

JANUARY 31, 2001

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FLOOR DEBATE

January 31, 2001 LB 268, 313
LR 28

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Good morning, and welcome to the George W. Norris Legislative Chamber. This morning our chaplain of the day is Pastor Scott Daniell from the Mission Nebraska/Compassion Works here in Lincoln. He's a guest of Senator Erdman. Pastor.

PASTOR DANIELL: (Prayer offered.)

SPEAKER KRISTENSEN: I call the nineteenth day of the Nebraska Unicameral Legislature to order. Senators, please record your presence. Roll call.

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

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

SPEAKER KRISTENSEN: Any reports, announcements, or messages?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 313 to Select File with E & R amendments, and LB 268 to Select File. Retirement Systems offers a notice of hearing; Government, Military, Veterans Affairs, notice of hearing. And a new resolution by Senator Erdman, LR 28, congratulating the Potter-Dix High School team. That's all that I have, Mr. President. (Legislative Journal pages 463-465.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. (Visitors and doctor of the day introduced.) Senator Schrock, for what point of personal privilege do you rise?

SENATOR SCHROCK: Mr. Speaker, members of the Legislature, yesterday afternoon at 3:30 I became a grandfather again. Jacob Edward will join two sisters at home. They are age three and one and a half. The rolls this morning are provided by Senator Kremer and I. As you know, he had a granddaughter yesterday. Times are tough on the farm, so we decided to share the expenses. You only get treat once...treats once.

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SPEAKER KRISTENSEN: Thank you, Senator Schrock. Mr. Clerk, first item of business are confirmation reports.

CLERK: Mr. President, Senator Jensen, as Chair of Health and Human Services, offers the confirmation report found on page 430 of the Journal.

SPEAKER KRISTENSEN: Chair of the Health Committee, Senator Jensen, you're recognized to open on the confirmation report.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. The Health and Human Services Committee desires to report favorably upon appointment of the following persons to the...all to the Rural Health Advisory Commission. The committee suggests the appointments be confirmed by the Legislature at this time. We have seven members. I'll go through them. Number one, Janet Fletcher, a reappointment, she was unable to appear, but Senator Dierks appeared on her behalf. She is a physician's assistant from O'Neill, Nebraska. Number two is Marcia Freer, a reappointment, a professor of psychology at Doane College, Crete, Nebraska. Number three, Larry Eichelberger, a new appointment, he's a chief executive officer from Fillmore County in Geneva. The fourth is Donald Frey, a reappointment, was unable to appear personally, but Senator Bruning appeared in his behalf. He's a physician from Gretna, employed by Creighton University School of Medicine. The fifth one is Michael Sitorius, a reappointment. He's a family medicine physician at the University of Nebraska Med Center; lives in Omaha. The sixth is Todd Stuckey, a reappointment, a physician and family practice intern from Lincoln, Nebraska. And number seven is William Welch, a new appointment, administrator of the Jefferson Community Health Center in Fairbury. Mr. Chairman, I would ask that the body would approve the seven appointments to the Rural Health...and...the Rural Health Advisory Commission. Thank you.

SPEAKER KRISTENSEN: You've heard the opening. Debate on the confirmation? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I

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will do things on occasion to make a point and I had been objecting to all of the appointments that the Governor would send over here for confirmation unless the appointee was a female or a member of a minority group. I have been watching the types of appointments. I have seen correspondence where the Governor is seeking recommendations to these boards and commissions and whatnot. Although I don't think that appointments to very significant positions are as they should be, but it appears the Governor is responding, is trying to include...let me say it this way, trying to be more inclusive, so I know it's going to disappoint a lot of you, but you will not hear me every morning standing up now when there is a list or a single appointee and giving my usual objection. I'm going to ride with the tide, go...there will be other things. I'm going to ride with the tide and go with the flow and see how things work out, but I do think that I should publicly acknowledge that I see a difference occurring when I have so publicly been critical. That's all that I have to say.

SPEAKER KRISTENSEN: Seeing no further debate, Senator Jensen, you're recognized to close on the confirmation report. He waives that. The question before the body is the adoption of the Health Committee confirmation report. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Please record.

CLERK: (Record vote, Legislative Journal page 465.) 38 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SPEAKER KRISTENSEN: Confirmation report is adopted. We next move to Select File, LB 668A (sic--LB 168A). Mr. Clerk.

CLERK: Mr. President, LB 168A. Senator Erdman, I have no amendments to that bill, Senator.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: Mr. President, I move the advancement of LB 168A to E & R for engrossing.

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SPEAKER KRISTENSEN: Heard the motion. The question before the body is the advancement of LB 168A. All those in favor say aye. Those opposed say nay. It is advanced. LB...

CLERK: Senator...

SPEAKER KRISTENSEN: LB 68.

CLERK: Excuse me, Mr. President. Senator, LB 68, I have no amendments to that bill.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance LB 68.

SENATOR ERDMAN: Thank you. I move the advancement of LB 68 to E & R for engrossing.

SPEAKER KRISTENSEN: Heard the motion. The question before the body is advancement of LB 68. All those in favor say aye. Those opposed say nay. It is advanced. LB 67.

CLERK: LB 67, Senator, I have no amendments to the bill.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance LB 67.

SENATOR ERDMAN: I move the advancement of LB 67 to E & R for engrossing.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is the advancement of LB 67. All those in favor say aye. Those opposed say nay. It is advanced. LB 252.

CLERK: Mr. President, LB 252, I have no amendments. I did have a motion, but a note to withdraw. Senator Erdman, as a result of that withdrawal, I have no amendments to the bill, Senator.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance LB 252.

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SENATOR ERDMAN: I move the advancement of LB 252 to E & R for engrossing.

SPEAKER KRISTENSEN: Heard the motion. The question before the body is the advancement of LB 252. All those in favor say aye. Those opposed say nay. It is advanced. LB 111.

CLERK: LB 111, Mr. President. E & R amendments first of all, Senator. (AM7017, Legislative Journal page 409.)

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to adopt the E & R amendments.

SENATOR ERDMAN: I move the adoption of the E & R amendments to LB 111.

SPEAKER KRISTENSEN: Question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: Senator Schrock would move to amend. (AM0109, Legislative Journal page 425.)

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

SENATOR SCHROCK: Mr. Speaker, members of the Legislature, this is clean-up language recommended by Bill Drafters. On page 9, on line 9, after "commission" insert "pursuant to Section 37-432". That is the content of the amendment.

SPEAKER KRISTENSEN: Debate on the amendment? Seeing none, Senator Schrock, you're recognized to close. He waives that closing. The question before the body is the adoption of the Schrock amendment. All those in favor vote aye; all those opposed vote nay. Please record.

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Schrock's amendment.

SPEAKER KRISTENSEN: The amendment is adopted.

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CLERK: I have nothing further on the bill, Senator Erdman.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: Thank you. I move the advancement of LB 111 to E & R for engrossing.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is the advancement of LB 111. All those in favor say aye. Those opposed say nay. It is advanced. LB 131.

CLERK: LB 131, Senator, I do have E & R amendments. (AM7014, Legislative Journal page 409.)

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to adopt amendments.

SENATOR ERDMAN: Mr. President, I move the adoption of the E & R amendments to LB 131.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: I move the advancement of LB 131 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is the advancement of LB 131. All those in favor say aye. Those opposed say nay. It is advanced. LB 118.

CLERK: LB 118, Senator, I have no amendments to that bill.

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SPEAKER KRISTENSEN: Senator Erdman, you are recognized for a motion to advance.

SENATOR ERDMAN: Mr. President, I move the advancement of LB 118 to E & R for engrossing.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is to advance LB 118. All those in favor say aye. Those opposed say nay. It is advanced. LB 156.

CLERK: LB 156, Senator, I have no amendments.

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: I move the advancement of LB 156 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is the advancement of LB 156. All those in favor say aye. Those opposed say nay. It is advanced. LB 365.

CLERK: LB 365, Senator, I have no amendments to the bill.

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: I move the advancement of LB 365 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is the advancement of LB 365. All those in favor say aye. Those opposed say nay. It is advanced. LB 275.

CLERK: LB 275, Senator, no amendments to the bill.

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: I move the advancement of LB 275 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is advancement of

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LB 275. All those in favor say aye. Those opposed say nay. It is advanced. LB 209.

CLERK: Senator Erdman, I do have E & R amendments pending. (AM7018, Legislative Journal page 419.)

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to adopt those amendments.

SENATOR ERDMAN: I move the adoption of the E & R amendments to LB 209.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: I move the advancement of LB 209 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is the advancement of LB 209. All those in favor say aye. Those opposed say nay. It is advanced. LB 214.

CLERK: LB 214, Senator, first of all E & R amendments. (AM7015, Legislative Journal page 419.)

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: I move the adoption of the E & R amendments to LB 214.

SPEAKER KRISTENSEN: Question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: Senator Chambers would move to amend. (AM0144,

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Legislative Journal page 456.)

SPEAKER KRISTENSEN: Senator Chambers, you're recognized to open on your amendment, AM0144.

CLERK: You're inserting new language, Senator. It says this: "the act existed on the effective date of this act". I don't know if that's helpful.

SENATOR CHAMBERS: Thank you, yes. Mr. President, members of the Legislature and Senator Jensen, what I'm doing is finding those bills that make a reference to federal regulations or federal statutes and am having an amendment drafted which does what is necessary to be done under the law, that is to say that that particular reference is to that federal regulation or statute as it exists on the effective date of the act in question. That is how we prevent an inappropriate delegation of legislative authority. I had a somewhat lengthy back and forth with Senator Wickersham on his bill which each year must update the references in statute to the Internal Revenue Code. They have to state each year "to the code as it exists on the effective date of this act". The reason for that is to ensure that we are not trying to create a situation where every time Congress changes a law it automatically changes the law in Nebraska. If we leave these references open-ended, the bill can be struck down as unconstitutional if that reference or an attempt to incorporate that provision of the federal law into Nebraska law is essential to the operation of the bill. So I will be offering amendments of this kind on every bill that I can detect or which is brought to my attention which just has that open-ended reference. I saw Senator Jensen nodding that he agrees with this but, in order that it can be done on the record I would like to ask Senator Jensen to yield to a question.

SPEAKER KRISTENSEN: Senator Jensen, would you respond?

SENATOR JENSEN: Yes.

SENATOR CHAMBERS: Senator Jensen, are you aware of what I'm doing with this amendment?

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SENATOR JENSEN: Yes, Senator, I am and I had my light on to just respond that I approve of what you're saying and have no objection.

SENATOR CHAMBERS: Thank you. And, members of the Legislature, I don't want anybody to take offense or to see what I'm doing as a criticism. It's just one of those technical things which ought to exist, ought to be done, in legislation. There is one bill that has come out of the Business and Labor Committee, and I'm a member of that committee. I don't like the bill. It makes numerous references to federal statutes and I could have just sat on that and let the bill go through and then attack it for that purpose, but I don't want to do it on that basis. If I'm going to criticize the bill I will do it on its merit. So I've prepared such an amendment as this on that bill, which I don't like, but I will make clear what bill that is when it comes before us. Mr. President, I have nothing else to say, but if there are any questions I will be prepared to answer them.

SPEAKER KRISTENSEN: Debate on the Chambers amendment? Seeing none, Senator Chambers, you're recognized to close. He waives that closing. The question before the body is the adoption of the Chambers amendment. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

SPEAKER KRISTENSEN: The amendment is adopted.

CLERK: I have nothing further on the bill, Senator.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: Thank you. I move the advancement of LB 214 to E & R for engrossing.

SPEAKER KRISTENSEN: Heard the motion. The question before the body is advancement. All those in favor say aye. Those opposed say nay. It is advanced. LB 515. Chair apologizes for any

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confusion. LB 151.

CLERK: Senator Erdman, I have no amendments to that bill, Senator.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: Mr. President, I move the advancement of LB 151 to E & R for engrossing.

SPEAKER KRISTENSEN: Heard the motion. The question before the body is advancement. All those in favor say aye. Those opposed say nay. LB 151 is advanced. LB 128.

CLERK: Senator, I have no E & R, but Senator Schrock would move to amend with AM0088. (Legislative Journal page 390.)

SPEAKER KRISTENSEN: Senator Schrock, you're recognized for your amendment.

SENATOR SCHROCK: Mr. Speaker, members of the Legislature, LB 128 is a bill that brought to me by the Department of Environmental Quality and it concerns the Solid Waste Management Cash Fund, and this is money that is received from tipping fees at our landfills facilities. The amendment is found on page 3, line 15, and what it would allow, it would allow 10 percent of the money in...to be used for demolition and clean up of abandoned buildings in cities and villages, instead of 5 percent. If you have any questions about this, please...please ask and we'll try to answer them.

SPEAKER KRISTENSEN: You've heard the opening on the amendment. Senator Beutler, would you like to be recognized?

SENATOR BEUTLER: I would, Mr. Speaker, and my light apparently doesn't work.

SPEAKER KRISTENSEN: It was flashing on and off.

SENATOR BEUTLER: Was it? Doesn't work here then. Doesn't work

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for me. In any event, Senator Schrock, could you explain the amendment once more? It's allowing a greater percentage of the money to be used...

SENATOR SCHROCK: For the demolition of...of old buildings and their clean up in cities and villages, and it was an issue brought to us because a lot of these are orphan sites that nobody wants to clean up and so it's increasing the amount of money that can be used for that purpose.

SENATOR BEUTLER: Are these sites that have been damaged environmentally by some kind of hazardous product?

SENATOR SCHROCK: That is...that is a distinct possibility. In most cases, it is a site that may have hazardous material. Just may be a site that has asbestos or something like that in it.

SENATOR BEUTLER: Could it be a site that just has old buildings on it and nothing more?

SENATOR SCHROCK: That...that is correct.

SENATOR BEUTLER: Okay, thank you. I'm...I'm opposed to amendment of this type for a variety of reasons and we're starting down a path here which I think is not wise. This money was originally, and originally exclusively, used for the clean up of problems that were caused for environmental reasons of one type of another. I haven't seen Senator Schrock's amendment, but if this amendment, in fact, allows simply the money to go to small villages for the purpose of cleaning lots out that simply have old and decrepit buildings on them, then it seems to me that we're essentially changing the nature of these programs, and not only changing the natures of the program but narrowing those who can benefit from the program to apparently small towns and villages. Senator Schrock, let me ask you, is this money limited to small towns and villages? Senator Schrock, I would...

SPEAKER KRISTENSEN: Senator Schrock, would you respond?

SENATOR BEUTLER: ...I would ask him to yield to a question.

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SPEAKER KRISTENSEN: Senator Schrock, would you respond?

SENATOR SCHROCK: It is limited to second class cities and villages, and do you want me to expand any on that, Senator Beutler?

SENATOR BEUTLER: If you would like, Senator.

SENATOR SCHROCK: Well, the bill was brought to us by DEQ and apparently there's more demand for this fund to clean up old building sites than they have capacity to meet those needs. And, of course, once...once a building is in disrepair or is falling down or has been demolished, it becomes an environmental hazard if it's not cleaned up, and so that's the purpose of the bill. The tipping fee at the landfills generates about \$2 million a year and \$1 million of it goes to the Solid Waste Management...Cash Management Fund and they would like to use, instead of 5 percent of that \$1 million a year, they would like to use about 10 percent a year, and we're talking about \$110,000 a year instead of \$55,000 a year that can be used for those purposes. You know, I don't have any big...big stake in this issue if you want to defeat the amendment, but this was a recommendation to our committee by DEQ and so, from that standpoint, I support it. How big an item it is I can't tell you at this time but, you know, abandoned buildings, buildings that are falling down in second class cities and villages, it is a problem. But we have a lot of problems in this state.

SENATOR BEUTLER: Senator, thank you, but it seems to me that...did this have a hearing? Was this part of the hearing?

SENATOR SCHROCK: Yes, it was.

SENATOR BEUTLER: And it was not included by the committee after the hearing.

SPEAKER KRISTENSEN: One minute.

SENATOR SCHROCK: This was discussed by the committee and we did not get an amendment. It was discussed late by the committee

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and we did not...we were trying to get an amendment drafted for General File and we were too late, so that's why the Select File. So this seems a rather late date, but it was an issue that was discussed in front of the committee.

SENATOR BEUTLER: Well, at least it was discussed in front of the committee, but I would be very much opposed to suddenly taking this money and using it simply for old buildings because, obviously, the number of old buildings that are decaying around the state are enormous, and we're taking money away from the solution of environmental problems to the solution of problems that were not brought on by the environment but simply by changing conditions in the rural areas, and I think this is entirely inappropriate for this fund. This...

SPEAKER KRISTENSEN: Time. Senator Beutler, I think you did want your light on, and I'll recognize you for another five minutes, and then Senator Schrock is next.

SENATOR BEUTLER: Senator Schrock, isn't it true that there are enough buildings out there to use all the money in this fund and a whole lot more if you're going to start putting state money into the cleaning up of lots in cities and towns and, for that matter, there are lots in Omaha and Lincoln too that need cleaning up for that matter? Why are we using this fund for that? Why don't we take that out of General Funds if that's...if that's the purpose of all this? But it seems like time after time people come after money that's going to the environment. We can't even provide for water quality out there. We're letting \$2 million go down the drain for water quality because we can't find the money, and then we're siphoning off more environmental money to clean up lots in small towns. This just seems to me like another step in the direction of the degradation of the environment at a time when I don't think we can afford to do that. We should be doing more before the federal government gets on our case. And I'll just...just state that I think this is a very poor policy decision and an inappropriate direction in which to be going, and I certainly hope this body will not endorse further policy direction in this direction. Thank you.

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SPEAKER KRISTENSEN: Senator Schrock.

SENATOR SCHROCK: Senator, Mr. Speaker, members of the Legislature, if we don't adopt this, they'll become orphan sites and then I don't know how it gets cleaned up. But let me go back to a question that Senator Vrtiska posed on General File. He wanted to know where the sites were that this million dollars was being used to clean up. We have one, a landfill, at Plattsmouth, Nebraska. The closed facility has severe erosion problems associated with final cover system. Waste washes into the drainageway and on to adjacent property and downstream towards the Missouri River. Number two is a large site, one million tires, scrap tires, near Wakefield, Nebraska. The responsible person is bankrupt. This site poses a potential fire hazard and mosquito problem. Those are the two largest products that we...projects that we have for the Waste Management Fund. There's a site near Superior owned by an absentee landowner. It's been a dumping ground for household appliances. There is private property in Dawson County where unsuccessful attempts at compelling the owner clean up several hundred scrap truck and passenger tires. There's a landfill at Lodgepole, Nebraska. The closed facility was purchased by an individual who we believe has since passed away. Site contains scrap tires and construction and demolition derby...or debris. And the private property near O'Neill, Nebraska--unsuccessful attempts at compelling owners to clean up illegally dumped construction and demolition debris at the...and a collection of scrap tires. So it would appear to me that if they would want to use 10 percent of this fund to clean up abandoned sites where...where old buildings have fallen down in some of our small villages that would be appropriate use for the tipping fees of these landfill sites. If you disagree with that, and 25 people disagree with it, so be it, but I will be voting for the amendment. You know, we have time between now and Final Reading if we can resolve this, but I don't know what your pleasure is.

SPEAKER KRISTENSEN: Senator Vrtiska.

SENATOR VRTISKA: Thank you, Mr. Speaker, members of the body. A question for Senator Schrock, please.

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SPEAKER KRISTENSEN: Senator Schrock, would you respond?

SENATOR VRTISKA: Senator Schrock, listening to the debate and discussion and discussions we've had previous, isn't, in fact, this an environmental issue? Doesn't the cleaning up of some of these lots and buildings that are situated on them in fact one of the environmental problems that we've talked about in the past and this, in fact, is supposed to take care of that? Isn't that the purpose of this?

SENATOR SCHROCK: Well, Senator Vrtiska, I would agree with you, I think that is the purpose of the...of this Solid Waste Management Fund, to clean up...to clean up abandoned sites, the sites that wouldn't be cleaned up otherwise and where unsuccessful attempts to compel the owner or the responsible party to clean it up have failed.

SENATOR VRTISKA: Well, obviously, I support the bill because I think that...or the amendment, because I think that what we're talking about is the overall environmental issues that we have addressed over the years and I think this is just one more step in that direction. And I would hate to see we dismiss this issue saying that it's not a problem when I think those of us who live in these areas know that this, in fact, is an environmental problem and contributes to the...to the degradation of the environment that is a problem for all of us. So I am going to support the amendment and I hope that my colleagues will agree that this is not money just thrown away for...and taken away from the environmental issue, because it is an environmental issue. With that, Mr. Speaker, I'll return the balance of my time back to the Chair.

SPEAKER KRISTENSEN: Senator Baker.

SENATOR BAKER: Thank you, Mr. Speaker, members. I also rise in support of the amendment. I understand Senator Beutler's concerns here, but these Class II cities and villages, in many cases, have received tax deeds on this property. It's property that may have some environmental problems with it. In the cases I'm familiar with, there's asbestos in these buildings and they're just sitting there falling down. They're a health

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hazard because kids play in these things, not just because of the asbestos but because of the safety problems also, and it is an environmental problem. Senator Vrtiska hit the nail right on the head. This does address that environmental problem with these old dilapidated buildings that the owners have simply walked away from, not paid the taxes on. In the case of counties and villages, they now own them, and this would help clean those sites up. So I support the amendment. Thank you.

SPEAKER KRISTENSEN: Senator Beutler.

SENATOR BEUTLER: If I'm understanding this amendment correctly, and my computer is not working so I'm a little slow here, but if I understand this amendment, this is very, very broad. This doesn't have to do necessarily at all, though Senator Schrock talks about a particular area that would probably come under the definition, anybody's definition, of an environmental problem, but if what's happening here is simply any condemned building, a building that doesn't have any gas problem with it, doesn't have any pollution problem with it whatsoever, is not an environmental problem except if one defines "environment" to include everything that a person can see, touch, feel, smell, et cetera. But that's not what we usually mean when we talk about environmental problems. We're talking about man-made pollution and cleaning up man-made pollution. If...if you're going to broaden that to include buildings that are simply dilapidated over time because somebody hasn't taken care of them because there is simply no economic motive to take care of them, that's a public safety problem. I suppose, if you wanted to define "environment" that broadly, we could give the money to the fire departments because certainly a burning building is an environmental problem. But that's not what we're talking about here and I think we all know it. We're siphoning off funds for environmental causes to the cleaning up of dilapidated buildings, and there is no end to that expense, but it's a local expense. It should be picked up locally. Time and time again, we're continuing to pick up at the state level things that should be local expenditures, and now we want to pick up this one by taking the money out the Environmental Fund, and I don't think that's appropriate. I suppose we could add cities of the metropolitan class and cities of the primary class and cities of

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the first class. They all have dilapidated buildings too and probably should share in this state money, if that's what we're doing. But I don't want to do that either. I want this fund to be used for the purposes for which it should be used. If we can't use it for that purpose, let's switch it into water quality uses for the Natural Resources Enhancement Fund. Again, we're stealing, stealing, stealing. Every year there are proposals in this Legislature to steal money from...that's directed towards the care and perpetuation and upkeep of the environment to other causes, and I understand that process. We all do that all the time for the things that are most important to us to the things that are least important to us. But I would argue to you that the environmental causes...that we're not taking care of our environmental problems in this state, and now we're even going backwards to the point where we're going to rely on the natural resource districts apparently to raise their property taxes, and we all know how much they like to do that, to take care of environmental problems, \$2 million worth, that are no longer going to be taken care of through a state tax. Well, the problems just aren't going to get taken care of. Some of the NRDs don't even have the levy authority to maintain the operations that they...that they currently have in terms of water quality monitoring and water quality incentive programs. So we're going downhill at the moment in this area and what we want to seem to want to do here is accelerate the downhill movement. If we need to have a bill go in to take care of dilapidated buildings in...

SPEAKER KRISTENSEN: One minute.

SENATOR BEUTLER: ...cities of the second class and villages, there should be a separate bill and a separate debate and a whole separate item on that. It shouldn't be something where we're trying to shift funds out of an Environmental Fund for that purpose without a full-blown debate, starting on General File, and a discussion philosophically at length on this whole matter. So we can put on this amendment, but that's going to make this an entirely different kind of bill with an entirely different kind of attitude on at least a portion of this Legislature, at least one member, and it's not going to go down easy. Thank you.

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SPEAKER KRISTENSEN: Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I rise in support of the amendment. What we are doing is actually using some of the monies that are in the fund that is regulated under the Solid Waste Management Act, the Nebraska Litter Reduction and Recycling Act, and the Waste Reduction and Recycling Act, and I feel, as others that have spoke on this issue, that it does relate to the environment and that this would provide us an opportunity to go ahead and use these funds in these cities that...where it needs to be used. So I rise in support and hope that you will also. Thank you.

SPEAKER KRISTENSEN: Senator Vrtiska.

SENATOR VRTISKA: Thank you, Mr. Speaker. Again, just a comment. I think if Senator Beutler would go out to some of these small villages and communities and see some of the environmental problems that have developed around these sites that we're talking about he would perhaps have a different view on whether there was, in fact, an environmental issue when you understand that some of these places are, in fact, causing a great deal of problems with the environment and will, in fact, continue to do that if somebody doesn't do that. And Senator Baker mentioned that some of these are properties that are acquired by either the county or the...or by the village or the community because nobody paid the taxes and walked away from them. They're sitting there becoming an environmental hazard to the community and to the state as a whole. That's the only reason that I think this is a small amount of money that we need to, in fact...I'm not...I'm not here to tell you we ought to do this to bail out these communities or these issues except that the environment is at stake. And if we're really and truly concerned about the environment and want to protect the environment, then this is the kind of legislation that will help do that. And so I am going to continue to support this because I still feel that it's an issue that is directly related to our environment and that's what this entire piece of legislation and these dollars were set out for. So, with that, I am going to strongly suggest that my colleagues listen carefully and cast

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their vote to, in fact, include this amendment into LB 128. Thank you.

SPEAKER KRISTENSEN: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm going to work with Senator Beutler to defeat this bill. This is a wide-open invitation to plunder the treasury and, to be frank about it, I'm getting a little weary of these smaller rural areas coming in here saying give us all this money and trust us. But you all will not help me stop abuses of the law in Omaha. You know what the Omaha City Council did yesterday or whenever they met? They declared the Henry Doorly Zoo to be blighted and substandard so that they can get tax increment financing. These are abuses of the law. When I stand up and fight against those laws when they're being offered I will always say the purpose is to gouge the public and help these people who already have the wherewithal to do what they want, and the bills go ahead and pass. Then the abuse surfaces and then I have to stand up and fight the battle again. Fortunately, while I was occupied on other matters this morning, Senator Beutler paid attention to this amendment. What you have in this process is a jockey that's bigger than the horse, or the jockey is carrying the horse. What is being offered by this amendment is of greater substance than the bill itself, and if this amendment is adopted I tell you all I'm going to do all I can, within the rules, to defeat this bill. I don't know how far Senator Beutler is willing to go on it, but once something comes to my attention and I believe that it is not in the interest of all of the public I will fight it. It's not necessary that this amendment be offered. It is not a reflection of public policy as formulated by the Legislature. It was brought by somebody. And I'd like to ask Senator Schrock a question since I may have missed some of his initial presentation.

SPEAKER KRISTENSEN: Senator Schrock.

SENATOR CHAMBERS: Senator Schrock, did you say that this...this amendment was brought to you by some agency or department?

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SENATOR SCHROCK: The Department of Environmental Quality, Senator Chambers.

SENATOR CHAMBERS: And what rationale did they give you when they brought it?

SENATOR SCHROCK: Well, the demand for this money is...the demand to use this money, and they right now have the authority to use 5 percent of the Waste Management Fund, the demand for that portion of it is greater than they can supply the money for at the present time, and they think this is a worthwhile endeavor and...and it's doing a service to the state of Nebraska and especially to our small cities and communities.

SENATOR CHAMBERS: Is this the kind of project that was in mind when the first bill was passed that allowed the expenditure of that percentage of the money that you mentioned? Was this mentioned as one of the types of projects that that bill envisioned when it was passed originally into law?

SENATOR SCHROCK: You know, I'm not sure what was envisioned originally, Senator Chambers, I'd just be quite honest with you there, but it was supposed to be used for environmental issues and clean-up issues, as I understand, and certainly DEQ feels like this falls under that...under that category. Now...

SENATOR CHAMBERS: Let me ask you another question.

SENATOR SCHROCK: Certainly.

SENATOR CHAMBERS: If it was your time I wouldn't be cutting you, but I'm running out of time.

SENATOR SCHROCK: No, that's fine, and I'll push my button and give you my time if you want. ;

SENATOR CHAMBERS: Okay. If there were some trees that are rotted, would this money be spent for that purpose,...

SENATOR SCHROCK: No.

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SENATOR CHAMBERS: ...to cut down these trees and remove them?

SENATOR SCHROCK: No, that's not an environmental problem. It would not be used for that.

SENATOR CHAMBERS: Well, it seems it would be a greater risk to the environment, because it could spread diseases to other trees, than tearing down old buildings which are not going to infect other buildings. So if I would offer an amendment that said wherever...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...trees that are infected with Dutch elm disease and get others that are happening in Omaha and this money can be spent for that purpose, would you support that amendment? Senator Schrock, would you support that amendment?

SENATOR SCHROCK: Now repeat that. I was talking to counsel.

SENATOR CHAMBERS: Okay. If I would offer an amendment that would allow this money to be spent for the removal of all infected trees, would you support that amendment?

SENATOR SCHROCK: No, I would not, Senator Chambers.

SENATOR CHAMBERS: You don't think infected trees that will infect other trees affects the environment?

SENATOR SCHROCK: Well, there's a lot of things that can affect the environment, but I don't think that was envisioned by the people who created the Solid Waste Management Fund.

SENATOR CHAMBERS: But you think tearing down old buildings was.

SENATOR SCHROCK: Senator Chambers, this money cannot be used for the demolition or the tearing down of buildings. It's for the cleanup of buildings that are already laying in a heap and there's no responsible party around to take care of it.

SENATOR CHAMBERS: Well, the county is there. It's on...it's in

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a county, isn't it?

SENATOR SCHROCK: In a county or a city, and there's...

SENATOR CHAMBERS: Don't they have the re...

SPEAKER KRISTENSEN: Time.

SENATOR CHAMBERS: ...don't they have the responsibility to take care of nuisances and dangers to the public?

SPEAKER KRISTENSEN: Time. Senator Preister.

SENATOR PREISTER: Thank you, Honorable President. I rise in opposition to the amendment. It's similar to what had been a bill and a concept that the city of Omaha was attempting to do as well, and I didn't think it was right that the city of Omaha attempted to use environmental funds to address some of the environmental contamination in buildings in Omaha. I think the...that the Litter Reduction and Recycling Act was designed to deal with recycling and litter reduction. I don't think that old buildings are going to necessarily be recycled, and old barns or farm buildings do have a lot of value. People put a lot of value on all that wood and would recycle and reuse those. These aren't necessarily in the same vein of recycling. They do need to be cleaned up. They can be a problem, I don't question that, but I don't think that this fund is the appropriate place to use the money to be able to do that. I'm not real certain when the Department of Environmental Quality seems to say that they have additional funds that can be used. When we have such great demand across the state to use these dollars that we have in various aspects for recycling and litter reduction particularly, that they are saying in this category they have excess funds. I really don't understand that. We have much more demand. When the grant requests on all of these funds come in there inevitably seems to be more requests than they're able to fulfill. I support the bill, but this amendment I think to allow such a broad use of these funds, which I don't believe was the original intention, I can't support and do stand in strong opposition against. Thank you.

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January 31, 2001 LB 24, 128, 162

SPEAKER KRISTENSEN: Members, I want to take this opportunity at this point in time, this morning the goal was to move to Select File and try to get those quickly and there was an open bill. LB 225, is where I wanted to spend the morning doing. What I'm going to do at this point in time is I'm going to pass over LB 128 and just take the remaining bills on Select File this morning that are clean and then we will move on to...to General File. So I'll start here and change the agenda at this point and just take those Select File bills, I'll...I'll go a little slower here for a minute so everybody can get their bearings, that are clean this morning except for E & R amendments, and we'll move through the agenda at that point in time. Mr. Clerk, we'll next move to LB 162.

CLERK: Senator Erdman, LB 162, I have Enrollment and Review amendments, Senator. (AM7023, Legislative Journal page 434.)

SPEAKER KRISTENSEN: Senator Erdman, you're recognized.

SENATOR ERDMAN: You do? You do have amendments?

CLERK: Yes, sir, I do.

SENATOR ERDMAN: Okay. I move the adoption of the E & R amendments to LB 162.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: I have nothing further on that bill, Senator.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: Thank you. I move the advancement of LB 162 to E & R for engrossing.

SPEAKER KRISTENSEN: Heard the motion to advance. All those in favor say aye. Those opposed say nay. It is advanced. LB 24.

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January 31, 2001 LB 24, 173

CLERK: LB 24, Senator, I do have E & R amendments. (AM7016, Legislative Journal page 434.)

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for the E & R amendments.

SENATOR ERDMAN: I move the adoption of the E & R amendments to LB 24.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: I have nothing further on LB 24, Senator.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: I move the advancement of LB 24 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is the advancement of LB 24. All those in favor say aye. Those opposed say nay. It is advanced. LB 173.

CLERK: LB 173, Senator, I do have E & R amendments. (AM7024, Legislative Journal page 438.)

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: Mr. President, I move the adoption of the E & R amendments to LB 173.

SPEAKER KRISTENSEN: Question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They are adopted.

CLERK: I have nothing further on LB 173, Senator.

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January 31, 2001 LB 173, 295, 302

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: I move the advancement of LB 173 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is advancement. All those in favor say aye. Those opposed say nay. It is advanced. Mr. Clerk, LB 295.

CLERK: LB 295, Senator, I do have E & R amendments pending. (AM7019, Legislative Journal page 438.)

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: I move the adoption of the E & R amendments to LB 295.

SPEAKER KRISTENSEN: Question before the body is the adoption of the E & R amendments. All those in favor say aye. Those opposed say nay. They're adopted.

CLERK: I have nothing further on LB 295, Senator.

SPEAKER KRISTENSEN: Senator Erdman, motion to advance.

SENATOR ERDMAN: I move the advancement of LB 295 to E & R for engrossing.

SPEAKER KRISTENSEN: Heard the motion for advancement. All those in favor say aye. Those opposed say nay. It is advanced. LB 302.

CLERK: LB 302, Senator, I do have E & R amendments. (AM7021, Legislative Journal page 438.)

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: Mr. President, I move the adoption of E & R amendments to LB 302.

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January 31, 2001 LB 225, 302, 362

SPEAKER KRISTENSEN: Heard the motion. The question before the body is the adoption of the E & R amendments. All in favor say aye. Those opposed say nay. It is adopted.

CLERK: I have nothing further on LB 302, Senator.

SPEAKER KRISTENSEN: Senator Erdman.

SENATOR ERDMAN: Mr. President, I move the advancement of LB 302 to E & R for engrossing.

SPEAKER KRISTENSEN: The question before the body is the advancement of LB 302. All those in favor say aye. Those opposed say nay. It is advanced. LB 105.

CLERK: LB 105, Senator, I have no amendments to that bill.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized.

CLERK: Just a minute, I'm sorry.

SPEAKER KRISTENSEN: We will pass over LB 105. LB 362.

CLERK: LB 362, Senator, I have no amendments to the bill.

SPEAKER KRISTENSEN: Senator Erdman, you're recognized for a motion to advance.

SENATOR ERDMAN: Mr. President, I move the advancement of LB 362 to E & R for engrossing.

SPEAKER KRISTENSEN: Question before the body is the advancement of LB 362. All in favor say aye. Those opposed say nay. It is advanced. We'll next move to General File. Mr. Clerk.

CLERK: Mr. President, LB 225, a bill by Senator Landis at the request of the Governor. (Read title.) Introduced on January 5, considered on two separate occasions, the 29th and the 30th, by the Legislature. At this time, Mr. President, I have no amendments pending to the bill.

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SPEAKER KRISTENSEN: We are debating the advancement of LB 225. Senator Chambers, you're recognized. This is the advancement of LB 225, Senator Chambers.

SENATOR CHAMBERS: Oh, thank you.

SPEAKER KRISTENSEN: I was recognizing your light.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. This is that terrible bill that we've been talking about. I had the opportunity during the hearing yesterday before the Ag Committee to draw a comparison between the way this bill, LB 225, is being handled and one that deals with carbon sequestration. Now on that carbon sequestration bill, we were told that it was going to be something of substance that will benefit landowners, that will keep carbons in the soil by disturbing it, and all the other wonderful things that would happen, and the Governor vetoed the money out of that bill, which suggests that it's not too important, but he did suggest that they go with a tin cup to one of these agencies that I think they get money from the lottery and ask them for some money. So the question that occurred to me, and I raised it before the committee members, if that program was deemed to be one of substance, why would the Governor veto the money out of that bill, and yet we're battling on a bill on the floor of the Legislature dealing with venture capital and there is no measurable result that anybody can expect to be shown? And I drew that comparison to try to alert my colleagues to why I'm fighting against LB 225. It is not a bill of substance. Highly political is what I think it is. That carbon sequestration bill is supported by people in the rural areas to the best of my knowledge, but their money was taken away. There had to be a study and an assessment made to determine certain aspects of this program, how they impact, and so forth. That money was taken away. Here you have a bill that wants to throw \$200,000 into a pot which will be spent to do things that can be done, and to some extent these things are being done already without the expenditure of extra public money. If the Department of Economic Development would do what it is supposed to do, we would not have this bill before us, but the reason we have it is not because DED cannot do what it is supposed to do. We have it

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before us because it's the first shot in a political battle, and it also is the first shot in a battle for money. We know, and I'm going to keep repeating it ad infinitum that there is a finite amount of money available to be spent this session, as in all sessions. There are issues identified by the media which would include newspaper editors, by teachers' groups, by others, relative to education, raising teachers' salaries, giving money to Omaha, even though they got a quarter of a billion dollar bond issue but they didn't want to spend that money for textbooks, so now they want the state to give them that money. Well, that is something I'm going to fight. But suppose I cannot be successful in my battle and that money comes out of the treasury. Every dollar that goes out makes one dollar less available for other programs. Other than Senator Landis, whose name is on this book, this bill...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...and he feels now he's got to stay with it, I haven't seen anybody losing sweat or shedding tears over this bill. I have taken some time, but I'm not shedding tears and, believe it or not, what I am doing is a service for the others of you who may have A bills on bills. Thank you, Mr. President.

SPEAKER KRISTENSEN: Senator Chambers, your light is the next one.

SENATOR CHAMBERS: Thank you. I would like to ask Senator Bourne a question, since he is on this bill.

SPEAKER KRISTENSEN: Senator Bourne.

SENATOR CHAMBERS: Senator Bourne, I was going to go after Senator Jensen, but he always manages to not be here at the time that I'm going to do this questioning.

SENATOR BOURNE: Very convenient.

SENATOR CHAMBERS: And Senator Landis doesn't want to answer any questions, so I want to ask you this. Do you believe that if this bill were enacted, it is so complex in what it purports to

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do, that a year's existence will not give an indication of whether or not it is going to be successful? Let me ask you this another way. Do you think one year would be long enough to see whether or not this bill is going to do anything?

SENATOR BOURNE: Actually, I don't think it would. I think that it takes awhile for a program like this to get up and get going, so I, personally, think that a year would be too short to determine whether or not there is any success to it.

SENATOR CHAMBERS: And you...okay, that's all I'll ask you at this point because I'm going to offer an amendment but that's what I wanted to ask you. There are senators who have come to me and expressed opposition to the bill, but those comments are not being made on the floor. So I've got to operate on the presumption that people being silent are giving consent to the bill, which means I have to continue to build a record of why I'm opposed to the bill, and also to make it clear that all aspects of the bill were discussed, that nothing was done by me undercover. I did all that I could and I'll continue to do it to draw attention to aspects of this bill which I think should defeat the bill. I saw something in the paper where a gentleman with the university works for some...one of these things that the Legislature created, some outfit that does something or other, and they met at his headquarters. Well, to justify their existence, he's got to say that these meetings are good and what comes out of these meetings is good, and this came out of one of those meetings at his outfit, therefore, it is good and now there should be some money to keep that outfit operational. But if the outfit is supposed to do these kind of things and cannot do it, I'm going to locate that operation in the university's budget and I'm going to try to remove it because we're having too much duplication. His outfit, this man said he is working on these kind of programs, these kind of things right now, but he can't get the job done. So we have created his operation. I don't know if it is called some kind of institute, but you know how they give those names to these things. We don't need that. I don't think we need this either. When I say this I mean LB 225. We ought to start holding these agencies accountable. The Department of Economic Development bears a name which should be noted to the public of what it does. Venture capital may be

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an esoteric, I didn't say erotic, an esoteric area which requires a little bit of study to figure out what it is about. But it is not so difficult...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...and complex that a person has to use a slide rule and understand logarithms and algorithms, and rhythm in blues, but we're getting a bill of goods sold to us today and the past days that this bill has been before us that it takes so much special expertise to work in this area that we've got to create a new layer of bureaucracy and throw away a total of more than a half million dollars. I don't buy that, but if the Legislature buys it, it's being bought for a pretty penny, and we're not getting value for the money expended in my opinion.

SPEAKER KRISTENSEN: Mr. Clerk, an amendment on the desk.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend. (FA15, Legislative Journal page 467.)

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is a very simple amendment. I had touched on it when I was asking a question of Senator Bourne. What it would do is reduce the life span of this bill to one year. I'm still going to try to defeat the bill, but if it passes, there is no need in taking something which is bad and extending it. If it's bad for one year, it's three times as bad for three years. I am going to have to go through this bill some more. So let me get my copy of the bill and tell you, once again, specifically some of the areas of my opposition. As I've stated, some senators have talked to me about the bill, but that is just conversation with me, and I'm not insisting that people stand on the floor, but it would make a difference. Now others have spoken on the floor, I have to acknowledge that, but some have not. This bill says it's going to create a framework, that it's going to create a framework in order to facilitate the financial investment by these high rollers in risky businesses that are either

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operational or which somebody wants to operate and cannot find a sucker willing to ante up the money. So you've got these knowledgeable high rollers just waiting to find a business in which to invest money. Those people would not pass a bill such as this. First thing they'd tell you, you don't need all those words. You don't need all those provisions. You don't need the bill at all. There are groups now networking, and if the DED knows of investors let them compile a list, let them work with the university, that institute, or whatever it's called, that cannot do its job. I'm sure it's getting state money. The university is going to be asking for more money so they are going to suffer here or they are going to suffer on the university's budget because I have a public statement by a person connected with the university acknowledging that they cannot do the job that they are getting money for. If they are not getting money for it, it's volunteer, and it means that there is a staff person over there doing something that is not a part of the university's mission, which means they are squandering the money they're getting, and I don't think, contrary to what some people have arrived at as a conclusion, that it's going to be so easy to get the university's budget through this Legislature intact. That is a big target in the same way that I am, but I'd rather be the one shooting at the university than the one shooting at me because the university can't fight back like I can. I have not heard, other than Senator Bourne's tepid comment, why this program needs three years. If it's ongoing, then it's an ongoing political plum for the Governor. If this constitutes an economic develop initiative, then I don't think whoever is counseling him understands what that word ordinarily conveys to the ordinary listener. I have other amendments that I would like to see adopted to this bill, but I doubt that they will be adopted. So I just have to fight the bill, and if this bill does move and if it does seem that it's going to be passed, I'm going to look at those who vote for it, and whatever money they spend in this bill, I am going to...if they've got an A bill, I'm going to take some of the money out of their A bill so that we can fund this one because they are making a choice. They are saying that in weighing these various propositions, this bill is more important than their bill, and I'm going to help them deliver on what it is they are suggesting. And whereas this bill might

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stay before us for a long time, Senator Landis may even be able to get a cloture vote successfully, some of these other bills will go eight hours but you won't be able to get a cloture vote because it's not going to have the Governor's support. In fact, he may even be against it. If he is against it, will I be against it, too? Well, I'm not going to change a position just because the Governor has the same one. If he comes in here with something or sends it in here through some of his puppets, and I agree with it, then I will be right there in the puppet parade. I will be voting with them and voting for what he has sent to us. My job, as a legislator, is not just to be opposed to the Governor in every thing that he brings. However, if the Governor throws down the gauntlet, if he slaps me and says, Chambers, choose your weapon, then it becomes a different matter. He hasn't done that this session yet, but he did it in the past, and I have a long memory. But this is not the kind of bill that makes me that much difference. It makes me a difference for another reason. It's a wastrel program. If an individual were going to spend money in this manner and that individual had a rich daddy who'd worked hard to put his fortune together, he'd tell that boy this is exactly why, when my will is executed, you are not going to have access to any money, and when I croak and they read it, I'm not going to disown you because I brought you into the world. You're carrying some of my genes, and I'm going to look after that which is a part of me. But you're so irresponsible and foolish that I'm going to have somebody put in charge of this money and they'll dole it out to you but you are not going to waste it as you've shown me you will waste money. You talk about running the state like a business. No business would waste money like this, so that is a nice comment to make when people are running for an office. Then when they get here, they throw all of that out the money...all that out the window. This is money being wasted, and I'm laying out an approach that I'm going to take. I'm setting my tone for the session. I don't want anybody to be surprised, and I won't be surprised at any of you all because you're going to go along with every thing that the Governor brings, and you're going to go along with every A bill to try to make sure that everybody goes along with your A bill. But here's what happens, brothers and sisters, it can be considered a vagary of human nature. Even though it would be to the

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interest of all 48 senators to support each other on every thing so that everybody will support everybody else, it's not going to break down that way. You are not all going to support each other on every thing, partly because you may disagree with something, and also because there are people outside the Chamber who are going to be pulling your string, and they are going to make you do certain things whether you want to do it or not. They are going to make you skip votes. I've been here 30 years. Don't you think I've observed and learned something? Now Yogi Berra said you should be sure and go to your friends' funeral or else they won't come to yours when you die. (Laugh) So I guess you should support everybody so they will support you. Now this amendment is something in the nature of a compromise. It's not a compromise as saying if you adopt it I will stop fighting the bill. It means that if you insist on passing the bill, it's not something that's going to be out there for three years, siphoning off money, making a job...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...for some of the Governor's friends. I'd like to ask Senator Landis a question so that I can understand the bill, and maybe I could look this up. Senator Landis, how will this...who will select this person or entity that will get this \$200,000 contract? Will that be done by the Governor, by the...

SENATOR LANDIS: DED.

SENATOR CHAMBERS: ...okay, oh, okay. Okay, thank you. One other thing, and there is nothing in the bill that says how that would be done. They are just given the responsibility to select?

SENATOR LANDIS: That's right, they solicit grants. They solicit through a RFP applications for grants and they choose somebody to make the grant to.

SENATOR CHAMBERS: Okay, and I know my time is up on that one. Thank you, Mr. President.

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SPEAKER KRISTENSEN: Debate on the Chambers amendment. Senator Vrtiska.

SENATOR VRTISKA: Thank you, Mr. Speaker, members of the body. First of all, I don't support the Chambers amendment. I don't support it because many of these programs that are started for one year, it takes so long for them to get in place, and I would almost agree with him that it would be a waste of money if we only set it up for one year and then decide that we would not continue. But I'd like to have some dialogue with Senator Landis, if he would allow me to ask him a couple of questions.

SPEAKER KRISTENSEN: Senator Landis, would you respond?

SENATOR VRTISKA: Senator Landis, I will preface my statements by saying I support the concept of this bill. The only question I had, and we did talk about this but I think...I wasn't here when the bill was originally introduced and I didn't get a clear picture of the bill from that standpoint. And so I did talk to you at length and I was curious if everybody else understood, and it has to do with the...on page 5 where the...number two where it says: Select a person...a single private nonprofit organization to carry out the purposes. My question is around the fact that this money is being expended to hire an organization and did you indicate that DE...DED would be, in fact, the one that would select this organization, this person? Senator...

SENATOR LANDIS: Yes, I just did.

SENATOR VRTISKA: That was your response?

SENATOR LANDIS: Right.

SENATOR VRTISKA: Can you expound a little bit on why it's more important to hire somebody like this as another organization rather than have DED, in fact, carry out the program? Could you give us an insight into why that part is in the bill, and I think it's important to understand that because although we did talk about it, I'd like to have you express on the...in the record why this part is in the bill.

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SENATOR LANDIS: I will do that, again. Let me just ask because I think I understand the question. Do you have some others, and if so, why don't I mark them down. I will put my light on and speak on my time. One of the questions is, why hire somebody instead of using DED personnel? If that's...

SENATOR VRTISKA: That's the primary question.

SENATOR LANDIS: And you indicated you had some questions, why don't you tell me what they are and I will put my light on and I will speak...

SENATOR VRTISKA: Well, because I am of a single-minded person, I only have one question at a time, so let's go with that, and if something, as I go through the bill further, comes up I will turn my light on. So can I get some response to that particular question.

SENATOR LANDIS: You can. I'll turn my light on and I will answer it, you bet.

SENATOR VRTISKA: That was...well, you could do it on my time.

SENATOR LANDIS: In fact, I am going to wait for my time so I get a chance to do this not on the limited time that is left but I will address the question. My light is on, I'll answer the question.

SENATOR VRTISKA: All right, I will, with that, then relinquish the balance of my time and sit back and listen to Senator Landis explain to me...I turn the rest of my time back and wait for my next turn if I find the need to have one. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I am going to continue gnawing this bone and I am going to try to ride this nag into the ground. I want...I want it to be so clear what I am doing that it is going to be difficult for the

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senators who might run for office and I start sending transcripts out to the editors about what they really did on these bills. Because since there are senators who run against me, they run against the other person but they campaign against me, I am going to start getting in these campaigns. The Governor was campaigning against Senator Schimek. I was in her office and on her recording machine I heard the Governor campaigning for her opponent, and they called her office to do that which is as insulting to me as you can be. That's...oh, and he helped Senator Aguilar to get elected so I know where he is going to be voting. Brothers and sisters, we're politicians, and you all want to play hardball with me so I'm going to play hardball too. You accept these things from these people, you come to this Chamber, and I want to make it as clear as I can for the public why votes are cast in the way they are cast. If there is a quid, there has got to be a pro quo, and if the Governor gives you a quid, then he demands that pro quo when time comes to support bad legislation like this. You've got to pay back, and we know that. We know it. In the same way that corporations and the NRA, they'll support Senator Tyson because he carries their bills, and they probably...where is Senator Tyson? Well, tell him that I said they probably gave him several hundred dollars in a campaign contribution, and if I'm mistaken, he can tell me. These people give like money for a reason. Why do you think the NRA hasn't offered me any money? Why? Do you ever see a lobbyist or a group give money to somebody they know is opposed to their position? They will give it to those they think they can influence, then they try to influence them. That is the nature of politics, so everybody on this floor is a politician looking down and nervous about what I'm saying but know that every word that I'm saying is true, and that's why they're looking down and trying to play like nothing is being said. We know what influences the action on this floor, but I want to make it as difficult as possible for anybody to get away with saying this is a great bill, and we were told that it's going to produce all of these businesses that are going to make all this money for Nebraska, that is going to draw other businesses to Nebraska that are making a whole lot of money and are going to be hiring a lot of people, and that's what we were told the bill is going to do. That is not what you were told the bill is going to do. You were told that this bill is not

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going to promise anything other than the expenditure of \$200,000. That's the only thing promised by this bill. And it's promised that that \$200,000 will be spent for three years, \$600,000 for nothing. So when you all start bringing in your other bills, and I attack the A bills, don't be surprised. I am telling you in advance. Mine won't come as a surprise. I don't trick you unless I tell you that I'm going to trick you. Then I trick you anyway. In which case I say it is not trickery, you just were not being attentive, so I'm serving fair warning now. And I don't know that I will warn every time I get ready to do something. If I believed in this bill, I suppose I would say that I'm willing...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...to accept a diminution of the money that I might want on another bill because this is the one that I really want. How many of you all seriously think that every spending proposal we make individually or collectively will be funded? How many of you all think that? Nobody does. There is going to be a battle, a struggle for that money. But in the interest of collegiality, I'm not going to take all of my five minutes but I'm going to put my light on again, if I have the right to.

SPEAKER KRISTENSEN: Senator Bromm.

SENATOR BROMM: Thank you, Mr. President. I...I acknowledge that some of Senator Chambers' points I can very much agree with. However, I also think Senator Vrtiska was correct in saying that if you're going to do anything one year is not...is probably not a fair opportunity to make it...to see if it really is worthwhile. I...I would really be in favor of, if Senator Chambers would make his amendment two years of funding, and then I saw an amendment somewhere, that Senator Beutler had drafted and I'm not sure it's been discussed, that would cause an evaluation of the program at the end of two years before you decided or we decided whether or not it was worth putting any additional funds into to get a...I think two years should be a fair test. And, again, it is \$200,000, and if you decide...if we decide to do this and we advance the bill, it will have to stand there and be compared with all other, as far as I'm

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concerned, it will have to prove it's value compared to all other budget requests that we have on the table as the session progresses. So I just wanted to comment that the idea of shortening the funding from three years to two years would be acceptable to me, if it were coupled with some sort of language like I think Senator Beutler's amendment had which would cause a serious program evaluation of that effort at the end of or near the end of that two-year period. That would give us an opportunity then, that following session, to decide in the next budget biennium whether we want to put any more money into this or not. I think that's a reasonable way to approach it unless you don't like the idea at all. Now the thing that's hard to stand and defend about this bill or any bill like this is that when you are talking about what good it will do, or how effective it will be, it is really difficult because by its very nature, in the first place, enterprises that venture capital are invested in are very uncertain. That's why it's venture capital. They are not able to stand necessarily on their own two feet with a proven track record. So they are a chancy investment. Then, secondly, when you take that and set it aside and you say, well, we're going to...we're going to introduce this program which will match up the venture capitalists with those that have a need for the capital, there's no way for sure to determine success of that. But if...if we think that our state is sorely lacking in the opportunities for people that would use venture capital, when you look at Kansas and some other states, you would say that we are, then maybe \$200,000 for two years with a program evaluation is not a bad idea. And so that's...that's kind of where I'm at on it. I'm not jumping up and down and waving the flag in support of the bill, but I think if we decide to do it, I would like to do it in that fashion. Thank you, Mr. President.

SPEAKER KRISTENSEN: Senator Landis.

SENATOR LANDIS: Well, thank you, Mr. Speaker, members of the Legislature. Senator Vrtiska asked me a question, and his question essentially was, why would we use a single private nonprofit organization to do these functions as opposed to DED? Why would we spend \$200,000 when we spend money for a DED staff and the like? Using this really gives me a chance to not only

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make a comment on this but also to talk about Senator Bromm's speech. There is a function, a task that is not now housed at the university, is not now housed in the chamber of commerces around this state, is not now housed in our Department of Economic Development, and does not...we do not have access to. There are a number of abilities that we have, a number of skilled personnel to do a lot of functions. We can hold a conference, we can do a seminar, we can build a web page. There are many things that we are capable of doing with our personnel. The function we do not have housed in state government or in DED is the person who has been there and put together the venture capital and the entrepreneur in the making of a small company into a really big company. We don't have somebody who's run a venture capital fund. We don't have somebody who is...has been in charge of, let's say, 50 or 80 or 100 million bucks trying to go out and find companies to invest in and turn them into giants from seedlings. Nobody in state government that we know of, and certainly DED will tell you nobody on our staff has ever done this. It's not what they do. They do other things and they other do...they do many other things well, but this they don't do. The person who does that is a terrifically highly paid individual. As a matter of fact, they don't work for \$200,000 a year. They probably work for more. Which means that we're going to take that person who can do that function and we're going to use them in conjunction with this nonprofit corp organization and we're not going to have probably their full-time attention because they're going to be doing other things, but we're going to bring them in at the critical juncture to do a function we can't otherwise do and which is highly paid in the marketplace. These people aren't available for a two-year job in Nebraska to leave a venture capital fund in Boston or in Silicon Valley to come here and run the program. That isn't going to happen. You can do the kinds of things that we do at the university. You can do the kinds of things that we do in DED, but you can't do that, which is why getting a nonprofit organization to put in \$200,000 of their own money, or in kind, and \$200,000 from the state, \$400,000 would allow you to do some of the same functions we probably could do otherwise, but would also allow you to access a function we do not otherwise have available and which is the critical and missing function in developing venture capital. That's the answer to

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Senator Vrtiska's question. In response to Senator Bromm, I like the idea of program evaluation. Senator Beutler brought me some language earlier today. I thought it made perfect sense. I told him I'd support the amendment. It's not before us. Maybe we'd have a chance on Select File. If I understand Senator Chambers right, he says, you know, this amendment is offered not to bring an end to this discussion but because it's going to minimize the damage of a bad bill. I think that would be a fair characterization of his argument. Now three years is an adequate window of time to evaluate. At that point, it can be spun off and let somebody else do the work and the state can get out of it. I would accept a program evaluation amendment. I'd suggest that we do it on Select File. I think we go back to the Chambers amendment, I'm going to vote against it. I think the bill, as currently drafted, is acceptable. Certainly, I have supported it and I do not support one year, which is far too small a window, and there's nothing wrong with three years. It...

SPEAKER KRISTENSEN: One minute.

SENATOR LANDIS: ...it depends on whether you think it's a good idea or not. If it's a good idea, then three years is fine. If it's a bad idea, one year is too long, isn't it, Senator Chambers? Which is why I think he's saying even if you adopt my amendment it's still a bad bill and I'm still against it. Right? So, if you think it's a bad bill, just simply vote against it as opposed to minimizing it. If you think it's a good bill, let it work.

SPEAKER KRISTENSEN: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, sometimes I can make my point a little better by drawing an analogy. "Parson" Bush wants to give money to churches. People would probably expect me to be against that. You all don't know who "Parson" Bush is, "Deacon" Bush? The one who stole the election. Now I got your attention. He wants to give money to churches, to these zealots, to these discriminatory, intolerant, narrow-minded people. He wants to give them money that comes from my taxes, and I don't even go to church. What would make

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me support Senator Schrock's amendment that he was offering on LB 128 is if it was going to tear down the churches and then remove the rubble. I'd vote for that in a New York second. Well, I'm not going to oppose...not that it would make any difference, I'm not going to oppose him giving that money to these churches. I like a good fight, especially when I'm not in it, and from my reading of history there is no fight which is more bitter, more bloody, more violent than a fight among religious people. And if they're of the same religion you can really look for a fight. Look at Northern Ireland as an example. But when all these churches think they're going to get this money and there's a finite amount of money, this is an analogy that I'm going to bring back and apply it to us here in the Legislature, all these preachers, parsons and whatnots think that that money is going to be there for them and, when they come up to the trough to get theirs, they're going to be elbowed aside by the big churches, the ones that have the political clout, the ones that can help "Parson" Bush get back in the pulpit if he decides he wants to re-up again. And then some of these who have spoken so strongly in favor of the government giving the churches money are going to be the ones most vociferously complaining because they don't get any. They think it's a new source of free money and, you mark my words, there will be a battle royal as the churches, who are supposed to be setting an example of righteous conduct in living, begin to fight and tear at each other's throat in order to get this money. I cannot wait. I hope he does create that new position. This individual, who's going to be something like a cabinet member who is a liaison between the government and the churches, forget the constitution. If Teddy Roosevelt can say, damn the law, build the canal, "Parson" Bush can say, damn the constitution, feed the churches. Well, now, the churches are the ones who believe in miracles. When people were in the wilderness and had no food, a miracle was worked and manna came down from heaven. When there were people hungry listening to a preacher and they didn't think to bring any food, magic was worked again and they were given bread and fish. They worked miracles. Well, why should the government give money to the churches when the churches can work miracles and make their own money? It just shows the sham, the hypocrisy, the phoniness of it all. Now how does that apply to the Legislature? There is a

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finite amount of money in the Legislature's trough, the trough that the Legislature will try to take money from, and some are going to get elbowed out of the way. And you're going to find that this total of \$600,000 over a three-year period is going to be magnified into greater significance...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...and you will hear people at that time arguing in the way that I am. That money that was given early in the session makes less money available so we have to be more prudent now and you're on the outs, you don't get any money, and that's what will happen. And, again, I'm setting the tone of what I intend to do. For some reason this amendment may not be adopted, but it has started a different type of discussion on this bill which would not have taken place had I not pounded and pounded, and I'm going to pound some more because we have additional aspects of this bill we need to debate.

SPEAKER KRISTENSEN: Senator Chambers, there are no other lights on your amendment. You're recognized to close.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Vrtiska raised a good question, Senator Bromm offered something into the pot, and these ideas were not being floated before. Some things on the floor take a long time and it takes somebody with the endurance, the stamina and the determination to hold us on an issue until we begin to look at it and analyze it in the way that we should as a responsible Legislature. Nobody will tell us that a single investment is going to be made by a high roller. If you have a highly risky enterprise and it's risky for any purpose, a traditional lender I don't believe is going to lend you any money. If that were the case, no farmer would have any problem, Senator McDonald, in getting a loan from a bank because it's very risky but there's a possibility that if everything falls just right there may be a profit. But a farmer cannot go to a bank and say, well, the Legislature is doing this and that and the other and they believe in venture capital and investment in highly risky businesses. And the banker will say, well, is the Legislature putting any money where its mouth is? And the farmer says,

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well, no, they want you guys to lend us the money. And then the banker, after he recovers from laughing and gets up off the floor and brushes his clothes off, says, get this man out of here. Keep in mind, brothers and sisters, that this bill does not make one penny available. This bill does not stand behind any individual who has poor credit or, for whatever other reason, cannot procure a loan from a traditional lender. This bill does not give an incentive to any high roller to risk his or her money. What does it do? Nothing, except to create economic development and betterment for the organization that collects this \$200,000. They don't have to do anything. Based on what is loosely put in this statute, they say, well, the department is to serve as a clearinghouse, so we're going to let them give us a little cubby hole over there where they're located. It's a broom closet now but it will now be the office of the venture capital forum facilitator, and somebody may or may not be in there. They won't have a telephone because nobody is going to be beating down the door except the beggars. And when the beggars come running, you'll screen them--all you got is an idea? Why, we couldn't send you to any lender. They would think we're as foolish and crazy as you are. So you get one person with an idea that may have a germ of merit. So you go down the list of all these lenders and you don't call them with a recommendation that they lend. You do not call to be a cosigner on the loan if it's given. You just make a call and say, I'm sending somebody over there to talk to you, wink, wink, nod, nod, because this is my job and I'm going to have to write a report to the Legislature. So I'm sending this person over there but nothing happens.

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: The person goes away very sorrowful for he or she had great expectations and high hopes and they were dashed. Senator Landis is not very religious, but that's what happened to a rich young man who came to Jesus and said, what do I have to do to follow you? And Jesus said, sell everything you got and give it to the poor. He went away very sad for he had great possessions. I was kind of paraphrasing. Mr. President, I will ask for a call of the house.

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

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

SPEAKER KRISTENSEN: House is under call. Would all members please return to the Chamber who are not excused. Would all unauthorized personnel please leave the floor. The house is under call. Senators, please record your presence. Members, the house is under call. (Visitors introduced.) The house is under call. Senator Brashear, Senator Dwite Pedersen. Senator Robak. Senator Schimek, Senator Schrock. Senator Cunningham, the house is under call. Senator Cunningham, Senator Schimek. Senator Dwite Pedersen, Senator Schimek, Senator Cunningham, the house is under call. All members are present. 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. There's been a request for a roll call vote. Members, please take your seats and hold your conversations to a minimum. Mr. Clerk, would you call the roll.

CLERK: (Roll call vote taken, Legislative Journal pages 467-468.) 4 ayes, 36 nays, Mr. President, on the amendment.

SPEAKER KRISTENSEN: The amendment fails. I raise the call. Items for the record.

CLERK: Mr. President, Enrollment and Review reports LB 135, LB 136, LB 137, and LB 247 as correctly engrossed. Banking Committee reports LB 300 to General File, LB 360 to General File with amendments, and LB 527 indefinitely postponed. Business and Labor reports LB 308 to General File; LB 397, General File; LB 432, General File with amendments.

Mr. President, a priority bill designation. Senator Kremer has selected LB 833. Amendments to be printed: Senator Chambers, LB 137, LB 193, LB 197, LB 198; Senator Brashear, LB 269; Senator Chambers, LB 51; Senator Janssen, LB 278; Senator

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Beutler, LB 128; Senator Bromm, LB 105. And, Mr. President, a confirmation report from Business and Labor, signed by its Chair. (Legislative Journal pages 468-472.)

Mr. President, the next amendment I have to LB 225 is by Senator Chambers. Page 5, line 26, strike "2003-04". (FA16, Legislative Journal page 472.)

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in honor to Senator Bromm, in honor of Senator Bromm, I am offering an amendment to show that I pay attention. What this amendment does is strike that third year. There were three, there are three now. I would subtract one, which leaves two. Now, Senator Bromm had suggested that this would not be objectionable to him. I'm not insisting that Senator Bromm vote for this amendment. I'm just mentioning it to let you know that I pay attention to what people on the floor say. Senator Landis said one year is not long enough to make an evaluation, and Senator Bourne said the same thing. Senator Vrtiska may have suggested as much. Senator Landis was absolutely correct when he said that the adoption of any of my amendments...well, he didn't make it that broad but I will...the adoption of any of my amendments would not have terminated my opposition to this bill. I do not want to see a bill like this enacted, so I am trying to diminish or mitigate the amount of harm or damage that will be done should it be enacted into law. All that this amendment does on the page where the number of years is listed, and I will say it for the record, on page 5, in line 26, my amendment would strike the word "and" plus the numbers "2003-04". That's what my amendment would do. The effect would be to strike the third year. I know to a certainty, in view of conversations that I've recently had, that there are people in opposition to the bill in any form in the same way that I'm opposed to it, but we will have no way of knowing of a certainty how many will oppose it until we get to a vote on the bill. Before reaching that point, I want to have done whatever I can at this stage of debate. I assure my colleagues that if this bill moves on I'm like one of those persons who gets stuck in time. I will do this again on

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Select File because I think it's that bad a bill. It is setting the wrong tone. I'd like to ask Senator Dierks a question, because he's over there minding his own business.

SPEAKER KRISTENSEN: Senator Dierks, would you respond?

SENATOR DIERKS: Yes, please.

SENATOR CHAMBERS: Senator Dierks, this is...I'm asking because I really don't remember. How much money was in that carbon sequestration bill last year that was vetoed out, if you remember?

SENATOR DIERKS: I think it was about \$160,000.

SENATOR CHAMBERS: But it wasn't more than \$200,000.

SENATOR DIERKS: I don't think so, Ernie. I think...

SENATOR CHAMBERS: And I...

SENATOR DIERKS: ...because we had some private funding came in and reduced...reduced our cost.

SENATOR CHAMBERS: Thank you, and I didn't think it was up to \$200,000 either, but I didn't want to just say it. And we're both giving our best estimate. There was a program where, with all of the budgeting we were doing, hundreds of millions of dollars we were spending, probably over a billion dollars altogether, and we could not get \$160,000 past the Governor for a program that was touted as being one that would bring quantifiable, measurable results and benefits to identifiable existing individuals. A hundred sixty thousand was too rich for the Governor's blood. That's what he thinks of the rural people. Everybody thumps the rural people's head because they have short attention spans and don't remember very long. So he knocks out \$160,000, then comes back this year and says, but give me \$200,000 for a program that is not worthy of the name, and expects to get that money. We're kind of in a bidding process. You'd thought one year was too short a time. Some have said three years may be too long a time. Midway between

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those two is two years. The moderates, if there are any, would accept this offer. I've mentioned this before. When you're in the old army, Senator Tyson is here, they have...and he was here before the old army, by the way, was here. He was here before the Army of the Republic. But there's a mortar, it's a tube that sits on a metal-base plate, and you...you aim it by either tilting it forward or backward to increase the angle. If you bring it back far enough, but not straight up, otherwise, the projectile will go straight up in the air and come right back down for what goes up must come down, but if you angle it then you estimate the target. You have a little gadget with little numbers and little marks on it to make you think that you're calculating a distance. Senator Hilgert knows all about this. He probably had some people taking aim at him with these things but he was successful in evading it. So the first thing you do with the first projectile, if you cannot drop it right on the target, you try to put it beyond the target, and you know what that distance was because you set it. Then the second one you try to bring it in front of the target, so now you have it bracketed. It's not as far as the first one, but it's farther than the second one. It's somewhere in between. So then you drop it right between the two and if it lands on the target, good. If you miss the target by going in front of it, then you have an idea, a clearer idea, of where the target is that you're trying to hit. My first shot fell short. The shot fired by the bill fell long. This amendment puts us right in between. Now, I am not going to do this like a fine-toothed comb and say, well, two years and six months, or one year and six months. This is not that kind of bill for me. There's no need in creating that kind of agony for anybody. This is an area of the bill, apparently, where some agreement might be reachable. I would expect Senator Landis to oppose it because he knows that the adoption of it is not going to do away with my opposition, and he's not canny enough to realize that by adopting it...no, that would make him canny if I tell, which I won't do. The reason that I'm somewhat disappointed in how we've proceeded is because we had a way, several times, to get rid of this bill. Although no one of those amendments was a killer in and of itself, a vote would have shown that the bill lacks the oomph to get all the way across the board. Maybe it will move off General File and get stuck on Select. If I knew that for a fact

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then I would not have spent all of this time or this effort, but a record needs to be made anyway so let me get back to that. When I consider the definition in Section 6 that we have talked so much about, I was saying that this 20 percent is a high...

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...level, and Senator Tyson agreed. But what those who are really knowledgeable about venture capital have pointed out is that this is a low percentage for those who engage in venture capital investment. They want something like 40 percent return. But if you cannot even get a business that can come up to 20, then you know you're not going to be desirable or attractive for somebody who is looking for a higher rate of return than that. To get that higher rate of return, somebody is going to have to come up with a dynamite idea, and they're not going to get it in Nebraska. And, if they do, they're not going to stay in Nebraska anyway.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on the Chambers amendment, FA16 to LB 225. Open for discussion. Senator Landis, followed by Senators Bromm, Robak, and Senator Chambers. Senator Landis, you're recognized.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. I think Senator Chambers characterized this as an offer, and it isn't an offer because, as he just announced, he doesn't intend to trim his sails a bit. And, by the way, as a working principle, what I think history has shown is if you take Ernie at his word you'll be much better at predicting the future than not. He is a...he has a recurring tendency to say exactly what he means out loud to all of us. So when he says, (inaudible) my opposition to go...doesn't go away, I understand completely and I believe him absolutely. So it isn't an offer of anything of value, at least in that sense, because Ernie is going to be here. So if you're tired and you think this will go away, it doesn't go away. If you're tired, you're going to have to live with that because Ernie is going to keep us here as long as he wants or until the rules do otherwise. Perhaps you like

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the idea of two years because of the logic that says, gosh, the bill is three, there seems to be some opposition; one doesn't seem to work, how about two? And that's a very natural legislative logic. This bill comes from a venture capital working group that the Governor said, look, bring me a bill that will help us improve the venture capital climate in this state because we know from Deloitte Touche and from the National Governors Association that Nebraska has a very poor venture capital atmosphere in this state. This was their suggestion on how to do it. Now, I...if you want to say...if you want to denigrate that by saying, gosh, I don't want to support the Governor, then vote no. If you want to say DED doesn't know what they're talking about, fair enough, vote no. If you think the venture capital group was politically motivated or their judgment was wrong, fine, vote no. But I happen to place some faith in all three of those groups and I don't know a lot about venture capital, but the people that were there in the venture group I do have some faith in and this is what they said. I know enough about government programs to say that it takes awhile to get up and running. One year to get up and running is not bad, and then two years for actual programmatic exchange is reasonable to me. I think three years is a logical number. Understand that we're going to have to entice somebody to come here. This piece isn't now here. It's not like we turn on the spigot and all of a sudden this starts up. We're going to have to find somebody to do this very unique function, and the ability to entice them will depend on the nature of the contract. And, by the way, if you were in Boston of Silicon Valley, would you come here for a two-year contract that will send you home right away, or would three years be more attractive to entice you to come here? I think the answer is three would be more enticing. In addition to that, the...the bill is intended to create a series of skills and sort of a corpus, if you will, of venture capital know-how and relationships that can eventually be spun off. So there's no intention to make this a continuing phenomenon. Look, Nebraska is not doing well by venture capital. The amount of venture capital in the state that we've already recited to you tells you that fact. Our neighbors are doing more. Kansas has a state certified, private venture capital fund that receives tax cuts from the state; we don't. Missouri has a tax credit for private

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certified capital companies; we do not. South Dakota has state loans to approved seed capital funds; we do not. Iowa has start-up and early stage funding assistance to enterprises with rapid growth potential, and we do not. And none of these bills are limited to two years. They are continuing phenomenon in those states on our borders, attracting venture capital there, while we don't get some. To then take as some kind of legislative logic that says, gosh, if not one, and then there's three, how about two,...

SENATOR CUDABACK: One minute.

SENATOR LANDIS: ...it's in the middle, is to turn this into the sausage making that we're used to in a bidding war. This isn't a bidding war. This has to do with whether or not we're going to create venture capital opportunities in Nebraska, and people who know a rather good deal about venture capital tells us, look, Governor, Legislature, our best guess as to what Nebraska could do without putting its own money behind this into some kind of loan program is to create this set of skills for three years, hope to God it works and, if it does, it will spin off into its own organization at the end of three years and you'll be out of the...out of the business. And, if you fail, you will have lost 600,000 bucks over three years and you will have taken a flier on making this a place where a company could grow astronomically and be very, very successful. If this bill produced a significant employer in this state, we'd all...

SENATOR CUDABACK: Time.

SENATOR LANDIS: ...think it was cost effective compared to LB 775 or any number of other programs that we have. This will be the cheapest thing that we could spend if we got ourselves one significant employer, and it's possible. I oppose the Chambers amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Landis. Senator Bromm, on the Chambers amendment.

SENATOR BROMM: Thank you, Mr. President. I am going to support this amendment and I...I'm not tied to anybody on this bill so

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I...I haven't...I didn't clear the amendment with Senator Landis and...and he's managing the bill and, in some respects I don't want to...I'm not trying to "micromanage" the bill. I want him to know that. But it doesn't seem unreasonable to me to make a two-year commitment and, if we adopt this amendment, unless Senator Beutler or someone offers the amendment that I saw that would cause an evaluation by our own Program Evaluation Unit to occur at the end of the second year or near the end of the second year, I will...I will offer that amendment at some point and then...and then we could make...we could make an educated determination on whether we want to continue for a third year of the funding. Now maybe...maybe some would say that's problematic for the...for the people, the nonprofit organization that's going to be selected and contracted with, but I would suggest that that could be accommodated by a two-year arrangement with that...with that company, whoever it is, with an option by the state to renew it for a third year, depending upon the funding and the approval of the Legislature after that program evaluation. So I think...I think that could be accommodated into a contract with a private nonprofit company. I...I...I support this because, in my view, it's an improvement to the bill. Now, maybe it isn't viewed that way by the supporters or even by the majority of the Legislature, but I'm suggesting it and supporting it because I think it...because I think it's...I think it's a sound way to approach something like this. I don't know where three years...three years may be the optimum time, selected by the Economic Development Department as a true longevity for a program like this, but there's certainly nothing wrong with this body taking a look at it after two years and deciding whether you want to proceed with another \$200,000 or not. So that's...that's why I'm supporting the amendment.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Robak. Senator Robak, you're recognized. Senator, yes.

SENATOR ROBAK: Thank you, Senator Cudaback. I support this amendment also and, Senator Chambers, I think you might be interested in knowing what happened yesterday in our...in our Transportation and Telecommunications hearing room because we were dealing with fiber optics and this is the wave of the future. It's going to set the course for the next half century

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at least. And interesting because one man came forward to testify and he had a new business that he started up, well, maybe three or four years ago and he's doing quite well. In fact, he has three businesses by this time, and one of his businesses is manufacturing cars, replicas of very, very expensive sports cars. And how he does this is a mystery to me. I've visited there, but I don't understand anything about cars, but you can get...he sells on line. He has publications in many magazines, but most of it is on line just as a web page. Therefore, he has been contacted by a business in California to come to Columbus, Nebraska, and be a partner in his business; so to actually bring people down here and live because they see the potential that Nebraska is a pretty good place and they're interested and he has a good product. Number one, he had a good product and they want to partner with him and go on...go on base with him and strike out on their own; perhaps open more of these. The point I'm trying to make is, I guess, and I asked him also do you...did you hire a middleman, do you have somebody in the middle, is there anybody to go to the East Coast or the West Coast for you? And he said, no, not at all. They sought him out. They read his web page and they thought it was a good thing. They got in contact with him. They exchanged a lot of information and decided to come and partner with this man. So if...a thing you look for here is what is it that we're trying to sell; what is it that we want these East Coast and West Coasts coming for? If you have a good product they will be here. So I don't know the impetus of this...I know the impetus of this bill, but I don't understand why we have to have this bill when it can be done without this bill. I think it's a terrible waste of taxpayers' money to put money in the coffers of other people and, until I find out, find out what it can do for my small company, I have to oppose this bill because nobody has ever answered me that. So apparently this is just another giveaway program to...I mean I'd love to have a company if somebody would fund it for me. I could get people from the East Coast or West Coast too that come down here and fund my business, but it isn't going to be that way apparently. And I still don't know what they're going to do with \$200,000 every year. So, with that, Senator Chambers, do you have any comment on that man from the district that said how well he's doing in his new business?

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SENATOR CUDABACK: Was that a question, Senator Robak?

SENATOR ROBAK: Yes.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Shall I take whatever time I need to respond?

SENATOR ROBAK: You bet.

SENATOR CHAMBERS: Thank you. What I say about that is man, oh, man.

SENATOR ROBAK: (Laugh)

SENATOR CHAMBERS: Members of the Legislature, Senator Robak pointed out, with the availability of the Internet, if you have a product you may see the carrying out of that old axiom we heard, build a better mouse trap and the world will beat a path to your door. You cannot go anyplace with only an idea. People call my office often, and I'm sure the rest of you, saying I'm looking for a grant to start a business. Any and everybody would like to get what is known as free money to underwrite a business that may or may not pan out, and it probably won't. That's why they need free money, because no responsible lender is going to put money on something that is a harebrained or crackbrained notion. But, on the other hand, if you...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...present an idea it may only be in the form of a blueprint. It may be a narrative, but those who are in the area of lending money will have access to others who can review the idea, if it catches their fancy, and make a determination. But this bill is not moving in that direction at all.

SENATOR CUDABACK: Senator Robak, you have about 30 seconds left, if you wish to use it.

SENATOR ROBAK: Thank you, Senator Cudaback. Thank you, Senator

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Chambers. I might add that this man has expanded to three major companies right now, right in...right here in Nebraska. As I said before, they came to him. They came to him. If you have a product you don't have to go out there and hire a government agency to get a partner for you. If you have to do that, you don't have a very good company. And until I, as I said before, until I figure out what this is going to do for my small business...

SENATOR CUDABACK: Time.

SENATOR ROBAK: Thank you.

SENATOR CUDABACK: Thank you, Senator Robak. Senator Chambers, your light is next.

SENATOR CHAMBERS: Mr. President and members of the Legislature, what I would be interested in hearing are examples of the kind Senator Robak gave where something has resulted because a person had a good idea. We're not getting that at all. The only thing we're getting from Senator Landis and others who have spoken in favor of this bill, as it's written, trust us; spend \$600,000 and if it doesn't work you're out of only \$600,000. But I say again, that casual attitude is not taken when various A bills are sitting on the Governor's desk. That carbon sequestration bill, asking for less than \$200,000, had the money vetoed right out of it by this Governor. And people are accepting this kind of bill. There is no validity to it whatsoever. I wonder if we're really talking about these high-risk ventures. How many of those that are going to be successful are out there in this state right now just waiting to be discovered? A hundred? Fifty? We'll bargain about this like Abraham tried to bargain with God to keep him from destroying Sodom and Gomorrah because he had a son named Lot or a friend named Lot or whatever the relationship was. What Senator Landis and the Governor would probably say, if we find one person, if we find one person with an idea, and we find one investor and we can get those two to talk, then it was worth it. I don't feel that way and this is not even my money. It's the taxpayers' money. It's coming out of other people's pocket, so why do I even care about it? Because we are to be good stewards over the money of the

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taxpayers. What surprises me is I haven't heard any of those ringing "Repelican" speeches about protecting the taxpayers' money, not expanding the size of government, not producing a new layer of bureaucracy when there can be nothing shown in the way of certitude that it's going to do anything. All the "Repelicans" are stone quiet, but then I don't know the political persuasion of everybody, so maybe some have spoken, but not very many of them have because not many have spoken at all. But where are those speeches? Where are the "Repelicans", that's what I would say. If this were a house, I'd be banging on the door, saying if there's a "Repelican" in there come out and show yourself; let me see what you stand for. Then I'd put my hand up to my ear and put my ear against the wall and see if I heard any scratching around in there, because "Repelicans" don't make a lot of noise when they're scared. Do you realize they can assume a state of suspended animation and look like they're not even breathing, like now? You don't even hear a whisper. You don't hear the scratching that you hear of a little mouse looking for a piece of cheese to sink his little teeth into. Quiet. What is happening? Because "Repelicans" agree with this bill. They think there should be an expansion in the size of government, another layer of bureaucracy,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...a duplication of what is already being done, spending money to do that which is already being done at no cost to the taxpayers. They go for that because their boss has said this is what you're going to go for. So we know that all those speeches are phony and hypocritical when we hear them later in the session. I will know how to regard them and I will appropriately characterize them when I begin to hear them. Now I'm not so rude that I'd stand up here and say, aw, sit down and shut up. That's not my way. But you know what I'm thinking, because I don't want to trick anybody. People will be up here talking about wasting the taxpayers' money. I had always thought...now, I'm not a Democrat, but I'd always been made to believe from these speeches I hear from "Repelicans" that the Democrats are the tax, tax, spend, spend people, spend, s-p-e-n-d, but this...

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SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...time...

SENATOR CUDABACK: Thank you, Senator Chambers. We are discussing the Chambers amendment, FA16, to LB 225. Senator Quandahl, followed by Senator Robak.

SENATOR QUANDAHL: Question.

SENATOR CUDABACK: The question has been called. Do I see five hands? I do see five hands. All in favor of ceasing debate vote aye, opposed nay. We are voting on ceasing debate on the Chambers amendment to LB 225. It's FA16. Have you all voted who care to? We are voting on ceasing debate. Record, please, Mr. Clerk.

CLERK: 23 ayes, 3 nays, Mr. President, to cease debate.

SENATOR CUDABACK: Debate does not cease. Senator Robak, you're recognized to speak on the Chambers amendment to LB 225.

SENATOR ROBAK: Thank you, Mister...Senator Cudaback. Senator Chambers, would you refresh me on that amendment, please, again? I was concentrating on one that I was working on at this time and I kind of lost...

SENATOR CHAMBERS: Yes. May I respond? Am I free to respond?

SENATOR ROBAK: Yes, I'm asking Senator Chambers a question.

SENATOR CUDABACK: Senator Chambers, would you yield to a question from Senator Robak?

SENATOR CHAMBERS: Yes, we will. Should we go ahead and talk?

SENATOR CUDABACK: You may.

SENATOR CHAMBERS: Oh, thank you.

SENATOR CUDABACK: Yes, you may.

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SENATOR CHAMBERS: Senator Robak, what this particular amendment does is to strike the third year. The way the bill is written now there will be \$200,000 spent each year to this private organization. I had offered an amendment earlier that would reduce that three years to one.

SENATOR ROBAK: Uh-huh.

SENATOR CHAMBERS: There seemed to be a general feeling when I look at the vote that resulted on that amendment, almost an overwhelming feeling, that one year was too short a time.

SENATOR ROBAK: So you're extending it then.

SENATOR CHAMBERS: No, I'm...I'm cutting one year off the three, and it would be two.

SENATOR ROBAK: Oh, it's two years, I see, okay, two years. Well, that's still a good amount of taxpayers' money in there though, don't you agree with that, to do nothing?

SENATOR CHAMBERS: Yeah, I think it is. I don't think any money should be spent so, what I'm trying to do is mitigate or reduce the amount that will be squandered in this bill.

SENATOR ROBAK: And the thing that's fascinating about this whole situation is if we look at technology that's coming down the line that will reshape future generations and we have to look, it will change the Legislature somewhat too. It will change bills like this because, you see, we'll be able to have the businesses go out on their own and see if they want partners from...or investments in other states, East Coast to West Coast, which in reality they can do right now, but it will be a little simpler then because we'll have broadband and everything like that and it will be a lot faster to do this for them. And, in fact, I think this bill, this actual bill, LB 225, would bog it down somewhat because, you see, you get people in there that really don't know what they're doing and looking more out for their own interests. And Senator Chambers or Senator Landis, whomever, can answer this. Is this supposed to create jobs?

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SENATOR CHAMBERS: Do you want me to answer since I'm here?

SENATOR ROBAK: Yes.

SENATOR CHAMBERS: No, and it doesn't profess to do that. It has nothing to do whatsoever with jobs.

SENATOR ROBAK: It doesn't? Because we were talking about this last night, a group of colleagues and I were talking about this, and, of course, the conversation was, why am I opposing this, and I told them I didn't think it did any good, and of course they thought I was all wrong because, you see, it created jobs, they told me, and they would do anything to support the creation of jobs. So I'd like that on the record that this bill doesn't...isn't designed to create jobs.

SENATOR CHAMBERS: No, it's purpose is to bring together a person who's looking for money and a person who may be willing to lend money.

SENATOR ROBAK: Well, I'm looking for money too. Is there any way I can get in on that?

SENATOR CHAMBERS: Well, I can't answer that. (Laugh)

SENATOR ROBAK: (Laugh) Okay, then we'll...the best thing to do would probably be to adopt your amendment for right now. That would make this bad bill just a tiny bit better. But I actually think that we should do...go further than that. I think that we need to look at this a little further. We have not really debated this, except to, you know, on the floor, and it was advanced out of committee, but I don't think the whole state knows what's going on here except maybe the chamber of commerce and industry probably are the only ones that pay attention to this. Because if people want a job, this isn't going to create jobs, and there aren't jobs in Nebraska anyway right now. We're trying to get jobs in here, but there are no jobs. Another thing, Senator Chambers, I found out in my district, I have a great manufacturing industry in my district and there are some low...very low paying jobs which they do hire for, but all the

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higher paying jobs they import people from out of state to come in. And I have constituents, I have young men that just graduated from high school or college and come to me and ask me what I can do for them. Well, I can't get them a job. I can't help them. And I try to talk to the people, the CEOs at the firms, and, no,...

SENATOR CUDABACK: One minute.

SENATOR ROBAK: ...you see, that's already been settled. It's cut and dried, whether it was posted or not. There is no way they will hire anybody from...from our area. That always bothered me a little bit and I...not that we're going to address it in here, but if this doesn't create jobs, the right kind of high-paying jobs, why are we doing this? Could you answer that, Senator Landis?

SENATOR CUDABACK: Was that a question, Senator Robak, for Senator Landis?

SENATOR ROBAK: Yes.

SENATOR CUDABACK: Would you yield, Senator Landis?

SENATOR LANDIS: I didn't hear the question.

SENATOR ROBAK: Does this create jobs, LB 225? Does this create jobs?

SENATOR LANDIS: Not directly on its face.

SENATOR ROBAK: Not in the state. Then I don't know why we're voting for it if it doesn't create jobs. We're just giving away government money to what, for what? Giving away government money when nobody is going to get a job out of it. Isn't that what we need, jobs, to keep the people in the state? As I said before, the youngsters that come to me after college and want to know why...

SENATOR CUDABACK: Time, Senator Robak.

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SENATOR ROBAK: ...they can't get jobs right in the town they live in, I don't have an answer for them.

SENATOR CUDABACK: Time, Senator.

SENATOR ROBAK: Thank you.

SENATOR CUDABACK: Thank you, Senator Robak. Senator Chambers, you're recognized, and this will be your third time.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in a sense, this bill will create at least one job--a \$200,000 job for somebody who doesn't have to produce any result. Even when scientists are engaging in research, the one who is putting up the money wants some kind of result. Somebody who is going to put up money is not going to say, I don't care if you don't produce a result, we're just going to throw the money out there and see where it sticks. Nobody on this floor would say they know a lender who will take that cavalier an attitude, but that's the very attitude this Legislature is being asked to take, this Legislature, which includes people who campaign saying that government ought to be run like a business. No business would send money out in the way that this bill proposes to send money out. You don't even have a goal, nothing. This bill does not assure that anything is going to happen. Now, if you say that you go down this list of things that the department is to do and the department declares itself to be a clearinghouse, that doesn't mean that anybody who currently cannot obtain financing is going to obtain it. If the department makes a list of beggars and a list of benefactors, there is no assurance that when you give the list of beggars to the list of benefactors and the list of benefactors to the list of beggars that the benefactors are going to put money in the tin cup of any one of those beggars, so you don't have to assure that. Just get the list out there and give one list to Senator Baker, as a benefactor, and give a list to Senator Chambers, as a beggar, and that's all you have to do and your job is done. And you give somebody \$200,000 to do that. And when you begin to ask specific questions everybody can cop out and say, well, I don't know anything about venture capital investing. So Senator Landis' response, when he said he doesn't know a lot about this

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but he has confidence in..he named three individuals or entities, reminds me of this guy who was fighting for the South in the Civil War and he was captured, and he was a poor fellow before he went to war and he was a poor fellow in war. He didn't even have a full uniform. And when he was being interrogated they asked him, what are you fighting for? He said, I don't know but, by God, there are others and I bet they know. So Senator Landis doesn't know anything about this, but there are other people who know and they say this is good so he says it's good. That's not typical "Landisian" legislating. But there is something at work here which all of us, especially the new people, will do well to pay attention to. This is the Governor's bill. When the Governor speaks, everything else goes out the window. You assume what writers hope that you will assume as far as your state of mind--a voluntary suspension of disbelief. You will not...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...say that what is happening in this story could not possibly happen in real life. You allow certain things to get by in order that the story can be told. When the Governor sends a bill over here you suspend all activity in your brain except that which allows you to follow orders. There are wasps, brothers and sisters, which will inject venom into a spider and it does not kill the spider. It does not take away the spider's ability to move its limbs, but it takes away the ability of the spider to move as it wills. So the wasp will take ahold of the spider and lead it to where it wants the spider to go and the spider's legs will move and the spider cannot resist. The spider winds up...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...in a hole in the ground.

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

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SENATOR CHAMBERS: Yes, I do. To take up where I left off, the spider winds up in a hole in the ground. The wasp lays an egg or eggs on the spider and the spider becomes a smorgasbord for the offspring of the wasp. What is being suggested whenever the Governor sends a bill over here is that you be injected with this venom that takes away your will and you do exactly as the Governor instructs. You don't think. The critical analytical mind that you bring to bear when other pieces of legislation are being considered you throw out the window on the Governor's bills. If it would make no sense for an individual to do that, if it would make no sense for a business to do that, and by "that" I'm referring to what the bill is attempting to accomplish, if it would make no sense for an individual or a group to do it you have to tell yourself, but I'm not judging it that way; the Governor wants this and, although I don't see any sense in it, the Governor does and I'm going to follow what he tells me to do. Then you go over there and try to tell the Governor something and he will tell you, by his action if not his words, get on out of here, I don't want to be bothered; I'll send for you when I want to talk to you. That should change. To give my talk about how we should behave as a Legislature, if we took our work seriously, others would take it seriously. If we didn't believe in traveling cheap, we would pay our employees better and give them a better retirement program, but we travel cheap. If we weren't so accustomed to traveling cheap, we wouldn't get ballpoint pens which, when we get them, they don't write; that corrective...that correcting liquid, which probably none of you use because you use computers, which are so thick when you get it that you can use it as glue; typewriter ribbons which are so defective that sometimes you can type a character and it will completely show on the page and other times it won't. So I don't know if we buy damaged lots and some of it is good and some of it is not, but I still travel horse and buggy, meaning that I don't use the computer. I don't use a word processor. I use a typewriter. But at the time I started using the typewriter that was considered like high tech, but I've just stayed in the same place for a long time and now it's low tech. There was a song about this guy who had a little Red River rowboat and this person in the big boat was making fun of him. Then the big boat's engine ran out and the guy said, little Red River rowboat, ain't much better than no boat, but at least it

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will go when I row, row, row; at least it will go when I row. I've seen that computer go down in my office, but because electricity is coming into the office my typewriter will still work and I can continue. It might take me a little longer, but I get where I need to go. Now, why did I say that? To say this. Because we're accustomed to traveling cheap, taking seconds, thirds, hand-me-downs and leftovers, we get that kind of treatment from the Governor's Office, this kind of legislation, which we ought not to take. So my amendment is an attempt to try to mitigate the damage of it. Mr. President, I will ask for a call of the house and, in the second or two I might have left, what this amendment does is to reduce the three-year life of this bill to...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...two. Oh, I have a minute. I thought I heard you say a minute earlier. Okay. The bill currently allows this bill to last for three years, \$200,000 pledged for each of those three years. My amendment would reduce that from three to two. We would waste only \$400,000 instead of \$600,000. It is not going to be a positive good. It simply takes away some of the harm. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers, and you are requesting a call of the house? All in favor of the house going under call vote aye, opposed nay. Record, please, Mr. Clerk.

CLERK: 16 ayes, 0 nays to place the house under call, Mr. President.

SENATOR CUDABACK: The house is under call. All unexcused personnel please leave the floor. All senators please check in, and we do ask that you remain in your seat. The house is under call. Senators please check in. Would you check in, Senator Foley, please. The house is under call. Senators please check in. Senator Byars, Senator Schimek, and Senator Wickersham. Senator Wickersham, the house is under call, and Senator Byars. Senator Chambers, we cannot locate Senator Byars or Senator Wickersham. Did you wish to...we are voting on the Chambers amendment, FA16, to LB 225. All in favor of that amendment vote

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aye, opposed nay. We are voting on the Chambers amendment to LB 225, FA16. Have you all voted who care to? Have you all voted who care to? Record, please, Mr. Clerk. Oh, excuse me, I'm sorry. Senator Chambers. Senator Chambers has requested a roll call vote. Mr. Clerk, call the roll, please.

CLERK: (Roll call vote taken, Legislative Journal page 473.) 22 ayes, 20 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The Chambers amendment is not adopted. We're back on debate on LB 225. Senator Landis. Mr. Clerk, is there a motion on the desk?

CLERK: Yes, there is, Senator. Mr. President, Senator Robak would move to bracket LB 225 until January 31, 2002.

SENATOR CUDABACK: The motion is to bracket the bill. You've heard the motion. Senator Robak, to open on your motion. And I do raise the call.

SENATOR ROBAK: Thank you, Senator Cudaback. This is a very simple motion. All it does is bracket this bill until January 31, 2002, and the reason for doing that is that I believe we're rushing into this a little too fast. I know the Governor supposedly has spent some time on this. However productive it was it remains to be seen. I think this will give us more time to figure out what we need to do in this area. If it's not...if it doesn't create jobs then really why are we paying somebody to not create jobs? If we're going to pay somebody, they should at least create jobs, but we're doing exactly the opposite. And I just feel that if we had a year from now to...you know, we could all look at our own consciences, good back to our own districts and...and figure out how we could do this in a more workable way. I feel that this could be done by existing government entities right now. I think the Department of Economic Development could do it. They could find somebody there to do it and we could give it to a lot of people to do this. Perhaps the Legislature could do it themselves, which we're trying to do now, but I feel that we...we will have to just look at this area a little longer, a little harder, and just see what it really does do. It's just a

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feel...the Governor isn't going to get elected for two more years anyway so he'll give him more time yet on the plate there to, you know, get his...his war chest in order and he can still come out smelling like a rose. But I still think we need to consider this very seriously, what we're doing here. It might set a precedent for...for other areas where we pay government taxpayers' money to do worthless things. So I think we need to just take a good look at this bill and bracket it for one year. What is one year going to hurt? If we get this through, one year certainly isn't going to hurt anything. I mean then these people that are out there finding partners from the East Coast, the West Coast, Canada, South America, wherever they come from, this is a global economy now, why are we limiting it to right here? We could probably get somebody...pay somebody to go to Europe perhaps and find investors over there. We could probably double this amount and go European or Asian and I think that we have a lot of ways we could work this thing to be more feasible and more productive. And I didn't have a lot of questions answered yet about this bill, so I think that...I think bracketing it for one year till January 31 of 2002 right at this time seems the feasible thing to do and then, barring death or resigning, we'll still be the same body here, they won't have any new senators, and I think they will have a chance to go back to their district and look their constituents in the eye and say, do we want to spend government money to do nothing, to create...not to create jobs? Thank you, Mr. Chairman.

SENATOR CUDABACK: You've heard the opening on the bracket motion. Senator Chambers, for discussion.

SENATOR CHAMBERS: Mr. President and members of the Legislature, this bill has become something more than what it really is. It is the drawing of the line in the sand. No matter what is offered, Senator Landis has to stay with the bill as it is, which usually the people, who he and I are opposed to, like the...they call themselves pro-life, will be in that position and they will insist, no, we don't have to stay here; we just don't believe that you're sincere in the amendments you're offering so we're not going to accept any. There were 22 votes to amend this bill. Some people on this floor are wise enough to see what is going on and read the writing on the wall. If 22

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people voted to amend this bill and there could be no allowance or no acceptance of the amendment, then at least 11 more votes are going to be needed to shut off all debate and move the bill, in the current form, which 22 people's votes suggested is not necessarily the form that they would support it in. So the line has been drawn in the sand. The amendment was rejected and what we will see next, I guess, is if Senator Landis can get 33 votes to stop everything and have a vote with no additional debate or amendment. We have two senators who are trying to use that tactic already, but here is the difference. Senator Landis will be using a rule that's in the book. He'll be seeking cloture. Two of our conservative fellows, one of them in the Chamber, Senator Tyson, doesn't believe in debating issues at all so he'll vote to shut it off. He said everybody knows how they're going to vote anyway so nobody should be allowed to debate and nobody should be allowed to offer an amendment. Well, even though I and my colleagues don't always mesh, on his bill I don't think he's going to get that. I don't think he's going to get 30 senator...well, 29 counting him, to say with this kind of a bill, which is worse than it has been in the past, is going to be moved across the board without debate and without amendment. Now, Senator Brashear, when he ran up that balloon, he had something in mind. It's a part of a strategy. Senator Tyson got caught up in it. Senator Brashear moved with great circumstance and pomp and led my friend, Senator Tyson, right into the swamp. That's what happened. And when we get into this mood of saying, we don't like how things are going so we're not going to have any debate or amendment on a specific bill, they might get that on that bill. But then not only are you going to have to make the motion on every bill, you're going to have to succeed in getting that motion adopted on every bill. And if you don't, you're in my territory and you are in my hands and, as Darth Vader would say, I have you now. What about the little fish? Let them go; stay on the leader.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Then David will remember this, Senator Landis. Darth Vader said, I'm on the leader. So if that's the way it's going to be, fine, but it should be that way because we're having a squabble among ourselves, not because the

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Governor came in here and said, do this or else. I want to see the "or else". Then I will impose my "or else". This bill is not even worth all of this, but it is somewhat in the nature of a jobs bill, remember, because it's going to give a job, a \$200,000 job, to at least one organization. I don't know if the organization has to be composed of more than one individual, but from the way this bill is drafted if you bring together this entrepreneur and the high roller, there is nothing that says the...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...entity that's being created has to be more than a one-person outfit.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Landis, on the bracket motion.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. I'm going to resist the bracket motion. Senator Chambers is simply, well, not accurate. First, I've already accepted amendments so that's a bogus argument and it's not true. I've also indicated amendments I would say yes to; again, a total misstatement and false. Secondly, with respect to whether or not the 22 votes was a wise thing to do or not, I wasn't off the floor. I heard. Senator Chambers has said he's going to do his "darnedest". I've taken him at his word. We were always going to...having said that, apparently we were always going to have to get to 33 votes. Senator Chambers never said he'd take anything off the ball with the adoption of the amendment and, in fact, we are exactly where we've always been. So whatever sense of trying to come up with something collegial, Senator Chambers has given himself "king's X". He's not part of the deal. He hasn't offered anything and he says, oh my gosh, Dave didn't take Curt's offer. Well, Curt wasn't able to speak for Ernie and there was nothing there. Senator Chambers has mischaracterized and stated things that are absolutely false and, secondly, he mischaracterizes the notion of an offer. Now, if I was in a position to accept an offer from Senator Chambers, I would consider it, but he's quite already told us he isn't going to do that. Now, either he is going to make me an offer,

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and which I would...I would entertain that, or he's going to do exactly what he's publicly said. Which of those two things do you think is going to be more true? I'll tell you what history tells me and that is Ernie does exactly what he says he's going to do, which is he's going to fight this to the end and I'm going to need 33 votes. Accepting an amendment that was antithetical to my bill so that he'd still take me to 33 votes would have been the stupidest thing to do. I may be naive and on occasion misled, but I'm not that stupid. If Senator Chambers is going to take us to 33 votes and that moment, he's going to do it. I'm going to live with that fact one way or the other. I'm not going to fight this thing tooth and nail. I'm not going to engender the kinds of personal attacks or pick a whipping boy here. I'm going to listen to Senator Chambers' rhetoric. He's going to take us to that moment and I don't think there's anything I can do about it and he hasn't offered any other way out of that. So I'm going to live with what the street tells me and the street tells me we're going to go through these amendment one by one. In another context, that might have been something that would be livable, but it certainly wasn't. Let's see, you get less of what you want, less of what you believe in, and you still have the pain of getting 33 votes in 8 hours of debate. Sorry, the answer is no, and criticizing me for saying no doesn't hurt my feelings because it's not very believable, not very persuasive. Try again.

SENATOR CUDABACK: Thank you, Senator Landis. Mr. Clerk, got items for the record?

CLERK: I do, Mr. President. A new A bill, LB 24A, by Senator Suttle. (Read by title for the first time.) Hearing notices from the Judiciary Committee, signed by Senator Brashear, as its Chair. An appointment letter...withdrawal of an appointment from the Governor. Senator Robak has an amendment to LB 225 to be printed. And, Mr. President, an announcement that the Revenue Committee will meet in Executive Session today at one o'clock; Revenue Committee in Executive Session today at one o'clock. I do have a series of adds. Senator Dwite Pedersen would like to add his name to LB 306; Senator Pedersen, LB 842 and LB 827. (Legislative Journal pages 474-476.)

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Mr. President, a priority motion. Senator Robak would move to adjourn until...to Thursday, February 1st, at 9:00 a.m.

SENATOR CUDABACK: There's been a motion to adjourn until Thursday at nine o'clock. All in favor of the motion say aye. Opposed nay. We are adjourned.

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