGH THIS IS NOT EVERYTHING THAT I ENVISIONED WITH THE LEGISLATION, I DO FEEL THAT IT IS A START AND IT WILL ALLOW FOR THE DEVELOPMENT OF A STATEWIDE MATRIX WHICH COULD BE USED BY COUNTIES, OR COULD BE USED AS A MODEL FOR A LOCAL VERSION. I REALLY BELIEVE COUNTY OFFICIALS WILL FIND THAT IT IS A BENEFICIAL TOOL THAT WILL ASSIST THEM IN THEIR DECISION MAKING PROCESS, AND I URGE YOU TO ADOPT THE COMMITTEE AMENDMENTS AS WELL AS SENATOR DAVIS' AMENDMENT. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR WATERMEIER. MEMBERS, YOU'VE HEARD AN OPENING TO LB106. SENATOR WATERMEIER, WOULD YOU ALSO BRIEF THE BODY ON AM1029? [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. AS I MENTIONED IN MY OPENING, AM1029 BASICALLY STRIKES THE REVIEW BOARD WHICH WAS DEVELOPED AT A STATE LEVEL, AND WILL INTERJECT A MEDIATION BOARD IN ITS PLACE, WHICH IS BEING CURRENTLY USED ON A LIMITED BASIS THROUGH THE DEPARTMENT OF AG FOR FENCING ISSUES AND AG AND LIVESTOCK ISSUES. SO, IT'S A STEP THAT'S IN PLACE THAT WOULD REPLACE THE REVIEW BOARD IN ITS PLACE. [LB106]

SENATOR COASH: THANK YOU, SENATOR WATERMEIER. MEMBERS, YOU'VE HEARD THE OPENING TO LB106, COMMITTEE AMENDMENT, AND THE AMENDMENT TO THE COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN FOR DEBATE. THOSE WISHING TO SPEAK: SENATORS SULLIVAN, SCHNOOR, JOHNSON, AND OTHERS. SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB106]

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SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. AS I INDICATED YESTERDAY, I STAND CURRENTLY IN OPPOSITION TO LB106. AND I NOTICE THAT THERE ARE PEOPLE GATHERED AROUND SENATOR WATERMEIER, BUT I DO WONDER IF HE WOULD BE ABLE TO YIELD FOR A FEW QUESTIONS. [LB106]

SENATOR COASH: SENATOR WATERMEIER, WOULD YOU YIELD? [LB106]

SENATOR WATERMEIER: YES, I WOULD. [LB106]

SENATOR SULLIVAN: THANK YOU, SENATOR WATERMEIER. FIRST OF ALL, MAYBE NOT EVEN DEALING WITH THE AMENDMENT AT HAND, BUT HOW DO YOU THINK LIVESTOCK-FRIENDLY DESIGNATION FITS INTO THIS BECAUSE TO A CERTAIN EXTENT I THOUGHT THAT MAYBE THAT ANSWERS SOME OF THE CONCERNS. HOW DO YOU...TELL ME A LITTLE BIT MORE ABOUT THAT AND HOW THIS RELATES TO WHAT YOU'RE TRYING TO ACCOMPLISH. [LB106]

SENATOR WATERMEIER: WELL, I SAY LIVESTOCK-FRIENDLY DESIGNATION BY COUNTY BY COUNTY IS SOMEWHAT DIFFERENT IN THE FACT THAT THAT IS JUST OPENING THE DOORS AND MAKING IT KNOWN TO THE PUBLIC THAT LIVESTOCK WILL BE FRIENDLY INTO THAT COUNTY. BUT THERE WASN'T REALLY A LOT OF PROVISIONS MADE TO OPEN UP REGULATION OR OPEN UP DIFFERENT THINGS AS FAR AS JUST SPECIFIC LIVESTOCK OPERATIONS. IT WAS A FIRST STEP AND I WOULD SAY LIVESTOCK-FRIENDLY DESIGNATION WAS A FIRST STEP IN THE STATE OF NEBRASKA THAT COULD PROMOTE THEIR OWN COUNTY BENEFITS TO AGRICULTURE. [LB106]

SENATOR SULLIVAN: WITH RESPECT TO THE MATRIX THEN, YOU INDICATED THAT SEVERAL COUNTIES HAVE ALREADY DEVELOPED THEIR OWN MATRIXES. DO YOU KNOW HOW THEY DEVELOPED THOSE THAT HAVE THEM IN PLACE? [LB106]

SENATOR WATERMEIER: THERE WAS A COUPLE OTHER STATES IN THE UNION THAT HAVE DEVELOPED MATRIXES, WISCONSIN AND IOWA, AND I THINK IT WAS KIND OF A BLEND BETWEEN THOSE. I HAD A SPECIFIC MATRIX FROM PIERCE COUNTY AT ONE TIME. I DON'T HAVE IT AT MY DESKTOP. I COULD PROBABLY GET THAT TO YOU. BUT I BELIEVE IT EVOLVED INTO A PROCESS IN WHICH THEY MAY HAVE HAD ISSUES. AND ONE OF THESE IS YOUR COUNTY, SO MAYBE YOU CAN EXPRESS WHAT HAD ACTUALLY HAPPENED. BUT I THINK THERE WAS CONCERNS

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ABOUT HOW THEY GOT TO THE POINT OF BEING ABLE TO USE SOME SCIENTIFIC FACTS TO DETERMINE ODOR, LIVESTOCK MANAGEMENT, MANURE APPLICATION, AND I THINK THAT WAS AN EVOLVING PROCESS THAT HAPPENED, BUT MAYBE YOU CAN SHARE A LITTLE BIT MORE. [LB106]

SENATOR SULLIVAN: WELL, I DON'T KNOW ALL THE PARTICULARS OF PIERCE COUNTY. BUT I GUESS IN TERMS OF MY QUESTIONS ON BOTH LIVESTOCK-FRIENDLY DESIGNATION AND THE FACT THAT SOME COUNTIES ALREADY HAVE MATRIXES, THERE ARE SOME MECHANISMS ALREADY IN PLACE THAT I THINK IF WE COULD LEVERAGE THOSE MORE, PUT MORE DOLLARS INTO EITHER ASSISTANCE FOR COUNTIES DEVELOPING MATRIXES, OR MORE SUPPORT FOR DESIGNATION OF LIVESTOCK FRIENDLY, THAT WE MIGHT BE ACCOMPLISHING THINGS THAT MOVE US DOWN THE ROAD AS YOU SAID, EVEN FARTHER THAN WE ALREADY ARE. NOW THE OTHER QUESTION THAT I HAVE HAS TO DO WITH, IN YOUR AMENDMENT, THE MATRIX AND THE PEOPLE THAT WILL BE INVOLVED IN DOING IT. I BELIEVE IN YOUR AMENDMENT YOU SAY THAT THERE SHOULD BE A REPRESENTATIVE FROM THE NEBRASKA ASSOCIATION OF COUNTY OFFICIALS. IS THAT CORRECT? [LB106]

SENATOR WATERMEIER: YES, THAT'S IN THE LANGUAGE. YES, IT IS. [LB106]

SENATOR SULLIVAN: I REALLY TAKE ISSUE WITH THAT, PARTLY BECAUSE I DON'T THINK DESIGNATION OF A PRIVATE ORGANIZATION LIKE THAT SHOULD BE IN STATUTE. BUT ALSO, I THINK THAT WE NEED TO BE MORE SPECIFIC THAN THAT AND HAVE A DESIGNATION NOT ONLY OF IT BEING A COUNTY OFFICIAL, A COUNTY SUPERVISOR OR COUNTY COMMISSIONER, BUT EQUALLY IMPORTANT, I THINK THERE NEEDS TO BE SOMEONE FROM ZONING AND PLANNING IN THAT GROUP THAT MAKES THE DECISIONS ON THOSE MATRIXES. SO, I GUESS THOSE ARE THE THINGS THAT I'M STILL CONCERNED ABOUT WITH RESPECT TO LB106. I'M LISTENING CAREFULLY. I KNOW...AND I TAKE TO HEART WHAT SENATOR WATERMEIER HAS SAID THAT HE WOULD BE IN SUPPORT OF SENATOR DAVIS'. BUT WITHOUT THAT AMENDMENT WE WOULD STILL BE HELD, AND I WOULD NOT BE IN SUPPORT OF LB106 EVEN THOUGH AM1029 MAKES IT BETTER. SO, I CONTINUE TO LISTEN, BUT OFFER THOSE AS MY CONCERNS THAT REMAIN. THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN AND SENATOR WATERMEIER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB106]

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SENATOR SCHNOOR: THANK YOU, SENATOR COASH. I'D LIKE TO POINT OUT A FEW FACTS ON THIS BILL. NOW, FIRST OFF, I'VE GOT TO EXPLAIN. I'M A CATTLE FEEDER AND I OWN A COMMERCIAL CATTLE OPERATION, AND I STAND OPPOSED TO THIS. NOW, THE CATTLEMEN, OF WHOM I AM A MEMBER, ARE IN FAVOR OF THIS FOR A VARIETY OF DIFFERENT REASONS. BUT I AM, I GUESS, GOING AGAINST THEM BECAUSE I THINK THIS IS WRONG. AND I NEED TO POINT OUT A FEW REASONS WHY, AND FIRST OFF, YOU KNOW, THE FACT THAT THERE ARE SEVERAL AMENDMENTS. THERE'S AMENDMENTS UPON AMENDMENTS, UPON AMENDMENTS TO CHANGE THIS. SHOULD RAISE A RED FLAG TO ALL OF US THAT THIS THING IS WROUGHT WITH PROBLEMS. SENATOR BLOOMFIELD WILL BE TALKING LATER AND HE'S GOING TO SHOW YOU AS WELL THE PROBLEMS THAT EXIST, BUT A COUPLE THINGS I NEED TO POINT OUT, AND I NEED SOME QUESTIONS ANSWERED FROM SOME SENATORS. SO, SENATOR WATERMEIER, WILL YOU YIELD TO A QUESTION, PLEASE? [LB106]

SENATOR COASH: SENATOR WATERMEIER, WILL YOU YIELD? [LB106]

SENATOR WATERMEIER: YES, I'D ANSWER A QUESTION. [LB106]

SENATOR SCHNOOR: SENATOR WATERMEIER, IT SAYS IN SECTION 3, "THE DEPARTMENT SHALL ADOPT AND PROMULGATE RULES AND REGULATIONS TO DEVELOP AN ASSESSMENT MATRIX." HAS THIS MATRIX BEEN DEVELOPED? [LB106]

SENATOR WATERMEIER: NO. [LB106]

SENATOR SCHNOOR: OKAY. THANK YOU, SENATOR. SENATOR MURANTE, WOULD YOU YIELD TO A QUESTION? [LB106]

SENATOR COASH: SENATOR MURANTE, WOULD YOU YIELD? [LB106]

SENATOR MURANTE: YES. [LB106]

SENATOR SCHNOOR: NOW, ARE YOU...YOU ARE, I THINK YOU SPOKE YESTERDAY, YOU'RE THE CHAIRMAN OF THIS COMMITTEE AND YOU HAVE ONE OF THE AMENDMENTS AS WELL. AM I CORRECT? [LB106]

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SENATOR MURANTE: I INTRODUCED THE COMMITTEE AMENDMENT ON BEHALF OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. [LB106]

SENATOR SCHNOOR: OKAY. THANK YOU. NOW, MY QUESTION FOR YOU, SENATOR MURANTE: IS THERE A MATRIX THAT YOU ARE AWARE OF? [LB106]

SENATOR MURANTE: NO, THE STATEWIDE MATRIX DOES NOT CURRENTLY EXIST. [LB106]

SENATOR SCHNOOR: OKAY, THANK YOU, SIR. SENATOR GROENE, I DON'T KNOW WHERE SENATOR GROENE WENT. WELL, WHEN HE GETS UP THERE, I'LL HAVE A QUESTION FOR HIM. BUT MY POINT IS THAT I'M MAKING HERE IS WE ARE ENACTING LEGISLATION ON RULES AND A MATRIX THAT DOES NOT EXIST. SO, THIS IS A BAD WAY TO RUN THE GOVERNMENT IS TO ENACT LEGISLATION, AND WE DON'T EVEN KNOW WHAT THE LEGISLATION IS SUPPOSED TO COVER BECAUSE THE MATRIX ISN'T OUT THERE BECAUSE IT SAYS, THEY SHALL ADOPT AND PROMULGATE RULES. SENATOR GROENE, WOULD YOU YIELD TO A QUESTION, PLEASE? [LB106]

SENATOR COASH: SENATOR GROENE. [LB106]

SENATOR GROENE: YES. [LB106]

SENATOR SCHNOOR: OKAY. YOU WERE AN EQUIPMENT SALESMAN FOR, I'LL GUESS, MOST OF YOUR LIFE. WOULD YOU EVER HAVE ANYBODY SIGN A CONTRACT TO BUY A PIECE OF EQUIPMENT IF THEY DID NOT KNOW WHAT WAS IN THE CONTRACT? [LB106]

SENATOR GROENE: FUNNY YOU SAY THAT. I JUST GOT OFF THE PHONE EARLIER THIS MORNING WITH A CUSTOMER. HE ASKED ME SOME QUESTIONS. HE BROUGHT IT TO ME, AND HE GAVE ME A BUNCH OF DETAILS AND I SAID, WELL, TELL ME WHAT YOU WANT, TELL ME WHAT YOU'RE LOOKING FOR. AND I GAVE HIM A BUNCH OF OUTLINES. I SAID THEN COME BACK TO ME AND I'LL GIVE YOU THE QUOTE ON THAT PIECE OF EQUIPMENT. THAT'S WHAT WE'RE DOING WITH THIS MATRIX. GOVERNMENT ENTITIES, LIKE THE DEPARTMENT OF AG, CANNOT CREATE A MATRIX UNTIL WE GIVE THEM THE AUTHORITY TO DO IT. [LB106]

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SENATOR SCHNOOR: OKAY, THANK YOU. MY POINT I'M MAKING HERE IS THIS MATRIX DOESN'T EXIST. THE...AND WE ARE...WHAT WAS POINTED OUT TO ME, AND I THINK EVERYBODY SAW THERE WERE A LOT OF FLIERS WENT AROUND, LITTLE CARDS ABOUT WHERE WE ARE IN AGRICULTURE. WE ARE NUMBER ONE IN CATTLE ON FEED, WE ARE NUMBER TWO IN ETHANOL PRODUCTION, WE ARE NUMBER THREE IN CORN PRODUCTION, WE ARE NUMBER FOUR IN OVERALL AG PRODUCTION, AND WE ARE NUMBER FIVE IN HOG PRODUCTION. AND THIS WAS ALL DONE WITH LOCAL CONTROL. THIS WAS ALL DONE... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR SCHNOOR: THANK YOU...THIS WAS ALL DONE WITHOUT THE STATE BEING INVOLVED. SO, I WOULD ASK EVERYBODY TO USE EXTREME CAUTION AND LISTEN CLOSELY TO ALL THIS, TO ALL THESE AMENDMENTS BECAUSE, LIKE I SAID, IT'S AMENDMENTS UPON AMENDMENTS TO CHANGE THIS AND CHANGE THAT AND ONLY CHANGE PORTIONS OF IT. AND IT'S STILL, I FEEL, IS PLAGUED WITH PROBLEMS AND I WILL BE VOTING AGAINST THIS. THANK YOU, SIR. [LB106]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB106]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I'M NOT SPEAKING ON BEHALF OF THE AG COMMITTEE. I'M SPEAKING AS AN INDIVIDUAL, BUT I'M GOING TO ANSWER A COUPLE QUESTIONS THAT HAVE BEEN ASKED OF ME. THIS IS AN AG ISSUE. SHOULD IT HAVE GONE TO THE AG COMMITTEE? IT ORIGINALLY DID. THE REFERENCE COMMITTEE SENT IT TO THE AG COMMITTEE BECAUSE IT HAD THE WORD "LIVESTOCK" IN IT, I BELIEVE. I KNOW IT HAD LIVESTOCK IN IT AND I THINK THAT'S PROBABLY THE REASON WHY. WE "EXECED" ON THAT WHEN THE INTRODUCERS FELT IT SHOULD GO TO GOVERNMENT. I'VE BEEN ON THE ZONING BOARD, A COUNTY ZONING BOARD AND CITY ZONING BOARD, AND I LOOKED AT IT AND I SAID, YES, THIS PROBABLY NEEDS TO GO TO THE COUNTY BECAUSE IT DEALS WITH COUNTY ZONING AND COUNTY REGULATION. SO, IT ENDED UP THERE. I'M NOT GOING TO SPECULATE ON HOW THIS BILL MIGHT HAVE COME OUT IF IT WENT TO THE AG COMMITTEE. RIGHT NOW, WE ARE DEFINITELY HEARING FROM THE SECOND HOUSE. WE'RE HEARING A LOT BY PHONE CALLS, TEXT MESSAGES, E-MAILS, LETTERS, AND THERE'S A SPLIT OUT IN THE COUNTRY. THE AG GROUPS THAT I WORK WITH A LOT, AND WE'RE ON THE SAME PAGE, I'VE TRIED TO WORK WITH THEM TO GIVE ME SOME MORE INFORMATION

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SO I CAN COME ON TOTALLY ON BOARD ON THIS. THERE'S A SPLIT BETWEEN, EVIDENTLY, BETWEEN NACO AND THE COUNTY SUPERVISORS, BECAUSE I'VE HAD SEVERAL LETTERS FROM SUPERVISORS STATING NOT TO MOVE THIS FORWARD. SENATOR SCHNOOR TALKED ABOUT THE CONCEPT OF VOTE ON...FOR LB106 AND WE'LL BUILD THE MATRIX LATER. I'VE HEARD THAT IN OTHER GOVERNMENT BODIES WHERE WE VOTE ON SOMETHING AND LEARN ABOUT IT LATER. RIGHT NOW WITH SENATOR DAVIS' BILL, IT'S GOING TO GET SOFTENED QUITE A BIT. I THOUGHT ABOUT USING THE WORD WATERED DOWN, BUT I DIDN'T WANT TO HAVE A PUN TOWARDS SENATOR WATERMEIER. BUT IT'S GOING TO BE A BILL WHEN WE GET DONE, IF IT PASSES, THAT WE'RE GOING TO ASK THE DEPARTMENT TO SPEND \$28,000 ON A DOCUMENT YET TO BE DEVELOPED THAT THE COUNTIES CAN USE, AND I BELIEVE I HEARD THAT THE COUNTIES MIGHT BE ABLE TO BUILD THEIR OWN. AT A RECENT LIVESTOCK MEETING, IT WAS MENTIONED YESTERDAY, I ASKED THE BOARD MEMBERS THERE ABOUT THE ONE IN MADISON COUNTY AND THEY SAID, WE DON'T LIKE THAT ONE. I SAID, WELL, HOW ABOUT THE ONE IN IOWA? WELL, WE DON'T LIKE THAT ONE. SO, I'M NOT SURE WHAT THIS MATRIX IS GOING TO LOOK LIKE. I'M NOT SAYING I'M SUPPORTIVE OF IT YET. I'M LIKE SENATOR SULLIVAN, I WANT TO LISTEN TO THE REST OF IT. IT'S GOING TO GET SOFTENED A LOT. IT DOES TAKE AWAY AND GIVE IT BACK TO THE COUNTIES FOR LOCAL CONTROL, BUT I THINK IT PROBABLY ENDS UP BEING CLOSER TO A RESOLUTION ASKING THE DEPARTMENT, AND MAYBE WE HAVE TO FUND IT, IN ORDER TO BUILD A MATRIX AND MAYBE WE NEED TO LOOK INTO THAT DEEPER. SO, AGAIN, I'M GOING TO SEE HOW THIS VOTE COMES OUT, ASSUMING IT DOES COME TO A VOTE, AND I'LL MAKE MY DECISION AT THAT TIME. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR JOHNSON. SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB106]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. SORRY IT TOOK ME SO LONG TO GET BACK. I'M NOT USED TO HAVING TO MOVE THAT QUICKLY. BUT THANK YOU FOR THE EXERCISE THIS MORNING. I APPRECIATE THAT AS WELL. YOU KNOW, I'VE SAT AND LISTENED TO THE DEBATE, AND, YOU KNOW, I JUST WANT TO...FIRST, I JUST WANT TO LAY THE GROUNDWORK OUT. MY FAMILY'S BEEN INVOLVED IN AGRICULTURE FOR AT LEAST SIX GENERATIONS, THREE OF THEM IN KEITH COUNTY, FARMING AND FEEDING CATTLE IN A COMMERCIAL FEEDYARD. I'VE ALSO SERVED ON LOCAL COUNTY PLANNING AND ZONING, NOT COUNTY, MUNICIPAL WAS WHERE I WAS, BUT PLANNING AND ZONING. I UNDERSTAND THOSE PROCESSES, HOW THOSE WORK, WHAT SHOULD BE DONE THERE. BUT I ALSO SERVED AS PRESIDENT OF

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OUR COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR ABOUT FIVE YEARS. OH, AND WHILE I WAS AT THAT FEEDYARD, WE WORKED WITHIN THE COUNTY ZONING, WITHIN THE STATE REGS TO EXPAND THAT FEEDYARD. SO, I UNDERSTAND THIS PROCESS. I'VE BEEN THERE. I'VE DONE IT. SO, I'D JUST LIKE TO SAY A FEW WORDS. FIRST OF ALL, AGRICULTURE IS OUR STATE. THERE'S NO TWO WAYS ABOUT IT, NO QUESTION ABOUT IT. AS SENATOR SCHNOOR SAID BEFORE, WE'RE NUMBER ONE IN CATTLE ON FEED. WE JUST ATTAINED THAT. I THINK WE JUST ATTAINED THAT BECAUSE OF THE THINGS THAT WE DID FROM THE STATE TO ENCOURAGE THE ETHANOL INDUSTRY AND THAT PRODUCTION. IF YOU WONDER WHY CATTLE HAVE MOVED FROM THE SOUTH TO THE NORTH, THERE'S TWO REASONS. ONE IS WATER, AND THE SECOND ONE IS THE ETHANOL INDUSTRY. THAT INDUSTRY GAVE THE CATTLE OPERATIONS, THE FEEDYARDS, THE OPPORTUNITY TO JUMP HEAD AND SHOULDERS OVER THEIR COMPETITION IN THE SOUTH. OH, WAIT, THEIR COMPETITION: OTHER FEEDERS. WE HAVE PARTNERS IN THIS STATE THAT ARE WORKING VERY HARD TO MAKE SURE THAT WE STAY ON TOP OF THOSE THINGS. DO YOU THINK IT'S ANY COINCIDENCE THAT TYSON, BECAUSE WE'RE NUMBER ONE, JUST DECIDED TO BUILD A \$47 MILLION EXPANSION IN LEXINGTON? DO YOU THINK THAT DAWSON COUNTY DOESN'T LIKE THAT FOR THEIR PROPERTY TAXES? DO YOU THINK THAT THAT DOESN'T MAKE A DIFFERENCE WHEN PEOPLE ARE LOOKING AT THINGS? LIVESTOCK MAKES UP ONE OF THOSE ESSENTIAL STOOLS...ONE OF THOSE ESSENTIAL LEGS OF THE STOOL TO BE ABLE TO PROPEL THIS STATE FORWARD AND TO HELP US IN THE FUTURE WITH OUR PROPERTY TAX SITUATION. WE SHOULD NOT BE AFRAID OF DEVELOPMENT OF LIVESTOCK FACILITIES WITHIN THIS STATE. NO, WE SHOULD BE HAPPY FOR THAT. WE SHOULD BE EMBRACING THAT WHEREVER IT MAKES SENSE. I TEND TO AGREE WITH SENATOR SULLIVAN THAT WHERE WE HAVE PROGRAMS IN PLACE, LIKE THE LIVESTOCK-FRIENDLY PROGRAM, THAT, YEAH, WE SHOULD ENCOURAGE THOSE KINDS OF THINGS, THAT KIND OF LOCAL CONTROL. THE LOCAL COUNTIES GET TO DECIDE WHETHER THEY'RE LIVESTOCK FRIENDLY. I LIKE THAT. I THINK THAT MAKES SENSE. YOU'LL SEE THAT I HAVE A BILL COMING UP LATER ON THAT WILL DO EXACTLY WHAT SENATOR SULLIVAN TALKED ABOUT, EVEN THOUGH IT'S BEEN DEMONIZED TOO. THAT BILL IS LB175. AND WHAT IT DOES IS IT SAYS, HEY, IF YOU'RE A LIVESTOCK-FRIENDLY COUNTY AND YOU WANT TO BE THAT WAY AND THEN, OH, YEAH, AND... [LB106 LB175]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR SCHILZ: ...YOU GO OUT AND YOU CREATE A PLAN INCLUDING THE LOCAL POPULATION, INCLUDING THE ZONING FOLKS. AND THAT PLAN SAYS, HEY, THIS IS THE KIND OF DEVELOPMENT WE WANT, WHETHER IT'S A 300-HEAD

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DAIRY OR A 5,000-HEAD FEEDYARD, THE COUNTY GETS TO DECIDE. AND THEN WE MOVE AHEAD AND WE SAY, OKAY, IF YOU'VE DONE THOSE THINGS AND THEN YOU FIND A PLACE IN THE COUNTY THAT PEOPLE CAN AGREE THAT THAT'S WHERE THAT SHOULD BE SITED, THEN ONCE YOU'VE DONE ALL THAT, SHOULD THAT OPEN UP THE DOOR FOR OTHER TOOLS AND OTHER THINGS THAT HELP YOU GET DONE WHAT YOU NEEDED DONE--MONEY FOR INFRASTRUCTURE AND ROADS? WE'VE HEARD ABOUT THE BRIDGES, RIGHT? WE'VE HEARD ABOUT THE PROBLEMS. THIS WOULD HAVE SOME MONEY AVAILABLE OR COULD HAVE SOME MONEY AVAILABLE TO HELP THOSE SITUATIONS. AND IT WOULD ALSO PROVIDE THE OPPORTUNITY TO BRING MONIES AS WELL FOR INFRASTRUCTURE... [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR SCHILZ: ...FOR THE COUNTIES. THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR SCHILZ. (VISITORS INTRODUCED.) MR. CLERK. [LB106]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. IF I MIGHT, RIGHT BEFORE THAT, TRANSPORTATION WILL HAVE AN EXECUTIVE SESSION AT 10:00 IN ROOM 2022. AND A NEW RESOLUTION, MR. PRESIDENT. SENATOR NORDQUIST AND OTHERS OFFER LR160. (LEGISLATIVE JOURNAL PAGES 1025-1026.) [LB106 LR160]

MR. PRESIDENT, A PRIORITY MOTION: SENATOR CHAMBERS WOULD MOVE TO BRACKET LB106 UNTIL JUNE 5 OF 2015. [LB106]

SENATOR COASH: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB106]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I KNOW THIS IS A SERIOUS BILL, IT'S A SERIOUS ISSUE. THAT'S WHY I'M OFFERING THE AMENDMENT...THE MOTION. BUT I HAVE TO DO WHAT A COMMERCIAL DID IN A CAR. EVERYBODY SAYS, PINCH ME, AM I AWAKE. OUCH. I AM AWAKE. WHEN I HEARD SENATOR SCHNOOR, I WAS PLEASANTLY SURPRISED AND PLEASED THAT WE'RE ON THE SAME SIDE OF THE ISSUE ON THIS BILL, WHICH SHOWS THAT PEOPLE WHO DISAGREE VERY STRONGLY IN ONE AREA MAY BE IN LOCKSTEP ON ANOTHER ONE. I DO NOT PRETEND TO BE AN EXPERT IN AGRICULTURE. I'M A MEMBER OF THE AGRICULTURE COMMITTEE. I THINK

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THIS BILL SHOULD HAVE COME TO THAT COMMITTEE, BUT IT DIDN'T. SENATOR JOHNSON SAID HE'S NOT SURE WHAT WOULD HAVE HAPPENED TO IT HAD IT BEEN IN THAT COMMITTEE, BUT I WOULD HAVE DONE EVERYTHING I COULD HAVE TO PREVENT IT FROM COMING ON THIS FLOOR. I AM RELUCTANT TO PLACE DECISIONS OF THIS MAGNITUDE IN THE HANDS OF ONE POLITICIAN. WHEN YOU LET AN AGENCY, I DON'T CARE WHETHER IT'S THE DEPARTMENT OF AG, DEPARTMENT OF ENVIRONMENTAL QUALITY, WHATEVER IT IS, ALL THESE AGENCIES, THE GOVERNOR APPOINTS THEM. WHEN THE GOVERNOR DOES THE APPOINTING, WHOEVER THAT GOVERNOR IS, A BIG OPERATION HAS ONLY ONE MIND TO CHANGE AND THAT'S THE GOVERNOR. THEN THE GOVERNOR GIVES DIRECTION AND THESE COUNTIES...THESE AGENCIES WILL DO WHATEVER THE GOVERNOR SAYS TO DO. GOVERNORS ARE HIGHLY POLITICAL CREATURES AND THEY NEED MONEY AND SUPPORT TO RECLAIM THE OFFICE AGAIN. SO, WHEN YOU HAVE IN PLACE, IN COUNTIES, BOARDS THAT ARE DESIGNED TO DO THIS ZONING, THAT WAS DONE FOR A PURPOSE. COUNTIES ARE CREATED SO THAT THE WORK WHICH THE STATE IS TO CARRY OUT CAN BE DELEGATED AND IT CAN BE DONE IN THE AREAS THAT ARE TO BE AFFECTED. THE STATE CANNOT DO ALL OF THESE THINGS ON ITS OWN. NOW THAT THE COUNTIES DO EXIST AND THEY'VE BEEN DOING THESE ACTIVITIES AND THEY ARE SUBJECT TO THE VOTERS IN THEIR COUNTY, THE MEMBERS OF THE BOARDS OR COMMISSIONS, WHICHEVER THEY HAPPEN TO BE CALLED, AND IF THEY DO SOMETHING WHICH IS NOT LIKED, THE VOTERS WHO ARE MOST DIRECTLY AFFECTED CAN HAVE A SAY. IF, ON THE OTHER HAND, A COUNTY IS TRAMPLED UPON BECAUSE OF A DECISION THAT CAN BE MADE UNDER THIS TYPE OF BILL, NO MATTER HOW IT'S AMENDED, IF ALL OF THE PEOPLE IN THAT COUNTY WHO ARE ELIGIBLE TO VOTE VOTED AGAINST THE GOVERNOR TO SHOW THEY DIDN'T LIKE WHAT THE GOVERNOR DID, IT WOULD HAVE NO IMPACT ON THE OUTCOME OF THE GUBERNATORIAL ELECTION. I'M LOOKING AT THIS FROM THE STANDPOINT OF PRACTICAL, REALISTIC POLITICS. I DIDN'T KNOW THAT THE COUNTY OFFICIALS HAD SUPPORTED THIS BILL. IF THE FARM BUREAU DID IT, I'M NOT SURPRISED. THE FARM BUREAU FLIES A FALSE FLAG. ALTHOUGH THE WORD "FARM" IS THE FIRST WORD IN THEIR NAME, THE VAST MAJORITY OF, QUOTE, MEMBERS, UNQUOTE, ARE NONFARM PEOPLE. THE FARM BUREAU IS KNOWN PRIMARILY AS AN INSURANCE OPERATION. PEOPLE WHO ARE NOT FARM-RELATED, OR EVEN RURAL, DEAL WITH THE FARM BUREAU FOR THE INSURANCE ASPECT. WHENEVER THEY COME BEFORE THE AG COMMITTEE, I WILL HAVE QUESTIONS TO PUT TO THEM, AND I ALWAYS GET THEM TO ACKNOWLEDGE ON THE RECORD THAT THE VAST MAJORITY OF PEOPLE IN THEIR OPERATION ARE NONFARM PEOPLE. I'M NEVER SURPRISED WHEN THEY TAKE A POSITION THAT WILL FAVOR A BIG BUSINESS OR SOMETHING ALONG THAT LINE. BUT WE IN THE

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LEGISLATURE ARE SUPPOSED TO LOOK OUT FOR THE INTERESTS OF THE PEOPLE. WE ARE NOT EVEN CHARGED WITH LOOKING OUT FOR THE INTEREST OF THE COUNTY AS AN ENTITY, IN TERMS OF ITS ORGANIZATIONAL STRUCTURE, BUT THE ULTIMATE WELFARE OF THE PEOPLE WHO LIVE WITHIN THE BOUNDARIES THAT DESCRIBE OR ENCLOSE COUNTIES. I DON'T BELIEVE THERE'S ANY WAY A BILL LIKE THIS CAN BE AMENDED THAT WILL MAKE IT ACCEPTABLE. THERE IS NO NEED FOR IT. THERE HAS NOT BEEN A COMPELLING NEED DEMONSTRATED, SO THERE CERTAINLY WOULD BE NO JUSTIFICATION FOR THE LEGISLATURE TO GO ALONG WITH THIS BILL. AS THE SESSION PROGRESSES, I HOPE THAT I'LL BE IN A POSITION TO NOT PUT OUT BRUSH FIRES BUT CAN FOCUS ON ISSUES OF THIS KIND WHICH ARE OF GREAT IMPORT. EVEN IF YOU WOULD AMEND A BILL LIKE THIS AND SAY, WE'RE JUST GOING TO HAVE A SKELETON STRUCTURE THERE AND A COUNTY CAN OPT IN IF IT CHOOSES TO, WELL, THERE ARE VERY CAGEY PEOPLE BEHIND THIS BILL. THE FIRST THING YOU DO IS GET THAT INFRASTRUCTURE OR SUPER STRUCTURE IN STATUTE, SAY THAT IT'S TOTALLY VOLUNTARY. AND IF THE LEGISLATURE DOES THAT, THEN THE HEAVY LIFTING IS COMPLETED. THE NEXT TIME AROUND, ALL YOU HAVE TO DO IS CHANGE OR ELIMINATE A WORD OR TWO TO MAKE IT MANDATORY. THIS SHOULD NOT BE BROKEN INTO LITTLE PIECES AND AN ATTEMPT MADE TO GET THE LEGISLATURE TO SWALLOW IT A LITTLE PIECE AT THE TIME. AS SENATOR SCHNOOR POINTED OUT, AMENDMENT AFTER AMENDMENT AFTER AMENDMENT. I DON'T BELIEVE ANY ONE OF THEM, OR ALL OF THEM TOGETHER, ARE DESIGNED TO CREATE A STRUCTURE AND A PROCESS THAT TAKES INTO CONSIDERATION WHAT IS IN THE BEST INTEREST OF THE PEOPLE WHO WILL BE MOST INTIMATELY AFFECTED. THE PURPOSE WILL BE TO MAKE SOMETHING THAT IS OBNOXIOUS SEEM LESS SO. ONE OF THE IDEAS THAT PEOPLE OFTEN USE TO DESCRIBE THIS IS, YOU CAN'T CHANGE THE AROMA OF A CERTAIN SUBSTANCE BY SPRINKLING A FEW DROPS OF PERFUME OR COLOGNE ON IT. THIS IS WHAT IT IS. AND THE ONES WHO WOULD BE INTERESTED IN IT, IN MY OPINION, WOULD BE THE BIG OPERATORS. THEY DON'T WANT TO HAVE TO DEAL WITH THE INDIVIDUAL COUNTIES BECAUSE THEY KNOW THAT THERE'S A GREATER LIKELIHOOD THE PEOPLE MAKING THE DECISION AT THE COUNTY LEVEL ARE GOING TO TAKE INTO CONSIDERATION WHAT THE PEOPLE WHO LIVE IN THAT COUNTY AND WILL BE AFFECTED BY THE OPERATION WOULD BE CONCERNED ABOUT. SO, IF YOU CAN JUST BYPASS THEM, OR GIVE THEM SOME LITTLE TOKEN ACTIVITY, SHUFFLING PAPERS, OR MAKING SOME RUBBER STAMP DECISIONS, YOU CAN GIVE THEM THAT. GIVE THEM SOMETHING TO DISTRACT THEM, AS WE, WHO ARE PARENTS, KNOW HOW TO DO WHEN WE HAVE VERY YOUNG CHILDREN. IF THEY'RE UNDER OUR FEET, THEN WE GIVE THEM SOMETHING THAT'S BRIGHTLY COLORED OR SOMETHING THAT HAS A LOT OF MOVEMENT OR SOMETHING THAT MAKES

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NOISE, AND THEIR MIND IS CAUGHT UP IN THESE KIND OF THINGS, AND THEY'LL BE OUT FROM UNDER OUR FEET FOR A WHILE. BUT WHEN THEY GROW TIRED OF THAT, HERE THEY COME AGAIN. WELL, THE COUNTIES CAN BE MADE TO BE DISTRACTED. BUT WHEN THEY CEASE BEING DISTRACTED, BECAUSE THE LAW IS ON THE STATUTE BOOKS THERE IS NOTHING THEY CAN DO ABOUT IT. THEY HAVE BEEN HAD. THEY HAVE BEEN TRICKED. THEY HAVE BEEN TOOK. AND I DON'T THINK THAT OUGHT TO HAPPEN. THIS MOTION MAY NOT BE SUCCESSFUL, BUT I AM SERIOUS ABOUT IT, AND I WILL TAKE IT TO A VOTE. THIS IS ONE OF THOSE ISSUES, HOWEVER, WHERE OTHER PEOPLE REPRESENT THE AREAS OF THE STATE WHICH WILL BE VERY DIRECTLY AFFECTED. IF THEY DECIDE TO GO ALONG WITH IT, THEN THIS BILL WILL PASS. I'M NOT IN A POSITION TO SAY THAT I WILL GO TO THE MAT ON IT... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR CHAMBERS: ...AND MYSELF CARRY IT EIGHT HOURS. BUT IF THERE'S ANYBODY FROM THOSE AREAS WHO IS CONCERNED ENOUGH ABOUT LOCAL CONTROL, NOT AS A SLOGAN BUT AS A REALITY, I WILL ASSIST THAT ONE PERSON AS MUCH AS I CAN SO THAT IT'S LIKE IT WAS IN THE DAYS WHEN I WAS IN GRADE SCHOOL AND THE BULLIES WOULD JUMP ON SOMEBODY WHO THEY THOUGHT WAS WEAK. I'D TELL THEM, WELL, YOU'VE GOT AT LEAST TWO OF US THAT YOU HAVE TO HANDLE TODAY. SO, IF THERE IS ONE OTHER ONE, I WILL BE THERE TO HELP YOU. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU'VE HEARD THE OPENING TO THE MOTION. THOSE WISHING TO SPEAK: SENATORS DAVIS, GROENE, KUEHN, AND OTHERS. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB106]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I PUNCHED IN TO TALK ABOUT THIS BILL A LITTLE BIT BEFORE SENATOR CHAMBERS PUT THE BRACKET MOTION UP AND I WOULD LIKE TO DO THAT AT THIS POINT. I THINK WE'VE HEARD A LOT OF DISCUSSION AND HAD A LOT OF DISCUSSION ABOUT THE RAMIFICATIONS OF THE BILL AND WHAT IT WAS INTENDED TO DO. I'VE GOT TO SAY THAT THE BILL AS IT WAS ORIGINALLY DRAFTED, IN MY MIND, IS THE BIGGEST GRAB AWAY FROM LOCAL CONTROL THAT I'VE SEEN IN MY TIME HERE. AND SENATOR WATERMEIER KNOWS THAT I'VE BEEN OPPOSED TO THAT BILL FROM THE VERY BEGINNING BECAUSE I DO NOT THINK WE WANT TO TAKE LOCAL CONTROL AND LOCAL DECISION MAKING AWAY FROM OUR COUNTIES AND OUR LOCAL ZONING BOARDS. I DON'T...I CAN'T

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EXPLAIN TO THE BODY WHAT HAPPENED AND HOW THE MISCOMMUNICATION GOT PUT OUT THERE, BUT THERE WAS OBVIOUSLY A LACK OF INFORMATION SENT OUT TO ZONING ADMINISTRATORS AND COUNTY OFFICIALS ACROSS THE STATE, NO MATTER WHAT ANYONE WILL TELL YOU, BECAUSE I'VE HAD ALL KINDS OF CONTACT FROM PEOPLE WHO SAID, THIS IS THE FIRST THEY'VE HEARD OF THIS BILL AND THEY'RE OPPOSED TO IT. SO, THAT SAID, I DID DRAFT AN AMENDMENT TO THE BILL WHICH I THINK DOES GO PARTWAY TO FIXING THE PROBLEM AND IT GIVES THE COUNTY THE RIGHT TO OPT OUT AND USE THEIR OWN MATRIX, OR USE WHATEVER THEY'RE USING, BUT THEY WOULDN'T HAVE TO GO FORWARD WITH THE MATRIX IF THEY DIDN'T WANT TO. SINCE THAT WAS DRAFTED AND SINCE THE DEBATE CAME UP ABOUT THAT YESTERDAY, WE FOUND SOME OTHER THINGS IN THE BILL THAT REALLY NEED TO BE FIXED WHICH DEAL WITH CONDITIONAL USE PERMITS WHICH WERE PUT IN SOME TIME AGO. AND EVEN IF THIS BILL IS NOT BRACKETED AND IF IT MOVES ON FROM HERE WITHOUT LANGUAGE TO CORRECT THE CONDITIONAL USE PARTS OF IT, I COULD NOT SUPPORT IT AND WOULD ABSOLUTELY WORK HARD WITH ANYONE ELSE TO MOVE IT AWAY. I'M WILLING TO GIVE IT A SHOT TO SEE IF WE CAN DO THIS, IF WE CAN MAKE SOMETHING WORK FOR EVERYONE. I THINK WE JUST NEED TO BE CAREFUL ABOUT HOW WE DO IT. I WOULD LIKE TO ADDRESS A COUPLE OF OTHER THINGS THAT I'VE HEARD THIS MORNING ABOUT LIVESTOCK DEVELOPMENT AND WHY IT'S IMPORTANT. I COULDN'T AGREE MORE WITH SENATOR SCHILZ ABOUT THAT. IT'S A VERY BIG PART OF OUR STATE, AND IT IS VERY IMPORTANT, BUT WE DON'T WANT TO, YOU KNOW, SHIP THE BABY OUT WITH THE BATHWATER IN TERMS OF OUR LOCAL PEOPLE AND LETTING THEM HAVE THE DECISION MAKING. AND IF YOU LOOK AT THE BODY IN HERE, YOU'RE GOING TO FIND OUT THAT IT'S MOSTLY THE RURAL SENATORS THAT HAVE GOTTEN UP AND SAID, HEY, HEY, WE'VE GOT A PROBLEM WITH THIS BILL. SO, I'M GOING TO LET THE DEBATE GO ON FORWARD, SEE HOW THAT PROGRESSES, AND I WILL DECIDE AT THAT POINT. BUT, YOU KNOW, I JUST WANT YOU TO KNOW THAT MY AMENDMENT IS OUT THERE. IT DOES HAVE TO BE FIXED ON SELECT FILE. THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR DAVIS. (VISITORS INTRODUCED.) RETURNING ON DISCUSSION TO THE MOTION TO BRACKET, SENATOR GROENE, YOU ARE RECOGNIZED. [LB106]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WITH DISCUSSIONS WITH MY COLLEAGUES OVER THIS LB106, SOME ISSUES CAME UP AND GOOD POINTS WERE MADE AND GOOD GIVE-AND-TAKE ON THE SIDE, NOT ON THE FLOOR HERE. BUT I WOULD LIKE TO REITERATE I DO NOT SUPPORT BIG GOVERNMENT OR STATE

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CONTROL OF LOCAL ZONING MATTERS. WHY I SUPPORT LB106 WITH ITS AMENDMENTS, BECAUSE IT IS A GOOD ATTEMPT TO HELP LOCAL COUNTIES HAVE THE BEST DATA-GATHERING METHODS AVAILABLE TO THEM WHEN CONSIDERING LARGE LIVESTOCK OPERATIONS. WE DO NOT HAVE THAT NOW. EVERYBODY IS OUT THERE ON THEIR OWN. A PANEL OF TEN EXPERTS WILL BE APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE. INCLUDED IN THAT PANEL WILL BE LOCAL COUNTY OFFICIALS. AND I'D LIKE TO MAKE SURE EVERYBODY KNOWS WHEN YOU GET A MESSAGE FROM A SUPERVISOR OR COMMISSIONER, THEY'RE ELECTED. WHEN YOU GET A PERSON ON A ZONING BOARD, THEY ARE APPOINTED BY THAT ELECTED COMMISSIONER. SO, IN MY INSTANCE IN LINCOLN COUNTY, I GOT SUPPORT FROM MY COMMISSIONERS AND I GOT AN E-MAIL FROM ONE INDIVIDUAL THAT'S ON THE ZONING BOARD THAT HE THOUGHT HE DID A GOOD JOB, AND I AGREE HE'S DONE A GOOD JOB. THE PROBLEM IS NOT RURAL, RURAL NEBRASKA. WE UNDERSTAND AGRICULTURE. WE WORK TOGETHER. IT'S OUR LIVELIHOODS. IT'S WHAT WE ARE IN WESTERN NEBRASKA IS AGRICULTURE. THE PROBLEM STARTS WHEN WE BECOME MORE URBAN, AND I'LL ADDRESS THAT IN A LITTLE BIT. BUT AS FAR AS BIG GOVERNMENT VERSES LOCAL GOVERNMENT, I'VE TOLD YOU BEFORE WHEN I LOOK AT A PROBLEM I TRY TO GO TO THE LOWEST COMMON DENOMINATOR. TO ME BASIC GOVERNMENT IS, IN THE LOWEST COMMON DENOMINATOR, IS A FAMILY IN THEIR BACKYARD, A CITIZEN GRILLING STEAKS. IN RURAL NEBRASKA WE KNOW WHERE THOSE STEAKS COME FROM. SO WHEN WE HEAR THAT A FEEDYARD WANTS TO EXPAND OR A PRODUCER WANTS TO BUILD A NEW YARD, WE UNDERSTAND. WE ARE CONCERNED AS INDIVIDUALS, THOUGH, ABOUT WHERE WILL IT BE BUILT? WILL THE SMELL OF THE ODOR BE IN OUR BACKYARD WHILE WE'RE GRILLING STEAKS? WE WANT TO BE ASSURED THAT THE BEST METHODS OF PRACTICES ARE FOLLOWED SO THAT LIVESTOCK PRODUCERS WILL BE GOOD NEIGHBORS, WHICH THEY WANT TO BE. LB106 WILL HELP ALLEVIATE THOSE CONCERNS, WHICH WE ALL HAVE. WE WANT GOOD ENVIRONMENT. WE WANT CHEAP STEAKS. WE WANT THOSE LIVESTOCK PRODUCERS PAYING PROPERTY TAX AND BEING GOOD NEIGHBORS. LB106 MAKES US ALL REST EASY THAT WE HAVE IN PLACE A MATRIX, ONCE WE PASS THIS. THE MATRIX CAN EXIST. IT'S LIKE WHAT CAME FIRST, THE EGG OR THE CHICKEN? BUT, I ALSO HEARD A LOT OF TIMES A SENATOR WOULD TELL ME, BOY, WE HAD A PROBLEM IN THIS COUNTY WITH THIS HOG FARM OR THIS DAIRY FARM, A CATTLE YARD UP AGAINST A CEMETERY, A HOG CONFINEMENT RIGHT UP AGAINST THE ROAD, BUT WE FIXED IT. IF LB106 WAS IN PLACE, WE WOULDN'T HAVE HAD TO FIX ANYTHING. THERE WOULD HAVE BEEN A MATRIX TO MAKE THOSE DECISIONS. AND YOU SAY, WE FIXED IT, BUT THE PERSON LIVING NEXT TO THAT HOG BARN THAT WASN'T GOOD ZONING, IT DIDN'T FIX IT FOR HIM. HE'S

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STILL LIVING THERE. WHAT LB106 DOES IS PUT EVERYBODY ON THE SAME PLAYING FIELD. THIS ISN'T HUGE, CORPORATE FEEDERS. THIS IS FAMILY FARMS. IT'S SENATOR SCHILZ, IT'S SENATOR SCHNOOR, IT'S MIKE GROENE WITH HIS FIVE HEAD OF CATTLE ON HIS LITTLE ACREAGE. I'M NOT QUITE BIG ENOUGH, BUT I GET TO WEAR COWBOY BOOTS IF I WANT TO. BUT ANYWAY...BUT ANYWAY, THAT'S MORE THAN I CAN SAY FOR A LOT OF PEOPLE I'VE RAN INTO AT THE DENVER STOCK SHOW. [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR GROENE: BUT ANYWAY, THE WHOLE POINT IS THIS: LB106 IS NOT AN ATTEMPT BY BIG PRODUCERS TRYING TO TAKE OVER ZONING. THEY WANT TO BE GOOD NEIGHBORS. THEY WANT TO KNOW WHAT RULES WE'RE LIVING BY. AND, YES, WE HAVE TO CREATE THE MATRIX FIRST. ONE SENATOR GAVE ME A JAB. HE SAID, YOU SOUND LIKE NANCY PELOSI, AND IT WASN'T SENATOR SCHNOOR. HE SAID YOU WANT ME TO VOTE FOR THIS AND I DON'T EVEN..IT DON'T EXIST YET. WE GOT TO...HAVE IT AFTER WE VOTE FOR IT. AND THERE'S A LITTLE TRUTH TO THAT. BUT SENATOR DAVIS' BILL FIXES THAT. WE PUT THIS IN PLACE, THE COUNTY COMMISSIONERS CAN LOOK AT IT. NACO CAN DO THEIR JOB AND EDUCATE THE COUNTIES AND SAY, THIS GOOD FOR YOU. THIS IS GOOD FOR THE URBAN COUNTIES, THE URBAN COMMISSIONERS WHO ARE MORE WORRIED ABOUT ZONING ON SIDs THAN THEY ARE IN AGRICULTURE, AND THEY SHOULD BE. BUT SOMEWHERE IN THE COUNTY OF THAT COUNTY, DOUGLAS COUNTY, LANCASTER COUNTY, THERE'S A FARMER WHO WANTS TO MAKE A LIVING. THIS HELPS THOSE COUNTY OFFICIALS. THIS HELPS THOSE COUNTY COMMISSIONERS SAY... [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR GROENE: THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB106]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. AS I RISE THIS MORNING TO SPEAK ON LB106, I HAVE TO EXPRESS MY GENERAL DISCOMFORT WITH THE CONCEPT OF LB106. AND WHILE THERE'S CERTAINLY AMENDMENTS THAT HAVE ATTEMPTED TO MAKE THE BILL MORE PALATABLE AND ACCEPTABLE, I STILL HAVE A FUNDAMENTAL PROBLEM WITH THE

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UNDERLYING MOTIVATION BEHIND LB106 AND ULTIMATELY WHAT IT SEEKS TO DO, NOT JUST IN TERMS OF COUNTIES BUT TO ANIMAL AGRICULTURE IN GENERAL. I THINK IT NEEDS TO BE SAID THAT I'M A HUGE SUPPORTER OF ANIMAL AGRICULTURE. I GREW UP IN A FAMILY FEEDYARD. AND WHEN I SAY OUR FEEDYARD IS A FAMILY FEEDYARD, I MEAN IT'S IN OUR YARD. SO MUCH TO THE CHAGRIN OF MY MOTHER'S ATTEMPTS TO HAVE AN ENDLESS BATTLE WITH FLYSPECKS DURING THE SUMMER, I GREW UP IN A CATTLE FEEDYARD. I LOVE CATTLE FEEDYARDS. I LOVE CATTLE. I ENJOY EVERYTHING ABOUT THEM. I'VE DEDICATED MY LIFE AND MY PROFESSION AND MY INCOME TO THEM. SO, I'M A SUPPORTER OF ANIMAL AGRICULTURE. I'M A SUPPORTER OF EXPANSION OF ANIMAL AGRICULTURE, AND I THINK WE NEED TO DO ABSOLUTELY EVERYTHING IN THIS STATE TO SUPPORT THE RESPONSIBLE DEVELOPMENT OF ANIMAL AGRICULTURE. AND I GUESS IT'S FOR THAT REASON THAT I TAKE A DEGREE OF UMBRAGE AT THE IDEA THAT SOMEHOW OR ANOTHER LB106 IS GOING TO BE A STANDARD FOR MEASURING WHETHER OR NOT WE SUPPORT THE LIVESTOCK INDUSTRY AND EXPANSION OF THE LIVESTOCK INDUSTRY IN NEBRASKA. THERE ARE A LOT OF ISSUES AT PLAY WITH LB106. SOME HAVE TO DO WITH TRUE EXPANSION OF LIVESTOCK, AND MANY AND MOST HAVE TO DO WITH COUNTY ZONING AND COUNTY CONTROL OVER THEIR PLANNING PROCESS. THERE EXISTS IN ANIMAL AGRICULTURE A PERCEPTION THAT SOMEHOW OR ANOTHER WE'RE NOT BRINGING DAIRIES IN BY THE HORDES AND LARGE QUANTITIES OF HOG CONFINEMENT OPERATIONS BECAUSE ZONING PRESENTS A BARRIER TO THAT EXPANSION. WE'VE ALL HEARD THE ANECDOTES IN THE LIVESTOCK INDUSTRY ABOUT THE CALIFORNIA DAIRY WHO DIDN'T LIKE THE COMMUNITY OPPOSITION OR THE HOG BARN THAT MET 50 PEOPLE AT A ZONING AND A PLANNING MEETING. THE REALITY IS, IS THAT IN THE ABSENCE OF LB106 WE HAVE BECOME THE NUMBER ONE CATTLE ON FEED ON STATE. WE HAVE MORE CATTLE IN FEEDLOTS IN NEBRASKA THAN EVER IN OUR HISTORY. WE'VE SEEN AN EXPANSION, AS THE HANDOUT THAT SENATOR WATERMEIER PROVIDED FOR US YESTERDAY, WE'VE SEEN AN INCREASE IN OUR ANNUAL PIG CROP NUMBERS. WE'VE SEEN AN INCREASE IN OUR ANNUAL MARKET HOG INVENTORY. WE'RE NOT DECIMATED AS A LIVESTOCK INDUSTRY. WE DO HAVE A MODEL THAT EXISTS FOR COUNTY CONTROL IN THE LIVESTOCK COUNTY FRIENDLY...OR LIVESTOCK-FRIENDLY COUNTY PROGRAM WHICH HAS BEEN MENTIONED BY SEVERAL SENATORS, SENATOR SCHILZ AND SENATOR SULLIVAN, ALREADY THIS MORNING. I THINK IT'S IMPORTANT TO RECOGNIZE THAT PROGRAM IS A VOLUNTARY PROGRAM WHICH HAS BEEN IN PLACE SINCE 2004, YET ONLY 29 COUNTIES HAVE SELF-DESIGNATED AT THIS POINT TO BE LIVESTOCK-FRIENDLY COUNTIES. IN MY DISTRICT OF SEVEN RURAL COUNTIES, ONLY ONE COUNTY HAS CHOSEN TO PURSUE THE LIVESTOCK-FRIENDLY

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DESIGNATION. THE OTHERS HAVE EXTENDED THEIR ABILITY TO RECRUIT AND EXPAND LIVESTOCK FACILITIES. WE'VE SEEN INCREASED NUMBERS AND INCREASED FACILITIES. THEY HAVE SIMPLY HANDLED IT AT THE LOCAL LEVEL WITH LOCAL ZONING AND LOCAL COMMUNITY INPUT. SO, CERTAINLY CONSOLIDATION IN THE CATTLE FEEDING INDUSTRY AND IN LIVESTOCK HAS CREATED CHALLENGES, BUT THOSE ARE CONVERSATIONS WE NEED TO HAVE IN THE INDUSTRY. WHAT WE'RE DEALING WITH HERE TODAY IS A FUNDAMENTAL QUESTION RELATIVE TO LOCAL CONTROL OF COMMUNITY ZONING AND PLANNING. JUST LIKE ANY LARGE BUSINESS, ANIMAL CONFINEMENT OPERATIONS PRESENT A NUMBER OF CHALLENGES LOCALLY. WHILE WE OFTEN TALK ABOUT THE SMELL, THE ODOR, AND THE DUST ISSUE, THERE ARE OTHER ISSUES WHICH ARE IMPORTANT. TRANSPORTATION INFRASTRUCTURE: DO WE KNOW WHAT THIS DOES TO A COUNTY ROAD TO BRING IN FEED AND HAUL OUT 20,000 CATTLE...HEAD OF CATTLE WORTH OF FEED? WATER ISSUES, RESOURCES AVAILABLE FOR DISPOSAL OF LIVESTOCK MANURE ALL BECOME VERY COMPLICATED ISSUES WHICH VARY FROM COUNTY TO COUNTY TO COUNTY. [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR KUEHN: LAND USE, HYDROLOGY, AND COMMUNITY STANDARDS ARE CERTAINLY AN ISSUE WHICH NEEDS TO BE AT PLAY. AND SO, I CERTAINLY AM IN SUPPORT OF ALL LOCAL CONTROL AND TAKE ISSUE WITH ANY ATTEMPT TO REMOVE THAT LOCAL CONTROL AND TAKE IT TO THE STATE. I'M CERTAINLY A PROPONENT OF DEVELOPMENT OF A RUBRIC TO ALLOW COMMUNITY ZONING AND PLANNING TO EVALUATE THESE OPERATIONS AND THERE IS NO BARRIER THAT IS CURRENTLY IN PLACE TO DOING SO. AND I WOULD ENCOURAGE THE LIVESTOCK GROUPS AND THE COUNTY OFFICIALS THAT ARE IN SUPPORT OF THIS BILL TO SPEND THE EFFORT THEY HAVE TRYING TO DO A STATEWIDE SOLUTION AND DEVELOP THE RUBRIC AND HELP COUNTIES IMPLEMENT IT THAT IS UNIQUE TO THEIR NEEDS OF THEIR COUNTY AND THEIR COMMUNITY STANDARDS. [LB106]

SENATOR COASH: THANK YOU, SENATOR KUEHN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THE GROENE-WATERMEIER AMENDMENT DEALS WITH SECTION 8. HOWEVER, WE GO BACK TO SECTION 6 OF THE COMMITTEE AMENDMENT...AND

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AS SENATOR SCHNOOR SAID, THERE'S AMENDMENT ON AMENDMENT ON AMENDMENT OF THIS BILL AND THERE ARE MORE AMENDMENTS TO COME. BUT SECTION 6 OF THE COMMITTEE AMENDMENT SAYS: COUNTY AUTHORITY OR RESOLUTION TO GRANT CONDITIONAL USE OR SPECIAL EXCEPTIONS FOR SITING LIVESTOCK OPERATIONS UNDER SECTIONS 23-114 TO 23-114.05 SHALL EXPIRE TWO YEARS AFTER THE DATE THE RULES AND REGULATIONS AND ASSESSMENTS MATRIX ADOPTED, PROMULGATED, AND DEVELOPED PURSUANT TO SECTION 5 OF THIS ACT ARE ADOPTED AND APPROVED BY THE DEPARTMENT. COLLEAGUES, THAT EFFECTIVELY DOES AWAY WITH COUNTY ZONING. I'M TOLD, AGAIN, THERE WILL BE ANOTHER AMENDMENT BROUGHT TO THIS BILL ON SELECT FILE TO DEAL WITH THIS. MAYBE WE'LL STRIKE THAT LANGUAGE. BETTER WE STRIKE THE ENTIRE BILL. LET'S START OVER ON THIS IF WE REALLY THINK IT NEEDS TO BE DONE. IS NEBRASKA AGRICULTURE REALLY THAT BADLY BROKEN? WE'RE NUMBER ONE NATIONALLY IN BEEF AND VEAL EXPORTS, COMMERCIAL RED MEAT PRODUCTION, COMMERCIAL CATTLE SLAUGHTER, ALL CATTLE ON FEED, GREAT NORTHERN BEAN PRODUCTION, LARGEST...MOST IRRIGATED LAND HARVESTED, POPCORN PRODUCTION. WE'RE NUMBER TWO IN THE NATION IN ALL CATTLE AND CALVES, PINTO BEAN PRODUCTION, PROSO MILLET PRODUCTION. WE'RE NUMBER THREE, CORN FOR GRAIN PRODUCTION, ALL DRY EDIBLE BEAN PRODUCTION, CASH RECEIPTS FROM ALL COMMODITIES. NUMBER FOUR FROM CASH RECEIPTS FROM ALL LIVESTOCK AND PRODUCTS. NUMBER FIVE, AGRICULTURE IMPORTS, SOYBEAN PRODUCTION, CASH RECEIPTS FROM ALL CROPS. AND I'M NOT READING THEM ALL; I'M JUST HITTING THE HIGHLIGHTS. NUMBER 6, HARVESTED ACRES OF PRINCIPAL CROPS. ALL HOGS AND PIGS ON FARMS, WE'RE NUMBER SIX IN THE NATION, COLLEAGUES. DOES THAT APPEAR WE'RE BADLY BROKEN? WE'RE SEVENTH IN COMMERCIAL HOG SLAUGHTER AND WE'RE SEVENTH IN COMMERCIAL HOG SLAUGHTER OF LIVE WEIGHT. AND WE'RE TENTH IN EGG LAYING FLOCKS. COLLEAGUES, THAT DOES NOT READ LIKE A STATE THAT HAS TO DEVELOP SOMETHING NEW AND DIFFERENT TO TAKE AWAY LOCAL CONTROL. I WANT TO EMPHASIZE ONCE AGAIN, THE COUNTY AUTHORITY TO GRANT CONDITIONAL USE OR SPECIAL EXCEPTIONS FOR SITING LIVESTOCKS UNDER 23-114, AND SO ON, SHALL EXPIRE TWO YEARS AFTER THE DATE THE RULES AND REGULATIONS UNDER LB106 TAKE EFFECT. IF YOU HAVE EVEN THE FAINTEST BELIEF IN LOCAL CONTROL, THIS BILL NEEDS TO DIE A SUDDEN AND UNNATURAL DEATH. I ATTEMPTED TO DO THIS IN COMMITTEE. I HAD FIVE VOTES LINED UP AT ONE TIME TO IPP THE BILL, BUT OUR COLLEAGUES OUTSIDE THE GLASS GOT TO A COUPLE OF SENATORS AND PERSUADED THEM TO SUPPORT IT. SENATOR WATERMEIER IS VERY EFFECTIVE. HE GOT TO SOME PEOPLE AND SAID, HELP ME GET IT OUT OF THE COMMITTEE,

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AND THEY DID SO. I DID THAT ONCE AND HAVE REGRETTED IT EVER SINCE.
[LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I TOLD SENATOR WATERMEIER BEFORE THE COMMITTEE EXEC SESSION I WOULD DO EVERYTHING I COULD TO KILL THIS BILL. I THINK IT IS BAD LEGISLATION. I WAS OVER AND TOLD HIM A FEW MINUTES AGO THAT I WOULD INTRODUCE A BRACKET MOTION BETWEEN 10:30 AND 11:00. I WAS UNAWARE THAT SENATOR CHAMBERS WAS GOING TO DROP ONE BEFORE THAT. I DO TOTALLY AND COMPLETELY SUPPORT SENATOR CHAMBERS' BRACKET MOTION. THIS BILL NEEDS TO BE STOPPED. THE ISSUE AT LEAST NEEDS TO BE STUDIED, IF NOT DEALT AWAY WITH. BUT AT LEAST LET'S SPEND SOME TIME STUDYING THIS ISSUE BEFORE WE PASS LEGISLATION THAT TIES THE HANDS OF OUR COUNTY OFFICIALS. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I HEARD SEVERAL DIFFERENT COMMENTS ON THE FLOOR ON THE BRACKET MOTION AND I GUESS I WILL SUPPORT NOT VOTING FOR THE BRACKET MOTION AND WOULD ASK THAT YOU VOTE RED ON THE BRACKET. THERE WERE SEVERAL QUESTIONS AND COMMENTS THAT WERE MADE ON THE FLOOR. I'D LIKE TO JUST ADDRESS THEM INDIVIDUALLY HERE. SENATOR SULLIVAN BROUGHT UP A GOOD POINT IN THE BILL. IT REFERENCES NACO AND I THINK TWO COMMENTS I THINK I WOULD TAKE FROM HER IS, ONE, SHE WAS CONCERNED ABOUT ACTUALLY HAVING SPECIFICALLY NACO WRITTEN INTO THE BILL, AND I THINK MAINLY HER MAIN CONCERN...CONCERN WAS HAVING A SPECIFIC TO A ZONING PERSON. AND I WOULD BE TOTALLY IN FAVOR OF SOMETHING LIKE THAT. THERE WAS ANOTHER REFERENCE FROM SENATOR JOHNSON ABOUT IT CAME TO AG ORIGINALLY AND WAS ASKED TO BE REFERENCED TO THE GOVERNMENT COMMITTEE. I THINK YOU CAN TELL BY THE DISCUSSION THAT WE'VE HAD TODAY HERE, IT DOESN'T REALLY RELATE TOWARDS AGRICULTURE AS IT DOES TO ZONING. SO, I STILL FEEL COMFORTABLE ASKING FOR THAT REREFERENCING THAT IT WENT TO GOVERNMENT BECAUSE THAT'S WHERE THE ZONING ISSUES ARE TAKEN CARE OF. I HAD SEVERAL E-MAILS SENT TO ME SINCE I STARTED TO WORK ON THIS PROCESS SINCE NOVEMBER AND DECEMBER THAT COUNTY OFFICIALS WERE

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INVOLVED IN THIS PROCESS. IN FACT, I WAS SHOWN AN E-MAIL, A THREAT E-MAIL, THAT SHOWED SEVEN, EIGHT, NINE E-MAILS TO ALL OF THE COUNTY OFFICIALS THROUGH THAT ORGANIZATION. I'M NOT POINTING FINGERS AT SPECIFIC PEOPLE, BUT IT IS THEIR JOB TO READ THEIR E-MAILS. SO, IT'S A LITTLE DISCERNING THAT THEY COME BACK AND SAY, WELL, BY GOLLY, I'VE NEVER HEARD OF THIS; NOW THE BILL IS UP, SO I'M GOING TO KILL IT. WE DID HAVE AN EXTENSIVE AMOUNT OF DEBATE, I FELT A FAIR DEBATE IN THE INTERIM STUDY THAT WE HAD. AND SO, I WOULD JUST DEFEND THAT IDEA. AND AS FAR AS ANOTHER REFERENCE TO FARM BUREAU, FARM BUREAU MAKES A POLICY AND I'VE ALWAYS BEEN PROUD OF THE WAY FARM BUREAU DOES IT. ONE OF THE UNIQUE SITUATIONS, ONE OF THE UNIQUE...WHAT FARM BUREAU DOES IS ALL GRASS ROOTS. YOU CAN'T EVER GET A DECISION OUT OF FARM BUREAU QUICKLY, AND IN A LOT OF WAYS THAT'S A GOOD THING. THEY GO BACK TO THEIR MEMBERSHIP. THEY TALK ABOUT IT. THEY COME BACK FROM A COUNTYWIDE OR A SMALL REGION, THEY BRING THAT TO THE STATE, AND THEY HAVE A RESOLUTION PROCESS THAT THEY BRING FORWARD TO THE STATE. THEY'VE CHANGED THEIR MIND ON SEVERAL THINGS. I KNOW WE'RE GOING TO HAVE A BILL LATER TODAY THAT TALKS ABOUT A GAS TAX. FARM BUREAU WAS AGAINST THAT FOR YEARS, AND RIGHT NOW I THINK THEY'VE CHANGED THEIR POSITION IN WHICH THEY'RE GOING TO FAVOR A GAS TAX BECAUSE THEY KNOW THEIR USERS USE IT. I'M STILL GOING TO HAVE TO BE ABLE TO QUIETLY NOT SUPPORT THE GAS TAX INCREASE. BUT THAT'S THE WAY FARM BUREAU DOES IT, AND I'VE ALWAYS BEEN PROUD OF THE WAY THEY'VE DONE THAT. THE LAST COMMENT I GUESS I'D LIKE TO ANSWER TO IS THE IDEA THAT YOU DON'T SEE THE MATRIX. YOU DON'T HAVE IT IN HAND BEFORE YOU VOTE ON IT. I DID PASS OUT AN EXAMPLE AND I FORGET WHETHER IT'S FROM MADISON OR PIERCE COUNTY. I PASSED IT OUT ON THE FLOOR. IT'S NOT A 35-PAGE DOCUMENT. I THINK IT'S FOUR OR FIVE PAGES. IT'S PRETTY EXPLICITLY DEFINED IN THERE AND I DESCRIBE IT TO A LOT OF DIFFERENT PEOPLE. A MATRIX TO ME IS JUST LIKE AN EXCEL SPREADSHEET: COLUMNS GOING UP AND DOWN, ROWS FROM THE SIDE. THINGS HAVE TO MATCH UP. IF YOU DON'T, YOU'RE NOT GOING TO QUALIFY. SO THAT WAS THE IDEA, THAT WAS THE INTENT ABOUT HAVING A MATRIX IN PLACE. AND THE LAST COMMENT I'D LIKE TO MAKE, I GUESS, TOWARDS A COMMENT THAT WE SHOULDN'T HAVE THIS IN STATUTE, FOR THOSE OF YOU THAT BELIEVE THAT, I CAN'T SEE THAT ANY OF YOU WOULD VOTE GREEN ON ANY BILLS THAT WE RUN THROUGH THIS BODY. IT'S A LITTLE UNFAIR TO COMPARE THAT TO THE ACA: WELL, LET'S VOTE ON IT TO SEE WHAT'S IN THE BILL. WE DO THAT IN THIS BODY. WE DIRECT THE AGENCIES TO PROMULGATE REGULATIONS AND RULES. THAT'S WHAT WE DO. AND I CAN'T GIVE YOU SPECIFIC STATISTICS ON WHETHER THAT'S TWO-THIRDS OR 90 PERCENT. BUT

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MAKE NO MISTAKE ABOUT IT, MEMBERS, THAT'S WHAT WE DO IN THIS BODY. IF YOU COME THROUGH HHS AND YOU SEE THE RULES THAT GO THROUGH THAT, THAT'S THE WAY THEY DO IT. WE DON'T WANT TO HAVE THESE RULES IN STATUTE BECAUSE THEN WE'LL BE COMING BACK HERE EVERY TWO YEARS OR EVERY FOUR YEARS, OR AT LEAST SOME POINT IN TIME, TO CHANGE THEM. WE WANT THOSE IN THE AGENCIES. SO, DON'T BE MISLED IN THE THINKING, I WANT TO SEE THIS IN STATUTE, OR I WANT TO SEE THIS IN HAND BEFORE I VOTE FOR IT. THAT'S REALLY NOT THE WAY WE DO IT. I HAD ANOTHER BILL ON THE FLOOR EARLIER THIS YEAR THAT WE ATTEMPTED TO DO THAT, BECAUSE WE THOUGHT WE HAD... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR WATERMEIER: ...A GOOD POLICY, COMPLETELY STRUCK DOWN BECAUSE I WAS PUTTING IT IN STATUTE. SO, BE CAREFUL WHAT YOU VOTE ON IN THIS BODY. IF YOU DON'T WANT TO VOTE FOR SOMETHING THAT YOU WANT TO HAVE IT IN YOUR HAND, BE CAREFUL. YOU MAY WANT TO RELOOK AT ALL YOUR VOTES THAT YOU'VE GIVEN. SO, I WOULD URGE THE BODY TO VOTE AGAINST THE BRACKET MOTION. I'M STILL IN SUPPORT OF SENATOR GROENE'S AMENDMENT. AND IF WE CAN GET TO SENATOR DAVIS' AMENDMENT, I THINK WE'LL HAVE A GOOD BILL. I THINK WE'LL HAVE SOMETHING THAT PUTS IN PLACE THE PROCESS. LET ME GIVE YOU AN EXAMPLE OF WHY I THINK IT'S A GOOD BILL. ALL OF US IN THIS BODY IN THE LAST DAY AND A HALF HAVE GONE THROUGH THE EMOTIONAL ROLLER COASTER, THE UP AND DOWN, THAT HAPPENS IN ZONING HEARINGS. HOW MUCH OF WHAT WE'VE HEARD HAS BEEN TRUE FACT? WELL, AG IS NOT HURTING. WE HAVE PLENTY OF REPORTS THAT SAY, YEAH, WE'RE LOSING NUMBERS TO ALL OF OUR STATE NEIGHBORS. WE'VE HEARD PLENTY OF HEARINGS AND PLENTY OF TESTIMONY THAT, NOT IN MY BACKYARD. THIS IS EXACTLY WHAT THE ZONING PEOPLE GO THROUGH. [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR WATERMEIER. (VISITORS INTRODUCED.)
SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB106]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE
LEGISLATURE, WHEN SENATOR WATERMEIER TALKS ABOUT THE LEGISLATURE

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DELEGATING CERTAIN RESPONSIBILITIES TO AGENCIES, THE ONLY WAY THAT CAN BE DONE WITHOUT IT BEING CONSIDERED AN UNCONSTITUTIONAL DELEGATION OF LEGISLATIVE AUTHORITY IS IF YOU NARROWLY DEFINE WHAT IS TO BE DONE, YOU STATE THE GOAL TO BE ACHIEVED, AND GIVE ADEQUATE DIRECTIONS SO THEY JUST, IN SOMEWHAT OF AN ADMINISTRATIVE FASHION, CARRYING OUT THE WILL OF THE LEGISLATURE. BUT IF YOU GO LOOK AT THE INDEX TO THE STATUTES UNDER HEALTH AND HUMAN SERVICES, LET ALONE GOING TO THE ACTUAL SECTIONS, YOU WILL SEE HOW MUCH THE LEGISLATURE HAS PUT IN LAW RELATIVE TO WHAT HHS DOES. A CHANGE OF THIS MAGNITUDE SHOULD NOT BE LEFT IN THE HANDS OF AN AGENCY. THE ULTIMATE MATRIX IS GOING TO BE BASED ON SOME DECISION MADE BY THE DEPARTMENT OF AGRICULTURE. LET ME ASK SENATOR WATERMEIER A QUESTION IF HE'S AVAILABLE. [LB106]

SENATOR COASH: SENATOR WATERMEIER, WILL YOU YIELD? [LB106]

SENATOR WATERMEIER: YES, I WILL. [LB106]

SENATOR CHAMBERS: SENATOR WATERMEIER, WHATEVER RULES, REGULATIONS, OR THIS MATRIX WILL BE, WHAT DEPARTMENT IS GOING TO ULTIMATELY DO THAT WORK? [LB106]

SENATOR WATERMEIER: THE DEPARTMENT OF AG IS CHARGED TO PUT TOGETHER A GROUP OF PEOPLE AND DEVELOP THE MATRIX. AND IN THE LEGISLATION, THERE'S VERY CLEAR AND DEFINED GUIDELINES ABOUT WHAT THEY'RE LOOKING FOR, JUST AS YOU MENTIONED ABOUT THE HHS INDEXING IT. [LB106]

SENATOR CHAMBERS: BUT WHO MAKES THE FINAL DECISION AS TO WHAT'S GOING TO BE, THIS GROUP OR THE DEPARTMENT ITSELF? [LB106]

SENATOR WATERMEIER: THE BILL, IN MY...THE WAY IT WAS WRITTEN, IN MY MIND, WAS THE DIRECTOR OF THE DEPARTMENT OF AG. [LB106]

SENATOR CHAMBERS: AND WHO APPOINTS THE DIRECTOR? [LB106]

SENATOR WATERMEIER: THE EXECUTIVE BRANCH. [LB106]

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SENATOR CHAMBERS: NO, NOT THE BRANCH; WHO? NOT WHAT; W-H-O? WHICH PERSON APPOINTS THE DIRECTOR OF THE DEPARTMENT OF AG? [LB106]

SENATOR WATERMEIER: THE PERSON WHO IS CHARGE OF THE EXECUTIVE BRANCH AT THAT POINT IN TIME, WHICH IS THE GOVERNOR OF THIS GREAT STATE OF NEBRASKA. [LB106]

SENATOR CHAMBERS: THANK YOU. THANK YOU. MEMBERS OF THE LEGISLATURE, NOT TO GET OFF INTO ANOTHER SUBJECT, BUT THE CURRENT HEAD OF THE DEPARTMENT OF AG HAS NOT BEEN ABLE TO ADEQUATELY HANDLE THE ENFORCEMENT OF THE DOG AND CAT COMMERCIAL LICENSE LAW. AND THERE ARE SENATORS HERE WHO HAD TO BRING LEGISLATION TO GET DONE WHAT THAT DEPARTMENT OUGHT TO HAVE DONE. I WILL NEVER TRUST A POLITICIAN WITH AS MUCH POWER AS THIS BILL REPOSES IN THE GOVERNOR. YOU CAN TALK ALL YOU WANT TO ABOUT THE DEPARTMENT OF AG, THE DIRECTOR OF THE DEPARTMENT OF AG, ANY PANEL OR GROUP THAT THAT DEPARTMENT OR THE DIRECTOR WOULD PUT IN PLACE. THAT IS NOTHING. EDGAR BERGEN WAS A FAMOUS VENTRILOQUIST. HE HAD DIFFERENT DUMMIES. THEY WOULD MOVE IN THE WAY THAT EDGAR BERGEN WOULD MAKE THEM MOVE. THEY WOULD APPEAR TO SAY ONLY WHAT EDGAR BERGEN WAS SAYING. SENATOR WATERMEIER IS GOING TO LOOK AT THE VENTRILOQUIST DUMMY, AND I DON'T MEAN THAT TERM TO REFLECT ON THE PEOPLE WHO WOULD BE ON THESE BOARDS. I'M GOING TO LOOK AT THE VENTRILOQUIST. WHEN IT COMES TO PUPPETS AND THE PUPPETEER, THE PUPPETS MOVE ONLY IN THE WAY THAT THE PUPPETEER DETERMINES. SO, IF YOU ARE LOOKING AT A PUPPET SHOW, DON'T JUST PAY ATTENTION TO THE PUPPETS. THEY HAVE NO LIFE OF THEIR OWN. THEY ARE NOT ANIMATED BY THAT SPIRIT KNOWN AS THE LIFE FORCE. THE PUPPETEER IS THE ONE WHO HANDLES EVERYTHING. IN THIS CASE, THE PUPPETEER AND THE VENTRILOQUIST IS THE GOVERNOR. AND THE GOVERNOR WILL MAKE THE APPOINTMENT AND THE GOVERNOR WILL DICTATE WHAT THESE DEPARTMENTS WILL DO. AND IN THE YEARS THAT I'VE BEEN IN THIS LEGISLATURE, THERE HAVE BEEN BILLS BEFORE THE LEGISLATURE WHERE THE GOVERNOR WOULD DIRECT A DEPARTMENT HEAD NOT TO TESTIFY. ANOTHER GOVERNOR GAVE AN INSTRUCTION THAT NO DEPARTMENT HEAD WOULD TALK TO A U.S. CONGRESSMAN UNLESS THE HEAD OF THAT DEPARTMENT OR SOMEBODY ELSE FROM THE GOVERNOR'S OFFICE WAS THERE. THE GOVERNOR'S OFFICE IS A POLITICAL OFFICE. SO, TO PUT THIS MUCH POWER IN THE HANDS OF ONE PERSON IS... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

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SENATOR CHAMBERS: ...NOT WISE OR PRUDENT. TO SAY WE'LL TRUST THE GOVERNOR, WE'LL TRUST THE DEPARTMENT OF AG, WE'RE GOING TO TRUST ALL OF THESE UNKNOWNNS TO COME INTO BEING IN THE WAY WE INTEND, THAT IS NOT GOING TO HAPPEN. THIS BILL IS NOT NEEDED. WHATEVER THEY'RE TRYING TO ACCOMPLISH UNDER THIS BILL CAN BE ACCOMPLISHED NOW EXCEPT THAT IT'S NOT GOING BE WITH THE GOVERNOR PUSHING ALL OF THE BUTTONS AND DICTATING. IF IT'S DIFFICULT FOR ONE OF THESE OPERATIONS TO PERSUADE A ZONING BOARD, OR EVEN THE COUNTY COMMISSIONERS, THAT THAT ENTITY THAT WILL BE CREATED IS IN THE BEST INTEREST OF THE PEOPLE, THEY ARE SERVING THAT CHECK AND BALANCE FUNCTION, WHICH WILL BE WIPED OUT WITH THIS BILL. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB106]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. IN NEBRASKA, WHEN WE LOOK AT CORN PRODUCTION, WHICH I AM INVOLVED WITH, WE LOOK AT LIVESTOCK FEED USAGE, AND IT'S BEEN FLAT FOR 30 YEARS. THE LIVESTOCK INDUSTRY HAS BEEN VERY EFFICIENT IN FEED USE SO THEY PRODUCE MORE POUNDS OF RED MEAT WITH THE SAME AMOUNT OF BUSHELS. THE ETHANOL INDUSTRY, WHICH IS A GREAT BOON TO AGRICULTURE, RECENTLY, BASICALLY, WE CAPPED PRODUCTION THERE. SO, THE AMOUNT OF BUSHELS RUN THROUGH THE ETHANOL PLANTS HAS PROBABLY PEAKED AND WILL HOLD STEADY FOR THE FORESEEABLE FUTURE. SO, WHEN I LOOK AT OUR ABILITY TO PRODUCE GRAIN IN THIS STATE, WE WILL HAVE A SURPLUS AND, THEREFORE, IN THE NEXT COUPLE OF YEARS WE'RE GOING TO SEE THAT DIP IN THE AG ECONOMY IN NEBRASKA. AND WE HAVE A CHOICE. WE CAN EITHER EXPORT THAT GRAIN OR WE CAN ENCOURAGE LIVESTOCK PRODUCTION IN THE STATE AND TRY TO ADD VALUE TO IT HERE AND KEEP OUR PACKING PLANTS OPEN AND RUNNING 24/7. SO, I LOOK AT THIS BILL A LITTLE BIT AS ECONOMIC DEVELOPMENT. AND I'LL TRY TO EXPLAIN A LITTLE BIT HOW THIS WOULD IMPACT ME IF I CHOSE TO PUT IN A HOG FACILITY. CURRENTLY, IF I WANT TO BUILD A HOG BARN, MY OPTIONS, BASICALLY, WE GO TO THE COUNTY BOARD AND WE'D APPLY FOR A BUILDING PERMIT. AND AT THAT POINT, THEY WOULD ADVERTISE; YOU WOULD HAVE A HEARING. THE NEIGHBORS, IF THEY DIDN'T LIKE MY CHOICE OF LOCATION WOULD COME IN AND WE'D HAVE ONE OF THOSE NASTY DRAG-OUT FIGHTS TRYING TO GET APPROVAL, AND IT WOULD GET VERY EMOTIONAL. AND AT THAT POINT, WE EITHER GET THE PERMIT OR I'D BE DENIED IT. WITH THIS MATRIX SYSTEM PUT IN PLACE...AND I THINK THE AMENDMENTS DO FIX MOST OF THE PROBLEMS. WHEN I FIRST SAW LB106, I WOULD NOT HAVE BEEN IN FAVOR OF IT.

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IT TOOK AWAY THAT LOCAL CONTROL THAT WE ALL SAY WE WANT. BUT WHAT I'M AFTER IS THE ADOPTION OF A MATRIX SYSTEM, SO IF I'M WANTING TO PUT UP A HOG BARN OR A FEEDLOT I CAN LOOK AT THE REQUIREMENTS OF THAT BUILDING PERMIT WITHOUT TALKING TO ANYONE. I CAN CHOOSE A PIECE OF LAND THAT I THINK WOULD MEET THE REQUIREMENTS OF THAT LOCATION. I COULD GO THROUGH THE MATRIX SCORING SYSTEM, AND I COULD SEE THAT MY ODDS OF RECEIVING A PERMIT ARE IN THAT 80 TO 90 PERCENT AREA, AND I COULD DECIDE WHETHER OR NOT TO PROCEED FORWARD WITH ACTUALLY GETTING THE PERMIT AND GETTING THE NEIGHBORS WORKED UP AND GOING THROUGH THAT PROCESS. AND THAT PART TO ME IS WHAT I'M LOOKING FOR. I'M LOOKING FOR A METHOD TO WHERE I CAN GAUGE MY ABILITY TO GET A PERMIT IN A LOCATION WITHOUT STIRRING UP THE NEIGHBORHOOD. AND TO ME, THAT SEEMS TO BE THE MOST COMMON PROBLEM WE HAVE IS, WHEN SOMEBODY TRIES TO SITE SOMETHING, THERE'S NO SPECIFIC RULES OR REGULATIONS OUT THERE AND IT TURNS INTO AN EMOTIONAL DEBATE. NOW, SOME COUNTIES, IN MY DISTRICT AT LEAST, WANT LB106, AND AT THE SAME TIME THEIR ZONING BOARDS DO NOT WANT LB106. SO, IT IS A CONFLICT OUT THERE. I DO BELIEVE SOME COUNTY BOARDS DON'T WANT THE EMOTIONAL IMPACT OF HAVING TO MAKE THAT DECISION. THEY WANT SOME CRITERIA TO GAUGE IT BY SO THAT THEY CAN TAKE SOME OF THE EMOTION OUT OF IT. THERE WILL ALWAYS BE THAT EMOTION THERE WHERE YOU HAVE TO VOTE BASICALLY FOR OR AGAINST ONE NEIGHBOR. BUT I THINK BY HAVING THIS MATRIX SYSTEM THERE, NOW WHETHER IT'S...WITH ALL OF THE AMENDMENTS IT DOES ALLOW A COUNTY TO CREATE THEIR OWN AND THERE ARE SOME COUNTIES IN THE STATE HAVE DONE THAT. THIS JUST, I THINK, LENDS MORE CREDENCE TO THE POSSIBILITY THAT YOU CAN FOLLOW SOMEBODY ELSE'S LEAD,... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR FRIESEN: ...USE THOSE CRITERIA THAT ARE LAID OUT, OR YOU COULD DEVELOP YOUR OWN, OR IN THE END YOU COULD CHOOSE NOT TO. THE BILL IS NOT PERFECT. WE'VE SENT OTHER BILLS, HAD ONE MORE STEP, THAT WERE NOT PERFECT. AND WE WORKED ON THEM AND WE DID FIX THEM EVENTUALLY. SO, I SPEAK AGAINST BRACKETING AT THIS TIME. LET'S SEE IF WE CAN WORK THIS BILL OUT. I THINK IT HAS SOME GOOD POINTS AND I THINK WE NEED TO LOOK AT IT. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB106]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I WAS JUST GOING TO RUN THROUGH A FEW MORE THINGS HERE. AND, YOU KNOW, HAVING SERVED, AS I SAID BEFORE, AS AN ECONOMIC DEVELOPMENT PERSON IN OUR COMMUNITY, IN MY COUNTY, I LEARNED QUITE A BIT ABOUT HOW THAT WORKS OVER IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THEY HAVE A PROGRAM OUT THERE THAT'S CALLED ECONOMIC DEVELOPMENT OF CERTIFIED COMMUNITIES. AND IF YOU BECOME AN ECONOMIC DEVELOPMENT CERTIFIED COMMUNITY BY GOING THROUGH ALL THE STEPS AND DOING ALL THE THINGS THAT ARE NECESSARY, INCLUDING HAVE A STRATEGIC PLAN, HAVE SITES AVAILABLE, HAVE OPTIONS ON THOSE SITES AND EVERYTHING ELSE, THEN ONCE YOU DO THAT AND YOU'RE QUALIFIED AS THAT, IT OPENS UP THE DOOR FOR OTHER ADVANTAGES THAT YOU GET, SUCH AS CDBG GRANTS AND THINGS LIKE THAT THAT ARE EXTRA TOOLS. AND THE REASON THE STATE DOES THIS, THE REASON ECONOMIC DEVELOPMENT DOES THIS IS BECAUSE THEY UNDERSTAND THAT NEBRASKA NEEDS TO PUT ITS BEST FACE FORWARD. AND THOSE FOLKS THAT ARE COMING IN AND THAT ARE LOOKING AT DEVELOPING AND PUTTING THEIR PLACES IN NEBRASKA, THEIR BUSINESSES IN NEBRASKA, THEY WANT TO KNOW WHAT'S COMING AT THEM. THEY DON'T NEED TO BE PLAYING A GUESSING GAME AS IT GOES OUT THERE. SO, I COMMEND FOLKS THAT UNDERSTAND THAT THESE TYPES OF MATRIXES, OR WHATEVER YOU WANT TO CALL THEM, A PROCESS THAT'S OUT THERE IN THE OPEN FOR EVERYONE TO SEE IS HUGELY IMPORTANT. IT'S WHAT GIVES PEOPLE THE CERTAINTY TO KNOW HOW THEY SHOULD MOVE FORWARD AND HOW THAT SHOULD BE ADDRESSED. IT MAKES SENSE. ONCE AGAIN, WE KEEP HEARING THE NUMBERS HERE ABOUT HOW NEBRASKA IS NUMBER ONE IN CATTLE ON FEED. NEBRASKA IS NUMBER FOUR IN THIS, NUMBER SEVEN IN THAT. WELL, WE'RE ALSO NUMBER FOUR IN CORN EXPORTED. OKAY. WE EXPORT MORE CORN THAN WE KNOW. AND I KNOW OTHERS HERE WANT TO SAY MORE ABOUT THAT, SO I'M GOING TO STOP THERE. BUT, I DO WANT TO SAY THIS. WITH ALL OF THOSE POSITIONS THAT WE'RE AT, NUMBER ONE IN CATTLE ON FEED, AND ALL THESE OTHER THINGS, LET ME ASK THE QUESTION: IS THAT ENOUGH FOR OUR STATE? AND IF YOU SAY YES, IF YOU THINK IT IS, THEN I WANT TO TELL EVERYONE IN NEBRASKA THAT YOU DON'T UNDERSTAND THE PROPERTY TAX ISSUE. OKAY? THE PROPERTY TAXES ARE STILL WAY TOO HIGH. WHAT THAT TELLS ME IS THAT WE NEED MORE GROWTH. WE NEED TO FIND WAYS TO MAKE THAT GROWTH HAPPEN, NOT ONLY IN OUR MUNICIPALITIES, NOT ONLY IN OUR CITIES AND URBAN AREAS. BUT OUT IN THE RURAL AREAS IN OUR AG COUNTIES, WE NEED THAT GROWTH. AND THE TIME TO PRESS THE METAL ISN'T WHEN YOU'RE FALLING BEHIND. NO, THE TIME TO PRESS THAT METAL TO THE FLOOR AND KEEP MOVING FORWARD IS WHEN YOU HAVE MOMENTUM. DO YOU EVER THINK

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THAT BACK IN THE '90s WHEN COACH OSBORNE WAS COACHING THAT TEAM AND WE WERE UP 28-0 IN THE FIRST HALF, AND YOU GOT THE BALL WITH TWO MINUTES LEFT, WHAT TO DO? YOU DIDN'T KNEEL DOWN. YOU WENT AND YOU SCORED ANOTHER TOUCHDOWN BECAUSE YOU NEVER KNEW WHEN THINGS WERE GOING TO BITE BACK. YOU NEVER KNEW...KNOW WHEN THAT MOMENTUM IS GOING TO SHIFT. I COMMEND SENATOR WATERMEIER FOR INTRODUCING THIS BILL. I COMMEND HIM FOR TAKING UP THE CONVERSATION BECAUSE IT'S REAL. WHEN WE TALK ABOUT PROPERTY TAX RELIEF, LET'S TALK ABOUT REAL PROPERTY TAX RELIEF THROUGH GROWTH. AND LET'S MAKE THAT GROWTH HAPPEN. WE HAVE A UNIQUE OPPORTUNITY HERE IN THE STATE... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR SCHILZ: ...AND WE SHOULD TAKE EVERY ADVANTAGE OF THAT. AND IF LB106 ISN'T QUITE RIGHT, WELL, THAT MAY BE. BUT I CAN TELL YOU THIS. LIVESTOCK DEVELOPMENT FOR THE STATE OF NEBRASKA IS RIGHT AND IT SHOULD BE HAPPENING IN OUR RURAL AREAS AND IT CAN HAPPEN. WE JUST HAVE TO DO A FEW THINGS HERE TO HELP BOLSTER THAT ALONG. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR SCHILZ. MEMBERS, THE CHOCOLATE EGGS ON YOUR DESK ARE COURTESY OF SENATOR CRAIGHEAD. SENATOR JOHNSON, YOU ARE RECOGNIZED. EXCUSE ME, SENATOR JOHNSON. MR. CLERK, YOU HAVE AN ANNOUNCEMENT? [LB106]

CLERK: THANK YOU, OR EXCUSE ME, SENATOR. THANK YOU, MR. PRESIDENT. NATURAL RESOURCES WILL HAVE AN EXECUTIVE SESSION AT 10:30, SOUTH BALCONY; NATURAL RESOURCES, 10:30, SOUTH BALCONY.

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB106]

SENATOR JOHNSON: I GUESS I KNOW WHERE I'LL BE AT 10:30. FIRST OF ALL, I WANT TO TALK ABOUT MY EXPERIENCE IN AGRICULTURE. CURRENTLY, I LIVE IN DISTRICT 23, AND IT INCLUDES THREE COUNTIES. ONE COUNTY IS LIVESTOCK-FRIENDLY DESIGNATION. I WORKED ON THAT. TWO OF THE COUNTIES DO NOT EVEN HAVE ZONING. SO, WE'VE GOT QUITE A DIVIDE THERE. THE WAY LB106 WAS ORIGINALLY WRITTEN, THE TWO COUNTIES THAT DO NOT HAVE ZONING, THE MATRIX WOULD NOT APPLY. I DEFINITELY WANT TO GROW LIVESTOCK. MY

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HISTORY WILL TELL YOU THAT. AS A MEMBER OF THE SALINE COUNTY ZONING BOARD BACK IN THE '70s AND EARLY '80s, WE DEALT WITH LIVESTOCK A LOT. WE HAD A PACKING PLANT IN THE COUNTY. BUT ONE OF THE UNIQUE LITTLE THINGS THAT WE HAD TO DISCUSS WAS WHEN AN ENTITY WANTED TO DEVELOP A WORM FARM AND WE HAD TO COME UP WITH SOME INFORMATION DEALING WITH THAT. WENT TO RED WILLOW COUNTY. I WAS CHAIRMAN OF THE CITY PLANNING AND ZONING. THEY HAD TWO-MILE JURISDICTION. SO WE WORKED ON CITY ISSUES, BUT WE ALSO LOOKED AT THE BORDER AROUND US, TRYING TO PROTECT IT A LITTLE BIT. BUT WE ALSO HAD LIVESTOCK RIGHT UP NEXT TO THE EDGE OF THAT. THEN MY NEXT MOVE WAS TO JEFFERSON COUNTY. THERE I WAS HEAVILY INVOLVED IN A PROJECT TO INCREASE THE PORK PRODUCTION IN THE STATE BY BRINGING IN PIGS INTO THE STATE, FINISHING THEM OUT, AND SENDING THEM TO THE PACKING PLANT IN OUR COUNTY. MY NEXT MOVE WAS TO POLK COUNTY. WE HAD A 5,000-HEAD DAIRY THAT WAS LOOKING AT NEBRASKA. I HELPED TAKE THE SUPERVISORS AROUND TO DIFFERENT DAIRIES, TO TALK TO THEM ABOUT THE DAIRY INDUSTRY. MET WITH FARMERS, AND I WAS AT THAT TIME MANAGING THE CO-OP WHICH WOULD AFFECT ACRES THAT WE WOULD HAVE AS FAR AS CROP PRODUCTION THAT WOULD GO TO THE DAIRY. BUT I HELPED PROMOTE THAT. THEN WE MOVED TO SAUNDERS COUNTY. I WAS ON THE CITY COUNCIL. WE WERE, AND STILL ARE, A CERTIFIED ECONOMIC DEVELOPMENT COMMUNITY. AND BECAUSE OF THAT, WE WERE ABLE TO DRAW OMAHA STEEL OUT OF OMAHA AND GET THEM LOCATED IN WAHOO. ALSO INVOLVED WITH THE ECONOMIC DEVELOPMENT COMMUNITY, I WAS PRESIDENT OF THE ECONOMIC...COMMUNITY ECONOMIC DEVELOPMENT BOARD, HELPED IN BRINGING AROUND THE LIVESTOCK-FRIENDLY DESIGNATION FOR SAUNDERS COUNTY. WENT AROUND ON THE TOUR TODAY...OR THIS MONTH WITH THE GOVERNOR. WE TALKED ABOUT GROWING AGRICULTURE, GROWING LIVESTOCK, AND I TRULY BELIEVE THAT. NOW TO GET BACK TO WHAT WE'RE DISCUSSING TODAY. AS I SAID BEFORE, IF WE VOTE ON...IN FAVOR OF LB106, IF IT GETS TO THAT POINT, IT PROBABLY DOESN'T HURT ANYTHING, BUT I QUESTION WHETHER IT REALLY HELPS AND I QUESTION WHETHER IT'S WORTH \$300 PER COUNTY TO SPEND TO TRY AND COME UP WITH SOMETHING THAT THEY MAYBE COULD USE IF THEY WANT TO. THEN THE BRACKET BILL COMES UP. AND I KNOW USUALLY THAT'S A TEST VOTE OR CAN BE. I WILL SAY I APPRECIATE SENATOR CHAMBERS ON THE AG COMMITTEE. WE'VE WORKED CLOSELY ON THE COMMERCIAL DOG AND CAT BILL. WE'RE GOING TO EXEC ON THAT, I THINK, RIGHT AFTER LUNCH TODAY. IF THE BRACKET BILL PASSES, I WILL INTRODUCE... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

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SENATOR JOHNSON: ...A RESOLUTION TO HAVE A JOINT STUDY BETWEEN THE AG COMMITTEE AND THE GOVERNMENT COMMITTEE, AS SOME PEOPLE THINK IT SHOULD HAVE GONE TO AG, AND MY STUDY WOULD START WORKING FROM THE GRASS ROOTS UP IN ORDER TO COME UP WITH A SUITABLE MATRIX VERSUS STARTING AT THE TOP WITH THE DEPARTMENT OF AG AND WORKING DOWN. AGAIN, I'M GOING TO LISTEN SOME MORE. I'M GOING TO GO INTO EXEC SESSION HERE SHORTLY, BUT I WILL BE LISTENING TO SEE HOW THE VOTE MOVES FORWARD ON THE BRACKET BILL AND ON THE BILL, LB601 OR LB106 AS AMENDED. THANK YOU, MR. SPEAKER. [LB106]

SENATOR COASH: THANK YOU, SENATOR JOHNSON. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB106]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I RISE IN OPPOSITION TO LB106, AND I'M NOT GOING SPEAK ABOUT LIVESTOCK INDUSTRY OR AGRICULTURE SPECIFICALLY BUT, INSTEAD, TALK ABOUT MY CONCERNS ABOUT THE PRINCIPLE OF THE BILL. WHEN I FIRST READ LB106, WHAT CAME TO MY MIND WAS A BILL THAT PASSED OVER MY OBJECTION LAST YEAR, LB810. COLLEAGUES, LAST YEAR, THE BANKERS ASKED US IN LB10 TO AMEND LOCAL CONTROL STATUTES FOR MUNICIPALITIES. AND THE BANKERS SAID, IT...WE'RE CONCERNED THAT MUNICIPALITIES WILL PASS ORDINANCES ABOUT MORTGAGES, OR DEEDS OF TRUST AND SECURITIES. WE DON'T WANT TO HAVE TO WATCH ALL THE NOTICES ABOUT LOCAL ORDINANCES AND HAVE TO LOBBY THOSE CITY COUNCIL MEMBERS ABOUT THOSE BILLS. WE WANT YOU TO TAKE CARE OF THIS PROBLEM FOR US. WE WANT YOU TO AMEND THEIR LOCAL CONTROL TO SAY THAT MUNICIPALITIES CANNOT PASS ORDINANCES RELATIVE TO MORTGAGES, DEEDS OF TRUST, AND OTHER SECURITIES DEALING WITH REAL ESTATE LOANS. COLLEAGUES, AND WE DID PASS THAT BILL. SO, LAST YEAR, THE BANKERS CAME ASKING US TO AMEND LOCAL CONTROL FOR THE...BECAUSE IT WAS MORE CONVENIENT AND PROFITABLE FOR AN INDUSTRY. THIS YEAR, ANOTHER INDUSTRY IS COMING AND ASKING TO AMEND LOCAL CONTROL STATUTES. AND I THINK THIS IS A VERY, VERY DANGEROUS PRECEDENT. REGARDLESS WHAT INDUSTRY IT IS, WE HAD ONE INDUSTRY COME LAST YEAR TO ASK AND THIS YEAR WE HAVE THE LIVESTOCK INDUSTRY COMING. THE QUESTION IS NOT WHO WILL COME NEXT YEAR, BUT HOW MANY INDUSTRIES WILL COME NEXT YEAR AND ASK US TO AMEND LOCAL CONTROL BECAUSE THEY WOULD NOT...THEY DO NOT WANT TO HAVE TO DO THE HARD WORK OF MEETING WITH THOSE COUNTY COMMISSIONERS, MEETING WITH THOSE PLANNING COMMISSIONERS, AND DEALING WITH THE FACT THAT PIERCE COUNTY HAS ONE MATRIX THAT'S IMPORTANT TO THEM AND THURSTON

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COUNTY MAY NOT EVEN HAVE A MATRIX, BUT THEIR COUNTY COMMISSIONERS HAVE ISSUES THAT ARE IMPORTANT TO THEM? AND THEY DON'T WANT TO HAVE TO DEAL WITH THE FACT THAT AT ONE PART OF OUR STATE IT'S A DROUGHT CONDITION, ANOTHER PART OF OUR STATE THE WATER ISSUE IS MORE ABOUT FLOODING. THE CONDITIONS LOCALLY VARY AND SO IT'S VERY IMPORTANT THAT OUR LOCAL COMMUNITIES ARE ABLE TO NEGOTIATE WITH PEOPLE WHO WANT TO LOCATE IN THEIR SITES AND MAKE SURE THAT WE CAN ADDRESS THESE ISSUES. AND I CAN UNDERSTAND WHY ANY INDUSTRY WOULD NOT WANT TO HAVE TO DO THAT, AND WHY THEY WOULD COME TO US AS A STATE GOVERNMENT AND SAY, WE WANT YOU TO GET PEOPLE TO USE THIS MATRIX SO WE HAVE ONE MATRIX WE CAN USE WHEN WE DO OUR ANALYSIS ABOUT WHERE WE WANT TO LOCATE, AND ONE MATRIX TO USE WHEN WE'RE NEGOTIATING WITH THOSE LOCAL COMMUNITIES. AND WE DON'T WANT TO HAVE...WE WANT TO BE ABLE TO USE THAT AND DON'T WANT TO HAVE TO DEAL WITH THE DIFFERENCES IN A COUNTY. I APPRECIATE SENATOR JOHNSON'S POINT ABOUT CREATING A MORE GRASS-ROOTS PROCESS. I HAVE NO PROBLEMS WITH COUNTIES ESTABLISHING MATRICES ON THEIR OWN ON THE...WITH WHAT MATTERS TO THEM. BUT, COLLEAGUES, THAT'S VERY, VERY DIFFERENT THAN AN AMENDMENT THAT SAYS THAT THEY CAN DECIDE WHETHER TO OPT INTO THE PREFERRED MATRIX. AND BELIEVE ME, THAT WILL BE HOW THAT MATRIX IS TREATED, AS THE PREFERRED MATRIX. THE OTHER POINT I WANT TO MAKE IS A CONCERN ABOUT HOW WE TREAT COMPROMISES TO BILLS. I AM VERY GRATEFUL FOR THE WORK OF SENATOR GROENE AND SENATOR DAVIS. AND IF THE BRACKET MOTION FAILS, I WILL VOTE FOR THOSE AMENDMENTS BECAUSE I THINK THEY MAKE THE BILL BETTER. BUT, COLLEAGUES, THE ULTIMATE QUESTION WHEN YOU PUSH THAT BUTTON ON LB106 IS NOT, DO I LIKE THE AMENDED VERSION BETTER THAN LB106, BECAUSE I THINK WE ALL WILL. THAT'S NOT THE QUESTION. THE QUESTION IS, IS LB106 AS AMENDED BETTER THAN THE EXISTING STATUTORY FRAMEWORK? IS THIS, LB106... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR CRAWFORD: THANK YOU...AS AMENDED, BETTER THAN WHAT WE CURRENTLY HAVE? DOES IT HAVE ENOUGH UNIFORMITY TO MEET THE NEEDS OF THOSE INDUSTRIES COMING IN, AND DOES IT PROTECT LOCAL CONTROL ENOUGH TO BE WORTH MAKING THE CHANGE IN LB106 AS AMENDED? AND I URGE YOU TO MAKE SURE THAT'S WHAT YOU'RE THINKING WHEN YOU'RE VOTING ON LB106. AND I HAVE VERY GRAVE CONCERNS ABOUT, AGAIN, THE BASIC PRINCIPLE OF AMENDING LOCAL CONTROL STATUTES AT THE REQUEST OF AN INDUSTRY. THAT'S VERY DIFFERENT THAN A GRASS-ROOTS MOVEMENT

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THAT MAY HAPPEN IN TERMS OF DECIDING HOW A PARTICULAR COUNTY MAY CHANGE THEIR STATUTES. FOR US, AS A STATE, TO TAKE CARE OF THAT PROBLEM AND AMEND LOCAL CONTROL STATUTES IS A DANGEROUS PRECEDENT AND I WORRY ABOUT THE TRAIN THAT'S COMING, JUST LIKE THE TRAIN COMES WITH TAX INCENTIVES THAT THE INDUSTRIES SAY, OKAY, HERE'S A GOOD WAY FOR US TO MAKE OUR LIFE EASIER AND BE MORE PROFITABLE. WE GET THE STATE... [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR CRAWFORD: ...TO TAKE CARE...THANK YOU...TO TAKE CARE OF LOCAL CONTROL. THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR CRAWFORD. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB106]

SENATOR SCHNOOR: THANK YOU, SIR. WELL, OBVIOUSLY, WE'VE BEEN GOING AROUND AND AROUND THIS FOR AN HOUR AND A HALF NOW AND WE KIND OF GOT TO GET BACK TO THE POINT OF WHERE THIS STARTED IS THAT WE ARE ENACTING LEGISLATION BASED ON RULES AND A MATRIX THAT DO NOT EXIST. SO, THAT IS A BAD WAY TO DO BUSINESS. NOW, AS SENATOR WATERMEIER POINTED OUT THAT, DOES THIS HAPPEN IN OTHER AREAS, OTHER LEGISLATION? IT PROBABLY DOES. SO, MAYBE THAT OUGHT TO KEY US IN TO WHAT WE'RE DOING HERE. MAYBE WE'RE...WE REALLY NEED TO BE STEPPING BACK AND LOOKING AT THE STUFF, NOT JUST THIS BILL BUT EVERY BILL, AND LOOK AT WHAT WE'RE DOING. BUT, YOU KNOW, WE ARE...OUR JOB HERE AS LEGISLATORS, YOU KNOW, I'M ACTUALLY AN ANTIGOVERNMENT GUY. THAT KIND OF SOUNDS LIKE AN OXYMORON. BUT WE'RE HERE IN THE GOVERNMENT ENACTING LEGISLATION, BUT INSTEAD OF...WHAT WE END UP DOING IS PUTTING MORE RULES UPON EVERYBODY AND MAKING MATTERS WORSE. THERE'S JUST MORE REGULATION FOR PEOPLE TO FOLLOW AND THIS IS ONE OF THEM WHERE WE HAVE A CHANCE TO NOT DO THAT AND WE NEED TO STOP IT. SO, WE NEED TO GIVE...KEEP LOCAL CONTROL WHERE IT'S AT. NOW, LIKE I POINTED OUT IN MY FIRST TIME I TALKED, I AM A MEMBER OF THE NEBRASKA CATTLEMEN AND THEY ARE FOR THIS. THE FARM BUREAU IS FOR THIS. WHAT WAS NOT TALKED ABOUT WAS THE HUMANE SOCIETY OF THE UNITED STATES, ONE OF THE BIGGEST ANTI-AGRICULTURE ORGANIZATIONS IN THE NATION. THEY ARE AGAINST THIS. AND...BUT I AM NOT MAKING MY DECISION BASED ON ANY ASSOCIATION OR ANY NATIONAL GROUP. I'M MAKING IT BASED ON WHAT MY

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CONSTITUENTS ARE TELLING ME AND WHAT REALLY NEEDS TO BE DONE. IF YOU WILL NOTE, I THINK THERE'S...SENATOR KUEHN POINTED OUT, THERE ARE THREE CATTLE PRODUCERS IN HERE AND AT LEAST TWO OF THEM, MYSELF BEING ONE AND SENATOR KUEHN BEING ANOTHER ONE, HAVE NEVER EVEN BEEN CONSULTED ABOUT THIS BY THE FARM BUREAU. IF THIS IS SUCH A GREAT THING TO BE DONE, HOW COME THEY DIDN'T TALK TO US? BUT, ULTIMATELY, IT DOESN'T MATTER BECAUSE I'M NOT MAKING MY DECISION BASED ON WHAT AN ORGANIZATION TELLS ME. SO, WE WILL BE VOTING ON THIS BRACKET HERE PRETTY SOON, HOPEFULLY SOONER THAN LATER. I WILL ASK EVERYBODY TO SUPPORT THIS BRACKET. DOES THIS LEGISLATION, DOES IT HAVE A POSSIBILITY TO BE GOOD? I THINK SO. BUT IT GETS TO THE POINT WHERE THERE'S AMENDMENT UPON AMENDMENT UPON AMENDMENT TO AMEND EVERYTHING, AND FINALLY YOU DON'T EVEN KNOW WHAT THE LEGISLATION IS ANYMORE. SO, THAT'S WHY I THINK THIS THING NEEDS TO BE BRACKETED. AND WE...IF THIS IS A GOOD IDEA, THIS NEEDS TO BE BROUGHT UP AGAIN NEXT YEAR AND STARTED FROM SCRATCH. THANK YOU, SIR. [LB106]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB106]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I'M GOING TO DISAGREE WITH MY GOOD FRIEND, DAVE SCHNOOR, DOWN THE HALL FROM ME. WE VISIT A LOT. BUT AS SENATOR CRAWFORD SAID, I'VE COME TO UNDERSTAND WHEN THIS PROCESS IS DONE RIGHT AND NOBODY DOMINATES THE FLOOR, AND WE ACTUALLY DEBATE THE SYSTEM WHEN WE HAVE TIME TO DO IT, THE PROCESS DEMANDS AMENDMENTS. BECAUSE WE ARE WILLING TO SIT ON CERTAIN COMMITTEES BECAUSE WE DO OUR TIME, WE CONCENTRATE ON CERTAIN ISSUES. BUT ALL ISSUES ARE IMPORTANT TO EVERY SENATOR. AND SOMETIMES YOU'RE NOT ON THAT COMMITTEE AND YOU GOT TO COME TO THE FLOOR AND YOU LIKE A BILL, BUT YOU WISH THERE WAS SOMETHING A LITTLE BIT DIFFERENT, AND YOU FIND FROM YOUR COLLEAGUES THAT IF WE JUST AMEND IT, WE CAN HAVE SOME COLLEGIALLY AND WE COME UP WITH A GOOD BILL. DO WE REALLY JUST WANT TO ACCEPT WHAT THE COMMITTEES BRING ON TO THE FLOOR OR WHAT THE SPONSOR BRINGS ON TO THE FLOOR, OR DO WE WANT TO MAKE GOOD GOVERNMENT, GOOD LEGISLATION? AND I THINK WE'RE AT THAT POINT RIGHT NOW WITH LB106. WE REALLY ARE. I STARTED MY TESTIMONY EARLIER YESTERDAY BY SAYING I ENVISIONED THIS MATRIX BEING SOMETHING LIKE A LAND GRANT COLLEGE AND EXTENSION SERVICE WOULD DO. THEY GIVE...THEY PUT TOGETHER BEST PRACTICES IN AGRICULTURE LIVESTOCK MANAGEMENT. THEY MAKE IT AVAILABLE TO THE COUNTIES, TO

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THE CONSUMER, AND SAY THIS IS WHAT OUGHT TO BE DONE. THIS WORKS BEST WHEN WE'RE DEALING WITH LARGE LIVESTOCK OPERATIONS. WE KEEP HEARING THE WORD "ZONING," BUT THIS ONLY AFFECTS LARGE LIVESTOCK OPERATIONS. IT'S NOT ABOUT HOW CLOSE YOUR FENCE IS TO YOUR NEIGHBORS. IT'S PROTECTING YOU, YOUR ENVIRONMENT, THAT THE THINGS ARE DONE RIGHT. THE PERSON WHO HAS NO IDEA OF HOW A CATTLE YARD WORKS OR WHAT PART OF THE COW THE STEAK COMES FROM, THEY HAVE THE PEACE OF MIND THAT EXPERTS FROM THE UNIVERSITY OF NEBRASKA, THE DEPARTMENT OF AG, COUNTY ZONING PEOPLE AND THE COUNTY COMMISSIONERS WILL PUT TOGETHER SOME RECOMMENDATIONS THAT EVERYBODY IN THE STATE CAN FOLLOW. THAT'S WHAT WE'RE DOING HERE. THAT'S WHAT'S LEFT OF THIS BILL. AND THEN THE COUNTY CAN DECIDE AFTER LOOKING AFTER WE DEVELOP THIS MATRIX...I HAVE ONE HERE FROM MADISON COUNTY WHICH IS A GOOD EXAMPLE OF WHAT IT WOULD LOOK LIKE--SENATOR WATERMEIER PASSED IT OUT--THAT THEN THE COUNTY COMMISSIONERS CAN LOOK AT THAT AND SAY, WE WOULD LIKE TO USE THIS MATRIX. WE WOULD LIKE THIS AS HOW WE DECIDE WHEN A LIVESTOCK PRODUCER COMES TO OUR COUNTY AND WANTS TO BE PART OF OUR BUSINESS COMMUNITY AND PAY LOTS OF PROPERTY TAXES, AS SENATOR SCHILZ SAID. KEEP OUR PRODUCTION HERE. FORTY PERCENT, AS SENATOR SCHILZ STARTED TO SAY FORTY PERCENT BECAUSE HE KNEW I WAS GOING TO USE IT AND HE WAS STEALING MY THUNDER, (LAUGH) BUT FORTY PERCENT OF OUR CORN PRODUCTION IS EXPORTED FROM THIS STATE. WE ARE PAYING THE RAILROADS TO SHIP IT OUT OF HERE. WE ARE PAYING SEMIS TO SHIP IT OUT OF HERE. IF WE PUT IT VALUE-ADDED RIGHT INTO THE PRODUCT, RIGHT INTO THAT PORK CHOP, RIGHT INTO THAT STEAK, IT KEEPS MONEY HERE. IT KEEPS THE INCOME HERE. OUR FARMERS GAIN A BETTER PRICE FOR THEIR MARKET BECAUSE IT'S BEING SHIPPED DOWN THE ROAD 20 MILES INSTEAD OF...THE BIGGEST PLACE WE EXPORT OUR CORN IS CALIFORNIA, BELIEVE IT OR NOT, 40 PERCENT, FOUR OUT OF EVERY TEN BUSHELS. WE GOT A LOT OF ROOM TO EXPAND. WE GOT A LOT OF OPEN SPACES TO BUILD, BUT WE HAVE TO MAKE IT LIVESTOCK FRIENDLY. JUST A SIGN AT THE COUNTY BORDER THAT SAYS LIVESTOCK FRIENDLY DOESN'T DO IT. IF YOU LOOK AT THAT LEGISLATION, IT WAS GUTTED. IT'S JUST A FEEL-GOOD, NEBRASKA IS NICE KIND OF A SIGN. THAT'S ALL IT DOES. THIS MAKES EVERYBODY, THE GUY IN HIS BACKYARD GRILLING THAT STEAK, KNOWING, HEY, I KNOW IF THEY BUILD THAT FEEDYARD, THEY'RE USING BEST PRACTICES. JOE, HIS BROTHER, WHO IS ON THE ZONING COMMITTEE, ISN'T MAKING AN EXCEPTION FOR HIM SO HE CAN BUILD RIGHT ALONG THE ROAD AND IT AFFECTS OUR COMMUNITY. [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

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SENATOR GROENE: THIS GIVES GOOD, GOOD GUIDANCE. ALL IT IS, IS GUIDANCE, A MATRIX, A MODEL FOR ALL OF US TO USE. IT ELIMINATED ANY KIND OF A CONCERN ABOUT A STATE CONTROL. IT GOT THE MEDIATIONS IN IT. IT HELPS THE PRODUCER. RIGHT NOW IN ZONING, YOU GO RIGHT TO COURT AND YOU SUE. THERE'S NO MEDIATION. THERE'S NO WAY TO TRY TO GET ALONG FROM A MEDIATOR NEGOTIATING. THIS ADDS THAT. IF I HAVE ANY TIME LEFT, I'D LIKE TO YIELD IT TO SENATOR KINTNER. [LB106]

SENATOR COASH: SENATOR KINTNER, YOU'RE YIELDED 18 SECONDS. [LB106]

SENATOR KINTNER: WELL, I'LL HAVE TO BE QUICK HERE. I'D LIKE TO CALL THE QUESTION. [LB106]

SENATOR COASH: YOU CANNOT CALL THE QUESTION, SENATOR KINTNER. YOU HAVE TO DO THAT ON YOUR OWN TIME. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I HAVE OPPOSED LB106 SINCE IT FIRST RAISED ITS HEAD. I WILL CONTINUE TO OPPOSE IT UNTIL IT GOES AWAY, OR IT WOULD BE UNFORTUNATELY PASSED. I THINK SENATOR JOHNSON HAD A GREAT IDEA AND I WOULD FULLY SUPPORT THAT, THAT WE BRACKET THIS THING FOR NOW AND WE ASK BOTH COMMITTEES, AGRICULTURE AND GOVERNMENT, TO DO A STUDY ON THIS ISSUE. LET'S STUDY THIS THING FROM THE GROUND UP, NOT FROM THE TOP DOWN. I LOST A LOT OF RESPECT FOR NACO OVER THIS BILL. NACO CAME IN, IN FULL SUPPORT OF THIS. AND WHEN I SPOKE WITH MR. DIX, HE SAID YOU SEEM TO BE SURPRISED TO SEE ME IN THAT POSITION. SHOCKED WAS A BETTER DESCRIPTION. I ASKED DURING THE HEARING IF NACO WAS TOTALLY ON BOARD, IF THEY HAD TALKED TO THE COUNTIES. AND HE SAID, YES, THE NINE...EIGHT OR NINE-MEN BOARD APPROVED IT TOTALLY. WELL, THE BOARD MAY HAVE, BUT FROM WHAT I FOUND OUT FROM MY COUNTIES LATER, THE COUNTIES DID NOT. THE COUNTY COMMISSIONERS THAT I TALKED TO WERE NOT AWARE OF WHAT LB106 DID. I HAVE SEVERAL LETTERS FROM THEM. I HAVE LETTERS FROM HOLT COUNTY BOARD. THE HOLT COUNTY BOARD OF SUPERVISORS WISHES TO VOICE THEIR DISAPPROVAL OF LB106. WE FEEL THE PASSAGE OF THIS BILL WOULD UNDERMINE ALL THE HARD HOURS AND DEDICATION TO PLANNING AND ZONING. WE DO NOT WANT TO LOSE OUR LOCAL CONTROL. THE HOLT COUNTY BOARD OF SUPERVISORS FEELS THAT COUNTY ZONING PREVENTS LAWSUITS. AND THERE'S A WHOLE LIST OF MEMBERS OF THE BOARD. I ALSO HAVE THE

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SAME TYPE OF LETTER FROM THE COMMISSIONERS IN DAKOTA COUNTY, SHERIDAN COUNTY, AND OTHER COUNTIES THAT WERE NOT CONSULTED BY NACO BEFORE THE BOARD OF NACO REACHED THIS DECISION TO SUPPORT THIS, WHAT I PERCEIVE TO BE A BAD IDEA. AND I SUPPOSE I ALSO CANNOT CALL THE QUESTION AT THIS POINT. IT JUST...WE'LL LET THE NEXT PERSON DOWN THE LINE DO IT THEN. I THINK IT'S PROBABLY TIME FOR THIS TO COME TO A...TO A HEAD. I WAS GOING TO YIELD TIME TO SENATOR KINTNER TO CALL THE QUESTION, BUT WE HAVE APPARENTLY BEEN TOLD WE CAN'T DO THAT. SO I GUESS I'LL JUST SIT DOWN AND SHUT UP. [LB106]

SENATOR COASH: WELL, THANK YOU, SENATOR BLOOMFIELD. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB106]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I NEVER CALL THE QUESTION. THAT'S...I CAN'T DO THAT. BUT HERE'S WHAT I WILL TAKE THIS TIME TO DO, TALK ABOUT THE WAY THIS PROCESS IS UNFOLDING THIS MORNING. WE ALL KNOW DURING THE MOMENTS WHEN WE WILL BE HONEST, THAT THERE IS SUCH A THING AS A RURAL-URBAN DIVIDE. BUT IT DOES NOT HAVE TO BE ONE OF THOSE DIVIDES THAT CAN NEVER BE BREACHED. IT DOESN'T MAKE ANY DIFFERENCE WHETHER AN URBAN CENTER...SENATOR OR A RURAL SENATOR WOULD OFFER THE MOTION TO BRACKET, BUT IT MIGHT BE EVEN MORE SIGNIFICANT THAT AN URBAN CENTER...SENATOR WOULD DO SO IN THE SAME WAY THAT IT WAS MOST SIGNIFICANT THAT RICHARD NIXON AS PRESIDENT, OF ALL PEOPLE, MADE A TRIP TO CHINA, COMMUNIST CHINA, TO THAW THE RELATIONSHIP BETWEEN CHINA AND THIS COUNTRY. THE SUSPICION, DOUBT, SKEPTICISM, THAT MIGHT ACCOMPANY ANYBODY WHO WAS A MEMBER OF THE OTHER PARTY FROM UNDERTAKING THAT MISSION WOULD IN NO WAY ATTACH TO PRESIDENT NIXON. SO, WHEN HE TOOK THAT STEP, IT WAS A MOMENTOUS STEP, A MOMENTOUS OCCASION, AND THERE HAVE BEEN HISTORIC RESULTS, NOT HISTORICAL, BUT MAYBE THAT TOO. SO, IF THIS ISSUE IS SO SIGNIFICANT THAT URBAN CENTER...SENATORS ARE NOT GOING TO LEAVE IT TO OUR RURAL COLLEAGUES TO DO ALL OF THE HEAVY LIFTING ON A BILL THAT, IN FACT, AFFECTS THE WHOLE STATE, IT SHOULD BE SOMETHING THAT IS EMBRACED. IF YOU CAN SEE THAT THIS BILL IS NOT GOOD, NO MATTER HOW IT MAY BE AMENDED, BECAUSE OF THE UNDERLYING DAMAGE THAT WILL BE DONE TO THE CONCEPT OF LOCAL CONTROL IN ITS PUREST SENSE, YOU SHOULD VOTE FOR THE BRACKET MOTION. I DON'T KNOW THAT THEY HAVE 33 VOTES. I DON'T KNOW THAT THERE'S ANYBODY WHO WANTS TO CARRY IT THAT FAR. I'VE ALREADY SAID THAT I WOULD NOT BE THE INSTRUMENTALITY FOR DOING THAT, MEANING NOT THE

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DRIVING FORCE, BUT I WILL SUPPORT ANYBODY WHO'S PUTTING FORTH THAT EFFORT BECAUSE THE UNDERLYING PRINCIPLE IS THAT IMPORTANT TO ME. BUT I HAVE TO BE CAUTIOUS ABOUT NOT SEEMING TO WANT TO IMPOSE MY VIEW ON PEOPLE IN THE RURAL AREAS WHOSE CONSTITUENCIES ARE GOING TO BE DIRECTLY AFFECTED BY THIS BILL. SO, I THINK THAT WE OUGHT TO GO AHEAD AND END IT AT THIS POINT. THOSE PEOPLE WHO ARE REALLY INTERESTED IN THIS BILL WHO ARE OUTSIDE THE CHAMBER, KNOW HOW TO WORK THE SYSTEM. YOU HEARD SENATOR BLOOMFIELD READ LANGUAGE THAT IS IN THE COMMITTEE AMENDMENT THAT IN TWO YEARS WOULD ABOLISH ANY LOCAL CONTROL THE COUNTIES HAD. NOBODY ON THE OTHER SIDE SAID, WELL, LET'S DO SOMETHING. THEY SAID, THIS WILL BE DONE ON SELECT FILE ACCORDING TO SENATOR BLOOMFIELD'S UNDERSTANDING. BUT IF YOU'VE GOT A BILL AS IMPORTANT AS THIS ONE IS AFFECTING THE TYPES OF INTERESTS THAT WE'VE TOLD...BEEN TOLD ARE AFFECTED, WOULDN'T IT SEEM THAT WITH ALL OF THEIR EXPERTS, ALL OF THEIR CONSULTANTS, ALL OF THEIR LEGAL HELP, IF NEEDED, COULD PRESENT US SOMETHING BETTER THAN WHAT WE HAVE BEFORE US TODAY? IF YOU ADOPTED EVERY AMENDMENT THAT'S BEING OFFERED WHICH IS DESIGNED TO MAKE THE BILL BETTER, AS WE'RE TOLD, I DON'T BELIEVE ONE PERSON ON THIS FLOOR COULD TELL YOU WHAT FORM THAT BILL WAS IN.

[LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR CHAMBERS: SOMEBODY IS GOING TO ADD A LEG HERE, SOMEBODY A WING THERE, SOMEBODY A SCORPION TAIL HERE AND IT WON'T BE AT THE REAR OF THE ANIMAL, AND BY THE TIME WE GET THROUGH, WE HAVE SOMETHING THAT WE CANNOT EVEN NAME, LET ALONE UNDERSTAND. I DON'T BELIEVE THIS BILL CAN BE PUT IN A FORM THAT THE LEGISLATURE SHOULD SUPPORT. SO, I'M HOPING THAT YOU CAN OVERLOOK THE FACT THAT AN URBAN CENTER...SENATOR, I DON'T KNOW WHY "CENTER" KEEPS COMING OUT OF MY MOUTH, (LAUGH) BUT THAT AN URBAN SENATOR WOULD HAPPEN TO BE THE ONE WHO OFFERED THE MOTION. THINK OF IT ON ITS MERITS. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB106]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I THINK ONE OF THE UNFORTUNATE THINGS, WHEN WE HAVE DISCUSSIONS LIKE THIS, IS THAT IT

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APPEARS THAT RURAL IS AGAINST RURAL. AND THAT'S CERTAINLY, I DON'T THINK, IS THE CASE OR SHOULD BE THE CASE. I DON'T THINK THERE'S ANY ONE OF US WHO REPRESENT RURAL DISTRICTS THAT ARE AGAINST LIVESTOCK DEVELOPMENT. BUT AS I SAID IN MY COMMENTS YESTERDAY, I'M ALSO RESPECTFUL OF THE PEOPLE WHO LIVE IN RURAL NEBRASKA, AND THE VALUE THAT WE HAVE TALKED ABOUT SO MANY TIMES IN THIS BODY ABOUT THE DESIRE FOR LOCAL CONTROL AND HOW IMPORTANT THAT IS. SO, WHEN YOU LOOK AT LB106, I WILL ALWAYS TRY, EVEN THOUGH I AM STILL IN OPPOSITION TO IT, TRY TO MAKE IT BETTER, TRY TO AMEND IT SO THAT WE DO HAVE WAYS THAT WE CAN IMPROVE WHAT WE'RE TRYING TO ACCOMPLISH. BUT IT WAS JUST NOTED BY SENATOR CHAMBERS, WE HAVE SO MANY MOVING PARTS HERE WITH THESE AMENDMENTS THAT NOT ONLY CAN IT GET CONFUSING, BUT WE'RE NOT SURE WHAT WE'RE ACTUALLY GOING TO BE VOTING ON. AND MAYBE AT THE END OF THE DAY WE HAVE TO ASK OURSELVES THE QUESTION, HAVE WE REALLY MADE IT BETTER? I'VE GOT AN AMENDMENT THAT I'M WORKING ON THAT WOULD ADDRESS THE MEMBERSHIP OF THE COMMITTEE OF EXPERTS THAT WOULD DEVELOP THE MATRIX. I AM TOTALLY CONCERNED ABOUT THE MENTION OF THE NEBRASKA ASSOCIATION FOR COUNTY OFFICIALS. I THINK RATHER THAN THAT MENTION, IT NEEDS TO HAVE A COUNTY OFFICIAL AND I WOULD SAY ALSO A ZONING ADMINISTRATOR INVOLVED IN THE GROUP THAT MAKES THE DEVELOPMENT OF THIS MATRIX. I CONTINUE TO BE CONCERNED ABOUT SECTION 6 THAT SENATOR BLOOMFIELD HAD MENTIONED BECAUSE THAT HAS NOT BEEN REMOVED WITH AM1029. AND THE WAY IT IS NOW STATED, THAT WOULD ESSENTIALLY TAKE AWAY THE COUNTY RIGHT TO MAKE THOSE DECISIONS RELATIVE TO ZONING AND PERMIT AUTHORITY. AND THEN, OF COURSE, THERE'S THE OTHER THING ABOUT THE TIME LINE ON ALL THIS. IT'S ONE THING FOR THE DEPARTMENT TO PROMULGATE RULES AND REGULATIONS AND THE ASSESSMENT MATRIX, BUT THEN THAT'S NOT WHEN THOSE RULES WOULD TAKE EFFECT. THEY HAVE TO BE VETTED WITH THE ATTORNEY GENERAL AND THEN THE GOVERNOR HAS TO SIGN OFF ON IT. SO THE TIME LINE ON WHEN THAT TAKES PLACE IS STILL FOGGY AND, IN MY MIND, WOULD HAVE TO BE IRONED OUT IN FURTHER AMENDMENTS. AND, OF COURSE, WITH THE DAVIS AMENDMENT, SHOULD WE GET TO THAT, THAT DOES NOTHING TO IMPACT THE SECTION 6 THAT, IN MY MIND AND SENATOR BLOOMFIELD'S MIND, TAKES AWAY ALL COUNTY AUTHORITY TO MAKE THOSE DECISIONS. AND LASTLY, WHILE I THINK THE AVENUE OF MEDIATION HAS MERIT, WE HAVE TO ASK OURSELVES, THAT IS A TOTALLY NEW BALL GAME HERE. AND SO, I'M THINKING THAT THAT PROBABLY DOES NEED TO HAVE A PUBLIC HEARING. SO, AT THE END OF ALL OF THIS, SHOULD THE BRACKET MOTION FAIL, AT THE VERY LEAST, WE PROBABLY NEED TO RETHINK WHETHER OR NOT ALL OF THESE MOVING PARTS,

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AND ESPECIALLY THE COMPONENT OF MEDIATION, NEEDS TO BE VETTED AMONG THE COMMITTEE AND THEN HAVE A PUBLIC HEARING. SO, IN THE EFFORTS TO MAKE LB106 BETTER, I CONTINUE TO WORK ON THIS. BUT AT THE END OF THE DAY, I ALSO WONDER IF, AS I STATED YESTERDAY, WE AREN'T LOOKING AT A SEA CHANGE AND HOW WE FUNDAMENTALLY AND PHILOSOPHICALLY... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR SULLIVAN: ...LOOK AT ZONING AND LOCAL CONTROL IN THIS STATE. AND SO THAT STILL MAKES ME SUSPECT OF LB106. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SENATOR SCHILZ, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME. [LB106]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. JUST WANTED TO SAY A COUPLE MORE COMMENTS ABOUT ECONOMIC DEVELOPMENT HERE IN THE STATE AND TO LET PEOPLE KNOW THAT, YOU KNOW, THERE ARE THINGS THAT WE DO AND THAT WE HAVE DONE AS A STATE THAT HAVE GIVEN THESE TYPES OF POWERS TO AN AGENCY, LIKE ECONOMIC DEVELOPMENT. BUT THE REAL QUESTION COMES DOWN TO, DO THOSE COMMUNITIES...ARE THEY STEPPING INTO THIS OF THEIR OWN ACCORD? AND ALMOST EVERY TIME, THEY ARE. BUT ONCE THEY DECIDE TO DO THAT, AND ONCE THEY WANT TO HAVE THESE KINDS OF THINGS GO ON, THEN THEY ARE HELD TO STANDARDS. AND THOSE STANDARDS HAVE TO BE KEPT UP WITH IN ORDER TO QUALIFY AND TO MAINTAIN YOUR QUALIFICATION. SO, IT'S IMPORTANT. WE NEED TO DO THE SAME THING IN LIVESTOCK PRODUCTION. WE NEED TO BE PUTTING OUR BEST FACE FORWARD EVERY SINGLE DAY BECAUSE, WHETHER WE LIKE IT OR NOT, THE PERCEPTION OUT THERE IF YOU GO TO OTHER STATES AND OTHER PLACES, THE PERCEPTION OUT THERE IS THAT NEBRASKA IS A TOUGH PLACE TO DO BUSINESS. SENATOR McCOLLISTER AND I WERE JUST SITTING THERE TALKING. HE SAID, WELL, YOU COULD HAVE 93 DIFFERENT MATRIXES. HE'S RIGHT. AND I THINK THAT IF YOU LOOK AT THAT, OVERALL, IF YOU'RE TRYING TO BE SOMEBODY THAT'S TRYING TO RECRUIT ANYTHING TO AN AREA, YOU WANT TO HAVE SIMILAR STANDARDIZED THINGS THAT YOU NEED TO HAVE DONE, THAT YOU NEED TO FIND ACCEPTABLE. BECAUSE IF YOU HAVE TO STRUGGLE WITH A BUNCH OF DIFFERENT QUALIFICATIONS AND THINGS LIKE THAT, IT CAN BECOME EXTREMELY TOUGH.

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SO, I UNDERSTAND WHERE SENATOR WATERMEIER IS COMING FROM THERE AND I CAN GUESS THAT A LOT OF OTHERS CAN SEE THAT PART OF IT. BUT, YEAH, THE QUESTION OF LOCAL CONTROL, IT DOES GIVE ME PAUSE. SENATOR SULLIVAN'S IDEA, I THINK SHE'S EXACTLY RIGHT ON. I THINK THAT IF YOU DO THIS, YOU NEED TO MAKE SURE THAT YOU CREATE A BOARD AROUND THIS THAT COMES TOGETHER TO DO THE KINDS OF THINGS TO UNDERSTAND WHERE THOSE STANDARDS SHOULD BE SO THAT WE CAN MOVE FORWARD. AND I WILL SAY THIS. WE DO...WE PASS THINGS IN THIS BODY THAT REQUIRE...THAT REQUIRE AGENCIES TO COME UP WITH RULES AND REGULATIONS. BUT WE PASS THE LAWS FIRST, AND THEN THEY IMPLEMENT THEM THROUGH THOSE REGS AND RULES. AND SO, THAT HAPPENS QUITE OFTEN. I THINK IT'S ESSENTIAL THAT WE UNDERSTAND THAT WE ARE AT A PLACE WHERE WE HAVE REAL OPPORTUNITIES. YOU CAN'T UNDERSTAND, OR MAYBE IF YOU HAVEN'T HEARD, THE EFFECTS OF THE LONG-TERM DROUGHT HAS HAD ON CALIFORNIA, AND NOT JUST THE DROUGHT BUT THE REGULATIONS THAT HAVE COME INTO PLACE. THERE ARE DAIRIES FROM THERE THAT ARE MOVING ALL THE TIME. IF YOU GO TO NORTHEAST COLORADO AND YOU TAKE A LOOK AT HOW MANY DAIRIES AND HEIFER RETAINMENT FACILITIES AND THINGS LIKE THAT HAVE MOVED INTO NORTHEAST COLORADO, THE NUMBERS ARE ASTOUNDING. CROSS OVER THE BORDER INTO NEBRASKA, WE'RE JUST TRYING TO GET OUR LEFT FOOT IN FRONT OF OUR RIGHT FOOT. WE'RE JUST BARELY MAKING THAT...MAKING IT UP TO A WALKING SPEED. BUT I COMMEND OUR DAIRY FOLKS. I COMMEND OUR AG DEPARTMENT. I COMMEND THE DEPARTMENT OF ECONOMIC DEVELOPMENT IN LOOKING AT THAT. BECAUSE IF YOU LOOK AT DAIRIES AROUND...AND ONE OF THE THINGS ABOUT DAIRIES IS THAT IT'S NOT JUST ABOUT THE PRODUCTION ITSELF. THERE'S SO MANY ASSOCIATED INDUSTRIES THAT GO ALONG WITH THAT... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR SCHILZ: ...INCLUDING, INCLUDING PROCESSING. AND WHEN THAT PROCESSING IS LOCATED IN YOUR COUNTY AND YOU HAVE A \$150 MILLION FACILITY AND YOU'VE GOT ABOUT 20,000, 30,000 MILKING COWS AROUND, GUYS, FOLKS, LADIES AND GENTLEMEN OF THIS BODY, THAT IS REAL ECONOMIC DEVELOPMENT. THAT IS REAL PROPERTY TAX RELIEF. THAT IS REAL JOBS COMING IN TO OUR SMALLER, MORE RURAL COMMUNITIES. AND THAT STARTS TO SHRINK THAT GAP THAT WE TALK ABOUT, THIS URBAN AND RURAL DIVIDE. AND THERE SHOULD BE NONE THERE. YES, WE COME FROM DIFFERENT SIDES OF THE STREET, SO TO SPEAK, BUT WE ALL WANT THE SAME THING FOR NEBRASKA. WE ALL WANT OUR KIDS TO GROW UP WITH GOOD EDUCATION, GOOD JOBS, THE

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ABILITY NOT TO BE STRANGLING OUT BY EXCESSIVE TAXES AND REGULATION. THAT'S WHAT WE SHOULD BE STRIVING FOR EVERY DAY HERE. [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR SCHILZ: THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR SCHILZ. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB106]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, SENATOR WATERMEIER CAME TO VISIT WITH ME ABOUT LB106. AND I'M SURE THAT PART OF OUR CONVERSATION HAD TO DO WITH THE FACT THAT I SERVED ON THE LANCASTER COUNTY BOARD FOR 16 YEARS, AND HOW WOULD I BEGIN TO LOOK AT LB106 IF I WERE STILL A COUNTY COMMISSIONER. AND I THINK, TO SOME EXTENT, SENATOR CHAMBERS HAS POINTED OUT THAT IT'S INTERESTING, AS AN URBAN SENATOR, WHAT WOULD...WHAT WOULD I HAVE TO SAY ABOUT LB106? I'D HAVE TO SAY THAT WHEN I LOOKED AT THE EARLY YEARS WHEN I SERVED ON THE COUNTY BOARD, WE HAD A VERY SERIOUS PROPOSITION IN TERMS OF A POTENTIAL HOG CONFINEMENT OPERATION IN LANCASTER COUNTY. AND THE PEOPLE WHO WERE TAKING A LOOK AT THIS WERE VERY SERIOUS BUSINESS PEOPLE AND THEY WANTED TO TALK TO THE COUNTY BOARD. AND I HAVE TO TELL YOU THAT I WOULD HAVE REALLY APPRECIATED HAVING A MATRIX OF SOME SORT TO START WITH. I RISE IN OPPOSITION TO THE BRACKET MOTION BECAUSE I DO BELIEVE THAT THE AMENDMENTS AND THE DISCUSSION CAN BRING US A MORE STALWART AND PERHAPS ACCEPTABLE LB106 IN THE END. AND I PARTICULARLY WANT TO SAY THAT I HOPE THAT WE WOULD GET TO THE DAVIS AMENDMENT. PART OF OUR CONSTERNATION IN THIS STATE, AND WE WILL REMEMBER OUR FIRST LEARNING LESSON OF THE SESSION WHEN SENATOR CHAMBERS AND I DEALT WITH A MARRIAGE LICENSE BILL. BUT ONE OF THOSE COMMENTS THAT I MADE DURING THAT DISCUSSION WAS THAT OUR PROBLEM IN THE STATE OF NEBRASKA IS THE DIVERSITY THAT WE HAVE OF COUNTIES. IT'S NOT ONLY A PROBLEM, BUT IT CAN BE A VERY GOOD ASPECT OF NEBRASKA. BUT WE HAVE SMALL COUNTIES AND MEDIUM-SIZED AND LARGE. AND SO, WHAT MAY NOT FIT ONE WELL FITS THE OTHER. BUT THERE HAS TO BE A STARTING POINT AND IT CAN BE PARTICULARLY HELPFUL. THAT'S WHY I WOULD HOPE THAT WE COULD GET TO THE DAVIS AMENDMENT BECAUSE I THINK IT RECOGNIZES THE DIVERSITY OF COUNTIES ACROSS THE STATE AND WHERE THEY ARE IN TERMS OF LOOKING AT THEIR ZONING. THERE IS NOT ANY

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MORE DIFFICULT DECISION FOR A COUNTY BOARD MEMBER THAN ZONING MATTERS. THEY WERE THE MOST DIFFICULT FOR ME WHEN I SERVED ON THE BOARD, BECAUSE YOU WILL ALWAYS HAVE THOSE PEOPLE THAT WILL SAY, WELL, NOT IN MY BACKYARD, ON EVERY ZONING ISSUE. I THINK LB106 CAN BE A VERY PRODUCTIVE BILL, CAN STEP US FORWARD. AND WE STILL DO HAVE IN THE BILL SECTION 7. AND IF YOU LOOKED AT SECTION 7, THE LAST SUBSECTION (2), IT TALKS ABOUT THE FACT THAT THE COUNTY WILL DRAW TOGETHER ALL THIS INFORMATION TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COUNTY. SO, IT IS A TOOL. THAT'S WHAT WE'RE TALKING ABOUT. BUT THE COUNTY BOARD HAS, IN ITS DISCRETION AND ITS POWER, TO TAKE ALL INFORMATION TOGETHER IN MAKING A DECISION. AND SO IT WOULD SEEM TO ME THAT THE DAVIS AMENDMENT DOES ENSURE THAT WHETHER YOU'RE A SMALL COUNTY, A COUNTY WITH A LOT... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT....A LOT OF THESE ISSUES COMING BEFORE YOU, OR YOU ONLY HAVE ONE EVERY TWO OR THREE YEARS, YOU STILL HAVE A BASIC FOUNDATION TO HELP YOU MOVE FORWARD. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. SENATOR WATERMEIER, YOU'RE RECOGNIZED. THIS IS THE THIRD TIME. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. APPRECIATE THE OPPORTUNITY TO SPEAK AGAIN AND THANK GOODNESS WE FINALLY ARRIVED IN NEBRASKA AT A BILL THAT MEANS SOMETHING. WHAT'S IT LIKE TO VOTE OUT SOMETHING 43-0? HOW MUCH DIFFERENCE DO THEY USUALLY MAKE? I WAS LOOKING THROUGH SOME BILLS LAST YEAR, I WISH I WOULD HAVE WROTE DOWN THE NUMBER OF THEM A LITTLE BIT. WE'RE TALKING ABOUT AMENDMENTS, AND IT'S RIDDLED WITH AMENDMENTS AND, MY GOSH, WE COULD NEVER PASS A BILL THAT WOULD HAVE AMENDMENTS ON IT. I REMEMBER LOOKING AT A BILL THAT WAS NOT REALLY HIGHLY CONTROVERSIAL. IT WAS NOT FILIBUSTERED. IT WAS NOT KILLED, BUT IT HAD ABOUT 14 AMENDMENTS ON IT. SO, MEMBERS AND NEBRASKA SHOULD NOT BE DISAPPOINTED THAT WE AMEND A BILL. I AM NOT SURPRISED THAT WE ARE AMENDING A BILL. ONE OF THE MOST IMPORTANT AMENDMENTS WE NEED TO GET TO, AND I DON'T THINK WE'RE GOING TO GET TO IT THIS MORNING YET, WE NEED TO GET TO SENATOR DAVIS' AMENDMENT BECAUSE I THINK HE'S HAD TIME

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NOW TO CHANGE IT TO WHERE HE CAN ACTUALLY TAKE CARE OF SOME LANGUAGE CLARIFICATION THAT TALKED ABOUT CONDITIONAL USE PERMITS. BECAUSE SENATOR DAVIS AND I TALKED YESTERDAY, HE WAS CONCERNED ABOUT THE FACT THAT WE WERE DOING AWAY WITH CONDITIONAL USE PERMITS AND WE'LL ADDRESS THAT ISSUE. THAT'S ONE OF THOSE THINGS. BUT, MEMBERS, WE SHOULD NOT BE CONCERNED ABOUT THE FACT THAT WE'RE AMENDING A BILL. THAT'S WHAT WE DO IN THIS BODY. IT'S OKAY TO AMEND A BILL. I APPRECIATE SENATOR CAMPBELL'S EXPERIENCE AS A SUPERVISOR COUNTY COMMISSIONER BECAUSE SHE ADDS A FLAVOR TO IT THAT I'VE NEVER HAD. I'VE NEVER BEEN INVOLVED IN THAT. BUT I THINK WHAT WE'VE SEEN TODAY, AND I'LL REITERATE IT, I SAID IT EARLIER, THIS IS VERY SIMILAR TO WHAT COUNTY SUPERVISORS, COUNTY ZONING PEOPLE HAVE TO DEAL WITH IN A HEARING. AND I REALLY DO WANT TO ENCOURAGE US TO THINK ABOUT THIS AS A ZONING ISSUE, NOT AN AG ISSUE. EVEN THOUGH IT HAS COME TO ME BECAUSE OF WANTING TO RAISE OUR OWN REVENUE IN THE RURAL AREAS, WE'RE GOING TO TAX OURSELVES WITH THIS BILL. WE'RE GOING TO INCREASE AG. THE STATE OF NEBRASKA HAS A LOT OF ADVANTAGES. WE HAVE A GREAT WATER SUPPLY. WE HAVE GREAT NATURAL RESOURCES IN SOIL AND WATER. WE'RE A LITTLE HINDERED ON EMPLOYMENT. IT STRUGGLES TO WORK AT 2.5 TO 3 PERCENT UNEMPLOYMENT. THAT'S A DIFFICULT THING FOR BUSINESSES TO COME INTO THIS STATE. BUT WHEN BUSINESSES COME INTO THIS STATE IN AG-RELATED, LOOK AT THE HISTORY OF WHAT WE'VE HAD IN NEBRASKA. AND WE SEE THESE ISSUES COMING UP AND THEY SAY, I'M SORRY, WE'RE JUST NOT GOING TO FIGHT THAT. IT MIGHT TAKE THEM \$50,000 TO \$100,000 TO MAKE AN APPLICATION FOR THE DEQ PERMIT. NOW, TYPICALLY THEY GET THIS IN HAND FIRST, BUT WHEN THEY SEE THE HISTORY THAT NEBRASKA HAS, THIS IS ONE SMALL PIECE OF THE PROBLEM THAT WE HAVE IN NEBRASKA. WE ARE LIVESTOCK FRIENDLY IN A LOT OF COUNTIES, BUT WE ARE NOT PERCEIVED THAT WAY IN THE COUNTRY. MY LOCAL COUNTY HAS ONE DAIRYMAN LEFT IN THE WHOLE COUNTY. SO I WOULD JUST ENCOURAGE THE THOUGHT PROCESS AND VOTE RED ON THIS BRACKET MOTION, IF WE GET TO THE VOTE. AND WITH A DIFFERENT AGENDA THIS AFTERNOON, WE CAN WORK ON THIS, THIS AFTERNOON. BUT I REALLY WANT TO REITERATE WHAT THE BILL DOES, AND ESPECIALLY WITH SENATOR DAVIS' BILL...OR HIS AMENDMENT. WE HAD CONCERNS LAST WEEK ABOUT THE REVIEW BOARD BEING IN PLACE, THAT THAT WAS TAKING AWAY ALL THE LOCAL CONTROL. WE LISTENED TO THAT. WE TOOK THAT INTO EFFECT AND SENATOR GROENE CAME UP WITH THE IDEA OF A MEDIATION PROCESS. AND WE DUG AROUND INSIDE THE DEPARTMENT AND WE FOUND THIS MEDIATION PROCESS THAT'S ALREADY IN PLACE. AND I'M TOTALLY AGAINST BIG GOVERNMENT, SO I THOUGHT THIS WOULD WORK. WE HAVE A

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PROCESS IN PLACE. MAYBE WE COULD MOVE THE IDEA FROM A REVIEW BOARD, WHICH WOULD BE STATE CONTROLLED, DOWN TO A MEDIATION. SO, I WAS FINE WITH THAT. WE WENT THROUGH THAT PROCESS. BUT I DO HAVE TO ARGUE A LITTLE BIT WITH SENATOR CRAWFORD WHEN SHE BRINGS UP A COMPARISON LAST YEAR OF LB810, WHICH I'LL BET YOU ANYTHING PROBABLY PASSED 35-0, NO OPPOSITION, NO DEBATE. AND WE DID CHANGE SOMETHING THAT SHE BROUGHT UP CONCERNS ABOUT. THIS IS BRINGING... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR WATERMEIER: ...THE LOCAL CONTROL...THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: ONE MINUTE, SENATOR. [LB106]

SENATOR WATERMEIER: OH, EXCUSE ME. THIS IS LEAVING THE CONTROL RIGHT WHERE WE WANT IT. THE CONTROL IS AT THE LOCAL LEVEL. WITH SENATOR DAVIS' AMENDMENT, IT TAKES IT FROM BEING A MATRIX THAT THEY WILL USE TO ONE THAT THEY COULD USE IF THEY WANT TO. WE ARE NOT FORCING THEM TO TAKE IT AND FORCING THEM TO OPT OUT. THE OPTION IS THERE. THEY CAN TAKE IT IF THEY WANT TO. WE ARE GETTING CALL AFTER CALL AFTER CALL FROM SUPERVISORS, ZONING ADMINISTRATORS THAT SAY THEY WANT SOME HELP. HAS THERE BEEN COUNTIES OUT THERE THAT HAVE DONE A GOOD JOB? YES, THERE HAS, AND I COMMEND THEM. BUT THE ONLY WAY THIS STATE IS GOING TO GROW, NOT THE ONLY WAY, BUT IN ONE OF THE WAYS THIS STATE IS GOING TO GROW IS TO MOVE THIS PRODUCT THAT WE CAN RAISE IN THE STATE OF NEBRASKA OUT IN BOXES OF PROTEIN, AND THAT INVOLVES LIVESTOCK. CHINA IS A MARKET OUT THERE WAITING FOR US. YOU HEAR FROM THE UNIVERSITY OF NEBRASKA, RONNIE GREEN SAYS, THINK ABOUT IT. LIVE TODAY, BUT THINK 50 YEARS FROM NOW. WHERE DO WE WANT TO BE AT IN THE STATE OF NEBRASKA? BEHIND THE EIGHTBALL, WITH KANSAS PICKING UP EVERYTHING WE LOSE OUT? [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. [LB106]

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SENATOR COASH: THANK YOU, SENATOR WATERMEIER. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB106]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. BACK IN 2006, AN OUTFIT AT HARVARD UNIVERSITY CALLED THE ASH INSTITUTE DECIDED IT WAS GOING TO GET A BUNCH OF PEOPLE TOGETHER, ABOUT A HUNDRED FROM AROUND THE WORLD, TO DISCUSS INNOVATIONS IN GOVERNMENT. AND THEY HAD THEIR CENTER SET UP AT THE KENNEDY SCHOOL OF GOVERNMENT AND THEY HAD A LONG LIST OF NAMES TO SELECT FROM. AND THEY WERE AIMING FOR THE GUY ABOVE ME ON THE LIST, BUT THE GUY RUNNING THE MOUSE MISSED AND CLICKED AND I GOT TO GO INSTEAD. AND WHEN I GOT THERE, THEY HAVE THESE IMPRESSIVE BLACKBOARDS THAT GO UP AND DOWN AND THEY HAVE THESE REALLY, REALLY NICE CONFERENCE ROOMS THAT ARE VERY EFFECTIVELY DESIGNED. AND UP ON THE BLACKBOARD WAS THIS WORD OR THIS SENTENCE: "GOVERNANCE IS THE BRINGING INTO BEING OF A FUTURE DEFINED BY THE COLLECTIVE WILL." THAT'S WHAT WE'RE SUPPOSED TO BE ABOUT. WE DON'T DO A VERY GOOD JOB OF THAT IN THIS BODY. WE'RE HERE TALKING ABOUT WHAT SENATOR CHAMBERS POINTED OUT IS A FAIRLY MAJOR PIECE OF LEGISLATION DEALING WITH OUR PHILOSOPHY TOWARD OURSELVES. AND WE'RE JUST DEALING WITH IT IN A HIGHLY REACTIVE BASIS. WHAT DO WE WANT TO HAPPEN IN RURAL NEBRASKA? THAT'S A QUESTION WE'RE TRYING TO ANSWER IN A BACKWARD WAY, BUT WE DON'T KNOW. WE HAVEN'T HAD THAT DISCUSSION. THINK ABOUT THE RURAL WORLD IN THE LAST 50 YEARS. THREE HUNDRED AND TWENTY ACRES OF GOOD AG LAND WAS A BIG, BIG FARM AND YOU WERE A GIANT OPERATOR IF YOU OWNED AND OPERATED A SECTION. YOU HAD YOUR TWO- OR THREE- BOTTOM PLOW, YOU HAD YOUR TWO- OR FOUR-ROW CULTIVATOR AND CORN PICKER AND YOU WERE A BIG OPERATOR. YOU HAD A COUPLE OF COWS, OR MAYBE A DOZEN. YOU HAD SOME PIGS. THAT WAS FARMING. SOMETHING HAPPENED. AND IT WAS UNUSUAL FOR NEBRASKA THAT WE MADE A CHANGE FROM THE PAST TO THE FUTURE WITHOUT A LOT OF CONSTERNATION. NOW, YOU'RE TALKING IN TERMS OF THE AVERAGE FARMS 3,000-4,000 ACRES. THE JOHN DEERE SHAREHOLDERS' REPORT HAD A PICTURE OF A 24-ROW PLANTER ON IT. SOMETHING HAS HAPPENED. AND AT THE SAME TIME, THE GREAT BULK OF OUR SMALLER COMMUNITIES HAVE ENTERED INTO A GLIDE PATH TOWARD BECOMING COMMUNITIES OF A GRAIN ELEVATOR AND MAYBE, IF THEY'RE LUCKY, A FILLING STATION OR 7-ELEVEN. I'VE READ THROUGH THE BILL. I GENERALLY DO NOT READ THROUGH BILLS UNTIL THEY GET TO A POINT WHERE THEY'RE STARTING TO GEL, PARTICULARLY IF I'M NOT IN THE COMMITTEE ON THEM. AND THIS PARTICULAR BILL, EVEN WITH ALL OF THE AMENDMENTS, SAYS ONE THING. IT SAYS IT IS BIG

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AGRICULTURE. IT GOES ON THE DECISION FOR IT THAT SAYS, WE ARE GOING TO PUT CONSTRAINTS ON COUNTY BOARDS SO THAT THEY HAVE TO DEFEND THEMSELVES, THEY HAVE TO USE MATRIXES. AND BASICALLY, WHEN YOU'RE FACED WITH A LARGE, WELL-FUNDED LEGAL STAFF ON THE OTHER SIDE, THEY'VE GOT TO ENGAGE IN BIG AGRICULTURE. IS THAT BAD? THAT'S WHERE I'M HUNG UP. I DON'T KNOW. IS THAT GOOD? I THINK PROBABLY THERE'S SOME MERIT TO SENATOR SCHILZ'S ARGUMENTS THAT THIS IS THE TIDE OF THE FUTURE. HAVE WE COME TO THAT CONCLUSION IN A WELL-REASONED, WELL-THOUGHT-OUT WAY? PROBABLY NOT. AND MAYBE IT ISN'T A PROPER CONCLUSION, BUT THAT'S WHERE WE'RE AT ON THIS PARTICULAR BILL. THIS CLEARLY...EVEN WITH THE DAVIS AMENDMENT, THE CONSTRAINTS ON THE COUNTY BOARD... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR SCHUMACHER: ...OR COUNTY ATTORNEY ARE VERY, VERY CLEAR. YOU STILL HAVE TO USE A MATRIX. YOU HAVE TO DEFEND THAT MATRIX IN SOME KIND OF A COURT PROCEEDING. TELL ME THAT THE FILLMORE COUNTY ATTORNEY OR THE WHEELER COUNTY ATTORNEY IS IN A POSITION TO DO THAT. THEY DON'T HAVE THE RESOURCES TO DO THAT. THIS IS BIG AGRICULTURE. LET'S UNDERSTAND THAT BEFORE WE MOVE ON. AND IT MAY BE THE TIDE OF THE FUTURE AND I MAY END UP VOTING FOR IT, BUT I THINK WE NEED TO UNDERSTAND WHAT IT IS. THIS MAKES A COMMITMENT TO A CHANGE AND A CONTINUING CHANGE THAT'S BEEN GOING ON FOR 50 YEARS IN RURAL NEBRASKA: FEWER FARMS; BIGGER OPERATIONS. ULTIMATELY, CORPORATE ACQUISITIONS OF THOSE WHAT ARE NOW FAMILY ORGANIZATIONS, ARE NOT GOING TO STAY THAT WAY MORE THAN A GENERATION OR TWO. AND WE'RE GOING SEE THE EMERGENCE OF THAT FORM OF AGRICULTURE, AND THIS FACILITATES THAT. DO WE WANT THAT? THAT'S WHAT THE NEXT FEW HOURS OR MAYBE EVEN LONGER OF DEBATE SHOULD EXAMINE. THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB106]

SENATOR BLOOMFIELD: QUESTION. [LB106]

SENATOR COASH: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL

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THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO CARE TO? SENATOR BLOOMFIELD. [LB106]

SENATOR BLOOMFIELD: NOT BEING CLEAR ON THE RULES, CAN I CALL THE HOUSE FOR A QUESTION? I'D LIKE A CALL OF THE HOUSE. [LB106]

SENATOR COASH: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB106]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB106]

SENATOR COASH: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RETURN TO THE CHAMBERS AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS KRIST, LARSON, GARRETT, WILLIAMS. SENATOR WILLIAMS, PLEASE CHECK IN. SENATOR BOLZ, PLEASE RETURN TO THE CHAMBER. SENATOR GARRETT, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR BLOOMFIELD. [LB106]

SENATOR BLOOMFIELD: MR. PRESIDENT, I THINK WE CAN PROCEED WITH CALL-INS. [LB106]

SENATOR COASH: MEMBERS, THE QUESTION BEFORE THE BODY IS, SHALL DEBATE CEASE? WE ARE ACCEPTING CALL-IN VOTES. [LB106]

CLERK: SENATOR LARSON VOTING NO. SENATOR KRIST VOTING YES. JUST A MINUTE...YEAH, ALL RIGHT. MEMBERS, DON'T...PLEASE DON'T PUSH YOUR BUTTONS. I'VE GOT TO DO IT UP HERE. FORGIVE ME FOR... [LB106]

SENATOR COASH: RECORD, MR. CLERK. [LB106]

CLERK: 26 AYES, 16 NAYS TO CEASE DEBATE. [LB106]

SENATOR COASH: DEBATE DOES CEASE. RAISE THE CALL. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. [LB106]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I AGREE WITH SENATOR WATERMEIER AS FAR AS OFFERING AMENDMENTS. BUT THIS IS A BILL, REMEMBER, THAT WE WERE LED TO BELIEVE HAS BEEN WORKED ON BY PEOPLE WHO UNDERSTAND ZONING, WHO UNDERSTAND AGRICULTURE, WHO UNDERSTAND THE NEEDS OF BIG AGRICULTURE, AS SENATOR SCHUMACHER MENTIONED. AND THEN TO COME UP WITH A BILL IN AS BAD A CONDITION AS THIS ONE, MAKES ME BELIEVE THAT THOSE PEOPLE DID NOT KNOW AS MUCH AS WE WERE LED TO BELIEVE THAT THEY KNOW, AND THE LEGISLATIVE PROCESS WAS NOT GIVEN THE DUE RESPECT TO WHICH IT IS ENTITLED. IT MAY HAVE BEEN FELT THAT ANYTHING THAT RELATES TO BIG AGRICULTURE WITH A FEW SLOGANS ATTACHED TO IT WOULD BE ENOUGH TO SLIDE IT RIGHT THROUGH THE LEGISLATURE. BUT MORE THAN BIG AGRICULTURE IS INVOLVED HERE. ARE YOU GOING TO LET A CONCEPT SUCH AS BIG AGRICULTURE OVERRULE WHAT IS GOOD FOR THE PEOPLE WHO LIVE IN THE RURAL AREAS? AS SENATOR SCHUMACHER POINTED OUT, YOU MAY HAVE A STORAGE BIN, A GRAIN ELEVATOR, A FILLING STATION, BUT IF YOU BEGIN TO CREATE SUCH AN ENVIRONMENT THAT IT'S NOT AMENABLE FOR FAMILY LIVING, THE PEOPLE ARE GOING TO MOVE. AND WHERE WILL THEY MOVE? TO THE CITIES. WHEN YOU HAVE THESE BIG OPERATIONS, A PERSON NEED NOT BE LIVING IN A RURAL AREA OR KNOW ABOUT AGRICULTURE TO SEE THAT MECHANIZATION IS TAKING OVER IN AGRICULTURE. AND YOU DO NOT CREATE JOBS WHEN YOU USE A MACHINE THAT CAN DO THE WORK OF ANY NUMBER OF PEOPLE. IF THERE WERE PEOPLE IN THAT AREA WHO HAD A SUSTAINABLE LIFESTYLE AND IT IS TAKEN AWAY, ALL THEY CAN DO IS MOVE. SO, MAYBE WHAT IS ENVISIONED FOR RURAL NEBRASKA IS A LARGE FARM, ALL BIG AGRICULTURAL OPERATIONS, MANY OF THEM OWNED BY CHINA, BIG AMERICAN CORPORATIONS, WHICH IF YOU LOOK BEHIND THEM WILL HAVE HEAVY INVESTMENT OF A FOREIGN NATURE. AND I'M NOT AGAINST FOREIGN INVESTMENT AND I'M NOT USING THE WORD "FOREIGN" IN THE SENSE OF THAT WHICH IS AUTOMATICALLY NEGATIVE, BUT INDICATING THAT WHEN YOU HAVE AN ECONOMY HEAVILY INFLUENCED IN THAT MANNER, THE WELFARE OF THE PEOPLE IS NOT SOMETHING THAT'S CONSIDERED BUT, RATHER, HOW MUCH PROFIT IS GOING TO BE DERIVED. WHEN YOU HAVE A STRUCTURE CREATED BY STATUTE RIGHT NOW WHOSE GOAL IS TO LOOK AFTER THE INTEREST OF THE PEOPLE, AND WE'RE PRESENTED WITH A BILL THAT WILL WIPE THAT OUT, IF THAT'S WHAT THE REPRESENTATIVES OF THOSE PEOPLE DECIDE TO DO, THEY WILL VOTE THAT WAY. BUT I WILL NOT VOTE THE WAY THEY'RE VOTING, IF THAT'S HOW THEY VOTE, BECAUSE MY FIRST OBLIGATION IS NOT TO CHINESE INVESTORS, NOT TO LARGE AMERICAN CORPORATIONS, NOT EVEN TO MY COLLEAGUES WHO MAY BE ENGAGED IN LIVESTOCK GROWING OR FARMING. I

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WILL PARAPHRASE SOMETHING. THE PEOPLE ARE NOT MADE FOR AGRICULTURE. AGRICULTURE IS MADE FOR THE PEOPLE. AND WHEN PRODUCTION BY LARGE OPERATIONS BECOMES MORE IMPORTANT THAN THE PEOPLE... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR CHAMBERS: ...THEN I THINK A STEP HAS BEEN TAKEN IN THE WRONG DIRECTION. AND EVEN THOUGH I LIVE IN A CITY, THAT HAS NOTHING TO DO WITH MY HUMANITY OR THE HUMANITY OF PEOPLE WHO LIVE SOME MILES AWAY. HOW THEY MAKE THEIR LIVING, HOW I MAKE MY LIVING WILL NOT BE THE TRANSCENDENTAL PRINCIPLES, BUT WHETHER ALL PEOPLE ARE GOING TO BE RESPECTED FOR THEIR HUMANITY, THEIR BASIC HUMAN DIGNITY, AND NOTHING BE DONE TO DESTROY THAT IN THE NAME OF BIG AGRICULTURE OR ANY OTHER COMMERCIAL OPERATION. YOU DO NEED BUSINESS. YOU NEED OPERATIONS SUCH AS THAT. BUT IF THEY BECOME MORE IMPORTANT AND PARAMOUNT TO THE WELFARE OF THE PEOPLE, I THINK A MISTAKE HAS BEEN MADE. I JUST DON'T WANT THIS BILL TO GO FORWARD. IT IS NOT IN A FORM THAT CAN BE SUPPORTED AND... [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR CHAMBERS ...AND JUSTIFIED BY THOSE WHO BROUGHT IT. I'M GOING TO WITHDRAW MY MOTION AT THIS POINT. [LB106]

SENATOR COASH: THE BRACKET MOTION IS WITHDRAWN. MR. CLERK. [LB106]

CLERK: MR. PRESIDENT, I NOW HAVE A NEW PRIORITY MOTION. SENATOR BLOOMFIELD WOULD MOVE TO RECOMMIT LB106 TO COMMITTEE. [LB106]

SENATOR COASH: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB106]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, LB106 CAME OUT OF COMMITTEE WITH THE MINIMAL REQUIREMENT--5 VOTES OUT OF AN 8-MAN COMMITTEE. IT BARELY MADE IT OUT OF COMMITTEE WITH SOME HAND WRINGING AND, DARE I SAY, DEAL MAKING, BUT IT DID MAKE IT OUT OF COMMITTEE. I'M CONVINCED IT PROBABLY SHOULD NOT HAVE. WHAT I WOULD

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LIKE TO DO IS RECOMMIT THIS BACK TO THE COMMITTEE, THEN FOLLOW THROUGH ON THE IDEA THAT SENATOR JOHNSON PROPOSED A LITTLE EARLIER, THAT WE DO A JOINT STUDY BETWEEN THE GOVERNMENT COMMITTEE AND THE AG COMMITTEE. LET'S STUDY THIS THING FROM THE GROUND UP INSTEAD OF FROM THE AG DEPARTMENT DOWN. I THINK THERE'S A LOT OF WORK NEEDS TO BE DONE ON THIS BILL YET. BUT WHAT I COULD SEE, OR WHAT I COULD ENVISION, IS THAT THE AG DEPARTMENT GO AHEAD AND DEVELOP A MATRIX AND IT'S SIMPLY THERE FOR THE COUNTIES TO CALL THE AG DEPARTMENT AND SEE WHAT THEY'VE GOT. IT DOESN'T NEED TO GO ANY FURTHER THAN THAT. IT'S NOT ALL THAT COMPLICATED. THERE'S NO REASON TO HAVE NEW BOARDS AND OTHER THINGS TIED INTO THIS. YOU KNOW, SENATOR GROENE'S AMENDMENT SETS UP A ARBITRATION BOARD, I GUESS, IF YOU WANT TO CALL IT. NOW, THAT ARBITRATOR WOULD BE PROVIDED BY THE AG DEPARTMENT AGAIN. SO, THEY WRITE THE RULES, THEY DO THE MEDIATING. WHAT CHANCE DOES THE COUNTY HAVE? COLLEAGUES, I ASK YOU TO SUPPORT MY MOTION TO SEND THIS BACK TO COMMITTEE. LET'S STUDY THIS THING FURTHER. NEBRASKA HAS DONE QUITE WELL UNDER OUR CURRENT RULES. LET'S NOT RUSH INTO SOMETHING THAT COULD PROVE TO BE DETRIMENTAL. LET'S STUDY THIS THING FOR A YEAR. LET US COME BACK NEXT YEAR WITH A NEW AMENDMENT OUT OF COMMITTEE THAT COULD POSSIBLY FIX MOST OF THE PROBLEMS WE'RE ALL WITNESSING HERE. LET'S NOT TRY TO PATCH SOMETHING TOGETHER AT THE LAST MINUTE JUST SO WE CAN SAY WE PASSED SOMETHING TO HELP AGRICULTURE. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. MEMBERS, YOU'VE HEARD THE OPENING ON THE MOTION TO RECOMMIT TO COMMITTEE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB106]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. YOU KNOW, AS SENATOR CHAMBERS STATED, AGRICULTURE HAS CHANGED. I GREW UP ON A FARM WITH COWS AND HOGS AND CHICKENS AND WE HAD ALL THE LIVESTOCK. THINGS HAVE CHANGED. NOW, I HAVE NO LIVESTOCK. NINETY PERCENT OF MY NEIGHBORS, NINETY-FIVE PERCENT HAVE NO LIVESTOCK. WE'RE ROW CROP FARMERS. SOMETIMES I THINK WE'RE LAZY. WE'VE GROWN ACCUSTOMED TO DOING WHAT WE DO AND WE DO IT GOOD. SO, WE DON'T TRY TO ENGAGE IN TOO MANY THINGS. WE TRY TO CONCENTRATE. AND I THINK THE CONCENTRATION THAT'S HAPPENED IN AGRICULTURE WILL CONTINUE, WHETHER WE LIKE IT OR NOT. IT WOULD BE FUN TO SAY, YOU KNOW, IF I COULD FARM 500 ACRES AND MAKE A LIVING LIKE WE DID BACK IN THE '60s, THAT WOULD BE A WONDERFUL TIME. WE ALL GO BACK IN TIME AND EVERYTHING WOULD BE MORE RELAXED.

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BUT WHEN I LOOK BACK AT WHAT MY DAD HAD TO DO TO MAKE IT FARMING, I DON'T KNOW IF I WANT TO GO BACK THERE. TIMES HAVE CHANGED. IT IS BIG AGRICULTURE NOW, BUT IT'S STILL FAMILY FARMING. ALL OF OUR...95 PERCENT OF THE CORN PRODUCTION IS STILL FAMILY FARMERS. THE LIVESTOCK INDUSTRY HAS CHANGED TREMENDOUSLY. IF YOU'RE NOT IN IT IN A LARGE WAY, IT'S NO LONGER FEASIBLE TO DO. SO, WE ARE TALKING ABOUT BIG AG. IT'S CHANGING TIMES. WE MAY NOT LIKE IT, BUT IF WE'RE GOING TO HAVE ECONOMIC DEVELOPMENT IN RURAL NEBRASKA, WE'VE TRIED OTHER THINGS, IT'S NOT WORKING. WE KEEP SENDING OUR KIDS TO THE CITY. WHEN WE HAD \$8 CORN AND A GOOD ECONOMY IN NEBRASKA HERE, THEN WE ATTRACTED A RECORD NUMBER OF YOUNG FARMERS TO MOVE BACK. SOME OF THEM CHOSE SOME LIVESTOCK OPERATIONS. THAT'S WHERE SOME OF THE HOG BARNES CAME IN. BUT A NUMBER OF THEM CAME BACK TO JOIN THE OPERATION. I WOULDN'T BE HERE TODAY IF I DIDN'T HAVE A SON-IN-LAW AND MY DAUGHTER MOVE BACK. IT WOULDN'T HAVE BEEN FEASIBLE. SO WE...IF WE'RE GOING TO GROW THE AG ECONOMY AND CONTINUE TO GROW IT AND MAYBE LEVEL OUT SOME OF THE CYCLES OF UP AND DOWN THAT WE HAVE, WE'RE GOING TO HAVE TO START VENTURING BACK INTO THE LIVESTOCK MARKET. IT JUST FITS WITH OUR STATE. IT FITS WITH WHAT THE UNIVERSITY IS DOING. WE'RE IN FOOD, FUEL, FIBER, THE UNIVERSITY, THE WATER FOR FOOD INSTITUTE. ALL OF THE THINGS THAT WE KEEP TALKING ABOUT THAT WE WON'T BE ABLE TO FEED THE WORLD COMES BECAUSE OF THE EXPANSION AND THE CONSOLIDATION OF THE AG INDUSTRY. IT'S NOT THAT WE MAYBE LIKE IT; IT'S THE DIRECTION IT GOES. IT'S NO MORE THAN THE MOM-AND-POP HARDWARE STORE THAT NOW HAVE TO COMPETE WITH A WALMART. WE DON'T LIKE IT, BUT IT'S STILL HAPPENING. WE ALL GO SHOP AT WALMART. CONSOLIDATION IS HERE TO STAY, WHETHER WE LIKE IT OR NOT. IT'S JUST A MATTER OF HOW WE'RE GOING TO APPROACH IT AND HOW WE WANT RURAL NEBRASKA TO GROW. WE KEEP TALKING ABOUT OUR SCHOOLS ARE SHRINKING. WE CONSOLIDATE THEM FURTHER. WE HAVE FURTHER TRAVEL DISTANCES FOR OUR KIDS. AND AT THE SAME TIME, WE WANT TO CONTROL THINGS TO WHERE WE CAN'T HAVE THE GROWTH IN THE LIVESTOCK INDUSTRY THAT WE NEED OR SOME OTHER INDUSTRY. MOST OF US DON'T CARE WHAT KIND OF INDUSTRY WE CAN GET TO GROW IN RURAL NEBRASKA, LET'S JUST GET IT MOVING. WHAT WE'VE BEEN DOING IN THE PAST HAS NOT BEEN WORKING. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: SENATOR KRIST, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB106]

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SENATOR KRIST: GOOD MORNING, COLLEAGUES. GOOD MORNING...THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. THIS IS A PUBLIC SERVICE ANNOUNCEMENT. IT WILL NOT BE CONTROVERSIAL IN ANY WAY. YOUR STATEMENT OF FINANCIAL INTEREST, YOUR NADC FORM C-1, IS DUE TOMORROW, CLOSE OF BUSINESS. SO JUST A HEADS UP FOR YOU AND YOUR STAFF. AGAIN, YOUR STATEMENT OF FINANCIAL INTERESTS ARE DUE BY CLOSE OF BUSINESS TOMORROW. THANK YOU, MR. PRESIDENT.

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR LARSON, YOU'RE RECOGNIZED. [LB106]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I YIELD...OR I STAND TODAY AGAINST THE RECOMMIT MOTION, AND TO TAKE SOMEWHAT OF A STANCE AGAINST WHAT SENATOR CHAMBERS JUST SAID IN THE CLOSING OF THE BRACKET MOTION THAT HE JUST PULLED. IF HE'D YIELD TO A QUICK QUESTION I'D APPRECIATE IT. [LB106]

SENATOR COASH: SENATOR CHAMBERS, WILL YOU YIELD? [LB106]

SENATOR CHAMBERS: YES. [LB106]

SENATOR LARSON: SENATOR CHAMBERS, WHAT IS YOUR DEFINITION OF A CORPORATE FARM? [LB106]

SENATOR CHAMBERS: WELL, WHOEVER HAS A CORPORATION AND FARMS. [LB106]

SENATOR LARSON: AND WHAT IS TOO BIG OF A CORPORATE...WHAT MAKES A CORPORATE FARM TOO BIG BECAUSE THAT...? [LB106]

SENATOR CHAMBERS: EXCUSE ME, TO USE THE TERM "BIG" IS SIMILAR TO SAYING IT'S GREATER IN SIZE THAN LARGE. THESE ARE TERMS... [LB106]

SENATOR LARSON: SO ANY SORT OF CORPORATE FARM IS A STEP TOO FAR IN YOUR MIND, WHETHER THAT'S MY FAMILY CORPORATE RANCH/FARM. ANYONE THAT HAS FORMED A CORPORATION IS TOO BIG. [LB106]

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SENATOR CHAMBERS: NO, NO, SENATOR LARSON, YOU KNOW AS WELL AS I DO THAT THAT IS A NUANCED QUESTION. AND IF YOU'RE GOING TO SAY FAMILY FARM ALLOWS ANYTHING, ONE FAMILY COULD TIE UP ALL THE FARMLAND IN THE STATE. ON THE OTHER HAND, IF CORPORATE FARMING IS A BAD TERM, THAT CORPORATION MAY FARM 30 ACRES. SO, WHEN IT COMES TO GENERAL TERMS, VAGUE TERMS, I WILL NOT BE PINNED DOWN TO THAT, NOT TO BE EVASIVE, BUT NOTHING IS SAID BY THOSE TERMS. [LB106]

SENATOR LARSON: ALL RIGHT, THANK YOU, SENATOR CHAMBERS. WELL, NEBRASKA HAD AN EXPERIMENT IN AN ATTEMPT TO BAN CORPORATE FARMS AND IT WAS CALLED I-300 AND IT FAILED. NOT ONLY WAS IT UNCONSTITUTIONAL, IT WAS A FAILURE. THE CONCEPT OF I-300 TO MANDATE FROM THE STATE ON HOW MANY PEOPLE COULD BE INVOLVED IN AN AGRICULTURAL OPERATION, AND THAT THEY ALL HAD TO HAVE DAILY ACCESS ON THAT OPERATION, NOT ONLY HURT RURAL ECONOMIC DEVELOPMENT IN THIS STATE BUT SENT THE WRONG MESSAGE ACROSS THE COUNTRY, AND IT'S A MESSAGE THAT WE'RE STILL FIGHTING TODAY. ANYONE, IF I...IN MY AGRICULTURAL OPERATION OR MY FAMILY'S AGRICULTURAL OPERATION, IF I WANT TO GO FIND INVESTORS, I SHOULD BE ABLE TO DO THAT. IF I WANT TO ENTER INTO A CONTRACT WITH A PACKER BECAUSE THAT'S WHAT BEST SUITS MY BUSINESS, I SHOULD BE ABLE TO DO THAT. I SHOULD BE ABLE TO RUN MY BUSINESS AS I SEE FIT. AND THE STATE SHOULD NOT TELL ME WHO I CAN AND CANNOT DO BUSINESS WITH BECAUSE I AM AN AGRICULTURAL PRODUCER. I GUESS MAYBE YOU CAN TELL ME I CAN'T DO BUSINESS WITH IRAN BECAUSE THAT'S THE FEDERAL GOVERNMENT. THEY PUT SANCTIONS ON IRAN. YES, THEY CAN TELL ME THAT. BUT THE CONCEPT IS AND WE LAY THE GROUNDWORK FOR WHETHER IT'S THIS OR FUTURE BILLS COMING DOWN THE PIPE, THE GOVERNMENT SHOULD NOT TELL ME WHO I CAN AND CANNOT DO BUSINESS WITH. AND AS AN AG PRODUCER, WE HAVE TO UNDERSTAND THAT WE HAVE TO CONTINUE TO INNOVATE. YOU DON'T PUT THESE RESTRICTIONS ON UNION PACIFIC OR BNSF ON WHO THEY CAN DO BUSINESS WITH OR HOW THEY OPERATE THEIR BUSINESS OR WHO CAN INVEST IN THEIR COMPANIES, BUT WE PUT THAT ON AGRICULTURE CURRENTLY. IF WE'RE GOING TO CONTINUE TO FEED THIS WORLD AND OFFER CHEAP, AFFORDABLE PRICES ON FOODSTUFFS ACROSS THIS WORLD, WHETHER IT'S IN MY DISTRICT OR SENATOR CHAMBERS', WE HAVE TO BE ABLE TO GROW AND INNOVATE. BECAUSE IF WE DON'T, WE'RE GOING TO CONTINUE TO NOT BE ABLE TO...IF WE WANT TO HIT ON PRODUCTION, NOT ONLY ARE WE NOT GOING TO PRODUCE ENOUGH, THE PRICE OF FOOD WILL CONTINUE TO RISE. WHEN THE PRICE OF FOOD CONTINUES TO RISE, WE'RE

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GOING TO SEE INFLATION RISE. WHEN THE INFLATION RISES, WHAT HAPPENS TO THE DOLLAR? [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR LARSON: WHAT HAPPENS TO THE COMMODITY PRICES? PEOPLE, ALL THIS IS INTERCONNECTED. AND WHEN IT COMES TO AGRICULTURE, WE NEED TO GROW AND INNOVATE LIKE ANY OTHER BUSINESS. THINGS LIKE I-300 AND PACKER OWNERSHIP ON HOGS LIMIT THINGS OF THAT NATURE. AND IF WE'RE GOING TO CONTINUE TO FALL BEHIND, WHICH WE ARE, REGARDLESS OF WHAT SENATOR KUEHN SAYS, WE'VE BECOME THE NUMBER ONE CATTLE ON FEED OR WHATNOT, SENATOR SCHILZ HAD IT RIGHT. YOU PUT YOUR FOOT ON THE METAL WHEN YOU HAVE A CHANCE. WE'RE GROWING AND WE'RE WORKING TO MAKE RURAL NEBRASKA A BETTER PLACE. DON'T TELL ME AS A PRODUCER WHAT I CAN AND CANNOT DO OR HOW I SHOULD BE ABLE TO INNOVATE MY BUSINESS AND GROW MY BUSINESS. AND THAT'S WHAT WE DO IN THIS STATE, AND IT'S UNFORTUNATE. [LB106]

SENATOR COASH: TIME, SENATOR. THANK YOU, SENATOR LARSON. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB106]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. AND I, TOO, WILL STAND IN OPPOSITION TO THE RECOMMIT MOTION. I WAS INTRIGUED BY SOMETHING THAT SENATOR SCHUMACHER SAID WHEN HE STOOD UP: WHAT DO WE WANT OUR STATE TO LOOK LIKE IN THE NEAR TERM AND THE FUTURE? AND WE NEED TO THINK ABOUT THAT, BECAUSE THAT'S WHY WE'RE HERE TODAY. BECAUSE HE'S RIGHT, WE'VE BEEN REACTIVE ON THIS STUFF. WE HAVEN'T THOUGHT ABOUT IT IN A PROACTIVE MANNER FOR WAY TOO MANY YEARS. AND THERE'S REASONS FOR THAT. AND I THINK THAT EVERYTHING THAT SENATOR LARSON TALKED ABOUT ENTERS INTO THAT AS WELL. BUT LET'S GO THROUGH SOME OF THE THINGS. WHY HAVE WE SEEN THE CHANGES IN AGRICULTURE OVER TIME, NOT JUST HERE IN NEBRASKA BUT ALL OVER THE WORLD IN THOSE PLACES WHERE THEY CAN AFFORD TO DO IT? JUST LOOK AT THE AGE OF OUR FARMING COMMUNITY. THE NATIONAL AVERAGE IS 57 YEARS OLD. IN NEBRASKA, I THINK IT'S OVER 65. OKAY. WE HAVE AN AGING POPULATION OF FARMERS. YES, WE HAVE HAD AN INFLUX OF YOUNG FARMERS COME IN HERE RECENTLY, BUT NOT AS MANY AS WE NEED. WOULD SENATOR HUGHES ANSWER A QUESTION? [LB106]

SENATOR COASH: SENATOR HUGHES, WILL YOU YIELD? [LB106]

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SENATOR HUGHES: OF COURSE. [LB106]

SENATOR SCHILZ: SENATOR HUGHES, WE HEARD FOLKS TALK TODAY ABOUT, YOU KNOW, FEWER AND FEWER PEOPLE NEEDED ON THE FARM AND THAT WE ARE THROWING PEOPLE...MOVING THEM TO THE CITIES BECAUSE OF THAT. WELL, TELL ME THIS. DO YOU HAVE NEED FOR EMPLOYEES ON YOUR FARM? [LB106]

SENATOR HUGHES: YES, I DO. [LB106]

SENATOR SCHILZ: DO YOU HAVE AN EASY TIME FINDING THEM? [LB106]

SENATOR HUGHES: NO, WE DO NOT. [LB106]

SENATOR SCHILZ: YEAH. AND SAYING THAT, HAVE YOU TAKEN ADVANTAGE OF THE ECONOMIES OF SCALE AND THE MECHANIZATION THAT HAS HAPPENED OVER THE LAST 50 YEARS IN AGRICULTURE? [LB106]

SENATOR HUGHES: I'VE HAD TO, TO STAY IN BUSINESS. [LB106]

SENATOR SCHILZ: THANK YOU VERY MUCH. I APPRECIATE THOSE ANSWERS. HE HAS TO BECAUSE HE WANTS TO STAY IN BUSINESS. IT'S A COMMODITY MODEL, FOLKS. HERE'S THE POINT. WHEN YOU RAISE THINGS THAT ARE A COMMODITY, THE PRICE FOR WHAT YOU GET FOR THAT COMMODITY ALWAYS TRENDS TOWARDS A BREAK EVEN. THAT'S THE DEFINITION. THAT'S THE WAY IT WORKS. SO AS IT DOES THAT, IF YOU DON'T BECOME MORE AND MORE AND MORE EFFICIENT OVER TIME, YOU LOSE YOUR PLACE. YOU DON'T GET TO DO IT ANYMORE. IT'S CALLED CAPITALISM AND IT WORKS MUCH BETTER THAN ANY OTHER MODEL THAT'S OUT THERE. WE CAN ALSO LOOK TO U.S. POLICY, FED POLICY, AS TO WHY THIS HAS HAPPENED. FOR A LONG, LONG TIME, UNITED STATES OF AMERICA HAS PROMULGATED A CHEAP FOOD POLICY FOR EXACTLY THE PEOPLE THAT SENATOR CHAMBERS TALKS ABOUT. EVERYBODY BUYING THEIR FOOD NEEDS TO BE ABLE TO AFFORD IT IN THIS COUNTRY. AND THIS FEDERAL GOVERNMENT, OUR FEDERAL GOVERNMENT WORKS VERY HARD TO MAKE SURE THAT HAPPENS. THAT REQUIRES MECHANIZATION. THAT REQUIRES ECONOMIES OF SCALE AND EFFICIENCIES. YOU HAVE TO DO THAT TO SURVIVE. LET'S TALK ABOUT THE PRICE OF LAND AND ALL THE OTHER INPUTS THAT GO INTO IT. THOSE AREN'T GOING DOWN EITHER. THEY DON'T MAKE ANY MORE

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LAND. AND WHEN YOU LOOK AT WHAT'S HAPPENED, AND THAT IS ALSO PART OF OUR FED POLICY AS WELL, THAT'S OUR MONETARY POLICY MAKING OUR LAND GO UP BECAUSE PEOPLE ARE CONCERNED ABOUT WHERE TO PUT THEIR MONEY. SO WHAT DO THEY DO? THEY PUT IT IN THINGS THAT THEY CAN TOUCH AND FEEL LIKE GOLD... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR SCHILZ: ...SILVER, LAND. IT CAUSES US TO GROW OUR FARMS. IT CAUSES US TO BECOME MORE EFFICIENT. ALL THESE THINGS ENTER INTO IT. WHEN SOMEBODY WON'T TELL YOU WHAT A BIG FARM IS, YOU'VE GOT TO ASK THEM THIS. IT'S ALL RELATIVE, FOLKS. WHEN I FIRST STARTED IN THIS, MY FAMILY OWNED A 15,000-HEAD FEEDYARD. BACK THEN, IT WAS SEEN AS HUGE. TODAY A 25,000-, 30,000-HEAD FEEDYARD IS LOOKED AT AS A MIDDLE-SIZED FEEDYARD. IT'S ALL RELATIVE, FOLKS. AND IF YOU DON'T GROW AGRICULTURE, YOU LOSE AGRICULTURE. AND IF YOU DOUBT THAT, GO LOOK AT WHAT'S HAPPENED. LOOK AT WHAT HAPPENED WITH THE INITIATION OF INITIATIVE 300 OVER THOSE 30 YEARS AND WHAT HAPPENED TO DEVELOPMENT EVERYWHERE ELSE AROUND US BUT HERE. AND YOU WILL SEE THAT WE TOOK STEPS BACKWARDS. [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR SCHILZ: THANK YOU. [LB106]

SENATOR COASH: THANK YOU, SENATOR SCHILZ. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB106]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, YOU NEED NOT BE A FARMER OR A FEEDLOT OPERATOR TO UNDERSTAND SOME OF THE THINGS THAT ARE BEING DISCUSSED HERE TODAY. I DID NOT SPEAK AGAINST MECHANIZATION. I DID NOT MENTION THE TERM "CORPORATE FARMING." SO SOME OF THE COMMENTS THAT HAVE BEEN MADE ARE NOT ADDRESSED TO THE ISSUE BEFORE US. WE'RE TALKING ABOUT THE UTILIZATION OF LAND IN A CERTAIN WAY IN ACCORD WITH ZONING REQUIREMENTS OR RESTRICTIONS OR DETERMINATIONS, AND WHETHER THE STATE IS GOING TO BE ABLE TO TRUMP THE LOCALS, OR WILL THE LOCALS BE ABLE TO CONTINUE AS THEY HAVE UP TO THIS POINT. AND THE ISSUE THAT I SEE BASED ON LOOKING AT IT AS A POLITICIAN, NOT A PRETEND FARMER, POLITICS

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CONTROLS EVERYTHING. AND IT WILL BE MUCH EASIER...NOW, I DID USE THE TERM "BIG AGRICULTURE" BECAUSE "PROFESSOR" SCHUMACHER INTRODUCED IT, AND HE'S CORRECT. HE DIDN'T SAY CORPORATE, FAMILY-OWNED. HE SAID BIG. IT'S EASIER TO GET WHAT YOU WANT FROM ONE POLITICIAN, WHICH IS THE GOVERNOR, AND THAT'S WHAT ALL THE PEOPLE WHO ARE DISCUSSING HOW GREAT THIS BILL IS WILL NOT TOUCH ON. BUT I WILL BECAUSE I KNOW THE POWER THAT A GOVERNOR HAS AND I'VE SEEN IT IN OPERATION. AND EITHER THESE PEOPLE HAVE NOT OBSERVED IT, DON'T UNDERSTAND IT, OR THEY WANT TO PRETEND THAT IT DOESN'T EXIST. BUT I SAW WHAT THE GOVERNOR WAS ABLE TO DO ON THE PIPELINE. I SAW HOW HE LET TRANSCANADA COME IN HERE AND WRITE ANOTHER BILL. AND THAT AGENCY, DEQ, WENT ALONG WITH TRANSCANADA BECAUSE THEY ONLY HAD TO GET ONE PERSON, THE GOVERNOR, AND THEY GOT THE GOVERNOR. AND THE GOVERNOR DIRECTS THESE PEOPLE THAT HE APPOINTS IN TERMS OF WHAT THEY WILL DO. THAT SO-CALLED OIL AND GAS COMMISSION, COMPRISING TWO PEOPLE, ARE ABOUT TO THROW AWAY THE WELFARE OF CERTAIN PARTS OF THIS STATE BY LETTING STATES WHO USE FRACKING TO BENEFIT THEMSELVES TAKE ALL OF THE TRASH, ALL OF THE BAD THINGS AND DUMP THEM IN NEBRASKA BECAUSE THEY FEEL NEBRASKA IS CONTROLLED BY PEOPLE WHO DON'T HAVE EITHER MUCH SENSE OR MUCH CARE ABOUT THE PEOPLE. SO NEBRASKA WILL BECOME KNOWN THROUGHOUT THAT INDUSTRY AS THE GARBAGE DUMP. AND THE GOVERNOR IS GOING TO HAVE A LOT TO SAY ABOUT LETTING THAT HAPPEN BECAUSE HE'S BUSINESS ORIENTED. PEOPLE DO WHAT THEY KNOW HOW TO DO. SO, WHEN YOU TALK ABOUT A BILL LIKE THIS WHICH IS GOING TO TRUMP AND AFTER TWO YEARS TAKE AWAY LOCAL CONTROL WHEN IT COMES TO THESE ZONING OPERATIONS, THEN THE WELFARE OF THE PEOPLE WILL NOT BE CONSIDERED. I DON'T HAVE TO WORRY ABOUT THE BIG FEEDLOT OWNER, THE BIG FARM OPERATOR. THEY CAN TAKE CARE OF THEMSELVES. THEY HAVE POLITICAL CLOUT. THEY CAN HIRE CRACK LEGAL STAFFS AND LOOK AFTER THEIR INTERESTS. BUT ON THIS FLOOR, OFTEN YOU WILL NOT FIND PEOPLE TALKING ABOUT THE INDIVIDUALS WHO LIVE IN THOSE AREAS, AND I'M NOT JUST TALKING ABOUT EMPLOYEES WHO WORK FOR FARMS. I'M TALKING AND THE TERM I USED WAS FAMILY-TYPE LIVING. BUT IF THAT DOESN'T MEAN ANYTHING TO THE PEOPLE ON THIS FLOOR, THEN YOU'LL HAVE THE VOTES TO SAY FORGET ABOUT THE PEOPLE. THERE ARE PEOPLE WHO WANT TO GROW CATTLE, LOOK AFTER THEM. PEOPLE WHO WANT TO HANDLE FOOD LOTS...FEEDLOTS, LOOK AFTER THEM. BUT OTHER THAN PEOPLE WHO MIGHT LIVE ON THE LAND THEY OPERATE, YOU WON'T FIND THEM BUILDING A HOME NEAR A FEEDLOT. YOU WON'T HAVE THEM... [LB106]

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SENATOR COASH: ONE MINUTE. [LB106]

SENATOR CHAMBERS: ...MAKING THEIR HOME AND ANNEXED TO A HOG OPERATION. WE HAVE DIFFERENT ORIENTATIONS, AND MINE IS MORE TOWARD ORDINARY PEOPLE. THE BIG SHOTS HAVE PLENTY TO SPEAK FOR THEM AND THEIR INTERESTS ARE OFTEN VOTED ON THIS FLOOR. I'M FOR THE COMMITMENT...THE RECOMMITMENT MOTION. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB106]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I RISE IN OPPOSITION TO THE RECOMMIT MOTION AND IN CONTINUED SUPPORT OF LB106 AS AMENDED THROUGH THE WORKS OF AND THE COMPRISE OF SENATOR WATERMEIER. I WILL ADDRESS THE PROCESS RIGHT NOW MORE THAN THE SUBSTANCE OF THE ISSUES CONTAINED IN LB106. AND AMONG THE REASONS WHY I OPPOSE THE RECOMMIT MOTION IS SENATOR BLOOMFIELD'S OPENING WHERE HE STATED UNEQUIVOCALLY THERE IS NO AMENDMENT WHICH CAN MAKE THIS BILL BETTER IN HIS MIND. AND THAT'S FINE. THERE ARE CERTAINLY PROPOSALS IN THIS LEGISLATURE WHICH I OPPOSE AND I'M NOT PARTICULARLY INTERESTED IN SEEKING AMENDMENTS TO. BUT IF THE CONCLUSION IS WE'RE NOT GOING TO WORK ON IT, WE'RE NOT GOING TO TRY AND MAKE IT BETTER, WE'RE JUST GOING TO KILL IT, YOUR END GAME IS NOT A MOTION TO RECOMMIT TO COMMITTEE, BECAUSE THAT DOESN'T KILL THE BILL. AND IF YOU'RE SAYING AT THE OUTSET, YOU ARE NOT GOING TO WORK TO MAKE THE BILL ANY BETTER, THEN WHY ON GOD'S EARTH WOULD YOU SEND IT BACK TO COMMITTEE? WOULD SENATOR BLOOMFIELD YIELD TO A QUESTION? [LB106]

SENATOR COASH: SENATOR BLOOMFIELD, WILL YOU YIELD? [LB106]

SENATOR BLOOMFIELD: YES, I WOULD. [LB106]

SENATOR MURANTE: SENATOR BLOOMFIELD, IS IT YOUR INTENT...IS IT YOUR BELIEF THAT LB106 IS BAD PUBLIC POLICY? [LB106]

SENATOR BLOOMFIELD: YES, IT IS. [LB106]

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SENATOR MURANTE: AND IS IT YOUR BELIEF THAT LB106 SHOULD NOT BE ENACTED INTO LAW? [LB106]

SENATOR BLOOMFIELD: AS INTRODUCED AND AS WHERE WE'RE AT NOW, YES, THAT IS MY BELIEF. [LB106]

SENATOR MURANTE: SO, ARE YOU MODIFYING YOUR STATEMENT IN YOUR OPENING THAT THERE IS NO AMENDMENT WHICH CAN MAKE THE BILL ANY BETTER? [LB106]

SENATOR BLOOMFIELD: I WOULD HAVE TO GO BACK AND LOOK AT THE TRANSCRIPT. THAT IS NOT, I BELIEVE, EXACTLY WHAT I SAID, BUT I WOULD WANT TO LOOK AT THE TRANSCRIPT TO VERIFY THAT. [LB106]

SENATOR MURANTE: THANK YOU, SENATOR BLOOMFIELD. I WOULD ENCOURAGE YOU TO GO TO THE TRANSCRIPT BECAUSE THAT IS EXACTLY WHAT YOU SAID. COLLEAGUES, IF YOU DON'T LIKE LB106, I THINK THERE ARE REASONABLE AND RATIONAL POINTS THAT HAVE BEEN MADE ON THAT SUBJECT. AND I'LL LET SENATOR WATERMEIER DEFEND THE MERITS OF THE BILL AND MANY OTHERS. BUT THE MOTION TO RECOMMIT, IF YOU DON'T LIKE IT, IS NOT THE BEST WAY TO GO. IF YOU HAD THE MOTION TO BRACKET, I'D ENCOURAGE YOU TO BRING IT BACK. IF YOU DON'T LIKE THE BILL, THEN KILL IT. SENATOR CHAMBERS LAUGHS AT MY RECOMMENDATION, BUT MY PHILOSOPHY REMAINS THE SAME. IF YOU WANT TO KILL THE BILL, THEN KILL IT. AND IF YOU'RE STATING FROM THE OUTSET THAT THERE'S NO WAY TO MAKE IT BETTER AND YOU'RE UNWILLING TO WORK ON IT, THAT YOU'RE GOING TO BE OBSTINATE AND INTRANSIGENT ON THE BILL, I'M NOT GOING TO ARGUE WITH YOU, I'M NOT GOING TO WASTE TIME DEBATING, BUT THEN KILL IT. AND IT'S BEEN STATED THAT SENDING THE BILL BACK TO COMMITTEE WOULD SPARK AN INTERIM STUDY SO THAT PERHAPS THE AGRICULTURE COMMITTEE AND THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE COULD WORK IN COLLABORATION AND HAVE AN INTERIM STUDY TO RESOLVE THE CONFLICTS THAT HAVE BEEN ARTICULATED ON THE FLOOR. THE PROCESS AS IDENTIFIED IN THE RULES OF THIS LEGISLATURE MAKES IT CRYSTAL-CLEAR THAT SENDING LB106 BACK TO COMMITTEE DOES NOT TRIGGER AN INTERIM STUDY. IT DOES NOT MANDATE THAT THE GOVERNMENT OR THE AGRICULTURE COMMITTEE DO ANYTHING. IT JUST SENDS THE BILL BACK TO COMMITTEE. IF YOU WANT AN INTERIM STUDY, WHETHER OR NOT LB106 PASSES, YOU'RE GOING TO NEED TO INTRODUCE A LEGISLATIVE RESOLUTION CALLING FOR AN INTERIM STUDY. THAT RESOLUTION WILL BE

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REFERENCED TO THE GOVERNMENT COMMITTEE AND, DEPENDING ON HOW IT'S WRITTEN, IT COULD BE REFERENCED MUTUALLY TO THE AGRICULTURE COMMITTEE, AND THEN WE WOULD HAVE AN INTERIM STUDY. SO IF YOUR HOPE...IF YOUR GOAL IS TO... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR MURANTE: ...HAVE AN INTERIM STUDY ON THIS PROCESS, THAT'S FINE. BUT ONCE AGAIN, A RECOMMIT MOTION IS NOT THE WAY TO MAKE THAT END ACCOMPLISHED. SO, I APPRECIATE THE CONCERNS THAT HAVE BEEN ARTICULATED ON THE FLOOR. I STAND IN STRONG OPPOSITION TO THE RECOMMIT MOTION. I THINK THERE'S A BETTER WAY TO GO. I HAVE BEEN ASSURED THAT THIS IS NOT A FILIBUSTER TACTIC, AND I APPRECIATE THAT. AND THAT'S WHY I AM STANDING MAKING...IF THIS WAS JUST...IT WAS CLEAR TO ME THAT THIS WAS A MEANS OF GETTING US TO 33 VOTES, I WOULDN'T HAVE SAID ANYTHING AND JUST LET THE TIME...LET THE CLOCK RUN OUT. BUT THE RECOMMIT MOTION IS THE WRONG MOTION FOR WHERE WE'RE AT IN THIS DISCUSSION RIGHT NOW, COLLEAGUES. [LB106]

SENATOR COASH: TIME, SENATOR. [LB106]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB106]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I'D LIKE TO THANK SENATOR CHAMBERS FOR REMOVING HIS BRACKET MOTION AND ALLOWING THE DEBATE TO GO A LITTLE BIT. BUT I'M ALSO GOING TO HAVE TO ASK THAT WE RECONSIDER A LITTLE BIT SOME OF THE DEBATE HE BROUGHT UP. I WASN'T GOING TO BRING THIS UP EARLIER. I SUSPECTED IT, UNTIL HE BROUGHT IT UP. SENATOR CHAMBERS BROUGHT UP THE FACT THAT THIS IS JUST LIKE A PIPELINE BILL. THIS IS JUST LIKE THE GOVERNOR OVERRULING EVERYTHING. WELL, THERE'S A GROUP OUT IN THE BODY, OUT BEHIND THE LOBBY, BEHIND THE GLASS DOORS, HSUS, THAT WOULD LOVE TO SEE THIS CONSIDERED LIKE A PIPELINE BILL. MEMBERS OF THE BODY, AND THE STATE OF NEBRASKA, LISTEN CLOSELY. MY BILL, LB106, ALONG WITH THE TWO AMENDMENTS THAT WE HAVE ON BOARD, CHANGED SIGNIFICANTLY, BUT NOT ENOUGH. SENATOR DAVIS' BILL, WHICH IS GOING TO BE PROBABLY CRAFTED EVEN MORE SO WITH WHAT I THINK I HEAR SENATOR SULLIVAN TALKING ABOUT WITH SPECIFIC NACO

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REPRESENTATION AND ALSO CLARIFYING SOME LANGUAGE ABOUT THE CONDITIONAL USE PERMIT, WILL BE CHANGED. IT WILL CHANGE THE BILL TO WHERE THERE'S ABSOLUTELY NO ISSUE WITH LOCAL CONTROL. HERE'S WHAT WILL HAPPEN IN THIS PROCESS. SOMEONE WILL COME...FIRST OF ALL, IN ORDER TO PUT THE BILL INTO MOTION, YOU WILL HAVE THE STATE CREATE THE MATRIX. THEY WILL PULL TOGETHER A BODY OF PEOPLE WHO WILL CREATE THIS MATRIX. ONCE IT'S SET OUT THERE, THE COUNTIES CAN USE IT. IT'S NOT THAT THEY WILL USE IT AND ARE FORCED TO OPT OUT; THEY WILL HAVE THE OPTION TO OPT INTO IT. IF THAT'S NOT WHAT YOU WANT FOR LOCAL CONTROL, WE'LL NEVER GET THERE IN THIS BODY. THAT IS NOT OUT OF THE ORDINARY. IT'S SOMETHING THAT WE DO AND WE SHOULD DO IN THIS BODY. SO, I WOULD REALLY LIKE TO REITERATE, THIS IS NOT AN ISSUE ABOUT THE GOVERNOR. I KNOW SENATOR CHAMBERS HAS ISSUES WITH THE EXECUTIVE BRANCH IN THIS BODY. IT'S NOT AN ISSUE ABOUT THE GOVERNOR. WE ARE LEAVING ALL THIS CONTROL RIGHT AT THE LOCAL LEVEL. I APPRECIATE, AND I THINK I HEARD IT THROUGH THE BACKGROUND, WHAT SENATOR CAMPBELL HAD MENTIONED ABOUT THIS WOULD HAVE BEEN A NICE TOOL TO HAVE FOR THOSE SUPERVISORS, THOSE ZONING ADMINISTRATORS WHO DON'T HAVE A LOT OF AG EXPERIENCE. THAT IS THE INTENT OF THIS BILL, TO PUT ANOTHER TOOL IN THE TOOLBOX FOR THOSE PEOPLE. NOW IT'S AMENDED EVEN FURTHER TO STATE IF THEY WANT IT. THEY DON'T HAVE TO OPT OUT OF IT. THEY VOLUNTARILY WILL OPT INTO IT, NO QUESTION ABOUT IT. I AM ADAMANTLY OPPOSED AGAINST RECOMMITTING THIS TO THE COMMITTEE. MEMBERS, THINK A LITTLE BIT AGO, TWO YEARS AGO, WE COULDN'T DECIDE ABOUT PROPERTY TAX IN THIS BODY, SO WHAT DID WE DO? WE CREATED A TAX MODERNIZATION COMMITTEE. I THINK SENATOR BOLZ AND SENATOR NORDQUIST WERE APPOINTED TO THAT COMMITTEE, ALONG WITH THE REVENUE COMMITTEE. AND WHAT DID WE GET DONE? WE FOUND OUT PROPERTY TAXES WERE TOO HIGH. WOW, WE DIDN'T KNOW THAT BEFOREHAND. WE CAN STUDY THINGS REALLY, REALLY WELL IN HERE, AND I COMMEND THE IDEA OF STUDYING THINGS, BUT THIS WAS FAIRLY DEBATED THIS LAST FALL IN THE INTERIM. WE HAD GOOD IDEAS. DID WE HAVE EVERYBODY INVOLVED IN THE PROCESS? WE PROBABLY COULD HAVE REACHED OUT TO MORE PEOPLE, BUT WE'VE REACHED OUT. I'M NOT AFRAID OF A BILL WITH 15 AMENDMENTS ON IT, LET ALONE 2 GOOD ONES AND A THIRD ONE THAT'S COMING IN THE PIPELINE THAT WILL MAKE THIS BILL VERY MUCH IN SUPPORT, I BELIEVE, OF WHAT RETAINS LOCAL CONTROL. THE LAST THING I'D LIKE TO REMIND EVERYBODY IS AND IT'S...I'M JUST...TELL A STORY. IN THE EARLY '70s, NEBRASKA HAD WHAT WAS CALLED CONSERVATION DISTRICTS. I THINK THAT'S THE RIGHT TERM. AND THEY WRESTLED AND WRESTLED AND WRESTLED WHAT TO DO WITH THESE WATER PROBLEMS WE HAD IN THE STATE

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OF NEBRASKA. I WENT BACK AND LOOKED AT THIS. IN THE EARLY '70s IT TOOK, I THINK, ONE VOTE OVER TO CREATE WHAT WE CONSIDER THE NATURAL RESOURCES DISTRICTS IN THE STATE OF NEBRASKA AND NOW WE ARE THE SHINING EXAMPLE OF HOW TO MANAGE WATER... [LB106]

SENATOR COASH: ONE MINUTE. [LB106]

SENATOR WATERMEIER: ...QUALITY OF WATER, QUANTITY OF WATER, WHO GETS IT. BUT THAT PASSED BY ONE VOTE. IT MIGHT HAVE BEEN A LITTLE BIT MORE THAN THAT, BUT IT WAS THAT CLOSE. IT WAS THAT CLOSE TO BEING KILLED. MEMBERS, I WOULD ASK YOU TO VOTE NO ON THIS RECOMMIT. ALLOW ME TO GET SENATOR DAVIS' BILL ON THIS THING AND WE'LL GET INTO SELECT AND WE'LL HAVE A GOOD DEBATE ON THIS AGAIN IN SELECT. BUT I REALLY ASK YOU TO VOTE RED ON THIS MOTION TO RECOMMIT TO COMMITTEE. THANK YOU, MR. PRESIDENT. [LB106]

SENATOR COASH: THANK YOU, SENATOR WATERMEIER. MR. CLERK. [LB106]

CLERK: MR. PRESIDENT, ITEMS: THE COMMITTEE OF APPROPRIATIONS, CHAIRED BY SENATOR MELLO, REPORTS LB449 TO GENERAL FILE WITH AMENDMENTS; I HAVE AN AMENDMENT TO LB15 TO BE PRINTED, BY SENATOR KRIST. (LEGISLATIVE JOURNAL PAGES 1026-1027.) [LB449 LB15]

MR. PRESIDENT, SENATOR SULLIVAN WOULD MOVE TO RECESS THE BODY UNTIL 1:30 P.M.

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION TO RECESS. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. WE ARE IN RECESS.

RECESS

SENATOR KRIST PRESIDING

SENATOR KRIST: 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.

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

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CLERK: MR. PRESIDENT, I HAVE A QUORUM PRESENT.

SENATOR KRIST: THANK YOU, MR. CLERK. ARE THERE ANY ITEMS FOR THE RECORD?

CLERK: THERE ARE. JUDICIARY COMMITTEE REPORTS LB136 TO GENERAL FILE; LB289, GENERAL FILE; LB30, GENERAL FILE WITH AMENDMENTS, AND LB426 INDEFINITELY POSTPONED. MR. PRESIDENT, SENATOR JOHNSON WOULD LIKE TO HAVE A MEETING OF THE AGRICULTURE COMMITTEE UNDER THE SOUTH BALCONY NOW; AGRICULTURE COMMITTEE, SOUTH BALCONY NOW. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGE 1028.) [LB136 LB289 LB30 LB426]

SENATOR KRIST: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THIS AFTERNOON'S AGENDA.

CLERK: MR. PRESIDENT, LB610 IS A BILL BY SENATOR SMITH. (READ TITLE.) INTRODUCED ON JANUARY 21 OF THIS YEAR, AT THAT TIME REFERRED TO THE REVENUE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. AT THIS TIME, MR. PRESIDENT, I HAVE NO AMENDMENTS PENDING TO THE BILL. [LB610]

SENATOR KRIST: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB610]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. I ASSURE YOU THAT OUR DELAY GETTING STARTED THIS AFTERNOON HAD NOTHING DO WITH ME OR MY BILL. YOU KNOW, I WOULD MUCH RATHER BE STANDING BEFORE YOU THIS AFTERNOON AND INTRODUCING LB357, WHICH WAS MY INCOME TAX REFORM BILL. I BELIEVE THAT WE DO NEED TO HAVE INCOME TAX AND PROPERTY TAX REFORM IN NEBRASKA. I BELIEVE IN THAT WHOLEHEARTEDLY. HOWEVER, COLLEAGUES, I BELIEVE THAT THE BILL THAT I HAVE BEFORE YOU TODAY, LB610, WHICH SOME HAVE CALLED THE GAS TAX BILL, IT IS A USER FEE GAS TAX BILL, I BELIEVE IT IS AS MUCH ABOUT SOUND TAX POLICY AS LB357. AND I HAVE NOT GIVEN UP ON MY OTHER BILLS, I ASSURE YOU OF THAT. BUT I DO WANT TO HAVE THIS DISCUSSION WITH YOU TODAY, COLLEAGUES, AND IT NEEDS TO BE A DISCUSSION. THIS IS NOT A SOUND BITE ISSUE, AND MANY WOULD LIKE TO REDUCE IT TO SOUND BITES. SOME WOULD LIKE TO SAY A TAX IS A TAX IS A TAX. THERE'S NOTHING FARTHER FROM THE TRUTH. WE DO HAVE AN ISSUE OF NEED IN NEBRASKA WITH OUR ROADS AND OUR BRIDGES, OUR INFRASTRUCTURE. I ABSOLUTELY BELIEVE, AS CHAIR

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OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, AND I'VE BEEN VICE CHAIR FOR TWO YEARS, WE HAD A STUDY CONDUCTED LAST YEAR, WAS COMPLETED, THAT SHOWED THAT ONE IN FOUR RURAL BRIDGES ARE FUNCTIONALLY OBSOLETE OR STRUCTURALLY DEFICIENT, ONE IN FOUR, COLLEAGUES, ONE IN FOUR RURAL BRIDGES. ONE IN TEN STATE BRIDGES ARE FUNCTIONALLY OBSOLETE OR STRUCTURALLY DEFICIENT. AND THE NOTE THAT WE HAVE, THE COST TO GET THOSE UP TO SPEED IS WELL OVER \$800 MILLION. AND IF WE'RE ALREADY BARELY KEEPING UP, WHERE IS THAT MONEY GOING TO COME FROM? WE HAVE A BACKLOG ON ROAD REPAIRS THAT ARE IN THE HUNDREDS OF MILLIONS OF DOLLARS. AND THEN WE HAVE NEW EXPRESSWAYS. HOW ARE WE GOING TO PAY FOR THEM? WE HAVE A SHORTAGE OF FUNDS FOR THOSE EXPRESSWAYS. THANKFULLY, SENATOR FISCHER WORKED HARD AND SHE GOT LB84 THROUGH, WHICH WAS THE BUILD NEBRASKA ACT, WHICH EARMARKED ABOUT SOMEWHERE IN THE NEIGHBORHOOD OF ABOUT \$90 MILLION A YEAR TO ADDRESS THE SOMEWHAT CLOSE TO \$800 MILLION IN EXPRESSWAY NEEDS THAT ARE BACKLOGGED. AND THIS DOES NOT EVEN ADDRESS NEW EXPRESSWAY NEEDS LIKE THE FOUR LANES NEBRASKA BETWEEN FREMONT AND NORFOLK. SO IF YOU...IF YOU'RE FOLLOWING MY DOLLARS, IT'S VERY EXPENSIVE. AND WHERE ARE WE GOING TO FIND THE MONEY? AND THEN COUNTIES AND CITIES ARE BECOMING MORE DEPENDENT UPON PROPERTY TAXES AND WHEEL TAXES TO SATISFY THEIR JURISDICTIONAL NEEDS. WE HEAR ABOUT PROPERTY NEEDS, PROPERTY TAX ISSUES IN RURAL NEBRASKA, AND WE WANT TO GIVE PROPERTY TAX RELIEF TO RURAL NEBRASKA. COLLEAGUES, WHAT'S BEFORE YOU TODAY WITH LB610 WOULD ADDRESS THAT, BECAUSE WITHOUT THIS...WITHOUT THIS ADDITIONAL FUNDING, THE COUNTIES WILL NEED TO DIP FURTHER, FURTHER INTO THEIR PROPERTY TAX FUNDS TO PAY FOR THEIR NEEDS. AND IN OUR CITIES, WHO IS NOT UPSET WITH THE WHEEL TAXES THAT WE SEE IN OUR CITIES? BUT WITHOUT THIS KIND OF RELIEF FOR OUR CITIES, OUR CITIES ARE GOING TO BECOME MORE AND MORE DEPENDENT UPON THE WHEEL TAX. AND THEN WE HAVE FEDERAL DOLLARS THAT ARE LOSING THEIR VALUE. THE FUEL TAX, THE FEDERAL FUEL TAX HAS NOT INCREASED FROM 18.4 CENTS IN 22 YEARS, BUT IT'S REDUCING ITS VALUE. SO THE FUEL TAX ITSELF, THE FEDERAL FUEL TAX, THE INCREASED COST IN STEEL AND CONCRETE AND LABOR IS WAY OUTPACING THE VALUE OF THAT MONEY. OUR NEIGHBORING STATES ARE BEGINNING TO ACT. OUR NEIGHBORING STATES REALIZE THAT THEY CAN'T RELY ON THE FEDERAL GOVERNMENT ANY LONGER. IT'S BECOMING HARDER AND HARDER TO GET AN APPROPRIATIONS THROUGH THE FEDERAL GOVERNMENT FOR HIGHWAYS...FEDERAL HIGHWAY FUNDS, SO STATES ARE BEGINNING TO ADDRESS THIS ON THEIR OWN. AND THEN WE HAVE THE ISSUE OF HOW ARE WE GOING TO FUND IT. WELL, THERE'S REALLY

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THREE WAYS. WE TALKED ABOUT IT LAST YEAR AND THE YEAR BEFORE ON BONDING. WE COULD BORROW MONEY. GOING FORWARD WE COULD BORROW MONEY, BUT WE'VE ALREADY ESTABLISHED THAT WE DON'T WANT TO TAKE THAT ROUTE. WE DO NOT WANT TO PLEDGE FUTURE LEGISLATURES TO PAY FOR IT. THEN WE HAVE OUR GENERAL FUNDS. AND IN OUR GENERAL FUNDS WE HAVE...THE LARGEST EXPENDITURES ARE MEDICAID AND EDUCATION, K-12, UNIVERSITY OF NEBRASKA. DO WE REALLY WANT TO GO AND COMPETE FOR GENERAL FUND DOLLARS TO PAY FOR OUR ROADS? AND THE AMOUNT OF MONEY THAT WE COULD PULL OUT OF GENERAL FUNDS WOULD NEVER CATCH US UP WITH WHERE WE NEED TO BE. SO THE FINAL WAY OF ADDRESSING OUR FUNDING ISSUE IS GOING TO BE A USER FEE OR A GAS TAX. TODAY NEBRASKA, ROUGHLY 60 PERCENT OF OUR ROADS FUNDING COMES THROUGH THE STATE HIGHWAY TRUST FUND, AND IN THAT STATE HIGHWAY TRUST FUND WE HAVE OUR MOTOR FUEL TAX, WE HAVE OUR VEHICLE REGISTRATIONS, AND WE HAVE OUR VEHICLE SALES TAX. YOU HAVE A CHART IN FRONT OF YOU THAT YOU CAN SEE. AND THAT MAKES ABOUT 60 PERCENT OF THE FUNDING, ABOUT 40 PERCENT COMES FROM THE FEDERAL GOVERNMENT. AGAIN, REMEMBER THE FEDERAL GOVERNMENT WE'RE GOING TO RELY...WE CAN RELY LESS AND LESS ON THAT GOING FORWARD. AND THEN THAT GETS DISTRIBUTED THREE WAYS. IT GOES TO THE STATE WITH THEIR JURISDICTIONAL NEEDS, AND THEN THE OTHER GOES TO CITIES AND COUNTIES. ROUGHLY 60 PERCENT OF THE EXPENDITURES OUT OF THAT GOES TO THE STATE OF NEBRASKA TO PAY FOR THEIR ROADS THAT THEY HAVE JURISDICTION FOR, AND THEIR BRIDGES. ROUGHLY 10 PERCENT OF THE 100,000 MILES OF ROADS BELONG TO THE STATE AND ROUGHLY A FOURTH OF THE BRIDGES BELONG TO THE STATE. ROUGHLY A FOURTH OF THE NEARLY 20,000 BRIDGES BELONG TO THE STATE. THE VAST MAJORITY BELONGS TO CITIES AND COUNTIES. AND THE CITIES AND COUNTIES ARE THE ONES THAT ARE HURTING THE MOST. AND SO MY FUEL TAX WOULD RAISE \$1...I MEAN 1 CENT...1.5 CENT PER YEAR FOR FOUR CONSECUTIVE YEARS TO GET TO 6 CENTS, AND A THIRD WOULD GO TO THE STATE, A THIRD WOULD GO TO THE COUNTY, AND A THIRD WOULD GO TO THE CITY. AND IT WOULD BE DISTRIBUTED IN THE SAME MANNER THAT THE FIXED TAX IS NOW DISTRIBUTED. SO, COLLEAGUES, I WANT TO HAVE A DISCUSSION. AGAIN, I ARGUE THIS IS NOT A SOUND BITE ISSUE. THIS IS SOUND TAX POLICY. WE NEED A PAY-AS-YOU-GO APPROACH TO FIX OUR FAILING BRIDGES AND OUR ROADS. I APPRECIATE SENATOR FRIESEN FOR HIS SUPPORT OF THIS AND MAKING THIS HIS PRIORITY BILL THIS YEAR. I DO NOT EXPECT THIS DISCUSSION TO GO EASY, BUT I WANT TO HAVE THIS DISCUSSION NONETHELESS. THANK YOU VERY MUCH, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB610 LB357]

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SENATOR KRIST: THANK YOU, SENATOR SMITH. YOU'VE HEARD THE OPENING ON LB610. THOSE WISHING TO SPEAK: SENATOR CHAMBERS, GLOOR, FRIESEN, AND BAKER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB610]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I REALIZE THAT I PROBABLY AM GOING TO BE THE ONLY ONE, OR ONE OF THE FEW, WHO WILL OPPOSE THIS BILL. I HAVE NOT LIKED THE GAS TAX FROM THE TIME THAT I FIRST FOUND OUT THAT IT EXISTED BECAUSE I DID NOT SEE A CORRELATION BETWEEN THE ASSESSMENT AND COLLECTION OF THAT TAX AND THE WORK ACTUALLY DONE BY THE DEPARTMENT OF ROADS ON THE ROADS, MAYBE SOME WAS TO GO FOR BRIDGES. BUT I WILL NEVER SUPPORT A GAS TAX UNTIL THERE IS SOME CLEANING OUT DONE AT THE DEPARTMENT OF ROADS. I KNOW THE REST OF THE PEOPLE IN THE BODY WILL NOT FEEL THE WAY THAT I FEEL. BUT I WANT THE RECORD CLEAR ON WHY I AM NOT GOING TO SUPPORT THIS GAS TAX AND I WILL NOT SUPPORT ANY INCREASE IN THE GAS TAX UNTIL THE GOVERNOR DECIDES THAT HE'S GOING TO MAKE SOME CHANGES IN THAT DEPARTMENT. AND THE TIME HAS TO COME IN THIS LEGISLATURE WHEN WE ASSUME THE RESPONSIBILITY OF SAYING THOSE THINGS THAT NEED TO BE SAID, DOING THE THINGS THAT NEED TO BE DONE, AND NOT BE A PART OF A CHARADE. IT MIGHT CAN BE ARGUED THAT WITH THE CONDITIONS THAT SENATOR SMITH CORRECTLY LAID OUT, NOBODY SHOULD RESIST THE GAS TAX INCREASE, BUT THAT'S NOT THE WAY IT GOES WITH ME. I'M SURPRISED THAT SO MANY PEOPLE WHO CALL THEMSELVES CONSERVATIVES WHEN THEY'RE RUNNING FOR OFFICE DON'T BEHAVE IN THE WAY THAT CONSERVATIVES DO. SO I THINK THAT'S JUST A SLOGAN, JUST A LABEL, JUST A WAY TO FLY A FALSE FLAG AND GET VOTES. BUT IF YOU WOULD STUDY THE ORIGIN OF THAT WORD AND WHAT IT HAS MEANT, YOU WOULD SEE THAT WHATEVER THAT WORD MEANS, THE ONES WHO CALL THEMSELVES CONSERVATIVES IN THIS BODY ARE NOT IN ACCORD WITH THAT WORD. THEY NEED TO FIND ANOTHER WORD. BUT IF IT GETS YOU WHERE YOU WANT TO GO, THEN HITCH YOUR WAGON TO IT AND CONTINUE BEING CARRIED THERE. BUT YOU'RE NEVER GOING TO GET ACCOUNTABILITY FROM AN AGENCY OR DEPARTMENT OF GOVERNMENT AS LONG AS THEY CAN SHOW YOU THAT THERE'S A PROBLEM AND SAY, THROW MONEY AT IT BUT DON'T ALTER ANYTHING ABOUT THE DEPARTMENT WHICH IS SUPPOSED TO BE DOING THE WORK THAT THOSE TAXES WILL UNDERWRITE. AND IF YOU DRIVE THE HIGHWAYS, YOU WILL SEE THAT THE MONEY THAT HAS BEEN RAISED AND SPENT HAS NOT BEEN SPENT WELL. THE PROGRESS, OR LACK THEREOF, ON VARIOUS PROJECTS THAT HAVE BEEN ON THE DRAWING BOARD FOR I DON'T KNOW HOW LONG COULD HAVE BEEN PROCESSED, NOT ALL OF THEM. AND NOT ALL OF THE NEEDS OF THE STATE OR ANY STATE, AS FAR AS

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ROADS AND HIGHWAYS GOES, WILL EVER BE COMPLETELY MET. IT WOULD BE, PRACTICALLY SPEAKING, IMPOSSIBLE TO DO SO. BUT IT COULD BE DONE A LOT BETTER IN THIS STATE THAN IT IS. WHEN I READ ABOUT CORRUPTION IN OTHER COUNTRIES, ESPECIALLY WHERE AMERICA HAS BEEN, AND WILL TURN THE SPENDING OF MONEY OVER TO PUPPET GOVERNMENTS THAT AMERICA SUPPORTS, THEN THE FIRST WORD OUT OF EVERYBODY'S MOUTH IS CORRUPTION. THAT WHENEVER SOMEBODY IS A PART OF A GOVERNMENT THAT AMERICA HAS INSTALLED OR SUPPORTS, THEN THE PERSON WHO IS IN CHARGE OF THE MONEY IS GOING TO STEAL A LOT OF IT. IT'S A FOREGONE CONCLUSION. SO OTHERS DOWN THE FOOD CHAIN WANT TO GET THEIR CUT FROM IT TOO, AND THAT'S A PART OF DOING BUSINESS, AND AMERICAN OFFICIALS KNOW IT. BUT THEY JUST ACCEPT IT. THEY SAY, THAT'S THE WAY IT'S DONE. WELL, WHEREVER THERE'S A LOT OF MONEY AND NO OVERSIGHT, NO ACCOUNTABILITY, IT'S GOING TO BE DONE THAT WAY. I JUST HEARD ON THE RADIO THE OTHER DAY...OH, I LISTEN TO THE RADIO... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR CHAMBERS: ...WHERE TWO DRUG ENFORCEMENT AGENTS, WHO WERE SUPPOSED TO BE CHECKING OUT SOME DRUG OPERATION THAT'S ON THE INTERNET, WERE STEALING MONEY THEMSELVES. AND THEY WERE SELLING INFORMATION ABOUT THE GOVERNMENT'S UNDERCOVER OPERATIONS TO THOSE WHO WERE SUPPOSED TO BE UNDER INVESTIGATION. SO THE CORRUPTION IS HERE. ALONG THE BORDER BETWEEN MEXICO AND THE UNITED STATES, THEY CATCH MANY AGENTS WITH HUGE AMOUNTS OF MONEY THAT THEY HAVE ACCEPTED BY WAY OF BRIBES. WHEN YOU SEE BUCKETS FULL OF MONEY, TUBS FULL OF MONEY, BARRELS FULL OF MONEY, AND LOOK AT YOUR PAYCHECK, THEN IT'S NOT HARD TO SEE WHY SOME PEOPLE ARE GOING TO SUCCUMB AND TAKE THAT MONEY. I'M NOT ACCUSING THOSE IN THE DEPARTMENT OF ROADS OF BEING THAT CRASS, OPEN, OR INTENTIONALLY DOING WHAT'S HAPPENING. BUT I DON'T THINK THE JOB IS BEING DONE THAT SHOULD BE, AND UNTIL I'M CONVINCED, I WILL NOT VOTE FOR ANY GAS TAX INCREASES. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB610]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, MEMBERS. THIS ADVANCED OUT OF MY REVENUE COMMITTEE AND I'D LIKE TO

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RELATE...AND THERE IS A COMMITTEE STATEMENT THAT, HOPEFULLY, MOST OF YOU HAVE. I THINK IT'S WORTH LOOKING AT OR PULLING UP, IN ONE CASE OR THE OTHER. ONE OF THE THINGS THAT WAS STRIKING AND IMPRESSED ME IN THE HEARING WAS THE NUMBER OF INDIVIDUALS AND THE REPRESENTATION OF THOSE INDIVIDUALS WHO LINED UP IN SUPPORT OF THIS BILL. AND FRANKLY, I THOUGHT, AT BEST, WE MIGHT SEE A FIFTY-FIFTY IN TERMS OF THE PROponents AND THE OPPONENTS. AND IN REALITY, IT WAS OVERWHELMINGLY A LIST OF PROponents WHO CAME FROM A VARIETY OF INTERESTS, INCLUDING USERS, THOSE BUSINESS AND INDUSTRY THAT WOULD, IN FACT, BE HIT BY THIS USERS TAX BECAUSE THEY ARE USERS, SPECIFICALLY TRUCKING, SPECIFICALLY SHIPPING, REPRESENTATIVES FROM AG. THESE WERE SUPPORTERS OF THIS BILL AND PROVIDED TESTIMONY ACCORDINGLY. WE HAD A LONG HEARING AND WE HAD A LOT OF GOOD QUESTIONS AND A LOT OF BACK AND FORTH, BUT OVERALL THE IMPRESSION THAT I GOT AND THE INFORMATION THAT I GATHERED AS I MADE NOTES ON THIS HEARING WERE, THESE ARE REPRESENTATIVES WHO CURRENTLY WILL FEEL THE PINCH OF THIS BUT SEE THE NEED TO INVEST IN OUR INFRASTRUCTURE AS SO IMPORTANT TO THE STATE OF NEBRASKA AND TO THEIR INTERESTS, THEIR BUSINESS INTERESTS LONG TERM, THAT THIS IS THE TIME AND THIS IS AN APPROPRIATE LEVEL OF INCREASE FOR THE GAS TAX. I WOULD ALSO ADD, AND HAVE MADE THIS MENTION TO SEVERAL OF YOU WHEN WE'VE TALKED ABOUT THIS BILL IN THE PAST, THE IMPORTANCE OF THE FACT THAT THIS IS A THIRD, A THIRD, A THIRD SPLIT. AND HOW MANY TIMES HAVE WE TALKED ABOUT UNFUNDED MANDATES TO COUNTIES AND CITIES? WELL, THE OPPORTUNITY FOR US TO TURN THAT AROUND THE OTHER WAY AND, IN FACT, PROVIDE A CONSIDERABLE AMOUNT OF FINANCIAL RELIEF TO COUNTIES SPECIFICALLY FOR THE INFRASTRUCTURE NEEDS THEY HAVE, BRIDGES, ROADS, THE OPPORTUNITY FOR US TO DO THIS IS A UNIQUE OPPORTUNITY FOR US AND CERTAINLY ONE THAT WE CAN HANG OUR HAT ON IN OUR DISCUSSION WITH THE COUNTIES AND CITIES FOR A NUMBER OF YEARS TO COME IF THIS MOVES FORWARD. THAT ALSO IS SOMETHING THAT NEEDS TO BE A BIG PLUS IN THE PLUS COLUMN AS YOU CONSIDER IT. I'M GOING TO REITERATE A COUPLE OF POINTS THAT WERE MADE BY SENATOR SMITH IN HIS INTRO. FEDERAL FUEL TAX IS NOT UP. FEDERAL HIGHWAY FUNDING SEEMS TO BE ONE OF THE ADDITIONAL CASUALTIES OF INACTIVITY THAT COMES OUT OF CAPITOL HILL IN WASHINGTON, D.C. COSTS ARE CERTAINLY UP, WHETHER IT'S CONCRETE, WHETHER IT'S ASPHALT, WHETHER IT'S LABOR COSTS, WHETHER IT'S THE COST FOR IRON FOR REBAR. ALL OF THOSE COSTS CONTINUE TO GO UP. WE HAVE AN OPPORTUNITY TO ADDRESS THOSE COSTS AT THIS POINT IN TIME. AND I CAN'T RESIST THE URGE TO MENTION NEIGHBORING STATES, SINCE WE LIKE TO BRING UP NEIGHBORING STATES ON A PRETTY REGULAR BASIS. WE'RE SEEING

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OUR NEIGHBORING STATES TAKE THE BULL BY THE HORNS AND ALSO GO THROUGH INCREASES IN THE GAS TAX. SOME OF THOSE STATES ARE THE VERY SAME STATES THAT WE TALKED ABOUT ON THE HELMET LAW. AND IF PEOPLE, AS WE WERE TOLD, DON'T LIKE DRIVING ACROSS THE STATE OF NEBRASKA BECAUSE THEY HAVE TO WEAR A HELMET, I'M PRETTY SURE THAT THEY PARTICULARLY WOULD DISLIKE BOTH HELMET AND NONHELMET USERS DRIVING ACROSS A STATE THAT HAS BAD ROADS, ESPECIALLY PEOPLE WHO ARE ON TWO WHEELS, NOT FOUR. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR GLOOR: IT WOULD SEEM TO ME THAT THIS WOULD BE A BIGGER ISSUE TO ATTRACTING PEOPLE TRAVELING ACROSS THE STATE OF NEBRASKA. WE WANT PEOPLE TO HAVE A GOOD EXPERIENCE IN THE STATE OF NEBRASKA. WE WANT THE BUSINESS OF NEBRASKA TO MOVE SMOOTHLY, AND TO DO SO WE NEED SMOOTH ROADS. AND I THINK THIS BILL SMOOTHS THE WAY TOWARD THAT. I BEG YOUR PARDON. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR GLOOR. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB610]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHEN I WAS RUNNING FOR THE LEGISLATURE, I WAS FORTUNATE ENOUGH NOT TO HAVE AN OPPONENT. AND THEY TELL ME THAT THIS COULD CHANGE THAT FOR THE NEXT TIME AROUND, SO I LOOK FORWARD TO IT. I DIDN'T CAMPAIGN ON THE IDEA OF EVER COMING TO RAISE GAS TAXES. IT WOULD HAVE NOT COME UP IN MY VOCABULARY. BUT I'VE ALWAYS BEEN SUPPORTIVE OF THE GAS TAX TO PAY FOR THE ROADS. IT JUST...TO ME, IT MAKES SENSE THAT THAT'S WHERE THE FUNDING SHOULD COME FROM. AND THE WAY THIS IS DISTRIBUTED OUT, IT DOES...I LOOK AT IT AS PROPERTY TAX RELIEF. MY MAIN GOAL COMING HERE WAS TO FOCUS ON PROPERTY TAXES. SO FAR, REALLY NO BILLS HAVE COME BEFORE US THAT DEAL WITH THAT ISSUE. AND SO IT WILL BE A LONG-TERM STRUGGLE TO FIND A PERMANENT SOLUTION TO THE PROPERTY TAX ISSUE. BUT I LOOK AT THIS AS THE WAY TO RAISE FUNDS AT THE LOCAL LEVEL. WE WILL GET SOME TRAVEL DOWN THE INTERSTATE; SOME OUTSIDE MONEY WILL COME IN TO HELP PAY FOR THIS. IT WON'T BE ALL OF OUR OWN MONEY, BUT IT WILL BE SOME NEW MONEY. I DON'T KNOW HOW MUCH. I DON'T HAVE THOSE NUMBERS, BUT IT WILL HELP. BUT WHEN WE FUNNEL THIS DOWN TO THE COUNTY AND TO CITY LEVEL, IF YOUR COUNTY AND YOUR CITY HAVE DONE A FAIRLY GOOD JOB OF

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MAINTAINING THEIR STREETS, ROADS, AND BRIDGES, THIS WILL...SHOULD LOWER THE LEVY. DEMAND IT. ASK FOR IT. POINT IT OUT TO THEM. IF YOUR COUNTIES HAVE BEEN FALLING BEHIND AND THEY'RE STRESSED, THEIR BRIDGES ARE...TOO MANY DEFICIENT BRIDGES, THEY DON'T HAVE THE MONEY, THIS SHOULD AT LEAST KEEP THEM FROM HAVING TO RAISE THE LEVY. MAKE SURE THEY HEAR THAT. THIS IS A FUNDING SOURCE THAT IF WE USE THE ROADS, WE PAY FOR THE ROADS. AND IT FITS. I LOOK AT IT AS A TOTALLY GOOD WAY TO PAY FOR OUR ROADS AND BRIDGES. AND RIGHT NOW, WITH THE FEDERAL HIGHWAY TRUST FUND BASICALLY BANKRUPT, LESS FEDERAL DOLLARS COMING IN, WE NEED TO KEEP CONSTRUCTION ON SCHEDULE AND GOING. IN NEBRASKA, WE HAVE A SHORT SEASON FOR ROADS AND BRIDGES. AND WE CANNOT SIT OUT ONE YEAR WHILE WAITING FOR FEDERAL HIGHWAY FUNDS TO COME IN. THEY MAY GET THE PROBLEM FIXED; THEY MAY NOT. BUT I LOOK AT THIS AS PROPERTY TAX RELIEF. WE HAVE SPENT A LOT OF MONEY AT THE LEGISLATURE. THEY DID THEIR HEARINGS LAST YEAR, THEY TRAVELED AROUND THE STATE, THEY LOOKED AT ALL THE BRIDGES AND ROADS AND THEY CAME UP...YOU KNOW, THIS IS ONE OF THOSE CASES AGAIN WHERE WE DO A STUDY AND THEN WE'RE NOT SUPPOSED TO DO ANYTHING. WE'RE JUST SUPPOSED TO RECOGNIZE THE FACT THAT WE HAVE LOTS OF DEFICIENT BRIDGES. THAT'S FINE. THIS WILL DO SOMETHING ABOUT IT. THIS WILL FUNNEL SOME MONEY DOWN THERE AND GET THOSE...BRIDGE WORK DONE, GET OUR ROADS UPGRADED TO HANDLE THE EQUIPMENT THAT WE'RE TRAVELING UP AND DOWN THE COUNTY ROADS WITH. I KNOW CITIES HAVE BEEN BEHIND. THEY'VE INSTITUTED WHEEL TAXES AND ALL SORTS OF OTHER THINGS TO TRY AND PLAY CATCH-UP. THIS ADDRESSES ALL OF THAT. IF YOU STILL THINK THEY'RE CHARGING TOO MUCH, THEN GO TO THE CITIES AND TELL THEM TO LOWER YOUR PROPERTY TAXES. THIS SHOULD FIT IN WITH THE PROGRAM. SO, I URGE ALL OF YOU TO SUPPORT THIS. I KNOW IT'S A TOUGH ISSUE. THEY HAVE TOLD ME FROM NUMEROUS SOURCES THAT THIS WILL BE A HARD SELL. THIS DOESN'T HAPPEN VERY OFTEN. IT'S BEEN 20 YEARS. IT'S TIME IT HAPPENED. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR BAKER, YOU ARE RECOGNIZED. [LB610]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB610. THIS BILL WOULD INCREASE THE FIXED RATE FOR MOTOR FUELS TAX TO HELP MUNICIPALITIES, COUNTIES, AND THE STATE ADDRESS A SIGNIFICANT FUNDING GAP TO MAINTAIN, IMPROVE OUR HIGHWAYS, STREETS, ROADS, AND BRIDGES. I HAVE HEARD FROM MY...SOME OF MY CONSTITUENTS AND THEY SAY, DON'T

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RAISE FUEL TAXES. I GET THAT. NOBODY WANTS TO PAY MORE TAXES. YET, THEY ALSO WANT ECONOMIC DEVELOPMENT. THEY WANT THEIR TOWN, THEIR COMMUNITY TO BE THRIVING. YOU CAN'T HAVE ECONOMIC DEVELOPMENT UNLESS YOU MAINTAIN THE INFRASTRUCTURE. FARMERS NEED TO GET THEIR EQUIPMENT FROM ONE FARM TO THE NEXT, NEED TO GET THEIR CROP TO THE MARKET. AND OUR COMMUNITIES RELY HEAVILY ON TRANSPORT BY SEMIS. IN GAGE COUNTY THERE ARE THREE DIFFERENT TRIBUTARIES, SO THERE'S A WHOLE LOT OF BRIDGES. SIMILARLY, SOUTHERN LANCASTER COUNTY HAS A LOT AS WELL. SCHOOL BUSES AND THEIR PRECIOUS CARGO GO OVER THOSE ROADS AND CROSS THOSE BRIDGES. IT SEEMS PATENTLY FAIR TO ME THAT THOSE USING THE ROADS AND BRIDGES SHOULD PAY A SHARE OF THE COST. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR BAKER. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB610]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I WANT TO THANK SENATOR SMITH FOR LB610, PROBABLY NOT THE EASIEST BILL IN THE WORLD TO INTRODUCE. I'VE SERVED IN GOVERNMENT NOW AND THE LINCOLN CITY COUNCIL FOR EIGHT YEARS, AND NOW SIX YEARS IN THE LEGISLATURE, SIX AND A HALF. AND INFRASTRUCTURE IS BORING. TO FUND INFRASTRUCTURE IS NOT SEXY. IT'S SOMETHING THAT PEOPLE OFTEN OVERLOOK. AND FOR ELECTED OFFICIALS, FUNDING INFRASTRUCTURE IS OFTEN SOMETHING THAT GETS SET TO THE SIDE FOR OTHER PRIORITIES. SO AGAIN, I WANT TO THANK SENATOR SMITH FOR HIS LEADERSHIP ON THIS ONE. WE'RE NOT KICKING THE CAN DOWN THE ROAD. OUR ROADS AND BRIDGES IN THIS STATE NEED REPAIR, UPKEEP, MAINTENANCE. AND WE NEED NEW ROADS, OF COURSE. AND ONE OF THE LOGICAL USER FEES, I BELIEVE, IS THE GASOLINE TAX. AND AS THE COMMITTEE HAS SHOWN US, THE GASOLINE TAX HAS NOT KEPT UP WITH INFLATION BY ANY MEANS, YET WE CONTINUE TO DRIVE MORE AND MORE AND MORE. SO, ONCE AGAIN, I RISE IN SUPPORT OF LB610. I WOULD URGE MY COLLEAGUES TO DO THE SAME. AND I WOULD LIKE MY...THE GRAVEL ROAD IN FRONT OF MY ACREAGE TO BE PAVED, IF THAT WOULD BE POSSIBLE, SENATOR SMITH. [LB610]

SENATOR KRIST: THANK YOU, SENATOR HAAR. THOSE WISHING TO SPEAK: SENATOR SCHEER, McCOY, COOK, SMITH, KINTNER, CRAIGHEAD, AND OTHERS. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB610]

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SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB610. I LOOK AT IT FROM A LITTLE DIFFERENT PERSPECTIVE THAN SOME OF THOSE. I'M A LITTLE MORE OF A PRAGMATIC. WHAT'S HAPPENED IN 20 YEARS? THAT'S THE LAST TIME WE CHANGED THE GAS TAX. WELL, 20-25 YEARS AGO THE CAR I DROVE, WE ALL CALLED THEM GAS GUZZLERS. I MAYBE GOT 8, 10, 11 MILES TO THE GALLON. THE ONLY THING THAT GOT OVER 20 MILES TO THE GALLON WAS A MOTORCYCLE. TRUCKS, 3, 4, 5 MILES A GALLON, 5 MILES A GALLON WOULD BE A HIGH EFFICIENCY ONE. WELL, THROUGH TECHNOLOGY, CARS NOW ARE GETTING...THE ONE I'M DRIVING, 26, 28 MILES TO THE GALLON. A LOT OF THEM ARE 40 MILES A GALLON. TRUCKS ARE UP TO 6, 7, 8 MILES A GALLON. SO WHAT DOES THAT HAVE TO DO, THE PRICE OF TEA IN CHINA? WELL, THE FACT OF THE MATTER IS, WE'RE DRIVING AS MANY MILES, BUT WE'RE NOT BUYING AS MANY GALLONS. AND WHEN WE PAY FOR THE REPAIR OF ROADS, ON A PER GALLON BASIS, THEN WE'RE NOT STAYING CURRENT. SO FOR 20 YEARS, AS WE'VE INCREASED THE EFFICIENCY OF VEHICLES TO GO UP AND DOWN THE ROAD, STILL DO THE SAME WEAR AND TEAR ON THOSE ROADS AND COUNTY ROADS AND THE CITY ROADS, WE'VE BEEN TAKING IN LESS DOLLARS. IT'S NOT ROCKET SCIENCE. WE HAVE TO HAVE MONEY TO FIX THE ROADS. YOU KNOW, A LOT OF STATES HAVE LOOKED AT SOME WAY OF TRYING TO CHARGE ON A PER MILE BASIS. I DON'T KNOW, I MEAN, UNLESS YOU PUT SOME TYPE OF DEVICE ON IT, WE'D ALL TURN INTO LIARS, I SUSPECT. BUT IT SEEMS TO ME IF WE'RE GOING TO CONTINUE TO CHARGE ON A PER GALLON BASIS, WE NEED TO ADDRESS THE FACT THAT WE'RE STILL DRIVING AS MANY MILES. WE DON'T HAVE A TON MORE PEOPLE. WE'VE GOT SOME MORE PEOPLE, NOT A TON. WE DON'T HAVE A TON MORE OF CARS. WE'RE JUST GOING A LOT LONGER BETWEEN OUR GAS FILL-UPS. IF WE GO THAT MUCH FARTHER BETWEEN GAS FILL-UPS, THAT'S THAT MANY LESS DOLLARS THAT ARE GOING INTO THE FUND TO REPAIR AND MAINTAIN OUR ROADS. WHY ARE THEY THE SHAPE THEY ARE? WHY HAVEN'T WE DONE MORE IMPROVEMENTS? BECAUSE THERE'S NO MONEY. THE ROADS DEPARTMENT IS HAVING A HARD TIME JUST MAINTAINING WHAT WE HAVE LET ALONE TRY TO IMPROVE OR RENOVATE. I DON'T LIKE MORE TAXES ANYMORE THAN THE NEXT GUY, BUT IF WE'RE GOING TO BE HONEST ABOUT IT, IT'S A PRETTY INSIGNIFICANT AMOUNT. WHILE I WAS JUST WAITING FOR MY TURN, I DECIDED, YOU KNOW, PROBABLY THE AVERAGE PERSON MAY USE 20 GALLONS OF GAS A WEEK. NOW, I DON'T USE 20 GALLONS, BUT SOMEBODY MIGHT. SO 20 GALLONS A WEEK AT A PENNY AND A HALF A GALLON, TIMES 52 WEEKS, EQUATES TO ALL OF \$15.60. I DON'T THINK THAT'S AN ASTRONOMICAL AMOUNT OF MONEY TO PUT FORWARD TO HELP US MAINTAIN NOT ONLY THE STATE HIGHWAYS BUT YOUR COUNTY ROADS, YOUR COUNTY BRIDGES, AND YOUR CITY ROADS AND BRIDGES. THE COST OF THAT REPAIR AND MAINTENANCE OVER THE LAST 20-

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SOME YEARS HAS PROBABLY GONE UP THREEFOLD. OUR DOLLARS GOING IN HAVE PROBABLY GONE DOWN A THIRD. IT JUST DOESN'T EQUATE TO GOOD ROADS. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR SCHEER: WHEN I LISTENED TO THIS IN THE REVENUE COMMITTEE, IT BECAME ABUNDANTLY CLEAR THAT ALL WE'VE BEEN DOING IS TRYING TO MAKESHIFT AND FIX NOT WHAT WAS BROKE BUT WHAT WAS BROKE THE WORST AND WOULD CREATE THE MOST PROBLEMS. AND IF YOU DON'T THINK IT'S HAVING AN IMPACT ON COUNTIES, DRIVE AROUND THE COUNTY ROADS. SEE HOW MANY ROADS THAT YOU COME UP NOW, ROAD CLOSED. IT'S NOT JUST IN THE RURAL AREAS, IT'S AROUND LINCOLN TOO. DRIVE AROUND LINCOLN AND SEE WHAT THE ROADS LOOK LIKE. GO AROUND NORFOLK, I'M...WELL, YOU KNOW, WE'RE HAVING THE SAME PROBLEMS. EVERY COMMUNITY IN THE STATE, EVERY COUNTY IN THE STATE, AND THE STATE ITSELF IS HAVING THE SAME PROBLEM WITH THE LACK OF RESOURCES. CARS ARE GETTING BETTER GAS MILEAGE. THEY'RE NOT BUYING AS MANY GALLONS OF GAS. NO MORE...FEWER GALLONS OF GAS MEANS FEWER DOLLARS COMING INTO THE FUND. WE HAVE TO DO SOMETHING TO REPLENISH THE AMOUNT OF DOLLARS IN ORDER TO START CATCHING UP WITH THE ROAD REPAIR AND MAINTENANCE IN THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. SENATOR McCOY, YOU'RE RECOGNIZED. [LB610]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN OPPOSITION TO LB610 FOR A COUPLE OF REASONS, WHICH I'LL OUTLINE, FIRST BEING, AND THERE WERE SOME OF YOU THAT WERE HERE BACK IN 2011 WHEN WE PASSED THE BUILD NEBRASKA ACT, WHICH DEVOTED A QUARTER CENT OF SALES TAX, AS SENATOR SMITH MENTIONED EARLIER IN HIS OPENING, TO ROADS FUNDING. I BELIEVE THAT TO HAVE BEEN AN APPROPRIATE AND I SUPPORTED THAT MEASURE AT THE TIME. IT WAS STRENUOUSLY OPPOSED BY SOME MEMBERS OF THE LEGISLATURE THAT ARE STILL HERE. IT PASSED. THE GOVERNOR SIGNED IT. AND IT'S BEEN IN PLACE WORKING FOR THE PEOPLE OF NEBRASKA EVER SINCE. IF YOU GO BACK AND LOOK, MEMBERS, AND SOME OF YOU WILL RECALL THIS EVEN IF YOU WEREN'T IN THE LEGISLATURE, ORIGINALLY SENATOR FISCHER PROPOSED A HALF CENT OF SALES TAX BE USED RATHER THAN JUST THE QUARTER CENT THAT ENDED UP BECOMING LAW. I

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THINK THIS LEGISLATION, IN MY OPINION, IS ILL-ADVISED BECAUSE I WOULD HAVE PREFERRED TO HAVE SEEN US HAVE A BILL BEFORE US TODAY TO BE TALKING ABOUT THAT DEVOTED ANOTHER QUARTER CENT OF SALES TAX TO THIS ISSUE, NOT ADDITIONAL SALES TAX, EXISTING SALES TAX THAT WE ALREADY BRING IN TO THE COFFERS OF THE STATE. I THINK THAT WOULD HAVE BEEN A FAR BETTER, IN MY OPINION, WAY TO GO ABOUT THIS ROADS FUNDING. I THINK THIS IS GOING TO COME AT AN UNTIMELY...EVEN THOUGH THIS IS STEPPED IN, I THINK THIS IS GOING TO COME AT A TIME THAT FOUR YEARS FROM NOW, WHEN THIS IS FULLY PHASED IN, WE DON'T KNOW THAT WE'RE GOING TO BE PAYING FOUR DOLLARS A GALLON FOR FUEL AGAIN. JUST SO HAPPENS RIGHT NOW, GASOLINE AND DIESEL...I HAPPEN TO DRIVE A DIESEL PICKUP WHICH ISN'T QUITE AS COST-EFFICIENT TODAY AS GASOLINE, WE HAPPEN TO BE PAYING PROBABLY THE LOWEST PRICES I THINK WE'VE PAID SINCE 2008 OR 2009. AND UNLESS I'M MISTAKEN, I THINK THERE WAS A COUPLE OF PEOPLE ON THE FLOOR HERE WHO SAID THIS HADN'T BEEN CHANGED SINCE...IN 20 YEARS. IT ACTUALLY WAS 2008. GAS TAX INCREASE WAS PASSED BY THE LEGISLATURE IN 2008. I WAS RUNNING FOR THE LEGISLATURE AT THE TIME. IT WAS A BIG CAMPAIGN ISSUE, I'LL TELL YOU THAT. I GOT ASKED ABOUT IT ALL THE TIME. AND THEN THE LEGISLATURE OVERRODE GOVERNOR HEINEMAN'S VETO, I THINK BY JUST A VOTE OR TWO, I BELIEVE, IF I HAVE MY...MY RESEARCH IS CORRECT. IT WAS A BIG ISSUE IN 2008. I THINK THIS COULD HAPPEN AT A TIME WHEN IT AFFECTS THOSE AROUND THE STATE WHO REALLY HAVE NO CHOICE BUT TO DRIVE. YOU KNOW, FOLKS GET TO GO TO WORK EVERY DAY, THEY GO TO CHURCH, THEY TAKE THEIR KIDS TO SCHOOL, THEY TAKE THEIR KIDS TO SOCCER PRACTICE. THEY DON'T HAVE A CHOICE ABOUT DRIVING, AT LEAST MOST NEBRASKANS DON'T, WHERE IT'S A BIG STATE, WE'RE SPREAD OUT. ESPECIALLY THOSE OF YOU THAT HAVE RURAL DISTRICTS, YOU KNOW WHAT IT MEANS TO DRIVE A LOT, MAYBE FILL UP WITH GAS OR FUEL EVERY OTHER DAY OR MAYBE EVERY DAY. I THINK THIS HAS THE POTENTIAL TO REALLY AFFECT NEBRASKANS IN A WAY THAT IS NOT HELPFUL AND BEING IN A VERY REGRESSIVE WAY, IN MY OPINION, PARTICULARLY IF FUEL ENDS UP BEING HIGHER THAN WHAT IT IS TODAY, AND IN ALL LIKELIHOOD THAT'S GOING TO HAPPEN AT SOME POINT IN THE NOT-TOO-DISTANT FUTURE. WHILE I'M NOT AN ECONOMIST, I DON'T THINK WE ALL...WE ALL KNOW WHAT'S GOING ON. IT WAS JUST ON THE NEWS THIS MORNING THAT OPEC MAY BE LOOKING AT RAISING OIL PRICES YET AGAIN. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR McCOY: PARDON ME, MR. PRESIDENT? [LB610]

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SENATOR KRIST: ONE MINUTE, I'M SORRY. [LB610]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. I JUST AGAIN BELIEVE THAT THIS WOULD HAVE BEEN BETTER TO HAVE BEEN A QUARTER USING OUR EXISTING SALES TAX. IT'S ALREADY COLLECTED, AN ADDITIONAL QUARTER CENT. I THINK THAT WOULD HAVE BEEN A FAR BETTER PROCEDURE, IN MY OPINION. AND THAT'S WHY I DON'T SUPPORT LB610. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR McCOY. MR. CLERK. [LB610]

CLERK: MR. PRESIDENT, THANK YOU. COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB33, LB139, LB139A, LB324, LB356, LB627 AS CORRECTLY ENGROSSED; ALSO LEGISLATIVE BILLS LR7CA, LB183, LB81, LB81A, LB199, LB199A, LB413A REPORTED TO SELECT FILE. NEW RESOLUTIONS: SENATOR KOLTERMAN, LR161; SENATOR BRASCH, LR162, LR163; SENATOR KEN HAAR, LR164. CONFIRMATION REPORT FROM NATURAL RESOURCES COMMITTEE. AND I HAVE A CONFLICT STATEMENT FILED BY SENATOR KINTNER, MR. PRESIDENT, THAT WILL BE ON FILE. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1028-1032.) [LB33 LB139 LB139A LB324 LB356 LB627 LR7CA LB183 LB81 LB81A LB199 LB199A LB413A LR161 LR162 LR163 LR164]

SENATOR KRIST: THANK YOU, MR. CLERK. RETURNING TO DEBATE, SENATOR COOK, YOU'RE RECOGNIZED. [LB610]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I RISE AS YET UNDECIDED ON LB610. CERTAINLY, UNDERSTANDING THE NEED TO BE PLANFUL ABOUT INFRASTRUCTURE, AND AS MY FRIEND SENATOR KEN HAAR SAID, INFRASTRUCTURE IS NOT SOMETHING THAT IS EXCITING OR SEXY OR SOMETHING THAT PEOPLE WANT TO TALK ABOUT AND BE GIVING MONEY TO IN ADVANCE, BUT IT IS SOMETHING THAT IS NECESSARY. I ALSO RISE AS THE REPRESENTATIVE OF A VERY DIVERSE DISTRICT. IT'S DIVERSE IN ALL THE WAYS THAT WE CAN USE THAT WORD. IT IS CERTAINLY DIVERSE IN TERMS OF RACIAL ETHNIC MAKEUP. IT IS DIVERSE ESPECIALLY AMONG ECONOMIC GROUPS. I TELL PEOPLE THAT I HAVE BILLIONAIRES AND MULTI-MULTIMILLIONAIRES IN MY DISTRICT, AND I ALSO HAVE A HOMELESS SHELTER, AND PEOPLE WHO ARE LIVING PAYCHECK TO PAYCHECK AND SURVIVING ON TWO OR THREE MINIMUM WAGE JOBS. AS MY COLLEAGUE, SENATOR McCOY, MENTIONED, THIS IS ULTIMATELY A REGRESSIVE TAX, MUCH LIKE A TAX ON FOOD THAT SOMEONE MIGHT CONSIDER A SALES

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TAX ON FOOD. I HAVE NOT YET MADE A DECISION ABOUT MY VOTE. IT WOULD BE IMPACTFUL. I DO KNOW PEOPLE THAT COLLECT MONEY OUT OF THEIR CHILDREN'S PENNY JARS AND DOLLARS HERE AND THERE TO PUT FUEL IN THEIR CARS. UNFORTUNATELY, THEY'RE NOT DRIVING NEWER, FUEL-EFFICIENT CARS EITHER. SO I WILL SIT AND LISTEN. I WILL OFFER MY APPRECIATION TO SENATOR SMITH FOR TRYING TO COME UP WITH SOME IDEA ABOUT HOW TO FUND INFRASTRUCTURE WITH A FUTURE ORIENTATION. WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR COOK. THOSE STILL WISHING TO SPEAK: SENATOR KINTNER, CRAIGHEAD, SCHUMACHER, AND CHAMBERS, AND OTHERS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB610]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I FELT SINCE I GOT ELECTED ON PROTECTING PEOPLE'S WALLETS AND STOPPING TAXES AND BIG GOVERNMENT, I AT LEAST OWED IT TO THE PEOPLE AT HOME AND THE PEOPLE IN THIS CHAMBER TO STATE WHERE I STOOD ON THIS. I WANT TO THANK SENATOR SMITH FOR TACKLING A TOUGH ISSUE. THIS IS NOT HIS FAVORITE ISSUE AND THIS IS NOT EASY FOR HIM. I KNOW SENATOR SMITH AS WELL AS I KNOW ANYBODY. I KNOW THIS IS VERY TOUGH. I'M EXCITED ABOUT SOME OF HIS IDEAS FOR NEXT YEAR, TOO, AS TO HOW WE CAN IMPLEMENT AND IMPROVE OUR BRIDGES. HE HAS GIVEN A LOT OF THOUGHT TO THIS. THIS IS PROBABLY THE CORRECT WAY TO GO AHEAD AND RAISE MONEY. YOU'RE TAXING PEOPLE THAT USE THE ROADS, YOU'RE TAXING PEOPLE THAT TRAVEL IN OUR STATE. THIS IS PROBABLY THE CORRECT WAY TO DO IT. WHERE I HAVE A PROBLEM IS, IT'S THE WRONG TIME TO DO IT. WE'VE JUST GONE THROUGH MY FIRST TWO YEARS AND WE HAVE NOT CUT A TAX RATE SINCE I'VE BEEN HERE. WE'VE HAD EVERY EXCUSE UNDER THE SUN OF WHY WE COULDN'T. WE SPENT 7 PERCENT INCREASE LAST YEAR, 5.2 PERCENT THE YEAR BEFORE. AS I'M LOOKING AT WHAT'S COME OUT OF THE REVENUE COMMITTEE, I'M NOT SURE WE'RE GOING TO CUT A TAX RATE THIS YEAR EITHER. CAN YOU IMAGINE GOING THREE YEARS AND TELLING THE OVERTAXED PEOPLE OF OUR STATE, SORRY, WE JUST CAN'T CUT YOUR TAXES, AND THEN, TO POUR A LITTLE SALT IN THE WOUND, WE'RE GOING TO RAISE YOUR TAXES? THAT'S EXACTLY THE WRONG WAY TO GO, AND THIS IS THE WRONG TIME TO DO THIS. IF WE'RE GOING TO RAISE THIS TAX, WE HAVE TO CUT SOME TAX OVER HERE. AND WE'RE NOT DOING THAT. SO WE'VE GOT TO LOWER ONE HERE IF WE'RE GOING TO RAISE ONE HERE. SOME PEOPLE SAID, WELL, THIS IS...WE'RE CAUSING PROPERTY TAXES TO BE HIGH BY NOT FIXING THESE ROADS. IF YOU THINK BY INCREASING THE GAS TAX ANY COUNTY

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IS GOING TO LOWER THEIR PROPERTY TAXES, YOU HAVEN'T BEEN IN POLITICS VERY LONG. IT'S NOT GOING TO HAPPEN UNLESS YOU FORCE IT DOWN, AND THAT'S NOT IN THIS BILL, TO FORCE PROPERTY TAXES DOWN IF YOU RAISE THE GAS TAX. SO THERE IS NOTHING THAT CUTS TAXES TO EQUAL THE TAX INCREASE. THAT'S WHY I THINK THIS IS THE WRONG TIME TO DO IT. IT'S THE RIGHT APPROACH...I THINK IT'S PROBABLY THE RIGHT APPROACH, JUST THE WRONG TIME TO DO IT. THERE IS NO TAX RELIEF IN THIS. AND THAT'S WHY I JUST AM NOT COMFORTABLE WITH THIS AT THIS POINT. WE'RE JUST...WE NEED TO GET OUR PRIORITIES RIGHT AND OUR PRIORITIES NEED TO BE TO CUT TAXES. AND ONCE WE GET THAT ROLLING THEN WE CAN LOOK AT SOLVING SOME OF THESE OTHER PROBLEMS. THIS IS NOT AN EASY ONE, I UNDERSTAND. THERE'S GOOD PEOPLE ON BOTH SIDES OF THIS ISSUE. WE NEED TO DO SOMETHING, BUT DOING IT THIS WAY AT THIS TIME IS NOT THE RIGHT TIME. MR. PRESIDENT, I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR SMITH. [LB610]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. YOU HAVE 2:00, SENATOR SMITH. [LB610]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND, SENATOR KINTNER, THANK YOU VERY MUCH FOR YIELDING TIME. AND, YOU KNOW, I'VE HEARD FROM TWO OF MY CONSERVATIVE COLLEAGUES THAT I VALUE THEIR OPINION VERY MUCH. WE'VE HEARD FROM SENATOR McCOY AND WE'VE HEARD FROM SENATOR KINTNER, AND I APPRECIATE THEIR POSITION ON THIS. AND I KNOW IT'S VERY DIFFICULT FOR THEM TO RISE IN OPPOSITION TO A BILL THAT I'M BRINGING. AND I'M NOT GOING TO ARGUE THAT THEIR OPINIONS ARE WRONG. I UNDERSTAND HOW THEY'VE ARRIVED AT THEIR OPINIONS. I SIMPLY HAVE A DIFFERENT PERSPECTIVE ON THIS. WITH SENATOR KINTNER, I BELIEVE...I DON'T WANT TO GET YOU IN TROUBLE, SENATOR KINTNER, SO I KNOW THAT WAS NOT AN ENDORSEMENT OF THE RIGHT WAY OF DOING IT, BUT YOU DID MENTION IT'S THE WRONG TIME. AND, COLLEAGUES, I WOULD CHALLENGE YOU THAT THE TIME PROBABLY IS NOT BETTER. WE STILL NEED TAX REFORM IN THE STATE. WE NEED INCOME TAX AND PROPERTY TAX REFORM, AND WE CANNOT GIVE UP ON THAT. AND IF WE NEED TO CARRY INTO NEXT YEAR TO DO THAT, SO BE IT. BUT THAT DOESN'T MEAN WE PASS THE OPPORTUNITY ON ADDRESSING THE INFRASTRUCTURE NEEDS THAT WE HAVE IN OUR STATE. [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

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SENATOR SMITH: THANK YOU, MR. PRESIDENT. IOWA HAS SEEN THE NEED. THEY INCREASED IT 10 CENTS. NOW THEY ARE 6 CENTS OVER US. WE'LL BE ON PAR WITH THEM, IF THIS IS IMPLEMENTED, IN FOUR YEARS. SOUTH DAKOTA HAS INCREASED THEIRS. THEIRS IS NOW ABOVE US. WE DON'T HAVE THE BORDER BLEED ISSUE, BUT WE DO SEE EVERY REGIONAL STATE ADDRESSING THIS IN THE SAME WAY WE'RE ATTEMPTING TO DO IT HERE--RAISING THE USER FEE GAS TAX. I BELIEVE THE TIME IS RIGHT. I BELIEVE THE NEED IS HERE NOW. AND...BUT I DO VERY MUCH APPRECIATE SENATOR KINTNER'S COMMENTS. I WILL BE BACK ON THE MIKE AND I WOULD LIKE TO ADDRESS SOME OF THE NUMBERS THAT SENATOR McCOY SHARED WITH YOU AND CLARIFY THAT. JUST TO START WITH, IN THE LAST 22 YEARS, OUR STATE HAS INCREASED ITS GAS TAX ONE PENNY. WE HAVE SOME VARIANCES BETWEEN THE THREE COMPONENTS OF OUR GAS TAX, BUT IN THE LAST 22 YEARS, ONE PENNY. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR SMITH. (VISITORS INTRODUCED.)
SENATOR CRAIGHEAD, YOU ARE RECOGNIZED. [LB610]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I WOULD LIKE TO KNOW IF SENATOR SMITH WOULD YIELD TO SOME QUESTIONS. [LB610]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES, I WILL. [LB610]

SENATOR CRAIGHEAD: OKAY, AS WE'VE TALKED ABOUT, YOU KNOW, THAT I'M REAL TORN ON THIS ISSUE, AND I DON'T LIKE NEW TAXES FOR ANY REASON, BUT I'M VERY WILLING TO LISTEN TO THIS AND LISTEN TO ALL THE SIDES. SO I COME RIGHT NOW AS UNDECIDED ON THIS ISSUE. I KNOW THAT YOU ARE TRULY CONVINCED THAT THIS IS NEEDED, AND THAT A USER FEE GAS TAX IS THE RIGHT THING TO DO, BUT HELP ME UNDERSTAND HOW YOU CAN ARGUE THAT THIS IS JUST NOT ANOTHER TAX. [LB610]

SENATOR SMITH: THANK YOU, SENATOR CRAIGHEAD, FOR THAT QUESTION. I THINK IN MOST TAX THINK TANKS, THEY DO LOOK AT USER FEES AS AN EXCEPTION TO THE ARGUMENT OF TAXES, AND IF YOU'RE GOING TO HAVE A CHARGE, THAT A USER FEE IS A BETTER WAY OF ADDRESSING IT RATHER THAN A TAX THAT DOES NOT HAVE ANY IMMEDIATE RELATIONSHIP BETWEEN WHAT IS BEING TAXED AND WHERE THAT MONEY IS GOING. SO WITH THE GAS TAX, I DO

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BELIEVE IT FREES UP MONEY IN OUR GENERAL FUNDS BUDGET TO BE ABLE TO ADDRESS SOME OF THE, I BELIEVE, TAX REFORM THAT WE NEED TO SEE HAPPEN IN THIS STATE. ALSO, IT REDUCES SOME OF THE BURDEN ON THE PROPERTY TAXES IN OUR COUNTIES THAT WE'RE HEARING SO MUCH ABOUT THIS SESSION AS WELL. [LB610]

SENATOR CRAIGHEAD: THANK YOU, SENATOR SMITH. AND, WE KNOW THAT THE GOVERNOR IS STILL GETTING HIS ADMINISTRATION IN PLACE, SO WHY CAN'T WE JUST WAIT AND LET THE NEW DIRECTOR OF ROADS FIND THE SAVINGS THAT WE NEED TO MEET THE NEEDS? [LB610]

SENATOR SMITH: YES, ANOTHER GREAT QUESTION, AND I HAVE GREAT CONFIDENCE IN THE GOVERNOR IN HIS SELECTION OF HIS CABINET. AND I DO BELIEVE WITH HIS BACKGROUND AND WITH THE SELECTION THAT HE MAKES THAT THERE WILL BE GAINS IN EFFICIENCIES FOUND IN THE DEPARTMENT OF ROADS, NO QUESTION ABOUT IT. BUT THE DEPARTMENT OF ROADS IS ONLY ONE COMPONENT OF THE EXPENDITURES OR THE JURISDICTIONS, IF YOU WOULD, FOR OUR BRIDGES AND OUR ROADS IN THIS STATE. WE HAVE ROUGHLY 100,000 MILES OF ROADS IN THIS STATE; 10,000 OF THOSE ARE UNDER THE JURISDICTION OF THE DEPARTMENT OF ROADS AND THAT DIRECTOR. THE NINE...OTHER 90,000 ARE UNDER THE JURISDICTION OF CITIES AND COUNTIES, WHICH DO NOT FALL UNDER THE DEPARTMENT OF ROADS. AND THEN WHEN YOU LOOK AT THE BRIDGES, ROUGHLY 25 PERCENT OF THE BRIDGES FALL UNDER THE JURISDICTION OF THE DEPARTMENT OF ROADS AND THAT DIRECTOR; 75 PERCENT FALL UNDER THE JURISDICTION OF CITIES AND COUNTIES. AND THOSE CITIES AND COUNTIES ARE THE ONES THAT ARE IN THE GREATEST NEED. [LB610]

SENATOR CRAIGHEAD: THANK YOU, SENATOR. AND I WILL YIELD THE REST OF MY TIME BACK TO THE CHAIR. THANK YOU. [LB610]

SENATOR KRIST: THANK YOU, SENATOR CRAIGHEAD AND SENATOR SMITH. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB610]

SENATOR SCHUMACHER: THANK YOU, MR. CHAIRMAN, MEMBERS OF THE BODY. WHAT HAS HAPPENED TO US? WHAT HAS HAPPENED TO US IN THE LAST 50 YEARS? PRESIDENT EISENHOWER SAID, LET'S BUILD AN INTERSTATE HIGHWAY SYSTEM. AND AMERICA, ALONG WITH NEBRASKANS, ROLLED UP OUR SLEEVES AND WE BUILT AN INTERSTATE HIGHWAY SYSTEM, AND TODAY IT WOULD BE HARD TO IMAGINE THE COUNTRY WITHOUT IT. WE WERE PAYING 80 PERCENT

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INCOME TAX IN THOSE DAYS. WE KNEW THAT IN ORDER TO HAVE A FUTURE, WE HAD TO INVEST IN THE PRESENT. PRESIDENT KENNEDY SAID, LET'S GO TO THE MOON. WE DIDN'T ARGUE ABOUT TAXES. WE HAD A VISION. WE WENT TO THE MOON. WHAT HAS HAPPENED TO AMERICA? WHAT HAS HAPPENED TO NEBRASKA? NOW, AFTER 40 YEARS OF GRADUALLY KICKING THE CAN DOWN THE ROAD, FIX THE BRIDGE NEXT YEAR, PUT A BETTER BASE UNDER THE ROAD NEXT YEAR, CAN'T AFFORD IT BECAUSE, WELL, THERE MIGHT HAVE TO BE A TAX. LET'S LEAVE THE WORLD A LITTLE SHY OF HOW WE INHERITED IT. LET'S STAND HERE AND WORRY ABOUT WHERE OUR ROADS AND OUR BRIDGES ARE GOING TO BE OVER WHAT AMOUNTS TO 6 CENTS A GALLON, WHICH, IF YOU COMPUTE IT AGAINST THE INCREASE IN EFFICIENCY IN GAS THAT WE'VE SEEN OVER THE PAST FEW DECADES, IS ACTUALLY LESS THAN WHAT WE WERE PAYING THEN. WHAT HAS HAPPENED TO AMERICA? ONE OF THE THINGS THAT WE WILL BE MEASURED BY, WHETHER WE LIKE IT OR NOT, IS THE SIMPLE FACT OF WHAT DOES OUR STATE LOOK LIKE, WHAT CAPACITY DO WE HAVE FOR COMMERCE AND FOR BUSINESS? OUR OBSESSION, OUR FOCUS ON TINY FRACTIONS OF TAX OBSCURES OUR VISION OF THE FUTURE AND OUR ABILITY TO LAY OUT A COURSE FOR OUR CHILDREN AND GRANDCHILDREN. SENATOR SMITH'S PROPOSAL IS A MINISCULE ADJUSTMENT IN TAX TO WHERE IT WOULD HAVE BEEN HAD WE NOT HAD INCREASED FUEL EFFICIENCIES, IN FACT, IT WILL FALL SHORT, BUT ENABLES OUR CITIES, OUR COUNTIES, AND OUR STATE TO BUILD FOR THE FUTURE. OUR BIGGEST PROBLEM IS NOT MINUSCULE ISSUES IN TAX. IT'S A LACK OF WILL AND A LACK OF VISION OF WHAT WE WANT TO CREATE. AND THAT SEEMS TO BE A DEFICIENCY THAT RUNS HIGH IN THIS BODY. LET'S DO SOMETHING. LET'S FIX OUR ROADS, OUR BRIDGES. LET'S PUT OUR SHOULDER TO THE WHEEL. LET'S GO TO THE MOON AND BUILD AN INTERSTATE. LET'S RESTORE AMERICA AND NEBRASKA TO WHAT IT IS, NOT BICKERING OVER MINUSCULE ISSUES ON TAX BUT AN EMBRACING OF THE FUTURE AND OUR RESPONSIBILITIES TO IT. THANK YOU. [LB610]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB610]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, "PROFESSOR" SCHUMACHER, ALMOST YOU PERSUADED ME. BUT I HAVE A PRINCIPLE THAT GUIDES ME WHEN IT COMES TO TAXATION, WHEN THE TAX IS A REGRESSIVE TAX. TO DEMONSTRATE WHAT THAT IS, I WOULD LIKE TO HAVE SOME HELP FROM SENATOR SMITH, IF HE WILL YIELD TO A QUESTION OR TWO. [LB610]

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

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SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES, I WILL. [LB610]

SENATOR CHAMBERS: SENATOR SMITH, HAVE YOU HEARD OF A PERSON CALLED DADDY WARBUCKS? [LB610]

SENATOR SMITH: YES, THAT'S LITTLE ORPHAN ANNIE. [LB610]

SENATOR CHAMBERS: AND HE'S VERY...HE WAS VERY WEALTHY, CORRECT? [LB610]

SENATOR SMITH: I BELIEVE THAT'S THE STORY. [LB610]

SENATOR CHAMBERS: AND THE YOUNG LADY, WHOSE NAME IS ASSOCIATED WITH HIS, YOU'VE GIVEN ALREADY. WHO IS THAT YOUNG LADY THAT YOU MENTIONED? [LB610]

SENATOR SMITH: ANNIE. [LB610]

SENATOR CHAMBERS: I DIDN'T HEAR YOU. [LB610]

SENATOR SMITH: I BELIEVE IT'S ANNIE, IS IT NOT? [LB610]

SENATOR CHAMBERS: ANNIE...NO, YOU DIDN'T GIVE THE FIRST TWO WORDS IN HER TITLE. LITTLE ORPHAN ANNIE, CORRECT? [LB610]

SENATOR SMITH: THAT'S WHAT I SAID, YES, FIRST. [LB610]

SENATOR CHAMBERS: ALL RIGHT. NOW, DADDY WARBUCKS DRIVES A CADILLAC. IT IS VERY QUIET, VERY FUEL EFFICIENT, AND WHEN IT GOES INTO A PLACE FOR REFUELING, IT'S AS THOUGH IT WERE WAFTED ON A PILLOW OF AIR. YOU DON'T EVEN HEAR IT. AND IF YOU DON'T SEE IT AND MOVE QUICKLY IT MIGHT RUN OVER YOU. NOW, LITTLE ORPHAN ANNIE DOES NOT DRIVE A CADILLAC. SHE DRIVES A "RADILLAC." AND YOU KNOW WHY IT'S CALLED THAT. WHEN SHE COMES TO THE FILLING STATION IT SOUNDS LIKE AN OLD OUT OF TIME LAWN MOWER. IT'S CLATTERING, AND THE MUFFLER IS DRAGGING. NOW, EACH IS

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GOING TO FILL UP HIS OR HER RESPECTIVE VEHICLE. WHEN THAT FUEL IS PUT INTO THE CADILLAC OF DADDY WARBUCKS, THE FUEL IS PUT INTO THE "RADILLAC" OF LITTLE ORPHAN ANNIE, WHAT'S THE DIFFERENCE IN THE AMOUNT OF TAX THAT EACH PAYS PER GALLON? SENATOR SMITH, I'LL ASK IT A DIFFERENT WAY. DOES EACH PAY THE SAME IDENTICAL AMOUNT? THAT'S REDUNDANT, BUT FOR EMPHASIS, THE SAME IDENTICAL AMOUNT IN TAXES PER GALLON OF GAS AND THEY'RE PUTTING THE SAME GRADE OF GAS IN THEIR CAR. [LB610]

SENATOR SMITH: YES, BECAUSE IT'S PRICE PER GALLON. [LB610]

SENATOR CHAMBERS: AND THAT'S CALLED A REGRESSIVE TAX, ISN'T IT, WHERE EVERYBODY PAYS THE SAME RATE REGARDLESS OF YOUR ABILITY OR INABILITY TO PAY? YOU'VE HEARD THE TERM "REGRESSIVE," RIGHT? [LB610]

SENATOR SMITH: YES, BUT THIS...(INAUDIBLE). [LB610]

SENATOR CHAMBERS: AND THIS IS A REGRESSIVE TAX, ISN'T IT? [LB610]

SENATOR SMITH: THERE'S MORE TO THAT STORY. [LB610]

SENATOR CHAMBERS: AND IT DOESN'T BOTHER YOU THAT LITTLE ORPHAN ANNIE PAYS THE SAME RATE AS DADDY WARBUCKS, DOES IT? YOU DON'T REALLY THINK THAT DEEPLY INTO IT, MOST PEOPLE, DO THEY? I DIDN'T HEAR YOU. [LB610]

SENATOR SMITH: WAS THAT A QUESTION? [LB610]

SENATOR CHAMBERS: YES. [LB610]

SENATOR SMITH: WHAT IS THE QUESTION? I'M SORRY, SIR. [LB610]

SENATOR CHAMBERS: DOES IT BOTHER YOU AT ALL THAT LITTLE ORPHAN ANNIE PAYS THE SAME RATE AS DADDY WARBUCKS? [LB610]

SENATOR SMITH: IT DOES NOT BOTHER ME THAT EVERYONE PAYS THE SAME GAS TAX. [LB610]

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SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, WHEN WE'RE DEALING WITH A PRINCIPLE, IT DOESN'T MATTER WHETHER IT'S A PENNY OR \$1,000, BECAUSE WE'RE TALKING ABOUT SOMETHING MUCH MORE IMPORTANT. AND WHEN THE POOR ARE TREATED IN SUCH A CARELESS, CASUAL, AND I SAY CALLOUS FASHION, IT'S A SOCIETY THAT HAS SKEWED VALUES. AND THOSE WHO CAN AFFORD IT WILL SAY, IT'S JUST A FEW PENNIES. WELL, YOU KNOW HOW THE PRINCIPLE THAT I BELIEVE IN AFFECTS ME? WHEN I CAME DOWN HERE, FEMALE STATE EMPLOYEES PAID THE SAME RATE OF THEIR SALARY INTO THEIR FUND FOR RETIREMENT, BUT WHEN TIME CAME TO DRAW IT OUT THEY GOT A LESSER AMOUNT. AND THE ARGUMENT MADE TO ME, BECAUSE IT DIDN'T MAKE SENSE, WAS THAT WOMEN LIVE LONGER THAN MEN. SO OVER A LONGER LIFETIME THEY WOULD GET THE SAME AMOUNT OF MONEY. I SAID, WELL, EVERY WOMAN THEN WHO GOES INTO THE STORE FOR A LOAF OF BREAD, DOES SHE PAY LESS FOR THE BREAD? NO. LESS FOR THE MILK? NO. AND DOES EVERY WOMAN LIVE LONGER THAN EVERY MAN? NO. I SAID THEN WE HAVE TO CHANGE THAT. AND I GOT THE LAW CHANGED SO THAT WOMEN GOT THE SAME PAYOUT WHEN THEY GOT THEIR PENSION AS THE MEN. NOBODY SAW FIT TO DO THAT BEFORE I CAME HERE. THEY SAY I PLAY THE RACE CARD. I WAS THE ONLY BLACK PERSON IN THE CHAMBER, BUT I SAW AN INJUSTICE AND IT WAS BASED ON A PRINCIPLE. AND THERE WAS NO WAY I COULD BE DETERRED OR SHUT IT ASIDE. AND HAD I NOT DONE THAT, WOMEN TO THIS DAY WOULD BE DRAWING LESS IN THEIR PENSION PAYOUT THAN MEN IN THE SAME PAY GRADE. THAT'S THE WAY I OPERATE. [LB610]

SENATOR KRIST: TIME, SENATOR. [LB610]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR SEILER, YOU'RE RECOGNIZED. [LB610]

SENATOR SEILER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE UNICAMERAL. SENATOR SMITH, WOULD YOU YIELD? [LB610]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES, I WILL. [LB610]

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SENATOR SEILER: SENATOR SMITH, I'D LIKE YOU TO...DISCUSS WITH YOU A LETTER, MARCH 30, 2015, STATE OF NEBRASKA, STATE HIGHWAY COMMISSION AND SIGNED BY DAVID E. COPPLE. NOW, I'VE BEEN TOLD BY PEOPLE THAT HOLD HIGHER OFFICES, I SHOULDN'T RELY ON LETTERHEADS AND SIGNATURES, BUT I THINK I'LL WALK OUT ON THIS ONE AND TAKE A CHANCE. I'M INTERESTED IN THE LAST PARAGRAPH OF WHICH I TALKED TO YOU EARLIER ABOUT BUT I'D LIKE TO BE PART OF THE RECORD: WHILE THE NEBRASKA STATE HIGHWAY COMMISSION VOTED TO SUPPORT LB610 AS AN IMPORTANT TEMPORARY MEASURE. DO YOU KNOW WHAT THEY WERE TALKING ABOUT BY TEMPORARY MEASURE? [LB610]

SENATOR SMITH: YES, SENATOR SEILER. I'M GOING TO DO MY BEST TO INTERPRET THAT. AND ALL OF THE COLLEAGUES OUT HERE, THEY HAVE THIS LETTER ON THEIR DESK. THIS IS THE NEBRASKA STATE HIGHWAY COMMISSION VOTE IN SUPPORT OF THIS BILL. AND THEY TALK ABOUT A TEMPORARY MEASURE. AND I THINK YOU'VE HEARD THE DISCUSSION ACROSS THE COUNTRY THAT I THINK THERE IS A STUDY OUT TODAY. THE AMERICAN TRUCKERS' ASSOCIATION IDENTIFIED THE POPULATION HAS INCREASED 8 PERCENT OVER THE LAST DECADE, YET FUEL CONSUMPTION HAS DECLINED 11 PERCENT. SO STATES ARE BEGINNING TO REALIZE, RECOGNIZE THAT THEY CANNOT DEPEND LONG TERM ON THE GAS TAX, THE USER FEE GAS TAX, AS MEETING THE NEEDS FOR FUNDING THEIR INFRASTRUCTURES. SO, MOST STATES WHEN THEY'RE LOOKING AT INCREASING, THEY'RE SAYING WE RECOGNIZE THIS IS TEMPORARY; THIS IS NOT GOING TO BE THE LONG-TERM FIX. AND ALL STATES ARE GRAPPLING WITH THIS AS TO HOW ARE WE GOING TO FUND OUR INFRASTRUCTURE LONG TERM IN A FAIR AND EQUITABLE WAY. AND I BELIEVE THAT'S THE POINT THAT THEY'RE TRYING TO MAKE IN THEIR LETTER. [LB610]

SENATOR SEILER: WELL, WHEN I EXAMINED THE ACTUAL BILL, I DON'T SEE A SUNSET CLAUSE IN IT, AND IT LOOKS TO ME LIKE IT RUNS OUT TO ABOUT DECEMBER OF 2019, AND THEN CONTINUES. IT DOESN'T SUNSET AT THAT POINT, IS THAT CORRECT? [LB610]

SENATOR SMITH: THAT IS CORRECT. [LB610]

SENATOR SEILER: OKAY. [LB610]

SENATOR SMITH: THIS IS NOT A DECLINING TAX. THIS IS GOING TO BE AN INCREASE FOR FOUR YEARS TO GET IT UP TO 6 (CENTS) IN INCREASE AND THEN

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HOLD STEADY THERE, PRODUCING ABOUT \$72 MILLION A YEAR FOR THE UNFORESEEABLE FUTURE. THAT WILL GET US OUR INFRASTRUCTURE NEEDS MET. [LB610]

SENATOR SEILER: AND THEN IT GOES...THE LETTER GOES ON TO SAY IT RECOGNIZES THE STATE OF NEBRASKA NEEDS TO ADDRESS AND SEEK A LONG-TERM SOLUTION. WHO IS RESPONSIBLE FOR THAT? IS THAT US OR IS THAT THE HIGHWAY COMMISSION? OR DO YOU KNOW WHETHER OR NOT ANYBODY IS WORKING ON A LONG-TERM SOLUTION? [LB610]

SENATOR SMITH: WELL, I CERTAINLY BELIEVE WHEN GOVERNOR RICKETTS MENTIONS GETTING IN PLACE HIS DEPARTMENT HEAD FOR THE DEPARTMENT OF ROADS, THAT PERSON WILL PROBABLY MOST LIKELY BRING IN A STAFF AND THEY WILL LOOK AT THIS LONG TERM. IF THEY ARE COMING IN WITH EXPERIENCE IN INFRASTRUCTURE, THEY WILL RECOGNIZE THE SAME PROBLEM OTHER STATES HAVE, AND THEY WILL BE PUTTING TIME INTO THIS, LOOKING AT WHERE WE GO LONG TERM. AND I BELIEVE THE LEGISLATURE WILL HAVE TO BE A PART OF THAT AS WELL. [LB610]

SENATOR SEILER: THANK YOU VERY MUCH, SENATOR SMITH. I WOULD YIELD MY...THE REST OF MY TIME TO THE SPEAKER HADLEY. [LB610]

SENATOR KRIST: SPEAKER HADLEY, YOU ARE YIELDED 1:30. [LB610]

SPEAKER HADLEY: I WILL TALK QUICKLY. EARLIER IT SAID WE'VE DONE NOTHING ON TAXES. WE ARE SPENDING \$450 MILLION IN TAX CUTS OVER THE NEXT FIVE YEARS. IF WE PUT \$40 MILLION A YEAR INTO THE TAX CREDIT, OVER THE NEXT FIVE YEARS IT WILL BE \$650 MILLION. WE'VE INDEXED THE TAX BRACKETS. WE'VE INCREASED THE PROPERTY TAX CREDIT FUND. WE'VE INSTITUTED THE OPERATING LOSS CARRY FORWARD. WE'VE DONE AWAY WITH ALTERNATIVE MINIMUM TAX. WE'VE RAISED THE AMOUNT OF SOCIAL SECURITY THAT IS TAX EXEMPT. WE'VE INSTITUTED... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SPEAKER HADLEY: ...THE MILITARY RETIREMENT. WE'VE INCREASED THE PROPERTY TAX FOR HOMESTEAD EXEMPTION. SO PEOPLE WHO SIT AND SAY WE'VE DONE NOTHING ABOUT TAXES OBVIOUSLY HAVE NOT SAT IN THIS BODY

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THE LAST TWO YEARS FOR THE TAXES WE'VE DONE. AND I WILL GUARANTEE YOU, IF YOU GO BACK AND LOOK OVER THE NEXT FIVE YEARS, AND WITH THE PROPERTY TAX CREDIT FUND WE'RE GOING TO PUT IN THIS YEAR, IT WILL BE \$650 MILLION LESS IN REVENUES FOR THE STATE OF NEBRASKA THROUGH TAX REDUCTIONS. THE INDEXING OF TAXES ALONE GOES UP \$10 MILLION EVERY YEAR. THAT MEANS IN THE END OF TEN YEARS THERE WILL BE \$100 MILLION LESS IN TAX REVENUE FOR THE STATE OF NEBRASKA BECAUSE WE'RE NOW INDEXING THE TAX BRACKETS. SO I DON'T BUY THIS IDEA THAT WE'RE...WE'VE DONE NOTHING FOR TAXES. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. STILL WISHING TO SPEAK: SENATOR CAMPBELL, BLOOMFIELD, WILLIAMS, FRIESEN, AND OTHERS. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB610]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'VE DECIDED THIS IS MY COUNTY COMMISSIONER DAY BECAUSE I SPOKE EARLIER ABOUT THAT AND I'M GOING TO SPEAK ABOUT IT AGAIN. WHEN I SERVED ON THE COUNTY BOARD, AND I HAVE TO SAY I'VE NOW SPENT SIX AND A HALF YEARS IN THE LEGISLATURE, NONE OF THE LEGISLATURE'S AMOUNT OF E-MAILS OR PHONE CALLS COULD EVEN BEGIN TO REACH THE NUMBERS OF PHONE CALLS I TOOK AS A COUNTY COMMISSIONER ON ROADS. I PROBABLY HAD MORE PHONE CALLS AND E-MAILS ON ROADS THAN I'VE HAD CERTAINLY ON ANY TOPIC IN THE LEGISLATURE. AND WHY IS THAT? WHY WOULD I GET SO MANY CALLS ON THAT? I'M IN AN URBAN COUNTY. WELL, LANCASTER COUNTY IS AN URBAN COUNTY, BUT IT IS 64 SQUARE MILES, HAS A GREAT NUMBER OF RURAL ROADS. AND I ASKED THE COUNTY ENGINEER TO GIVE ME SOME IDEA OF THE STATUS OF WHERE WE ARE JUST IN LANCASTER COUNTY. RIGHT NOW, WE HAVE 50 MILES OF DIRT ROADS. WE HAVE 1,031 MILES OF GRAVEL ROADS--AND, SENATOR HAAR, WE ARE PAYING ATTENTION TO YOUR GRAVEL ROAD--AND WE HAVE 272 MILES OF PAVED ROADS. IN LANCASTER COUNTY WE HAVE 297 BRIDGES AND CULVERTS THAT ARE OVER 20 YEARS OLD, AND 80 BRIDGES AND CULVERTS THAT ARE OVER 50 YEARS. SO WE HAVE A SIGNIFICANT NEED WHEN IT COMES IN LANCASTER COUNTY ON OUR ROADS. I OFTEN USE THE PHRASE, AND I DID ONCE AGAIN WHEN I TESTIFIED BEFORE THE TRANSPORTATION COMMITTEE, AND I'VE SAID THIS EVER SINCE I WAS ON THE COUNTY BOARD, THAT ROADS TAKE LONG-TERM PLANNING AND LONG-TERM FINANCING. YOU DON'T DECIDE ON APRIL 1 THAT YOU'RE GOING TO PAVE THE ROAD IN FRONT OF SENATOR HAAR'S HOME. IT TAKES PLANNING, DESIGNING, AND THEN EXECUTING, AND REALLY LONG-TERM FINANCING. THEREIN LIES A PROBLEM FOR COUNTIES AND CITIES AND FOR THE STATE OF NEBRASKA. WE HAVE TO BEGIN TO GET A HANDLE ON OUR

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INFRASTRUCTURE NEEDS ACROSS THE STATE, AND WE HAVE TO BEGIN PUTTING INTO PLACE THE LONG-TERM PLANNING AND FINANCING TO MEET THOSE NEEDS. I WOULD AGREE WITH SENATOR SMITH IN HIS RESPONSE TO SENATOR SEILER THAT THIS MAY BE A SMALL STEP AND WE'RE GOING TO NEED A GREATER PLAN FOR THE LONG TERM, BUT WE NEED THIS STEP. WE NEED TO KEEP UP WITH OUR INFRASTRUCTURE. AND WHEN I SERVED AS A COUNTY COMMISSIONER, I HAD PART OF MY DISTRICT WAS INSIDE THE CITY OF LINCOLN AND PART WAS RURAL. AND WHEN I'D WALK DOOR TO DOOR THE CITY FOLKS WOULD SAY, WHY SHOULD I CARE ABOUT THE ROADS IN THE RURAL PART OF LANCASTER COUNTY, AS I'M SURE SOME OF...ALL OF US WHO ARE URBAN SENATORS MAY BE ASKING ABOUT. WELL, LET ME TELL YOU, NOT EVERY ROAD INTO THE TOWNS AND CITIES ACROSS THIS STATE, INCLUDING OMAHA AND LINCOLN, NOT EVERY ROAD INTO TOWN IS I-80. AND PARTICULARLY FOR OUR COMMUNITIES THAT ARE LARGER, THAT HAVE A SERVICE AREA IN WHICH PEOPLE FROM THE RURAL PART OR SMALL TOWNS CANNOT GET A SERVICE OR A PRODUCT... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT...THEY COME INTO THOSE HUBS ACROSS THE STATE. WE NEED TO MAKE SURE THAT OUR ROADS AND BRIDGE NETWORK CAN SUPPORT THE COMMERCE THAT WE ALL NEED, AND THAT INCLUDES OUR LARGE CITIES. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB610]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SMITH WOULD YIELD TO A QUESTION. [LB610]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB610]

SENATOR SMITH: YES, I WILL. [LB610]

SENATOR BLOOMFIELD: THANK YOU, SENATOR SMITH. I WONDER IF YOU WOULD EXPLAIN TO US JUST HOW THIS MONEY IS DISBURSED. YOU KNOW, WE HAVE COUNTIES LIKE DOUGLAS AND SARPY THAT HAVE A MULTITUDE OF GAS STATIONS WHERE THEY WILL SELL GAS. WE HAVE ARTHUR COUNTY, I THINK THE

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WHOLE COUNTY PROBABLY HAS ONE STATION. HOW ARE THESE FUNDS COLLECTED AND DISBURSED SO THAT EVERYBODY GETS A SHARE OF IT? [LB610]

SENATOR SMITH: SURE. AND FIRST OF ALL, BIG PICTURE, YOU HAVE THE DEPARTMENT OF ROADS AND THEN YOU HAVE THE CITIES AND THE COUNTIES ON THAT DIAGRAM THAT I GAVE YOU. AND SO I UNDERSTAND YOU'RE ASKING ABOUT THE PORTION OF THE DIAGRAM FOCUSED ON COUNTIES AND THE CITIES AND THEN, ONCE IT GETS TO THE CITIES AND COUNTIES, HOW DOES THAT GET DISTRIBUTED. WELL, IF YOU GO INTO STATUTE, IN REVISED STATUTES 39-2507 AND 2517, IT GIVES YOU THE FORMULA FOR DISTRIBUTION WITHIN THE COUNTIES AND IN THE CITIES. AND THEY LOOK AT, FOR THE COUNTIES, THEY LOOK AT THINGS SUCH AS RURAL POPULATION OF EACH COUNTY OR MUNICIPAL COUNTY AS DETERMINED BY THE MOST RECENT FEDERAL CENSUS; THE TOTAL POPULATION OF EACH COUNTY OR MUNICIPAL COUNTY AS DETERMINED BY THE MOST RECENT FEDERAL CENSUS; LINEAL FEET OF BRIDGES, 20 FEET OR MORE IN LENGTH, AND THEN THERE'S A LARGER PORTION THERE; THE TOTAL MOTOR VEHICLE REGISTRATIONS, OTHER THAN PRORATED COMMERCIAL VEHICLES, IN THE RURAL AREAS OF EACH COUNTY; THE TOTAL MOTOR VEHICLE REGISTRATIONS OTHER THAN...AND IT GOES ON TOTAL MILES OF COUNTY OR MUNICIPAL GOVERNMENT; AND THEN THE VALUE OF FARM PRODUCTS SOLD FROM EACH COUNTY OR MUNICIPAL GOVERNMENT. AND SO IT USES A COMBINATION OF ALL THOSE ELEMENTS AND THEN IT ALLOCATES IT OUT. [LB610]

SENATOR BLOOMFIELD: SOUNDS A LITTLE BIT LIKE THE SCHOOL FORMULA. [LB610]

SENATOR SMITH: YES, YES, IT DOES. [LB610]

SENATOR BLOOMFIELD: THANK YOU, SENATOR SMITH. COLLEAGUES, I HAVEN'T COMMITTED EITHER WAY ON THIS BILL YET. I SAID I WOULD NOT COME DOWN HERE AND RAISE TAXES. SO MY NATURAL TENDENCY IS TO OPPOSE THIS, AND THAT'S PROBABLY WHERE I WILL END UP GOING. BUT WE DO NEED TO DO SOME WORK ON OUR COUNTY ROADS, AND IF THIS IS THE ONLY WAY WE CAN GET THERE, MAYBE WE HAVE TO GO THERE. I WILL CONTINUE TO LISTEN, AND I'LL CONTINUE TO WRESTLE WITH THIS ISSUE. AND, MR. PRESIDENT, I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR KINTNER. [LB610]

SENATOR KRIST: SENATOR KINTNER, YOU ARE YIELDED 2:00. [LB610]

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SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I JUST WANTED TO RESPOND TO WHAT SPEAKER HADLEY SAID AND THAT I NEVER SAID THAT WE DIDN'T HAVE SOME TAX REFORM, AND I THOUGHT WHAT WE DID WHEN WE INDEXED THE TAX BRACKETS WAS JUST ABSOLUTELY TREMENDOUS. I THINK IT HELPED A LOT OF PEOPLE. WHAT I SAID, THOUGH, IS WE HAVE NOT CUT A TAX RATE IN THREE YEARS. WE HAVE NOT CUT ANY TAX RATES, AND THAT'S WHAT I'M TALKING ABOUT. WE NEED TO CUT SOME TAX RATES, AND I THINK THAT THAT'S VERY IMPORTANT. AND, YOU KNOW, WE'RE NOT EXACTLY IN THIS BODY HELD IN HIGH ESTEEM. AND IF WE TURN AROUND AND RAISE TAXES, (LAUGH) THERE'S GOING TO...THERE'S GOING TO BE SOME PEOPLE SCRATCHING THEIR HEAD AND SAYING, WHAT AM I SENDING THESE PEOPLE DOWN THERE FOR? SO, I THINK WE NEED TO GET THINGS IN THE RIGHT ORDER. MAKE THE COMMITMENT TO CUT THE TAXES AND THEN BUILD THE REVENUE OVER HERE. YOU KNOW, WE WANT TO MAKE SURE WHEN WE DO THAT WE DON'T CUT TAXES THIS MUCH AND THEN RAISE TAXES THIS MUCH. IF WE'RE GOING TO CUT TAXES THIS MUCH, WE NEED TO RAISE TAXES THAT MUCH. AND I THINK IF WE DO THAT, I THINK WE'VE...AT LEAST THOSE OF US WHO RAN ON... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR KINTNER: ...HOLDING DOWN TAXES, HAVE KEPT OUR PROMISE TO THE VOTERS THAT ELECTED US. AND THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB610]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND WELCOME THIS AFTERNOON, EVERYONE. FIRST OF ALL, THIS IS AN INTERESTING ISSUE BECAUSE I DON'T THINK THERE'S ANY DISAGREEMENT ON THE FACT THAT WE HAVE INFRASTRUCTURE ISSUES IN OUR STATE THAT NEED TO BE ADDRESSED. AND I ALSO TAKE TO HEART WHAT SENATOR SCHUMACHER SAID ABOUT KICKING THE CAN DOWN THE ROAD AND WHAT OPPORTUNITIES WE HAVE AS THE 49 MEMBERS OF THIS BODY AT THIS TIME TO MAKE A DIFFERENCE ON THIS ISSUE. AND I THANK SENATOR SMITH FOR BRINGING THIS BILL FORWARD, NOT THAT IT IS A UNIQUE IDEA, BUT AT LEAST IT'S SOMETHING DIFFERENT THAN WE OFTEN TRY TO DO WHERE WE STILL TRY TO SOLVE THE SAME PROBLEMS WITH YESTERDAY'S SOLUTIONS. I ALSO THANK SENATOR FRIESEN FOR MAKING THIS HIS PRIORITY. THIS PAST WEEKEND, I HAD THE OPPORTUNITY TO BE BACK IN MY DISTRICT AND HAD A MEETING WITH THE CHAMBER OF COMMERCE IN

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LEXINGTON, AND THERE WERE SEVERAL MEMBERS OF THE COUNTY BOARD THERE. AND THEY BROUGHT LB610 TO MY ATTENTION, WHICH I HAD ALREADY READ, ALREADY HAD A PERSONAL OPINION ON, BUT THEY TALKED TO ME AT LENGTH IN FRONT OF THIS GROUP ABOUT THE IMPORTANCE OF THIS AND WHAT IT COULD DO FOR OUR COUNTY. AT THE SAME TIME SITTING AROUND THE TABLE WERE SEVERAL MEMBERS OF THE AG COMMUNITY. PEOPLE THAT I TRUST, PEOPLE THAT I HAVE CONFIDENCE IN, PEOPLE THAT REPRESENT MANY OTHER AG PRODUCERS IN OUR AREA. AND I OPENED IT UP TO A DISCUSSION ON THIS, AFTER THE COUNTY COMMISSIONERS HAD PUT FORTH THEIR THOUGHTS, AND SAID, OKAY, AG PRODUCERS, YOU SENT ME TO LINCOLN WITH THE IDEA OF TRYING TO FIND WAYS TO REDUCE PROPERTY TAXES. DO YOU BUY THE FACT THAT THIS GAS TAX OR GAS USE TAX WOULD RESULT IN A PROPERTY TAX DECREASE TO YOU? AND INTERESTINGLY ENOUGH, IT WAS UNANIMOUS THAT THEY SAID, YES, THAT THEY FELT THIS WOULD WORK IN THAT WAY IN OUR COUNTY. SO BECAUSE OF THAT, AND BECAUSE OF THE FACT THAT I'VE ALSO BEEN CONTACTED BY THE OTHER COUNTY BOARDS IN THE COUNTIES THAT I REPRESENT THAT ARE STRONGLY IN FAVOR OF THIS, I WOULD ENCOURAGE US TO ACT FAVORABLY ON LB610. WE'VE ALSO TALKED ABOUT THE FACT THAT WE DON'T BASE WHAT WE DO IN NEBRASKA ON WHAT OTHER STATES DO, BUT THE PLAIN FACT IS 11 OTHER STATES HAVE INCREASED THEIR GAS TAX OVER THE LAST TWO YEARS. IN FACT, NEIGHBORING STATES OF IOWA AND WYOMING BOTH INCREASED THEIR GAS TAX 10 CENTS. AND WE'RE LOOKING AT 6 CENTS OVER A PERIOD OF TIME. I WOULD ENCOURAGE ALL OF US TO THINK HARD ABOUT THIS. NONE OF US LIKE TAX INCREASES. NONE OF US CAME HERE TO INCREASE TAXES. BUT I BELIEVE IN THE BIG PICTURE, NOT KICKING THE CAN DOWN THE ROAD, FACING THIS PROBLEM, AND RECOGNIZING THAT THIS TAX CAN OFFSET OTHER TAXES. THIS IS THE RIGHT THING TO DO. WE WERE CHALLENGED WITH ONE OF THE VERY FIRST SPEAKERS THAT STOOD UP ON THIS ISSUE TO DO WHAT NEEDS TO BE DONE. NOW, THAT WAS IN CONTEXT TO THE DEPARTMENT OF ROADS. BUT I WOULD PUT THIS IN THE CONTEXT OF OUR BRIDGES AND ROADS. WE JUST NEED TO DO WHAT NEEDS TO BE DONE. I WOULD ASK YOU TO ADVANCE LB610. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR WILLIAMS. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB610]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I'M GOING TO TRY AND REFRAME THE DISCUSSION JUST A LITTLE BIT. EVERYTHING WE GET, EVERYTHING WE...ALL OUR PRODUCTS THAT WE DELIVER INTO THE CITIES THAT WE DISTRIBUTE, THE FOOD, ALL OF THE FURNITURE, EVERYTHING WE BUY AND

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SELL IS TRANSFERRED ON ROADS AT ONE TIME OR ANOTHER. RAILROAD HAS A PART OF IT, BUT ROADS DELIVER EVERY PRODUCT. YOU TAKE A BOX OF CORNFLAKES. THERE'S MORE COST IN TRANSPORTATION THAN THERE IS IN CORN IN THE CORNFLAKES. SO, WHEN I DELIVER CORN TO TOWN, I CALCULATE IT UP, IT WILL COST ME 88 CENTS EXTRA PER LOAD OF CORN DELIVERED TO TOWN. IN MY CASE, WHERE I'M GOING, IS TO AN ETHANOL PLANT, BUT BECAUSE THE COUNTY BRIDGES ARE NOT RATED FOR MY LOAD CAPACITY ON MY TRUCK, I GO OUT OF THE WAY APPROXIMATELY FIVE MILES DETOUR. THAT FIVE MILES COST ME A GALLON OF FUEL, WHICH IS PRICED AROUND \$3-SOME A GALLON. SO IT'S GOING TO COST ME IF THEY WOULD GET THE ROADS FIXED, I'M TALKING 88 CENTS IN GAS, THAT TAX WILL COST ME, AND I WILL SAVE \$3.86. BY AVOIDING ROADS THAT ARE BAD, WHICH I WILL AVOID, I WILL NOT GO TO CERTAIN MARKETS BECAUSE THE HIGHWAY IS TOO ROUGH ON MY TRUCK. IF I RUIN ONE TIRE ON ONE TRIP, THAT'S \$250, PLUS A SERVICE CALL. YOU TAKE MAINTENANCE, WEAR AND TEAR ON OUR TRUCKS THAT ARE COSTING OUR INDUSTRY, THE CARS, WHEN YOU HIT A POTHOLE IN LINCOLN HERE--I'VE HEARD PEOPLE COMPLAIN ABOUT THE POTHOLES--WHAT IS THE COST OF THAT? YOU'RE TALKING A FEW CENTS VERSUS THE REPAIRS, THE WEAR AND TEAR ON YOUR CAR, THE TIRES. WE'RE LOOKING AT A WAY HIGHER COST NOT DOING ANYTHING THAN WE ARE RAISING THE GAS TAX BY 6 CENTS. EIGHTY-EIGHT CENTS A LOAD, MY WHOLE CORN CROP COULD BE DELIVERED FOR AROUND \$190 EXTRA. IT WILL SAVE ME WAY MORE THAN THAT, BY FAR, HAVING ROADS THAT ARE IN BETTER SHAPE AND BRIDGES THAT I CAN CROSS SO I CAN TAKE THE DIRECTION THAT I WANT. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR SMITH, YOU'RE RECOGNIZED. [LB610]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. I APPRECIATE THE DISCUSSION THAT'S TAKEN PLACE. I WANT TO RUN DOWN...RUN THROUGH A FEW POINTS THAT HAVE BEEN MADE SO FAR, JUST KIND OF CLARIFY FOR EVERYONE. I'D LIKE TO ADDRESS SOME OF THE NUMBERS THAT SENATOR McCOY HAD BROUGHT UP, AND THE 18.4 CENTS THAT IS THE FEDERAL COMPONENT OF THE GAS TAX, SO WE HAVE ROUGHLY 44.8 CENTS THAT'S A TOTAL TAX ON A GALLON OF GAS; 18.4 CENTS IS THE FEDERAL COMPONENT. COLLEAGUES, THAT HAS NOT INCREASED IN 22 YEARS. THEN, BASED ON THE CONTROLLER DIVISION BUDGET OFFICE DECEMBER 23, 2014, I HAVE A CHRONOLOGY OF NEBRASKA MOTOR FUEL TAX RATES DATING BACK TO 1993. NINETEEN NINETY-THREE, THE TOTAL FUEL TAX, COLLEAGUES, LISTEN TO THIS, THE TOTAL FUEL TAX IN 1993 WAS 24.6 CENTS. THE TAX TODAY, THE TOTAL TAX TODAY, IS 25.6 CENTS--1 PENNY IN 22 YEARS.

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WITH AN INCREASING POPULATION, INCREASING ROAD MILES DRIVEN, DECLINING CONSUMPTION, DECLINING REVENUES, 1 CENT IN 22 YEARS COLLECTED AT THE STATE LEVEL, NO INCREASE AT THE FEDERAL LEVEL FOR 22 YEARS. THAT'S A FACT. I HAVE THE INFORMATION. I'M USING OUR OWN FIGURES HERE. SO WHAT IS SENATOR McCOY TALKING ABOUT? AND I KNOW THAT THERE HAVE BEEN SOME CHANGES IN THE FIXED RATE FUEL CHARGE, THE VARIABLE RATE FUEL CHARGE, AND WHOLESALE RATE FUEL CHARGE. I LIKE THE FIXED RATE FUEL CHARGE BECAUSE IT'S TRANSPARENT. EVERYONE KNOWS WHAT'S BEING CHARGED. THAT'S WHAT WE'RE TALKING ABOUT INCREASING HERE. THAT'S WHAT WE'RE TALKING ABOUT INCREASING. CURRENTLY, OF THE 10.3 CENTS THAT'S COLLECTED BY THE STATE IN THE FIXED CHARGE OF THAT 10.3 CENTS, 2.8 CENTS GOES TO COUNTIES AND CITIES AND THEY'RE SPLIT BETWEEN THE TWO OF THEM 50/50; 7.5 CENTS GOES TO THE DEPARTMENT OF ROADS. THAT'S WHAT WE'RE LOOKING TO WORK WITH. ONE CENT INCREASE IN 22 YEARS, AND LOOK AT THE DEMANDS THAT ARE ON OUR ROAD SYSTEMS AND ON OUR BRIDGES. LOOK AT THE BACKLOG OF REPAIRS THAT WE HAVE, AND COUNTIES AND CITIES ARE BEING BURDENED IN TRYING TO REPAIR FOR THAT USING THEIR WHEEL TAXES, USING THEIR PROPERTY TAXES. NO FUNNY NUMBERS HERE, THAT'S REALITY. I WANTED TO ADDRESS CONSERVATISM. AND I REALLY APPRECIATE MY CONSERVATIVE COLLEAGUES THAT HAVE STOOD UP AND SOME AGREE WITH ME ON THIS AND SOME DON'T AND THAT'S OKAY, BECAUSE CONSERVATISM IS A BROAD TENT. IT REQUIRES RESPONSIBLE AND THOUGHTFUL GOVERNMENT. BUT, COLLEAGUES, INVESTING IN OUR INFRASTRUCTURE IS PRO COMMERCE, IT'S PRO BUSINESS. USING A USER FEE GAS TAX IS PAYING AS WE GO. IT IS INDEED A USER FEE. SENATOR CHAMBERS TALKED ABOUT IT BEING A REGRESSIVE TAX. WELL, COLLEAGUES, I THINK YOU HEARD FROM SENATOR FRIESEN THAT... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR SMITH: ...THE POOR AMONG US...ONE MINUTE? A COST TO...OF DAMAGES TO THEIR CAR FROM A POORLY MAINTAINED ROAD WILL BE MANY, MANY TIMES THE ANNUAL COST OF THE INCREASE OF \$7 TO \$28 PER YEAR THAT WE'RE LOOKING AT. ALSO, COLLEAGUES, IF WE DON'T ADDRESS IT THROUGH A USER TAX, WE'RE GOING TO BE COMPETING FOR GENERAL FUND DOLLARS, AND THOSE GENERAL FUND DOLLARS FUND MANY, MANY SOCIAL PROGRAMS. YOU GOT MEDICAID IN THERE, YOU GOT EDUCATION, AND WE'RE GOING TO BE GOING AFTER THOSE SAME DOLLARS. AND THEN FINALLY, COLLEAGUES, THERE ARE OTHER FACTORS THAT GO INTO THE STATE HIGHWAY TRUST FUND. WE HAVE REGISTRATIONS AND WE HAVE SALES TAX. AND DADDY WARBUCKS PAYS A LOT

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MORE FOR A SALES TAX ON...I THINK SENATOR CHAMBERS SAID A CADILLAC. I DON'T RECALL THAT HE HAD A CADILLAC BUT WHATEVER THAT IS THAT HE HAS. SO, COLLEAGUES, AGAIN, PLEASE DO NOT FALL VICTIM TO REDUCING THIS TO SOUND BITES. THERE IS MUCH, MUCH MORE TO IT. HOW MUCH MORE TIME DO I HAVE, MR. PRESIDENT? [LB610]

SENATOR KRIST: TIME, SENATOR. [LB610]

SENATOR SMITH: THANK YOU. [LB610]

SENATOR KRIST: SENATOR MURANTE, YOU'RE RECOGNIZED. [LB610]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. I RISE IN STRONG OPPOSITION TO LB610 FOR A SERIES OF REASONS. FIRST OF ALL, I, LIKE MANY OF YOU, AS A CANDIDATE RAN ON SOMEONE WHO BELIEVED THAT GOVERNMENT WAS TOO BIG, IT SPENT TOO MUCH, AND THE TAXES NEEDED TO GO DOWN. I BELIEVE THAT VERY PASSIONATELY AND SINCERELY, AND I BELIEVE THAT TO THIS DAY. AND THAT'S WHY I OPPOSE LB610. BUT I DO WANT TO GO BACK IN HISTORY, NOT TOO FAR, FORTUNATELY. MANY IN THIS CHAMBER MAY REMEMBER 2008, WHICH WAS THE LAST TIME I THINK WE REALLY DEBATED THE GAS TAX AND INCREASING IT IN EARNEST. AT THAT TIME IT WAS PART OF THE BUDGET, THE DISCUSSION ABOUT RAISING THE GAS TAX, AND I WILL READ TO YOU A PORTION. IT HAD GONE THROUGH THE BUDGET. IT WAS PASSED BY THE LEGISLATURE, AND A LINE-ITEM VETO BY GOVERNOR HEINEMAN. AND I WILL READ TO YOU A PORTION OF THAT VETO MESSAGE BY GOVERNOR HEINEMAN: WHILE I APPRECIATE THE LEGISLATURE'S WILLINGNESS TO ENGAGE IN A DISCUSSION OF OUR ROADS FUNDING CHALLENGES, NOW IS NOT THE TIME TO INCREASE THE GAS TAX. GASOLINE AND DIESEL PRICES ARE HITTING RECORD HIGHS ALMOST EVERY WEEK. THE COST OF FOOD IS INCREASING, AND HEALTHCARE COSTS ARE SOARING. I HAVE REDUCED THE APPROPRIATION FROM THE DEPARTMENT OF ROADS BY \$14 MILLION TO REMOVE THE GAS TAX INCREASE INCLUDED IN THE BILL. THE CORRESPONDING FISCAL YEAR CASH FUND APPROPRIATION FOR ROAD CONSTRUCTION HAS BEEN REDUCED BY APPROXIMATELY \$14 MILLION. AGAIN, THANK YOU FOR DELIVERING A RESPONSIBLE BUDGET AND BALANCED GENERAL FUND BUDGET. I URGE YOU TO SUSTAIN MY LINE-ITEM VETO OF THE GAS TAX INCREASE. SIGNED, DAVE HEINEMAN, GOVERNOR. THE LEGISLATURE OVERRODE THAT VETO. AND IT WAS AN ODD MIX OF SENATORS WHO VOTED TO OPPOSE THE GAS TAX INCREASE AND TO SUSTAIN THE GOVERNOR'S VETO AND I WANT TO READ

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SOME OF THOSE NAMES TO ILLUSTRATE A POINT. AMONG THOSE PEOPLE INCLUDED SENATOR CHAMBERS, SENATOR ERDMAN, MIKE FRIEND, TONY FULTON, TIM GAY, SENATOR HOWARD...SENATOR HOWARD, SENATOR KOPPLIN, SENATOR LATHROP, SENATOR LAUTENBAUGH, SENATOR MCGILL, SENATOR PAHLS, SENATOR PIRSCH, SENATOR PREISTER, AND SENATOR TOM WHITE. NOW, I READ THESE NAMES TO ILLUSTRATE A POINT. A DIVERSITY OF OPINION, DIVERSITY OF IDEOLOGICAL SPECTRUM, BUT THE CASE WAS MADE IN 2008, AND THE CASE CONTINUES TO REMAIN TODAY, THAT THE GAS TAX DISPROPORTIONATELY IMPACTS THE POOR. IT HURTS THOSE WHO HAVE THE LEAST. THE MILLIONAIRES IN THE STATE OF NEBRASKA CAN AFFORD THIS TAX INCREASE, BUT THE POOR CANNOT. SO, I RISE NOT JUST AS A CONSERVATIVE WHO OPPOSES TAX INCREASES AND HAS OPPOSED ANY...EVERY TAX AND FEE INCREASE THAT HAS BEEN BROUGHT BEFORE THIS LEGISLATURE, BUT AS A PERSON WHO GENUINELY...WHO HAS GENUINE CONCERN OVER THE POOR IN THIS STATE AND THEIR ABILITY TO EXIST AND THRIVE IN OUR HIGH TAX ENVIRONMENT. AND THE FACT THAT THIS TAX...IT'S NOT THAT MUCH, IT'S JUST A LITTLE BIT, THEY CAN AFFORD IT. TRY THINKING LIKE THEY THINK AND PUTTING YOURSELF IN THEIR SHOES, UNABLE TO PAY YOUR RENT AND THE FOOD BILL... [LB610]

SENATOR KRIST: ONE MINUTE. [LB610]

SENATOR MURANTE: ...AND YOUR HEALTHCARE COSTS, BECAUSE THE TRUTHS OF 2008 ARE TRUE TODAY. FOOD COSTS ARE GOING UP. HEALTHCARE COSTS ARE RISING. THE COST OF LIVING IS INCREASING. WE OUGHT NOT BE ADDING TO THAT BURDEN. THE WEALTHIEST AMONG US, THE 1 PERCENT, CAN AFFORD IT, BUT THE POOREST CANNOT. SO FOR THEIR SAKE, I IMPLORER YOU, VOTE NO ON LB610. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR MURANTE. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB610]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. I KNOW WE'RE GETTING TOWARDS THE END OF TODAY'S TIME ON THIS ISSUE. I'D LIKE TO GIVE MY SUPPORT TO LB610 AND THE SENATORS WHO HAVE TAKEN THE BOLD STEP TO REALLY PUT ASIDE NECESSARILY SOME OF THE POLITICAL DIVIDES THAT ARE THERE BUT ALSO START MOVING TOWARDS REALISTIC SOLUTIONS. SENATOR KINTNER MENTIONED THAT PEOPLE DON'T HAVE A REAL HIGH OPINION OF POLITICIANS, AND I WOULD HAVE TO SAY THAT'S PROBABLY TRUE. AND ONE OF

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THE REASONS IS WE TEND TO DRAG OUR FEET AND KICK THE CAN DOWN THE ROAD AND NOT TACKLE THE TOUGH ISSUES. AND I THINK THIS DISCUSSION AND THE WILLINGNESS TO SAY WE'RE GOING TO ADDRESS IT HERE AND NOW AND WE'RE GOING TO LOOK FOR COMPLEX SOLUTIONS TO COMPLEX PROBLEMS IS CERTAINLY TO BE THOUGHT OF IN A HIGH MANNER AND TO THE CREDIT OF THE BODY. WITH THAT, AS WE REACH THE END OF THE DAY, I WOULD LIKE TO YIELD THE REST OF MY TIME TO SENATOR SMITH. [LB610]

SENATOR KRIST: SENATOR SMITH, 4:00. [LB610]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND, COLLEAGUES, I THINK WE'RE ABOUT TO WIND UP HERE TODAY. THANK YOU, SENATOR KUEHN, FOR YIELDING ME YOUR TIME. AND, SENATOR MURANTE, MY HEART IS WARMED BY YOUR SPEECH THAT YOU GAVE ON THE FLOOR. BUT ONCE AGAIN, I'M HEARING SOUND BITES AND I'M NOT HEARING FACTS. AND FACTS ARE A STUBBORN THING, COLLEAGUES. LET'S FIRST TALK ABOUT THE NEEDS. I THINK WE'VE ESTABLISHED WE HAVE NEEDS. AND THOSE OF YOU FROM RURAL NEBRASKA, YOU KNOW WE HAVE NEEDS, AND YOU KNOW PROPERTY TAXES ARE TOO HIGH. AND THOSE OF YOU FROM OUR URBAN AREAS, YOU DON'T LIKE YOUR WHEEL TAXES, YOU KNOW WE HAVE NEEDS. WE HAVE NEEDS IN OUR STATE INFRASTRUCTURE. THERE'S NO QUESTION, WE HAVE NEEDS, AND WE HAVE A HUGE BACKLOG AND WE HAVE TO FIND A WAY OF ADDRESSING THIS. AND WHEN WE HAVE A GOVERNOR THAT I AGREE WITH THAT'S GOING TO DRAW DOWN THE GROWTH OF GOVERNMENT, WHERE ARE WE GOING TO FIND THE FUNDS, COLLEAGUES? WHO OF YOU ARE GOING TO BRING A BILL TO INCREASE THAT QUARTER-CENT SALES TAX THAT COMES OUT OF GENERAL FUNDS? IT MAKES NO SENSE TO USE INCOME TAXES AND SALES TAXES EARNED FROM ONE SIDE OF THE STATE AND SPREAD THEM ACROSS THE OTHER SIDE OF THE STATE, MAKES NO SENSE, ESPECIALLY WHEN THOSE GENERAL FUND DOLLARS ARE GOING TO BE NEEDED IN OTHER AREAS. THIS IS A PAY-AS-YOU-GO USE TAX. IT'S A GAS TAX. AND THOSE THAT USE THE ROADS WILL PAY FOR IT. IT GOES TO CITIES, IT GOES TO COUNTIES, AND IT GOES TO STATE ROADS AND BRIDGES. THREE WAYS OF FUNDING, COLLEAGUES. THINK ABOUT THIS AS YOU SLEEP TONIGHT. WE CAN BORROW MONEY, AND WE CHOSE NOT TO DO THAT LAST YEAR. WE CAN GO TO GENERAL FUND EXPENDITURES, BUT IF THAT CONTINUES TO BE DRAWN DOWN, HOW ARE WE GOING TO MEET THESE NEEDS? IT'S NOT GOING TO MAGICALLY APPEAR. OR WE CAN GO TO A GAS TAX USER FEE, PAY AS YOU GO, THOSE THAT USE IT PAY FOR IT. AND ROUGHLY 10 TO 15 PERCENT...IOWA SAID 20 PERCENT OF THEIR GAS PURCHASES COME FROM PEOPLE FROM OUTSIDE OF THEIR STATE. I WOULD SAY EVEN IF IT'S HALF FOR NEBRASKA,

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THEN WE'RE USING OTHER PEOPLE'S DOLLARS OUTSIDE OF OUR STATE TO PAY FOR OUR INFRASTRUCTURE. OTHER STATES ARE DOING IT. WE HAVE A DIMINISHING SUPPLY OF FEDERAL FUNDS. COLLEAGUES, I CHALLENGE YOU, DON'T FALL VICTIM TO THE SOUND BITE. PROCESS THIS. THINK ABOUT IT. AND IF YOUR CONSERVATIVE PRINCIPLES TELL YOU NOT TO VOTE FOR IT, FINE. DON'T VOTE FOR IT. THAT'S OKAY. BUT THINK ABOUT IT, PROCESS IT, AND LET'S CONTINUE THIS DISCUSSION. THANK YOU, MR. PRESIDENT. [LB610]

SENATOR KRIST: THANK YOU, SENATOR KUEHN AND SENATOR SMITH. MR. CLERK. [LB610]

CLERK: MR. PRESIDENT, NEW A BILL. (READ LB243A BY TITLE FOR THE FIRST TIME.) MOTION WITH RESPECT TO LB106 BY SENATOR SCHNOOR TO BE PRINTED. (LEGISLATIVE JOURNAL PAGE 1032.) [LB243A LB106]

AND, MR. PRESIDENT, A PRIORITY MOTION: SENATOR MORFELD WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY, APRIL 1, AT 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL 9:00 TOMORROW MORNING.