

**JANUARY 30, 2001**

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FLOOR DEBATE

January 30, 2001 LB 36, 49, 54, 122, 138, 168, 169, 194, 197  
198, 210

PRESIDENT MAURSTAD PRESIDING

PRESIDENT MAURSTAD: Good morning. Welcome to the George W. Norris Legislative Chamber for the eighteenth day of the Ninety-Seventh Legislature, First Session. Our prayer this morning will be by Senator Roger Wehrbein. Senator Wehrbein.

SENATOR WEHRBEIN: (Prayer offered.)

PRESIDENT MAURSTAD: Thank you, Senator Wehrbein. Members, we'll call the Legislature to order. Please record your presence.

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

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

CLERK: I have no corrections this morning, Mr. President.

PRESIDENT MAURSTAD: Any reports, messages, or announcements?

CLERK: Mr. President, Enrollment and Review reports LB 36, LB 49, LB 54, LB 122, LB 138, LB 168, LB 169, LB 194, LB 197, LB 198, and LB 210 as correctly engrossed. Hearing notices, Mr. President, from the Health and Human Services Committee, a series of hearing notices signed by Senator Jensen, as Chair. I also have hearing notices from the Executive Board, Mr. President, signed by Senator Coordsen, as Chair. I have a confirmation report from the Retirement Systems Committee, signed by Senator Bruning; an appointment letter from the Governor to the Nebraska Power Review Board. That will be referred to Reference for referral. That's all that I have at this time, Mr. President. (Legislative Journal pages 449-452.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Kremer, for what purpose do you wish to be recognized?

SENATOR KREMER: Thank you, Mr. Lieutenant Governor and members. I have a...a point of personal privilege. I just thought I really owe explanation to the body of how...why I'm looking so

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tired and bedraggled that...and especially the ladies here. I've become a grandfather for the fourteenth time and I just thought I would...the little girl, named Bailey Lynne, born to our daughter, Shauna, and her husband, Gary. So thank you.

PRESIDENT MAURSTAD: Thank you, Senator Kremer, and congratulations. Mr. Clerk.

CLERK: Mr. President, Senator Connealy, as Chair of Business and Labor, offers a confirmation report found on page 426 of the Journal.

PRESIDENT MAURSTAD: Senator Connealy, you're recognized to open on the confirmation report.

SENATOR CONNEALY: Thank you, Mr. President, members. Business and Labor Committee would like to recommend Allan Spary for reappointment to the Boiler Safety Code Advisory Board. Mr. Spary has 20 years experience as a boiler inspector, and committee recommends his confirmation.

PRESIDENT MAURSTAD: Thank you, Senator Connealy. Debate on the adoption of the confirmation report of the Business and Labor Committee? Senator Connealy, you're recognized to close. Senator Connealy waives closing. The question is the adoption of the confirmation report, the Business and Labor Committee, found on Journal page 426. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal pages 452-453.) 34 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT MAURSTAD: The report is adopted. Mr. Clerk, General File.

CLERK: Mr. President, the first bill this morning, LB 53, was a bill originally introduced by Senator Landis. (Read title.) Bill was introduced on January 4, referred to the Banking Committee, advanced to General File. I do have committee amendments pending, Mr. President. (AM0061, Legislative Journal

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page 396.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Landis, would you like to take a few moments and bring the membership up to speed on LB 53?

SENATOR LANDIS: Yes, in fact, I think this is an opening, Mr. Lieutenant Governor. We had not opened on this before. We had done another measure, I think, yesterday and I would regard this as the opening on the...on the bill, I believe.

PRESIDENT MAURSTAD: Thank you, Senator Landis. You're recognized to open on LB 53. I apologize.

SENATOR LANDIS: No problem. This is the Department of Banking and Finance's annual clean-up bill, pretty standard stuff. One of the things that's happened is that we put the wild-card bills, which we used to do separately for state banks, state credit unions and state savings and loans, into the Banking Department bill, which is why you'd find the NBA and the credit unions and the Independent Community Bankers all in favor of this measure. Their wild cards are in here. There's a second basic theme in this particular clean-up bill, and that is to make uniform some of the hearing procedures of the department's jurisdiction. So you'll find in the Securities Act, for example, you'll find it in the Trust Company Act, and essentially the hearing is to be held within 30 days unless there is a special request to do otherwise. To the extent that those of you who have an interest in the Delayed Deposit Services Act, and I know that some of you have asked me about that, this is the only bill that has a relationship to the Delayed Deposits Services Act. It does raise the licensure from \$300 to \$500, and there are some amendments to the law in which a continuous surety bond must be...or may be filed with the department. It doesn't have to be filed annually so long as that continuous bond is in effect. Our law didn't seem to be clear on that score and people were having to do separate annual bonds and this should save some money for that purpose. The renewal application fee goes up from \$150...\$100 to \$150. It also allows that the department may cancel a license issued under the act without notice and hearing if a licensee fails to

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renew a license or to maintain the bond. And, again, the uniform hearing requirements are being applied to the Delayed Deposit Services Act. That's also true with a seller-assisted marketing plan, which is like, oh, franchises or working-at-home kinds of businesses in which people are sold a small business to do. We have a special area of concern there because fraud has existed in this area in the past and we have a special separate Seller-Assisted Marketing Plan Act. Again, the 30-day business days of the receipt for the request for the hearing is being applied there as well. We do change a provision with respect to the insider lending limit, and the reason that this change is made is because we did a change a year ago or so in which we adopted a rule that the lending limit that an institution could give its insiders, if you will, people who work for the bank, to be either the greater of the state lending limit or the federal lending limit, but there was one place where we left the old rule, which was the lesser of the lending limit of the bank or the lending limit of national banks, and this amends that one remaining area to what was the new rule that we adopted a year or so ago, and that was the greater of those two for that lending limit. I would also have a chance to explain the committee amendments, although if there are comments and questions about the bill itself maybe we could take those before I move on to the committee amendments. Thank you, Mr. Lieutenant Governor.

PRESIDENT MAURSTAD: Thank you, Senator Landis. Senator Landis, you're recognized to open on the committee amendments.

SENATOR LANDIS: Well, having had my cross-examination yesterday, I must be getting off the hook today for some reason. (Laughter) DiAnna Schimek just said, in your dreams. The committee amendment is essentially a different bill which we put into this one, so that we could save the time and energy of the floor. It was originally LB 50. It was heard by the committee and LB 50, I'm looking at my notes here, was a change in the Nebraska Installment Loan Act. This did have the support of the department and the Financial Services Coalition. We did a summer project of going into the Installment Loan Act, which was called a single act when, in fact, it was not. It was spread out over a whole section of...or a couple of sections of state

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law. We drew those parts into a set of internally harmonized sections so that the references would be clear. Some of these statutes hadn't been examined since 1941, and they were spread out throughout the statutes. What I can essentially tell you is that there is no significant change in the installment loan content with one brief exception; that everything that was done was so that you could go to one section in the statutes and read the rules. It was done...it was the kind of thing that Bill Drafting could do but is overworked to do. Bill Marienau did it in my office for the purposes of drawing together all those rules and put them into a well-organized section. Now there is one slight change and that is the voluntary surrender of a license. Section 38 would update administrative procedures for the suspension or revocation of a license in place of the outdated provisions which now exist in the law. So we did try to take the current practices for the administration of licenses and apply them to the suspension or revocation of a license in the Installment Loan Act. Some of those provisions, as I said, were 50 years old and not consistent with what we were otherwise doing. So, with that one exception, the voluntary surrender or a suspension/revocation of a license, everything else remained the same but was well organized. It was LB 50. We decided to put it into LB 53. The Banking Department rather liked the idea and I would ask for the adoption of the committee amendments.

PRESIDENT MAURSTAD: Thank you, Senator Landis. Debate on the committee amendments to LB 53? Senator Landis, you're recognized to close on the committee amendments.

SENATOR LANDIS: Thank you. I'd like to actually thank Bill Marienau for some...doing some nice work. In fact, there was no plan to do this until Bill said, look, these statutes are disorganized, hard to read. He knows my predilection that the statutes be a rule book; that you should be able to look up in the rule book where the rules are, read them and hopefully understand them, and he did this work essentially on his own but also in coordination with the Banking Department, and I'm glad the work was done. I ask for the adoption of the amendment, and then I'll ask for the movement of the bill, but at this point the adoption of the committee amendments, please.

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PRESIDENT MAURSTAD: Thank you, Senator Landis. The question is the adoption of the committee amendments to LB 53. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT MAURSTAD: Committee amendments are adopted. Debate on the advancement of LB 53? Senator Landis, you're recognized to close.

SENATOR LANDIS: Thank you, Mr. Lieutenant Governor. I would just ask for the advancement of the Banking Department's annual clean-up bill. I can tell you there was no opposition; there was considerable support within the industry. There were no major changes in the expected practices of the department other than to uniformly treat the hearing process relatively the same across a number of jurisdictions that they have, and, of course, to do the wild-card bills. I'd ask for the advancement of LB 53.

PRESIDENT MAURSTAD: Thank you, Senator Landis. The question is the advancement of LB 53 to E & R Initial. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB 53.

PRESIDENT MAURSTAD: LB 53 is advanced. Mr. Clerk.

CLERK: Mr. President, Senator Bromm offers LB 104. (Read title.) Bill was introduced on January 4, referred to the Urban Affairs Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Bromm, you're recognized to open on LB 104.

SENATOR BROMM: Thank you, Mr. President. This bill is to bring into conformity bond provisions applying to first and second

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class cities and villages on the same level and basically with the same provisions as are now afforded to natural resource districts; metropolitan class cities; MUD; cities of the primary class, like Lincoln; counties; and the state; and public power and irrigation districts. All have these provisions. Basically, the bill would relieve the first and second class cities and villages of the obligation of posting a bond in a court proceeding when the city is a party to the lawsuit and if they should propose to appeal or take some action that would otherwise require a bond if you were an individual. The rationale behind this, I'm sure that we've provided previously for other subdivisions, is that a bond is really for the purpose of ensuring the opposite party, the other litigant, that you are going to be responsible for the costs or the damages should you dismiss your appeal or should you do something to cause them damage during the litigation. So that's what a bond is for. Now, a city of the first or second class or village is generally always going to be there. They have the entire taxing authority of the subdivision behind them and a bond is...is a cost and it seems like it is an unnecessary cost for this particular...these particular few classes of political subdivisions, especially when we've afforded this exemption to virtually all of the other political subdivisions that I have mentioned. There was a hearing, as the clerk mentioned, in Urban Affairs. The Urban Affairs Committee did vote the bill out without any dissenting votes. There were no opponents that appeared at the hearing. I have not received any opposition or opposing comments, so I would ask the body to consider adopting this provision. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Bromm. Debate on the advancement of LB 104? Senator Bromm, you're recognized to close. Senator Bromm waives closing. The question is the advancement of LB 104 to E & R Initial. Those in favor vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB 104.

PRESIDENT MAURSTAD: LB 104 is advanced. Mr. Clerk.

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CLERK: Mr. President, LB 317, offered by Senator Brown. (Read title.) Bill was introduced on January 8 of this year, referred to Urban Affairs, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Brown, you're recognized to open on LB 317.

SENATOR BROWN: Thank you, Mr. President and members. The current system for money management for city obligations is by warrant, and that was approved by the Legislature in 1929 and has remained the same since that time even though cash handling has changed significantly. In 1997, the Legislature authorized counties to set up imprest funds and move away from a warrant system, and this proposed legislation would do the same thing for metropolitan class cities. It's significant because Douglas County plans to move to implement the imprest system and it would require the city of Omaha to spend a great deal of money making modifications to their accounting system to accommodate an antiquated system of warrants that we still continue. So authorization to use the imprest system of accounting for cities of a metropolitan class would allow the city of Omaha to modernize its payment methods by establishing checking accounts for the clearing of payments for city obligations in real time, and reduce the extra step of clearing warrants. Thank you, Mr. President.

PRESIDENT MAURSTAD: Debate on the advancement of LB 317? Senator Brown, you're recognized to close. Senator Brown waives closing. The question is the advancement of LB 317 to E & R Initial. Those in favor vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB 317.

PRESIDENT MAURSTAD: The bill is advanced. Mr. Clerk.

CLERK: LB 179, Mr. President, a bill by Senator Hilgert, relates to cities of the metropolitan class. (Read title.) Bill was introduced on January 4 of this year, referred to the

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Urban Affairs Committee, advanced to General File. I do have committee amendments. (AM0085, Legislative Journal page 397.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Hilgert, you're recognized to open on LB 179.

SENATOR HILGERT: Thank you, Mr. President. Members, this is a very simple bill. This comes from the City Council of Omaha, supported by the city of Omaha. This only affects cities of the metropolitan class, which is Omaha, and the bill simply adds another alternate member on the zoning board for...of appeals, zoning board of appeals for Omaha. That's all it does. Apparently, there's five members, one alternate. If this bill should pass, there would be five members plus two alternates. There needs four votes, four affirmative votes when the zoning board of appeal meets to approve variances. Should there be one or two absences, the board has had difficulty doing its business. Also, if there should be one member or two members dissenting, or one member dissenting and one gone, also that also precludes them from doing business. This would just assure that there's two alternates available so that they can come to a number of five and do the people's business in a more rapid fashion. There will be some committee amendments, which I certainly support, but that, in essence, is LB 179. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Hilgert. Senator Hartnett, you're recognized to open on the committee amendments to LB 179.

SENATOR HARTNETT: Mr. Lieutenant Governor, members of the body, it...the committee amendment keeps the two alternative members and what it does, it kind of clarifies if there's only one member needed. If there's four of the regular members there, and both the alternative members are present then the chairman of this appeals board would choose which one will act as the fifth member, and that's basically what it does, just simply clarifies that particular...so that there are always five members present. So would ask for the adoption of the amendment.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. Debate on the

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adoption of the committee amendments to LB 179? Senator Hartnett, you're recognized to close. Senator Hartnett waives closing. The question is the adoption of the committee amendments to LB 179. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. The committee amendments are agreed to. For debate on the advancement of LB 179, Senator Schimek.

SENATOR SCHIMEK: Yes, thank you. Mr. President, members of the body, I'd just like to ask Senator Hilgert, if I might, just a little bit about the history of this particular kind of an arrangement, if you can tell me, Senator Hilgert. I find it rather unusual. I don't know if we have any other public body in Nebraska that has alternate members, and I don't have anything against it. I'd just like to...to have a little bit of explanation, if I might.

PRESIDENT MAURSTAD: Senator Hilgert, recognized to respond.

SENATOR HILGERT: Thank you. Yes, Senator Schimek, I believe planning commissions in the first and second class cities also have alternate members as well. As far as diving into the history of the zoning board of appeals and the establishment of alternates, I'm going to come up lacking on that. I'm doing this on behalf of the Omaha City Council, who proposed this bill. I do understand, Senator Schimek, though, that this bill is needed because there are problems of these paren...these constant layovers of action because they can't amass the four votes. That's as far as I can go, Senator Schimek.

SENATOR SCHIMEK: Thank you, Senator Hilgert, and I did have a conversation with Senator Janssen and he counseled me that there are only five members there, they do need four votes, and I guess the first thing that popped into my head, well, why don't we just expand the numbers and have them do the four votes. Apparently this is a very powerful board and if anybody is

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absent it's often difficult to get any action taken. So I'm just...I know...I think we heard this bill last year. No, we haven't heard this bill before in Urban Affairs? But I just...I find it unusual and I just wanted to bring it to the members' attention. I don't know if we do anything like this anywhere else and I don't know if this is the best solution, but I'm certainly not going to oppose the bill and will vote to advance it at this point.

PRESIDENT MAURSTAD: Thank you, Senator Schimek. Further debate on the advancement of LB 179? Senator Hilgert, you're recognized to close.

SENATOR HILGERT: Thank you, Mr. President, members. I would just like to thank Bill Stadtwald for the work that he did on the committee amendments, Senator Hartnett and the interest of the committee. And, Senator Schimek, yes, this did raise some eyebrows with me as well when I was approached with the bill. One of the ideas that I had was appoint people that show up. But, because you do need four out of the five to approve a variance and not a simple majority, I can more appreciate the need for the alternates, et cetera. But, anyway, that being as it may, the city of Omaha believes it needs it. I believe them when they say that. We have had a backlog of these constant layovers of action before the zoning board of appeals, therefore, I would encourage the body to join with me in supporting LB 179. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Hilgert. Question is the advancement of LB 179. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: 36 ayes, 0 nays on the advancement of the bill, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. LB 179 is advanced. Mr. Clerk.

CLERK: Mr. President, the next bill, LB 166, a bill by Senator Hudkins. (Read title.) Bill was introduced on January 4, referred to the Transportation Committee, advanced to General

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File. I have no amendments at this time to the bill, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Hudkins, you're recognized to open on LB 166.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. The bill that we're talking about, as you all know, is point...is LB 166, which lowers the DWI limits in your blood, breath and urine from .10 to .08. Other countries in the industrialized world have already made steps to change their BAC levels. Canada and Great Britain have reduced their levels to .08, Australia, France and Germany have a .05 level, and Sweden has a .02 level. In our country, commercial airline pilots and also commercial drivers are limited to .04, so some people around the world and in our country also have recognized the effects of alcohol on performance. To put this into real terms, let's look exactly at what a .08 law would mean. According to the National Highway Traffic Safety Administration, a 170-pound man could consume approximately 4 drinks on an empty stomach in an hour before he would reach the .08 blood level; a 137-pound woman could drink approximately 3 drinks before reaching that same level. A drink is defined in that study as a one ounce shot of liquor, an eight ounce glass of wine, or a twelve ounce beer, so what we're talking is hardly prohibition. Someone who consumes three or four drinks of any of these beverages on an empty stomach in less than an hour has no business driving, law or no law. In my opinion, three or four drinks in an hour isn't social drinking; that approaches binge drinking. The American Medical Association has reported that universal impairment begins at .04, and various laboratory and test track studies have shown that the vast majority of drivers are significantly impaired at .08, sometimes by as much as 60 to 70 percent, when it comes to critical driving tasks, including braking, steering, lane changes, judgment, and divided attention. On top of this, research by the Insurance Institute for Highway Safety has shown that drivers with elevated blood alcohols between .05 and .09 are some 11 times more likely than drivers with no alcohol in their systems, to be killed in a single vehicle crash. Likewise, a study done at Boston University concluded that if all states adopted .08 some 500 to

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600 lives could be saved. Study after study has demonstrated that .08 is effective in saving lives. So far, 18 states and the District of Columbia have adopted the .08 standard. Among those is Illinois. Within a year of passing its own .08 law in 1996, Illinois experienced a 5.5 percent drop in traffic fatalities over all, and an 11.6 decrease in alcohol-related fatalities. Let's turn for a moment to the Nebraska statistics, and you should all have a handout, on the front of which is entitled ".08 BAC FACTS". The second page is what I would put your attention toward. Those are the most up-to-date figures that we currently have. According to information provided by the Nebraska Highway traffic (sic) Safety Office, there were 255 (sic--256) fatal crashes in our state in 1999, accounting for 295 deaths. One hundred and four of those fatal crashes were alcohol related, as were 122 of the deaths. That's over 41 percent of the deaths were alcohol related. Between 1990 and '99, 7 percent of the fatal crashes in Nebraska involved blood alcohol. Well, you might think, 7 percent, that's just very insignificant, but what if it was your daughter or your father that was killed? I don't think it would be insignificant to you then. So, for those...in the last 5 years also in Nebraska, there have been 34 fatalities involving drivers with a BAC between .08 and .099, and in 1999 alone there were 13 deaths. So, for those who argue that lowering the current legal limit only a couple of points wouldn't make that much difference, well, my answer is that had we had this lower amount just a few years back it would have made a great deal of difference to at least 104 families in our state. So far, I've only talked about the death rates, but LB 166 makes sense from an economic perspective as well. In 1999 alone, the estimated costs of all motor vehicle crash (sic) in the state was over \$1 billion, and this included lost wages, medical expenses, administrative costs, insurance costs, vehicle damage and other damage. How much could that amount have been lowered if we had had a lower BAC level? The...as you all know, just a short time ago there was a federal mandate handed down which requires that all states either adopt and enforce a state law compatible to the federal .08 standard or they will face a reduction in the allocation of federal highway funds. In dollars, what's this...what this amounts to is, if we do not enact this law, in 19...in 2004 we will have 4 percent of these funds withheld; in

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2006 there will be 6 percent withheld; 2007, 8 percent; and every year thereafter. This amounts to three million dollars the first year, six the second, nine, and then thirteen in 2008. If Nebraska enacts a law by October 1 of this year, then we will be eligible for a share of \$3.5 million in incentive funds. If we don't enact the law by October 1st, we lose that share. We all know someone who has had a family member killed or has been hurt by a drunken driver and, in fact, on this floor, we have two senators who have been affected. There might be more. One senator lost a sister who was a young mother. Another senator has a family relative who is paralyzed. Opponents of the bill will argue that .08 affects social drinkers; that it targets social drinkers; that it doesn't deal with the truly dangerous people out there on the road. What we need to get off the road, they will say, are the .15s. Well, of course we want to get them off the road. They are the most dangerous. But if you are impaired at .08 you need to be off the road, as well. Granted, we all know that LB 166 is not a cure-all for drunk driving. No legislation is. But, nevertheless, it is a step in the right direction. Based upon statistics which we've seen from other states, there is no doubt that a .08 law will cause a reduction in traffic fatalities in Nebraska. It may not be overwhelming, but it will certainly be better than nothing, which is what we have if we maintain the current law. And, in fact, if you look at some of the handouts that I've given you, the numbers are rising. One final aspect of...of LB 166 is that...the fact that motorboats are also included in this new lower BAC level. There are some that think, for whatever reason, that a .08 should not apply to boats. I have a problem with that. If we don't want people driving under the influence on our roads, we certainly do not want them on the waterways.

PRESIDENT MAURSTAD: One minute.

SENATOR HUDKINS: Finally, this bill is not aimed at drinking. If you don't want to curtail your drinking, get a designated driver. That's easy. You may want to buy your alcohol and drink it at home. If you eat a meal with your drinking, it takes longer to reach that critical level. So I'm...I'm just telling you, this is a law that will save lives, and that's what we are all here to do. Thank you, Mr. President.

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PRESIDENT MAURSTAD: Thank you, Senator Hudkins. For debate on the advancement of LB 166, Senator Jones.

SENATOR JONES: Mr. President, members of the body, I think Senator Carol Hudkins did a real good job of explaining the whole bill. I had LB 167, which is printed identical except the motorboat is in it, so we decided to come out of the committee with her bill, but I'm supportive of it, too, and so I wanted to stand in support of it. I've got several people that's wrote me a lot of letters that's been in support of it, too. I've got one here from the University of Nebraska Medical Center and they support the bill, and I've got several others that support the bill, too. And everybody thinks, well, we're doing this just because of federal funds. Well, I've...I've supported LaVon Crosby both times that she had it before and I think that that was the main reason that I introduced the bill, is because that I feel like it's going to save lives and that's the main reason I do it. A lot of people say, well, we got this law on the books; well, why don't we use it? But I...we had testimony the day of the hearing and I asked one person specifically; I said, how many cases have you convicted on a .10, and he said none. And I said, well, how come? Well, he said, there's always a little variation in the testing of it, so they don't do it. It's probably .11 or .12. So if we would lower it to .08, then there will be convictions at .10 and I think that's one of the...another one of the main reasons that I did it. But I'd like to read you a letter that came...some article that was in the Omaha World-Herald here that I think really kind of gives a good idea of somebody that's really been in the business for many years that understands it. It said the difference between .0... .10 and .08 is minimal when taking into account the variation in how the individual digests alcohol, said Allan Williams. He's the chief scientist of the Insurance Institute for Highway Safety in Arlington, Virginia. Nonetheless, Williams supports the change. After 25 years of studying the effect of alcohol...drivers, he said there is enough evidence to show that people are impaired at .08. I think it's the balance of this research and he says, I think it's time that...that we should lower it down. So I think that's pretty good testimony from a man that's been in the business for 25 years studying the

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effects of alcohol in driving, so I think that's another reason to do it. But I stand in support of this bill and I think there's a lot of others that support it on the floor so, again, I want to thank...thank Senator Hudkins for explanation that she did on this bill and I support it. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Jones. Senator Bromm, on advancement of LB 166.

SENATOR BROMM: Thank you, Mr. President. Senators Hudkins and Jones have said a lot of the key points, I think, with respect to this legislation. I have to...I have to say that I didn't necessarily come in to this session thinking that we needed to hurry with this piece of legislation. The...the information that I had received and the news accounts and so forth indicated that we really wouldn't lose any money for...for a couple of years yet, actually till 2004. But after getting the information that developed as we approached the hearing on the bill and looking at that, in fact, there is a financial impact if we are able to...to do this bill this year. There is a pool of incentive funds which the states that have enacted .08 already are able to access, and if we...if we adopt this before October 1 we'll be included in that pool and re...it's hard to say how much, but according to the estimates that I've been able to get, we're comparable to New Mexico in terms of road miles and population and...and that's what our...our percentage is based on, and New Mexico is getting \$1.3 million this year. So, for that, if we're going to do it, there is some reason to do it now rather than later, I believe. Secondly, this was not done by Congress flippantly or on the spur of the moment. The information that...that I'm looking at and that I have here in terms of background and studies and so forth, they did take quite a bit of time to look at research that was done and determine that, by far, the majority of people are impaired at the .08 level. Doesn't mean that everyone is, but, by far, the majority are impaired. Another consideration, I think, is that, as a practical matter, I think there are very few .10s that wind up with convictions these days, and that boils down to the ability of...of...of the defense and of defense attorneys to bring into question the absolute accuracy of the test. It is not uncommon for a .10 to be compromised or plea bargained

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because of the prosecutorial concerns about being able to get a conviction. There are some areas of the state where I think it is not even common to prosecute .11 because of the fear that the tests might not be accurate enough to sustain a .11. Now, I think if we do the .08, if that rationale follows, yes, there may be some convictions at .08, but I think, by and large, you'll be looking at .09 or higher for actual DUI convictions. I think that will probably be the case. It's been suggested to me, and...and it was also suggested in our committee, that we look at doing something different with the convictions from .08 to .10, versus .10 and over,...

PRESIDENT MAURSTAD: One minute.

SENATOR BROMM: ...or .10 to .15, and something different for those over .15, to create a different level or tier, if you will, for those that are convicted in that lower range. We sought information from the...as to whether that would have any impact on...on the highway funds from the National Highway Traffic Safety Administration. They sent us an opinion and a result dealing with Rhode Island, who tried to do just exactly that, and basically that...that opinion said that you would not be able to access those funds if you did create a different scheme of punishment or treatment for those at the .08 to .10 level. So I really don't think that's an option, even if there are some that might be interested in it. I think...

PRESIDENT MAURSTAD: Time.

SENATOR BROMM: Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Bromm. Senator Kruse, on the advancement of LB 166.

SENATOR KRUSE: Mr. President, members, first, a small complaint. In a news article on this subject this last week, the local paper published my weight. (Laughter) Now, I can get over that if they go ahead to publish the weight of every other member of this body, and my office will be glad to receive that information. There was a small balance to that in that the reporter, in print, said that I have a beautiful body. Aside

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from the reporter, Senator Engel is the only other person that's ever said that, and I assume (laughter)...I assume that's an oversight. We all know that our beautiful bodies are alcohol impaired according to weight. When the opposition to .08 developed a few years ago, I decided to see what the problem was, and they said it would impinge on social drinking. Not being an expert in that, I did a little research and found that social drinking, my various friends said that, well, that's two or three drinks an hour; four drinks is binge drinking. So I went with three drinks and took out our handy dandy charts, as in the driver's manual, and found out that would be nine drinks for me, so three drinks an hour for three hours, plus at least a half an hour for the alcohol to get into the bloodstream, because alcohol in the gut doesn't count. The paper had a different figure than that, but three or over three hours is the correct figure for me. Now, it would take another drink to make me arrestable, and a couple more drinks if I had anything to eat with that, I am told. Nine drinks. This bill asks me to reduce to eight drinks, as it does every other person under 250 pounds, so that's a clue I'm under 250 pounds. One drink, from nine to eight; does anybody think that would impinge on my social drinking? This month a TV documentary showed the actual test, which, of course, make these figures look conservative. A 140-pound man took a...had a meal and then 8 drinks, which brought him up to .08. He said he was still not arrestable, but he couldn't distinguish between the telephone poles and the taxicab ride home. Again, he's to be reduced by one drink, from nine to eight; 140 pounds.. So now you're getting close to figuring out what I weigh. We have had the question asked regularly over the last few years, always a question, is it possible that 120-pound woman, with a glass of wine before and after the meal, could be thrown in jail? Well, inquiring minds want to know. This has been around long enough; it's time to answer the question. No, it's not possible by any standard test. Now, on binge drinking, if a person goes directly from binge drinking to a Breathalyzer, there can be some weird readings. But we're talking about blood-alcohol content on a blood test and we're talking about social drinking. We should pay attention to heavy drinkers, but they will reduce their drinking also if .08 is passed, according to the tests in California. It's not a big deal; it's just one drink. But the

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opposition has made it a big deal and I welcome that, because they say that those who intend to drive are...

PRESIDENT MAURSTAD: One minute.

SENATOR KRUSE: ...going to drink a lot less. May it be so. We can save lives, we can save pain and injury, we can save dollars. I'm not talking about highway dollars. That's just peanuts. Our son's public bill will be five million dollars. A teenager in Omaha's public bill, part of our General Fund money, will be \$20 million. Wouldn't you like to have about a dozen of those persons get together and turn their money over to the teachers' salaries or something like that? It's time to do it.

PRESIDENT MAURSTAD: Thank you, Senator Kruse. Further debate on the advancement of LB 166? Senator Hudkins, you're recognized to close.

SENATOR HUDKINS: Thank you, Mr. President. One argument that the opposition gave us in the committee was that .08 is a mandatory standard. Well, actually, the .10 was a mandatory standard, as was the original standard .15. But during the...the 1960s and seventies, there were a number of epidemiological studies and pharmacological studies that showed there was a direct positive relationship between driver BAC and crash risk, and that research, along with improvements in testing, caused most states to lower their .15 to .10. Well, many more recent studies have concluded that the driving ability is actually impaired at much lower levels, at .03 or .04 or .05. We're not asking for that. We're asking for .08. There won't be roadblocks set up. Drivers will be stopped if they show signs of impaired driving, just the same way that it is now at .10. Ultimately, Nebraska is going to adopt a .08 standard if for no other reason than the federal funds that we've talked about before. But there's a far better reason to adopt .08 and that is it saves lives, and that's what I think we all want to do. So I would appreciate your support on advancing this bill to Select File. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Hudkins. The question is the advancement of LB 166. Those in favor vote aye; those

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opposed vote nay. Mr. Clerk, please record.

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB 166.

PRESIDENT MAURSTAD: LB 166 is advanced. Mr. Clerk, items for the record.

CLERK: Thank you, Mr. President. A hearing notice from the Revenue Committee, a series of hearing notices all signed by Senator Wickersham, as Chair. Transportation, a series of hearing notices, those signed by Senator Bromm, as Chairperson. Your Committee on Education, chaired by Senator Raikes, reports LB 33 as indefinitely postponed; General Affairs, chaired by Senator Janssen, reports LB 280 to General File. Senator Connealy, amendments to LB 192 to be printed, LB 193; Senator Chambers, LB 214 and LB 126. That's all that I have, Mr. President. (Legislative Journal pages 454-456.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk.

CLERK: Mr. President, pursuant to the Speaker's Agenda, LB 225, a bill by Senator Landis and others at the request of the Governor, relates to economic development. (Read title.) Bill was introduced on January 5, reported to General File without committee amendment. Bill was discussed yesterday, Mr. President. I believe Senator Landis opened on the bill. An amendment by Senator Landis was adopted. I do have an amendment to the bill at this time, Mr. President. (FA10, Legislative Journal page 446.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Landis, if you'd like, take a few moments to brief the Legislature on LB 225.

SENATOR LANDIS: Fine. I'll just do it in a minute or so. I think Senator Chambers probably has the next amendment. This is the Governor's Venture Capital Act. It grew out of a working group that was charged by the Governor to come up with ideas for economic development over this last year. It's consistent with

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suggestions from Deloitte Touche, from the National Governors Association, and from our own economic development professionals in this state as a missing piece of that infrastructure necessary to get the maximum economic development growth that we can for the state. It constitutes basically a grant program, three years for \$200,000, an RFP for three basic functions: training entrepreneurs to talk to venture capitalists; linking venture capitalists together into networks that will stay at home and invest locally; and, lastly, the creation of a forum in which those two elements, the entrepreneurs and the venture capitalists, meet, confer, and hopefully do deals that bring economic growth to Nebraska. With that brief description, I believe Senator Chambers has the next amendment, to my knowledge.

PRESIDENT MAURSTAD: Thank you, Senator Landis.  
Senator...Mr. Clerk.

CLERK: Mr. President, Senator Chambers would offer FA10.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open.

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. This bill is not a good bill, in my opinion, but this is an amendment that brings about some degree of consistency. I'd like to ask Senator Landis a question first...

PRESIDENT MAURSTAD: Senator Landis.

SENATOR CHAMBERS: ...if he will answer. Senator Landis, did you participate in the drafting of this bill?

SENATOR LANDIS: I did not.

SENATOR CHAMBERS: Oh, okay, then I'm not going to ask the question, but I hope you'll listen to the amendment. On page 3, in line 13, I would strike the word "experiences" and insert in lieu thereof "has the potential to generate". What we're talking about in Section 6, which is the section I'm amending, is the definition of a high-growth business enterprise. It

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should be kept in mind throughout that the state is not going to determine whether any of these enterprises are credit worthy, should receive a loan, whether the business is crackbrained or anything else. The amendment...I meant these definitions are put here I guess to give a notion of what this bill is angling at, but it's clear that it does not deal only with venture capital, although it's called that. All of the information we're given deals with venture capital. Senator Landis gave us an amend...I meant some material this morning related to venture capital. So we need to look at the fact that they're talking about businesses other than those that deal with high-growth activities. But why would I offer this amendment? I've read this bill. I had nothing to do with the drafting. I don't think it's well drafted, but if you will look in line 20, on page 3, they're talking about enterprises that have the potential for high growth; then, in line 21, right below it, the potential for profit. But when they're talking about a high-growth business enterprise that can receive this consultation, I guess it would be called, it has to be a business that actually experiences this high rate of annual growth. Now, if the activities associated with this bill by whomever performed will be restricted when you're talking about these high-growth business enterprises must be one that actually shows this high rate of growth, you're not going to have any. If they have this high a rate of growth, they do not need any of the advice that this bill is going to talk about. These are people who are giving you a better return than you might get playing the stock market successfully. So, and I shouldn't offer this amendment so you probably ought to consider this like a time bomb that I'm putting into the bill that will explode some place and destroy it, but I had to offer it in the form of an amendment. Well, really, I didn't, but I want some things on the record. I offered it as an amendment to call attention to the fact that, in my opinion, this bill is not well drafted, that it is impractical, and that demonstrates to me that it is only a propaganda piece. It did not receive the care that a piece of legislation would receive if it were a serious effort at accomplishing something. If this bill passes, it will have accomplished all that the Governor wants. It will give him a propaganda piece when he runs for reelection to show that he did something for economic development. When I look at the

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information that Senator Landis gave us from Deloitte Touche, I like to pronounce these names as they're written. To me it looks like "delow-itty tooshay" (phonetic), so what "delow-itty tooshay" (phonetic) advised can be carried out without the state doing anything. It even refers to a program that UNL has right now that can be enhanced. It talks about on-line support tools, and if you look at page 2, the last part of this handout of Senator Landis, it begins in this manner: "To foster entrepreneurial growth, the necessary infrastructure needs to be provided. Key statewide activities include providing assistance with", then it mentions a list of things that will assist in this activity. If you go right above that you will see a listing of tools being utilized right now to achieve these ends and any one of these or several in combination could accomplish everything and more of what is being talked about in LB 225 without the state creating a new level of bureaucracy, throwing \$200,000 away. But before we even get to that aspect of it, I'm offering what might be called a technical amendment that might open the field to a larger group or a greater number of individuals and businesses which might be embraced within the language of this bill. I'd like to ask Senator Landis a question that may clarify something for me.

PRESIDENT MAURSTAD: Senator Landis, would you respond?

SENATOR CHAMBERS: Senator Landis, when the different groups or entities, I don't even need to know who may have given the testimony, were presenting information, or if you were given material other than through the oral testimony, how many businesses met this standard of showing a 20 percent or more compounded annual rate of growth in gross sales?

SENATOR LANDIS: The businesses that did testify did not give their growth rate, so I don't know the answer to that question. I'll put my light on. The answer to the ques...the answer was not made clear, nor did we ask about it, because this does not operate as a limitation in Section 6. It is a definition that as you...that, as you characterize it, is then used for the purpose of saying companies that have that kind of potential are the kinds of companies that are being aimed at here. So it doesn't operate as a limitation, which is why it was irrelevant,

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but I'll put my light on and do my own explanation.

SENATOR CHAMBERS: In view of what you just said, and this is why I'm offering my amendment, I'm not asking whether you support it or not,...

SENATOR LANDIS: Right.

SENATOR CHAMBERS: ...doesn't the word "experiences" in line 13 move us away from the notion of potential and say that they are going to have to show that they have actually achieved this rate of annual growth. Isn't that the way...or is that the way you read the current language?

SENATOR LANDIS: I think the operating language is in page 3, Section 8. I think the concept that's important there is that you have the potential for high growth. Then Section 6 tells you, well, when you use that word "high growth" what do you mean by that, and the answer comes back, well, something that grows 20 percent in a year is high growth. So, although I don't object to your amendment, I also don't think that it's necessary either, but I've got my light on. I'll make my own case on my time, Senator Chambers, and you've got the rest of your time for your time.

SENATOR CHAMBERS: Thank you, Fred Astaire. He's quick, but he had a night to think about it and look it over.

PRESIDENT MAURSTAD: One minute.

SENATOR CHAMBERS: If we look at this bill in the best possible light, it is not recommending anything other than the creation of a new bureaucracy and the throwing away, in my opinion, of \$200,000; offers nothing different from what is available now. Existing programs, one even at UNL which could be enhanced, would take away the necessity of us dealing with this bill at all. But Senator Landis has his light on. I don't know if anybody else does. I'm going to listen to the discussion because thus far I have not heard a compelling or even a persuasive argument justifying the enactment of this bill into law.

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PRESIDENT MAURSTAD: Thank you, Senator Chambers. For discussion on the Chambers amendment to LB 225, Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. My reaction to the Chambers amendment is sort of like slightly negative indifference (laugh), meaning I don't think it makes a difference one way or the other. The reason I have a...sort of a negative reaction to it is because I think he wants to make the argument that his choice of language is better and it evinces that this is badly drafted, wrong-headed, not serious, and if that's your...if that's what you think then I'd vote against the amendment because that's not true. The use of the language here is just fine. It's acceptable. But if Senator Chambers wants to improve it and if you see a sense of improvement, that's okay. The problem would be like this. Look, I've got some vitamins. I want you to give it to your three-year-old kids because it will help them be tall. And you say, well, what's tall? And I say, six feet. And Ernie would say, no, no, oh, that's wrong; you've made a big mistake there; you should say I'm going to give you these because I want your kids to be tall and then when you ask the question, what's tall, should say the potential to be six feet tall. Well, no, I think the actual claim is, look, I'm going to give you these vitamins, hopefully so your kids can be tall. And then, when you ask me for a definition of what that is, I tell you what I think it is. And that's what's going on here. Section 8 says, look, we want venture capital to help us for companies that have a high risk of loss and a potential for profit that are, in fact, high-growth companies. And then we say, and when we use the word "high growth", look, an example of high growth or a definition of high growth is one that would grow by 20 percent. Are we promising that this is only for companies that grow for 20 percent or more? No. Is it a limitation? No. But when we use the phrase "potential for high growth" and you were to ask me what does "high growth" mean, I say, in Section 6 "high growth" is a company that grows 20 percent a year. That's high growth. And, in fact, Senator Chambers just told us it's faster growth than the stock market is doing and wouldn't that be a relatively good working definition of what "high growth" is? So, is it badly drafted? No. Is it nonsensical? No. Does it

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show a lack of seriousness? No. Does it show that this is poorly crafted or a...an object of propoganda? No. Could you say that high growth is the potential for 20 percent? Yes, you could. The Chambers amendment will not make this bill nonsensical, it doesn't do harm, but it doesn't bring great sense to this language either because it's already sensible. However, Senator Chambers is going to be here on the floor for a rather good deal of time and I don't have to sit here and fight over this language because this isn't the operating...the working pieces of the bill. I'm going to sit down. I don't intend to do my light again. If it happens to be green with 25, I can live with that because it doesn't have any effect one way or the other. I'm going to vote red because I think Senator Chambers wants to use this amendment as an argument that the bill is not meritorious or is somehow not a serious piece of the Governor's work product and, on that score, I don't want to assist Senator Chambers in his claims. I don't think those are true. My guess is we can probably find better ways to say some things that are in this bill. I await the next Chambers amendment. If this one passes we're not injured by it, but it's also not necessary. This is not a quantum improvement of language, which is why I'm indifferent to it, but negative indifferent to it because Ernie Chambers is going to stand up at some point and say, you see how I've made the Governor's bill better if we vote for this kind of stuff; I made sense out of chaos; I brought order to...

PRESIDENT MAURSTAD: One minute.

SENATOR LANDIS: ...you know, a series of conundrums. And it's not that case. So I'm going to vote no. I'm indifferent to the outcome. If you vote green, no problem. Senator Chambers is entitled to his three speeches and a vote, and I'll sit down and let him take what the rules entitle him to.

PRESIDENT MAURSTAD: Thank you, Senator Landis. Senator Chambers, on the Chambers amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, bad legislation often comes before us. This bill is not well drafted and Senator Landis knows it, but if he thinks it's good

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legislation, fine. We just have different standards. He's in the Governor's camp. The Governor has given him his marching orders. He's got to defend what the Governor told him to do. The difference between my colleagues and me is that if I agree to work with somebody on an issue they don't draft the legislation and I say, well, I'm going to stick with what you gave me; if it needs work I'm going to work it. I have a bill that I'm working on with the Ombudsman right now on inmate healthcare. I've substantially rewritten it before it was even offered. That's what I did. Then I rewrote it some more. And there was some input from other groups and interests and what they said made sense, so there was additional rewriting. To have this silliness of saying these words are in the green copy and Chambers wants to change it so he can improve a bill so don't do it, that is silly in itself. If the language is not the best language but because I'm offering the amendment therefore you won't adopt it, fine, but I want to put in the record what my position is. And I guess that's why I get quoted by courts and Senator Landis does not, and other members on the floor. But I think the whole approach that the administration has told Senator Landis to take on this bill is preposterous, and you know why I say the administration told him to take this approach? Because this is a new thing that Senator Landis is doing. I've not seen him act like that on bills in the past. So my remarks are based on what the Governor has dictated. I'm going to offer every amendment that I think ought to be offered. If the body agrees, they will support it. If they disagree, they won't. But if you look at the existing language, high-growth business enterprise means a business enterprise which experiences this high rate of growth, nobody who came before the committee can talk about it, nobody on this floor can lay out such a business which is doing this in the state of Nebraska, in my opinion. Union Pacific isn't doing it. ConAgra is not doing it. You know that First Data is not doing it. Companies are laying off employees. They're talking about the need to cut back. So, because the Governor's Office is irritated with me, you're going to put a definition in a bill that fits no business in this state, yet it's somehow to play into the criterion for determining which businesses are affected by this legislation. If you don't like the definition, correct it, do away with it altogether. Now, while all of this talk

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that we've heard and the handout Senator Landis gave us relates to venture capital, this is talking about businesses that don't even meet this definition so maybe you can leave it in and just don't call it a high-growth business, because you say new and high-growth business enterprises. So if it's just a new business of any kind it doesn't have to meet the definition anyway, so what did they put the definition in for? Because it's sloppy drafting and they did not think logically about what they're doing. If it's not a business that meets the definition but it's going to be covered by the bill, why have a definition? That's what I'm talking about. Maybe I chew things too fine. Maybe because my concern is with...

SENATOR CUDABACK PRESIDING

SENATOR CHAMBERS: ...well-crafted legislation, is beyond the grasp of some of my colleagues. We will put language into a law that we know is not the best language that we can get, that does not even achieve the purpose that such language is to serve. If this is the definition on which other things are going to depend, why don't you define other businesses that don't have to meet the definition? Or is it that any business that doesn't meet this definition is covered, yes, by the language of the bill. You don't even need this definition, and nobody who seeks assistance under this bill has to even meet this standard. They do not have to meet it and that's based on the language of the bill.

SENATOR CUDABACK: Thank you, Senator Chambers. We are debating the Chambers amendment to LB 225. Senator Hilgert, on that amendment.

SENATOR HILGERT: Thank you, Mr. President, members. I was...I took the easy road and stayed off it yesterday, frankly. The ice was pretty bad in Omaha and even the sand truck couldn't get up my front street, so I decided to stay home. But I did monitor the debate yesterday and did say...see some of the emotion that started rising regarding this bill. But I would like to ask an unemotional question of Senator Landis, one that is purely informational, if he would yield to it.

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SENATOR CUDABACK: Senator Landis, would you yield to a question, please?

SENATOR LANDIS: What's that?

SENATOR HILGERT: Thank you. You know, I've been before your committee before. I think LB 327 was my first bill, "microenterprise", and I've been an advocate for this for some time. My question to you is how is the Department of Economic Development...will they establish a relationship with those already doing similar things with the Department of Economic Development, the NEON (phonetic) Group, those other folks? I understand that this is up to \$1 million and the target population for "microenterprise" is somewhat less, but I was wondering is there a...any coordination between those two groups that you...not is there but will there be should this pass?

SENATOR LANDIS: The system is a grant system. The system is designed to get a function that is not now out there, although there are other functions, some of which may exist in the marketplace and, in fact, you might be able to get from an existing vendor in a coordinated package.

SENATOR HILGERT: Okay.

SENATOR LANDIS: The piece that is missing out there is this organization of investors into networks and the...the...facilitating the discussions between entrepreneurs and venture capitalists. Are there some things that groups could go together, organize, and present an RFP together? Yes. Nothing would stop that from happening. They would need an umbrella 501(c)(3) or an umbrella 501(c)(6) to serve in that capacity, but could they assist in that? My answer to that would be yes. The grant...the grant mechanism I think would allow for multiple parties to be, you know, to serve as the basis of whatever that receiving entity was, that granting entity, but they'd have to be working under one 50(c)(3) (sic--501(c)(3)) who would get the grant. Can they work together with existing groups? Yes. Is there a piece that is sought in this bill that is not otherwise out there and is not available but simply "unaccessed"? The answer is yes. In fact,

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to the best of DED's knowledge, the piece that they most want out of this bill isn't in the marketplace now. But there are some other things that could be done that are in the marketplace and they could work together cooperatively to do that.

SENATOR HILGERT: Thank you. One...one last comment. Did anyone from the "microenterprise" community, Gene Simmons (phonetic) and so forth, did they have any comment? I looked at the committee statement from the hearing on January 23rd and certainly the folks at the Department of Economic Development, Rural Development Commission, et cetera, but I didn't see any people testify through those other "microenterprise" delivery systems. Did they have any contact with your office or express any interest one way or another?

SENATOR LANDIS: (Microphone malfunction) I have not heard from them...

SENATOR HILGERT: Okay.

SENATOR LANDIS: ...but let me ask the question (inaudible).

SENATOR HILGERT: Thank you very much.

SENATOR CUDABACK: Are you finished there, Senator Hilgert? Okay, thank you, Senator Hilgert. Senator Chambers, on your amendment. And, Mr. Clerk, did you have an announcement please before Senator Chambers talks?

CLERK: Mr. President, General Affairs, underneath the north balcony now; General Affairs, north balcony.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Chambers, this...and this is your third time, Senator Chambers.

SENATOR CHAMBERS: I understand. Thank you. Mr. President, members of the Legislature, if you look at this bill, and I realize I'm speaking for the record now, you will see on page 3 what the purpose of this bill supposedly is, and starting in line 22 the following language appears: "The purpose of the Nebraska Venture Capital Forum Act is to create a framework to

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facilitate the financial investment by accredited individual and institutional investors in new and high-growth business enterprises in Nebraska." The new enterprises need not be high growth. The reason I say they are creating a new level of bureaucracy is that the bill creates a framework. It creates an entity which is to carry out certain functions. But before that entity is even contracted with, there are several activities that the Department of Economic Development must carry out. These are things which, if you're going to hire an expert, the expert ought to do. But if all of this is done prior to hiring this private individual, there is nothing for the private individual to do. And on this amendment and others I want to go into some of these things that the department is to do. Then, if Senator Landis and others who love this bill want to tell us what this individual who gets the \$200,000 has remaining to do or what remains for that person or company to do, he can put that on the record, but there is not anything of substance. All that this individual has to do is find somebody who wants money or put out advertisements. We don't know how this person or entity will work because there is nothing in the bill that lays it out. But somehow you find somebody who wants money, you find all these high rollers in Nebraska who are just itching to invest money in high-risk businesses, those that exist now but cannot make it and those that don't exist now and cannot find money, and what this "delow-itty tooshay" (phonetic) said is that if there is venture capital in Nebraska, and they speculate that there is, it's conservative, meaning that they're not going to be high rollers. There are not the kinds of business opportunities in Nebraska that may exist in other states. Why do you think Nebraska, even though it's called an agricultural state subsisting on an agricultural economy, is counting so much on telecommunications? Why are they trying to get companies to come here that hire people who sit at the telephone and sell various products? Because Nebraska as a state is not amenable to any other types of businesses. The population of about 1,500,000 and some small change is not going to support any large manufacturing operations, and no large manufacturing operation is going to establish in Nebraska because you're not going to sell the products here. Are you going to ship them all down the Missouri river? Are you going to put all your products on airplanes, UPS and...

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SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...FedEx and fly them out of Nebraska to the other markets around this country and throughout around this world? Certainly not. So the types of businesses that maybe these venture capitalists would like to invest in are not going to be established in Nebraska, because this is not the state where those kind of businesses are going to flourish. Such being the case, don't build a new bureaucracy; enhance the program at UNL and take advantage of some of these other activities which are already in action. Senator Landis even said some businesses, and he mentioned utilities and others who are interested in this, let them get together and form a combine that does not take taxpayer money. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. We are discussing the Chambers amendment, FA10, to LB 225. Seeing no further, Senator Chambers, did you wish to close on your amendment?

SENATOR CHAMBERS: Yes, I do. The purpose of this amendment is to put language in the bill that would be consistent with existing language in the bill. This bill should not be looked at as something which is going to provide capital for anybody. This is not a venture capital bill in the sense of making venture capital available. This bill will not create any venture capital. If it's not out there now, this bill is not going to create it. This is not an incentives bill; there is no incentive in this bill being offered to generate venture capital. The only way and the only basis on which venture capital will be risked or invested will be the likelihood that the enterprise is going to make some money. And when you consider the high level of risk in all of these gambling operations, there is going to have to be a possibility of a large return. Is a telecommunication operation going to offer a possibility of that large return? No. Agriculture? Certainly not. So, what kind of business? They mentioned one guy who had something in the nature of a software program. That horse is

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out of the barn and gone, so they want to throw away \$200,000 and set up a brand new entity. This amendment does not even go to all of that; it deals with a definition, which perhaps shouldn't even be in the bill. Senator Tyson was not listening yesterday, so he thinks I didn't mention this problem found in the definition of the high-growth business and the 20 percent or more compounded annual rate of growth in gross sales. All that...the only kind of business we're talking about is a business that sells. And some people might say that's the only kind of business that there is in the world, the only kind of business that exists is one that sells. But I wonder if every business that sells has gross sales? Maybe so, maybe not. But Senator Landis thinks this is good language; I don't. If you're going to do this, why make it so restrictive? There is not a business in Nebraska that meets this definition, not one. So why have the definition? Because it sounds good; it shows what you're shooting for; you're shooting for businesses that are going to make this...no, not that are going to make it, but that are making this kind of money in gross sales. You've got these businesses that need this help, and the help is going to be aimed primarily at a certain type of business, the type of business to be aimed at does not exist on this planet, Nebraska, because to somebody the world is Nebraska. All that my amendment will do is strike the word "experiences" and substitute in its place "has the potential to generate". And, for Senator Tyson's benefit,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...anything that is in a state of potentiality obviously has not come to fruition because it would not be potential. If we're talking about these people having to go with existing lenders, the standards of those lenders will come into play. They make projections in their mind of the potential that a business has for success. So to put that language in this definition is not going to detract from the bill in any manner. But it makes it clear that you're not saying that the only ones who are under this umbrella are those who have businesses producing an increase in gross sales at a rate which no business does, which means that none of them should be welcome. Mr. President, I ask for a (inaudible)...

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SENATOR CUDABACK: Time. Been a request for a call of the house. All in favor of the house going under call vote aye, opposed nay. Record, please, Mr. Clerk.

CLERK: 20 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unexcused personnel please leave the floor, un...all senators please check in. The house is under call. All unexcused senators please check in. Senator Coordsen, Senator Brashear, please check in. Senator Wickersham, please check in. The house is under call. We're looking for Senator Coordsen. We are looking for Senator Coordsen. Senator Chambers, I understand he is on his way; did you wish to proceed, or you want to wait? Wait? Thank you. Mr. Clerk, all present and accounted for. The motion before the body is the Chambers amendment, FA10, to LB 225. All in favor of that amendment being adopted vote aye, opposed nay. We are voting on the Chambers amendments to LB 225. Have you all voted who care to? Have you all voted who care to? Senator Chambers.

SENATOR CHAMBERS: (Inaudible.)

SENATOR CUDABACK: Been a request for a roll call vote. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken, Legislative Journal page 457.)  
22 ayes, 17 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The amendment is not adopted. I do raise the call. We're back to discussing the advancement of LB 225. Senator Chambers, on advancement.

SENATOR CHAMBERS: Mr. President, members of the Legislature, that was not a killer amendment, it was not designed to be a killer amendment. I've read the bill. You have the words "potential" in the bill: Since you don't want consistency that way, I'm going to try to bring it the other way, and we will say, in line 20, on page 3, "enterprises that have shown high growth in which the risk for loss and the reality or", it will

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take more than one word. But to show that we're not talking about potential, I cannot for the life of me understand what is in the mind of those who voted against that amendment and I will not try. But I will wonder about what's in the minds of those who will vote for this bill. The fact that 22 votes were given for that amendment may have something to do with the attitude that people have toward the bill and maybe not. Let me, in the process of offering amendments, put some things on the record that I want to be there so that when this bill comes up for discussion again, and I'm going to make sure that it does, if somebody in the future, when it's to be used as a re-election piece of propaganda, these things will be in the record. What is it that the Department of Economic Development is going to be required to do on this bill, under this bill? Page 3, starting in line 26, says, "the Department of Economic Development shall establish a Nebraska Venture Capital Forum Program". To establish the program the department shall do these things, not the one who's going to get the \$200,000 handout. The department shall organize a statewide system for facilitating this kind of investing. So the one who gets the \$200,000 doesn't organize the system, the department organizes the system. Then when it comes to the type of information that is essential to the carrying out of this activity the department will identify and provide the information. So, if there is nobody in the department who has this expertise, therefore we need this bill, why in the bill are you requiring the department to identify and provide the information to the investors? The next thing there has to be the identifying and providing of information to the entrepreneurs. So the department is going to provide the information to the investors, it's required to provide it to the entrepreneurs. Then what? The department has to provide the statewide regional meetings, forums and so forth for the discussion of this kind of activity. What else will they do? This is something Senator Hilgert touched on. "The department will cooperate with other service entities in facilitating effectiveness of the program", and then it lists all of these activities that are going to be dealt with. That's another activity of the department. Who provides the clearinghouse? The department, the department will serve as a clearinghouse and access point for the information. Now the department identifies the information, provides it to the entrepreneur, provides it to

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the investor, then serves as a clearinghouse and access point...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...for the information. What else does the department do? It serves as a central organization and means of delivering the training program, that's what the department does. The department delivers the training program. I only had one minute, so I won't go beyond it.

SENATOR CUDABACK: Thank you, Senator Chambers. Mr. Clerk, you have an item?

CLERK: Senator Chambers would move to amend, Mr. President. (FALL, Legislative Journal page 457.)

SENATOR CUDABACK: Senator Chambers, to open on your amendment, FALL.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, what this amendment would do is go back again into that series of legislative findings and would strike all of them with the exception of subparagraph (9), which says, "entrepreneurs and high-growth business enterprises need technical assistance in understanding equity markets and how to position themselves to receive equity funding". All of that other is surplusage, it is verbiage which serves no purpose. The purpose of the bill is not stated in this section of findings; the purpose of the bill is stated in Section 9, and that purpose is, "The purpose of the Nebraska Venture Capital Forum Act is to create a framework to facilitate the financial investment by accredited individual and institutional investors in new and high-growth business enterprises in Nebraska". What do you need all that other language for? It doesn't relate to the purpose; it's propaganda; it will look good in sound bites and on campaign literature. Since that amendment is not difficult to understand, I'm going to go back to what I was discussing before that to talk about what the department has to do. In addition to those things that I've mentioned already, and they come straight from the bill, page 4, and since people do not follow these kind of arguments, I'm putting them in here

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for the record so that if, in the future, the nature of our debate is sought out, it will be in that transcribed record. And what I'm saying will be transcribed. This is another thing, going to page 5 of the bill, which the department shall do. The language about the department's duties is mandatory. It's not that the department may, but the department shall do all of these things. It shall facilitate the formation of private venture capital funds. I'd like to ask Senator Bourne a question,...

SENATOR CUDABACK: Senator Bourne, will you yield to a question, please?

SENATOR CHAMBERS: ...because he's on this bill.

SENATOR BOURNE: Yes, I will.

SENATOR CHAMBERS: Senator Bourne, were you aware that the department is to facilitate the formation of private venture capital funds?

SENATOR BOURNE: Well, what I understand is that the department will get those that have money to lend and those who desire to borrow money together in a forum.

SENATOR CHAMBERS: Would you look at page 5, because this is not a trick question that I'm asking.

SENATOR BOURNE: I've got page 5 here.

SENATOR CHAMBERS: Okay. Now, if you look in paragraph (g) or provision (g), "facilitating the formation of private venture capital".

SENATOR BOURNE: Right.

SENATOR CHAMBERS: What does that mean as you read it?

SENATOR BOURNE: As I read it, I would have to say that the department, through their contacts, would become aware of people and maybe accumulate lists of people who have this type of money

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to lend to entrepreneurs.

SENATOR CHAMBERS: But the word, the operative word is "formation", the formation of these funds, not just to find out where they are.

SENATOR BOURNE: Well, right. My interpretation so it is that based on the department's past experience, they would know of, you know, ten different investors that had these kind of monies to loan, and they would accumulate or put together a list of these people from which entrepreneurs could borrow.

SENATOR CHAMBERS: But it does not...the language does not say "formulate a list of private venture capital funds", does it.

SENATOR BOURNE: No, it doesn't say that, but that's my interpretation of what this forum does.

SENATOR CHAMBERS: If you don't "interpretate"...if you don't interpret it but read the language, because this is not what the forum does, this is what the department does, the department shall. Now, if it shall facilitate the formation of private venture capital funds, when they...when that word "funds" appears,...

SENATOR BOURNE: Right.

SENATOR CHAMBERS: ...does that mean the total amount of money available for this purpose, or would it have a more narrow, narrower meaning, for example, the so-and-so fund that makes certain types of loans?

SENATOR BOURNE: Well, I see your point, but I mean, if you give it a literal interpretation. But I think it would be more narrow than what you're indicating.

SENATOR CHAMBERS: Now, if we go to (h) "assisting in the formation of substate or industry-specific venture capital networks",...

SENATOR BOURNE: Right.

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SENATOR CHAMBERS: ...does that mean just making a list of these things, or actively participating in bringing this into being?

SENATOR BOURNE: Well, my interpretation of this would be...is that those people who are familiar with say the Lincoln area, they would form a substate group of Lincoln investors perhaps, or industry-specific, maybe those venture capitalists that are experienced in Internet startups or telecommunications or something like that. I think what they're trying to do is to get to very specific educated investors who can perhaps meet with the entrepreneur in that area and so that they could discuss things which they have an expertise in.

SENATOR CHAMBERS: But, this goes beyond just making a list of such groups and handing them out to people.

SENATOR BOURNE: Well, yes.

SENATOR CHAMBERS: Well, why then above, where we use the same word formation, does it not include what you say this includes actual participation in the doing of this? And I'm not trying to offer...I'm just saying that there is more in the way of duties imposed on the department than people may have thought.

SENATOR BOURNE: Well, I...

SENATOR CHAMBERS: The earlier discussion may have given the impression that this entity that gets the \$200,000 grant is going to do everything.

SENATOR BOURNE: Right, I...I...I agree with you, there are additional duties and I think that's why this...there is an expenditure or a General Fund expenditure associated with the bill. I think that it's flexible. I think it's fairly general so that it gives the department some flexibility and yet specific so that they understand, the department understands exactly what they're supposed to do in bringing together those wishing capital and those who have capital to invest.

SENATOR CHAMBERS: Well, Senator Bourne, if these things that

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we're talking about and that I've talked about before I started asking you questions are somehow to be factored into what the money will be spent for that's in the fiscal note, why does this entity that is going to get the pass-through grant get that full \$200,000? Will the rest of these activities be absorbed in the budget of the Department of Economic Development?

SENATOR BOURNE: I see what you're saying, and that's a good question, and unfortunately I don't have the answer to that.

SENATOR CHAMBERS: What remains for this entity that gets the \$200,000 to do if the language of the bill says the Department of Economic Development shall do all this to establish the program before it even starts?

SENATOR BOURNE: Yeah, that's a good question. I think that...I think that the private entity is the one that is going to be doing some of this in conjunction with the...with the commission.

SENATOR CHAMBERS: But there's nothing that says what the duties of this \$200,000 recipient will do, would you agree?

SENATOR BOURNE: Well, I agree with you to a certain extent, I mean I think that the intent is that this money be appropriated in order to carry out the functions of bill.

SENATOR CHAMBERS: If the entity said that for the \$200,000 you gave me I cannot do all of these things. What happens then to what is not done? Would the department do those things that the entity would not do?

SENATOR BOURNE: Well, I would assume that the department and the entity would work together. So I would assume, Senator Chambers, that if this appropriation didn't entirely fund the program that, yes, the Economic Development Department would pick up those duties.

SENATOR CHAMBERS: If there is a remainder, which the entity cannot do for the \$200,000 and the department is going to take care of the remainder, it must mean that the department has the

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expertise available to carry those duties out. Is that true?

SENATOR CUDABACK: One minute.

SENATOR BOURNE: I don't know, that could be. I would have to say the Department of Economic Development does have some expertise in this area.

SENATOR CHAMBERS: Does the department, and I don't know the answer to this, receive cooperation from the University of Nebraska on its activities?

SENATOR BOURNE: I don't know specifically, but I would be very surprised if they did not.

SENATOR CHAMBERS: And my minute is about expired. Thank you, Senator Bourne. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Chambers, your light was on, did you wish it to be on or not? You're recognized.

SENATOR CHAMBERS: Members of the Legislature, I'm doing all that I can to show the kind of bill that the body is going to vote for, if you vote for it. And the reason I want to put it on the record and I'm doing it slowly and in detail, nobody is going to be able to say I didn't read that bill, I didn't know what was in it. I want to lay out what is in this bill in a way that even the introducer and the cosponsors have not done. This is not the responsibility of one person, but there is one person who will assume it. I'm going to now digress. I've been laying right on this bill during the entire discussion. There are people who got bills that are going to require the expenditure of money. And they are going to be saying, my bill offers a meritorious program, service activity or benefit to the people. The amount of money is piddling, \$200,000, \$300,000, \$150,000, and the A bill may be what would stop some people from voting for it. Yet a bill like this, which is very shaky, is going to command \$200,000, not to an agency of the state to carry out the duties imposed on that agency, but to be given to a private entity. If the entity that gets this \$200,000 is to do all of

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these things that I mentioned, and the bill doesn't say that, it shouldn't, the bill should not say the department shall do these things; the department and the \$200,000 entity are not the same. Some people don't think language is important in statutes and in interpretations of the law, but I do. I've actually argued cases in court and won them. I've won cases that legal experts said could not be won, because I read the law, I read the cases and I read what courts had said about the meaning of language. If this bill passes, is it going to kill me? No. Is it going to hurt my feelings? No. I'm trying, in the early days, to establish some principles which I will refer to later in the session. You will notice that, when we were adopting permanent rules for the Legislature, I was the only one who voted against them because I am the only one who will always follow them. Senator Tyson voted to adopt the rules, and he has a motion to suspend the rules already. Senator Brashear voted for the rules, and he has a motion to suspend the rules. You all see me criticized by the media for being the troublemaker. You know why? Because I'm a big target. I'm such a big target that anybody can throw, even if they don't see too clearly, and strike me somewhere because I'm that large a target, and I can take it, and I will speak up for the legislative process. And some people think what I'm doing now violates that process, but I don't. I think a part of our job here is to put on the record for future use for the public who might be interested what it is that we're doing and to make it clear that we cannot make a plea of ignorance as a basis for voting for a bad bill,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...or doing work that is contrary to what we're doing here today. If this bill is not passed, what is the worst thing that can happen? The Governor will tell the Department of Economic Development I want you to organize a statewide system to facilitate this venture capital activity; I want you to provide...to accumulate and provide information to investors and to entrepreneurs. I want you to establish a working relationship with the University of Nebraska to carry out these things and then list all of the items that are in this bill. And it's not going to require creating a new level of bureaucracy. It's not going to require giving over \$200,000 in

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tax money to a private entity which will do we don't know what. So, when people...

SENATOR CUDABACK: Time, Senator Chambers. Senator Landis, on the Chambers amendment to LB 225.

SENATOR LANDIS: I was asked a question by Senator Hilgert, and he asked me the relationship of the Microenterprise Funds to the work of this...this bill and the general direction that the forum, the venture capital working group that the Governor had. And the answer to that question is that a member of the Microenterprise Board, Ed Kench (phonetic), was on the venture capital working group that came up with this idea so that the Microenterprise Board was not only apprised of but participated in the creation of this. As a working relationship, the Microenterprise Board creates small entities that might be on the verge of growth, who might well be able to take advantage of what LB 225 is about, which is the creation of venture capital networks in this state. So, that's in answer to that question. I think Senator Chambers wants to talk about other sections of the bill than the one that we're on, but I think it gives him a chance to speak to the record, which it seems clear that he's doing. So, although we've been over the amendment that he's done this time, it seems to me that so that I can give him something to chew on, I will tell him how I interpret Section 10, because I think that's something he's been spending some time on. I see Section 10 as saying this, Section 10 says the Economic Development Department shall establish a venture capital forum program. To establish the program the department shall..now, that then is followed by a list of functions which would constitute a venture capital forum program. Not prior to the creation of the forum, but I see it as what the forum program is; shall establish a venture capital forum to establish the program. In other words, to do this, is how I'd read this section, to do this, to establish the program the department shall, and then comes the lists, one through H, then comes subsection (2) that is also what the department shall do to carry out...to make this program happen. And there is the selection of a single, private, nonprofit organization for the purpose of carrying out the functions of the Nebraska Venture Capital Forum. All, some, one, I think it's up in the air.

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Could you devolve all of the obligations, A through H, onto the single, private, nonprofit organization? I think the language permits that. If you don't devolve all of those tasks they do fall to the department under their regular appropriation. But to the extent that they are a part of the RFP or the devolved authority that goes with the grant, DED is ultimately responsible, which is why they give the report, but DED is in the position to designate this grant receiver as the mechanism to help carry out these functions. So, I think Senator Chambers wanted to analyze what that was about, that's my interpretation. The Department of Economic Development shall establish the program, and to do this the department shall see that X functions are carried out. And then to carry out these functions or some of these functions the department shall have a grant program that goes to a single, nonprofit organization, and then the department...

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: One minute.

SENATOR LANDIS: ...will ultimately be accountable for the expenditure of money, for the accomplishments and for the achievement of the objectives. My guess is that Senator Chambers wants to go in that direction. I thought I'd give him how I saw that language so that we could have that dispute should we need to. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Senator Chambers. Senator, this is your third time.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, what the language says, at the bottom of page 3, about the department is that it shall develop, not a venture capital forum but a venture capital forum program. At the federal level there is such a thing as a program and such a thing as an initiative. At the program status there is more fluidity and flexibility and some degree of uncertainty and not money appropriated to actually carry out what that program is supposed to do. When you get to the initiative stage the plans become more precise, money is started...you start appropriating

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money to implement and actually carry out the specifics of whatever this overall goal is. For example, this "Star Wars" activity that they're talking about to stop incoming missiles. When it was really on the drawing board, it was just a program. When they started going into more detail, it became an initiative. When it becomes an initiative, that's when people who are opposed to it become concerned. So the establishment of a forum is not the same as the establishment of a program. When you look on page 5, in lines 7 and 8, you're talking about a forum. When you get down to line 17, you're talking about a program. Maybe again the language they use doesn't mean anything. You use different words to talk about the same thing, and you use the same words to talk about different things. That's what creates ambiguity and unclearness. But since those who want this bill don't want any amendments, because Chambers will say he offered something that improved the bill, I'm not going to offer that amendment; let it be these different things and try to establish why, at the time that the Legislature could have offered clarifying language, it chose not to; it chose to leave it ambiguous and said whoever looks at it or interprets it in the future can grapple with it and also grapple with why the Legislature, which is supposed to be a deliberative body, will not take care of the things that we should take care of when we're legislating. But let me tell you about this amendment that I'm offering. The other day when I wanted to strike all of the findings, there may have been 16 votes in favor of doing that. I said at that time I'm trying to prune away language that I think is not necessary so you can focus the bill, if you insist on having it. This amendment that I'm offering would not take away every one of these propaganda declarations in the legislative findings. It would take away all of them, with the exception of the language I'm going to read, and what my amendment in effect says is that when it comes to the Legislature stating a finding as a justification for this bill, this is all that will be there, only this language, "Entrepreneurs and high-growth business enterprises need technical assistance in understanding equity markets and how to position themselves to receive equity funding." That's all you need,...

SPEAKER KRISTENSEN: One minute.

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SENATOR CHAMBERS: ...if you're trying to give findings. Findings have no effect as far as the operation of a bill once it becomes law. This other language that I'm striking is not really explanatory of the bill, it serves no practical purpose, so I'm asking that you adopt this amendment. Our numbers are slimming, I'll ask for a call of the house.

SPEAKER KRISTENSEN: Senator, I...that was not your closing, that was just your third time to speak.

SENATOR CHAMBERS: Oh, oh, oh, okay.

SPEAKER KRISTENSEN: Senator Vrtiska is next.

SENATOR VRTISKA: Thank you, Mr. Speaker. Members of the body, I didn't intend to speak, because I thought we were speaking about only Senator Chambers' amendment, but I see we've sort of strayed from that. In order to get, if it's proper, it's not proper?

SPEAKER KRISTENSEN: Senator Vrtiska, I'm sorry. Would you restate your request of me, please.

SENATOR VRTISKA: Well, I said I was intending on speaking on other parts of the bill other than the amendment because we sort of strayed from the amendment. But, if that's out of order, then I'll wait until the bill comes up and talk about it at that time. I would like to get some questions answered that are not in the context of where the amendment stands, but I suspect probably I would be out of order, and so I will take my turn and wait until we talk about the bill. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Thank you, Senator Vrtiska. Any other lights debating Senator Chambers' amendment? I see none. Senator Chambers, you are now recognized to close on your amendment.

SENATOR CHAMBERS: Thank you, Mr. President. Senator Vrtiska, you would not have been out of order. My amendment implicates everything in the bill, because there are things in these

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statements that I had indicated are contained in the text of the bill, therefore they're not needed. So, whenever you stand up, feel free to speak about anything you want to (laugh). The only reason I say that, I don't want anybody to get the impression that when I offer an amendment, if people talk about something else, I'm going to jump up and say point of order, they can't talk about that; no, I'm not going to ever do that. Well let me not say I'm not going to ever do that, because that makes me too predictable. But it's not likely that I would do such a thing. Members of the Legislature, because we have new members, I will state some things that I've said in the past several times. In the context of the amendment that I'm offering, I will make a comment or two again about legislative findings. Let's say we're approaching a new area, as this bill purports to do but it really isn't. But let's say that it is and there are ideas that a person would not grasp by simply reading the language of the bill, that perhaps in the language used in the bill to establish what the effective aspects of the law will be there will not be an explanation, it will not be clear what the purpose of that language is. Findings will be stated that such and such a development is occurring in the realm of high tech activity. And you define those words when you get to the bill, that you have computers doing this, computers doing that. To facilitate and make more efficient the activities of the state, you're going to do thus and so. All of those kind of statements are just by way of explanation that then leads you into the bill where you set out language to effectuate what you talked about in those findings. Where the findings that are offered in this bill fail to meet that standard is that they just are statements of propaganda. They are not necessary to understand what is in the bill. Sometimes in these findings the Legislature will state its purpose for doing something. Well, the purpose of this bill, even though I think it's bogus, is found in Chapter 9, Section 9 of the bill itself. But if it's felt that the bill itself does not have enough merit to justify in the minds of the public the Legislature doing this, I am willing to leave paragraph 9 on page 2. That can be taken as what the Legislature sees as the need for a bill like this. I do not believe such a bill is necessary. But at least what they state as a reason has a direct tie into what the bill is talking about doing, providing this information for these entrepreneurs, the

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assistance in understanding equity markets and to put themselves in a position to receive equity funding. They don't need all this other language. So we ought to just go ahead and strike it. There are other things that have been pared from the bill. Senator Landis was not upset with me when I suggested the need to do something about those federal references, in fact we worked together on that, and he...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...crafted an amendment based on our discussions. But now he doesn't like what I'm doing and he takes offense at some of it. That's why I don't base what I do on whether my colleagues like what I do or not on any purported good feeling or collegiality we have. Collegiality exists when you do what somebody wants you to do. But that's not the way it is with me. We are going to have differences of opinion, but this is not a well-crafted piece of legislation. The adoption of my amendment will move it in that direction, although I hope ultimately we will not pass this bill. And I will work toward that goal. But should that fail, what remains...

SPEAKER KRISTENSEN: Time.

SENATOR CHAMBERS: ...ought to be something that is well done.

SPEAKER KRISTENSEN: There's been a request to place the house under call. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 25 ayes, 0 nays to place the house under call.

SPEAKER KRISTENSEN: The house is under call. Will all unexcused members please return to the Chamber and record your presence. Will all unauthorized people please leave the floor. The house is under call. Senator Bromm, Senator Raikes, Senator Engel, Senator Schrock, the house is under call. Senator Jensen, Senator Bromm. The house is under call. Senator Byars. Senator Schrock. Senator Hilgert, will you check in, please. All members are present; you've heard the closing. The question before the body is the adoption of the Chambers amendment to

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LR 27

LB 225. All those in favor vote aye; all those opposed vote nay. There's been a request for a record vote. Have you all voted? Record.

CLERK: (Record vote read, Legislative Journal page 458.)  
11 ayes, 21 nays, Mr. President.

SPEAKER KRISTENSEN: The amendment is not adopted. The call is raised. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 27. Mr. Clerk.

CLERK: May I read some items, Mr. President?

SPEAKER KRISTENSEN: Please.

CLERK: Your Committee on Government, Chaired by Senator Schimek, reports LB 97 to General File with amendments; LB 358 is reported to General File by General Affairs; and LB 791 to General File by General Affairs. Health and Human Services, notice of hearing; Agriculture Committee, notice of hearing. Senator Jensen, new A bill, LB 209A. (Read by title for the first time. Legislative Journal pages 458-460.)

Mr. President, I have a priority motion. Senator Chambers would move to bracket LB 225.

SPEAKER KRISTENSEN: Senator Chambers, you are recognized on your motion to bracket.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is a motion I had to put up there because I'm drafting an amendment and I could not have gotten it drafted in time, so that motion is not one that I'm going to pursue. And I can give an idea of what my amendment is going to be at such time that I get it on my desk. But since I've been recognized to speak, I will take a few minutes to expatiate free for all this scene of man, a mighty maze, yet not without a plan. That's from Alexander Pope. He was not a pope, but he should have been, perhaps. By the way, they have a series on television, it will consume 19 hours, about jazz. And one of the greatest jazz

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persons was Charles Parker, they called him Bird. And a place, after Charlie Parker died, was put together where jazz people came and they played and people came to listen to them, and it was called Birdland. I noticed the other day the number of cardinals that the pope made, and he even made an extra compliment so that when time came to vote for another pope there would be a greater likelihood that his conservative principles, as he called them, would continue based on who was ensconced as Pope the next time. There were even two or three who were made cardinals in secret, and some people speculate, since the Pope has not given a reason why he did that, and he doesn't have to give a reason, that maybe there would have been retaliatory action taken against these persons in the countries where they are located. But in view of the fact that the word cardinal applies to a bird, I would call Pope, the Pope, Bird, and I'd call the Vatican, Birdland, and by so doing there are a lot more people who would pay attention now because they want to know what manner of man has been given the nickname that Charlie Parker had. Then they'll see that, well, he got the name bird because he created birds, and the Vatican is Birdland because that's where the birds hang out. But, nevertheless, since my amendment is now on my desk, I'm going to withdraw, I'm going to withdraw that motion to bracket.

SPEAKER KRISTENSEN: It's withdrawn.

CLERK: Senator Chambers would move to amend. (FA12, Legislative Journal page 460.)

SPEAKER KRISTENSEN: Senator Chambers, you're recognized to open on your amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Landis said he wanted to give me something to chew on with reference to Section 10, but there is something else I want to chew on and that's Section 6 and I have talked about this before. That's where we talk about the definition for high-growth business enterprise. Here is what I would offer by way of amendment, I would strike all that language. Then I would insert this, "High growth business enterprise means a business enterprise that has the potential for high growth, that

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has the potential for high growth in which the risk",...well, strike that first "high growth", "that has the potential for high growth and in which the risk for loss and the potential for profit may be considerable". Let me read it now that I've stricken out the extraneous language. And for the record, there are...three lines down, there is a line beginning with "for", f-o-r. I want to delete "for high growth that has the" from the amendment, then it would read in this fashion, "High-growth business enterprise means a business enterprise that has the potential for high growth and in which the risk for loss and the potential for profit may be considerable". In deleting language in line 3, we would have to delete beginning with the word "for", through and including the word "potential", because there was a doubling up of that and I had to write the amendment rapidly. Here is why I'm doing that, the current definition serves no purpose. Maybe we don't need a definition of high-growth business enterprise anyway. But, if there is one, there is no need to pin it down to a standard which no business in Nebraska is meeting, which no business in Nebraska, in my opinion, is going to meet within the next three years. This bill will exist under its current terms for three years. If there is concern about a slowing down of the economy, if there is a concern about a slowing down of the economy based on the notion that consumers may not spend as much money as they have, and consumers spend money to buy, if there is a reduction in the buying by the consumer, there is going to be a reduction in selling by the seller. So, if we are not in a boom period as far as the economy, if people are finding difficulty getting these high rollers to invest in shaky enterprises, why set up a program which would make it seem like Nebraska is a bunch of rubes anyway? First of all, "delow-itty too-tooshay", or maybe I ought to say "touchy" and stop speaking French, because we may not be educated to the level where we understand French when we hear it spoken. There was an American in France, by the way, and was reading from the little dictionary that they give them that tells you how to take words from English and put them into French. So the American, instead of reading the term "moi we", if somebody tells you something that...with which you agree, then you respond "moi we". So somebody did something with...that the American agreed with, so the American said, "may I owie", and the French person looked at this person and said,

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"what was that?" in English. The American said, "may I owie". And the French person said, "what are you trying to say?" The American said, "well, don't you understand French?" And the French person said, "yes, when I hear French spoken". Now, to go back to what I wanted to talk about, if you look at what is stated in the handout that Senator Landis gave us from "delow-itty tooshay", you do not see anything in here that suggests the enactment of legislation; nothing that talks about a bill like what we have before us here today. So if this constitutes Exhibit A or the strongest argument that can be prevented, then it's not a very helpful argument in favor of passing this bill. Here is what is stated on the front page of this paper, right under "Issue Statement", "A primary reason Nebraska is lagging in entrepreneurial development is the lack of an understanding of the benefit of local investment (that is the resulting economic stimulation of growing new businesses, new economy business)", that's what it says, "(new economy business generation and job growth). As a result the state does not have a strong support environment or funding network to form a breeding ground for entrepreneurs. The state has the assets and potential to create an entrepreneurial environment to promote economic growth and increase the average wage in the state. Now the tools need to put in place to foster its development". And it doesn't say create a new level of bureaucracy in the government by passing a bill and giving \$200,000 or any amount to a private person or entity to do these things. If you drop farther down the page, you find these words, "Nebraska does not have adequate funding mechanisms to support the innovative business ideas generated by its population". Funding mechanisms means the way to get that money to the one who wants it. This bill doesn't do that. This "delow-itty toochy, touchy, tooshay" tells us that the funding mechanisms are not here, they're not in the state. But when available, venture capital funds in the state tend to be conservative. That means they are tight-fisted, they are not high rollers. They will loan you a dime if you've got 11 cents in collateral. And the funding that is available is not enough to meet the demand in Nebraska. There is not all this money in the state, yet here is what this statement of intent or these findings are that you all wanted to leave in the bill, now "delow-itty tooshay" tells you that there are not enough of

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these funds available to meet the demand in Nebraska. Here is legislative finding number one, sufficient venture capital resources exist within the state of Nebraska to meet substantial portions of the equity needs of new and high-growth business enterprises. Now the weasel words are "substantial portions". But it's misleading. The way it's written it gives the impression that right here in Nebraska you have the wherewithal to reach the goals of this bill by bringing together the people in Nebraska with the money and the ones in Nebraska who need the money, and somehow, like osmosis, the money is going to move through that permeable membrane from the who has to the one who has not. Now an interesting thing about cell walls, since I'm using that analogy, when they were...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...when they were using a light microscope, and you had to use light, you couldn't see things that were very, very small. And some of the small things you saw you couldn't see very clearly. So an electron microscope was created, which is really a camera and it uses streams of electrons to photograph very, very small items. And through the electron microscope much more can be seen of the micro world than could be seen before. I've digressed there because my time is just about out, but I'm going to make an analogy based on that.

SPEAKER KRISTENSEN: Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker. Members of the Legislature, I thought I'd make just a few comments. Senator Chambers thought I was taking offense at what he was doing, and I don't, I want him to know that, I don't take offense at what he's done; I think it's all certainly within the rules of debate as well as the rules of the Legislature. I do want to indicate that if I am persuaded that the amendment makes sense and is a demonstrable improvement, I would accept it. I think we know that to the extent that I've already accepted a suggestion by Senator Chambers that was just exactly that. Since that time I haven't seen another one but, if I see one, I will try to do the best I can in saying yes. And in fact they may well exist. I

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don't know what's in the fertile mind of Senator Chambers and what he has for me, which is in part one of the things I want to ask about and then yield my time for. I do want to try to be responsive to questions which are genuinely informational in nature, although I don't necessarily have the information in my head. Sometimes I need to think about it, but if I'm asked questions which I think are informational in nature, in which the party who is asking the question doesn't know the answer and I do, I do try to meet those; I try not to play along with games where questions where the answer is already known, is exacted from a puppet. I do not intend to choose to play the puppet. Different thing, not relevant here. So, I think that is meant to characterize my intentions here. Number one, I don't take offense; number two, if I am persuaded by an amendment, I will take it; number three, I will generally answer questions on the time line that I feel comfortable in making sure I've got an appropriate answer, which means I may turn on my light and answer questions that are genuinely informative in nature and which I know something, or somebody is asking me if I know something that in fact they don't know. So, that's sort of is on the process side. Senator Chambers, let me ask you a question then give my time for you to use in whatever way you want to. Either answer it, or go on to your next speech. Look, I don't think, that the language in Section 6 is a problem. I think language in Section 6 serves a very modest purpose which is to identify the kind of company that you're trying to create or encourage through the venture capital mechanism. I think the operative language is in Section 8, not Section 6. I think there is a very modest value in Section 6, but it's not negative or neutral, it has a slight positive advantage. However, I don't know what you have in store for us as to how many other amendments you have in mind or have identified. In the event we were to find, let's say even with the existing language you've written, a proper way to state Section 6 that appealed to you and your sensibilities and that I was not offended by, would we be able to proceed towards a debate on the advancement, meaning, you know, a discussion of the virtues as a whole of LB 225 some time in the near future? How many more amendments are ahead of us? What...what can we look forward to here as our future? And, if we were to make...if we were to adopt the Senator Chambers amendment to say Section 6, would we move any closer to

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the day on which we might be able to get a chance to vote on the advancement of the bill? I yield the rest of my time. Senator Chambers can choose to respond to that or simply take up his place in the debate on the rest of the material and I will have said what I needed to say in this area. Thank you.

**SPEAKER KRISTENSEN:** Senator Chambers, you have a minute. You are the next light, so I'm just going to turn that on and let you have the remainder of Senator Landis' time and onto yours.

**SENATOR CHAMBERS:** Thank you. Unlike my hypersensitive colleague, Senator Landis, I will answer questions when they are put to me. I cannot say how many other amendments I will offer. But, if Senator Landis can show me an amendment I offered that was not directly on point with reference to something in the bill, an amendment which I did not discuss in detail and explain why I thought it ought to be adopted for the purpose of changing something in the bill, then I would say he is correct in what seems to be his opinion, that all I'm trying to do is prevent a vote from being taken. I don't know what other amendments I would offer. And if this one that I'm offering is not adopted, it will not make me much difference one way or the other because it's not a bill that I really care about, except that, if it is to be enacted into law, I would like it to have a modicum of intellectual content that will not make the legislators look like nincompoops. And one thing that I think will achieve that is to put a definition which is not met by any business, which in my opinion cannot be met by any business during the lifetime of this bill, it cannot be. Why give a definition which describes or defines an impossibility? You're defining that which does not exist. That means it is not intelligible. And in logic, the term intelligible has a limited meaning. From my office, the message was received; thank you. If the supporters of this bill are uncomfortable with or for any reason don't like the amendment that I'm offering, they'll vote no. But here's what it says, I'm going to read what language... what the language in Section 6 says right now, then I'm going to read mine right after it so that in the transcript it will be clear what the two propositions are. Section 6 says, "High growth business enterprise means a business enterprise which experiences a 20 percent or more compounded annual rate of

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growth in gross sales". This would be my offering, "High growth business enterprise means a business enterprise that has the potential for high growth and in which the risk for loss and the potential for profit may be considerable". This bill is supposedly aimed at venture capitalists. Venture capitalists know the nature of the terrain in which they operate. They know that you're weighing the possibility of a great loss against the potential of a high profit. Some stocks are very volatile and some people who advise individuals will let them know, yeah, you may make a bundle on this, but you might lose your house also. If you play it right and everything breaks right, you're going to be a rich person. If things don't break right, you're going to move right from your house into the poor house. And all of that stuff is understood by the people who operate in that area. Gamblers understand this kind of legislation also, and they might be better at implementing a bill like this than the ones who are going to be hired to do it because they really understand the vagaries of fate, fortune and the variables. So if you don't like my definition of high-growth business enterprise reject it. But in being completely frank with you, that definition is not the major problem that I have with the bill. I think it has no merit. Throughout my discussion,...

**SPEAKER KRISTENSEN:** One minute.

**SENATOR CHAMBERS:** ...I have based every comment, practically speaking, on a portion or portions of this bill. I have read more of the bill into the record than the introducer, I have referenced more specific portions of the bill than the introducer, I have discussed in greater detail more portions of the bill than the introducer. So I'm not about to give away what I think is a necessity for me to continue discussing this bill until I feel that I've discussed it adequately for my purposes. Now if all I wanted to do was irritate my colleagues, I could have asked to reconsider motions, I could have put a kill motion, I have could have said we'll vote on the bracket, it's voted down, then we'll go to something else. But that was just to give me the opportunity to draft an amendment, which Senator Landis may think has no merit but I do.

**SPEAKER KRISTENSEN:** Time. Senator Beutler.

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SENATOR BEUTLER: Mr. Speaker, members of the Legislature, Senator Landis, let me just make a couple statements and ask you to think about whether there might be some merit to this kind of solution to what seems to be a standoff here of sorts. The Department of Economic Development, I don't know what they're asking this year in their budget, but I know it has to be in the neighborhood of 48 or 49 million dollars altogether. There are, I suppose, two different aspects of this bill. One aspect is can we perform this function? Do we have the statutory authority to perform this function? Can we go out and hire a private person and require matching funds and do that, all of that kind of activity? That's one question, of course you need the bill to do that, or at least presumably you do. The other question is the money and whether you really need new money here or somewhere in that 48 or 49 million dollar Department of Economic Development bill can't they squeeze out \$200,000? And so would it make sense to suggest that maybe what we should do is, if we must pass the bill but not have...not have an A bill and require the money to come out of other portions of the Department of Economic Development budget and let the Appropriations Committee work on that solution to the problem? I just throw that out to you, I don't even know how Senator Chambers would react to that, but at least it makes the question two parts, and is there some solution therein, possibly? Thank you.

SPEAKER KRISTENSEN: Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I think that the department can do this. I said that when I first started talking about the bill. It's something the department can do; it's the type of thing that the department exists for. But here is the way, not only this Governor but other governors, and for those who hear me talking about the Governor who is over there now, I've had disputes with every Governor who's been in office ever since I was here. And the one who is there now couldn't take what I said to Jim Exon; he and I really went back and forth. In fact, one time he irritated me so much that I challenged him to a wrestling match and the money would go to charity. And he's the one who turned

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it down, and he was a lot bigger than I am. So if this guy sitting over there cannot even deal with words that are spoken, and Senator Landis says he's not going to be made a puppet on the floor of the Legislature, will nevertheless serve as a puppet for the Governor; I say it's just a matter of who pulls the strings, not the status but who is the puppeteer. That's the way I view what he is doing. He's done better work than what's on this bill when it's a bill he wants. You know why I say that? I have labored with bills in the Judiciary Committee that Senator Landis brought, and even when work had to be done on them they were in better shape than this one. If I didn't know what I was talking about I wouldn't say it. There are other people, this might be an improvement on what they can do, to show the level of, you know, ...but anyway, the Governor wants a re-election tool, that's why he's insisting on it being done this way. The Department of Economic Development could be instructed to do what I just suggested, work with the University of Nebraska; they've got something along this line already, so there is the expertise. You don't have to create a new entity. You don't have to give \$200,000 of taxpayers' money to do this. Now, if you wanted to try to hide it in the budget of DED, that's what you do because that's how you play the game. But there is not going to be created statutorily a new entity of government, a new level of bureaucracy; that is not going to be done. And everything mentioned in this bill can be achieved without this bill. If the Department of Economic Development felt that they don't have people over there who have been working all these years and taking that money and don't know how to do their job, then let them ask, in their budget, for \$200,000 to hire a person who can find somebody who's begging and somebody who has something to offer and bring them together and let them work it out the best way they can. This bill does not generate capital of any kind, venture or otherwise. It does not create a loan program, it does not create a market. It does not do any of that, it's a propaganda piece, and that's what I see it as being, and I don't think the Legislature exists for that purpose, unless one of the members of the Legislature wants to use it for that purpose, that's in house. And then we knock down and drag it out, but we decide on the floor that we don't have to run and get instructions from somebody outside the Legislature who has no respect for us in the first place, or

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they would have given something better to us than what they sent over here. Why do you think they send us this trash? Because we accept anything that's put on us. There is no institutional pride.

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: There is no recognition of the fact that since we control the purse strings the legislative branch is the most important of the three branches, it is the most powerful of the three branches, and we need to make use of that. If people read history, even if they only like economics, then read the role played by manipulating the purse strings. Find out what impact manipulation of the purse strings in England had on a revolution that took place in America. It wasn't just because a tax was on tea, and it wasn't just because a tax was to be put on newspapers and other printed material. People are given all those naive, simplistic notions in grade school and they never advance beyond it, so they don't understand the role that the purse strings have always played in...

SPEAKER KRISTENSEN: Time.

SENATOR CHAMBERS: ...the history of the world. Did you say time?

SPEAKER KRISTENSEN: Yes, I did. Senator, you have spoken three times on this amendment. I recognize you for closing on the amendment.

SENATOR CHAMBERS: To continue what I was going to say, but let me quote some...is Dr. Kruse in the...in the...in the house? He's not, but he's a preacher or he's a retired preacher and he hasn't forgotten everything. Old Paul, the imposter said, when I was a child I spoke as a child, I thought as a child, I behaved as a child. When I became a man I put away childish things. Many people in this society never...advance beyond the level of childhood when it comes to history. Their concept of history is the same as it was when they were in grade school. And as a result, when we wind up in a body such as the Legislature, we don't really understand the nature of a

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Legislature; we do not understand and appreciate its power, as a result the Legislature as a whole gets "whopped" on. Why do you think these people don't walk on me like they walk on some of you all? Because I'm not going to stand for it. You will not have somebody working for the Governor's office call me out in that Rotunda and shout me down and he not get knocked down. They do that to you all; I've seen it and I've heard it. They don't dictate to me about how I better vote on a bill, but I've seen it happen to you, because some of you have come to me and told me how you've got to vote on a certain bill that you don't agree with, but because of what the Governor told you, you better do or else, you've got to vote a certain way, or you've got to sit on your hands. That is not me. Why does cream rise to the top? Because it's not as white as the milk, that's why. You put that in your pipe and chew on it, I mean smoke it. (Laugh) What I want the Legislature to do, and it's not going to do it, is to recognize what it is that we are and insist that proper respect be shown to the Legislature as a body. But respect is not going to be given when people can take from you what they've got and there is no consequence, they're going to take it. Whom does the bully choose to whip on the playground? A common statement among the slaves was the slave most easily whipped was most often whipped, and the one that would stand up was called crazy, to justify them in leaving him alone, because you don't mess with crazy people. But he wasn't crazy and they knew it. All he had done was adopted the same attitude the slave owner had. I believe in self-defense. You cross my nose and I'm going to try to cross yours; and the cemetery accommodates people of your complexion like it does mine, so they say he's crazy, leave him alone. We need more crazy people in the Legislature then. But you all know that it is not insanity, you all know it is not madness, you all know it is not craziness, and you know what I'm saying is true and correct. This bill is an example of the kinds of things they bring to this Legislature which a Governor would never send to the legislatures in other states; it would be dead aborning, I mean that's a term, not Senator Bourne, because he's on this bill. But for us, anything goes. Send it over there. You don't even have to write it well. Grammar can be wrong, words can be misspelled. They don't know anything, they're dumbbells, they're cowards, spineless; we'll spit on 'em. The Attorney

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General does it, he writes insulting opinions to you all;...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...the Governor does it, he'll say insulting things publicly; he'll come over here and stand up in front of the Legislature and preach a sermon and you all dare not go to his office or that little room with the big old flag on the wall and preach a sermon. The only time you go in there is if he lets you. The Legislature, I guess like so many other things in this world, get...gets what it deserves. But I bet you one thing, they know that this cat is not a part of the herd. They talk about herding cats now. This is not one that will be herded. You can adopt the amendment or not but, whether you do or not, I'm going to still deal with the bill until I've exhausted what I think ought to be done with it from my side. Thank you, Mr. President.

SPEAKER KRISTENSEN: You've heard the closing. The question before the body is the adoption of the Chambers amendment to LB 225. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? There's been a request for a record vote. Record.

CLERK: (Record vote read, Legislative Journal pages 460-461.)  
3 ayes, 19 nays, Mr. President.

SPEAKER KRISTENSEN: The amendment is not adopted. Mr. Clerk, items for the record?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 278A to Select File; they also report LB 130, LB 134 as correctly engrossed. Senator Byars would like to add his name to LB 677; Senator Vrtiska, to LB 782. That's all that I have, Mr. President. (Legislative Journal page 461.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Senator Cudaback, you're recognized for your motion to adjourn.

SENATOR CUDABACK: I move that we adjourn until Wednesday morning at 9:00 a.m.,...

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FLOOR DEBATE

January 30, 2001

SPEAKER KRISTENSEN: You've heard the motion.

SENATOR CUDABACK: ...January 31st.

SPEAKER KRISTENSEN: All in favor of adjournment say aye. Those opposed say nay. We are adjourned.

Proofed by: Kathleen Higley