

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate August 17, 2024

**ARCH:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifteenth day of the One Hundred Eighth Legislature, First Special Session. Our chaplain for today is Senator Dorn. Please rise.

**DORN:** Colleagues, please, join me in a moment of prayer. Dear Lord, we ask you be with us as we make decisions today that will impact our fellow Nebraskans. May we always be mindful of your instructions to love our neighbors as ourselves, and to do unto others as we would have them do unto us. May that line of thinking always guide us as we interact with each other as senators, with our constituents, with fellow elected officials, and the people from across our great state. Help us to learn from the past and from each other. Help us to look to the future with wisdom and discernment. Help us to govern wisely and be the good stewards of all you have given us. As we prepare to return to our home communities, we ask for your protection. Bring us back safely for the hearings and meetings in the next few months, with renewed energy and dedication to the task of representing our great state. In Jesus' name. Amen.

**ARCH:** I recognize Senator Holdcroft for the Pledge of Allegiance.

**HOLDCROFT:** Please join me in the pledge. I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**ARCH:** Thank you. I call to order the fifteenth day of the One Hundred Eighth Legislature, First Special Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

**CLERK:** There's a quorum present, Mr. President.

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

**CLERK:** I have no corrections this morning, sir.

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

**CLERK:** There are, Mr. President. A report of registered lobbyists for August 16th, 2024 will be found in the Journal. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. That's all I have this morning.

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**ARCH:** Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda.

**CLERK:** Mr. President, LR2CA, Select File. Senator, there are no E&R amendments. Senator Wayne has a priority motion. He would bracket the bill until 8/19/2024.

**ARCH:** Senator Wayne, you're welcome to open on your motion.

**WAYNE:** Thank you, Mr. President. Well, if you had plans today, you better call somebody and tell them we're going to change them. And based off of the check-in, there isn't 33 people here. Since we want to play political games, we can play political games. So today we're going to talk, we're going to have some conversations, and if it's just me talking, that's fine. I got seven amendments dropped. I got more that I could write during the vote, and I got six reconsiders. That was political on germaneness yesterday. So I'm a play politics too. All we needed was 22 votes, as Senator Brandt sat out. So when this dies, now you'll know why. Politics over people. And that's what we continue to do down here. Well, my last stand will be politics over people, too. I'm going to lower myself to your level. So that's what we'll do. Do I think this is a good bill? Yeah. Do I think people should vote for it? Yeah. But if this body continues to put politics over people, then why shouldn't I? There's not 33 votes here, and this'll die. So this body has a choice. We can recess till Monday. We can recess till Monday and put this back on the agenda. That's a priority motion that goes over mine. Put it up there, recess till Monday, maybe more people will come. But this is what happens when you play political games with people's lives. And that's exactly what it was yesterday. It wasn't about the rules. It wasn't about what was really germaneness or not. It was politics. So if I was this body, and I really cared about this bill, I'd recess till Monday. If you don't want to, it dies today. And if you don't think I can take it four hours, trust me, I can. So here's my calculations. Somebody is going to punch in the queue, call the question, I'm a file a motion to reconsider. I get ten minutes to open, ten minutes again to open, five minutes to close. So just on the motion and the motion to reconsider. I'm at 30 minutes. Ten, ten, five, five. I can just keep doing it and keep doing it. Call the question? Fine. Roll call, bring the house under, another five minutes. This is simple. So maybe people will learn how to filibuster today. But if people are in here, don't think it's just going to be a one man show, because I'm gonna ask you questions. You can decline. I've seen that done a couple times where people say, no, they don't want to answer a question. I'm OK with that, too. But that's where we are today. Political games, not

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following the rules, not voting for bills because certain people are bringing them up. It's my last year, so I just said, well, you know what? Driving home last night, I should do what they do. I shouldn't call balls and strikes on the rules. I should play political games like them. Now some people are going to say, when this bill dies, I'm helping big ag and big business. That's OK, because your property tax relief is doing the same. Isn't helping renters, and it isn't helping people who don't own any-- actually, it doesn't help anybody who has small, like, regular houses that are \$120,000 or less. They see really a couple of dollars. So if this session's about big business, then let it be about big business, because it ain't about people. Because if it was about people, we could-- we could actually target our property tax credit. Now you may say, well we talked about uniformity and proportionality, so how can we target a property tax credit. See, that might sound good if you understood the law. The law is it has to be assessed and valued and taxed the same. The reason we even do property tax credits, the reason we do business credits, like incentive credits, and we do it in a credit form is because we get around the uniform of proportionality. See, like in Oklahoma, I remember when I was working for a railroad and I'd sit down and talk to the CEO. They used to actually just send a letter saying, come to Oklahoma City and we don't have to pay any taxes, including property taxes. We can't do that. We can't abate. We can't abate property tax. So we came up with this incentive program, first for ConAgra in Omaha, that's what-- if you want to the truth, that's what it was. And it wasn't for downtown, actually. It was for North 72nd, right north of Cunningham Lake, they actually-- the Army Corps of Engineers built a private lake for ConAgra. And ConAgra still owns the land up there, and they've been trying to sell it for the last 50 years, and they want \$10 million, in my district, private lake. It's a nice lake, big lake. But that's where they were going to build the campus. Then they had this back-room conversation at Omaha Country Club about maybe we can do it downtown in Jobbers Canyon. And they were like, downtown property taxes are too expensive. That's why they were going north, north by the North Omaha Airport, because across the street was a private airport for their CEOs to be able to fly in and out of. But downtown property taxes were too expensive. Well, maybe we can abate it. Nope. Found out we can't do that because of our uniform and proportionality clause. So we came up with this incentive program. And this incentive program gave ConAgra the ability to build downtown, because we offset their property taxes with incentives. And we gave them a lot more, a lot, lot more. So to say-- my point in saying that is, is we can do what we want with our credits. So what we could do is say 100% to residential, 100% to ag, and only give 50% credit to corporations.

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Now, what does that do to their Property Tax Credit Fund? Well, actually, it keeps more money in it because corporations aren't getting it. So in 2028, when we're all negative-- so it's fun-- we'll co-- I'm a sidebar that, put that in the parking lot, and talk about how we're going to be negative in 2028, but never no mind. What we could do is give corporations 50%, because corporations are getting the tax break right now, we're lowering their income tax. But they also qualify for incentives. Mary in Florence does not qualify for incentives. George in Hastings does not qualify for incentives. But we're treating them the same as the corporation who gets incentives. How does that even make sense? It doesn't. But we don't want to take the time in front loading to do that. That might require us to have one or two more days down here. Wow. One or two more days to target individuals over corporations. And the only thing that happens is our Property Tax Credit Fund is healthier, because there's more money, and we're actually delivering property tax relief targeted. Novel concept, novel concept. So since we don't want to do that, we want to put corporations the same as people, then why in the hell should we separate residential? Let's just treat them the same. Because this body clearly doesn't want to do anything different. Somebody get on the mike and tell me what I'm saying doesn't make sense. Because you can't. So when you talk about property tax--

**ARCH:** One minute.

**WAYNE:** --relief, you're really talking about corporate relief. When you see people stand up and say, we don't want to treat owner occupied, and are against this CA, it's because they want owner and occupied, they want Mary from Florence to be treated as Union Pacific. But that's what we're doing with our property tax relief package that we're so proud about. So if we want to do that, and we don't want to change it, then don't change the constitution either. Let's just say to hell with the individual, and focus on profits over people, because that's what we're doing. I don't want to be down here on a Saturday, I got to cut the grass, it's been raining in Omaha. My grass is high. You know, people talk about peer pressure being negative. Here's some good peer pressure, when you see your neighbor cut your grass and yours ain't done, you want to get your grass cut. I would love to do that today. But no, we want to play political games.

**ARCH:** Time, Senator.

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

**ARCH:** Senator Linehan, you are recognized to speak.

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**LINEHAN:** Good morning, colleagues. Senator Wayne is really angry at me. I did not know that we only needed 22 votes yesterday. I don't know if I had known, if I had changed. The hardest thing we do here is picking between our friends. What I saw yesterday, I saw Chairman Clements as the underdog in that fight. And I can do-- weaken toward the underdog. I'm not mad at anybody in here today. I am furious with the Farm Bureau texting us this morning and saying that LRCA2 is hard for ag. I mean, it's been most of the day talking about the eight years I've been here, and what we've done for ag. When we got here, my class, the first Property Tax Credit Fund was at \$224 million. \$224 million. My second year here, Senator Friesen had a bill. He went through all his amendments. I hardly knew what I was doing. I put an amendment to increase it \$50 million. Stinner, Chairman of Appropriations, was furious. Speaker Scheer said you don't have the votes to stop it. You can't get your budget passed unless we give them \$50 million. We thought that was a huge win. Farm Bureau thought it was a huge win. The next year, '21-22, we got it up to \$300 million. '22-23. We got it up to \$313 million. And it keeps going up every year, mostly thanks to Tom Briese. We talked about the second property tax credit. It's LB1107. That was a fight between Farm Bureau, ag, and the chambers. They wanted ImagiNE Act done, ag wanted property tax done. We-- I don't know, I think we brought the ImagiNE Act on the floor three times, it never got to cloture. We brought a school funding plan, which was going to cost \$375 million to the floor in, like, five different ways. Once it was-- sometimes it was Friesen, sometimes it was Groene, sometimes it was Briese. Never got passed. So in the end, like the last five days, Senator McDonnell will remember, there were seven of us put in a room and told, figure it out. So we ended up, Briese and I were fighting for the school. We weren't on an island. Senator Briese and I were fighting for school funding over three years for \$375 million. So across the street, in a lobbyist's office, Farm Bureau made a deal for \$375 million for five years. They threw us under the bus. Thankfully, and almost miraculously, they wrote the bill wrong. So instead of getting to \$375,000,000 in 5 years, we got to \$546 million in the first year, second year. And then Senator Briese came back, and he increased both the first tier and the second tier into forever. The percentages go up with the valuations. Ag can't get any more. They've just been really lucky the last eight years, whether they think so or not. They have been-- the angels have been with them. And now they have an opportunity to join with residential--

**ARCH:** One minute.

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**LINEHAN:** --and actually get something done, because they've got no partners right now. The Legislature came back here next year and take AG from \$75 million to \$100 million. They think they're going to \$50 million? You have no partners, you can go to \$100 million. You have to understand, ag, that if you ever want to move the ball, you're going to need a partner. And the partner you ought to be holding hands with is the homeowners. And if you don't want to, I can't feel sorry for you anymore. It's always-- I'll punch back in. Thank you, Mr. President.

**ARCH:** Senator McDonnell, you're recognized to speak.

**McDONNELL:** Thank you, Mr. President. Morning, colleagues. Disappointed in the-- in the vote yesterday with overriding the Chair, but that's part of the process. Left here yesterday. Wasn't going to plan on being here today. Had a neighbor get a hold of me, and there's a grocery store about five blocks from my house, and they said they were eavesdropping on a couple's, older than-- older couple's conversation as they were looking at the meat prices. We don't tax groceries. They were talking about how they couldn't afford that-- those prices. And it was based on their other taxes, or their other expenses, because they're on a fixed income. I think so I think we've lost something here where the idea of, of-- every one of us, in conversation, to the media, says, have said this is something, but it's it's not enough. Then why are we planning on stopping, and not continuing to try other ideas, and put other ideas on the floor? We've got-- 81 bills were introduced, you got 24 CAs. And I'm not saying that we kick out every bill. I'm not saying that we spend eight hours-- going back to, to my first year, hey, it was three hours. You show 33 or sit down. We can change that. The Speaker can say, OK, show-- we're going to show-- have an hour debate on someone's idea that the Revenue Committee kicked out, LBX, and in an hour, show me your card. If you don't have 33, we're going to move on. This idea of going home and saying, we tried. That's not good enough. That's, that's expected of you to try. Oh, this idea that we're working hard, and we're here on a Saturday and-- that's expected of you. Know one put a gun to your head to run for these offices. What is expected of you, is to give 100% effort for the people that we represent, listen to them, be honest with them, and come up with some solutions. Not say, oh, we're going to get after that in January. And I'd have no doubt that you will try to work on this in January, even if we accomplish more this year. But that's not enough. That's not good enough. We have to do more now. So if you think all these ideas are bad ideas, we can, we can, we can shell a bill. We can get it-- we can get it amended in committee, and, and get your idea out here on the floor. But don't save those ideas for

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January. Let's hear them now. Because the people are-- and I believe I'm not the only one getting these calls, these emails, these text messages saying, I'm going to have to sell my home because I can't afford to pay the property tax. The lady I talked about owned her home for 58 years, and was trying to make the decision of having to sell her car because her valuation went up 35%, and the only thing she's done is maintain her home. She's now a widow, she has no one else, fixed income. Now, then the other person that said, I don't even have an option, I've got to sell. That's just wrong. So the idea of expanding--

**ARCH:** One minute.

**McDONNELL:** --the homestead exemption and, and saying that we should use HPI versus CPI, therefore, in the last ten years it would have went up 90% versus-- the range would have widened 90% versus the idea of the 30% on the CPI. I don't know who's opposed to that in this room, and why. Let's get it out of committee. Let's vote on it. Whatever ideas we have, I don't believe we should stop until we've exhausted every idea, had every discussion possible. Because if we're saying we're going to wait, and we're going to wait till next year, there's people out there that can't wait. There's people out there making life changing decisions today, where they're going to live, and what they're going to eat. Thank you, Mr. President.

**ARCH:** Senator DeBoer has a guest this morning seated under the north balcony, her father, John DeBoer. Please rise and be welcomed by your Nebraska Legislature. Senator Slama, you are recognized to speak.

**SLAMA:** Thank you, Mr. President. Good morning, colleagues. So I'm-- had family commitments, and I wasn't planning to be here more than 30 minutes today. I'm not dressed to be on the floor. I thank God, put on a blazer today, and washed my face. But I did miss the end of the day yesterday, because I decided to go home and spend time with my baby, who I have not seen except for maybe an hour in the last week, because by the time I get home, he's asleep, and then I wake up in the morning and sometimes I wake him up and take him on a walk, sometimes I don't, otherwise he's still asleep when I leave. And I appreciate the sentiment of we're putting in 100% effort. We're all here on a Saturday, there are some of our colleagues that aren't. And I'm not going to pretend like they're sitting at brunch with their besties, and just thriving and living their best lives, or they might even still be asleep. We have people who have cancer, we have people who have left their ailing family members' bedsides to be here. So we can't be sitting here pretending that, oh my God, like it's just so

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hard to be working on a Saturday. You're right, nobody put a gun to our head and told us to run for this office. Nobody did. It's a sacrifice. It's a sacrifice six months out of the year, you're expected to work 60, 80, maybe 100 hours a week. When you go home, you're expected every time somebody comes up to you in a restaurant and answer their questions. Like you are on duty 24/7/365, but that doesn't discount the sacrifices that people are making to be here. And Senator Wayne's helped me with many a filibuster on issues he didn't even agree with me with, so I'm going to help him here. And it's not out of anything personal, it's not out of anything-- I don't like this bill. I think anything we're passing in this special session should be getting 33 votes, this bill got 30 when everybody was here yesterday. So I think 33 is a very fair threshold for it to hit. And we're not standing here debating issues that are genuinely going to make an impact on our state's tax crisis, we're not. You cannot stand here and say that LB34, LB2, LB3, and this, even if you support LR2CA, couldn't have been borderline consent calendar bills next year. Like there's nothing here that's going to save that person who's getting taxed out of their home from moving in the next three months. It's not going to make that kind of difference. And that's not for lack of trying. We've got people on this floor that have just about killed themselves over-- killed themselves over the last couple of weeks trying to get something put together. And it's not like anybody here was coming into this session with ill intentions, or not wanting to fix the problem. I think all 49 of us genuinely see this as a crisis, genuinely want to fix the problem, but we have a duty to our constituents not to sign off on anything we don't believe in. Special sessions aren't designed for this. Special sessions are designed to address very narrow crises that have a very narrow set of legislative solutions. Broadly, calling a special session and saying, fix the tax system, you're never going to get something groundbreaking out of that, because it's the same problem we've had as a state for 40 years. Do you think us 49, out of all the state senators who have come before, have suddenly found the magic bullet, and we're going to solve this crisis in, what, two weeks? Absolutely not.

**ARCH:** One minute.

**SLAMA:** Thank you, Mr. President. And there's different reasons for that. One, you're on a more compressed timeline. You're going to be dealing with situations like today where people aren't here, people have other commitments. People-- I know there's a couple of people that are actually working at their jobs because they're trying to keep a roof over their family's heads. You also have a very narrow set of things you can negotiate on. We all hate to admit this, but in order



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for ag to get something, normally it leads to having to negotiate for urban to get something. When you're dealing with a very narrow pathway of a special session, you just don't have the breadth of issues necessary to make as big of an impact as you'd like. Under a condensed timeline, we're all dealing at an 11. We're all short of sleep, we're all very passionate about these issues, and it leads to fights on the floor like today. This special session, in handling the tax crisis in this way, is just not a way to legislate. I'm sure we'll have a larger discussion about it later on. But if we're failing in this special session, it's not for lack of trying. Thank you, Mr. President.

**ARCH:** Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. I support the bracket motion. Didn't expect to be here today, ever, especially not on my birthday. But I'm here, so it is what it is, and I really-- I don't know-- I don't know-- I really didn't know what I was going to say when I got up here, and I just been thinking, especially about the vote yesterday and about the vote on my amendment yesterday, about the prison. And it kind of-- about the prison, about the money for DHHS, because it all kind of hits home with me because it's super personal for me, because I have a family member who is in prison for probably the rest of his life, and he was failed by DHHS and our systems. And this body doesn't want to improve those systems. And it's, it's super hurtful and personal for me. So when you guys vote no on an amendment like that, because, for whatever reason, it, it shows me that this body lacks a lot of humanity. It proves what I thought coming in, that it's not that things can't change, it's that there is an unwillingness to change. There's an unwillingness to shake up the system to make it right for everybody, because it's working for you. And that is the problem with this place. If you're not willing to be bold, what are we here for? If this is a special session, special, special-- not-- it's not a session. It's not a session. It's a special session, which in my mind means we are back here to do bold things, bring bold ideas, and things like that. And I know people probably ain't listening because we're here on a Saturday, but it is what it is. If we're not here to do bold things during the special session, I think everything should die. Everything should die. Because what was it, LB34? That doesn't help everybody. It definitely does not help everybody. No matter how people want to spice it up, butter it up, whatever topping you want to put on it., It doesn't help everybody. It's just a fact. But I was just thinking about today, the votes yesterday, and the unwillingness to do bold things in this body, because it would make you uncomfortable. And that is the problem. Why are we here for a special session, if you are unwilling to do bold things? Why are we here on a Saturday if you're

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unwilling to do bold things. Why are we here for a special session if you're unwilling to do bold things? You're supposed to shake up the system, but you're scared to shake up the system because it would make you uncomfortable. It really wouldn't make me uncomfortable, because to be where I'm at today meant I had to shake up the system, I had to be bold, I had to stick my neck out there to get here. I had to persevere through a lot of things that I don't even talk about all the time. But just thinking about the votes.--

**ARCH:** One minute.

**McKINNEY:** --the lack of humanity and an unwillingness to be bold and do bold things just does not sit right with me, and that's the problem with this place. One day, hopefully, trying to be optimistic, many of you will wake up and realize that if we're ever going to change this state and stop having a conversation about property tax relief, we're going to have to do bold things. You're going to get-- you're going to have to get out of your comfort zones and step up and be bold. That's what I would tell to the kids I coach. If you want to be a state champion, you got to get out of your comfort zone, and be bold, and step up, and you all should too. Thank you.

**ARCH:** Senator Hansen, you are recognized to speak.

**HANSEN:** Thank you, Mr. Speaker. Well, Senator, Senator Wayne mentions that this-- the vote yesterday was political. I disagree with him a little bit on that. I think in the fact that maybe he means political, as in some people voted for the overruling this-- the Chair before and they didn't vote for it this time. And there might be various reasons why. I voted for it, because I think he made a good case, and I, I voted for it previously, and-- but I wasn't going to vote for the underlying amendment. I think ultimately what, what-- why that vote went down, in my opinion, is that he had the votes for that bill, but some of his colleagues were not here. Some I saw leave just almost a few minutes or ten minutes before the vote got taken. Granted, they may have other things going on, but I think he had the votes for it. And then when I look at the queue right now to see who's willing to speak and support him, none of them are in the queue right now except for Senator McKinney. And so it's political, but sometimes it's personal as well. Unfortunately that's politics. And maybe that's why the bracket motion is up there now, for political, maybe personal reasons. Maybe making a statement. I'm not going to discount a lot of what my friend Senator Wayne does. I won't support him too much on the bracket motion, on the filibuster, because I ac-- I like the underlying bill, which I would like to see get passed. And even if it

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doesn't do-- and I'll agree with another-- one of my good friend-- colleague, Senator Slama, is that this will not ultimately change next year if somebody's going to be in their home or not, but it is a step in the right direction. It's making incremental changes, fundamental changes, because we didn't get here overnight. But if we don't do anything, we're going to stay there. And we sure as heck didn't do as much as I wanted to this special session. And this is where I might disagree with Senator McKinney. He's saying we're unwilling to do bold things. I think we did a hell of a bold thing by LB1, and even LB34, in its original format. Those are some pretty bold bills, I thought. We're fundamentally restructuring how we tax the state of Nebraska. Maybe it's too bold too soon. But we're going to do it again next year. At least I will. Because something needs to change. And even though we're not getting 100% of what we wanted this year, 20% can make a big difference over the course of time. I know some people don't have that time, and that's what frustrates me. The emails I get, the phone calls I get about people moving out of their home. I just got three of them in recently, about somebody now looking to sell their stuff and sell their home because they're looking to move to South Dakota. And I know we've all gotten these emails about people leaving for Iowa and South Dakota, but man, the one time we actually tried to restructure our tax format to actually look a little bit more like South Dakota and Iowa, and we can't even do that? Even though everybody here thinks we need to? Not everybody. The majority of us do. So a little bit of agreeing with Senator McKinney is we do need to make bold approaches, which I-- which we did this year. We just got shot down, we didn't have the votes for it. But we need--

**ARCH:** One minute.

**HANSEN:** Any time in a special session, if we even have a chance to make an incre--incremental change, and move, move our state in the right direction, I'm going to be here and we're going to do it. I have this conversation with patients all the time, we're trying to make lifestyle changes, whether it's bad habits, whether it's weight, whether it's illnesses. I always tell them so long as you're pointed in the right direction, we're doing good. If you're not, nothing's ever going to change. So instead of drinking five sodas a day, drink four. Doesn't sound like a lot, but they're moving in the right direction. And we did that with this special session. And we're going to do it again in January in a few months. And if we don't, what the hell are we doing here, man? Just like what Senator McDonnell was talking about. So I'm glad we're here. I am going to oppose--

**ARCH:** Time, Senator.

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**HANSEN:** --the bracket motion, and I support LR2CA. Thank you, Mr. Speaker.

**ARCH:** Senator Wayne, you're recognized to speak.

**WAYNE:** Thank you, Mr. President. So first, I'm not mad at Senator Linehan. I'm pissed at Senator Brandt. I'm going to be straight up. This bill, this constitutional amendment, is on the floor because I fought for it, not him. I fought for it, because it's the right policy decision. But on a legitimate germane, he sat on the sideline. He sat on the sideline on a vote that could have helped all Nebraskans. He didn't vote at all. So let's just be clear. When I say that's political-- because he didn't want to rock the boat, because what might happen to his CA. He didn't tell me that. I can see it. Because the fear was if that would have got on, it might have caused a lot of problems. No, I just want a straight up or down vote. So if I can fight to get your constitutional amendment up here, I ain't asking for a vote trade, I'm just saying be bold to get it done, because I was bold enough to stand up here and take the votes to get this here. If he would have voted no, I'd have been fine. But I didn't take all those shots and stand up here for hours, and Speaker not talk to me for three days, and me and him giving each other dirty looks and all of that, just for you to sit on the sideline. I was purposely pushing the Speaker, saying things that he would think, was that talking about me? And I wasn't even talking about him. I was talking about somebody else who couldn't be here. But he made him think I was talking about him, and I knew what I was doing. And he knew what I was doing. And so we was just lock heads, boom, just we ain't gonna budge, we ain't-- I did all of that for you to sit on the sideline? No. No. And I can tell by who's here today, this is gonna die. And I'm with Senator McKinney, now. If we're going to do option one, that's what we're doing now, LB34, I said, well, damn, can we at least do it in a way that actually targets people? And since we don't want to do that, I'm willing to die on the sword for this whole session to be over. Nothing needs to come out. Based on the vote, we didn't have 40 anyway to put it on the ballot ourselves. We killed the enabling leg-- legislation because we won't do a pull motion or 25 votes to revive it, because we got to stay on schedule. So it can't get on there unless there's 40, and there wasn't 40 votes yesterday. Nothing's going to change by Friday. I guess Tuesday. So it's fine. Senator McKinney, I apologize, you got to stand here and listen to me on your birthday. But if you do, you can at least stand here and listen to me sing happy birthday to you. [SINGS] Happy birthday to you. Happy birthday to you. Happy birthday, dear McKinney. Happy birthday to you. [APPLAUSE] Thank you, Mr. President.

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**ARCH:** Senator Brandt, you're recognized to speak.

**BRANDT:** Thank you, Mr. President. Senator Wayne, I believe I was a no on that. You had me as a PNV. So I stand against the bracket, for the bill. And I guess if this is the last hurrah on this bill today, we're going to talk about things for a little bit. Senator Wayne, would you answer a question?

**ARCH:** Senator Wayne, will you yield?

**WAYNE:** Yes.

**BRANDT:** Senator Wayne, yesterday you had an exchange with Senator Erdman, and Senator Erdman, I believe the question was, how are we going to pay for this? And I was intrigued by your idea that we use property tax credits to pay for the delta, or the difference. So, for example, if we dropped owner occupied housing from 100% to 90%, to fill in that 10% as opposed to what we do now on ag land where the counties pick it up. Could you go into a little more detail on, on how that works? Because you were talking this morning about your experience in Oklahoma.

**WAYNE:** So what you could do is use a statement credit, so on your property tax statement. So if a value of a home is \$100,000, let's say the Legislature puts it at \$80,000, as far as the assessed value for an owner occupied home, there's a \$20,000 gap. That \$20,000 gap, it isn't really \$20,000 because the assessment is a smaller percentage of that, but that delta you would see on the form of your stat-- your, your tax, property tax statement, as we'll call it the Brandt plan, or the state fund, and it'll be what that delta is. So the property tax owner sees it, everybody knows it, and it doesn't affect how funds are distributed. So it still goes to the county, school districts get theirs, counties get theirs, city gets theirs. It's just that we're doing on the front end. So it's like taking your LB9 that you were doing inside of TEEOSA, and actually putting it on the front end for everybody.

**BRANDT:** The fear from the chamber and the ag community, I think, is that when we compare this to how ag does it, ag today has a 75% evaluation, and the difference is made up by the other properties in that county. Would that be correct?

**WAYNE:** That, that would be correct.

**BRANDT:** And yours would eliminate that fear because the state would come in and backfill that. Would that be correct?

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**WAYNE:** Correct. The state would fill in the delta.

**BRANDT:** All right. Thank you, Senator Wayne. I think that's an excellent idea. I was a little surprised this morning to get an email from Farm Bureau that in less than 24 hours, actually, probably less than 12 hours, they had changed their position. They met with me after session last night. They talked about Senator Wayne's idea. We both thought that was an excellent idea going forward. And this morning, we get an email, Senator Hughes and I did, specifically from them, with some, well I'll just call them fantasy numbers. I mean, you know, numbers lie, you know, that old saying. And they've got in here for my district, if owner occupied housing went to 75%, taxes on ag property would increase \$3.8 million, or 4.8%. Taxes on residential property would decrease \$4.7 million. With residential value at 50%, taxes on ag would increase \$8.2 million, or 10%. Taxes on residential would decrease \$9.9 million, or 43%. And this is just laughable. We could not get our numbers changed inside--

**ARCH:** One minute.

**BRANDT:** --TEEOSA on LB9. Senator Hughes and Senator Dorn, myself, Senator Conrad, Senator Walz, we worked hard on that, and that was just inside the TEEOSA formula, and everybody lost their mind because ag got moved from 72 to 42 and we moved housing down to 86. And when we did that, housing got more or equal benefit to ag. What you need to understand on all this property tax relief, 70% is going to go to housing, 22% is going to go to ag. So to listen to weeks of rich farmers and ag land owners, and, and doing all this is a little disingenuous. This CA truly was introduced to help owner occupied housing. I know we've got to do something on renters. This isn't the bill to do that. We can do that in the long session.

**ARCH:** Time, Senator.

**BRANDT:** Thank you.

**ARCH:** Senator Linehan, you are recognized to speak.

**LINEHAN:** Thank you, Mr. President. Happy birthday, Senator McKinney. I did not know it was your birthday. But it reminds me of my birthday, I don't know, 2 or 3 years ago. There was a hearing on redistricting in Omaha. It was a very long, miserable day, of which Senator Wayne missed half of it because he had court. So he left me by myself in front of the people from Omaha with the bill to split Douglas County in half. So I promise you, as miserable as today is, Senator McKinney,

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it won't be as miserable it was that day. And Senator Wayne, to his credit, did show up later, after I'd been called a bigot and several other things for several hours. It wasn't his fault, he was at court, he told me he wouldn't be there. Senator Sanders was a hero. I think she was, I can't remember, she was mayor of Bellevue at the time. She's very involved in Bellevue. And she sat there after 80 people testified, and went last because she thought it was the right thing to do. And she's here today, unbelievably. The Revenue Committee kicked out a bill, LB4 with, I don't know, two or three of Senator Wayne's ideas. Taking electricity off the rolls, everybody on the Revenue Committee agreed to do that. We agreed to pay for it with Senator Blood's bill that put a fee on delivery services. We also agreed to remove exemptions on things that lots of people in Elkhorn, who are not low-income, hardly, there are some, but not very many, use. Pool services, lawn mowing services. Things that I pay for. The conservatives didn't kill that idea. Progressives did. So people can be mad that we didn't take, and I don't blame them, that we didn't take sales tax off electricity. I thought that was ridiculous, since the first year I was here and missed paying a bill. I never looked at my electricity bill and was like, why are we paying taxes on electricity? So I understand Senator Wayne's frustration, but I think his anger is pointing in the wrong direction. We had it in the bill. We couldn't get to 33. We could get no help. We put EITC in the bill. We doubled it in an effort to get to 33, and to get something done for everybody. It is not the Revenue Committee's fault if that stuff wasn't in the bill when the final-- when we got to thir-- whatever, yesterday, when it went to Select. I, I don't know what more we could have done. And then yesterday, when I-- or the day before, whenever-- put all amendments to go back to exemptions, nobody wanted to vote on those exemptions. Nobody. Because they're ridiculous. The exemptions we had in the bill are ridiculous things. They're important things to me and a lot of other people, but they're not needs. Nothing on that list was a need. Nobody's life was going to be-- weren't going to go hungry, they weren't going to not have water, they weren't not going to have a roof over their head. They were things we like to do. And we couldn't do that. So we did come up with not near as much as any of us wanted. But maybe-- I, I will share the blame. But I'm not going to take 100% of it.

**ARCH:** One minute.

**LINEHAN:** OK, I'll use the 30 seconds I have left to apologize to the Speaker. I'm thinking he's probably sitting up there thinking, I thought these people were more mature than this. Like, I don't deserve this. We all need to grow up. We're acting like a bunch of two year

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olds. Maybe that's what happens when grown ups don't get enough sleep. And I am sorry, Mr. Speaker. Hopefully we can not be here for four hours. If anybody has any ideas of something I can do so I can go home and water my probably already dead plants, I would appreciate it. Thank you.

**ARCH:** Senator McDonnell, you are welcome to-- recognized to speak.

**McDONNELL:** Thank you, Mr. President. I appreciate Senator Linehan going through what's happened with Revenue in, in the last few days on the floor. But that doesn't mean we, we should-- we should stop, because I agree with her. There's some ridiculous sales tax exemptions. And I believe Senator Wayne had asked and went through, the other, the other evening who would be in favor of eliminating some of these, as has been mentioned, pool service, lawn service, the exemption. OK, let's vote on them individually. Let's get them out on the floor, and vote on them individually and find out. I think there's going to be a large percent that are going to say yes. I believe it's going to be more than 33. But we're not going to know until we try. So I understand the frustration, I understand the work that's been done, and I believe everything Senator Linehan has told us. But the idea of, of taking some of the blame, responsibility, sure, we all should. But that doesn't mean we can't learn from what's happened in the first 15 days of this special session, and, and, and put aside one day to say, let's go through the list that Senator Wayne read the other night to us and vote individually on which ones we want to eliminate and create more revenue for true property tax relief. Senator Wayne, would you yield to a question?

**ARCH:** Senator Wayne, will you yield?

**WAYNE:** Yes.

**McDONNELL:** Do you have a, a rough number of how much those-- when you were reading a number of them the other night, and I don't know exactly the count, but what kind of revenue that would-- that would bring in with those sales tax exemptions?

**WAYNE:** A little over \$5 million to \$10 million, depending on which ones we, we go with. For like pool, though, I mean we're not talking-- we're talking \$100,000 or less. We're not talking big numbers, but they're just exemptions we don't need to exempt. And you start adding all those up, you got a real number.



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**ARCH:** And we know that, you know, every dollar matters, and we protect the taxpayers' dollars. And we know how precious that is to them. But every dollar does matter, so let's say pool cleaning does add up to X, \$100,000. OK, that's, that's \$100,000 we don't have right now today for property tax relief. I'll yield the remainder of my time to Senator Wayne.

**ARCH:** Senator Wayne, 2 minute, 30.

**WAYNE:** Thank you. So. I'm not really frustrated at the Revenue, I'm not frustrated-- I'm frustrated on all sides. We have certain people who won't move on corporate income taxes, and, and just-- I don't say move and stop, but just pause. We have people who just fundamentally disagree with gambling. And my issue with all of that is, is it's going on now. Whether they do it on their phone, or they drive in. Well, first of all, we're not stopping people from doing it on the phone, let's just be honest. You can get a free VPN, and show if you're in another location, you can download that on your phone, you can-- it's free. Good ones cost like \$4 a month. And you get that, and you say that you're in Costa Rica and you still bet. Like this idea that we're stopping something is just not true. And that's an additional \$30 million. How much are we losing just on the fact that we can't bet on Husker games when they're here? But if I go to Iowa, I can. Insane. I'm no-- you might not be able to get to recreational marijuana, but gambling, the people have already spoken saying that they, they're OK with it. They're OK with it at casinos. They're OK with it at horse tracks. You can go on to a casino and do it. But if you're from home, you can't.

**ARCH:** One minute.

**WAYNE:** I don't understand. It's those kind of things that I'm just not understanding. We have an agreement, I think, on all sides, at least 33 for sure, that if you take alcohol to \$5 that passes. That's \$30 million, \$40 million, I think. At least \$20 million. I don't-- we can talk more about candy and pop, because I still don't understand that one. Because when you go over to Council Bluffs, you don't say, oh, we're not buying this candy because they tax it. But if that's the one we want to die on, OK, take it off. Cigarettes can go up a dollar. The lobby said it's OK. I think we can get to 33.

**ARCH:** Time, Senator. Senator Dorn, you're recognized to speak.

**DORN:** Thank, thank you, Mr. Speaker. Thank you for the conversation again this morning, I, I really appreciate-- I've sat a lot-- sat here

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a lot and listened to a lot of the conversation that we've had the last, I call it three weeks plus or whatever. People think that, oh, we didn't get that much done on property tax relief. We are closer to finding some more solutions to this. I know Senator Linehan, she's been here eight years. I've been here six years. When I came in I thought property tax, well this-- you know, we'll get together, we'll solve this issue. I think sometimes it's become more of a challenge instead of a less of a challenge as we've been sitting down here. I really appreciate some of the things Senator Wayne's brought out in the last couple of weeks. So it makes us think. If you don't think that he's thrown ideas out, that he's thrown thoughts out-- As we come back next year, a lot of us are new. I'm disappointed for the ones that won't be back here. Not a lot of us-- we'll have a lot of new ones. Excuse me, a lot of us will be back. Disappointed for the ones that have been here eight years and they won't be back here. But a lot of this lays more groundwork. I told Senator Lippincott, just had a visit with him, as you talk to some of the candidates running, I said, they're really, really watching this and paying attention. So they are learning a lot about how we make, I call it tax packages here. A couple of things. One, Senator Wayne and Senator Brandt had a conversation and Senator Wayne said, we put it in as a tax credit. I don't want people to think that that's not costing the state money. We do hundreds of things with tax credits. It is a decrease in our revenue that will show up on the balance sheet as less revenue. This bill still is going to require some funding from the state as we go forward, however it goes forward. People have to remember that. I think I've heard \$50 million, in that neighborhood, or \$100 million, I don't know, whatever, but that is. But Senator Wayne had a great idea how to fund it, that's how we got some of the things passed. I did talk to Senator Brandt, and I want to ask him some questions about this bill. So would he yield? Would Senator Brandt yield?

**ARCH:** Senator Brandt, will you yield?

**BRANDT:** Yes, I will.

**DORN:** OK. This bill, we've, we've heard that on Final Reading, it needs 40 votes to be on this ballot in November. Is that correct?

**BRANDT:** That would be correct.

**DORN:** OK. How many votes will it need to get on, I call it the ballot, in two years from November?

**BRANDT:** It would take 30.

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**DORN:** It would take 30 on what round, Final, or Select, or just Final?

**BRANDT:** If it survives today, it would be on Final.

**DORN:** It would be on Final, it would need 30 and that would put it on the ballot two years out.

**BRANDT:** That would be correct.

**DORN:** OK. Then what happens? OK. Let's assume that it gets on the ballot and it passes. This bill, like some other bills, it doesn't-- it, it, it's just on the ballot, and it's limited to words and everything, a number of words. So it can't, I call it, make the program or whatever. What happens? Who does that? This Legislature?

**BRANDT:** Are you talking about the wording for the ballot? It's the Secretary of State.

**DORN:** No, not the Secretary of State. But what happens to the bill? How does the funding come about? How do we decide that, yes, we want to lower houses 10% or we don't want to, or 5, how-- the Legislature then has the responsibility.

**BRANDT:** The bill is written that the Legislature has the power to implement the bill any way they see fit. We could-- the Legislature could do what they did on ag land, where the difference, basically, is adjusted within the county. The Legislature could set up a program like Senator Wayne has suggested, where we use property tax credits to fund the difference, I believe. Now, you know, till the lawyers get involved, we're not sure of what's going to happen.

**DORN:** Yeah.

**BRANDT:** But, I think we're, we're pretty safe going to the ballot, because we took the section of the Constitution for ag and hort land, and substituted the words owner occupied housing, and that was the only--

**ARCH:** One minute.

**BRANDT:** --change.

**DORN:** Great. That was-- that was another of my questions. Thank you for probably answering it. That's the only thing. If this goes to the ballot, it comes back to the Legislature, that's the only thing that would be dealt with is just the owner occupied housing.

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**BRANDT:** That, that would--

**DORN:** Or does it open it up to anything?

**BRANDT:** No, it would have to be owner occupied housing, and the Legislature would define what that is. I've got some language from some other states on how they define owner occupied housing. You would have to set up owner occupied housing, you'd have to set up proof of residency, you would have to set up the fact that you live in that house.

**DORN:** OK. Thank you. Thank you, Senator Brandt, for answering that. I just wanted to make one other question. Reading the newspaper this morning, or I forget, online or wherever, governor of Colorado is calling a special session August 26 to deal with what? Property taxes. I don't know if anybody else read that. And I, I, and I'm not sure I read it right. I don't remember for sure. I thought he did a few years ago, he also called one.

**ARCH:** Time, Senator.

**DORN:** I could be wrong on that. Thank you much.

**ARCH:** Senator McKinney, you're recognized to speak.

**McKINNEY:** Thank you, Mr. President. Still in support of the bracket motion. And again, although some may think during this special session we've-- we are going to take some steps. I just think if we're back for a special session, we should go big or go home. I really don't think we should take a small step. That's just a difference in philosophy. It's not that you're wrong and I'm right, or you're right and I'm wrong. I just think if we're back for a special session, it should be bold all the way, and if bold dies, it dies. It's a special session. If it's not bold, we could do it in a regular session. And doing some of these other things during a regular session, I'm, I'm still kind of-- not completely sure about, because let's talk about EITC. In a regular session. I'm not sure if we'd have the votes in a regular session. Exempting, exempting the, the taxes on electricity. I don't know if we've got the votes in a regular session. If so many of those things that we've discussed during the special session that I'm not completely sure we have the votes in the regular session, because there's so many other things that are going to be on the table, so many other topics, it's not just going to be taxes. It's going to be things dealing with the criminal justice system, child welfare, all other things are going to be going on. And also probably what is it,

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15 new people in here or something like that. So I'm not completely sold on the fact that we could come back and get a lot of those things passed. I could be wrong, but I'm not sold on it, because politics is politics, and nothing is ever done until it's done, especially in this place. But I just think, if we're not going to go bold the whole way, it all should die. And maybe LB1 was a bold step. I just think if the Governor was going to try a bold step in LB1, not to say I supported it, but if he was going to put out that bold plan, his bold plan, it wasn't my bold plan because I didn't like a lot of it. But let's say that's his bold plan, I think he should have went the whole way with his bold plan, and if it died, it died. But he could say I tried my bold plan. But what LB-- what is it-- LB34 is, it's not bold to me. It's not bold at all. It doesn't help all Nebraskans. No matter how you slice it up, it doesn't. It's just the facts. I think we should be bold and do bold things if we're back for a special session. That's the purpose of a special session is to do bold things. Come here to do things that are special. Again, the coach in me will tell all of you, be bold. You were elected for a reason by your constituents. You are here for a reason, for some reason. I don't know why, but you're here. I don't know why I'm here, but I'm here. So let's do bold things. We're here for a reason, to do, do great things for the people that elected us. That should be what we're doing in a special session.

**ARCH:** One minute.

**McKINNEY:** Something bold. And if it's not bold, it all should die. Nothing should pass if it's not bold. Because if it's not bold, that means we shouldn't do it in a special session. Because it can happen during a regular session, or short session, long session, short session. But it's not bold. Special session means we're dealing with something of the utmost importance, that is bold, very controversial, something like that. Nothing we're doing at this point is none of those. It's just PC legislation that's going to get us by to say somebody did something. But at the end of the day, it's not bold and if it's not bold, everything should die. That's just how I feel. Everybody else might feel differently, but that's OK. We all, we all are not supposed to agree all the time. Thank you, Mr. President.

**ARCH:** Senator Wayne, you are recognized to speak.

**WAYNE:** Question.

**ARCH:** The question has been called. Do I see five hands? I do see five hands. There's been a request to place the house under call. The

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question before the body is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

**CLERK:** 18 ayes, 1 nay to place the house under call.

**ARCH:** The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. All unexcused members are now present. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

**CLERK:** 26 ayes, 8 nays to cease debate.

**ARCH:** Debate does cease. Senator Wayne, you're recognized to close.

**WAYNE:** Thank you, Mr. President. This is going to be interesting because there's only 34 people here and at least eight people who voted for this are not here today. And there was only 32, that puts you at 24. And at least two are not here who voted against, so that puts you at about 22. Yesterday reminded me of something I learned my first year from Senator Larson. Senator Tyson Larson had the helmet bill-- No. Who had the helmet bill? Somebody else had the helmet bill. But Senator Larson-- Who? No, no, no, it was when I was here. So Senator Lowe. We had 33 on the button, but Senator Larson had a, a court hearing, and it wasn't here. Nobody counted that vote. And it was 32, and it died. So part of the responsibility I'm frustrated with is me, because I didn't run around and catch-- collect all the votes either, yesterday. What I didn't expect was a germaneness to be ruled not germane, because I verified with eight or nine people that that was germane yesterday before I even did it. And that's why I dropped to 2.5% on LB34 instead of that one, because I knew the second one was germane. But I shouldn't be surprised, because there was another time that Lieutenant Governor caught me off guard with the dividing the question ruled a different way, but it happens. So this is a test vote, really. I don't even know if there's 25 to move this on. So you don't have-- I mean, you can vote to IPP it. That'll show me-- show Brandt who he needs to probably call to get down here. But right now I'm counting 23 in favor of this bill moving to the next level on a good day. Interesting. There might be 25 to recess. Put it on for Monday and see if you can get some more. Don't have 25 on Monday either. Interesting. Now I know what Ozone and Turbo felt like. So Ozone and Turbo are two characters from Breakin', Breakin' 1 and 2. So Breakin' 1 was about these, you know, basically hip hop. Special K was

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going to go over to France. She stayed because she thought this hip hop kind of thing was cooler than ballet. So she stayed and kept dancing. Breakin' 2 was actually a better movie content wise, but the dancing was a little better in Breakin' 1. I mean, Turbo, I mean Ozone had-- no, Turbo had this little solo segment where he had the broom and it was sitting there and he was just jamming around. It was smooth. It was really, really smooth. But Breakin' 2, they had to save Miracles. So they did this big performance to save this community recreation center from being tore down by this developer. And they brought everybody from everywhere, the gangs stopped fighting, they were all breakdancing together. It was a great, great thing. And now I'm sitting here, and how this ties in is I'm sitting back here and I got the same look that Turbo and Ozone had when they watched the Olympics, and the young lady from Australia, Raygun, was breakdancing. Just turn your head, and like, what the hell is that? And that's kind of what I'm looking at right now. I'm like, oh, they only have 23. Dang. I don't even have to filibuster. It might die on its own. Raygun. Anybody see that? That was the worst dance--

**ARCH:** One minute.

**WAYNE:** --ever. I mean, it wasn't even dancing. It did a disgrace to the breaking community. So tonight, Google Breakin' 2, watch Turbo and Ozone and Special K perform to save Miracles, a great community center. But vote on this and let's see how many people are actually here, and who's going to vote. Thank you, Mr. President.

**ARCH:** Colleagues, the question before the body is the bracket motion until 8/19/24. All those in favor vote aye, all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 7 ayes, 26 nays to bracket the bill, Mr. President.

**ARCH:** The bracket motion fails. Mr. Clerk, next item. I raise the call.

**CLERK:** Mr. President, Senator Wayne would move to recommit the bill, LR2CA.

**ARCH:** Senator Wayne, you're welcome to open on your motion.

**WAYNE:** So I think out of that, Senator Day would probably vote for the constitutional amendment. Out of the rest of them, I don't know, Senator Brandt, it's looking kind of close. Somebody should probably run a vote card, because if I pull everything off, it goes to a vote, and nobody else probably has any motions ready. And it's a voice vote.

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So somebody will ask for a machine vote and it goes that quick. I don't see anybody doing a vote card. We're going to gamble this? I like it, I like to gamble. See that? I introduced a bill this year that would allow-- I expanded gaming to everything. Like, Legislature can make any game, it-- tax it, make any game you want. And the reason I wrote it that way is because I could see myself sitting at home, on my phone, placing bets on motions that are passed in the Legislature. That would be pretty cool. Here goes a \$5 bet. Oh. Day brought the bill. She probably lost three votes out of her name, just because her name, just because who she is, some people just don't like it, three votes gone. And you can take, like, right there, \$5 bet it passes. That'd be kind of cool. You know how much money you could raise? I bet you people would just be voting on the Legislature all day. All right. Let's talk property tax. So I got the math here because somebody asked me. So we were talking about alcohol. This year, alcohol, if we go \$5, alcohol, spirits. Well I don't like the two-- two tier spirit thing, but it would be about \$8 million. Cigarettes up \$1.00, \$20 million. The next year it would be almost \$32 million, \$33 million. That's significant dollars right there, people. Pays for electricity. Game of skills, \$6 million this year, almost \$7 million. Next year, \$10 million. Pays for a ga-- pays for electricity. Pop and candy is a big one, \$31 million. Next year it'll be 40, 50, \$49 million. Pays for electricity. Senator-- oh, is he here? von Gillern's not here? Oh, Senator von Gillern, will you yield to a question? Is he here in the building? I mean, he's not out there? Nope, not out there. OK, when he comes back, I'll ask him a question, because he said he was going to bring a bill to get rid of natural gas tax, and yesterday he asked me on the mic how I was going to pay for it. So I was going to ask him. Senator von Gillern, will you yield to a question?

**ARCH:** Senator von Gillern, will you yield?

**von GILLERN:** Yes.

**WAYNE:** In the briefing, you said that you were going to bring a bill to remove tax on propane or natural gas for residents. Is that correct?

**von GILLERN:** And electricity. I said I'd bring it next year.

**WAYNE:** How are you going to pay for it?

**von GILLERN:** We'll get a fiscal note on it, will debate it, we'll talk about it, and see where the funds are going to come from. We may combine it with another bill, or another part of a bill that reduces



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an exemption, or eliminates an exemption. We'll find a way to pay for it.

**WAYNE:** But you don't have a specific way of paying for it right now?

**von GILLERN:** Same way you're going to pay for this one so far, which is just out of General Funds, I guess.

**WAYNE:** See? So you agree we can pay for it.

**von GILLERN:** No, that's not what I said.

**WAYNE:** Oh. You want to clarify?

**von GILLERN:** No, I said originally, if I bring a-- said if I bring a bill next year, we'll have a way to pay for it.

**WAYNE:** OK. So General Funds is a way to pay for it though.

**von GILLERN:** No, I was saying that at the worst we could do is what you've proposed now, and that's just pull it out of General Funds.

**WAYNE:** Don't you think-- oh you mean the minimum we could do is pull it out of General Funds.

**von GILLERN:** I would-- I'll stick with my quote, I think the worst we could do is pull it out of General Funds without a way to pay for it.

**WAYNE:** OK. Thank you for the answer, I appreciate it.

**von GILLERN:** You're welcome. Here all day.

**WAYNE:** Senator. Dungan, will you yield to a question?

**ARCH:** Senator Dungan, will you yield?

**DUNGAN:** Yes.

**WAYNE:** How do you feel about the tax on electricity?

**DUNGAN:** I am against it. I think it would make a lot of sense to exempt electricity, and gas for that matter.

**WAYNE:** Do you think it's something we could probably get done now?

**DUNGAN:** Well, I voted for-- well, I was-- I was in favor of it being attached to LR, or LB3 yesterday, and I did believe it was germane,

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which was really interesting because I actually didn't at first, and you convinced me. So it was a rare opportunity where we listened to each other in this body.

**WAYNE:** I think Senator John Cavanaugh probably convinced you more than, than me. I'll give him credit. He, he convinced me that I was still right. I was starting to doubt myself at some point.

**DUNGAN:** Well, I was downstairs in my office, and I watched the back and forth between you two. And certainly, it was a convoluted flowchart to get there, but it made a lot of sense once I heard you two talk about it.

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

**ARCH:** Senator Brandt, you are recognized to speak.

**BRANDT:** Thank you, Mr. President. Would Senator Wayne yield to a question?

**ARCH:** Senator Wayne, will you yield?

**WAYNE:** Yes.

**BRANDT:** Senator Wayne, the overrule the Chair, the next step would have been to vote on the electricity bill. Is that correct?

**WAYNE:** Correct.

**BRANDT:** And the bill that you brought, just simply said that we would have removed the sales tax from residential electricity, or all electricity?

**WAYNE:** Residential.

**BRANDT:** And that would have cost us an-- Senator von Gillern gave me some numbers here, but in a full year, it's about \$62 million to \$65 million. Do you agree with that?

**WAYNE:** I'm not sure.

**BRANDT:** And the day before, you did a really nice job of going through all the sales tax exemptions. Would you be opposed to putting a bill together with the pay-fors inside of that?

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**WAYNE:** I can't re-introduce a bill right now. But there are bills in Revenue that don't have amendments on them. Some of them are mine. Who cares? But, yeah, we could do that.

**BRANDT:** Well, I guess what, what I'm thinking is, I'm for this if there's pay-fors, and I'm really kind of aggravated that we didn't go after any of these sales tax exemptions on the floor. I absolutely agree, there's 40 or 50 of these things that need to go away. And you and Senator Linehan have done a really nice job of outlining these. Could the bill not be written for January? I realize that's not going to happen this year, but could the bill not be written to also include pop and candy and some of the other big ones as an offset to the loss of that?

**WAYNE:** Could it be? Yes. Would I prefer it not to be? I would prefer to do it now, absolutely. And the reason is, is you're going to have 15 new people down here who are going to get tied up into a whole bunch of other debates and may not have the same focus. In fact, they may just follow somebody else's lead. So it could be more divided than it is right now. And so I'm a type of person who believes do what you can today and don't put it off till tomorrow. And so that's what I'm trying to do.

**BRANDT:** All right. Thank you. Senator Wayne also was talking about prop bets on politicians. I think the feds are-- have outlawed that from what I've read, which is-- it's kind of too bad, because particularly with the political climate this year in the nation, there would be a lot of prop bets on candidate Harris, candidate Trump, you know, where's the vice president going to land next? You know, is a plane going to have problems? Things like that. But I do agree, and I have always supported an expansion of gambling in the state, because that is a choice. That is a choice by somebody whether they want to buy a lottery ticket, whether they want to go to a casino, whether they want to bet online. And I agree with Senator Wayne, and I have always agreed, that Nebraska is losing, the last estimate I saw, about 25% of our gaming income for sports betting to Iowa. Because when we enacted the law qualifying the racinos, we put an amendment on there, Senator Pansing Brooks did, that said you could not bet on home games for in-state college teams. And that's probably one of the biggest bets in Nebraska. And it does not stop anybody.

**ARCH:** One minute.

**BRANDT:** They drive across the river to Iowa, park the car, sit on a gravel road, place their bet. Or just like Senator Wayne indicated,

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they will get a VPN and place a bet wherever, wherever they can. It's ridiculous that Nebraska gives that income back to Iowa. So that's all I've got for right now. Thank you, Mr. President.

**ARCH:** Senator Linehan, you are recognized to speak.

**LINEHAN:** Pools. I don't know exac-- I know what the fiscal note says that we would get if we taxed pool labor on your pool. It's ridiculously far off. Senator von Gillern found-- went on a search for me. According to someone in Douglas County, there's approximately 8,000 private pools in Douglas County. 8,000. There's no way that you could spend less-- maintain your pool for less than \$1,000 a year. It's generally be more like \$2,000, but let's just say it's \$1,000. That would be \$8 million. That would bring in, just Douglas County, \$440,000. My guess is it would be more like \$1 million in Douglas County. So that's one answer. I'm going to-- I can hardly read this, but-- because the print's so small, so poor Ryan, my staff is trying to figure out how to get it printed bigger. But here's the here's the nu-- states that split residential out when it comes to how they treat it for property taxes. Alabama. Arizona. California. Colorado. Connecticut. Kansas. Louisiana. Maine. Maryland. Massachusetts. Mississippi. Missouri. Montana. New Mexico. South Carolina. Tennessee. Utah. Washington. West Virginia. That was 15. So we here in Nebraska wonder why our property taxes are so high. Here's what I've seen in eight years. Commercial loves to be with residential because that keeps them safe. And if you think I am wrong, take a look out at who's in the lobby right now. They do not want commercial and residential separated. Farm Bureau's, I agree with Senator Brandt's-- if he's here, I might ask my question. Their numbers this morning are embarrassing. This is what also I have learned here. If you live in a county outside major urban areas, the people who live-- not all of them, but many homeowners in smaller towns, medium sized towns across Nebraska who have a lot of ag land in their district have not seen property tax increases for the last ten years. As a matter of fact-- Senator Brandt, would you yield for a question?

**ARCH:** Senator Brandt, will you yield?

**BRANDT:** Yes.

**LINEHAN:** So, Senator Brandt, actually, my daughter Katie worked here in the Legislature for a little while. She worked for Senator Scheer, Speaker Scheer, before he was speaker. And she realized that if you lived in, oh, I don't know, this will make my brother mad because he lives there, but if you live in Beatrice, you haven't really seen a

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lot of increase in your property taxes if you have a home in Beatrice in the last 12 years, have you?

**BRANDT:** I think that would be correct. Most of our small, rural communities, what my assessor has told me about every five years, they reassess the community. So they're kind of frozen for, for a length of time. And one other thing in, in regards to this line is what most people don't realize is all those farmhouses out there are assessed at 100% like they were inside of town. The difference being, if I lived in, in the community of Plymouth, I would have water, sewer, electric, gas all comes with the bill. If you live out in the country--

**LINEHAN:** One minute.

**BRANDT:** --you have to drill your own-- you have to drill your own well for over \$10,000, put in your own sewer system, pay the electric to come in.

**LINEHAN:** Right. But I have always noticed that ag looks at residential differently than if you live in Lincoln or Omaha. Because if you live in an ag community that has a lot of ag value, when ag values go up and the levy stays the same, residential's, residential's falling off. It just-- it's the way the system works. You get to Elkhorn where I live, and you've got a handful of guys, women, whoever, who have ag land, they, they are-- they are at \$1.05, homes are at \$1.05, and everybody is paying too much. That's how we've been ever since I've been here. It's like everybody's paying too much. And if ag doesn't work with residential, then you're not going to get anything fixed. It goes back to what we all know-- or not all of us. I'm sorry, I shouldn't speak for others. Many of us have felt the problem isn't property taxes, it's spending.

**ARCH:** Time, Senator. Senator McDonnell, you're recognized.

**McDONNELL:** Thank you, Mr. President. Senator Linehan, you're right, it is spending. And there's, there's ways to-- we're trying to, of course, you know this, to to address it. I just want to make sure that we have recognized that about the spending. And the resistance we've gotten, which is very telling on some of the resistance. As we talked about yesterday, the, the pink postcard, the-- Senator Hansen's bill, of just notifying people and making sure that they're aware to come together, have a discussion, and they know what's going on with their, their, their tax dollars. Ridiculous. Senator Brandt, really well done having the discussion with Senator Wayne and Senator von Gillern about the idea of the, the electricity. As we all know, that is definitely a

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need, not a want. Where, where I, where I disagree with Senator Brandt is at the point where he says, and we can bring a bill next year. We're here now. You say, Mike, well, you have a firm grasp on the obvious. Yeah, we're here now. We can do everything that Senator Brandt just discussed with Senator Wayne and Senator von Gillern now. Because we're here. Now, I believe that going through that process, getting that on the floor, I think that would have 33 votes. I think it possibly would have more than that. But we can do that today for the citizens of Nebraska. We don't have to wait till January. I'm not saying we can solve all these problems. I'm not saying that we can do everything in this special session, but there's certain things that are just low hanging fruit, and we can take care of now while we're here. I will yield the remainder of my time to Senator Wayne.

**ARCH:** Senator Wayne, three minutes.

**WAYNE:** Thank you, Mr. President. Thank you, Senator McDonnell. So, I think Senator von Gillern is in the back. So I pushed my light, and I'll give him time to come out here and when-- in a little bit. But just so people know, in, in 2028 and 2029 fiscal year, we're negative. Hundreds of millions. Now, does that change anybody's vote on property tax relief? No. But that's the projections. So my question of von Gillern is how are we going to pay for it now? How are we going to pay for this 3% bare minimum property tax cut? Oh, it's not even a cut, it's a shift, because we're shifting it to sales and income tax. But according to the Fiscal Office, because I've seen this multiple times, 2028 is when the corporate and income tax take their full effect, which I'm-- I voted for, I'm happy for it, it's great. But we're negative. So my question, of von Gillern is, how are we going to pay for it? If we think property taxes are so bad and it's driving out so many people, how are we going to pay for it? Now there are going to be people who are going to dispute the fact that we're not going to be negative, because they're going to say, well, in the last 40 years, we've only had dips in our revenue four times. So it's like one every ten years, but it happens at least one every ten years. And for the last ten years, it hasn't happened, so when's that one year coming up?

**ARCH:** One minute.

**WAYNE:** And if that happens, and we're already projected to be negative millions in 2028, how are we going to pay for it, von Gillern? And with that I with-- I withdraw my amendment, or my motion to recommit.

**ARCH:** Without objection, so ordered. Mr. Clerk.

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**CLERK:** Mr. President, Senator Slama would move to amend to strike Section 1.

**ARCH:** Senator Slama, you are recognized to open on your amendment.

**SLAMA:** Thank you, Mr. President. Good morning, colleagues. I actually wasn't paying attention to Senator Wayne's last speech. I thought he still had another amendment going, so I was going to, like, sneak off the floor before my amendments got read across. And here's where I'm at. We're in a situation where LR2CA-- and I think it's important I lay out where I am procedurally because normally I wouldn't filibuster this, I'd just vote against it. But procedurally, we're in some really weird waters, and I want to explain why I'm taking some time on this. It might actually go to cloture, I don't know. Is we're in a situation where to get LR2CA on the ballot this year, it would need to fulfill the special elections clause of our state's constitution and our own rule book. Which means you need 4/5 of the senators. So 40 senators voting for this, with the special election language included for it to go on the ballot in the 2024 elections. It's obvious from the vote yesterday it has 30 votes, it might have 30 votes by the end of this. It doesn't have 40. And I think everybody, whether you support it or are against it, would concede that point. So it would be passed as a CA without the special election language attached to it. That language would be struck if it did not receive 40 votes on Final round, but did receive 30. Now my question procedurally is if this passed, and I'm struggling to find any kind of actual precedent on this front, and I think that's really important for us to point out, is that even if this does get 30 votes to not appear on this election, but on the 2026 ballot, can we as a Legislature actually do that? And I have yet to find a definitive answer either way. And I think that poses some really interesting questions for this Legislature to consider, to where in taking time on this today, I'm not necessarily attacking the bill. I don't like it, to be clear. I think this is something, if we are going to do it, we should very clearly be taking that up in January, not only because of the subject matter and because I don't like the thought of rushing something to the ballot, but because it doesn't have the votes to get on the ballot in 2024 anyways. So if this Legislature wants to put up 33 votes on cloture and move it forward regardless, that's fine. I just think we're failing to consider what I think is a very important procedural nuance that's been lost kind of in the rush of special session that we need to take some time to actually consider. Because I do think it would be worthwhile for anybody to file an AG's opinion, like, you may have thoughts about AG's opinion, but we're in really uncharted waters here. And I do have an Attorney General's opinion that I'm going to

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read through about, like, the closest case study I can find that was somewhat similar to this situation before. But I, I do want to explain, because Senator Wayne does a great job of this, and I have ten minutes. And to be quite honest, I didn't put together ten minutes of material for my opening yet, because on a scott, I thought that Wayne had another amendment up. But what Senator Wayne does really well, and what I think we're losing with him and a few of the other departing seniors leaving, is just ability to work the floor, manage the floor, including in a filibuster. And I'm going to outline that, just because I know we have some underclassmen on the floor who I think are going to do a wonderful job of stepping up into that role. But until how all of this works gets outlined, it might not necessarily be clear as to how-- like what sets apart a good floor worker from everyone else? And Senator Wayne is a great example of this. He can count votes. I-- and that's a big part of the debate we're having here. Is the threshold 30, is it 25, is it 33, is it 40? If you're operating and working on the floor on a bill, you need to have a clear answer for every single vote that could arise. Like nothing should surprise you. Procedurally, you should know that on General File, an IPP takes priority. And if you have a spec-- filed as a special IPP, it takes priority over everything except the bill introducer getting to do the opening on their bill, the bill doesn't even get read across, if you have an IPP on General File. Now, something that some people may not know, and I need to get reminded of it every so often because it just doesn't come up as often, is if you file a Select File or a Final Reading IPP, that has the same order of importance as any other amendment. So that actually would fall to the back of the line. That's how we ended up in the position where we were today, where Senator Wayne, his bracket and his re-- recommit motions, those take priority over any amendments that are getting read across on Select File, or any motions to take to Final Reading, along with reconsiders on that. And something that Senator Wayne can do really well that is very rarely done, is that he could take a bill eight hours without taking a single vote. And the way that you do that on General is you bring an IPP, you withdraw it on your-- you do your open, you do your three turns, you do your close, then you withdraw it before there's a vote. Your new thing gets read across. You do the open, you do your three turns, you do your close, you pull it. You can go through this whole process without dragging anybody back into the Legislature to do a gratuitous vote, to take up time, to give you a break. And that's what really sets apart the people who are exceptionally prepared for filibusters from those who aren't. Because to me personally, I see the benefit in doing calls of the house and getting people back on the floor. But if you're just filibustering for



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the sake of filibusters, like, do the work yourself, don't make your colleagues do it for you by dragging them in for 10 minute breaks every 30 minutes or so. And I'm making this point because we have a lot of really exceptional floor workers who are going to be departing with this senior class. Senator Dungan's running a vote card, I want to give him a shout out. Senator Hughes, also really good at running vote cards. When you're running vote cards, you need to keep track, not just of the answers people are giving you, but you learn as you're doing these vote cards, and it's only repetition that you learn this through, is the people who will tell you what, what you want to hear, And when the lights go up, it'll be something different. So you need to know, there's no nicer way to put this, who's going to lie to you to make you feel better? Because when it comes down to whether or not you have 33 votes, it doesn't matter what people have told you, it matters the count you have and the ma-- and it matters the count you're going to have on that board. So if you're running a card, and the only way you can learn this is by learning from your colleagues, is by tracking each person. Have they lied to you before? Have they said they're going to vote one way, and they vote another? Are they out talking to somebody who's going to change their minds? When you're running a vote card, it is your job to track 48 of your colleagues, who sometimes it's the equivalent of tracking 48 feral barn cats on meth. And it's very difficult. And the ones who do it well have a really, really good skill at it. And just to review where we are for the vote counts for today, LR2CA would need 25 votes to advance if it didn't go four hours. It would need 30 to pass on Final, so that would be the next round. We're having a layover day on Monday, so that would be on Tuesday. 33 if it goes to cloture over four hours, which as of right now I'd, I'd say probably I'm planning on doing just until and unless I can get procedural questions answered here. And 40 to be on the ballot this year. And LR2CA does not have 40 votes. It's never had 40 votes at any point in this process. It's, it's not going to be on the ballot in '24.

**ARCH:** One minute.

**SLAMA:** Thank you, Mr. President. And that's why I'm taking some time on this, because as a Legislature, we are on uncharted waters, where even if we do pass LR2CA, we have to ask ourselves, do future Legislatures have the authority to take this off the ballot? Do they have the ability to change some language they see fit? And I know this is going to anger some people. Some people are probably going to get up and say mean things about me, like, leave my family out of it if you are going to say mean things, because that's kind of a bummer. My mom didn't do anything to you besides keep me alive, which I-- you can

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complain about later on. But I'm just here to ensure that if we are doing this, LR2CA is advancing with 33 votes. And that's my right as somebody in this Legislature to do it. And we're going to talk about process and procedure, and take a minute to think about what the consequences of putting this on the 2026--

**ARCH:** Time, Senator.

**SLAMA:** --ballot would be. Thank you, Mr. President.

**ARCH:** Senator Jacobson, you are recognized to speak.

**JACOBSON:** Thank you, Mr. President. So I asked Senator Slama here a few minutes ago the very question that she's dealing with, with her amendment that she just filed, is what happens if we get less than 40 votes. And we could have 49 people here today, there aren't 40 votes for this CA. So it's not going on the ballot this year. So with that known, then if we get 30 votes to put it on the ballot in two years, and we're going to have the next two years for the 108th [SIC] Legislature to work on this property tax problem, what if we come up with a different solution that also requires a CA? Are we going to have competing CAs on the ballot? Can the next Legislature repeal what this Legislature did with the CA? I'm not sure they can. I don't think Senator Slama thinks they can. So what kind of a mess are we creating for the next Legislature? Let's think about what we're doing here with this CA. All we're doing is we're asking the voters to allow the Legislature to value owner occupied, one to four family properties differently, just like they do for ag today. That's what we're asking them to do. Well, what about the concerns that we have about low-income rentals? Because what we're going to do without new funding is all we're doing is shifting property taxes from one class of real estate to the others. OK? We're shifting property taxes from one to four, family to all the other classes to make up the difference unless we bring other new funding in. That means that every owner of a one to four family home, regardless of its value, regardless of their income, I hear a lot of people being concerned about the wealthy that own homes, we're giving them the tax break. But what about the veterans that are 90% disabled but don't qualify for a homestead exemption because they're only 90% disabled? What about the low-income homeowners that are struggling to stay in their homes? They'll get the break. But could we do more for them? We can do that today without the CA. There's a lot of things that we can do in this next Legislature before we even know whether this CA is even necessary. We can do credits. We can do homestead exemptions. We could do all that today. So if we're not going to move the needle this year, what's the hurry?

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Let's let the next Legislature work. Let's also think about the unintended consequences. What impact does this have on TEEOSA? So if you look at the number of one to four family homes out there, we've talked about the city-- LPS, the Lincoln Public Schools. They're likely going to get kicked off of TEEOSA because of property value increases. That'll save the state a bunch of money. It'll shift property taxes to those who live in Lincoln. It won't have any impact out west, because most, most communities out west don't get TEEOSA funding, they pay at all by the property tax payers today. So what would happen is if you bring those values down enough for a home to fo-- one of four family homes in Lincoln, it gives them more TEEOSA money, which will be paid by the state. Do we want to do that? Or do we want to take those dollars and target them? But under this bill, or under the CA, we just want to change, be able to change the value in one to four family--

**DeBOER:** One minute.

**JACOBSON:** --owner occupied. So I'm just saying, for the reasons I've said before, and I'll bring back, again, Senator Wayne's comments. I too would love to have seen a number of exemptions passed. Didn't happen. I raised the question on the mic on, on General File. Why didn't we talk about LB34 when LB34 was on General File? Nobody wanted to talk about it. All they wanted to do was filibuster it. Well, now here we are and we're complaining that we didn't get a chance to do it. Yes we did. Yes we did. Where was the leadership back at that time to bring some of the exemptions and pass it on General File and have a more robust LB34? We didn't do it. The next class is going to have to get that done. Thank you, Madam President.

**DeBOER:** Thank you, Senator Jacobson. Senator Linehan, you're recognized.

**LINEHAN:** Thank you, Mr. President. Madam President. I'm afraid somebody has kidnaped Ryan Yang. OK. Thank you. I've been looking for him for the last half an hour. It's probably really only been ten minutes, but I get very nervous when my staff's not close by. So he's found. OK. He has the sheet he and I worked on last week about the forecasting from the Fiscal Office. And I am not picking on Fiscal Office. They do a very good job. They do a great job. Chairman Clements does a great job. He's not here today. But we went back to 2017-18, because that's the first year I got here and what they did the year before my class got here is they spent too much money, and they forecasted too much. So when Senator Scheer, Scheer, Stinner came in as Chair, he changed that. We now forecast too low, and we don't

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spend as much money. So for instance, if I remember how this works, the tax rate from the 20-- this is from the 2024 Tax Rate Review Report, actual historic revenues table. And then we took what actually came in, and we compared it to what the, the forecast was. So as I said, in 2017-18, what actually came in was \$4.6 billion. The forecast was \$5 billion. '18-19, what actually came in was \$4.9 million-- billion. The forecast was \$ 4.6 billion. So we're up \$300 million. The next year, 1920 [SIC], the forecast was \$4.7 billion. We brought in \$4.9 billion. In 2021, this is big number, guys, forecast was \$4.8 billion, we brought in \$6 billion. In '21-22, the forecast was \$5.2 billion. We brought in \$6.3 billion. \$1.1 billion off. In '22-'23, the forecast was \$4.9 billion. We brought in \$6.4 billion. The math gets harder, but it's way more than \$1 billion. In '22-23, and this is an anomaly because of the pass-through entity tax, but the forecast was \$5 billion. We brought in \$7.2 billion. So \$2.2 billion over forecast. We're projecting-- our projections, if you go to your green sheet, it's attached to your agenda, it says our actual in '22-23-- let's go up. The number you need to look at is line 9. That's your actual. So line 9 says our actual in '22-23 was \$6.3 billion. '23-24, which is very close. That should actually be actual now, but it's \$7.2 billion. And then somehow, because of tax cuts, supposedly, we're going to drop down below what we got in '22-23. We're going to be below what we got in '22-23 in '25-26. We're going to be below what we got in '23-20-- '22-23, and '26-27.

**DeBOER:** One minute.

**LINEHAN:** And if you keep looking at the green sheet, when it says General Fund transfers out, before you get down here to these net General Fund receipts, those transfers out, our money that go to tax relief. So we are not-- yes, if there's a great recession, as there was in 2008-9, those are two of the years that we were down below what we got the year before, that will happen. I think that's very unlikely. So we're not going to be short unless there is a great recession. The other thing I handed out, and I'll talk to you, is this sheet. You all need to look at this, because it shows you what's happened to residential property taxes paid, agriculture taxes levied, I should say levied, not paid. Agricultural taxes levied, this first column. The years are in the far left hand corn-- left hand side of the page, what residential taxes were levied and what commercial has been levied.

**DeBOER:** Time, Senator.

**LINEHAN:** You can look at this, it's ag-- Thank you.

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**DeBOER:** Thank you, Senator Linehan. Senator Dover, you're recognized.

**DOVER:** Thank you, Madam President. I just want to stand up and be very brief. I had voted in support of this. I had some reservations just concerning if, if, if taxes go down in one place, they're going to go up in another. I'm a little concerned with the implication of that for commercial and those types of properties. I think I talked to Senator von Gillern on this. And another thing I'd, just say with that worry and then the idea of doing a constitutional amendment so quickly. I know some have said we got to go big or go home or whatever. I'll just simply say, I think when we mess with the constitution, we have to be very, very cautious. And I don't feel as though we've really properly vetted this, so I will-- I will be voting against LR2CA. Thank you, Madam President.

**DeBOER:** Thank you, Senator Dover. Senator Wayne, you're recognized.

**WAYNE:** Thank you, Ms.-- Madam President, this is very interesting. Very interesting. I have-- I'm not filibustering. But I knew this morning when I walked in, there were no votes. Votes were not here. I find it interesting when you say we are messing with the constitution, we are actually letting the people vote on, on it. We're not doing anything but allowing them to vote on it. That's what we do. We pass things and allow them to vote on it. But I want Senator Linehan to finish going through her sheet. So will Senator Linehan yield to a question?

**DeBOER:** Senator Linehan, will you yield?

**LINEHAN:** Yes, certainly.

**WAYNE:** Can you keep going through that sheet? I think it's very interesting.

**LINEHAN:** Yes. So if you look at year 2003-- well, let's just skip down to where things went haywire here. You look at 12, 2012. Well, I guess they're pretty haywire all the way down. So 2003, ag taxes levied went up 24%. Am I reading this wrong? I just got this this morning. The point of this chart is, if you look at how much ag pays, how much residential pays, and how much commercial pays. There is a very good reason why commercial, the chambers don't want us to do this. They don't want to separate out because in most states, which I read off earlier, they do separate it out more than half. Almost. I don't know, I count them up. If we ever get it printed large enough, I can read it, 30% of the state-- not-- I'm sorry, 30 of the states, at least,

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separate ag, residential, and commercial. I don't know why this has not happened before. And as far as the Farm Bureau, and they're like, we can't do this, that'll hurt us. I don't know why anybody pays dues to Farm Bureau. I'm sorry. Every time we get almost something done for ag, they come in and blow it up. They did it this-- on LB4. We were charging along [RECORDER MALFUNCTION] --votes, thought we were in a good place, and Thursday they came in and they're against it. So we had to shut down, go home, work for 2 days to get it to ag, and they ended up actually hurting themselves. Senator Dorn had figured out 2 cents up front, or 2% up front was better than personal property taxes. He was money ahead. Money ahead paying 2 cents up front. But Farm Bureau came in and said, oh, we can't do this. This is going to hurt ag. They've done it every year I've been here. We get almost to the finish line helping residential, helping ag, and they blow it up. I could not believe when I got a text this morning from Farm Bureau saying that this-- I guess Senator Wayne is just going to let me rage on. Thank you, Senator Wayne. I couldn't believe when I got a text this morning that Farm Bureau was pulling off. They told Senator Brandt last night they were in the deal. So what happened between 5:00 last night and 7:00 this morning? I, I, I, I-- just study the sheet, guys. Why would we leave residential homeowners in the same bucket as commercial? Most states do not. And every time we have tried to do--

**DeBOER:** One minute.

**LINEHAN:** --something for ag, it costs you too much to do something for residential because they're tied with commercial. This might be, frankly, of all the things I've thought we have accomplished since I've been here, this is one of the most important things we could do. And I don't know if there's a way we can go home and get some sleep and come back with some common sense. If we kill this today, it will be-- it, it is a huge mistake. We don't have to get to 30 today. We don't have to get-- we can figure out what we can get on Final. But if we let this go down today, shame on us. Thank you.

**DeBOER:** Thank you, Senators Wayne and Linehan. Senator Slama, you're recognized.

**SLAMA:** Thank you, Madam President, and I'm not going to take my full five. I'd encourage anybody who's in the queue to hop out. I think we've beat this either way to death, and I'm just going to pull my stuff at the end of this turn and we're going to go to a vote. Procedurally, I think you still have the same issues that I raised before of in terms of votes. I don't think we have 25 votes to get this across today, so I'm just going to let it go to a vote. You have

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my word on Final Reading is going to go two hours to cloture. So you're going to have to prove up 33 votes anyways if it advances. It needs 30 votes to pass. But if it passes, then the earliest it could be on a ballot without 40 votes, which it doesn't have 40 votes, is the 2026 election. Now procedurally, I don't think we as a Legislature can do that. And I have an AG's Opinion that if we were actually going to stay here for 4 hours and, like, I appreciate you all way too much to put you guys through that. But I would just like to take this to a vote, move on with our weekend. I think we've fleshed out the issues back and forth. I think we've had a really substantive debate. It's a Saturday. Please, if you-- if you want-- and I know there's a conversation happening behind me, and right now I'm beyond the things that I had planned on saying. So now I'm just going to talk out of deference to the Chair of the Revenue Committee and the introducer of the bill as they figure out a plan. Because if you look at who's here and who's not, LR2CA doesn't have the votes right now, I believe, to advance, which I think is probably for the best given the procedural concerns. We haven't even gotten into the problems that could arise as you're cutting this specific corner of residential properties away from the rest of residential and commercial purpose properties in our constitution, that's for another day. I'll bring it up on Final Reading, but, overall, I think we're to a place in debate now where it's best to just take this to a vote. So with that, Madam President, I'm going to withdraw FA171 and all the other amendments and get this taken to a vote or whatever the next step we want to do with this is. Thank you, Madam President.

**DeBOER:** Thank you, Senator Slama. Senator Linehan, you're recognized.

**CLERK:** Senator Slama, it's my understanding that-- did you withdraw FA171?

**SLAMA:** I, I will withdraw FA171 and everything. Everything.

**DeBOER:** So ordered. Senator Slama, for a motion.

**SLAMA:** Oh, that's just dirty. Mr.-- Madam President, I move that LR2CA be advanced to E&R for engrossing.

**DeBOER:** Colleagues, you've heard the motion. All those in--

**SLAMA:** Machine vote.

**DeBOER:** Sorry. Senator Linehan, you're recognized to speak.

**LINEHAN:** Senator Wayne, will you yield to a question?

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**DeBOER:** Senator Wayne, will you yield?

**WAYNE:** Yes.

**LINEHAN:** This is a very funny day. The two of us got up-- I don't think we've ever been as mad at each other as we were this morning. Would you agree with that?

**WAYNE:** I would agree, there were some text messages.

**LINEHAN:** Yeah. Pretty mean, actually, back and forth, rowr, rowr, rowr, just like family. And here we are, how the hell are we going to get out of here?

**WAYNE:** We do have a slight problem here.

**LINEHAN:** Yeah.

**WAYNE:** Let me just say this. Remember when I told the body when we were so upset at Senator Cavanaugh, that one day it's going to come back to bite us? This is the day. Because I put a motion to indefinitely postpone, and I pulled it, I can't put another one up there. I can't put another one up there to postpone this till Tuesday when we have more people here. This is how when we do short-term solutions, the floor can't operate, and we handcuff ourselves. I said that when we passed the rule change, and now it's coming back to bite the people who want this bill. The same people who wanted to silence somebody. Because I can't postpone this till Tuesday, so we only have two options right now: vote this up or down or recess. Because we're so mad at people, we want to make sure they can't file these motions, and when things like this happen on the floor for other reasons outside of here, people cannot be here today on a Saturday, I can't file a motion to postpone this till Tuesday, which I'm pretty sure I can get votes in support for because we were so upset at Senator Cavanaugh you just handcuffed us. You limited our ability to do something. So the only option is to file a motion to recess, which will probably get voted down, and then we won't have a real conversation about this bill anymore and we would have really done nothing to really help the small owners. What I mean by that is there are a lot of homes that are \$150,000 or less. In Florence, there are a lot of \$80,000 homes. Their property tax has shot up because they used to be, 10 years ago, 25, \$30,000 homes. Now they're \$100,000 homes. This 3%, they won't notice. But I could at least told the community we got something on the ballot that we could start helping you out and putting structure in place. Can't even do that.



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**LINEHAN:** It's Brandt's to pull.

**WAYNE:** Interesting. So I'm talking to let people think. But this is what happens when we change our rules without paying attention to the long-term consequences. You silence people's ability to maneuver on this floor. I'm taking deep pauses because I'm trying to think and people are running around with the Clerk talking. So think about that in the future, when somebody does that protective motion up front to protect it, and they pull it and they object, and we just kind of talk about it, then we move on. And it's getting late at night next year when you're down here debating something, you just stopped yourself from being able to use another tool.

**DeBOER:** One minute.

**WAYNE:** So now, we could recommit it to the committee. They could kick it back out today. We can stand at ease for them to report it back out, then we're starting back at General File because we wanted to rush a rule change to stop people from being able to file motions. Oh, I'm on your time, Senator Linehan. I apologize. You want your time back? I'm next. I can give you some back, I don't know.

**LINEHAN:** I think-- well, here's my plan right now. I'll stay here all day and talk. My plants will die. That's fine. I missed two grandkids' birthdays yesterday. That's fine, but I'll stay-- I'll stay here all day.

**DeBOER:** Time, Senator. Senator Wayne, you're recognized.

**WAYNE:** I can do that. The problem-- thank you, Madam President-- the problem is we increased the threshold to 33. There's only 34 people. Actually, I think there's only 33 people here. I think McKinney left because he had another event that he had to go to. So could suspend the rules. That takes 30. So the people who are against this bill won't suspend the rules to allow for another postponement. I wonder what the closed caption says when I'm-- when I'm not talking? Does it say heavy sigh, parentheses, deep breaths? Well, I'm disappointed with the Farm Bureau. But to those who are watching at home, this is how special interest groups work. And the fact that people can switch their votes from sleeping to the next morning is amazing to me. I never really worked with ag groups like that, but that always happened to me with county attorneys. I mean, one year on hemp, literally the county attorney and now the AG, but the county attorney at the time wrote the amendment, wrote the amendment, sent it to me at 8:00 in the morning. I filed it. He landed at 3 and said, no, he's against it. And

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Senator Cavanaugh-- can I yield-- can I ask a question to Senator Cavanaugh?

**WAYNE:** Senator John Cavanaugh, will you yield to a question?

**J. CAVANAUGH:** Yes.

**WAYNE:** What question should I ask?

**J. CAVANAUGH:** If I would reconsider my vote on your bracket motion?

**WAYNE:** Would you reconsider your vote? Oh, yes, you were here. That's why I like you.

**J. CAVANAUGH:** I would be happy to reconsider my vote on your bracket motion.

**WAYNE:** Would you file that?

**J. CAVANAUGH:** I will get it filed right now, if you like.

**WAYNE:** My man. I thought you voted. OK. I'm so glad you didn't vote on that one. Thank you. See, that's a good time not to vote. Thank you. I don't even know if that'll work either, but we're trying. So you just made my day there, John. Thank you, Senator Cavanaugh. Do I have to keep talking or can you walk up a little faster? Oh, Lord, we are trying to go home now, I guess. Thank you, Madam President.

**DeBOER:** Thank you, Senator Wayne. Senator Wishart, you're recognized.

**WISHART:** Thank you, Mr. President. I am rising in support of LR2CA and want to give Senator Wayne and Senator Linehan, Senator Brandt some time to discuss with the Speaker an opportunity for us to ensure that this bill has a chance to have a vote on it this session. The reason that I support this is I represent a lot of Lincolmites who have seen an increase in their valuation and their property taxes over, over the years. And, for me, when you're thinking about the homeowner and the decision that somebody is making as to whether they can stay in the home, some who have lived in that house for, for years, have memories in that house and cannot afford it because of their property taxes, I think they deserve to have a chance to vote on a constitutional amendment like this. I don't think any of you would be surprised that I support ballot initiatives. I fully believe that Nebraskans have the ability to, as our second house, to vote on key initiatives that impact their lives. And, and so something like this where we're giving Nebraskans actually a say and, and being able to give their

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Legislature another tool on reducing property taxes, I think is a very good idea. You know, colleagues, I haven't spoken a lot during this special session. I am not somebody who typically speaks a lot. I think I'm, I'm one of the, the introverts here in, in this body. But I do want to say that, you know, this is-- I'm coming to the end of my legislative term. It's been 8 years, the best chapter of my life. And, you know, for those who are listening, Nebraskans who are listening, I know that it can seem sometimes like a roller coaster of what's going on in this body, but I do want to tell you that sometimes what you don't hear is the in-betweens and the real hard work and, and details that are going into trying to solve very, very challenging issues for our state. And when people ask me, what are you going to miss most about this? I think it's the fact that there is probably no other job that I can think of that would have crossed sort of my path that would have allowed me to work and be at a table with so-- such a diverse group of people, the opportunity just thinking about Appropriations Committee in itself, the opportunity to get to work with Senator Erdman, who lives-- the reason he's not here is he lives hours away from, from where I live. The opportunity to work with Senator McDonnell, who has a history in, in terms of public safety that has, has been an incredible education for me and just his deliberative ability and big thoughts and ideas. You know, I think anybody who's listening, who, you know, may think, you know, be on the fence as to whether they want to run for a position in the Legislature. I'd highly encourage you to do it. Again, it has been one of the honors in my lifetime to get to serve with this body. And when we look back over our 8 years, we actually have done quite a bit of work towards property tax relief. Have we finished? No. But I am proud of the amount of attention that has been paid to this issue and, and trying to solve something very challenging while ensuring that we're continuing to support and fund very important things that, that continue to make Nebraska the place that I want to stay for, for the rest of my life. So I think that we've probably got something figured out, and so I will yield back the rest of my time. Thank you.

**DeBOER:** Thank you, Senator Wishart. Mr. Clerk, for a priority motion.

**CLERK:** Senator DeBoer or excuse me, Madam President, Senator John Cavanaugh would move to reconsider the vote on MO193.

**DeBOER:** Senator John Cavanaugh, you're welcome to open on your motion.

**J. CAVANAUGH:** Thank you, Madam President. So, colleagues and Nebraskans, if you're watching the Legislature on a Saturday, God bless you. So where we're at right now is there was a previous vote,

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Senator Wayne had had what's called a bracket motion or to delay to a date certain of Monday the 19th, and I voted against that bracket motion because I-- which is actually kind of rare, I vote for a lot of bracket motions, but I voted against it because I wanted to advance LR2CA today. And now we're in a different procedural place, but the rules are Rule 7, Section 7 for reconsideration allows a member who is on the prevailing side of a vote or present, not voting to ask to reconsider that vote. And so this is a genuine situation, unusual though it may be, where I would like to change my vote at this point from voting against the bracket to in favor of the bracket. Because as Senator Wayne was talking a few minutes ago, and there's a few-- a lot of folks talking behind me, but people are trying to figure out how to proceed, how best to proceed, to give this an opportunity and a fair hearing. There's a couple of things at play here. First, it is an unusual Saturday of a special session and there are-- we are short staffed a little bit because some of our colleagues had to go home. And Senator Linehan is talking about watering your plants, but I do think some of our farmers had to go irrigate, they'll say, so they went back to western Nebraska to do that. Some of our colleagues have family obligations in the cities and so they didn't come down. What a lot of folks thought would probably happen today is Select File is a voice vote, and it's not an actual recorded vote unless someone asked for a recorded vote, which the other Senator Cavanaugh often does. But so I think people thought this maybe would be a little bit smoother. You know, this bill-- CA would proceed more smoothly. So the reason I filed to reconsider is that it gives Senator Brandt, Senator Wayne, and others who are in favor of this, myself included, an opportunity to find the 25 votes to advance this to the next round. This is a constitutional amendment which folks have correctly pointed out, requires at least 30 votes to be placed on the ballot. And since I have time, I may as well-- I never-- I wasn't speaking because I wasn't trying to feed the filibuster, but I will tell you my thoughts on what happens if he gets 30 votes, but not 40 votes in my, my interpretation. So the constitution allows the Legislature, and I believe it's Article XVI, Section 1, is allows the Legislature by a 3/5 vote to propose amendments to the constitution that then go on the ballot for the next general election. Let's see, it would be, yeah, the, the immediate preceding the next election, and, and then the Legislature can put it on a special election ballot by a 4/5 vote, which is 40 of us. So a 3/5 vote would be 30 of us, a 4/5 vote would be 40 of us. So if 30 of us agree that this should be voted on by Nebraskans, it would be placed on the next general election ballot. However, there's a statute that it was IPPed, changes in that statute were IPPed, indefinitely postponed, by the Executive Board that would

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change the section of statute. But the section of statute that's relevant says anything to be placed on the ballot has to be to the Secretary of State 120 days before the election. We are now day 85, I think, before the election. So we're past that window. So for anything out of the special session to be on this November's election, we would either need to pass this by 40 votes or we would have to pass that accompanying statutory change that would allow, I think my proposal for that was 60 days. I think Senator Bostar's proposal was September 1, but either way, we'd have to make some statutory change to allow for something that's been pushed out of the Legislature at this later date to be on the ballot. So that's part of this conversation that folks are having. And there's some concern that if we advance LR2CA with 30 votes and the language for the special election that people don't know what would happen. My reading of the constitution is that it would then be placed on the 2026 election. And as to, I think, Senator Jacobson's question about if it gets 30 votes and not 40 votes, could the next Legislature, which I believe will be the One Hundred Ninth Legislature, be able to claw it back, change it? It's my understanding that, yes, that the One Hundred Ninth Legislature could rescind the LRCA before it goes on the ballot and then, basically, put out a new CA that would then be on the 2026 ballot. So if we adopted it, we attempt for 40 to give Nebraskans a chance to be heard this election. If that doesn't-- if we don't have 40 people to buy-in on that on Tuesday, then it would be set for the 2026 ballot. And if the One Hundred Ninth Legislature decides that we got out over our skis or thinks that it shouldn't be voted on by the Nebraskans, then that Legislature could pull it back or pull it back and put out a new one. So there are-- there's lots of opportunities here. And one of them at the moment is to reconsider your vote on the bracket to give more time to-- for folks who left thinking there wasn't going to be a lot of work needing today or kept their previous obligations to-- for those folks who voted for this to be able to be here to vote to advance this. So I think-- how much time do I have, Madam President?

**DeBOER:** 3 minutes, 6 seconds.

**J. CAVANAUGH:** 3 minutes, 6 seconds. Does anybody want to tell me if I should use all 3 minutes and 6 seconds? All right, well, in that case, I'll yield the remainder of my time. Thank you, Madam President.

**DeBOER:** Thank you, Senator John Cavanaugh. Senator Linehan, you're recognized.

**LINEHAN:** Thank you. I'm going to read testimony from the hearing on LRCA from the realtors: Since 1917, the Nebraska Realtors Association

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has served as the voice for real estate in Nebraska. The Association has more than 5,000 members that take pride in communities in which they work, serve, and live. Further, members have tremendous commitment to being informed and involved in legislative and legal concerns that directly affect homeowners' rights and the real estate industry. For decades, property taxes have been the root of much consternation among Nebraska taxpayers and elected officials. Recent increases in taxes have drawn more attention to the issue-- because this is realtors who are working in cities, obviously-- and these are-- this was the only testimony at the hearing. The only testimony. Again, no one opposed. In a regular session, this could have come out as consent calendar. Recent increases in taxes have drawn more attention to the issue, and everyone agrees the property tax relief should be a priority for the Legislature. However, the form of that relief matters. The realtors, including myself, had the privilege of serving with many of you on the Governor's property valuation working group. Governors Pillen. I'm going to skip down here so I don't run out of time. LR2CA would give further legislators the ability to adjust owner-occupied housing assessments in a manner that best fits the economic conditions of the state. The flexibility-- this flexibility is important as we know property valuations may vary in future years. Without LR2CA, we are restricted in treating all residential property the same, whether it is owned by lifelong Nebraskans or multinational corporation, to Justin Wayne's point. Excuse me, Senator Wayne's point. At least I didn't call him Senator Wayne-- I-- just Senator Justin. Nebraska Realtors Association applauds Senator Brandt for this novel approach to providing meaningful property tax relief. We hope that the committee will see fit to support and advance LR2CA to the full Legislature for debate and passage so that Nebraskans can vote on the measure in November. So I am very confused. We had a hearing. There was one proponent, no opponents, one neutral. That is NACO's job. They're always neutral on constitutional amendments. No opponents, guys. None. And the realtors, who usually have fairly good sway in this body, support it. I don't know if I need to keep talking. I would like to give in. If we're getting-- we have a lot of people working very hard on this. So, Senator Dorn, can I ask you a question? Is there a question you'd like me to ask?

**DeBOER:** Senator, Senator Dorn?

**DORN:** Yes.

**LINEHAN:** Is there a question you'd like me to ask you?

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**DORN:** Well, I'm, I'm in the queue next, too. But I just-- I mean, I wanted to talk about the sheet.

**LINEHAN:** OK, why don't you just start, and then you can go on.

**DORN:** OK. Thank you. Thank you. Yes, amazing Senator Linehan, she-- I call it some of the issues, like with health or cold or whatever that she's dealt with this week and she's been a force and driven through all that. Senator Linehan passed, passed out a sheet to everyone that shows agricultural taxes levied, residential taxes levied, and commercial industry, their taxes levied also the last-- ever since 2003. Some of these things, especially those of us that have been here 6 years and I've been visiting with her staff over here, we're trying to get, I call it, some clarifications on certain things, but I think this shows what--

**ARCH:** One minute.

**DORN:** Thank you. This really shows what many of us have talked about the last 5, 6, 7 years, what's happened in Nebraska, the state of Nebraska, over the last 20-some years. When you look at just agriculture taxes levied in 2007, \$574 million, they were 23-- 24%-- 23.5% of the total. In 2017, and this is a year when-- these are the 10 years where we said agriculture taxes doubled. Many of us farmers, they doubled in the state. Well, if you look at 2017, they more than doubled. They went from \$574,000 to \$1,320,000, and they were right at their high the year before at 35, 36%--

**ARCH:** Time Senator, and you are next in the queue.

**DORN:** --thank you-- 36% of the total amount. When you look across at the next one, the next line, the, the next column over there, residential, 2007, they were 55% of the property taxes, \$1,352,000,000. And if you look at 2015, theirs had actually gone down in that same 10-year period when agriculture had gone up, residential had gone down-- of the percentage had gone down to now 45% or a million-- a billion-- \$1,000,600,000-- \$1,600,000,000. But follow the residential line on down then, follow that down to the bottom. They went from \$1.6 billion in 2015 to where we are today in 2023, they are at \$2.68 billion. That's the taxes levied on residences in the state of Nebraska. Agriculture still has climbed some because they went from \$1,320,000,000 to \$1,348,000,000. So theirs kind of leveled off. I can tell you as I watch valuations, as I watch how the valuations are coming out on houses and cities, houses and also agriculture, houses continue to go up. They have been going up 22% increase a couple years

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ago. Agriculture values all have gone up, too. Their, their valuation is definitely going up. I don't know how that's going to play out all the way. What I did ask Senator Linehan's staff, and we may have to wait till next week to get this back from, I call it, the Fiscal Office and stuff. The policy-- the, the Research Department put out a map, senator Brandt showed the map the other day of owner-occupied houses in Nebraska, two-thirds of the houses in Nebraska are owner occupied. I don't know how that correlates here for sure. And then what that would mean as far as if the CA passed, if the state of Nebraska was going to pick up all of this-- funding of this, I know my numbers here are wrong, two-thirds of that \$2.68 billion is \$1,785,000,000, 10%, if you decrease-- if you decrease in the-- I call it, how you do that, the 92 to 100, if you decrease that by 10%, that would be \$178 million. That number is too high. I, I just--I just feel confident that number is too high. They are working on it. I don't know if they'll get us an answer today, but hopefully Monday, sometime Monday or Tuesday when the Fiscal staff can really work on this. I would like to know what this CA, at this point in time what the state of Nebraska is essentially, I don't care whether it's a credit or whether we're going to, I call it, just fund it out of the General Funds or out of our Cash Reserves or whatever. What the state of Nebraska, this point in time today, what the state of Nebraska, that fiscal note would look like. Because even though it's a credit, it's still-- it's still the state of Nebraska not collecting revenue so it's still a cost to us. Senator Linehan showed-- talked about the green sheet. It just doesn't show up on there. It's still a cost to the state of Nebraska though, because you're giving away those credits or whatever that you decide not to take back in. But this chart really shows, I call it, in the last 20 years, what's happened in the state of Nebraska, agriculture people for 10 years had complained how much the taxes were going up. It really shows it here. The last 5 to 7 years, I call it, homeowners have really been the ones that have had their voices heard about how taxes-- how taxes have increased. And it shows right here in 10 years, they-- from 2015 to 2023, they increased by over \$1 billion property taxes on home-- on residences, residences-- residential taxes levied. That includes also the renters and everything. But they increased 40% from \$1,000,000,006 to \$2,000,000,007 in those 10 years. So very telling chart here, very telling what has happened and why we--

**ARCH:** One minute.

**DORN:** --on the floor on special session are having all this discussion. Thank you, Mr., Mr. Speaker.



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**ARCH:** Senator Dover, you're recognized.

**DOVER:** Thank you. I just wanted to-- I was kind of-- actually, as I hear discussions and stuff, I just want to say that I would have preferred a constitutional amendment that would break out R2, R3, and separately and commercial. And I was worried about-- really almost need to break out R1 unless it's owner occupied because that really-- investment property really is a group. And I was really much more in favor of a, a more clearly defined constitutional amendment to that effect. But I was talking to someone and they said, actually, this is what it does. I didn't realize that it does by default. So what, actually, this does when you pull, you know, R1 owner occupied out, that leaves by default nonowner occupied R1, R2, R3, and commercial. My concern still, still is that the distribution of taxation. If you cut here, someone's going to go up. So it's kind of a zero sum game. But as it-- as it-- as it stands-- as we stand here at the moment until I hear other discussion or whatever, I probably would support it. Thank you.

**ARCH:** Senator Raybould, you're recognized to speak.

**RAYBOULD:** Good morning, colleagues. Good morning, Nebraskans. You know, yesterday I was a no on this motion. But I told Senator Brandt, I wholeheartedly support this idea. I support this concept. I know Senator von Gillern also had the same idea as, like, let's work on this on the next session. Let's really do modeling. I haven't seen any modeling, and numbers have always been my friend. So until we get those numbers, I, I still have some concerns. I, I know that yesterday we voted for the 0% cap on cities and counties. And the reason why I would like to see the modeling is so that we could make a great decision. We could make good policy that will really help our owner-occupied owners in the state of Nebraska on the residential tax bill. And I've been a big proponent. You've heard me say this yesterday that homestead exemption is really the best mechanism to achieve this, but I, I pledge to work with Senator Brandt from now and until we gather again in January to come up with good ideas. I'm hoping that we can see some modeling over the next few days to give us a better, better idea of how this policy will impact. I also wanted to alert everybody, I'm, I'm having the wonderful team here, absent pages, print out a document talking about how that 0% cap will impact counties and cities and their obligations to take care of infrastructure, which we know is very important. But I want to say that I am going to vote yes, because I think it's important to keep the dialogue going on a great idea. And that is the one thing that I really appreciate from the session. Great ideas like this have been

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percolating up, but they're not quite ready yet because we haven't had the opportunity to do all the financial analysis to make sure that is a step in the right direction. So I've been a no and, and now I'm a yes. And so I-- I'd hope we could bring this, this vote to fruition and move on with the rest of our day. So thank you.

**ARCH:** Senator Jacobson, you're recognized to speak.

**JACOBSON:** Thank you, Mr. President. We're back again where we started from. There aren't 40 votes in this body. There won't be 40 votes for this on Final. We've talked about the reasons this doesn't make sense now because if you're not going to get 40 and put it on the ballot this fall, then what we're trying to do is obligate a future Legislature to this. I understand what Senator John Cavanaugh said about it going on the ballot either way. There are other attorneys that would disagree with that interpretation. So we go to the next Legislature, and I believe we'll have a Legislature firmly committed to property tax relief. And we're going to come up with different combinations. And part of it's going to be targeted tax relief as well. And so to sit here and carve out one to four family without knowing where it would go, without any of the pay-fors, it's a tax shift between other classes of real estate. We spend millions of dollars a year to recruit industry to this state. We've often talked about the fact that we don't-- we're about a million people short. And if you really want to look at the problem, our tax problem here, we need a million more people. So raising income taxes is not going to fix that. Making it more difficult for business and industry is not going to fix that. If we're going to get more people here, we're going to have to build more housing, and those houses are going to be owned by LLCs or corporations. They're not going to be owned by individuals, so they won't be eligible for a lower property tax. Theirs will go up if we bring 1 to 4 family down. Without pay-fors, this is Whac-a-Mole. One goes up, others go down. One goes down, the other 1 or 2 classes go up. It's simple math. Why on earth would we take something and put it on the ballot for 2 years from now when we have the next Legislature to talk about this and come up with a plan that's all encompassing with pay-fors? And we may not need this CA. But if we need this CA in 2 years, then this Legis-- then the, the One Hundred and Eighth Legislature can pass that CA. We just seem to be wasting a lot of time on this. So at this point, I'm prepared to filibuster it and take it to 33 votes, because I'm ready for this to end. And we're going to come back on Tuesday for Final-- for Final Reading on LB34, and LB2, and LB3, and I don't want to spend 2 hours filibustering this on Final when we've got probably another hour and 15 or 20 minutes that we could filibuster this, force the 33 which aren't there and

have it over with, and then we bring this back then. So I would encourage Senator Brandt, if we don't want to filibuster it, to pull the bill, and let's bring it back next year and talk about it next year. Otherwise, we can filibuster it, take it to the-- to a cloture and then show me 33. But, again, this doesn't make sense at this time. I'm not saying it doesn't make sense. I'm saying it doesn't make sense at this time. We've got to-- we've got to consider where the offsets are. We've got to understand the unintended consequences. I understand the concern the realtors bring, but the realtors also sell commercial property. They also sell ag real estate, not just residential, and they also sell multifamily units that are owned by LLCs that are not owner occupied. So they should be involved with all of this and have a concern about--

**ARCH:** One minute.

**JACOBSON:** --all classes of real estate, not just one to four family. Why are we going to go automatically then give tax breaks to the wealthiest, most expensive homes in Nebraska instead of targeting that? Because if we go out with one class of 1 to 4 family and give them, as a class, a lower valuation, that's what we're going to do. That's what we'd do. So, again, I would urge you to vote no on the motion to reconsider and to vote no on, on-- I-- vote yes on the bracket motion but no, ultimately, on LR2CA. Thank you, Mr. President.

**ARCH:** Colleagues, we have several guests with us this morning. Senator Hardin would like to recognize Todd Baliman, Kim Baliman, Gunner Laughlin and Lennox Laughlin from Kimball, Nebraska. They are located under the north balcony. Please rise and be recognized. Senator Slama would also like to recognize Reagan McIntosh from Syracuse under the north balcony as well. And Senator Bosn would like to recognize Bennett Ball and Sadie Ball from Lincoln, Nebraska, and they are under the south balcony. Senator von Gillern, you are recognized to speak.

**von GILLERN:** Thank you, Mr. President. And, again, extending a welcome to the guests that are here today on this very special Saturday of our special session. The term unprecedented keeps getting used, I don't know. Saturday certainly is unprecedented, but it is a first for me being here for on a session day. I want to clarify something that Senator Raybould said, and she said it twice, and it's important because from a messaging standpoint that we have clarity about LB34, which was advanced yesterday. Twice, Senator Raybould said that when she mentioned the 0% cap, there is not a 0% cap in LB34. There is a 0% floor. If you read LB34, it's very clear that the spending that's allowed by counties and cities and other local taxing authorities

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moves with inflation. And because they were concerned about that, there was a floor that was built in at 0%. So if we were in a deflationary period where inflation was actually at 98% or 97%, instead of them having to follow that and take a 3-- 2 or 3% cut, they can set their floor at zero. So it is not a 0% cap, it's a 0% floor. And I-- and I know she knows that and I know that wasn't her intention, but it's important from a messaging standpoint that people understand that. Regarding LR2-- LR2CA, it's always a mouthful when I look at that-- as Senator Jacobson said, if somebody pays less, somebody is going to pay more. And I'm all about property tax relief for property tax payers in Nebraska. And that includes a number of different constituencies. And, and if you're an owner-- if you occupy your home, obviously, getting a tax discount is fantastic, but is commercial going to pay the difference? Is ag going to pay the difference? Here's a-- here's an interesting one, are renters going to pay the difference? Because if you own a multifamily property and everybody around you gets a discount on their home property taxes and you don't, then the renters are certainly going to pay a disproportionate amount of that. I've got a detailed question that would have to be worked out. I, actually, know of a-- of a family that moved out of state for tax reasons. They had a, a, a substantial payout that was coming, moved out of state for tax reasons, did it right, did it absolutely 100% correctly and-- but still owned a home in Nebraska. So they own a home here in Nebraska, but their residency is somewhere else. Curious whether they would receive an owner-occupied tax credit, because I know that the intention of this is somewhat to target those who are not Nebraska residents. I keep hearing Bill Gates and Ted Turner brought up time and time again, but there are lots and lots of individuals that have more than one home, some that have moved their primary residency away from Nebraska for tax purposes that may benefit unintentionally from this. So we need to consider the impact of this very carefully as we move forward. Thank you for the time, Mr. President.

**ARCH:** Senator Wayne, you're recognized to speak.

**WAYNE:** Question.

**ARCH:** 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 those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 24 ayes, 4 nays to cease debate, Mr. President.

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**ARCH:** Debate does cease. Oh, I'm sorry, does not cease. Debate does not cease. Senator Riepe, you are recognized.

**RIEPE:** Question.

**ARCH:** Question has been called. Do I see five hands? I do. Colleagues, I've been informed that you cannot call the question immediately in, in sequence, there needs to be at least one speaker between the question. Senator Riepe, you are recognized to speak.

**RIEPE:** Thank you, Mr. President. My concern is that I think we're moving too quickly to come to some judgmental piece. I also have a very large concern about putting this particular concept on the ballot either with 40 votes for this November, which sounds like it's not probable in any way, or with the idea even of making a commitment to have it on the ballot in 2 years. I think that we have a great risk of setting up some expectations. We had that with property tax, we were out into the public saying, well, we're going to have a 40 or 50% reduction in property tax. And we probably had people that were out there having parties celebrating that and spending the money before they get it. I do not want us to get into that position. We have to figure out some answers, some financials. We need to do some performance and we need to look at this thing down the road. And at that point in time, if it requires a constitutional amendment, then it will be done. Most of these things, good things happen in a bipartisan way and they happen in an incremental way. So that's where I stand. Thank you, Mr. Speaker.

**ARCH:** Senator Ibach, you're recognized to speak.

**IBACH:** Thank you, Mr. President. I'm a little bit like Senator Wishart in that I don't spend a lot of time on the microphone because I like to listen, I like to evaluate, and I don't like to make real hasty decisions. And one thing that I think this CA does is it's a hasty decision on information that we have all collected. And I would much prefer to evaluate and look at the consequences of what we're trying to do today. I'm, of course, as everyone knows, a real fan of agriculture. And I try to evaluate things from a personal perspective. I try to evaluate things from an urban perspective. I have a son that lives in Bennington and he has a lot of concerns about how-- what we do here on the floor affects his lifestyle. I have a, a son that lives in Kearney and helps us on the farm. I like to think about how some of these decisions might affect his future. And I also like to look at how the state of Nebraska will actually benefit from a hasty decision like this. Senator Linehan gave us a, a spreadsheet with where the,

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the revenues come to-- or how the taxing has occurred over the last several years. And one thing I really don't want to stifle is industry and commercial growth. We keep talking about how we have to have people come to Nebraska. And until we get people to come here and establish industry, establish commercial endeavors, we, we really can't thrive because that's where we want a lot of our tax revenue to come from. So I can understand the numbers and evaluate them. It's not that I want to have homeowners at a disadvantage. I do not. But when you look at big picture, we really need to grow our economy, which we've talked about here during the entire special session. How do we grow our economy? We grow our economy through that third column and that's commercial. And so I think what we really need to do is just take a step back, think about how our actions are going to affect the state as a whole, and take a deep breath and come back and visit this again in January. We have time, we have resources, and we have people on this floor that really want property tax relief. That, that was our goal for this special session, that has to continue to be our goal for this session, and I, I oppose the CA, and I will yield back to you, Mr. President. Thank you.

**DORN:** Thank you, Senator Ibach. Speaker Arch-- nope. Senator Dungan, you're recognized to speak.

**DUNGAN:** Question.

**DORN:** 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 those opposed vote nay. Mr. Speaker, for what purpose do you rise?

**ARCH:** I would like-- I would request a parliamentary inquiry. I've had a-- I've had a discussion with, with the Clerk, a parliamentary inquiry around the bracket motion, if you would, Mr. Clerk?

**CLERK:** Mr. Speaker, it's the understanding from past precedent that a bracket until Monday the 19th means that the bill is eligible for scheduling starting Tuesday the 20th. The bill will be bracketed until Monday. It will be eligible starting August 20 for scheduling.

**DORN:** The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

**CLERK:** 27 ayes, 4 nays to cease debate.

**DORN:** Debate does cease. Senator John Cavanaugh, you're recognized to close.

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**J. CAVANAUGH:** Thank you, Mr. President. I'll be brief. I filed this reconsider because Senator Wayne was trying to find a way to move this down the road a little bit to the 19th so we could have an actual conversation when we had more people here. So this is a real reconsideration. I'd ask for your green vote on this. If you voted to call the question there, I'd encourage you to vote green on this. And then Senator Wayne will speak, be able to speak to the bracket. But we have a real opportunity to continue this conversation in a constructive way if you vote for the reconsideration. So I'd ask for your green vote. Thank you, Mr. President.

**DORN:** Thank you, Senator Cavanaugh. There's been a request for roll call, reverse order. Mr. Clerk.

**CLERK:** Senator Wishart voting yes. Senator Wayne voting yes. Senator Walz. Senator von Gillern voting yes. Senator Vargas voting yes. Senator Slama. Senator Sanders. Senator Riepe voting yes. Senator Raybould voting yes. Senator Murman voting yes. Senator Moser. Senator Meyer. Senator McKinney. Senator McDonnell voting yes. Senator Lowe voting no. Senator Lippincott voting yes. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran. Senator Fredrickson. Senator Erdman. Senator Dungan voting yes. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Conrad voting yes. Senator Clements. Senator Machaela Cavanaugh. Senator John Cavanaugh voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting no. Senator Bostar voting yes. Senator Bosn voting no. Senator Blood. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch not voting. Senator Albrecht voting no. Senator Aguilar voting yes. Vote is 29 ayes, 6 nays to reconsider.

**DORN:** Motion carries. Senator Wayne, you're recognized to open on your bracket.

**WAYNE:** Thank you, Mr. President. So, colleagues, we're in a weird spot, and I just want people to think about this. And I want to remind you to last year-- actually, this, this year. There was a bill that I did not like from Senator McDonnell. And I was not really filibustering, but we were trying to figure out how to kill it, and then people left off this floor. People who supported that bill left off this floor, it was about 10:30 at night. I got up and I said I want this bill dead, but I respect a fair fight. And so I asked

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everybody-- thank you-- I asked everybody to please, even if you didn't like this bill, to give him the opportunity to wait till tomorrow so he could have his day. And I'm asking for the same thing here. There's only two ways to do that. We can recess or bracket this. I understand Senator Jacobson and others will probably filibuster this, take it to distance. I understand based off of votes, he may not be able to get there. But on a Saturday when many of the people who voted for this aren't here, we can give Senator Brandt that courtesy. We've done it before, and it was an overwhelming support when we recessed that night to give McDonnell a chance. And McDonnell's bill, ultimately, didn't get included in whatever it was going into. That may happen here. But out of respect for your colleague, we should bracket this or recess to give him a shot. Give him a real shot. So I would ask that you bracket and vote green, yes, green on the bracket. It'll come back Tuesday. There still will be some people gone, but it gives him a chance. The bill doesn't die just because of scheduling. I think that's fair. I think that's what we should do. So I'd ask that you bracket this until August 19, 2024, let Brandt still have some conversations, but more importantly, let people who have a lot of events going on today go do those events and give him a chance. We've already done this once. This body this year did it for Senator McDonnell. We can do the same for Senator Brandt. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Senator Linehan, you're recognized to speak.

**LINEHAN:** Question.

**DORN:** Question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

**CLERK:** 29 ayes, 4 nays to cease debate.

**DORN:** Debate does cease. Senator Wayne, you're recognized to close.

**WAYNE:** Thank you, Mr. President. So the difference between a recess-- it would be recess, but the Speaker doesn't have to schedule it. This forces on a bracket motion, Tuesday it will be up. Based off of timing, there's probably only a hour, a little bit less on a-- on a four hour. But it's a-- it's a real courtesy that we can pay to our fellow friend. And I remember that night there was people who were adamantly opposed to Senator McDonnell's bill. We all agreed to get out of there and let's take a break. I'm asking for the same respect



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for Senator Brandt. I made that motion then. I'm asking that same respect in this motion be done for Senator Brandt. So I'd ask for a green vote on this motion to bracket. Thank you, Mr. President.

**DORN:** Thank you, Senator Wayne. Colleagues, the question before the body is the bracket motion until 8-19-24. All those in favor vote aye; all those opposed-- there's been a request for a roll call vote, reverse-- there's been a request for roll call vote in reverse order. Mr. Clerk.

**CLERK:** Senator Wishart voting yes. Senator Wayne voting yes. Senator Walz. Senator von Gillern not voting. Senator Vargas voting yes. Senator Slama. Senator Sanders. Senator Riepe voting yes. Senator Raybould voting yes. Senator Murman not voting. Senator Moser. Senator Meyer. Senator McKinney. Senator McDonnell voting yes. Senator Lowe voting no. Senator Lippincott voting no. Senator Linehan voting yes. Senator Kauth voting yes. Senator Jacobson voting no. Senator Ibach voting no. Senator Hunt. Senator Hughes voting yes. Senator Holdcroft voting yes. Senator Hardin voting yes. Senator Hansen voting yes. Senator Halloran. Senator Fredrickson. Senator Erdman. Senator Dungan voting yes. Senator Dover voting yes. Senator Dorn voting yes. Senator DeKay voting yes. Senator DeBoer voting yes. Senator Day voting yes. Senator Conrad voting no. Senator Clements. Senator Machaela Cavanaugh. Senator John Cavanaugh voting yes. Senator Brewer voting yes. Senator Brandt voting yes. Senator Bostelman voting no. Senator Bostar voting yes. Senator Bosn. Senator Blood. Senator Ballard voting yes. Senator Armendariz voting yes. Senator Arch not voting. Senator Albrecht voting no. Senator Aguilar voting yes. Vote is 25 ayes, 7 nays to bracket the bill.

**DORN:** The motion carries. Mr. Clerk, for items.

**CLERK:** Mr. President, your Committee on Enrollment and Review reports LB2, LB3, LB34, and LB34A as correctly engrossed and placed on Final Reading. Finally, a priority motion, Speak-- priority motion, Speaker Arch would move to adjourn the body until Monday, August 19 at 9:00 a.m.

**DORN:** You've heard the motion. All those in favor say aye. Opposed, nay. We are adjourned.