

**FEBRUARY 1, 2001**

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February 1, 2001

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Good morning, and welcome to the George W. Norris Legislative Chamber. This morning our chaplain for the day is Pastor Steve Griffith from the Dietz United Methodist Church in Omaha, which is Senator Hilgert's district. Pastor.

PASTOR GRIFFITH: (Prayer offered.)

SPEAKER KRISTENSEN: I call the twentieth 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. We next move to corrections to the Journal.

CLERK: I have no corrections, Mr. President.

SPEAKER KRISTENSEN: Any messages, reports, or announcements?

CLERK: I have no messages, reports, or announcements, Mr. President.

SPEAKER KRISTENSEN: Our next item of business is legislative confirmation reports. Mr. Clerk.

CLERK: Mr. President, the confirmation report offered by the Retirement Systems Committee found on page 451 of the Journal.

SPEAKER KRISTENSEN: The...Senator Bruning, the Chair of the Retirement Systems Committee, you're recognized to open on the confirmation report.

SENATOR BRUNING: Good morning, Mr. Speaker, members of the body. The Nebraska Retirement Systems Committee had three confirmation hearings in January and I'd ask that you confirm these collectively. First, the committee recommends Kenneth Green for your confirmation to the Nebraska Investment Council. Mr. Green is from Scottsbluff and is the CEO of Midwest PMS,

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Incorporated, and a company here in Gering, Nebraska. His term will expire in 2005, and we believe the Investment Council will profit from Mr. Green's expertise and knowledge. The committee also recommends for your confirmation to the Public Employees Retirement Board two individuals, the first of which is Judge William Hastings from Lincoln, the former Chief Justice of the Nebraska Supreme Court. He comes to us, obviously, with an exceptional resume and we believe he'll make an excellent addition to the board. His term will expire in 2006. The second appointment to the Public Employees Retirement Board is Julia Moeller from Hastings. This is a reappointment for Ms. Moeller and her term will expire as well in 2006. She has been the Adams County Treasurer for 40 years and we are confident that the board will continue to benefit from her experience and expertise. We're very pleased to have all three of these fine individuals for your approval, and we ask your support for the confirmation of Mr. Kenneth Green, Nebraska Investment Council; and Judge William Hastings, Ms. Julia Moeller to the Public Employees Retirement Board. Thank you, Mr. President.

SPEAKER KRISTENSEN: Debate on the confirmation reports? Seeing none, Senator Bruning waives closing. The question before the body is the adoption of the Retirement Committee's 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 pages 477-478.) 31 ayes, 0 nays, Mr. President, on the adoption of the Retirement Systems Committee confirmation report.

SPEAKER KRISTENSEN: The report is adopted. We next move to General File, LB 209A, Mr. Clerk.

CLERK: LB 209A, Mr. President, by Senator Jensen. (Read title.) The bill was introduced on January 30.

SPEAKER KRISTENSEN: Senator Jensen, you're recognized to introduce LB 209A.

SENATOR JENSEN: Thank you, Mr. Speaker, members of the body.

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LB 209A simply appropriates \$1,200 from the Bureau of Examining Board's Cash Fund to the Department of Health and Human Services Regulation and Licensure. The money is needed for the additional costs of administration, one part of LB 209, that allows for the department to issue a temporary license for audiology and speech-language pathology. Approximately 35 temporary licenses will be issued annually under the bill at \$35 a license. The additional revenue would be \$1,000...\$1,225, which will cover then the cost of that appropriation. And then also in LB 209, it repeals the Parkinson's Disease Registry and that would save \$10,000 in General Funds each year of the biennium. LB 209 reduces General Funds appropriations to the department by that amount, so we do have a savings. I would simply urge advancement of LB 209A. Thank you, Mr. President.

SPEAKER KRISTENSEN: Debate on advancement of the bill? Seeing none, Senator Jensen, you're recognized to close. He waives that closing. The question before the body is the advancement of LB 209A. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 209A.

SPEAKER KRISTENSEN: LB 209A advances. We next move to LB 24A, Mr. Clerk.

CLERK: LB 24A, Mr. President, a bill by Senator Suttle. (Read title.) Bill was introduced on January 31st.

SPEAKER KRISTENSEN: Senator Jensen, it's my understanding you're authorized to handle LB 24A this morning. Is that correct?

SENATOR JENSEN: Yes, thank you, Mr. Speaker. I was asked by Senator Suttle's staff. She is en route, probably peddling those little legs as fast as they'll go to get here. But LB 24 establishes a task force to develop a plan to implement a statewide immunization registry, a very important thing for the state to do. The Department of Health and Human Services will lend staff support. The A bill, approximately \$11,000 for the

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expenses of the members who will serve on the task force, and \$20,000 for contractual staff in HHS to support the work of the task force. The total appropriations in General Funds would be \$31,000 for one year only to establish this important task force. Mr. Speaker, I would just ask that the body accept and pass LB 24A.

SPEAKER KRISTENSEN: You've heard the opening. Debate on the advancement of the bill? Seeing none, Senator Jensen is recognized to close. He waives that closing. The question before the body is the advancement of LB 24A. All those in favor vote aye; all those opposed vote nay. Please record.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 24A.

SPEAKER KRISTENSEN: The bill advances. We next return to General File, LB 225, Mr. Clerk.

CLERK: Mr. President, LB 225, a bill by Senator Landis. (Read title.) The bill has been discussed, Mr. President, amendments have been offered. Senator Landis had an amendment to the bill that was adopted. When the Legislature adjourned yesterday, Senator Robak had pending, Mr. President, a motion to bracket the bill until January 31 of 2002. That motion is pending.

SPEAKER KRISTENSEN: We are now having debate on the bracket motion. Senator Chambers, or, excuse me, Senator Robak, you are recognized on debate on the bracket motion.

SENATOR ROBAK: Thank you, Mr. Speaker and members of the body. I made the motion to bracket this LB 225 until January 31st of 20,002 (sic--2002) and the reason for this is I believe that we don't need to be in a hurry to do this at this time. I don't know what we will gain by doing it right now instead of waiting one year. After one year, we can get more input into this. We can look at it. We can study it further. Senator Landis, is Senator Landis on the floor right now? Or Senator, who...Senator Bourne, are you here? Senator Bourne, since you are on...you signed onto this bill, you are one of the cosponsors, could you answer a question for me please?

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SPEAKER KRISTENSEN: Senator Bourne, would you respond?

SENATOR BOURNE: Oh, I'd be delighted.

SENATOR ROBAK: Could you tell me what would happen if we did not pass this bill until next year?

SENATOR BOURNE: Well, I think immediately what would happen is we wouldn't have a forum that brought people with capital together with those who desire capital.

SENATOR ROBAK: And that would mean what?

SENATOR BOURNE: Well, it would mean that the people who desire capital wouldn't be able to get together as well with those people who had capital to lend.

SENATOR ROBAK: Who are those people that desire capital?

SENATOR BOURNE: Well, I think that, you know, if you read the bill, it's those starting up businesses, those entrepreneurs with ideas that perhaps can't obtain capital from other sources.

SENATOR ROBAK: Have we...why can't they obtain capital?

SENATOR BOURNE: Well, that's a good question, and...

SENATOR ROBAK: They should be able to obtain capital if they have a good project or a good business, they should be able to obtain capital. Banks are ready...

SENATOR BOURNE: Senator Robak, I agree with you and...to a certain extent but, you know, we did hear some testimony in the hearing that indicated that sometimes with these types of start-ups it is difficult to obtain the...or it's difficult to find those people that have capital to lend to these type of ventures.

SENATOR ROBAK: And banks don't do that at this time.

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SENATOR BOURNE: Well, I think that this was outside of that. I mean banks will generally only loan, you know, when they are sure that they are going to get their money back. I mean they don't tend to go for high-risk type ventures and I think...

SENATOR ROBAK: Well, if it's a high-risk type, why would anybody else want to come in and risk their money for this?

SENATOR BOURNE: Well, there's a lot of people with capital that are looking for those types of investments, and that's, I think, the kind of...the purpose behind this act or bill.

SENATOR ROBAK: I see, then we pay \$200,000 a year from taxpayers' money so a individual can profit from us, right?

SENATOR BOURNE: Well, in a...no, that's not...that's not really accurate. I think what you're doing is if you can...if you can develop businesses here that will stay in Nebraska, I think everybody benefits from that in that the tax base is increased and people are employed and...and things of that nature.

SENATOR ROBAK: Senator, did you read the paper this morning where two ShopKo stores in Nebraska are going to be closed, and ShopKo is closing and firing and laying off people all over the country?

SENATOR BOURNE: I haven't read the paper yet this morning, but I do know that throughout the country there are numerous layoffs and I think that's why we need...the very reason that we need to do something like this, so as to encourage new businesses to start up and grow and perhaps replace some of those jobs that are being lost.

SENATOR ROBAK: And ShopKo didn't have the expertise to do that then. They somehow did not know how to do this thing to encourage their own businesses to be more innovative and have more people come into their places of business and make them more successful? Why are they closing up? Why did Sears close and Montgomery Wards and why are pe...and Union Pacific? Why are these happening all over the country now? Are they going to come here?

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SENATOR BOURNE: No, I don't necessarily think they are going to come here. I think they're happening is because there's...the economy is tightening and people aren't spending money like they used to.

SENATOR ROBAK: Well, they aren't spending money, therefore, there is no risk to coming here to spend money in Nebraska.

SENATOR BOURNE: I...I don't understand what you are asking.

SENATOR ROBAK: Well, if these investors are going to come to Nebraska and invest in here, there is no risk in Nebraska like there is throughout the country?

SENATOR BOURNE: Well, sure, there is, but that's...

SPEAKER KRISTENSEN: One minute.

SENATOR BOURNE: ...that's the point of these types of loans.

SENATOR ROBAK: And, Senator, also while we are at this, I think...I don't remember if you were on the floor yesterday, I told you about a businessman in my district that made replicas of sports cars, expensive, and you're in the...you are in the automatic...in fact, you are in the automobile business or you were at one time.

SENATOR BOURNE: I used to be but...

SENATOR ROBAK: Yeah, I know you did, so you should be acquainted with the sports cars, the various types of sports cars. Can you tell me where...some real expensive sports...European-made sports car, expensive, very expensive?

SENATOR BOURNE: Can I tell you what type is expensive?

SENATOR ROBAK: No, just name one.

SENATOR BOURNE: Of an expensive car?

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SENATOR ROBAK: Yes.

SENATOR BOURNE: Say a Ferrari.

SENATOR ROBAK: Yeah, Ferrari. And another one would be?

SENATOR BOURNE: Lamborghini?

SENATOR ROBAK: Could be. (Laughing) No, not that expensive one. At any rate, we can get these at just a fraction of a cost right here. It's not a real one but it looks like it. It's like wearing a fake Gucci watch, you know,...

SPEAKER KRISTENSEN: Time.

SENATOR ROBAK: ...or one of those kind.

SPEAKER KRISTENSEN: Time.

SENATOR ROBAK: Thank you.

SPEAKER KRISTENSEN: Thank you, Senator. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I had mentioned when we first started on this odyssey that there is a termite amongst us, and that termite is David Landis; that he is a master at negotiation, mediation, trepidation, expatriation, and he and I have been talking about this bill, the purposes of it, and the context in which our discussion is taking place. I don't like the bill, period. I'm not sure ultimately how much I'm going to fight the bill in terms of pulling out all stops. I do not believe in any form that this bill takes that it will be in the interest of the people of Nebraska. Everything I said in the past few days I still mean. I had suggested that the bill has become more than what it ought to become. I think, as I've stated, that it is setting a tone for this Legislature, maybe creating a type of precedent that will be referred to when we discuss other expenditures. I'd like to ask Senator Landis a question or two along the lines of what I'm talking about now.

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SPEAKER KRISTENSEN: Senator Landis.

SENATOR CHAMBERS: Senator Landis, is it true that you and I have been hammering away on this bill off the floor?

SENATOR LANDIS: Yes, we've had private communication as well as the very public communication on this issue.

SENATOR CHAMBERS: Well, I don't know whether you consider what we've done publicly to be in the nature of communication strictly speaking, but you're right.

SENATOR LANDIS: (Laughing) That's right.

SENATOR CHAMBERS: Have you proposed amendments that you are going to offer to the bill which would...well, why don't I let you, so I won't misstate what it is we've talked about.

SENATOR LANDIS: All right. That would be fair. I listened to the debate yesterday. I listened to the motions that were made. I am going to offer an amendment. It's been cosigned by Senator Bromm. I'd offer any other cosigners who'd like to. It incorporates the idea of the two-year window, which came up in the Chambers amendment following a Bromm speech on the reduction in the amount of money in the bill from \$600,000 to \$500,000, a sunset at the end of the two years of grant-making authority that DED would have and then, frankly, I would be willing to have some kind of accountability idea that we've, I think, gleaned from Senator Beutler's concerns. Off the top of my head, that would be the Program Evaluation Committee of the Legislature, however, I know that in the past we haven't wanted to dictate the Program Evaluation's workload. But I would be amenable to that, although it is not in the amendment, itself. There are also two changes to the intent section, which I've struck some sections, and I've struck Section 6, a section that Senator Chambers spent a great deal of time dragging us through, word by careful word.

SENATOR CHAMBERS: Now, Senator Landis, this is just slightly aside from the technical aspect of it. When I offered that motion for the two-year, we might say, sunset,...

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SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...I lost the motion, so I may...I can be considered to have taken a licking, but the fact that there were 22 votes for it probably let you know that there might have been some feeling that the bill did need to have its form changed. Is that correct?

SENATOR LANDIS: Yes. I used to watch a TV show called the "Hill Street Blues" and I liked it very much and there was a character of the name "Belker" and he was an undercover cop, and his mantra was "read the street". So I would have to say there was some reading of the street in the creation of the amendment.

SENATOR CHAMBERS: And we both, if we agree to this, have given up something, and you gained everything, more or less. Isn't that true?

SENATOR LANDIS: I understand that, should we go forward, it would not be with your approval or with your green light. There is no way I'm getting a green light for this deal, so but, yes, I think there is some movement on both sides if we allow this to come up to a vote in the normal course of things, after an appropriate debate on the amendment and the ideas of the bill.

SENATOR CHAMBERS: Thank you.

SPEAKER KRISTENSEN: Time. Senator Robak.

SENATOR ROBAK: Thank you, Mr. Speaker, members of the body. I have a question for Senator Aguilar. Are you here?

SPEAKER KRISTENSEN: Senator Aguilar.

SENATOR AGUILAR: Yes.

SENATOR ROBAK: Senator Aguilar, I noticed that you also are a cosponsor of this bill. Can you tell me what harm we would do to the state of Nebraska if we bracketed this bill for one year, one year only? What would we do? How would the economy be

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affected in Nebraska?

SENATOR AGUILAR: I think the opportunity for any new businesses too that would possibly benefit from this bill would be put off for another year.

SENATOR ROBAK: And new businesses are what?

SENATOR AGUILAR: Well, the only way we're going to find out that is to pass this bill.

SENATOR ROBAK: That...I have a new business. Will I be affected by this bill?

SENATOR AGUILAR: Are you anticipating starting up any new businesses?

SENATOR ROBAK: I didn't hear you.

SENATOR AGUILAR: Are you anticipating starting up a new business?

SENATOR ROBAK: I have a new business but I would like to expand.

SENATOR AGUILAR: Then I would suggest that you pass the bill and inquire to see whether or not it would benefit you.

SENATOR ROBAK: Senator Landis, was that true? You're the principal introducer. Could you tell me how I could do that under this bill? How could I expand my existing business under this bill? Because I know how to do it right now, I can do it right now if I want to but I have to go to a bank. And I've gone to the bank and I've got a loan, and I've had no problem getting a loan, but...and I would say these people that are affected by this bill would have no problem getting a loan either. But with \$200,000, or whatever this amount is, I'd like to rake in'off some of that money. Maybe you should give it to me. All I need is an assistant and a secretary part time, and I could do this for anybody in the state that wants to come and start a new business. So would you answer my question? How

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would I...how could I go about getting...could I get a cheaper loan? Do people get cheaper loans? What rates do they get under this new bill that we're going to have here?

SENATOR LANDIS: Ask...I'd like you to ask me a question, and I'll do my best here. I couldn't understand the question.

SENATOR ROBAK: I'm sorry.

SENATOR LANDIS: If you'd ask me a question, I'll do my best.

SENATOR ROBAK: Yes, I have a business. I did get a loan from a business...for our business, and I want to know how this could help me, if I want to expand my business. Will I be able to get a loan at a lower rate, or how is this going to work for me?

SENATOR LANDIS: What could a businessperson expect by way of the value of this bill? A businessperson who could not find appropriate financing in the existing market could go to this clearinghouse and meet investors or investor networks who did have capital and who were looking for investments. Perhaps it was a risk profile that a normal investor, like a bank, wouldn't want to invest in; perhaps it was a high-tech business, but the local businessperson, who had an idea and who wanted capital and who could not otherwise find it, could go to this place and find potential investors who would offer them possibly terms for a loan that would allow them to expand their business. The terms, there is no guarantee as to what the terms are here other than they need to be acceptable to both parties.

SENATOR ROBAK: Okay, then so if I can get a conventional loan, business loan, then I would not be a prospect or a candidate for this Venture Act, would I, because I already have one? And so, therefore, it's only for those new businesses that cannot get loans, is that right?

SENATOR LANDIS: No.

SENATOR ROBAK: Okay, clari...could you clarify that then?

SENATOR LANDIS: Yes. There is no requirement that you only

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approach this clearinghouse, if you will, if you don't have financing, or that you've failed to get financing.

SPEAKER KRISTENSEN: One minute.

SENATOR LANDIS: It's just that it is another potential source of funds. It may be on better terms. It may be an infusion of new money.

SENATOR ROBAK: Okay, do you know...

SENATOR LANDIS: You may have had a loan from another source but you now want to expand on that and use this mechanism. You may want to have a lender who has growth potential beyond what the lender that you're using now is. That would be up to the individual businessperson to decide, but it doesn't require the businessperson to not have a source of funds anyplace else. It's just that they are looking for new funds or more funds or with better terms or with a longer time line or with a greater patience for risk and tolerance for risk than what they find otherwise that may be available in the marketplace.

SENATOR ROBAK: And then what happens if this new business and they get...go through this...

SPEAKER KRISTENSEN: Time. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I am going to join in the discussion this morning, and when Senator Robak's motion comes up to change this into a study, I'm going to support that, too, because I don't like this bill and I will do anything under the rules to fight a bill. But the only question where my fighting is concerned is to what extent I am going to take time, how much energy am I going to expend on a bill. This bill, it should be obvious to most people who have paid attention, has provided me a forum for expressing my view about how we're going to proceed the rest of the session. And some of the new senators came down here with certain notions of putting me in my place. They are going to put me in a box, and that's why they were sent here, to corral me, and others have come down here with that notion. And it has never worked.

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Senator Warner and I didn't see eye to eye on a lot of things but, being elder statesmen of the Legislature, we analyzed and evaluated what he...what we saw, and I am going to try to find an article that was being written about what I do in the Legislature and he was questioned and I think the reporter said that he chuckled because the issue came up of these people who were going to come down here and wrap me up, tie me up, and control and tame me. And it was at that point, I think, they said Warner chuckled and said what usually happens, none of them can do it and, ultimately, they wind up supporting him, because they come here with a false notion and don't have sense enough to do as I do, that is to evaluate a situation on the merits of that situation. Now I know who these senators are. I could have been lambasting them, but I want to base my lambasting on what they do when they are here. A lot of people, when they are trying to impress their best girl or significant other, in these days we don't know for sure how that breaks out, but in order to impress that significant other, they will posture and make all these gestures and threaten and boast about what they are going to do and they are going to kick sand in my face because they know that significant other is not going to be present when that individual is in my presence and has to kick sand in my face and shackle me and tame me. So I understand all that. Of what value is it to be on the earth a long time if we don't learn something about human nature and the way people behave? While you all are down here and I'm down here, in a sense we live in the same house. We work around each other. I am going to say things and do things that will make you a fool because it is going to make you angry and anger rests in the bosom of a fool. You're going to wind up with palpitations, sweaty palms, jaw aches from gritting and grinding your teeth because you are upset about something I have said, and I am not even thinking about you, so I own you. I control you while not even being around you. So what people ought to learn how to do is to pay attention and form judgments on the basis of the facts presented to them and not notions put into their head by somebody else. But some people choose not to follow the path of wisdom,...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...not to utilize the methodology of

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scientific inquiry, so they make mistakes and blunders. Mr. President, do I have one more time to speak on this motion? I am going to put on my light and not take the minute because I can't finish.

SPEAKER KRISTENSEN: Senator, you are just recognized for an additional five.

SENATOR CHAMBERS: Thank you. I don't feel that this time is being wasted because what I'm saying is relating to what's likely to happen with this bill. When I decide that something ought not to pass, I will do everything under the rules to stop it. It then becomes a matter of the people on the other side deciding whether the battle is worth it. I've got bills before the Legislature that mean something to me or I would not have introduced them. But no bill that I've offered means enough to me to say that I'm going to back off because the Governor might veto my bills. He's vetoed my bills before. I'll just punish him. When it comes to that, I follow the advice of "Old Man" Kennedy--don't get mad, get even. So if he is going to be petty in dealing with me, he's got bills that mean more to him than mine mean to me and I'll be back. I'll do that on every one of his bills. Any bill where I see introduced at the request of the Governor, even if it's one that I ordinarily don't have any interest in, I will make the Legislature take all that time because the Governor has said he doesn't care how much time it takes. You know why he doesn't care? He's not over here battling with me. He sends his minions, he sends his surrogates, and they are the ones who have to do battle. And for the new senators, I don't get tired. The longer we go, the stronger I become, the faster my engine begins to run. You all will leave here after a morning of what you consider hard debate and go stretch out someplace after you eat so you can rest and recuperate. You know what I do? My energy level is so high that I have to go to my office and lift weights to drain it off. I don't go someplace and lie down to rest because, and brothers and sisters, there is no rest for the wicked, and the devil is always busy prowling and growling and seeking whom he may devour. So I just want people to understand that when they bring these bad bills in here, if there's enough consequence that will flow from that bill of a harmful nature, I will fight

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it tooth and nail, and we will see who will blink first. We will see who will be the last one standing. We will see who will turn out the lights. This kind of bill is not of that variety based on what it does, but it has taken on significance because it came to us early in the session. It's squandering money for a program that has no substance, in my opinion. I think I may have gotten that message across, so perhaps I will relent and, Senator McDonald, allow the Legislature to take a vote. See, the Governor doesn't know that he's got 33 votes. He doesn't know that. He's rolling the dice. If he gives instructions to make a cloture motion and it fails, the bill is off the agenda. And there are some senators who simply would not vote for cloture. In a sense, it's a vote on the bill but in another sense it is not. But this I will say, and I'm going to say more on Senator Robak's motion to convert this into a hearing, if this bill moves, I'm going to have a record vote and I'm going to examine every name on that list and woe to them if they bring an A bill.

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: Let them have their bill. You can have the substance of the bill, but, woe, if there is an A bill. And since A bills do not have a lot of material, it may be necessary for us to spend a lot of time on the bill in chief, that means the underlying bill to which the A bill will attach. Is that a threat? No. But the Governor will call you over there and threaten you--if you don't do this, I am not going to go for this; I'm going to veto that--and you all go to shaking. Well, I want to cause a little shaking, shaking and baking, this morning. I'll do the baking; you'll do the shaking. Thank you, Mr. President.

SPEAKER KRISTENSEN: Senator Robak, you're recognized to close on the bracket motion.

SENATOR ROBAK: Thank you, Mr. Speaker, members of the body. I would like everybody to consider this very carefully because we're moving a little bit fast on this. I think that we should bracket this until one year, January 31st, 2002, and then we can take a better look at this. And the state won't go to pot,

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nothing is going to happen to us. I notice Senator Landis passed out a numerous portfolio here which is quite old, I must admit, and we were all richer ten year...ten months ago than we are now, so I think the facts have changed a little bit. I think we need to study this issue further. Last year, I did have a bill, I did have a good venture capital bill which was sent to the Governor 43 to nothing, and it was vetoed. And I...and Senator Wehrbein on the floor changed my bill from a meat processing program to a feasibility study, and I did not object to that. I thought that was a great idea. It would sunset in three years. If it didn't work, there would be no harm and, of course, that was Senator Wehrbein's idea to make this a feasibility study. Well, in any event, I don't think the Governor fully understood the bill because, you see, we had the Governor's staff working on this bill, we had a study on this, we had several studies, several hearings. We had the state Department of Agriculture, we had one of the Governor's staff people working on this bill, the university working on this bill, and why it was vetoed I don't know. I really don't think the Governor had anything to do with it. I think it was Mr. Bare. He used his vindictiveness against his own personal good for some reason and, therefore, it went party line as we voted to override the veto, straight party line, so we failed by 5 votes, and the price tag was less, much less significant than this. So, therefore, if... you know, it was a feasibility study. We're going to have it again. I don't know what will happen to it this year, but I think that we should look at this a little closer. We can do some studies on this. We can all have some input into this bill. So, therefore, I ask you to support the bracket motion. Thank you, Mr. Speaker.

**SPEAKER KRISTENSEN:** You've heard the closing. The question before the body is, shall the bill be bracketed until January 31st, 2002? All those in favor vote aye; all those opposed vote nay. Senator Robak, for what point do you rise?

**SENATOR ROBAK:** Could I have a call of the house, please, Mr. Speaker?

**SPEAKER KRISTENSEN:** There has been a request to place the house under call. All those in favor of placing the house under call

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vote aye; those opposed vote nay. Record, Mr. Clerk. Record, Mr. Clerk.

CLERK: 25 ayes, 4 nays, Mr. President, to place the house under call.

SPEAKER KRISTENSEN: House is under call. Would all unexcused members please return to the Chamber and report your presence. The house is under call. Senator Robak, all the members are present. I need a little direction from you on which way you'd like to proceed at this point.

SENATOR ROBAK: Thank you, Mr. Speaker. I'd like a roll call vote, please, reverse order.

SPEAKER KRISTENSEN: Members, please hold your conversations to a minimum. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken, Legislative Journal pages 478-479.) 6 ayes, 37 nays on the bracket motion, Mr. President.

SPEAKER KRISTENSEN: The bracket motion is not successful. The call is raised. Next item.

CLERK: Mr. President, the next item, Senator Robak offers AMO211. (Legislative Journal page 475.)

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

SENATOR ROBAK: Thank you, Mr. Speaker. This is a very simple amendment. All it does is strike the original sections. This would be the bill. What this bill would do, we will create a venture capital study and innovation advisory group. This advisory group would consist of seven members: the Chairman of the Legislature's Banking, Commerce and Insurance Committee, because I think that person has the expertise. He carried this bill so I think that he would be a wise person to have on this innovation advisory group; the Chairperson of the Legislature's Agriculture Committee, because we know that the rural areas

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need...need more input into this; and also the Chairperson of the Legislature's Appropriations Committee, who is the safeguard of our treasury and I think is, you know, pretty much in...likes feasibility studies instead of just rushing out there madly and spending money; and four members appropriated...appointed by the Governor. The advisory group would...would study the venture capital needs in the state and the possible ways to meet those...meet those needs. Just because we have this bill before us, it doesn't guarantee anything that we're going to get all these new and existing businesses, our state is going to be wonderful again, not that it isn't now, but it...we just have to study these capital needs in the state and the possible ways to meet those needs. The Department of Economic Development and the Department of Agriculture shall provide staff support to the advisory group. Now that's far better than giving fresh taxpayers' money for this because we have these...we have these agencies in place right now. This advisory group would gather information from interested parties through public hearings and other appropriate means to ensure opportunities for outside input. We didn't have any outside input. Granted, there was a public hearing on this. In the committee, there was a public hearing but we didn't have people putting...the general public giving their input. The advisory group would complete its work and issue a final report and outline its findings and recommendations to the Governor and the Legislature by January 1st, 2002. This report would include suggested legislation to implement the feasibility options included within the study. And the only expenditure really would be the members of the advisory group would be reimbursed for actual and necessary expenses. So, you see, this is a much better approach to take right now. We are looking at the situation closely. We are getting interested people throughout the state to do this, not just the Chamber of Commerce and the people that were prompted to come in here and testify in support of the bill. I think this is a much, much better way to go. I think that we're not going to...nobody is going to...nothing is going to happen to our state in one year, and nothing can happen to our state in one year if we do not pass LB 225. Therefore, I'm proposing to have a venture capital study and innovation advisory group. And with that, I will close and say I think this is the way to go. How much time do I have left?

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**SPEAKER KRISTENSEN:** Senator, you have roughly seven minutes, if you care to use it.

**SENATOR ROBAK:** Oh, seven minutes, okay. I think we've wasted a lot of time on this bill right now, and not really wasted because we did have some pretty good talk...debate on this, but I think that now is the time to put this to a vote and let's go on with the study and go on with the findings and we need to find a different way to approach this so that we don't use taxpayers' money; we don't use taxpayers' money to make individuals wealthy. I could, you know, like to use some of that money for myself, too, but we don't operate that way here in Nebraska. So I think we'll just go on with the study, the feasibility study, with three people from the Legislature, four people appointed by the Governor, and that way we will have a pretty good mix throughout the state to come up with the findings that we need to put this bill before...before 49 senators. Thank you, Mr. Speaker.

**SPEAKER KRISTENSEN:** (Visitors introduced.) Items for the record.

**CLERK:** Thank you, Mr. President. I do have items. Health and Human Services reports LB 411 to General File; Natural Resources reports LB 243 to General File, those signed by their respective Chairs. I also have a confirmation report from those two committees. I have a Reference report, Mr. President, referring a gubernatorial appointee. And there will be a meeting of the Agriculture Committee in Room 2022 at 10:00 a.m.; Ag at ten o'clock in Room 2022. (Legislative Journal pages 479-480.)

Mr. President, Senator Robak, I now have your amendment to your amendment. Did you want to take that up now, Senator? This is the handwritten one we did this morning. (FA17, Legislative Journal page 480.)

**SENATOR ROBAK:** Thank you, Mr. Speaker. What this amendment does, we would strike on line 8, "four" and insert "six" members appointed by the Governor, two from each Congressional district, one would be a Republican, one would be a Democrat, from each

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three Congressional districts. That way I think we'd have a balance here. We'd get everybody's interest in...we'd have them all looked at the way we should have it. We should have it spread out through the state, not just one section, where I think this bill came from. And I think that the four people appointed...six people appointed by the Governor would give us some really good input. It would be the Governor's choice to appoint these people. One would have...the only stipulation would be one would have to be a Republican, one would have to be a Democrat, to balance the issues a little better. And then also they would do the same thing. The advisory group would study venture capital needs in the state. We have a big state. We have a diverse state, and we have a lot of different needs out there. I think we're focusing on one small group of people here in this...in this particular bill, LB 225, where it seemed to be focusing on high risk, and it's a little vague who is really going to benefit from this other than maybe an individual owner that couldn't get a loan from a bank or something. But it would be the same as this, the bill that we have now in front of us, and all it would be would be a feasibility study. I think that nobody can fault a feasibility study. I think the Program Evaluation is fine, it's wonderful, but then it's a little too late after the fact. We have to do something before the fact and this is...this is the way to go. This advisory group would gather information from interested parties through public hearings. We'd have these public hearings throughout the state, therefore, we'd get a good public input. We just wouldn't have one hearing, committee hearing, in the Legislature that nobody knows about and nobody knows what's happening until too late and after they read the papers and see what bills the Legislature has passed again. So, therefore, I urge the body to accept this amendment to the AMO211, which would strike four members and add six, two from each Congressional district, a Republican and a Democrat from each district, to balance the playing field and, therefore, we would have a good input, we would have a good source of information. We'd really have some...we'd really know what the needs are out there. Right now we don't know what the needs are. We just would like to help the state somehow, and we think this is a good idea, but we really don't know what the needs are. We need the general public throughout the state of Nebraska to tell us their needs. The needs are different. The

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needs here in Lincoln are different than where I live. The needs up north of me are different yet. So, therefore, we have this...a unique state where we have diversity in needs and I think this is a good way to handle the situation. I think that all we have to do is accept this amendment, adopt this amendment, and then we can go on with our work. Thank you, Mr. President, Mr. Speaker.

SPEAKER KRISTENSEN: Senator Chambers, your light was on for the amendment. Do you want to speak on the amendment to the amendment? You are now recognized.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I will not take a full five minutes on this amendment, but I would like to ask Senator Robak a question.

SPEAKER KRISTENSEN: Senator Robak, would you respond?

SENATOR CHAMBERS: Senator Robak, does the amendment specify that one person would be a Democrat and the other a Republican?

SENATOR ROBAK: Yes, it does, Senator.

SENATOR CHAMBERS: What becomes of the independent? I'm just curious.

SENATOR ROBAK: Oh, well, we can...we could...we could...I didn't...that didn't come to mind. That's a very good question. Independent, libertarian,...

SENATOR CHAMBERS: Thank you, Senator Robak.

SENATOR ROBAK: ...I...okay.

SENATOR CHAMBERS: Members of the Legislature, I've been battling this bill for at least three days almost single-handedly, and Senator Robak doesn't even see me as an afterthought, and I'm in the forebrain of the Governor's Office, Senator Landis, that list of what they call the usual suspects that he handed out today, all those high-powered people or at least they've got high-powered titles, and all of them are

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talking about Chambers. All of them talking about Ernie (laugh). What's Ernie going to say? What's Ernie going to do? That's all you hear. Then my good friend, Senator Robak, whom I have discussed the possibility of adopting, thanks to a bill by Senator Landis, and she doesn't even think about me. I didn't even occur to her. What is proposed in her amendment, though, as far as the intent is of interest because, whenever you set up a study of this magnitude and of this type, there does...there does need to be something in the nature of balance so that you get ideas during the formative stages of whatever might develop that will allow for a discussion of all aspects of the issue. Somebody such as myself would bring a point of view that might not be brought by anybody else. So her amendment, as drafted, would be an improvement over her original proposal, but I would not like to see a specification of Democrat and Republican, because when you restrict it that way an entire talent pool is excluded. The reason I'm speaking, even though her amendment to her amendment may not have much chance, the underlying amendment may not have much chance, there are periodically created groups, committees, subcommittees, where an attempt is made to achieve what is called political balance, and in the minds of most people, not just Senator Robak, is the notion of a Democrat and a Republican. They feel that is what brings balance. Were I not in this Legislature, there would not be balance even though you have Democrats and Republicans. There are other points of view than those entertained by members of those two parties. And there are people, such as myself, who are beholdling to no party, but there is a constituency, even though not organized, not given a name, which has views that ought to be taken into consideration, and those views will not be presented, and certainly not advocated, by either of the parties or the parties' members. So as these attempts are put forth to create political balance, I hope that the thought pattern will not be restricted to just the two...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...main political parties. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Senator Chambers.

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SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, Senator Tyson contributed the names of some other parties, but I just mentioned independents because that term does not designate a party. It designates those people who do not see enough in any existing party to cause them to join it. We're at a point now where other things can be touched on because something may work out on this bill that will free all of you, but it still does not mean in my mind that the bill ought to move forward. It simply means that it may be in a form where I'm not going to prevent a vote from being taken on it. But, since I've talked about the status of the Legislature, I want to use this amendment as an opportunity to discuss that because, as a member of the Exec Board, we sometimes have to appoint people to various committees, subcommittees and other groups, and political balance is a requirement. That leads me to a discussion, very briefly, of what those of us on the Executive Board have a duty to do. That is to serve something like a board of directors who will handle things that the body as a whole or a committee of the whole could not conveniently do. So, in discharging our duties, we try to take into consideration what is good for the Legislature as an institution. As a part of this tripartite government, my view is that we, as a Legislature, do not do the things that we ought to do which would enhance our stature, enhance it from where we have allowed it to sink. But if we lived up to what it is that a Legislature should do, no enhancement would be necessary because we would be operating at that optimum level. If we thought more of what we do, we would think more of the people that we hire, because we would hire people who can do good work, solid work, work of which no senator has to be ashamed or embarrassed by, not have somebody scribble something down and give it to you at the last minute, you try to stumble and fumble your way through it and then it doesn't even make sense to you so you sit down. Allowing staff people to do what you, as a senator, ought to do, that's a no-no, but each senator can run his or her office as he or she chooses. But in those offices which are run this way there is a fertile field for lobbyists and the heads of agencies to get to a staff member and they control the senator because they feel the staff member has more sense than the senator, and that is not a good thing. When they get term limits, that will

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certainly be the result if term limits does take effect. In the meantime, I'm still here, a member of this Legislature. I think, for those employees who do work and have worked, they're woefully underpaid. When I found out what a pathetic thing the so-called retirement system is for our employees, I was sickened. I know we can't get a retirement program for the senators. The fact that I cannot get a decent wage, the fact that I cannot get insurance coverage, the fact that I cannot get a retirement program has never in any way had a bearing on what I'm going to do in terms of being fair to employees. As a matter of fact,...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...the unfairness visited upon us makes me more sensitive to others to be sure they're not treated unfairly. However, never having been a part of a retirement program, that is not an area where I have any amount of expertise at all. But when I look at what people might receive once they retire, I can understand that and we are not operating at the level we should. Since something may have been worked out now with reference to this pending amendment, I think I can retake my seat and see how things develop.

SPEAKER KRISTENSEN: Senator Landis. Senator Robak, you're recognized to close on your amendment to the amendment.

SENATOR ROBAK: Thank you, Mr. Speaker, members of the body. As you've heard before in my opening, this is...would strike the original section. This would be the bill. All it is, is a study and innovation advisory group consisting of seven members: the Chairperson of the Legislature's Banking, Commerce and Insurance Committee; the Chairperson of the Legislature's Agriculture Committee; the Chairperson of the Legislature's Appropriation Committee, and I think I chose those because they have the expertise needed into this study; and four members appointed by the Governor. And the advisory group should study venture capital needs in the state and possible ways to meet those state...those needs. The Department of Economic Development and the Department of Agriculture shall provide staff support to the advisory group, and we would conduct...the

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advisory group would conduct public hearings throughout the state, the appropriate means to get outside input, and I think that's very, very necessary because right now we don't have any outside input on this. We have inside input, and there's a little difference there. And the work shall be completed by January 1st, 2002, and its filings and recommendations shall be given to the Governor and Legislature at that time, and they will suggest legislation about that time to implement the feasibility studies included within the study. And with that, Mr. Speaker, I urge the body to adopt this amendment. Thank you.

**SPEAKER KRISTENSEN:** You've heard the closing. The question before the body is the adoption of the Robak amendment to the amendment. All those in favor vote aye; all those opposed vote nay. Senator, for what point do you rise?

**SENATOR ROBAK:** Could I have a call of the house?

**SPEAKER KRISTENSEN:** There has been a request to place the house under call. All those in favor vote aye; all those opposed vote nay. We are voting on whether to place the house under call. Members, we are voting on whether to place the house under call. Have you all voted? Record.

**CLERK:** 17 ayes, 15 nays to place the house under call.

**SPEAKER KRISTENSEN:** The house is under call. Will all members please record their presence? All unexcused members please return to the Chamber. Senator Brown. Senator Hartnett, the house is under call. The house is under call, all members please report to the Chamber. Senator Jensen, the house is under call. Thank you. All members are present. Senator Robak, all members are present. Again, I need some direction on how you want me to proceed on the vote on your amendment to the amendment.

**SENATOR ROBAK:** I won't request a roll call vote, machine vote.

**SPEAKER KRISTENSEN:** Senator, we've already started a machine vote, so at this point are you asking for a roll call vote?

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There has been a request for a roll call vote. Mr. Clerk, please call the roll. Members, would you please hold your conversations to a minimum.

CLERK: (Roll call vote taken, Legislative Journal page 481.)  
3 ayes, 28 nays, Mr. President, on the amendment.

SPEAKER KRISTENSEN: The amendment is not adopted. The call is raised. Next item.

CLERK: Mr. President, Senator Robak would move to amend.  
(FA18, Legislative Journal page 481.)

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

SENATOR ROBAK: Thank you, Mr. Speaker. What this amendment does, it's the original amendment, AMO211, and it would be on line 8, strike "four" and insert "seven" with each Congressional district having one Republican member and one Democratic member and one at-large registered independent voter. Now we could go down to libertarian. There's a lot of political parties here. I think Senator Tyson knows most of them, but we could do that but independent covers them all. So I think we need one independent group on that. That would also be appointed by the Governor, and it'd be the same as the amendment, AMO211. It would be an advisory group to study the needs of this venture capital. I noticed in Senator...one of Senator Landis', we have to look very carefully at this, because I noticed in one of his handouts he has an article on "Venture Capital Key to State's Economic Future" and I found that very interesting because it goes back to 1996 Oklahoma had a...he conducted for the...a study was conducted in 1996 for the Depart...Oklahoma Department of Commerce showing there was an annual \$50 million shortfall of early-stage capital. Well we could be looking at the wrong amount of money here. We could probably need much more than \$200,000. We might need \$50 million. We might need \$5 million and, therefore, you see next year, the next year, the next year we would have to increase the amount of public funding for private individuals. We would have to go from \$200,000 because we would find that there would not be enough money, and we would

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have to raise...actually raise the amount of money that we needed. So, and this was a study done in 1996, but I think that was the right step. They did a study. So the need for capital there is obvious as it is obvious here. So we have to look at this very closely and I certainly don't want to create another Commonwealth here where people, taxpayers, do lose their money on some ill venture that the Legislature started. We have to be very careful about that. And also in Oklahoma, they have the Oklahoma Development Finance Authority, and they let them use \$10 million for statewide venture capital. So I'm wondering, if this is such a good program, if we really funded this enough. I think maybe we have to look at this. A study would really be good. We might be short of money here. We might need much more money, and my fear is that we'll come back, maybe two or three years from now, and say that \$200,000 isn't enough because some of these businesses have failed, they've gone bankrupt, they've gone the way of the other places in the United States, and we'll need more money. We'll need more money to bail them out because we created this nightmare so we have to give more money. And actually, if we put in more money now, we put in \$50 million to start with, we could really get businesses to come here from California and New York and, golly, we could even get them coming from Europe for that much money. And so I think that this is very essential, the study is very essential, and I think if we do include this independent, at-large registered independent voter to be on this study, it would include all those other...other parties in the state. I urge the body to think very closely about the study that Oklahoma did in 1996, needed \$50 million, and we could be looking at the wrong amount of money right here, and I really would hate to come back to the Legislature three years from now and say, hey, we need more money, we need more money; we've promised these people if they came here we'd get more money and we need more money. So this is something we have to look at very, very carefully. We should progress slowly. We need a feasibility study. We need a study on this. We need input throughout the state. We need input from everybody concerned, from taxpayers, because this is who it affects, is the taxpayers. It isn't for the providers, or anybody else, the bankers or the businesses; it's about taxpayers. Doesn't create jobs. This is about taxpayers. And look very closely at the amount because we may need more money.

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Maybe we should redo this whole thing and give \$50 million right now. I think we need to...I do think we need a feasibility study. We need a study with the input of all these people appointed by the Governor, and the Governor should have no qualms about that. He will appoint the people he needs to appoint in this case. It will be balanced a little somewhat because we will have a Democrat and Republican from each Congressional district. We will balance the whole thing by having one independent on the committee on the study, and I think that the staff that will help on this will provide great input, and I think that's the way we should go right at this point in time. I urge the body to adopt this amendment and, thank you, Mr. Speaker.

**SPEAKER KRISTENSEN:** Senator Tyson.

**SENATOR TYSON:** Thank you, Mr. Speaker, members of the body. I must be missing something. I've read the bill. I've read the amendments. Well, I did until my machine told me it wasn't going to speak to me anymore. I must of said something that irritated it. No one...not a single dime of the money that we're talking about, be it 100,000, 200,000, et cetera, is to be lent to anyone. This is...the purport of this bill, as I understand it, is to set up a function, and that function is to locate venture capital and bring venture capitalists, who it is anticipated are already in Nebraska and sending their money elsewhere, to invest still in Nebraska. A case in point, and this is not a Nebraska deal but it is something that we're all familiar with, is North Sioux City, South Dakota, where there is a small firm that didn't need venture capital, it's called Gateway. It started as a cattle commission company, I believe, buying and selling cattle, until two of the sons of the family decided to go into another business. As far as I know, they were able to fund it, and because there is a heavy cash flow in that business didn't need venture capital. Microsoft, they never tire of telling us, started in a garage. Now whether they needed a venture capital or not, I don't know, but there are garage-type operations in Nebraska that have some potential. There are small manufacturing companies in Columbus, Nebraska, as a matter of fact. Some of them have done quite well. Behlen comes to mind. There are small companies throughout Nebraska

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that do have growth potential. This bill would not enable them to borrow one penny of state funds. This is enabling money. It is nothing else. Is it a good idea? I think so because it will bring the expertise of people who will be, in effect, volunteering their expertise, and when the opportunity arises where someone who meets the qualifications as outlined in the original bill, now I am not speaking yet of Senator Landis' amendment, they will be able to bring the parties together. That's all this thing does. It sets out the conditions under which they can operate and it gives them a small amount of operating capital, and that operating capital amount is one of the things that we're talking about. But in this day and age, as far as operating anything, \$200,000 I think is a modest sum. And for the purpose of this bill, which I heartily subscribe to, I think it's the proper amount. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Senator Robak, yours is the only light. Would you like to be recognized to close?

SENATOR ROBAK: No. Could I speak?

SPEAKER KRISTENSEN: Yes, you may.

SENATOR ROBAK: Thank you, Mr. Speaker. Senator Tyson, I understood clearly that that wasn't going to...that \$200,000 wasn't going to go to any loan to an individual or a corporation or anything. I know that it's a clearinghouse to do this. My concern was that that still is taxpayers' money; that we're starting a new entity, we're starting a new organization. It's a forum for this type of enterprise that we're calling economic development, or calling whatever...whatever we call it. I do understand that, and I know what the function of the forum is. My objection to that is that maybe we don't have the right amount of money in the fund, in this clearinghouse. Maybe we need more money. As I said, Oklahoma had...went a different route and I don't know if it's successful or not. They did it in 1996, so that was a long time ago, and I don't know what a study would hurt in this instance. I don't know what a study would hurt when it's comprised of these individuals and it would take place throughout the state. They're appointed by the Governor, three appointed are the Chair people of the

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Legislature's committees, and I don't know what this would hurt if we waited one year, did this study, and we could find out. Program Evaluation is fine but that, as I said before, is after the fact. I don't know that...that if it was too late then. I remember Commonwealth Bank very well, and how the people lost their money. I don't know that this is going...would boondoggle into anything like that. I don't know if it is even possible, might be way off track there, but I know the consequences of that. So I think we need some studies here and I think that we could come back to the Legislature and put a bill in that would be more acceptable to the populace. We don't need to take this personally. It is not an individual thing here. We need, the bottom line is the taxpayer, the bottom line is the citizens of our state. It's not any business, it's not any organization, it's the taxpayer. So I think these people throughout the state need their...need the input as to how we should proceed with this. We would get a better picture of this, and we'd feel more comfortable voting this out to the floor. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: I see no further lights. Senator Robak, you are recognized to close.

SENATOR ROBAK: In closing, I would just like to ask the body to advance this amendment to AMO211. It's essentially the same except that we are adding one more to the body, to the study, to the group, and it would be an independent, at-large independent registered voter. I think that would enable all the political parties to have an even playing field. We could expand that to every party that there is in the state of Nebraska, but independent would cover all of that. So we have a Democrat and a Republican from each three Congressional districts, and an independent. They are all appointed by the Governor so it would be an even, balanced playing field. I urge the body to advance this amendment. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: You've heard the closing. The question before the body is the adoption of the amendment to the amendment by Senator Robak. All those in favor vote aye; all those opposed vote nay. We are voting on the amendment to the amendment. Have you all voted? Record.

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CLERK: 3 ayes, 15 nays, Mr. President, on the adoption of the amendment to the amendment.

SPEAKER KRISTENSEN: The amendment to the amendment is not adopted. We are back to debate on the underlying amendment, Senator Robak.

SENATOR ROBAK: Thank you, Mr. Speaker, members of the body. Much as I hate to do this because I feel so very strongly about this issue and this bill, LB 225, in the interest of collegiality, I respectfully withdraw my amendment. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: The amendment is withdrawn. We're now debating...Mr. Clerk.

CLERK: Mr. President, Senators Landis and Bromm would move to amend with AM0229. (Legislative Journal page 482.)

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

SENATOR LANDIS: Thank you, Mr. Speaker. Members of the Legislature, Senator Chambers and I had a disquisition about this a little earlier. Let me tell you what the amendment that Senator Bromm and I offer today does, in an attempt to moderate the terms of the bill to see if there is something that would allow us at least to get to the place to decide the fate of the bill on the basis of advancement. The amount of money goes down from \$600,000 to \$500,000. The time line changes. Rather than three years of this grant-giving authority in DED, there would be two years. We would delay the operative date of the bill by six months. There would be no E clause. That two years would begin January 1, 2002, and it would end essentially December 31st, 2003, but that...you could think of that as January 1, 2004. At the end of that time, that grant-giving authority comes to an end and, in addition, I think I took out two sections of the in...of the intent language to make it more modest, I think that Senator Chambers had talked about. I struck the one that says: Any funds invested directly in

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business enterprises should be provided by the private sector. We know that's true because, of course, it's constitutionally true, so that's a redundancy. It also says...I'm striking this provision that says, primary current deficiency meeting venture capital needs are for those business enterprises seeking up to \$1 million, because that is a claim of fact but, in fact, I haven't been able to...I haven't proven that fact and it just is another one of those standards that one can argue as to whether or not, you know, it has any meaning and, in fact, it doesn't, so taking it out makes some sense. Section 6, which was the definition of a high-growth business enterprise, which does not have any substantive application and about which Senator Chambers thought the drafting was not very good, I've stricken: "High-growth business enterprise means a business enterprise which experiences a 20 percent or more compounded annual rate of growth in gross sales." That section is struck. The essential provision is to reduce from three to two the number of years that DED would have to make grants. What the terms of those grants are, well, they have \$500,000 to give away over the course of those two years, and to attach to them the terms of carrying out the terms of the bill, that is essentially devolved onto DED and who, in turn, then can select a single private nonprofit enterprise to carry that function out. The actual grant, itself, doesn't have to end in two years, but the grant-making authority does. I also want to point out that I would be not only satisfied with a sunset provision, but if this...if we could fashion an accountability procedure, I would be amenable to that. Senator Beutler had suggested to Senator Chambers and myself the idea of the use of the Program Evaluation Committee. I have no objection but I understand from Senator Engel, at least in the past, there has been some resistance from the Program Evaluation group that they didn't want the Legislature to dictate the time, place, and content of what they were going to evaluate. I would be happy to have it stated on the floor or I would be happy to have it stated in some form of intent. It's not in this amendment, but I'd be happy to have that intent stated that we would like to ask our Program Evaluation Committee to do this work so that they are not committed to it. Maybe that would be satisfactory, I don't know. But in addition to these terms, I would say an accountability function would be appropriate. Having explained

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what's in the amendment, let me just say a couple of things, and then I will give the remainder of my time to Senator Bromm and then open it up to discussion. It's been awhile since we've talked about the underlying bill and I want to talk about that now. Nebraska is behind in the use of venture capital and we don't have much of a local network, if anything, on venture capital. We have traditional lenders who do lend. We have no organized venture capital function in this state that we've been able to identify, or if it is it's very modest, to the tune that Kansas is doing four times the amount of venture capital that we're doing, and Colorado is doing like 60 times the amount of venture capital that we're doing. Other states are trying to encourage this function. We are not now encouraging this function. Kansas has a state certified private venture capital fund that's receiving tax credits; we don't. Kansas has more venture capital than we do, what a shock. Missouri has a tax credit for private, state certified capital companies; we don't. To my knowledge, Missouri, I would imagine, has more venture capital than we do. South Dakota has state loans to approve seed capital funds. Iowa does the same. Oklahoma, as you can see in the material I put on your desk and that Senator Robak cited, is making a concerted effort to expand venture capital in their state. Venture capital is part of a panorama of tools necessary to establish an appropriate growing business climate. It is not here and we're doing nothing now to encourage it. This bill is designed to doing exactly that. The NCSL, in identifying the elements of growth, indicate that knowledge is important, education is important but so, too, is venture capital. Other states are doing things and we are not. Other states have more venture capital and we don't. It's not that we don't have good ideas, but our good ideas either have to find traditional lending or they have to go some place else to get their lending, and when that happens it runs the opportunity of losing those businesses to other states. Venture capital in this state, the NCSL will tell us, is a valuable tool for economic development. We have little. We need to encourage it. That's what this bill does. I give the rest of my time to Senator Bromm.

SPEAKER KRISTENSEN: Senator Chambers. I'm sorry, Senator Landis, excuse me. Senator Bromm, you have the remaining three

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and a half minutes.

SENATOR BROMM: Thank you. Thank you, Mr. Speaker. Thank you, Senator Landis, for letting me have a couple of minutes here. I...I compliment Senator Landis for trying to adjust the bill to some of the concerns that I think were expressed on the floor by Senator Chambers and others, and also to take note of kind of the overriding concerns of the body that we wanted to have an opportunity after no more than two years to see whether we wanted to go forward any further with this...with this venture. I think he has cleaned the bill up some, tightened it some and, although I would...I would be supportive or amenable to any kind of a reasonable accountability amendment, I wonder whether or not that is necessary. We can always...the Program Evaluation Committee can always select this, if they choose to do so, as a project. We also could look at DED for bringing back to us during the second year, at the end of the second year, before any further funding would be...would be approved by this body, an accountability report that would list the strides that have been taken and the accomplishments that have been realized by this program. So I...I'm a lot more comfortable with it. I...I don't take credit for the amendment. I just simply offer my support for the amendment and hope the body will feel more comfortable with this and will approve the amendment. Where the bill goes from there I do not know, but I...I encourage you to adopt the amendment and support it. Thank you, Mr. Speaker.

SPEAKER KRISTENSEN: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, when I was offering amendments the other day, I had stated that my intent was to mitigate the damage that would be done by this bill should it pass, which I hope still does not take place. I am not going to vote against Senator Landis' amendments simply because I'm against the bill. The amendment that he is offering includes much of what I was expressing concern about and I'm not going to reject those things simply because my nemesis is offering them. I had tried to make it clear that, despite my shaky relationship with the Governor, if the word "relationship" can even apply where two people are poles apart, if he is pushing a program with which I agree I'm not going to

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automatically disagree with it simply because he is in favor of it. All that shows is that the light can penetrate the foggiest mind on occasion, and I encourage such things. So not only would I support that but I would give credit to the Governor for having the perspicacity...Senator Landis and I can use these words with each other. And, by the way, it's not profanity, to people who might be out there listening and who think any word that has four letters or four syllables must of necessity be obscene or profane. Senator Landis is doing what he can to keep faith with those he is trying to work with in pushing this bill. He is trying to strike a delicate balance because he knows he has to work with the rest of us. There's a process that is involved in all legislating. Sometimes things flow smoothly, as they have most of this session, but then we hit a bump in the road, as we did with this bill. It is not wise when we hit a bump in the road to burn every bridge, to knock down every ladder, unless you're me. The only reason that I can do it is because I don't have the concerns that other people have. Nobody is pulling chains of mine. I don't have those entangling alliances that some of my other colleagues have. I don't accept money when I run. Nobody runs against me, but I do a weekly cable television program in Omaha and I've encouraged people to run, and I've promised that if they file against me I will not campaign. I will not attack them. I will not do anything other than to let people know that I'm running. I'll answer whatever questions they put to me, but I don't go out and beg people for anything. After you've given as much time to public service as I have, it's foolish to beg people to let you continue sacrificing and doing the things that people in public office, who take the office seriously, must contend with. One of the things that I have to contend with on this floor, and it will be that way as long as I'm in this Legislature, is bad legislation. This bill is bad legislation. From the standpoint of what it purports to do, it's the worse legislation I've seen because it's not going to do anything other than give the Governor, without the expenditure from his campaign chest, a campaign issue that he will brag about. It is one of the most poorly drafted bills that I have seen in terms of the selection of language, the expression of thoughts, the construction of a series of legislative findings.

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SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: Here is what I would have done if I didn't have so much opposition to this bill. I would have rewritten all of these findings, eliminating a lot of the unnecessary language, and what I would present to those who want this bill would be so much better they'd say, why didn't we think about it; why didn't we think of that? I've done that on other bills, but I don't care about this one. I'm going to support Senator Landis' amendment because it is an improvement on the bill. Then I'm going to oppose the bill, but not where I say all stops are going to be pulled, everything goes, and we have to come to a halt. This is not that kind of a bill.

SPEAKER KRISTENSEN: Senator Brown.

SENATOR BROWN: Mr. President, members of the Legislature, first of all, I support the...the aspects of the Landis amendment that are before us. I think it cleans up a lot of things and...and makes...makes the bill better. But the underlying bill is the part that I am the most interested in and I have to disagree with those people who don't think that it's significant. I do think it's significant whether the state of Nebraska is in a position to be able to encourage new ideas, to encourage individuals who are...have...have a great idea but not a lot of money and maybe are from parts of the state where it's not as easy to access individuals who would be willing to underwrite that idea. One of the things that I have...that concerns me just about attitudes, and I don't know that there's anything that we can do on the floor of the Legislature to change the culture, but I do believe that there needs to be a culture change in Nebraska about...about how we view new ideas and...and the whole venture capital area. And what I've seen in other states, it is...there...it's...there is much more willingness to...to take the risk and...and invest in something that may not be something that's on the radar screen right away, right now, and there's not so much of a controlling attitude, and that's one of the things that I've really noticed about some of the...the venture capital concepts that I've seen there. There seems to be a lot of control on the part of investors and that can be...that can be an okay thing if you have someone who has a

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really good idea but maybe not the business background to be able to make it happen and then if they have investors who are willing to provide some assistance in terms of the business background. But if there's so much control that is exerted in order for the funding to come through that the idea actually can get lost, that's not really venture capital. And so if this bill can do a little bit to...I mean Nebraska is a state that has a lot of money. Between people who have...have made money in the stock market and people who have made money selling land, there is capital out there for investment, but we haven't been as effective as other states in...in capturing it and especially capturing it for small entrepreneurial new ideas, especially in areas of the state where...where...that are smaller. And so I...my hope, even though there...there...this is a very small step and it's not going to cure all the problems that we have about venture capital, it is a step and I believe the underlying bill is important and...and I think that we should be concerned about how we continue and how we...how we structure the...our encouragement of new ideas of new ways to do things. There are a number of...of individuals who are in production agriculture who are growing specialized kinds of crops and then are marketing those worldwide, and sometimes they need help in doing the marketing piece of it and they need some venture capital in that. They need an assistance to be able to do that worldwide marketing. Those are the kinds of things that I find really exciting for us to be able to encourage and...

SPEAKER KRISTENSEN: One minute.

SENATOR BROWN: ...and I think that this bill has great potential for some...some of the new ideas that are out there. It's a small step but I think it's an important step and I think the Landis amendments are important to get the bill into the form that we would be more comfortable in passing it. Thank you.

SPEAKER KRISTENSEN: Items, Mr. Clerk?

CLERK: Mr. President, just an announcement, if I may. Transportation/Telecommunications will hold an Executive Session at eleven o'clock underneath the north balcony; Transportation,

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eleven o'clock.

SPEAKER KRISTENSEN: Senator Tyson.

SENATOR TYSON: Thank you, Mr. Speaker, members of the body. One of the problems that we have with the computer age is that we can print out the amendment but then it takes us awhile to try and digest what the amendment actually says. A very, very quick view of this thing, I'm speaking now of AM0229, Senator Landis' amendment to the...to the bill, appears to be an improvement, one that I'm going to vote for and one that I ask that all of you support. One thing that I have been thinking about and some of my thoughts come too late to get the...to get the information off the Internet, but Dun and Bradstreet, which is a credit reporting company, and I think most of you or all of you are familiar with it, have maintained records for years on the success of new businesses, and the success of new businesses, generally speaking, good times and bad, is abysmal. The success rate is abysmal because it's difficult to find all the necessary factors that go into a successful business. It's difficult to get the type of training that you need to carry on a successful business. The failure rate of new businesses approaches, and this is memory, 80 percent in 5 years. In other words, only 20 percent succeed in staying in business, much less being highly profitable. Those that do, generally speaking, have a low but at least positive rate of return. One of the things that used to strike me on what they call BIE day--Business, Industry and Education--is that you would talk to teachers and they were under the impression that we were making tons and tons of money. The average rate of return in a business is 5 to 6 percent. In agriculture, if you look at the capital committed to a successful agricultural enterprise, a farm, it's less than that. What we're speaking about here is trying to give some of those people who have stayed in business, who have made a minimal marginal profit but who have a product or a service that looks to be successful, we're going to try and put them together with people who want high risk investments because, generally, high risk, if you do make something you can make a lot. And if you don't, most of these people are in a position to write it off and have the taxpayer themselves get some of their money back. I think this is a very good

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amendment. I think it improves the...the original bill, if nothing else by removing a couple of the definitions that I objected to earlier on, and I urge that everyone vote for it. Thank you, Mr. Speaker.

**SPEAKER KRISTENSEN:** Senator Bruning.

**SENATOR BRUNING:** Mr. President, members of the Legislature, this has just been killing me to sit out of this debate for this long, but I didn't want to aid in my friend, Senator Robak's, filibuster for the last few hours, so I have...a "filly buster", so I have sat out. But I got to tell you, I think this bill is a great idea and I think it was a great idea at \$200,000 a year for three years. I think it would be a great idea at \$500,000 a year for three years. There is a lot of need for this bill. I'm disappointed that we're backing off. I understand why we're backing off. I was one of those that, in law school, took Senator Landis...took his negotiation class. I understand how the world works and negotiation is especially necessary here in the legislative process to make anything move, but this is a good idea and, darn it, if it...it's a good idea now, it was a good idea with 100,000 more dollars. I'm not quite sure what that accomplishes other than allows opponents to have their pound of flesh. However, if it moves the bill forward then so be it. But let me tell you about my own experience and why I think this will work. In 1994, I graduated from law school; looking for something to do. I'm pretty certain I don't want to go work for a big law firm. I just...I can't see myself, you know, in grinding out hours till eight o'clock at night, starting real early, grinding out hours for 16 hours. It just doesn't excite me. I need a little more give and take in my day, a little more...something more interesting to do. I'm looking for something to do. I go to a business broker. I find a PVC pipe company. I'm not going to tell you where it's at because there's not that many of these in Nebraska, but I find this PVC pipe company. It's doing great. It's run by an old guy who started it, kind of built it up, and it's built to a point where he's comfortable, he's making a nice living, but he doesn't really want to grow it any more. I take a look at this thing. I go down there with CPAs. I go down there with lawyer friends of mine. We look at it. We're interested in buying the

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thing and I really think there's an opportunity to grow this, I mean grow it big. I can see this. I can see my future--the PVC pipe king of Nebraska, that's me. I could see it. Well, we go down there and the price tag on this thing is just a little over \$2 million. Now, obviously, I'm 25 years old. Where am I going to find that? I'm not independently wealthy. My parents aren't independently wealthy. My grandparents aren't independently wealthy. I'm not related closely enough to those...the bankers in Bruning, Fred and Frank, to be independently wealthy, so what am I going to do? Well, I've got friends and family. I could probably raise a portion of that. I could probably come up with a fraction of it, 20 percent, 30 percent if I shake down my parents and everybody I know; get three, four, five hundred thousand bucks. Where am I going to get the rest? Is a bank going to touch a guy like me, 25 years old? I don't think so. The banks don't want to get near me. What we're talking about today, LB 225, this bill would have helped a guy like me. Now, it turned out...lucky for all of you, it turned out that deal didn't go down, I ran for the Legislature and here I am today, and I know that you're happy about that. But there might be other guys like me, out of law school who want to stay in Nebraska, love Nebraska, want to stay here, want to start a business, that can't find the money. So where do they go? They go to California. There's money falling out of the trees there, according to my sister. Jon, get out here, she says. My sister is in California now, going to school at Stanford. She says, get out here; there's people turning into millionaires every day; come out here, you'll be a millionaire in no time. Well, I want to stay in Nebraska. Something like this allows a young person with a business angle to stay in Nebraska. It might allow them to find the money to start that business they want to start. This bill is the right idea. It would be the right idea if we funded it twice as much as we're going to. I hope you'll support this amendment and I hope you'll support the bill. Thank you, Mr. President.

**SPEAKER KRISTENSEN:** Senator Chambers.

**SENATOR CHAMBERS:** Mr. President, members of the Legislature, "Mr. Charisma" sure knows how to speak for a bill. He sure knows how to draw people together. And we've been battling

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three days and then he comes bounding in here as though he is putting the cap on the bottle and everybody is going to support it because he has now spoken, has put his imprimatur on it--oh, this is a great bill; if it was great with 500,000, it's great with 600,000. Well, where was he? He said a bank wouldn't touch him because he's 25 years old. That ain't why a bank won't touch him. His sister said, get out of here. His sister knows him better than I do and I'm willing to abide by her assessment and evaluation. When we're on this floor and we get to yackety-yakking, then expect some yackety-yakking back. I have fought hard against this bill and, yeah, I want my pound of flesh. And I'm going to see how you stand up when your bill comes up and you have to yield something to get your bill. What I think "Mr. Charisma" is telling me is that if I disagree with his bill or somebody else, he's not going to compromise. He's going to take all or nothing, zero, zilch, nada. That's what he's telling me. It would be wise for a person who has no knowledge whatsoever about a situation to stay out of it, but if he chooses to leap into that about which he is profoundly ignorant it means he's prepared to accept the consequences, and there very well may be consequences. Somebody observed me simmering, walked over and whispered something in my ear which I shall not repeat. But as a result of that, I have spoken in a much more moderate manner than I would have, had it not been for that whispered message. Despite what "Mr. Charisma" has done to overturn what has been worked out on this bill, I'm going to support Senator Landis' amendment because I have been talking to Senator Landis and not "Mr. Charisma", and, in case you all don't know it, I'm talking about Senator Bruning who, by the way, is going to have some "not votings" on his record should somebody decide to run against him, because we've been taking some record votes and he was not voting. And so I'd advise Senator Bruning to stay here on this floor all the time because whenever...see, I don't believe in doing things undercover. If I become aware of his not being here, I'm going to ask for a record vote. He likes to collect people's voting records and show that they missed votes. I think it would be wise for him to be here for every single vote. We might even start voting by the board and taking a record when we adjourn, when we recess, anything before us which can require a vote. My methodology is different from that of others. Other people look down the line

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and say, how is that going to hurt me; how will people feel; what will they think? I don't care. That means nothing to me whatsoever, nothing. And, when people do things that provoke me, it's obvious that they don't care what I think. So we have a kind of mutuality on this floor. This is not a bill which reached its present stage by people just bopping in here in an effervescent way, bubbling like Lawrence Welk's...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...champagne bottle where he pulls the cap and then it's (singing) wonderful, wonderful, play the polka. Well, that's not exactly what we're doing here, brothers and sisters. We're doing serious work. Senator Landis has been chopping some serious lumber, and so have I, but Senator Landis knows that he can sit back and remain the diplomat because I will stand up here and say what needs to be said. I support Senator Landis' amendment. The fact that Senator Tyson stood up and supported it is not enough to cause me not to support it either. (Laughter) That which has quality should stand on its merit, and his amendment has merit. I do believe it's going to be adopted, despite all. Thank you, Mr. Speaker, and I feel so much better.

SPEAKER KRISTENSEN: Senator Landis, you're recognized to close on your amendment.

SENATOR LANDIS: I got nothing to say after that. It does seem to me I think we're in a modest number, but since we're on a closing I think we'll just do a board vote and if it looks like we're short I will ask for a call of the house to make sure that members are here. If the amendment is adopted, and I ask that it be adopted, we will then proceed to talk about the bill and I expect some debate on the bill. I understand that Senator Chambers and Senator Robak and other critics of the bill haven't been converted by any means and we may well want to talk about that. I do want to answer a question that Senator Stuhr asked me, because she asked about the operation of the amendment because it looks confusing if you read it, but the answer to the time line is this. The bill is put off to an effective date of January 1, 2002. Then there's six months before the beginning

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of the next fiscal year, so we'll spend 100,000 bucks in the first six months. Then, at the beginning of the fiscal year, July 1, they'll run a year and they'll spend \$200,000 in that fiscal year, but understand halfway through that fiscal year is the end of the first year of operation of this program and that will be January 1, 2003. Then there will be another...another six months of the fiscal year, but then there will be the end of that fiscal year and the end of the second year of operation of this bill, and that will be from July 1, 2003, to essentially December 31, 2003. And in that period of time there will be a spending of \$200,000. Then the grant-making or grant-giving authority comes to an end. The grants may carry on from there, but the grant power comes to an end with a sunset. The answer is the bill will now operate from January 1, 2002, to December 31, 2003, but that constitutes two calendar years and it also constitutes one fiscal year and half of two other fiscal years. Having explained that, I would ask for the adoption of AMO229 to LB 225, and then perhaps the debate on the bill itself.

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

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

SPEAKER KRISTENSEN: The amendment is adopted.

CLERK: I have nothing further on the bill at this time, Mr. President.

SPEAKER KRISTENSEN: We're debating advancement of LB 225. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, there is not a great deal left that I have to say. Everything that I wanted into the record is into the record, but I just want to mention to Senator Landis, and I'll be able to get the name of this company, there was one in Lincoln that got some

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assistance from the city of Lincoln, needed some money. After it got up and rolling, they were invited out to California, so they picked up and went out to California after Lincoln spent the money to put them on their feet. So I don't think that people ought to always feel that because some business starts in Nebraska with assistance in Nebraska which was not going to be available some place else, they necessarily will stay here. What Nebraskans might wind up doing is taking some of these ideas that are supposedly so good, starting these businesses which may have potential, and then see them leave Nebraska and take finances and people with them. I hope that nobody is naive enough to think that a bill such as this is going to make any difference. I don't believe it will. If I thought it would make some difference I would say that. I would say the difference is going to be minuscule. I think it's not even going to reach the level of minuscule. It may be de minimis, because that means one-millionth of a centimeter from nothing. It might reach that level. But don't get the idea that suddenly these high rollers are going to be flocking to Nebraska. Remember this when you all got into the giveaway business with these tax credits and incentives? States all over the country were doing it. It reached such a turn that it was condemned and criticized by people who study the way states and legislatures function in a bidding war where they were giving away their tax base, where they were doing things that hurt their states. Because giving away these incentives and bringing businesses became an end in themselves, nothing was looked at in terms of what is the impact on that state, what is it doing to the tax base, what is it doing to other businesses, what is it doing to the public's attitude toward businesses, period, the creation of new businesses. So now that is becoming a discredited methodology, mainly because it didn't work. There was not enough for all of these states to get what they wanted. They would give these incentives. A business would come there, exploit it, not pay any taxes, then go bankrupt, and they had that no interest loan, in some cases what amounted to a grant that they didn't have to pay back, and the state is the poorer for it. You're going to get into this race now because the mantra is venture capital. That is a term that sounds deep. It makes it sound like a person is almost an economist. Senator Raikes, who is an economist, can tell you that if you lay all

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the economists in the world end to end they couldn't reach a conclusion, and if they did reach a conclusion it would be wrong. Economists are the very ones not to deal with when you're talking about matters of economics. They are often in a theoretical world where they're talking about theories and notions, postulates, but not looking at the reality of the fact based on the fact that somebody is going to have to put money behind these abstract, lamebrain notions and that somebody is not the economist. If it fails, the economist simply says, well, you missed this variable or somebody didn't do what he or she should have done, but the theory is sound; my idea works in theory but not in practice. Brothers and sisters, you've heard that since you were in school, but if the...if something works in theory but not in practice it is not sound.

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: If it works in theory but not practice, it is not sound. Practice simply means you're going to put it to work in the real world and see if it pans out the way this theory says that it should; that if you apply heat to a block of ice long enough it will melt and take the form of liquid water. That will pan out in reality. It's sound in theory; it's sound in practice. But if somebody changes the meaning of words and heat really means cold, and cold really means heat, then you'd have to say apply cold to it and it would melt, and that's true because we all know that we changed the meaning of words. But if somebody doesn't know that we've changed the meaning of words and they say, we're going to apply heat, that means you put it in the refrigerator and it doesn't work. We've got to mean the same thing when we use words and...

SPEAKER KRISTENSEN: Time. Senator, you can continue.

SENATOR CHAMBERS: ...and we also have to understand the dynamics or the principles that are coming into play. You know, alchemists thought that if you passed a certain metal that was considered base through the philosophers' stone then it would come out on the other side as gold, and people sought this philosophers' stone throughout history. Even people like Boyle, not Mike Boyle, Sir Isaac Newton were enraptured and beguiled by

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the notion of alchemy and the philosophers' stone. But there is no philosophers' stone. If you subject one element to a bombardment of neutrons with one of these huge devices then you can change one element into another, but the amount of gold that you can produce by that methodology is so infinitesimally small that the huge expense does not make it worthwhile. You've got to let mother nature make the gold. And the wise men in the past, inspired by God, thought that everything in the universe lived and that even those elements that we know are nonliving, they thought they did live. They thought that metals grew from seeds in the ground; that there were seeds from which gold grew and through these seeds it was produced spontaneously. They don't teach you things like this in school. You get this from reading on your own. Schools are not designed to really enlighten. So, to bring it back to where we are today, there's a tendency to use slogans, to use jargon, not to make something clear, but to conceal ignorance while seeming to sound like you know what you're talking about. And other people who really understand the subject will feel this person could say it more clearly but, since you're using the jargon, they figure you probably know what you're talking about and don't call on you to show your hand. But at some point you're going to have to and then it shows you don't know anything. So when we, as a Legislature, will talk about venture capital, growth in gross sales and all these other things we've been talking about, but the bottom line is that we wind up giving away taxpayers' money for a notion that does not have to produce a result, it shows that we don't know anything at all. We've been bluffing. We've been shucking. And that is what this bill is about. It is a political move, that's all that it is, and I assure you that when this two-year period is up Nebraska, as a state, will be \$500,000 poorer and I don't believe you will have five businesses that come into existence only because of this activity. That's all that I have to say on this bill at this stage of consideration, Senator Landis, unless you provoke me.

**SPEAKER KRISTENSEN:** Further debate? Senator Landis, you're recognized to close on advancement.

**SENATOR LANDIS:** Thank you. I'd like to ask for a call of the house while I'm giving my closing so that we could be assembled

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and be ready to vote when the speech is up.

SPEAKER KRISTENSEN: Question before the house is, shall the house go under call? All those in favor vote aye; all those opposed vote nay.

SENATOR LANDIS: I'll use this time to do my closing. There is a part...

SPEAKER KRISTENSEN: Excuse me, Senator Landis, I...I'll just officially announce. Record.

SENATOR LANDIS: Gotcha.

CLERK: 26 ayes, 0 nays to place the house under call.

SPEAKER KRISTENSEN: The house is under call. Members, please report to the Chamber. Senator Landis.

SENATOR LANDIS: Two things in Senator Chambers' recent argument I want to resonate with because I think that they were fair. One of the things he said was, look, if you believe this bill is going to do some good you're naive. That was one. Second one was, at the end of this time he doesn't think there's going to be five businesses that will have profited in value, gotten value. Number one, I think perhaps I am naive because I do think this is going to happen and, in the end of this two years, we're going to have a chance to see which of us is right. And when that day comes I want to be man enough to say I was wrong and it was a waste of money, and I...I would expect the same in return. I am a naive person in this area. I don't know a lot about venture capital and a lot about how do businesses start. I haven't done that with my life. I had the chance. Instead, I ran for the Legislature and spent 24 years here making \$12,000 a year, a demonstrably boneheaded economic decision on my part. You don't get an MFA or an MBA for making that kind of a decision. I got to say I defer every now and then when there's a topic I don't know about, and one of the things I defer to is, well, expertise. The National Conference of State Legislatures told us, the material I gave you, that venture capital fills a gap in financing, particularly for start-ups, because,

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investments depend on the strength of the business idea and the savvy of the entrepreneur, which is why they're helping states learn more how to encourage it. I am naive and I am susceptible to listening to the National Governors Association that says venture capital is critical to growing the new businesses that will drive the new economy, finding ways to nurture the culture of entrepreneurs, and the capital that feeds them must be a top priority of states. I don't know, myself, the personal experience to contradict that and I, in fact, do have some...some deference that I pay groups like that. When I saw the list of the venture capital working group that the Governor put together, I know some of the names on this list. I've worked with some of these people. I don't know their business and I have some faith in them and I am, in fact, deferring to their thoughts. They do know more than I, and I may be naive, but I know some of the people on this list and I am, in fact, attending to their advice. I'm attending to the fact that other states are doing this to success. States around us are getting more venture capital and they are affirmatively attempting to get venture capital in their states. I have put them on your desk. Whether it's Iowa and \$43 million that they've put together since 1990, when they began; or whether it's Oklahoma, which has \$10 million now that it's assisting in; whether those are private or public, they are in the business of using venture capital to bring business. So I am, in fact, as a naive person, following the phenomenon that many of the states in our area--Kansas, Missouri, South Dakota, Iowa, Minnesota, Wyoming, Oklahoma--are doing something to encourage venture capital. I am disheartened to learn that there's only \$6 million of venture capital investment in Nebraska in 1999 when there was four times that amount in Kansas, and \$1.3 billion Colorado, and I want us to do better. I think there are ideas here. I want growth. I have adjusted as best I could to some of the arguments I've heard on the floor. I understand there's a desire for accountability. Senator Beutler serves on the Program Evaluation Committee, Pat Engel chairs that. At some point, to decide which of us is right, whether Senator Chambers' prediction is accurate or whether my prediction is accurate, I would suggest that...

SPEAKER KRISTENSEN: One minute.

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329, 368, 419, 477, 483, 484, 552, 574, 730

SENATOR LANDIS: ...the Program Evaluation Committee tell us all what we got for this \$500,000, and I will eat crow if I'm wrong. But I will say this: other states are doing this. And this isn't like the old manufacturing days when you could build a plant or wait a year to build a plant. If you don't act, times move on. Phil Erdman just told me that in the value-added business of agriculture, Iowa is doing fifty times more value-added work than we are. When you get behind, it's hard to make up. You don't want that fifty to one phenomenon in Iowa to Nebraska to happen here. We need to make up for lost time. LB 225 does that. I recommend it to you. I ask for its advancement.

SPEAKER KRISTENSEN: Senator Vrtiska, the house is under call. Senator Landis has authorized us to proceed. The question before the body is the advancement of LB 225. All those in favor vote aye; all those opposed vote nay. There's been a request for a record vote. Have you all voted who care to? Record.

CLERK: (Record vote read, Legislative Journal page 484.)  
39 ayes, 4 nays, Mr. President, on the advancement of LB 225.

SPEAKER KRISTENSEN: The bill advances. I raise the call. Any items for the record, Mr. Clerk?

CLERK: I do, Mr. President, thank you. Your Committee on Transportation reports LB 34 to General File, LB 106 to General File, LB 108 to General File, LB 477 to General File, LB 574 to General File, LB 254 to General File with amendments. Revenue reports LB 329 to General File, and LB 419 to General File with amendments. Urban Affairs reports LB 483 to General File; LB 484 to General File; LB 31, General File with amendments; LB 730, General File with amendments; LB 552 indefinitely postponed. Government reports LB 96 to General File; LB 286, General File; LB 368, General File; LB 10, General File with amendments. I have a confirmation report from the Government Committee, and I have a series of hearing notices from the Judiciary Committee and from the Health and Human Services Committee. That's all that I had, Mr. President. (Legislative

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Journal pages 485-488.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. We next move to LB 244.

CLERK: LB 244, a bill by Senator Bromm. (Read title.) Bill was introduced on January 5 of this year, referred to the Transportation Committee for public hearing. Bill was advanced to General File. I have no amendments to the bill at this time, Mr. President.

SPEAKER KRISTENSEN: Senator Bromm, you're recognized to open on the bill.

SENATOR BROMM: Thank you, Mr. Speaker. LB 244 was here at least the last couple of years prior to this year, and the committee looked favorably upon it previously and, after the hearing this year, the committee advanced the bill without any dissenting votes. That's not to say that the bill is...is a slam dunk at all, and I don't intend to infer that. It...it may...it may not be at all. What the bill is, is the Legislature's intent and statement to join the Midwest Interstate Passenger Rail Compact. I have handed out to you some information regarding that compact, primarily which has been furnished to us by the Council of State Governments, the Midwestern Office. And, in fact, the lady with...with the Council of State Governments, Laura Kliever was here and testified at our hearing. The packet that I've handed out I think gives you a summary what this is all about, the purposes. Basically, what...what the primary purpose of this is, is to create a compact of midwestern states, including Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, to create a compact to present a unified voice to Congress, if you will, in the hope of obtaining support from Congress in the way of financial support, to look at the feasibility and eventually, if feasible, the construction of high-speed passenger rail service between the major cities in the Midwest. In the back of the packet that I handed out you will see what they have in mind as far as the Midwest High-Speed Rail Network, and it would connect...the hub would be Chicago, but if...if it progressed it

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would connect, and the line that would impact us particularly would be Chicago, through Des Moines, to Omaha. Also connected with that rail network would be cities like Kansas City and Saint Louis and Detroit, Minneapolis, Cincinnati, Milwaukee, and Cleveland, and so on, so forth. You can see for yourself. Questions have been raised to me by other senators about why we would do this; what is the reason for it; nobody is going to ride a train anyway. I don't know if they're right or...or if they're not right, but I do know that if this compact has any success and it results in high-speed rail being built, I would hate to see it end at Des Moines and not continue to Omaha. Of course, I would like to see it extend beyond Omaha, but realistically, with what this compact is looking at, I think I have to present you with what their stated...what their stated plans are. I think many things can affect whether or not this is ever a feasible service. Certainly the price of energy, the amount of potential traffic, whether or not we have interstates and roads that are capable of carrying all of the traffic that wants to travel between these metropolitan areas, those are all terrifically important as to whether or not this compact will ever do anything. There is some financial exposure if you join a compact such as this. The three states that have joined so far--Indiana, Minnesota and Missouri--did have a...have a meeting and they assessed themselves a \$25,000 assessment for the first year of the compact. The compact could only become effective when three states had voted to join it and that...that happened on August 28th of 2000 and, following that, they voted for the \$25,000 assessment. I think that the possible advantages of being...having our foot in the door through the compact outweighs my skepticism or concerns about whether or not there's any reason to be a part of this. Now that's just...that's my opinion based on what I have read and what I have heard at the hearing and what I heard last year, and so I...I guess I would ask for your consideration, your attention. And, again, as we get down to the part of the session where we...we really look at every dollar that we're spending, I don't know how this will stack up against other things that you think need to be funded, but the best fiscal note that I think anyone can give you at this point is that the assessment that has been rendered at this point is \$25,000 per state. Now, I think, as far as the impetus or the objectives of this compact are to use

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this money as money to fund their efforts with Congress to obtain any meaningful grants that might be available and to look at the feasibility and that sort of thing. There is a...there is a clause in the compact that does allow a state to withdraw and, if we become a part of the compact, it would take the enactment of a statute repealing the statute that joins the compact, and that withdrawal would take effect one year after the effective date of the statute. And a withdrawing state is liable for obligations which it may have incurred prior to the effective date of withdrawal. That is...that is it. I encourage you to read the material that I've distributed. Appreciate the discussion and any...any questions that you might have. Thank you, Mr. President.

SPEAKER KRISTENSEN: Mr. Clerk.

CLERK: Mr. President, Senator Hilgert would move to amend with FA19. (Legislative Journal page 488.)

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

SENATOR HILGERT: Thank you, Mr. Speaker, members. I appreciate Senator Bromm's efforts in this field. I think this is a good idea and I think it's probably inevitable with the energy problems that this country is going to increasingly incur, so I'm not against the concept whatsoever. What I...what did alert me to this bill, after reviewing the fiscal notes which...it...the last line says, "At this time information is not available on what Nebraska's membership costs will be." Much of the debate on the last bill was the \$500,000 price tag. Well, we don't even know what the price tag is going to be on this bill. In that vein, I have drafted an amendment to, on page 7, line 9, strike the year..."one year after" and insert the word "on", so the new language, the new sentence, will read in total, with the change adopted: Withdrawal from this compact shall be an enactment of the statute repealing the same and shall take effect on the effective date of such statute. If the cost and the financial obligations are so innocuous regarding this compact then I see no need why we need to wait a year after our entire legislative process, which is not the quickest in the world, finishes its business. I'm not against really the bill,

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but I do have some questions regarding the finances. I will speak a little bit more. I'm going to use this amendment as an opportunity. On page line...on page 6, line 4, they talk about the financial responsibilities incurred by equal apportionment among the member states. For instance, I'm not sure if that...is that per capita? Is that per how many...just every state is equal so Nebraska will have to pay the same amount as Illinois, even though Nebraska has substantially fewer citizens within its state than Illinois? I'm not sure if I...I may have missed it, but I don't see a definition for that as well. We had a rail study, I believe, that was passed a few years ago in this...in the Legislature. Senator Shelley Kiel had a study between Omaha and Lincoln too on how a rail might benefit the citizens of Nebraska directly with Nebraska commuters going from Omaha to Lincoln and Lincoln to Omaha, rather than simply Omaha to Chicago, and I'm not sure what the status of that is at this time. I'm not sure if...what the funding status is and if that study is done, and maybe, you know, and I'll be looking forward to hearing what the result of that is. I'm...this is not a bill that certainly I'm going to go to the wall, like some members have done on the last bill, but I do have some concerns about obligating the state of Nebraska to a financial amount of which our Fiscal Office has no idea what that amount is. And even if it's a small amount, then we can't even pull out of this when we want to but we have to do it a year later, and I assume in that one year's time we're still incurring these mystery financial obligations. Again, I'm not assuming that they're going to be huge, but if that's true then why don't we have the ability to pull out of the compact when the people of Nebraska, through its Legislature, deems it's time to get out? Thank you very much, Mr. Speaker.

**SPEAKER KRISTENSEN:** We're now debating the Hilgert amendment. Senator Chambers.

**SENATOR CHAMBERS:** Mr. President, members of the Legislature, I would like to ask Senator Hilgert what his amendment does exactly. I was trying to get it on this gadget, but my...it's locked.

**SPEAKER KRISTENSEN:** Senator Hilgert.

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SENATOR HILGERT: Yes, Mr. Speaker. On page 7, line 9, it strikes the words "one year after" and inserts the word "on". So instead of withdrawal from this compact shall be by an enactment of a statute repealing the same and shall take effect on the effective date of such statute, and not an entire calendar year later.

SENATOR CHAMBERS: Thank you. That's what I thought it was but I wanted to be sure because I was troubled by allowing a year to elapse. Because if a state enacts a statute withdrawing...I need to ask Senator Bromm a question at this point. Senator Bromm, the state that enacts a statute to withdraw is still liable for its share or liability for whatever debts exist or whatever payments it was to make. Is that true?

SENATOR BROMM: That...that is correct, Senator Chambers, for...for...

SENATOR CHAMBERS: During that year...oh, excuse me.

SENATOR BROMM: ...until...until the effective date of the withdrawal.

SENATOR CHAMBERS: And, currently, that would be one year from the effective date of the act passed by the Legislature.

SENATOR BROMM: That is correct.

SENATOR CHAMBERS: If the compact ran up a lot of debts between the effective date of that bill and one year, Nebraska would be liable for their proportionate share of those debts, whatever they happen to be.

SENATOR BROMM: Right, and I won't take much of your time, but...

SENATOR CHAMBERS: Go ahead.

SENATOR BROMM: ...what those would be likely to be would be the operational expenses of the compact because participation in a

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rail project would not be able to happen without this body passing additional legislation. So it would be operational expenses.

SENATOR CHAMBERS: So you're saying that this is a two-stage activity where, right now, the only thing that Nebraska can be held accountable for would be a proportionate share of operational expenses.

SENATOR BROMM: That...that is correct.

SENATOR CHAMBERS: If, between the time that Nebraska passed a bill to withdraw and the year that has to elapse, the other members of the compact decided to take the next step, the only states bound by that step are the ones that sign on.

SENATOR BROMM: That's right. We'd have to do further statutory approval for us to participate in any rail project.

SENATOR CHAMBERS: So if...let's say you have 30 states that are a part of the compact and a majority of those states agree to go along with the rail...

SENATOR BROMM: Project.

SENATOR CHAMBERS: ...project, only those states...well, would the project go forth if a majority of the states agree to it?

SENATOR BROMM: That would, I believe, as I...what I have read, would depend upon whether that would generate enough money to finance that rail project. If it didn't, I...I'm sure that it wouldn't go forward.

SENATOR CHAMBERS: If it did though.

SENATOR BROMM: We...we would not be liable for our share of that rail project unless this body passed a statute approving our participation in it.

SENATOR CHAMBERS: But the rail project could go forward without Nebraska agreeing...

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SENATOR BROMM: That's right.

SENATOR CHAMBERS: ...to participate.

SENATOR BROMM: Oh, yes, that's right.

SENATOR CHAMBERS: I'm trying to get a handle on what is going on under this because I was occupied and didn't get a chance to...

SENATOR BROMM: Right.

SENATOR CHAMBERS: ...consider this at all, or even read the material you gave us. I have some questions in my mind, which I won't ask at this time, and if the bill moves then, between now and the time it comes up on Select, I will talk to you about any of the...

SENATOR BROMM: And I...

SENATOR CHAMBERS: ...difficulties that I might see.

SENATOR BROMM: ...and I would welcome that. This is not something that I want to run through the Legislature without careful consideration.

SENATOR CHAMBERS: Thank you. And, Mr. Pres...Mr. Speaker, the reason I'm doing this, Nebraska has had some experience in joining compacts and the experience has not been good. That doesn't mean that every compact is going to pose problems, but it would be very helpful if we really understood what we're getting into and this, in a sense, is like buying a pig in a poke, because nobody knows what these operational expenses will be, and we may not have any problem anteing up the amount that Nebraska's proportionate share would be. But if there are 8 states now and then 20 states joined later, I imagine that Nebraska's proportionate share would be reduced by the amount that these new states entering would pay off, but I'm not really sure and I don't want to engage Senator Bromm in a theoretical or a hypothetical discussion at this point because I'm not

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completely clear on what I would want to ask.

**SPEAKER KRISTENSEN:** Senator Wehrbein.

**SENATOR WEHRBEIN:** Yes, Mr. Speaker, members of the body, I struggle with this a little bit. We didn't put in any study money that was in a request a few years ago, probably two years ago, on this study of the Omaha to Lincoln route, but I would like to ask Senator Bromm where he proposes this...this will go. And maybe...maybe just react to what I say. It looks like to me it might be more favorable for us to be in part of a midwestern unit or compact than it would be to just deal...look at the Omaha-Lincoln leg, which I know that would be part of it here, but being part of a larger compact. Because I will say down the road, let's say 50 years ahead which is where we should be looking, I think it's going to be impossible in this country to have enough highways, six-lane, eight-lane, ten-lane, whatever it's going to take, to take the traffic. It looks like to me this is a long-range thing. It's hard to look out that far and really know where we're headed and where...and where we're going to be right or where we're going to be wrong in terms of spending money. It looks like this is an exploratory issue. I don't know how...if you said, Senator Bromm, how long this has been...the compact had been started last August? I assume that this is part of what Senator Kiel had...had been studying a few years ago. If we get on there, I assume someone will be our delegate from Nebraska. That probably would be you or someone of your...a peer from this body or something. I just wondered if you had any more philosophical comments that you'd like to make along these lines, because I think we're going to have to head this way, but we may be 25 years ahead of our time. Any comments, you may have my time.

**SENATOR BROMM:** Yes, Senator Wehrbein, thank you. I'd be glad to make some comments on a couple of issues. I think that this is a long-term, in the future effort, not something that we would see happen, I don't think, in the next three to five years, but if planning progresses, and the projections are that we will need different ways to move people than we now have or ways to move more people faster, or if technology comes along that allows different kinds of trains that might be faster and

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more economical, then this compact hopefully would be an opportunity to explore the use of those. It's different than the rail study that you mention between Lincoln and Omaha, and the next bill deals with that. We never appropriated any money for that study and so the study has not gone forward, and that was a question that Senator Hilgert had as well, and this is...this is separate from that, although it certainly relates to that. If this ever became a reality where people were moving rapidly between Chicago and Des Moines and Omaha, we...it might make some extension of that more feasible between Lincoln and Omaha, but I don't...I don't know that, but that's...you can speculate on that. I don't know if that answers part of your questions. I'll turn it back to you.

SENATOR WEHRBEIN: If I may ask one more, are you anticipating an A bill on this if this would move based on discussion and so forth of, let's say, the \$25,000? I...that's one of the issues I had and I know Senator Hilgert raised that issue. I assume there's no assurance that that would remain at that level into the future; that that is an open end that we probably ought to be cautious about.

SENATOR BROMM: Right. I would expect that there would be an A bill...

SPEAKER KRISTENSEN: One minute.

SENATOR BROMM: ...and I would expect, based on what we heard at our hearing, that it would be \$25,000 per year, but between...if the bill does advance, between now and Select File and introduction of any A bill, I'll try to get any additional information on any future budgeting that the compact is doing from...from the midwest legislative office.

SENATOR WEHRBEIN: I will punch my light. I'm going to have some more questions when it's...I'll have to get another time. I just thought of something else.

SPEAKER KRISTENSEN: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker. I want to first address

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Senator Hilgert's amendment, and I do appreciate the amendment and the opportunity to further discuss the considerations of joining the compact. One of the things about a multistate compact such as this, and perhaps some of you who have been through this, that might have been around when we joined a compact or two before, but once the words are set and approved by those who drafted the compact, and once the states have...enough states have joined to activate the compact, which has happened, three states have joined and the compact is activated, we...our choice is either to join it with the words that are there, or not join it. If we attempt to amend the compact and join it with the amended language, we won't effectively have joined because it's no longer a compact. It has been changed. And the states that have joined would have to go back and rejoin the amended compact. So I...I just simply offer that for information. If we could do it the way Senator Hilgert is proposing, I'd certainly prefer to do that because the risk would be minimized, but we can't. So our choice is probably either to join it with these words or...or not join it. If we want to propose changes to the compact and ask them to reconsider and come back to us after they've agreed to changes, certainly that is an option. I don't know how...how...how much chance there is of that happening, but that would be the process, I guess. Another...another point I guess, the compact does provide that there would be four representatives from each state that joins, two appointed by the Governor and two appointed by...well, one appointed by each house of the Legislature, but they did...they did recognize that Nebraska only has one house so they provide for two representatives from...picked by the Legislature and two by the Governor. That would be that...that part of the process. I think in order to...to be able to support something like this you've got to...you've got to be willing to be forward looking, to be...to recognize that there may...there may come a time when technology and feasibility lends itself to this kind of...of mode of transportation. I'm not encouraged by the travel we see on Amtrak. It's not...the volume isn't there. The times that it arrives and leaves in Nebraska are not conducive, I don't think, to heavy travel by our citizens on Amtrak, but...but that's really...really not what this is envisioned to be. It's envisioned to be more of a point-to-point, high-speed operation

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and to encourage commerce and passengers to use this. And so I...I think it would probably be constructed differently than Antrak's Passenger Services is now constructed. So I guess I will again be glad to try to respond to questions or get answers. I'll yield the rest of my time to the Chair. Thank you.

**SPEAKER KRISTENSEN:** Thank you, Senator Bromm. (Doctor of the day and visitors introduced.) Senator Beutler.

**SENATOR BEUTLER:** Senator Kristensen, members of the Legislature, Senator Bromm, if I could engage you in a little conversation I'd appreciate it. I think Senator Hilgert has started...started us off on the right conversation because he's noted for us that, whatever our assessments are under this compact, we will need to continue to pay them until we exit, plus one year. And I take it that the language in the first few sentences of...first few lines of page 6, which says that we...that they...that the assessment shall be appropriated, "shall be appropriated" kind of takes it out of the hands of our Legislature in the sense that I assume the interpretation of that language is, so long as we're in the compact, whatever they tell us our assessment is, we have to appropriate it. So then the question becomes, to what extent are we hanging out for potential expenses over what may be a two-year period of uncomfortable expenditure, if we're not comfortable with it? And you have pointed out that there may be the kinds of expenses involved in planning and the ongoing operations of this, which it seems to me are not probably going to be that great--\$25,000 a year. If they started to jack it up drastically, I take it our remedy is to exit. So, if that...if you think all that's true, then the question becomes, is there any way that any sort of project expense could be put off on us under this language before we could make a choice and get out? And, in that regard, looking at the language at the top of page 5, subparagraph (6), on lines 2, 3, 4, and 5, it says that one of the powers of the commission is, if requested by each state participating, and my first question to you is, who requests? Is that our member of the commission that requests, or is that the Legislature or the state that must request? And then it goes on to say...to say that they would have this power "and under the terms of a formal

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agreement approved by the participating states." I assume that this language needs to be read in conjunction with the language on page 6, lines 5, 6, and 7, which goes on to say that, "Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law". So my first question to you is what is your understanding of subsection (6) at the top of page 5? Does it take an...does it...when it says "approved by a participating state", everything taken together, is there...is it...is it the clear understanding of everyone, do you think, that that means approval by the Legislature of each and every specific project and not approval by our Governor and not approval by our commission...by our commissioner that we've chosen, but it means in the end, when that's read together with the language on page 6, that it requires the approval of the legislative body itself to approve a rail project under their...under their power scheme? I'd...

SPEAKER KRISTENSEN: One minute.

SENATOR BEUTLER: ...I would invite you to respond to that.

SPEAKER KRISTENSEN: Senator Bromm.

SENATOR BROMM: Certainly, Senator Beutler, and if I don't have enough time to respond, I've put my light on so I can continue to try to respond. The language on the top of page 5, subsection (6), first of all, my interpretation of that language in listening to the person from the...from Denver that came to our hearing is that the commission, if requested by each state participating in a project, like, say the project is from Chicago to Des Moines, for example, and if...if our state has passed a statute approving participation in that project then we would be one of the states that would have to approve implementing or providing oversight and spending the money to do that. Each state would have...

SPEAKER KRISTENSEN: Time. Senator Hilgert.

SENATOR HILGERT: Thank you, Mr. Speaker, members. I guess a quick question would be if we make any changes to this that

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means it's not going to be accepted. Is that a correct statement?

SENATOR BROMM: Yeah, Senator Hilgert, I don't think it would be worth our...worth our time to pass it if we amended it and passed it. I think if we have problems with it and we're not comfortable, we should go back to the member states that have joined and say, we're considering joining but we want this changed and we'll consider it next year.

SENATOR HILGERT: I tell you what, one of the...one of the reasons why I alerted on this was one of the most painful votes I had since I've been in here has been that withdrawal from the Low-Level Nuclear Waste Compact, and...and I don't know if I voted the right way, frankly, in hindsight. The exposure to our state financially is horrendous, yet, there was a feeling at the time to, you know, make our stand and let's leave. I don't ever want to make another vote like that. Now, I doubt if this will ever run into the, you know, 90 to 100 million dollar range, but if we're studying and proposing and talking about a project, even though we...we're not obligated to fund the project, and then I hear that it takes \$15 million to do the studying to defend a lawsuit that we're being, you know, sued by Kansas in the Republican River, boy, studies and testing and...and planning can really run up quite a large bill. And then if we're going to have to pay for this planning or whatever and coordinating and we don't know what the number is and we can't limit our exposure, and then we're going to apportion it by state and I assume that's going to be every state having its equal share of one, so that we would be paying as much as Illinois, I...I'm not comfortable. I don't know if there's any benefit of talking about all the possible concerns myself and maybe some other members might have and to accumulate those and then go to the next step, or...or what really needs to be done. Senator Bromm, I'll...I'll pull my amendment and people can just vote up or down on it because it's basically a kill motion then, from what you're saying; that if we amend any of it, you know, the whole thing is out. But I'm not comfortable with this. I'm not comfortable with...with some of the terms and I'm comfortable with the financial exposure. I wish we could cap our exposure and then I wouldn't have a problem whatsoever. I

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have one last question. I did find it interesting that the Governor or the Governor's designees shall be on this and name the members of this...of the Nebraska representatives, but I noticed on the committee that the administration testified in a neutral position, namely the Department of Roads. Is the Governor supportive of this effort? I certainly won't want to tell the Governor to appoint someone if he's not really even interested in doing it. Do you have an indication from the administration?

SENATOR BROMM: Senator Hilgert, I have not spoken to the Governor about his position on it. I...I really haven't.

SENATOR HILGERT: Well, he should be interested in this and I...and I think he probably is, because this is...it's a good idea. We do need to have rail. You know, Senator Chambers and others kind of poked a little fun at the Carbon Sequestration Act, but I was very supportive of that. I mean you only have so much energy, we only have so much money to pay for energy, you know, and I know we're trying to encourage conservation. I know there's going to be some...

SPEAKER KRISTENSEN: One minute.

SENATOR HILGERT: ...resistance to my...the bill to cut the natural gas tax, because if the price of natural gas would go lower that would diminish people's urge to conserve. So I know that people are trying to conserve energy and wanting to go in that direction. I know something like this is needed. Mr. Speaker, I'm going to withdraw my amendment and we'll just vote on the bill then.

SPEAKER KRISTENSEN: The amendment is withdrawn. Debate on advancement, Senator Wehrbein, followed by Senator Bromm and Senator Beutler. Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Mr. Speaker, member, thank you, Senator...Mr. Speaker. I...I'm...I'm a little concerned about it. I think back of another compact we were in, the Interstate Grain Compact, and, even though I think the idea as originally introduced was all right, it never did pan out to the extent

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that we thought it should. We ended up spending 60 to 75 thousand dollars a year and ended up...really probably two years of that toward the end of it was...was less than fruitful for us. I'm wondering, Senator Bromm, if you'd answer. Where...what if we did not do this for a year? What's the advantage of being in versus being an observer, let's say? And I know that may be a difficult question. I don't know that you could even answer that. But if this was delayed or observed for awhile till other states came in, or we had it in our...our particular statute that we said pending the joining of ten other states or something to that effect, that we could be assured that there would be some concern about our ongoing commitment to this? I don't know if you have any comments along that line; if the committee discussed that. I'll admit I'm just a little leery based on some other comments too about jumping in too soon. Twenty-five thousand a year isn't so bad but, on the other hand, \$25,000 a year after we figure we should be getting out, it just all adds up. And it makes me sound cheap, I know, but I'd be interested in your comments on that.

SENATOR BROMM: Senator Wehrbein, you're being too tough on yourself. I think "conservative" is a better word than "cheap". But, in any event, I understand exactly what you're saying. We've had the Interstate Grain Compact, we've had the Nuclear Waste Compact, we're involved in litigation on the Kansas-Nebraska-Colorado Republican River Compact, and "compact" has...does not have a good ring to it right now in this Legislature. I understand that completely. Whether there's any disadvantage in sitting on the sidelines for awhile, maybe another year or longer, I...I can't say. I...I can attempt to...to do a little bit more research and find out what, if any, the implications are. I do think that this compact is trying to go after the next...the next major transportation financing bill in Congress with some proposals, and they probably can do that without our membership. I think the more states that join, the better message it sends to Congress that we're serious about it. Now, another thing that I could do in the next month or so is try to get a better pulse on...I know legislation was introduced in several of the other states in the region and we could try to monitor their progress and see how they're developing with it. Iowa certainly ought to join if we do, or before we do or

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whatever. I mean I...it goes all the way through their state if it becomes reality. I have heard that Illinois is dragging their feet which just amazed me, but the rationale in the Illinois Legislature is that they don't want to water down their opportunity to obtain federal funds for the mass transit system by necessarily being a part of a larger group where those funds might be spread amongst more players. Now, I don't know if that philosophy is going to prevail there, but that is...

SPEAKER KRISTENSEN: One minute.

SENATOR BROMM: ...supposedly why they haven't already...I thought Illinois would be the first state to join because everything comes out of Chicago on this proposed plan. So there are obstacles ahead and questions and...and I'll just try to be as honest with you as I can and get some more answers. And I've got some more to say, but I'll do it on my time.

SPEAKER KRISTENSEN: Senator Bromm, your light is next.

SENATOR BROMM: Thank you, Mr. Speaker. Trying to retain my chain of thought on Senator Beutler's questions, and he'll have to ask me again if I'm not responding to them, but focusing for a minute on page 6, line 5, that talks about, "Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of the member state," what...what that means to me is that if we join this compact and the compact is successful in getting some money together to proceed with a project, we then decide whether we want to participate in that project or not as a Legislature and not...because it says "as provided by law of a member state". I don't think the commissioners or delegates or whatever they're called that are our representatives in the compact could bind us. I don't think the Governor could bind us. It would be by law of this state. Now, I think that we could...we could...we would want to, if we passed this LB 244 in some fashion, we would want to perhaps clarify that in Nebraska we...our participation by law would mean the passage of a statute or a bill by this Legislature to further crystallize that that's what we would do. So I wanted to be sure to try to answer that question. Senator Beutler, if he would yield to a

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discussion.

SPEAKER KRISTENSEN: Senator Beutler.

SENATOR BROMM: (Microphone malfunction) Senator Beutler, did I miss part of your question or questions that you'd like to reiterate now?

SENATOR BEUTLER: No, sir, I think...I think you hit the question head on and what I intended to ask you in the end, after getting your interpretation of the language on...on page 5, in conjunction with page 6, which you've indicated to you means approval of the Legislature, then it seems to me then statutorily you could tie that down pretty well, as you're suggesting. And what I wanted to ask you is what would you think about in the succeeding bill, which is another rail bill, that we put a paragraph in that simply said that nothing...that...that our "as prescribed by law" for now is that we can approve no project under this...under the compact that we're entering into without the approval of the Legislature, some statutory language...

SENATOR BROMM: Yeah.

SENATOR BEUTLER: ...that made it clear until we passed another statute that nobody else, no Governor, no appointee of ours to the commission, could be interpreted in any way as binding us on a project. And I...that's one thought, and the other thing I wanted to ask you about, there's no definition of "project" that I saw and, thinking about Senator Hilgert's concerns, is there any possibility that heavy planning costs which might not be interpreted as part of a project could be laid on us? Maybe I'm worrying too much. I...I...I like this idea. I don't know how you go about doing a railroad without getting several states involved, although I...the suggestion that Iowa necessarily needs to be involved before we do certainly makes sense because I don't know what good we are hanging out there without Iowa involved...

SPEAKER KRISTENSEN: One minute.

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SENATOR BEUTLER: ...or Illinois, for that matter, because I assume whatever is going to be done is going to be coming out of Chicago and...and coming our way. But, in any event, I think those things explain my different questions about it and I would be interested in what you thought about whether it would be helpful at all to put something in the next bill that clarified what we intended here.

SENATOR BROMM: Yeah, if I could respond, Senator Beutler, I think that would be a...that would be a good idea and I would...I would support that. And, depending on whether this bill dies on the vine or is advanced and held for awhile, I would like to check further on the progress of Iowa and Illinois...

SPEAKER KRISTENSEN: Time.

SENATOR BROMM: ...before we put a final seal on this bill.

SPEAKER KRISTENSEN: Senator Beutler, yours is the last light.

SENATOR BEUTLER: Mine is the last light?

SPEAKER KRISTENSEN: Yes, you're recognized to open.

SENATOR BEUTLER: Pardon me?

SPEAKER KRISTENSEN: You're recognized to open...to speak.

SENATOR BEUTLER: To speak? Okay. The only and last thing that I wanted to say is that, again, to reiterate, that I don't know how something like this can be formulated and advanced and planned and brought to fruition, if it seems like a good idea, without some kind of coordination like this. And so I would very much hope that we would advance this to Select File and let Senator Bromm do the further work on it rather than leaving it here to necessarily die for one more year. Maybe it will die on Select File, but it seems to me that whatever worries there might be about the compact, we...as long as we can tie down the fact that no major project can be done without legislative approval, then the maximum loss that we could have would

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probably be on the scale of what...of what Senator Wehrbein was talking about with regard to the...to the grain compact. You know, it's \$25,000 a year. If they suddenly doubled that, we would be worried. Maybe we would get out. I don't know what we would do, but at least we would have that choice without, in the relative scale of things, huge losses, and I think that that kind of scale is worth the possibility of developing something like this in the long term. So I hope we won't be...I hope we'll be cautious but not too negative on it, I guess. Thank you.

SPEAKER KRISTENSEN: Mr. Clerk, items for the record.

CLERK: Mr. President, Enrollment and Review reports LB 168A as correctly engrossed. Enrollment and Review also reports LB 51 to Select File. Education Committee reports LB 314 to General File with amendments. Senator Stuhr, an amendment to LB 1...or LR 1CA; and Senator Kristensen, an amendment to LB 138 to be printed. That's all that I had, Mr. President. (Legislative Journal pages 489-490.)

SPEAKER KRISTENSEN: Mr. Clerk, motion on the desk.

CLERK: Senator Janssen would move to adjourn until 9:00 a.m., Friday, February 2nd.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is, shall we adjourn? All those in favor say aye. Those opposed say nay. We are adjourned.

Proofed by: Jody Hurlbut