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Transcriber's Office

Executive Board Committee
February 17, 2015

[LB56 LB376]

The Executive Board of the Legislative Council met at 12:00 p.m. on Tuesday, February 17, 2015, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB56 and LB376. Senators present: Bob Krist, Chairperson; Dan Watermeier, Vice Chairperson; Ernie Chambers; Colby Coash; Galen Hadley; Dan Hughes; Tyson Larson; Heath Mello; and John Murante. Senators absent: Kathy Campbell.

SENATOR KRIST: Okay, welcome to the Exec Board hearing. We are going to cover LB56, Senator Scheer, and LB376 from Senator Hansen. Please turn off your cell phones or silence any devices that make noises. Handouts are not required. Testifiers who do have handouts, you need to provide us with 15 copies; if you don't have the copies, ask the page and he'll make sure that you get them. If you're testifying, each witness appearing before the committee must sign in using the green forms provided at the entrance to the hearing room. Sign in, the green sheet only, if you want to testify. Your form must be given to the page and will be given to the committee clerk. When you start your testimony, please spell...say and spell your name, first and last. That's really for the transcribers so they can hear it, as well. Light system--we're going to use lights--it's five minutes. You'll see a green light for four; you'll see an amber light for one. You'll see a red light, and then one of us is going to go like this, and you should be wrapping up really quickly after that, please, because we never get lunch anyway. It's no big deal, but that's okay. If you're not testifying and you want your opinion known, you can also put it on the green sheet and hand it to the clerk and she'll keep it there. This is Chairman abuse, and I'm just going to say it right off the bat. I was asked if you could provide an easel. Look, they multiplied. (Laughter) [LB56]

SENATOR SCHEER: I questioned them, and they said they had your permission. [LB56]

SENATOR KRIST: Next time, I'm going to ask the question, how many easels are you actually (laughter)...we normally don't allow audio/visuals in the committee room. But I do know that in a couple of cases a picture is worth a thousand words. So thank you for doing that. And with that, Senator Scheer, would you open on LB56? [LB56]

SENATOR SCHEER: Thank you, Chairman Krist and Exec Committee. My name is Jim Scheer, S-c-h-e-e-r, representing the 19th District in the Legislature. This bill is similar to, but not exact to, a bill that Senator McCoy introduced last year. And it was sort an infancy of looking at the project. And over the last year and talking with Dr. Chipps about the potential of this ground, which is literally in the middle...if you look at the map, the green-grass area is essentially the ground that we're talking about. The college is the blue part, the blue dye to your left, and then all the...across the street and all that surrounds the regional center is also...their community college is the...to the north is their farm process. They have their linemen and I can't remember

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what the other one is over there. I think truck driving over there, as well. So it's actually sort of an island within the property that the college already owns and operates. And, you know, last year, with Senator McCoy, I thought, you know, it was a great idea but didn't have...hadn't given it much thought exactly what we would do with it. You know, it's sort of an eyesore. But in one of my drive times, as Schumacher would say, it came to me that, you know, we don't need to reinvent the wheel here. This ground is already state ground, just as the State Fair ground to the north. And the northeast has the potential to do some really nice things in relationship to an innovative campus for entrepreneurship and technology. To give you an idea how supportive the area is, just not Norfolk, because I believe it's the Pierce Telephone Company brought in and is on the very edge of this site a 100-gigabyte Internet line. Now that doesn't mean anything to me, but it may to those of you that are more techno savvy than I. But to put it in layman's language, the campus that Google operates over in Council Bluffs utilizes 20 gigabytes. So we have a ton of capacity there. NPPD has brought up additional power, and all we really need is the go-ahead to try to start this process. It really is about economic development, as well. We want to encourage those people in Norfolk and the surrounding area and the community college area and give them a place to incubate and develop their companies. I sit on Revenue and last week we were talking about some different funding for startups. But there's one in Norfolk that started with one guy doing some sort of, like, HR work on-line. And he got two people that are...they were currently working with Gallup in Omaha, to join him and they now have a thriving business. Did it on their own, but they scrimped and saved and they didn't really...they didn't have the capacity to bring in the infrastructure that they needed. But they've been making it work. This is something that is ideal to them. And they are now expanding and they're putting in a call center in Leigh, Nebraska. And most of you won't know where Leigh is, but it's sort of south of Norfolk about 30 miles. Very small community, but they're going to put ten jobs in that community. And a community that size, that's like us landing a couple thousand employees on a statewide basis. It's a big deal for them. The ground hasn't been used for a long time, and you...and I'm...the pictures say what it is. But essentially, it's a vacated campus that used to be a regional center. Almost all the buildings are connected with an underground tunnel so that they can move their clientele to food, regardless of the weather and so forth. You know, to call it an attractive nuisance is probably to put it minor. Vagrants are there. We have no way of knowing how many were there. There's no electricity on, but the windows...some of the windows are still there. And it really is, from the potential of a liability from the state of Nebraska, it's huge. Some of these are three/four stories high. Some kids go up there and start playing and one of them decides he's going to decide he's Superman and jumps out the window, we'll have a real mess, because that's really...the police don't have the time; the sheriffs don't have the time; the Patrol doesn't have enough time to patrol that area on a very consistent basis, at all. And in fact, the only time they probably go out there is when they're called to go out there. And I think we've been extremely fortunate that something hasn't happened yet. It's a great idea. It's not breaking any virgin turf. All we're doing is, essentially, sort of trying to follow the blueprint of the State Fair move to Grand Island and their Innovative (sic) Campus by UNL. This bill starts the process

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of moving the ground to their ownership, and I think only good things can happen from there. It also then relieves the state of the liability of having the buildings and grounds that, you know, we aren't taking care of as a state and allows somebody else that it's part of their house to take care of it. So I think it's sort of a win-win deal, you know, obviously biased, but I don't see any negatives that remains. The one portion that is the light purple is the sex offenders' facility. That stays under your jurisdiction, our control, and the ground is still under the ownership of the state of Nebraska. It's just allowing the college to start developing a long-term plan on that ground and to try to incubate and grow and culture those people in northeast Nebraska and try to keep those jobs maybe not necessarily just in the Norfolk area, but in those smaller communities around Norfolk and their 22-county area. And with that, I would answer any questions. And it's the lunch hour and I'm not going to burn a lot of your time. [LB56]

SENATOR KRIST: Any questions for Senator Scheer? Seeing none, thanks. [LB56]

SENATOR SCHEER: Thank you. [LB56]

SENATOR KRIST: First proponent. Go ahead. I'm sorry. [LB56]

MIKE CHIPPS: (Exhibit 1) Good afternoon, Senator Krist and the rest of the Executive Board. I'm Mike Chipps, or Dr. Michael Chipps, M-i-c-h-a-e-l C-h-i-p-p-s. I'm the president of Northeast Community College and I represent the Northeast Community College Board of Governors in support of LB56. The Northeast Community College Board is open to securing the long-vacated Norfolk Regional Center property which is located in the middle of the Northeast Community College-Norfolk Campus. The state-owned property was abandoned decades ago, as noted by the pictures to my right and left, and is actually beyond description. That's why we brought you the multiple easels and pictures, Mr. Chair, is because it was good to take a look at it. Your packet that you have before you contains all the testimonies and gives you a visual to take with you, as well, so you'll get a chance to look at it again and again. The property consists of at least eight remaining buildings with broken-out windows and boarded-up door openings inhabited by birds, rodents, and transients. The grounds around the buildings are strewn with piles of concrete rubble, old tires, downed tree limbs, scattered lumber, and is overladen with brush that is heavily overgrown throughout this property. It is unfortunate that the state has walked away from this property and allowed it to become an eyesore and a safety hazard. Not only do the buildings present a challenge to the college, their property is situated on a busy road near a church, residential neighborhoods, as well as large industrial employers like Norfolk Iron and Metal, Nucor Steel, and Louis Dreyfus ethanol plants. As mentioned earlier, this is not a concern just for the college, but also for the community at large. As you can see around you, leaders from the Norfolk area are planning to visit with you about their concerns from their perspectives. What you find or will find is that Norfolk and northeast Nebraskans see beyond

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problems and challenges and have come prepared to offer solutions. As united northeast Nebraskans, we collectively envision tremendous possibilities for this property if the state would prepare the property for ownership by another public entity. The solution would on a smaller scale be similar to what Senator Scheer said about the Fair Grounds property to the University of Nebraska to build an Innovation Campus. Northeast Community College and the Norfolk leadership visualize a similar opportunity to create an Innovation Campus and technology park for fellow Nebraskans. Due to the site's location and its access to major infrastructure, training opportunities, and available technical assistance, the state of Nebraska Norfolk Regional Center property is clearly and ideally situated for a high-technology solution. Working with regional telecommunications providers, redundant rings were recently run around Northeast Community College and the surrounding communities and, like Senator Scheer said, connects 100 gigabytes of data capacity to northeast Nebraska and, thereby, provides unparalleled access to the super information highway. In addition to this considerable connectivity, this site also meets the needs and risk requirements for further infrastructure investments as a technology park. The technology innovation park will provide excellent incubator space for technology startup companies, as well as to provide data center services with redundant data storage capacity and access to a high-speed fiberoptic network. By providing and partnering with Northeast Community college, tenants would have access to entrepreneurial advising and business development consulting services, as well as with high-tech equipment and software to bring ideas from concept to fruition. They would have also access to students interested in gaining valuable internships and out-of-the-classroom, real-life experiences. This refurbished and redesignated space could offer an innovation lab with maker spaces for off-the-shelf, industrial-grade fabrication and electronic tools, as well as open-source software and programs to create rapid proof-of-concept prototypes, validate product designs, and determine market viability. This site could be connected to the University of Nebraska and other maker spaces throughout the state, the nation, and the world. Local and economic development officials wish to increasingly diversify the regional economy and position northeast and north-central Nebraska as a destination that is attractive to technology-based companies and talented professionals. This will create the impetus for the northeast area to recruit and retain the best technology talents and to build the pipeline for our future work force. Technology professionals are in high demand and positions like those working in this particular industry pay higher-than-average wages and support business advancement and innovation. If Nebraska is going to compete, the state needs to grow and retain its own professionals and support projects like this, which connect students with business and industry and leverages the talents and knowledge base of higher education. A recent visit by a highly respected data center specialist confirmed that this project with community college involvement was the ultimate game changer. There remains to be a sex offender center, which Senator Scheer talked about and LB56 addresses. Lastly, as part of my testimony, I'm also entering for the record a letter from Pastor Tim DeFor of First Christian Church in Norfolk. His church is close to the property in question, and in his letter Pastor DeFor shares his concerns about the blight and the safety concerns for his church and his congregation. In conclusion, a tandem cleanup bill, LB57,

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is also introduced to the Appropriations Committee. LB57 provides \$1 million in a one-time appropriation to help address the serious condition of this state-owned property. It is the desire of the Northeast Board of Governors that both LB56 and LB57 be passed this year. And without funds to restore the land to its original condition, the college may not be in a position to be able to accept it. This project clearly has the potential to generate revenue for the state and to provide a significant return for our collective investment. It is also supported, this bill, by the Nebraska Community College Association. Dennis Baack is here as the executive director of that. I thank you for your consideration by the Northeast Board of Governors. I'll take any questions, Mr. Chair. [LB56]

SENATOR KRIST: Thank you, Doctor. Any questions? Senator Chambers. [LB56]

SENATOR CHAMBERS: It's one thing for us who are on the committee to read the bill and certain things in the documents, but another thing to get it on the record so anybody who is not here will be able to read the transcript. So I'd like to ask you a question or two, Mr. Chipps, if you don't mind. [LB56]

MIKE CHIPPS: Please. [LB56]

SENATOR CHAMBERS: Under this bill...and I'm not looking for a technical explanation but just simple answers. I'll try to make the questions simple. Are you aware currently there is a methodology by which the state will dispose of excess property that it no longer has use for? [LB56]

MIKE CHIPPS: I do. [LB56]

SENATOR CHAMBERS: And how, based on your understanding of that law, would the property be disposed of by the state? [LB56]

MIKE CHIPPS: I'm not familiar with the particulars, like you mentioned, of it, but basically... [LB56]

SENATOR CHAMBERS: Okay. Do you think it would be sold or given away? [LB56]

MIKE CHIPPS: Well, it depends. The...some property has been given away, to my understanding, some property sold, so it depends on the condition of the property. [LB56]

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SENATOR CHAMBERS: And if the property is sold, there is some kind of vacant property or something, a fund that money goes to, and some can be put into the General Fund. But at any rate, some money is transferred and made available. Under this bill, that property that is being discussed would be given to the... [LB56]

MIKE CHIPPS: College, um-hum. [LB56]

SENATOR CHAMBERS: ...college and the state would recognize or realize nothing in that transaction, that transfer. Is that correct? [LB56]

MIKE CHIPPS: Under LB56, that would be correct, Mr. Senator. [LB56]

SENATOR CHAMBERS: And then what would the college do? It would develop the property? [LB56]

MIKE CHIPPS: Yes. [LB56]

SENATOR CHAMBERS: And it would strictly remain with the college and no private entities or interests would benefit or gain from that property, is that correct? [LB56]

MIKE CHIPPS: The concept would be correct, yes. We do have some private-public thoughts about that, you know, as far as entrepreneurship, but that has yet to be discussed in detail. [LB56]

SENATOR CHAMBERS: Well, if...do you think this property has some intrinsic value as real estate which, if put on the market, could command purchasers? [LB56]

MIKE CHIPPS: The answer to that is, no, in its present condition. If you don't mind, I want to share, Senator Chambers, one illustration, if I may. [LB56]

SENATOR CHAMBERS: Sure. [LB56]

MIKE CHIPPS: If you notice, I think it's on this map here, there is a small space which the state of Nebraska in its wisdom, and it's fine that they decided that, but they decided to put it up for public auction and they had three parcels that were purchased by private individuals. And those, they had transients living in them. The windows are knocked out. The mold...I went through one of them the other day. The mold is so heavy that nobody can inhabit them, but they still do, even

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though there is no sewer water going to those facilities anymore. And that's what happens sometimes when you have private individuals that are interested for maybe the wrong reasons. And so it has been tried a number of years ago, and we're going to have to deal with those properties separately, largely because they were sold for little or no money. I think they were about \$20,000, give or take, per property, and... [LB56]

SENATOR CHAMBERS: One other question, then I'll...any others I have, I'll save for people who come up after you. [LB56]

MIKE CHIPPS: All right. [LB56]

SENATOR CHAMBERS: Has the college ever purchased any property for its use? [LB56]

MIKE CHIPPS: Yes, we have. [LB56]

SENATOR CHAMBERS: And from whom would it have made purchases? I don't mean every... [LB56]

MIKE CHIPPS: Sure. I understand that, sir. Actually,... [LB56]

SENATOR CHAMBERS: Say it again? [LB56]

MIKE CHIPPS: The property that we sit on currently with the 800 acres was purchased...Bill (phonetic)? Purchased? [LB56]

SENATOR CHAMBERS: Purchased? [LB56]

MIKE CHIPPS: Part of it was purchased. We'll ask that of some of the people that have the historical knowledge of that, if that's okay with you, Senator. [LB56]

SENATOR CHAMBERS: Sure. [LB56]

MIKE CHIPPS: Okay. [LB56]

SENATOR CHAMBERS: That's all I have. Thank you. [LB56]

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SENATOR KRIST: Senator Hadley. [LB56]

SENATOR HADLEY: Dr. Chipps, since there is an appropriation that's needed and, if I'm correct, if I heard you, the appropriation is to basically take the existing structure down to basically bare ground, is that a fair statement? [LB56]

MIKE CHIPPS: Yes, and those tunnels, as well, Senator. [LB56]

SENATOR HADLEY: And the tunnels, as well. Does that mean that actually that LB56 and the appropriations have to work together or not? [LB56]

MIKE CHIPPS: It's always best if both of those would work in tandem with each other, because, you know, somebody is going to have to find that money. To my understanding, you know, it belongs to the state of Nebraska. And I'm a Nebraskan, through and through, a Grand Island boy, okay? So I want to talk for...as a fellow Nebraskan to you, not just as the president of a college. But the state has some sense of obligation to do something about it. They should have...frankly, we should have done something about it years and years and years and years ago. And it is, just like these pictures should present to you, the condition that the state of Nebraska, us as taxpayers, have left that. It's not your fault, but it is the fault of the state of Nebraska to leave the condition of (inaudible). You would never accept individual properties like that. You would...you'd have lawsuits going on. You know, I don't mean it bad, because I'm not blaming anybody. But, you know, it just amazes me that we can allow those things to sit there like that after we've built them, after we've used them, and then we turn them into nothing but places to place tires and other things, and then we accept that as a state of Nebraska. So, Senator Hadley, that really bothers my spirit, to be frank with you, more than anything. So we're trying to offer a solution, to me, that's fairly reasonable. Frankly, the state audit...the audit I think...not audit, it was...I know the fiscal analyst said that it would be about a million. We have checked on that. Some of those are going to be \$150,000 in asbestos abatement stuff. And so you're looking at \$200,000-250,000 per. So I'm going to...we're going to have some skin in this game, as well, as a college and as a community. I...it's not just about the state, but I think we've got an obligation here and we have an opportunity to do something about it. That's what's sad. It sits right in the middle of our campus, which is unfortunate, at best. If it was ten miles away from my campus, I've got to tell you, my interest level would be a lot lower, Senator Mello. [LB56]

SENATOR HADLEY: Senator (sic) Chipps, the...another follow-up would be that the private-public types of partnerships would be at some time in the future, hopefully with the building that you would put onto that piece of property, to use it for some kind of Innovation Campus concept. [LB56]

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MIKE CHIPPS: Probably not too far removed, but on a much smaller scale than the University of Nebraska is doing, we are looking. We know that it's 70 acres. I think it's 68-point-some acres without the sex offender center as a part of it, and you can almost get two data centers on top of that. We've got the horsepower. NPPD has substations there. We've got the 100 gigabyte of interstate traffic going there. We have a wonderful paved road that goes right on out to Nucor. I mean there's just...it's a perfect storm and it's a perfect opportunity for the Legislature to act on its behalf, as well as our behalf. [LB56]

SENATOR HADLEY: And if corn gets back to \$8, do you think you might want to grow corn on it? (Laughter) [LB56]

MIKE CHIPPS: I tried that last year. You didn't like that ag decision and you threw it out. And this is a much better decision, and that's what Senator Scheer and others have said: Why don't you look at it this way? And it makes a lot better sense, it really does. And it's for all Nebraskans. You know, northeast Nebraska has been the last place when it comes to the infrastructure for technology. This would take us, not that it's important for me, but it takes us to first place. It...and it take fellow Nebraskans to first place. That's what I'm more interested in as a fellow Nebraskan. [LB56]

SENATOR KRIST: Doctor, I...anybody else have any questions? [LB56]

MIKE CHIPPS: I'm sorry. [LB56]

SENATOR KRIST: That's all right. Doctor, I just...I wanted to say that I've been involved with the Exec Board here in the time that I've been in the Legislature, and if the Northeast Community College would have started the process five years ago, instead of having Flood introduce and then McCoy introduce and now Scheer introduce, you'd already have the property. [LB56]

MIKE CHIPPS: I know. [LB56]

SENATOR KRIST: So my concern is that not only do you come to us and say, forgo the \$13,500 that the fiscal analyst says we're giving up by giving a piece of property away, which is what the taxpayers are going to hold us accountable for,... [LB56]

MIKE CHIPPS: Okay. [LB56]

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SENATOR KRIST: ...but you're also saying you want \$1 million for us to level the property so you can start with shovel-ready to go up from the ground. Those are two things that we're going to have to wrestle with... [LB56]

MIKE CHIPPS: Sure. [LB56]

SENATOR KRIST: ...because it's our responsibility to make sure that...I don't disagree with anything that you're saying. I do though want other people to talk to that. And I'm sure Senator Mello is already writing the check for \$1 million. But anyway, thank you for your testimony. [LB56]

MIKE CHIPPS: Thank you, Mr. Chair. Thank you, committee. [LB56]

SENATOR KRIST: Next proponent. Welcome. [LB56]

MARK ZIMMERER: Good afternoon, Chairman Krist and members of the Executive Committee. I am Mark Zimmerer, M-a-r-k Z-i-m-m-e-r-e-r. I am the president and CEO of the Norfolk Area Chamber of Commerce. I'm here today representing the chamber board of directors, our government affairs committee, and our 650 business members. In my representation of these groups, I am speaking in support of LB56. The property once...the property identified in LB56 once provided a valuable service to our state and our community; however, the property, like any other property not cared for, soon becomes dilapidated and becomes a nuisance, not only for the property owner but for the neighbors around them. This is exactly the case with the Norfolk Regional Center property located in our community. I work closely with chamber members every day in attempt to keep their businesses strong and vibrant. There have been numerous occasions where I have had to encourage business owners to focus on the property beautification in order for the customers to fully appreciate the great work that is being done inside of the businesses. I believe this is also true with the image of our great city, and it is one of the reasons it is vitally important for the state of Nebraska to recognize the issue and to do their part in correcting the problem. This property I'm speaking of sits near the intersection of Benjamin and Victory Road, and it's close proximity to our largest businesses. Companies like Nucor, Norfolk Iron and Metal, and Louis Dreyfus are constantly bringing prospective customers and business leaders past the state's dilapidated property. This is not an image we want Norfolk to have, and the 5,000 neighbors who drive by there daily deserve better. This property that once sat in the country near our community is now located in an area primed for growth and revitalization. There is another significant reason the chamber supports this bill, and it's because of the concept developed by Northeast Community College. Their vision to turn this property into a technological innovation park would bring significant diversity to our heavy manufacturing base work force. Norfolk has been blessed to have a strong economy, with our

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blend of agriculture, retail, manufacturing. But we would be remiss if we did not look to diversify even more. Not only would a technology innovation park give us a more diversified work force, it would also give companies like Affiliated Foods Midwest, Medtronic, Faith Regional Health Services, and many others access to technology professionals that are so desperately needed. As I conclude, I'd like to mention the companion bill of LB57 which provides a one-time appropriation of \$1 million to clean up the property. It is our hope that both of these bills will be passed simultaneously this year. Let's help Northeast Community College in their plans to bring new life to the property that so desperately needs it. Thank you so much for your time today. And I hope you allow LB56 to move out of this committee and go to the full floor for debate. [LB56]

SENATOR KRIST: Senator Chambers. [LB56]

SENATOR CHAMBERS: Mr. Zimmerer, I'm a state senator, not a Norfolk senator, not a north Omaha senator, but a state senator. What is the benefit to the state of spending a million dollars to prepare land to be given to somebody who is going to do something with it to benefit their operation and benefit other benefit...other businesses and so forth? What is the benefit to the state? [LB56]

MARK ZIMMERER: Absolutely, Senator, thanks for the question. I believe that any time you look at economic development, that is a benefit to the state as a whole. And it's this opportunity to add entrepreneurs, the ability to create new businesses, I think that's what the state is striving for when I hear about their plans for economic development and growth. Creating new jobs, new opportunities for people, I think that's exactly what state senators look to do. [LB56]

SENATOR CHAMBERS: What new jobs will be created by Northeast Community College if all of this expenditure, on the one hand, is made by the state, and the forbearance of what would be obtained if the land were so? What jobs are going to be created? [LB56]

MARK ZIMMERER: Absolutely. Well, we, you know, just looking at the rough numbers, we're looking...it's not going to be a lot of new created jobs. Just for the facility itself, maybe ten or so--that's just rough numbers. Don't hold me to that. [LB56]

SENATOR CHAMBERS: But you've said jobs... [LB56]

MARK ZIMMERER: Yep. [LB56]

SENATOR CHAMBERS: ...in telling me what benefits are coming to the state. [LB56]

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MARK ZIMMERER: Yeah, I was... [LB56]

SENATOR CHAMBERS: And I don't consider it a benefit to the state if jobs are created in a particular community, because those jobs are created by businesses which will benefit directly and financially, because none of them is a charitable operation. So if this land were such an eyesore and these various entities and enterprises are nearby, if I understood you correctly, there was a time when all of this that we're talking about was in the country and this development built up around this property. Is that true? [LB56]

MARK ZIMMERER: That is correct. [LB56]

SENATOR CHAMBERS: And the property was there when all this building was going on. [LB56]

MARK ZIMMERER: Correct. [LB56]

SENATOR CHAMBERS: So it's not as though this was dropped into a development, but people saw a gain to themselves financially to do this. Why won't these entities get together and make an offer to the state and then those businesses give it to Northeast Community College? [LB56]

MARK ZIMMERER: Well, you asked me a question earlier about how jobs in Norfolk help create opportunities for the state of Nebraska. Well, obviously, most businesses who...that have started in small communities, not all of them remain small. Hopefully, they grow and they prosper and they create opportunities throughout the state. And I'm sure that could be said for a garage that Apple computers were created in. [LB56]

SENATOR CHAMBERS: But we're talking about some big businesses in Norfolk right now... [LB56]

MARK ZIMMERER: Very good. [LB56]

SENATOR CHAMBERS: ...that are near or affected by this property. Why don't you as head of the chamber of commerce get all of these civic-minded people together, put some money in a pot, and make the state an offer? Have anybody thought of that? [LB56]

MARK ZIMMERER: Well, I think it's been discussed. I think it always came back to the fact that we feel it's the state's obligation to clean this property up. It was once... [LB56]

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SENATOR CHAMBERS: Well, suppose... [LB56]

MARK ZIMMERER: It was placed there by them. [LB56]

SENATOR CHAMBERS: Suppose you find somebody like me who operates under the "Scroogeian" philosophy and says, no, these bills are not going to pass, that land is of value, let those who see a value pay for it. If we do not pass these two bills, what would these businesses do and Northeast Community College do? Would they just let it continue to stay there and feel that by attrition they're going to wait out the state? [LB56]

MARK ZIMMERER: I can't say what our future plans would be. We're hoping that the state will take this opportunity to correct the problem and... [LB56]

SENATOR CHAMBERS: You don't have a plan B? [LB56]

MARK ZIMMERER: Plan B would be go back, revisit the situation, and conquer. That's what we'd do. That's what we do in Norfolk. [LB56]

SENATOR CHAMBERS: And do it...and in case I get reelected, do it for the six years that I'll be here. [LB56]

MARK ZIMMERER: You want to see me back? [LB56]

SENATOR CHAMBERS: Well, you seem like a pleasant enough person to me. [LB56]

MARK ZIMMERER: All right. (Laugh) [LB56]

SENATOR CHAMBERS: But that's all I will ask you. Thank you very much, Mr. Zimmerer. [LB56]

MARK ZIMMERER: Thank you, Senator. [LB56]

SENATOR KRIST: Any other questions? Thank you, Mr. Zimmerer. [LB56]

MARK ZIMMERER: Thank you. [LB56]

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SENATOR KRIST: Next proponent. Welcome. [LB56]

TOM SCHOMMER: Thanks for getting him warmed up, everybody. Good afternoon, Mr. Chairman and distinguished members of the Executive Board. Thank you for the opportunity to testify here today. My name is Tom Schommer, T-o-m S-c-h-o-m-m-e-r. I serve on the board of directors of the Norfolk Area Economic Development Council. I'm not going through puberty, I just have some sinus drainage. I'm also the president and owner of TeleBeep Wireless, a telecommunications company in Norfolk, as well as other businesses involving ag production, land, and real estate throughout northeast and north-central Nebraska. Today's testimony is in favor of LB56 and LB57, for that matter, and is on behalf of the Norfolk Area Economic Development Council, as well as myself as a business owner. Northeast and north-central Nebraska, much like the rest of America, is entering into or, for that matter, is in the middle of a period of time where every new job, as well as every existing job, will even be more important than they were in the past. We have talented young people entering our work force while, at the same time, we have baby boomers exiting the work force and looking for benefits and amenities that northeast Nebraska and north-central Nebraska can bring them. As leaders, we all have obligations to show vision and compassion, to provide these opportunities and amenities to those who provided for us in the past, as well as give the young people a reason to stay or return back to our communities. And as I've said before, you know, the big question is, where will they work? I think we've dealt with that in the past. Business leaders, public policymakers, and policy decisions need to focus on new job creation, therefore, broadening the tax burden so that more tax revenues will be created without raising existing property taxes. This would also have a positive impact on addressing our current tax issues facing property owners throughout Nebraska, which I think we've heard a little bit about this year. Both pieces of legislation are vital components to northeast and north-central Nebraska, in terms of providing much-needed storage capacity and high-speed network access to the region. This concept would encourage private development and investment from the telecommunications industry. The location of this land would be a magnet for investment in infrastructure to support a technology innovation park that would impact the region for generations to come. Two regional, 100-gig, redundant fiberoptic data loops already converge literally across the road on the college property. If we build a technology park, future investment in that property is inevitable in the area. Such a technology park, similar to what was...what has occurred at the University of Nebraska Innovation Campus here in Lincoln, would establish a conduit for talent to recruit capable staff that wants to work and live in rural Nebraska. This would occur by connecting college students and young professionals with regional businesses early in their career decisions. Northeast Community College is key to convening those partnerships and making this happen. The concept will also increase the probability of success for the development and recruitment of Nebraska-based, high-growth, knowledge-based business. There's a lot of stuff going on right there. It would also provide space for complementary private and public technology assets that address the complexity, cost, and management needs of all sorts of emerging technologies. The explosion

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of data-driven businesses...business interactions constantly create new job...constantly create new needs to enable data and exchange among business partners. It will also commit to the...excuse me. It will also commit to the advancement of technology and innovative economic development in rural Nebraska and create a network of technology business incubators to provide startup and small firms with critical business assistance. Finally, the technology innovation park will...would ultimately lead to the creation of more jobs in rural Nebraska. This is an excellent way to cultivate and encourage small-business technology startups and entrepreneurs, the tools they need to be a success. The real issue at hand is our ability not only to sustain Nebraska or to sustain Nebraska, I guess, for that reason, but to grow for the next generation. We need to help our...we need to help to equip both our current, as well as our future, work force in such a way that gives Nebraska companies, as well as Nebraska students, an advantage and the advantage they need to compete in the global economy. And we ask for your help to lead the charge in support of these two bills. Is that red? I would encourage you to forward these on, "la-de-da-de-da." This concludes my testimony. (Laughter) [LB56]

SENATOR KRIST: I'd like to ask you a technical question about the "la-de-da-de-da" part of it, if I could. Any questions? Senator Chambers. [LB56]

SENATOR CHAMBERS: When you mentioned this park that you were talking about, would that be on this property that we're talking about, or is that someplace else? [LB56]

TOM SCHOMMER: From my understanding, it'll be on this property. [LB56]

SENATOR CHAMBERS: And that would be a private enterprise, is that correct? [LB56]

TOM SCHOMMER: I'm not clear of what the final plans would be. I know the first stage is moving this bill forward. I don't understand the full... [LB56]

SENATOR CHAMBERS: Eventually, though, it could generate profit, private profit to private operation. Does that... [LB56]

TOM SCHOMMER: I don't believe I said private profit. Maybe I did, but I don't believe I did. [LB56]

SENATOR CHAMBERS: No, I'm asking. [LB56]

TOM SCHOMMER: Oh. [LB56]

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SENATOR CHAMBERS: Would it generate money or income that would benefit private businesses or enterprises? [LB56]

TOM SCHOMMER: I would probably defer that to the college. From my understanding, the answer to that is no. [LB56]

SENATOR CHAMBERS: Have you in your capacity had anybody determine the market value of that land if it were on the open market? [LB56]

TOM SCHOMMER: No, sir. [LB56]

SENATOR CHAMBERS: Because they were so sure they would try to get it free from the state? [LB56]

TOM SCHOMMER: I can't speak on their intentions. [LB56]

SENATOR CHAMBERS: Okay. What did you say your role and function is? What do you do? [LB56]

TOM SCHOMMER: Well, I'm a local business owner and I serve on the board of directors for the Norfolk Area Economic Development... [LB56]

SENATOR CHAMBERS: Economic Development. [LB56]

TOM SCHOMMER: Yeah. But I'm also...I own a telecommunications company, as well. [LB56]

SENATOR CHAMBERS: Okay, and it never occurred to anybody dealing with economic development to determine what the market value of that land would be? Or did they always anticipate that they would find a way to get it free from the state? [LB56]

TOM SCHOMMER: These plans, as the Chairman knows, has gone back several years. I'm not familiar with what those early discussions were. I just know that today this is what's before us. [LB56]

SENATOR CHAMBERS: You know that there is a difference between the cost of something and the value. For example, I had a Honda that I had driven for 550,000 miles, and it's not worth

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anything in terms of money. But one of the senators said that it would be of great value to him because it was still operational and on his farm he could drive it over the roads in the area of his farm without it having to be licensed. It would just become, in effect, a farm vehicle. So cost and value are different things. You don't know what the cost of this would be on the open market, and you probably then couldn't tell me the value that it would have, other than to say it might draw development and take away an eyesore, something such as that. Is that kind of (inaudible)... [LB56]

TOM SCHOMMER: Well, one thing I can tell you, I...you're correct in all those statements. I would say doing nothing has a great cost. I would say doing something, as proposed by the college, would have great value. So to...that...I think those are the ways I would answer that question. [LB56]

SENATOR CHAMBERS: Suppose I told you that land is worth \$13,000 an acre. Could you say yea or nay? [LB56]

TOM SCHOMMER: I would say I don't know. [LB56]

SENATOR CHAMBERS: Do you think...do you have any idea how many acres are involved, roughly, with this piece of land? [LB56]

TOM SCHOMMER: Sixty-eight-point-something, from what I understand. [LB56]

SENATOR CHAMBERS: Do you think you could get those businesspeople to kick in enough to offer the state \$10,000 an acre? [LB56]

TOM SCHOMMER: If there's one thing I've learned in Norfolk, I'm not going to speak on behalf of those businesses. [LB56]

SENATOR CHAMBERS: So for whom, in whom's behalf are you speaking? [LB56]

TOM SCHOMMER: I'm speaking on behalf of myself as a local businessman and the board of directors for the Economic Development Council. [LB56]

SENATOR CHAMBERS: Is there anybody who's going speak on behalf of those businesses today? [LB56]

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TOM SCHOMMER: Maybe there will be, I'm not sure. [LB56]

SENATOR CHAMBERS: Excuse me. I was about to sneeze. [LB56]

TOM SCHOMMER: I thought maybe I was getting you a little emotional, because I have...do that (inaudible) (laughter)... [LB56]

SENATOR CHAMBERS: So then these businesspeople aren't particularly concerned about these bills, are they? They don't care about them, in fact, do they? [LB56]

TOM SCHOMMER: They're very interested in them, and that's part of the reason why we're testifying today. [LB56]

SENATOR CHAMBERS: You can't speak for them. Mr. Zimmerer didn't speak for them. Senator Scheer is not speaking for them. And they have been...where are they? [LB56]

TOM SCHOMMER: Then let me rephrase my statement. I will speak for them on behalf...that they support this bill and they see this as something good for the Norfolk area, for northeast and north-central Nebraska. But I cannot speak to them in terms of whether they would foot the bill to buy the property. [LB56]

SENATOR CHAMBERS: How far did you have to drive to get here, roughly? [LB56]

TOM SCHOMMER: Two hours and ten minutes. [LB56]

SENATOR CHAMBERS: And those businessmen who have an interest in this couldn't find the time to drive here and speak for this bill or send a representative. That's true, isn't it,... [LB56]

TOM SCHOMMER: No. [LB56]

SENATOR CHAMBERS: ...because they didn't do it. Then why didn't they send somebody here? [LB56]

TOM SCHOMMER: I believe they have, Senator. [LB56]

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SENATOR CHAMBERS: So then there is somebody here who's going to speak for them. I thought you said there's nobody here who was going to speak for them. Or maybe I'll ask and nobody is responding. Why don't I just see how things develop? [LB56]

TOM SCHOMMER: That's fine by me. I told you, I'm speaking on their behalf in terms of supporting the bill. [LB56]

SENATOR CHAMBERS: Okay. Thank you very much. That's all I have. [LB56]

TOM SCHOMMER: Thank you. [LB56]

SENATOR KRIST: Just for matter of record, for my colleagues, the cost by SBD for the Vacant Building and Excess Land Cash Fund, which is a...what I was suggesting you should have gone through five or six years ago, rather than trying to do this, was a \$13,500 cost for the property of 70 acres, based upon its condition, based upon everything that's there. If the land would be valued, 70 acres, at \$3,000 an acre, which is the fair price of valuation, as I understand it, by this bill, the cost of the land would be \$210,000 as a gift, so just so we're talking about the right set of numbers. So my follow-on...I'm sorry, Senator Hadley, you had your hand up first. [LB56]

SENATOR HADLEY: No, go ahead. [LB56]

SENATOR KRIST: My follow-on question is, would businesses be willing to talk about buying this piece of property using the existing disposal method that we have in the state of Nebraska if we could establish a price and then share in the demolishing the buildings in order to make it shovel ready? [LB56]

JOE FERGUSON: He'll answer that when he's...when...in his testimony. [LB56]

TOM SCHOMMER: There's a... [LB56]

SENATOR KRIST: Well, I'll just say, as asked before, when you get up here. How's that? [LB56]

TOM SCHOMMER: Yes. That's Joe Ferguson, if you need to know, so. [LB56]

SENATOR KRIST: Okay. Senator Hadley. [LB56]

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SENATOR HADLEY: Just a quick question. You know, Senator Chambers talked about being a state senator. Aren't we really talking about the state of Nebraska governments? Because the Northeast Community College is a part of Nebraska government, just the same as the state of Nebraska is a governmental agency, the cities, the counties, and such as that, and it seems to me that this is more of a transfer from one governmental agency to another governmental agency, rather than talking about it as a potential sale to some outside parties. I just see it as more of a transfer, rather than the potential to sell it and such as that. [LB56]

SENATOR KRIST: Senator Chambers. [LB56]

SENATOR CHAMBERS: If it please the court, Your Honor. (Laughter) I don't represent governmental entities or subdivisions. I represent the interests of people. But there are benefits that are going to redound to private enterprises, profit-making enterprises, and I don't see it as a transfer from one governmental agency to another. I'm not aware that community colleges are political subdivisions. Maybe they are, and people are nodding yes. But I don't see it as a situation where the purposes that are being sought under these bills would justify me in voting to give this land to Northeast Community College, in addition to that, spend \$1 million of taxpayer money to develop land in one area, and that land ultimately would be shared by private businesses. And I haven't been assured that that will not be the case. But in any case, private businesses are going to profit, and that's just so that anybody who comes up after you can respond to what I've said without me asking a lot of questions. And some of that was addressed to my esteemed colleague sitting to my right, who happens to be the Speaker of the Legislature, and he wields not only a wooden hammer but considerable power. [LB56]

SENATOR KRIST: And they can't just write each other notes. They've got to say it out loud. (Laugh) Thank you very much for your testimony. [LB56]

TOM SCHOMMER: You're very welcome. [LB56]

SENATOR KRIST: Next proponent. How many more people are going to speak in favor of this bill? [LB56]

SHANE WEIDNER: One more after me. [LB56]

_____ : One more after him. [LB56]

SENATOR KRIST: Okay. Thank you very much. [LB56]

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SHANE WEIDNER: Good afternoon, Senators, and thank you. My name is Shane Weidner, S-h-a-n-e W-e-i-d-n-e-r. I'm the city administrator of the community of Norfolk. I'm here on behalf of the mayor and council from the citizens of Norfolk to express their support for LB56 which, as you know, allows for and develops a process to donate the unused portion of the state of Nebraska's Regional Center property to Northeast Community College to create the technology park that we've...we're discussing. Prior to my duties as city administrator, I was community fire chief for 15 years. My duties as fire chief included the training of firefighters, emergency personnel, and the latest firefighting, search and rescue emergency medical techniques. As part of that training, we at times utilized abandoned buildings at the regional center to provide a very realistic training ground for large-scale evacuations, partial building collapse, and search and rescue evolutions. I've personally either crawled, walked, and sometimes ran, to be honest with you, because I'm told those buildings and tunnels are haunted, almost every square inch of these buildings. Trust me, they are scary in the day, let alone in the middle of the night. That brings me to my responsibilities as city administrator and public safety director: community property maintenance and public safety. Norfolk and our citizens are proud of their community and strive hard to keep it maintained and presentable. The mayor and council have high expectations of their community and provide significant community treasure to keep our town looking good and to eliminate attractive nuisances. Frankly, Senators, this property, the state of Nebraska's property, is the largest attractive nuisance in our community. The property is poorly maintained and poorly presented. It gives the community and the state of Nebraska a black eye. It makes it hard for our code enforcement personnel to effectively enforce international building and property maintenance code when others in the community can and do point to the state's property and say, make them do it. The buildings are utilized by vagrants, which presents an increased chance of arson, vandalism, and other crimes, creating a huge liability for the state of Nebraska's taxpayers and potentially endangering Norfolk's firefighters and police officers. It's time for the state of Nebraska to remove this hazard, clean the property, and solve the issue. Lastly, I'm going to share a letter of support from Mayor Fuchtman and the Norfolk City Council, if you will, a short letter here: Dear Senators, the city of Norfolk requests Executive Board support of LB56, which creates a process for the unused portion of the Norfolk Regional Center property to be donated to Northeast Community College. The mayor and city council are supportive of the college's intent to develop a much-needed technology park to serve all of northeast Nebraska. The innovation of Northeast Community College has been a tremendous benefit for all of Nebraska, and this property, cleaned and repurposed, would continue those efforts, as well as address the ongoing property maintenance concerns for the citizens of our community. Sincerely, Mayor and Council of Norfolk. With that, I'd be happy to answer any questions that you may have. I'll try to answer any questions that you may have from our (inaudible). [LB56]

SENATOR KRIST: I'll just pose this to you as a matter of question to the mayor, who obviously couldn't be here today. Looks to me like there's a price tag on it as it exists of \$13,500. What if

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the city of Norfolk paid, made an offer to buy the property for \$13,500 contingent on the state of Nebraska sharing half of the demolition costs or all the demolition costs? Every time it's come forward, there has been an ask for donate the property and clean it up, donate the property and clean it up. There is...there are regulations that handle disposal of excess property, and I have no...I mean your argument is solid. We created the eyesore. We now have sat on it and watched it decay. We should have never closed the regional center to begin with, but we've done it, so we have an obligation to clean it up. The teetering point here is taxpayers' dollars and how do we make this right on both sides. If any comment that I have made makes me an opponent, I don't want to seem that that's the way it needs to be. But I've watched this come through three times, and every time it's been the same ask. So potentially, the mayor, the business development people in the town can come up with an idea, and maybe somebody is going to talk to that in a minute, too, but that would be the message I'd send back to the mayor, if you would, please. [LB56]

SHANE WEIDNER: Absolutely, will do, Senator. And I appreciate those comments. And, you know, I'll step onto the edge a little bit and maybe try to address Senator Chambers' questions, as well, and part of this. And, you know, I...little Norfolk is just a little political subdivision, compared to the state of Nebraska. But at the end of the day, the property that we own and control we're responsible for, whether that's development, cleanup, repurposing, infrastructure costs, whatnot. We're responsible and our...through our citizens and their tax dollars, we're responsible. So I understand and appreciate very clearly what the senator's concerns about the taxpayers and what benefit do they get from this state property and the concerns that you'd have as senators. It's what you're here for. With that being said, you know, I really think the state has that obligation to clean it up. This place was built in 1885. It's served its purpose, obviously. It's still serving a wonderful purpose for the state in the sex offender unit. The remainder of the property is in disrepair and is beyond rehab, in my estimation, as an old fire chief that's been around this for 25 years now. So what are we going to do to get it done? I mean, the taxpayers of the state of Nebraska built it, they've maintained it, and now it's in disrepair. And now they have to be accountable for it and get it cleaned up. I can appreciate Senator Chambers' questions about selling the property. You know, perhaps, one thing the senators should look at is maybe cleaning the property up, getting it ready for sale, and then putting it on the open market and seeing what it generates. [LB56]

SENATOR KRIST: Well, then it's going to... [LB56]

SENATOR CHAMBERS: I clean it up? [LB56]

SHANE WEIDNER: State of Nebraska... [LB56]

SENATOR CHAMBERS: Oh, okay. (Laughter) [LB56]

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SENATOR KRIST: Then it's going to be worth 200... [LB56]

SHANE WEIDNER: ...not you personally, Senator. [LB56]

SENATOR KRIST: I think you need to take a lesson in negotiating because if we clean it up, it's going to be worth in excess of \$250,000. So that's what I... [LB56]

SHANE WEIDNER: Perhaps, that's absolutely fine. You know, my biggest concern about it, I'd love to see an innovation technology park and I'm probably going to maybe get in trouble with folks for saying this, but the state of Nebraska needs to be responsible for it. And it is their asset. [LB56]

SENATOR KRIST: Oh, I...no argument, no argument. [LB56]

SHANE WEIDNER: And if they want to clean it up and sell it, that's their prerogative to do that, as well. My biggest concern is getting it cleaned up and putting it into better use and repurposing it. The college's plan to repurpose it I think is admirable. I think it's wonderful. I think it has great potential. But at the end of the day, the state of Nebraska has the decision to make. And part of that decision-making process, in my humble opinion, means needs to be taking care of their property. [LB56]

SENATOR KRIST: Senator Hughes, did you have a... [LB56]

SENATOR HUGHES: Thank you, Shane, for coming in today. [LB56]

SHANE WEIDNER: You bet. Thank you. [LB56]

SENATOR HUGHES: Just a couple questions. You mentioned the state is not doing any maintenance or minimal maintenance. Is the state doing anything to this property, at all, on an annual basis? [LB56]

SHANE WEIDNER: Well, I would believe they're doing some mowing out there and some light maintenance. You know, the windows, you can see they've been boarded; some of the buildings have been boarded up. So obviously, they're doing that kind of maintenance. Long-term maintenance and significant maintenance I would say, no, not to a level of accountability, for lack of better words, for the properties around that and what we expect as a community. [LB56]

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SENATOR HUGHES: Is there a state agency in Norfolk that would be in charge of that, or is that...are they sending somebody from the Roads Department or who? [LB56]

SHANE WEIDNER: I think most of...most of those questions go back to Lincoln to the property...I'm going...yeah, I'm not going to say the right word, but the folks that are responsible for the state properties. [LB56]

SENATOR HUGHES: Right. [LB56]

SHANE WEIDNER: There used to be a gentleman that I can't remember his name, I don't know if he's there at the state anymore, that was our direct contact. You know, to be honest with you, those contacts can be made in the future. City of Norfolk's stick is about this big compared to the state of Nebraska's stick, you know, when it comes to property maintenance and code enforcement. I've been in it for 25 years. I understand code enforcement. The first thing people do is point towards the neighbor: They're not doing it. So then we run down, enforce them, run down and enforce the code there and, you know, it becomes kind of a problem. For us to throw a big stick and say, state, you shall do that, you know, obviously, is foolhardy, probably, at best. I think that's exactly why we're here, in part, at least in part of my testimony, is we're asking them to create lemonades out of some lemons. [LB56]

SENATOR KRIST: And that is the Administrative Services State Building Division that we referred to. [LB56]

SHANE WEIDNER: Thank you, Senator. [LB56]

SENATOR KRIST: Yeah, you bet, just for the record. Senator Chambers. [LB56]

SENATOR CHAMBERS: If there is a process in place whereby the state disposes of buildings and land declared vacant, why is that process not...why does not the city avail itself of that process, and if for some reason the wheels come off the wagon, then maybe say, will the state consider doing something different? But from what I've been able to determine since I've been on the committee and hearing this come, that process has never been utilized. [LB56]

SHANE WEIDNER: And I don't know. Not to my knowledge have we ever exercised that or as a state exercised the process to vacate the property out there. That's a good question for the Administrative Services Building Division, I suspect. You know, at what point does the state of Nebraska say, we're done with this property and we need to exercise our administrative cure for it? You know, I suppose there is a litmus test for all... [LB56]

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SENATOR CHAMBERS: You don't have to give any rationale. I just wondered why they had not availed themselves of this process that's already in place. And I think you've answered the best you can so I won't require you to continue with me. [LB56]

SHANE WEIDNER: Okay. Thank you, Senator. [LB56]

SENATOR CHAMBERS: Thank you. [LB56]

SENATOR KRIST: Thank you for your testimony. [LB56]

SHANE WEIDNER: Thank you. [LB56]

SENATOR KRIST: Next proponent. [LB56]

JOE FERGUSON: (Exhibit 2) I believe I'm your final testimony. Good evening. Senator Krist, members of the Executive Committee, my name is Joe Ferguson, F-e-r-g-u-s-o-n. I'm a lifetime member of the Norfolk Action Council, which is a group of community leaders who have worked on economic development since 1957. In 1957, the Norfolk leaders set a course to create economic development through industrial recruitment. The goal was to diversify the area economy, which was overly dependent on retail and agriculture at that time. The new organization, the Norfolk Action Council, was formed and has met consistently every week for the last 57 years. The group has successfully recruited over 20 major employers, bringing thousands of good-paying manufacturing jobs to the region. The council has membership representing the Norfolk Area Chamber of Commerce, the city of Norfolk, Madison County Commissioners, the public schools, college representatives, area banks and financial institutions, utility providers, healthcare, transportation companies, warehousing, logistics, and manufacturers. The Norfolk area has a vibrant economy; however, competition and demand for manufacturing employees is now making it difficult to recruit and retain qualified applicants. There is now a need to diversify and focus on employment opportunities in technology and related fields. These jobs will be attractive to today's young professionals and talented individuals. A technology innovation park with the potential for a data center development is a perfect fit for the abandoned regional center property adjacent to Northeast Community College. A public-private partnership with Northeast Community College will serve all of northeast and north-central Nebraska and convert this underutilized state property into a major job creation and training opportunity. I urge the passage of LB56 and the accompanying legislation, LB57. I've also provided a letter signed by all members of the Norfolk Action Council endorsing this initiative and asking for your support. Thank you. [LB56]

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SENATOR KRIST: Thank you. Any questions? I guess we're exhausted. Thank you. Thank you for coming. [LB56]

JOE FERGUSON: Thank you. [LB56]

SENATOR KRIST: Any opponents? No opponents. Anyone in the neutral capacity? Senator Scheer, would you like to close? [LB56]

SENATOR SCHEER: Yes, please, very shortly. One, this isn't...by public-private partnerships, what we are talking about is going to the public to try to develop money to build the facilities. That's the public portion...or the private portion of the campus. As far as the value of the ground, it very well may be worth \$3,000 an acre. But when it...you look at the numbers, and if you're going to demolish what's on there, it costs you about...anywhere from \$15,000-20,000 when you're all done. That's why it's never been developed. It's in the hole. Now I will tell you that Norfolk is a very proud community. And you're right, Senator, we've been down here several times. But at some point in time, I guess, we need a resolution. So I will tell you, if part of your comments are something that you as a group would like to do, certainly, we'll be able to do that. If you think that the state needs \$231,000 or \$13,000 out of this ground, we'll raise it, if you then will also help and commit that you will have the Senator Mello develop a funding source of at least covering half of those dollars, because that's part of the problem. It's so far in the hole because of all the demolish. And now, with the new environmental stuff in the building, the asbestos and who knows what else, you know, when we say \$1 million, that's the best guess of the guy that does that stuff in Norfolk. He's not sure. But even having said that, it's still a big stick. And it is a...this could be a diamond in northeast Nebraska. It has the potential to provide some additional employment in rural Nebraska, and that's what I'm all about, is trying to find jobs in small communities. This really has the potential. So if that's what it takes to get us from A to B, so be it. I'm on board. My community is on board. We just...we need to start moving towards A to B, because none of us get anything out of annual attempts at this when we all say the same things, and that's exactly what I'm assuming has happened every time. So if that's what needs to happen, please, by all means, make an amendment to the bill and we'll move forward. This is something that Norfolk is very serious about, northeast Nebraska is very serious about, the community college is serious about. So if takes that, please, then amend that and let's move forward. [LB56]

SENATOR KRIST: Senator Scheer, thanks for bringing it. And my comments again should not be construed as being in opposition of it happening. [LB56]

SENATOR SCHEER: Absolutely. [LB56]

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SENATOR KRIST: I believe that it is the state's obligation to take care of those facilities and to make that ground shovel ready if it intends to sell it. I do think that this is not a matter of getting \$13,500 or \$200,000 plus. I think it's, we need to do something about that and make it happen. I will work with you personally, and I think this committee was open to anything. And just for the sake of never hearing about this again, (laughter) let's get something done. Right? [LB56]

SENATOR SCHEER: That would be my joy. And with that, yeah, you know, unless there's other questions, I'll be glad to (inaudible)... [LB56]

SENATOR HADLEY: Don't you have some rich guy that owns radio stations all over the world out there that put a radio station or a big tower or something? [LB56]

SENATOR SCHEER: You know, and that's exactly what we're talking about: innovation. So now that he's got a real day job, you know, perhaps he may be the big gun in this. I don't know, but... [LB56]

SENATOR KRIST: You're talking about Senator "Rushing Water"? Is that the...yeah. [LB56]

SENATOR SCHEER: Yes, that's correct. And so I will tell you that Norfolk has had to put their productive hats on and their fund-raising hats on. We do it a lot, and that's what makes communities grow and prosper. And we will continue to try to do that. So if that's what it takes, folks, we'll do whatever you can come up with or that Senator Krist and I can come up with as an amenable solution to this. But we just want to get started. We've got some infrastructure just sitting there waiting for something to do. [LB56]

SENATOR KRIST: I think there's great public record that's been put on testimony today, and we can...we'll move something forward. We've got two years to do it. [LB56]

SENATOR SCHEER: I appreciate it, appreciate it. Thank you very much. [LB56]

SENATOR KRIST: Thank you, Senator Scheer. Okay, that will conclude the hearing on LB56. And if you're leaving, please, make sure you do it as orderly as possible. Okay, LB376, Senator. Please, proceed. [LB56]

SENATOR HANSEN: (Exhibit 1) Thank you. Good afternoon, Chairman Krist and members of the Executive Board. My name is Matt Hansen, M-a-t-t H-a-n-s-e-n, and I am the senator for the 26th District, legislative district, representing northeast Lincoln. I'm here today to introduce LB376. The purpose of this bill is to allow public charitable corporations to be eligible for

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appropriations under the Deferred Building Renewal Act which currently allows for deferred or preventive maintenance to be performed to buildings owned by state agencies, boards, or commissions. For practical purposes, the only public charitable corporation currently in the state is Wyuka Cemetery in Lincoln, and we have an amendment that we will pass out suggested by the Department of Administrative Services, AM316, that will clarify that definition. Wyuka Cemetery was established by the Legislature in 1869 to provide a state cemetery and has remained under the purview of the state ever since. The cemetery is governed by a board of trustees, five, who are appointed by the Governor. They must file yearly reports for the State Auditor and are subject to audit. It is also on the National Register of Historic Places. What this bill would do is allow Wyuka or any future public charitable corporation established by the Legislature to request to receive appropriations for building maintenance under the Deferred Building Renewal Act. As noted in the fiscal note, there is no explicit appropriation or expenditure compelled by LB376. All this bill would do is allow them to be eligible for future...in future budget cycles which they currently are not. With that, I would close and open to any questions. [LB376]

SENATOR KRIST: Any questions? Senator. [LB376]

SENATOR LARSON: Thank you. Would the funding if this were to pass, would it go directly to Wyuka through any specific state agency and who would be monitoring that spending? [LB376]

SENATOR HANSEN: Certainly. And that's something we can clarify. My intent is since Wyuka is governed by the board of trustees they actually function in a lot of sense of their own state agency and aren't explicitly under the umbrella of any state agency. And so we would be administered in the same way that other funds would. That's currently one of the interesting things we're trying to resolve is that Wyuka is just...it's granted, via statute, it's granted in Chapter 12 under cemeteries and isn't under the purview of any state agency. Because if they were, they'd be eligible for those funds already. [LB376]

SENATOR LARSON: Okay. And so...and who appoints the board of trustees? [LB376]

SENATOR HANSEN: The Governor. [LB376]

SENATOR LARSON: The Governor does the appointment. Okay. And that's all I was...so I was kind of going to say what is the recourse should it not be (inaudible) but there's no recourse so. Thank you. [LB376]

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SENATOR KRIST: Thank you, Senator Larson and Senator Hansen. Senator Coash, did you have any? Is someone going to come up after? The Governor appoints, do we confirm those positions? No. The Governor, okay. That was Senator Coash who shook his head no. [LB376]

SENATOR COASH: Yes. And I'll go on record here. I passed a bill about four years ago to take the trustees from three to five. They are appointed by the Governor. In addition, part of the reason for Senator Hansen's bill is I requested an Opinion from the Attorney General whether or not this public charitable trust, of which there is just one, could be eligible for state funds under the Building Maintenance Act and the Attorney General said, no. That if you wanted to open the door for that you need a bill, which is why I worked with Senator Hansen to craft this bill. Just kind of an interesting...I want to put some of this on the record. Senator Hansen mentioned this. It's an interesting entity in Wyuka is that if the trustees meet they're subject to open meetings laws. They must file a report to the Retirement Board for their employees. Although their employees are not considered state employees, they still are subject to that. And they are subject to the State Auditor so the State Auditor has gone in and audited this so it is an anomaly. But what Senator Hansen is doing here is just simply saying they would be eligible for state funds which they may need at some point in the future and it still becomes the purview of the Appropriations Committee and the full Legislature whether or not they get any so. [LB376]

SENATOR KRIST: Thank you, Senator. Senator Larson. [LB376]

SENATOR LARSON: Real quick. Does Wyuka receive any public tax dollars from like the city of Lincoln or any funding from any other governmental entity? I guess that's going to be a no... [LB376]

SENATOR HANSEN: Not to my knowledge. [LB376]

SENATOR LARSON: ...judging by the nod. [LB376]

SENATOR HANSEN: But there will also be, I will add, there will be other testifiers with experience in Wyuka who could answer questions further. [LB376]

SENATOR KRIST: Okay. Any other questions? Senator. [LB376]

SENATOR CHAMBERS: I have one comment. My colleagues I know are weary of me speaking about racial discrimination and wonder how I can see it everywhere. I can see it everywhere in the same way a bacteriologist sees bacteria everywhere because it is everywhere. The term Wyuka Cemetery rubs me the wrong way. Charles Starkweather is buried there. That's not why.

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There was a military base here. There was a black family and their baby died and the baby was buried in Wyuka Cemetery. When it was discovered that it was a black family, the baby's body was dug up and buried in what they call "the colored section." Now that wouldn't bother you all because I know you all are not sensitive to things like that. But it bothers me and I'm going to keep bringing these subjects up because you all enjoy white privilege and because it doesn't happen to you, you cannot understand what it does to those it happens to. And it's my job to bring it to your attention. That's why I say what I said this morning and I'll continue to say it on the floor of the Legislature, not that I think it's going to change anybody's mind. I don't debate these issues with white people because they can't understand or they refuse to understand. But I will mention it. So every time Wyuka, the name comes up on the floor if it does, if this bill comes out there, I'm going to mention it again. And I know there's a family that feels a sense of embitterment that probably will never go away. And again, I wouldn't expect you all to understand that. But Charles Starkweather, if what I read in the paper is correct, killed several people. But they didn't dig up his body, but they dug up a black baby's body. So I hear these people talking about they're for fetuses and zygotes and embryos, I think about the fully formed born children who can be treated in such an inhuman manner. And white people just say, well, you know, that's the way it happened. Get over it. Well, I'm not going to get over it and I'll bring it up and I feel an obligation to do it. You just happened to bring the bill. I'm not blaming you for any of what I'm talking about. But I blame myself if I let these things go by without saying something about them. [LB376]

SENATOR KRIST: Thank you, Senator Chambers. Any other questions? Okay, thank you. First proponent of LB376. Welcome. [LB376]

BOB FITZSIMMONS: (Exhibit 2) Well, good day, gentlemen. It's a pleasure to be with you here this morning and to share with you my perspective on this particular bill. I'm Bob Fitzsimmons. That's spelled B-o-b of course, F-i-t-z-s-i-m-m-o-n-s, and I was one of the two new trustees that came in part because of his bill several years ago. So I am serving on that board of five of us. I was appointed by then-Governor Dave Heineman in November of 2009. I'm joined today by a fellow Wyuka Cemetery trustee behind me, Faye Osborn. She will be sharing her testimony very shortly. We come before you, this Executive Board, with respect to the legislation regarding this renewable building act, we call it Deferred Building Renewal Act, that provides language that states clearly that public charitable corporations of the state of Nebraska would be subject to the act. This Deferred Building Renewal Act, which has been in place for some time, does provide for state funds, subject to the review and approval, as you know, the director of Administrative Services and then he has a smaller group called state Task Force for Building Renewal to support renewable work, deferred maintenance, and preventive maintenance. That goal of that Task Force for Building Renewal is to allocate state funds to help restore state-owned facilities and utility systems into compliance with current fire safety, life safety, and hazardous building abatement requirements. As a trustee of Wyuka Cemetery, the only public charitable corporation in the

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state, we can assure you that our cemetery is operated as a public charitable corporation owned by the state of Nebraska. In 1869, Wyuka Cemetery was established by an act of the Nebraska Legislature to provide a Lincoln state cemetery for the new state's capital city founded just, as you know, two years before. Eighty acres of rolling territory east of the city was donated to establish a "rural cemetery." And at that time, that was a new trend in American burial grounds. The cemetery expanded from that first donation to encompass today 140 acres. More than 50,000 people have been buried in that cemetery. And today we average somewhere close to 50 burials annually. As further support for Wyuka Cemetery is operated as a public charitable corporation, our five trustees are appointed by the Governor of Nebraska for a six-year term. We serve without compensation. Wyuka Cemetery, as was pointed out earlier, complies with all respects with the Open Meetings Act. The law requires Wyuka Cemetery to file annually with the Auditor of Public Accounts an itemized report of its receipts and expenditures. The Auditor of Public Accounts is also required from time to time to audit our place. The proposed amendments to LB376 simply clarifies that public charitable corporations owned by the state of Nebraska fall within the scope of LB376. At this time, the board of trustees of Wyuka Cemetery has no plans to submit request for deferred or preventive maintenance on only four buildings that we currently maintain. But, and I say but, it may be necessary to make such request in the future. My fellow trustee, Faye Osborn, will cover further additional aspects of Wyuka's long history as a state-owned and operated cemetery and why we believe that the cemetery should be placed at the same level as other state entities. Senator, that's my comments. [LB376]

SENATOR KRIST: Any questions? Senator Chambers. [LB376]

BOB FITZSIMMONS: Yes, Senator. [LB376]

SENATOR CHAMBERS: Are you familiar with the incident I mentioned? [LB376]

BOB FITZSIMMONS: I am not, sir. [LB376]

SENATOR CHAMBERS: How long have you been a trustee? [LB376]

BOB FITZSIMMONS: I was a part of that group that came in, the extra two that was referred to, so I've been there five years. I'm serving my last term, my last year. [LB376]

SENATOR CHAMBERS: Well, that would have been...how long have you lived in Lincoln? [LB376]

BOB FITZSIMMONS: How long have I lived in Lincoln? Since 1979. [LB376]

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SENATOR CHAMBERS: And you've not heard of the incident I mentioned. [LB376]

BOB FITZSIMMONS: No. [LB376]

SENATOR CHAMBERS: Thank you. That's all I'll ask you. [LB376]

SENATOR KRIST: Any other questions? Senator Hughes. [LB376]

SENATOR HUGHES: Thank you, Mr. Chairman. What is the operating funds for the cemetery now just generated from the sale of burial plots? [LB376]

BOB FITZSIMMONS: Pretty much and funeral home, so it's the two things together. [LB376]

SENATOR HUGHES: Okay. Is there...and there's some mention of some money set aside from the sale of burial plots. Is there like a foundation or... [LB376]

BOB FITZSIMMONS: Not that I'm aware of. I wouldn't call it a foundation. We do have a Wyuka Historical Foundation. [LB376]

SENATOR HUGHES: I guess I'm looking for the funds that are operating the cemetery. [LB376]

BOB FITZSIMMONS: Yeah. Senator, do you want to comment? [LB376]

SENATOR KRIST: Senator Coash. [LB376]

SENATOR COASH: There is a I believe the term is perpetual maintenance fund... [LB376]

BOB FITZSIMMONS: Yes. [LB376]

SENATOR HUGHES: Okay. [LB376]

SENATOR COASH: ...which is a portion of every burial plot. But that is very specific to taking care of the cemetery. [LB376]

BOB FITZSIMMONS: Right, not the buildings. [LB376]

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SENATOR COASH: But not...so it takes care of the grounds where folks are buried, but it cannot be used for bricks and mortar. [LB376]

BOB FITZSIMMONS: Right. That's my impression, sir. [LB376]

SENATOR HUGHES: Okay. So what are the four buildings that the state would be in charge of taking care of? [LB376]

BOB FITZSIMMONS: You bet. Obviously, when you drive in to Wyuka you see it right there on the left-hand side. That's kind of a reception area, sales floor, and there's also a chapel in there where we have funeral services. You go down further a little bit to the right, you may have heard we have a stables. That stables is now 100-plus years old and was just part of a major renovation on a combination of we raising money to help fund and 80 percent came from federal support so it's a historical building preservation. Right across from our entrance is a Rudge Chapel that was donated, what, 60, 70, 80 years ago and it holds about 80-some people today. And then the final building is just simply the maintenance building because when you have to take care of 140 acres it takes quite a little bit of maintenance operation. And then about 15 years ago we went into the funeral home business part and that's a part of that building. So those are the four buildings that...as I said, one has kind of been taken care of very well just recently. And we're going to invite you all to come to the open house of that particular historic building. [LB376]

SENATOR HUGHES: How many employees are on the payroll average? [LB376]

BOB FITZSIMMONS: Yes. You're probably in the technical area. We know, Faye, I would guess between 15 and 20 and there's another 5 to 10 that are just part time, mostly during the summer when the mowing is the heaviest and taking care of the grounds is the heaviest. So it's not a big size operation. [LB376]

SENATOR HUGHES: So is the, in your estimation, with the perpetual care fund, I mean is there enough money there to continue with maintenance of the cemetery long term? [LB376]

BOB FITZSIMMONS: Just the grounds. [LB376]

SENATOR HUGHES: Just, I mean, that's where, you know, I guess I'm not... [LB376]

BOB FITZSIMMONS: Yeah, not the buildings. [LB376]

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SENATOR HUGHES: I understand that. But if the state does indeed take over the responsibilities for the buildings, then five years from now you're back saying, well, gosh, you know, you're paying for the buildings. We ran out of money. You know, we need help mowing the grass. That's where I'm headed. Is there enough money in the perpetual care fund to continue for the care of the cemetery, the grounds, in your estimation? [LB376]

BOB FITZSIMMONS: My colleague is shaking her head. [LB376]

SENATOR HUGHES: Okay. I'll ask her. [LB376]

BOB FITZSIMMONS: She's a little more closer to it. Maybe I could defer to her to answer that better than myself. [LB376]

SENATOR HUGHES: Okay. Thank you. Thank you, Mr. Chairman. [LB376]

SENATOR KRIST: Thank you, Senator Hughes. Any other questions? Okay, thank you. Next proponent. Welcome. Go ahead. You can fill out your green sheet afterwards. [LB376]

FAYE OSBORN: Good afternoon, everybody. Oh, my sheet. Okay, all right. My name is Faye Osborn and I'm here as vice president of the Wyuka position, and I am a trustee of one of the five. I'm on my second term of being trustee for Wyuka. We, you know, as trustees we manage and help take care of the responsibility of all the funds of Wyuka. I would like to thank the committee for the time today and also thank Senator Hansen for introducing the bill and Senator Coash for the opportunity and working with him on the bill to start with. Like Mr. Fitzsimmons, you know, Wyuka is the state cemetery. You know, and it's a public charitable corporation, which a lot of people don't understand or know because we are one and the only one basically. And we have to follow like the Open Meetings Act and all of that stuff so we do follow all the protocol for the state meetings and everything. The Nebraska law also, you know, requires us as Wyuka to file annually. We have our audit report setting here in the State Capitol and, you know, of the things that need to be audited and checked on. And it's done and sent in every year. And we are, you know, can be checked and audited at any time whenever it's so seen. Under the state law, the trustees must set aside part of the purchase of each burial lot sold for the permanent maintenance of the cemetery and this is called perpetual care. So that's always there and it's set aside and it's all regulated and it's setting in an account at Union Bank just for the perpetual care and it's setting there. Nebraska state cemetery Wyuka has always had free burial space for veterans and also a low-cost burial for babies. And I'm sorry, Senator Chambers, the circumstance that happened and I really...I did not know about that but it will be interesting. I'd really like to get more information on what happened. [LB376]

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SENATOR CHAMBERS: What I will do, and it's appropriate since we're talking about a cemetery, is contact the Lincoln Journal Star and ask them to go into their morgue and help me find that incident. [LB376]

FAYE OSBORN: Yeah. I would be very interested to see that because Wyuka has always helped a lot of families that have had newborn's death and babies. And we do have our area in the cemetery called "Littlest Angels" and we even have a fund that basically makes little stones and stuff and pays for them to identify these babies and things. So we have been, you know, very active in helping the people of Nebraska. And it doesn't just have to be Lincoln people. A lot of people think it's a Lincoln cemetery, but it isn't. It's a state of Nebraska. LB376 would make Wyuka eligible to request funding for the renewal and upkeep of the existing buildings and things like that. We don't see that we need it right now, but we're thinking about the future because the money that's coming in when things are sold are to pay the salespeople. We have people that do sell but they're on commission. But we do...and our biggest cost is the manager and the upkeep of the cemetery. It costs a lot to do mowing, cutting trees, keeping everything looking good. And if somebody buys a grave site and they see a tree hanging over their site that they don't like, you know, they request us to cut it down. One lady even paid to have some trees cut down because she wanted her grave site that she was getting wanted to look a certain way. So these are very costly when it comes to the money coming in. Our main concern is the building and that's the funeral home. You know, it's probably going to have to have a new roof in probably five years or less. And so where is this \$100,000-plus going to come from? Things like that. And the buildings that are there, you know, need upkeep and we really don't have the funds set aside because we just pay for the maintenance of the land and keeping everything at a going pace right now. Wyuka would have to submit all of the proper paperwork for the funding request just like all the other state entities would, you know, that request the money and the money is given from the state. LB376 would help Nebraska put the Nebraska state cemetery on the same level as the other state entities and that would help us be able to request money. And it's not like we need it immediately. That's not what we're here for. We're just doing future planning so somebody is here taking care of this place... [LB376]

SENATOR KRIST: Your red light is on so just...yeah, thank you very much. [LB376]

FAYE OSBORN: Thank you for your time, appreciate your support. [LB376]

SENATOR KRIST: Any questions? Thank you, ma'am, for coming, appreciate it. Any other proponents? Any opponents? Any neutral? Senator Hansen, do you want to close? [LB376]

SENATOR HANSEN: In the interest of getting everybody, I will waive. [LB376]

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SENATOR KRIST: Okay. That concludes the hearings today. [LB376]