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Floor Debate
January 31, 2008

[LB157 LB196 LB235 LB268 LB276 LB465 LB480 LB575 LB586 LB619 LB620 LB621
LB632 LB676 LB746 LB754 LB755 LB788 LB805 LB823 LB850 LB893 LB910 LB1004
LB1100 LR223 LR236]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixteenth day of the One Hundredth Legislature, Second Session. Our chaplain for today is Senator Wallman. Would you all please rise.

SENATOR WALLMAN: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Senator Wallman. I call to order the sixteenth day of the One Hundredth Legislature, Second Session. Senators, please record your presence by roll call. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Corrections for the Journal.

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Messages, reports, or announcements.

CLERK: Mr. President, Enrollment and Review reports LB196, LB465, LB480, LB621, and LB632 as correctly engrossed, and those are the only items I have, Mr. President. [LB196 LB465 LB480 LB621 LB632]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to first item under legislative confirmation reports.

CLERK: Mr. President, the Education Committee, chaired by Senator Raikes, reports on two appointments to the Coordinating Commission for Postsecondary Education.

PRESIDENT SHEEHY: Senator Raikes, you are recognized to open on your Education Committee confirmation report.

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. Mr. President, might I ask, is this for one of the persons or two? []

CLERK: Both. []

PRESIDENT SHEEHY: Two, Senator. []

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SENATOR RAIKES: Okay, two. All right. Again, thank you. The Education Committee encourages the confirmation of the appointment of Ms. Riko Bishop to the Coordinating Commission for Postsecondary Education. Ms. Bishop is a new appointment to the commission, if confirmed. Her term of service would extend through January 1, 2012. Ms. Bishop is a practicing attorney with the law firm of Perry, Guthery, Haase, and Gessford, which is here in Lincoln. Her resume contains a long list of current and past memberships, and professional credentials, as well as previous experience as a middle school English teacher in both the Elkhorn and Bellevue Public Schools. She is currently a member of the Lincoln Bar Association Board of Trustees, the Supreme Court Committee on Practice and Procedure, the Supreme Court Nebraska State Bar Association Minority and Justice Implementation Committee, and the Nebraska Judicial Resources Commission. Ms. Bishop is a 1992 graduate of the University of Nebraska College of Law, graduating with distinction. She also earned a bachelor's degree in 1977 from Kearney State College, as it was called at the time. Let me offer a little in the way of background about the commission. The Coordinating Commission is the constitutional entity charged with the responsibility of coordinating the state's higher education system. The three general duties of the commission are to, first, develop an ongoing, comprehensive, statewide plan for the operation of an educationally and economically sound system of postsecondary education; two, identify and enact policies to meet the educational research and public service needs of the state; and three, affect the best use of available resources through the elimination of unnecessary duplication of programs and facilities among Nebraska's public institutions. The Coordinating Commission consists of 11 members. Six of the members are chosen from evenly populated districts across the state, with the other five members being selected from the state at-large. Ms. Bishop is being appointed to the position for District 1. I also want to offer to the committee's encouragement for the confirmation of the appointment of Ms. Carol Zink to the Coordinating Commission for Postsecondary Education. Ms. Zink is also a new appointment to the commission, having been appointed to serve in an at-large position on the commission. If confirmed, her term of service would also extend through January 1, 2012. Ms. Zink is an elementary school teacher for the Lincoln Public Schools, having worked for the district since 1971. She received a bachelor's degree in elementary education and early childhood education from the Youngstown State University in 1970, followed by a master of arts degree from UNL in 1975. She has served as the president for several community organizations, including the Lincoln Community Playhouse Children's Theatre, the Lincoln East High School Parent Advisory Committee, the Lincoln Legal Auxiliary, and the Nebraska Literacy Heritage Foundation. She currently serves as a board member for the Hospice Care of Nebraska, and the Lincoln Community Playhouse. With that I'll close, and encourage the confirmation of Ms. Riko Bishop and Ms. Carol Zink to the Coordinating Commission for Postsecondary Education. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Raikes. You have heard the Education

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Committee confirmation report. Are there members wishing to speak on this item? Seeing none, Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question before the body is on the adoption of the Education Committee confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 451-452.) 33 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: The confirmation report is adopted. Next report.

CLERK: Mr. President, the Agriculture Committee reports on a number of appointments to the Beginning Farmer Board.

PRESIDENT SHEEHY: Senator Erdman, you are recognized to open on your Agriculture Committee confirmation report.

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. The Beginning Farmer Board was a part of the Beginning Farmer Tax Credit Act that was passed in 1999 by the Legislature, and has been amended twice, once in 2000 and once in 2005. The act currently provides a refundable income tax credit of 10 or 15 percent of the gross receipts, depending upon whether a cash rental or a share rental agreement of the rental income when renting agricultural assets to a beginning farmer. The tax credit serves as an incentive for the owners of agricultural assets to rent to a beginning farmer who has met specific eligibility requirements. The owner will be encourage to become a mentor and to share his or her expertise with that beginning farmer. The beginning farmer will attend a financial management class to ensure his or her knowledge of farm record management and participate in the board-sponsored activities. The Beginning Farmer Board is appointed by the Governor, will develop and direct the programs, approve and certify participants, and advocate for farmers as part of their duties. The duties of the board are listed, and I can provide those to you, but those are generally available through the Department of Ag or by visiting with the Ag Committee's staff. Section 77-5205 provide that the board consist of the following members: the director of Agriculture or his or her designee; the Tax Commissioner or his or her designee; one individual representing ag credit lenders; one member who is an ag economist; and three agricultural producers from each congressional district. On January 29, the Agriculture Committee heard the confirmation report for five individuals to be appointed to the Beginning Farmer Board. The first individual is Dr. Darrell Mark. He represents the academic community with extensive knowledge in the analysis of ag economic issues. Dr. Mark holds a Ph.D. in agricultural economics from Kansas State, and participates in his family farm operation near Irene, South Dakota. He has provided extensive curriculum, which includes...excuse me, he has provided an extensive vitae, which includes published journals, extension papers, and has authored and coauthored a variety of ag economic-topic papers. He is currently an assistant professor in

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cooperative extension, state agribusiness management specialist, and with the Department of Ag Economics at UNL. This will be Dr. Mark's second term on the board. Todd Reed is a producer from Congressional District 1. Mr. Reed resides in Waverly. He is a full-time farmer, as well as a seed salesman. He is a graduate of the University of Nebraska-Lincoln with a bachelor's degree, and he is actually one of the individuals that is going to be advocating on the board on behalf of those in a similar situation as himself, which is a beginning farmer. Don Anthony is a producer, representing the 3rd Congressional District. This is a reappointment for Don Anthony. He has been on the board previously. Mr. Anthony lives and farms near Lexington. In 1986 he was named Outstanding Young Farmer by the U.S. Jaycees, and has held director positions in producer cooperatives and local chapters of farm organizations and trade associations. Our next appointee is Melvin Valasek. This is a new appointment. Mr. Valasek has been an active farmer for 30 years and participated in many farm organizations. He also lists 35 years of employment with the Omaha Public Power District, from which he retired in 2004. Mr. Valasek was unable to attend the committee hearing. His appearance was waived by the committee, and he was represented at the committee hearing by his senator's office, Senator Dwite Pedersen. Our fifth and final applicant, appointee to the board, is Mark Graff. Mark represents lenders of agricultural credit. This is a new appointment for a four-year term. Mr. Graff is president and CEO of MNB Financial Group in McCook, Nebraska, and chairman of McCook National Bank. He lists that he is a current committee member of the American Bankers Association Ag and Rural Bankers Committee, and has served in numerous leadership positions in the Nebraska Bankers Association. The committee heard all five of these applicants, or all five of these appointments. All of the members of the committee that were present, seven voted to approve and to recommend approval of the Legislature of their appointment. One member of the committee was absent for the hearing and for the Executive Session. I place before you the nomination of Dr. Darrell Mark, Todd Reed, Don Anthony, Melvin Valasek, and Mark Graff to be appointed to members of the Beginning Farmer Board, and would encourage the adoption of this committee report. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the opening to the Agriculture Committee confirmation report. Are there members wishing to speak on this item? Seeing none, Senator Erdman, you're recognized to close. Senator Erdman waives closing. The question before the body is on the adoption of the agricultural confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: The confirmation report is adopted. Do you have items for the record?

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CLERK: I do, Mr. President. Your Committee on Agriculture, chaired by Senator Erdman, reports LB788 to General File with amendments; and the Education Committee, chaired by Senator Raikes, reports LB850 to General File with amendments. And I have a confirmation...I'm sorry, I have notice of hearing from the Education Committee. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 453-455.) [LB788 LB850]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Doctor of the day introduced.) First item under Select File.

CLERK: Mr. President, on LB157. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8131, Legislative Journal page 310.) [LB157]

PRESIDENT SHEEHY: Senator McGill. [LB157]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB157]

PRESIDENT SHEEHY: The question is the adoption of the E&R amendments to LB157. All those in favor say aye. Opposed nay. They are adopted. [LB157]

CLERK: Mr. President, the next amendment to the bill. Senator Pirsch, I have FA160. (Legislative Journal page 316.) [LB157]

PRESIDENT SHEEHY: Senator Pirsch, you are recognized to open FA160. [LB157]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor, members of the body. The amendment that I'm offering, AM160, is the fruit of a collaborative effort between many of my colleagues, many of the members here in the body. When the safe have bill was last addressed by this body, I think there was a...oh, I'm sorry. This is the placeholder thing. I'm sorry. Just a little bit of confusion. I'm going to...if I can make a motion to pull the FA160. I'm sorry, I thought we were on a different amendment. I'm going to ask that FA160 be pulled at this time. [LB157]

PRESIDENT SHEEHY: The amendment is withdrawn. [LB157]

CLERK: Mr. President, Senator Pirsch would move to amend with AM1696. (Legislative Journal page 437.) [LB157]

PRESIDENT SHEEHY: Senator Pirsch, you're recognized to open on AM1696. [LB157]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor, members of the body. I apologize for that bit of confusion. I'd filed two amendments. One is a placeholder. It is AM1696 that is the fruit of a collaborative effort between many members of this body.

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As I was saying, when the safe haven bill was last before this body on General File, I think there was a general recognition of the importance of passing such a safe haven bill this session. But there were concerns at the time, and rightfully so, among many members of the body, both a legal and an ethical nature, over certain of the language in the LB157. In particular, language that led to the possibility of terminating parental rights in a manner that may not give all parents an awareness that their parental rights were ever even in jeopardy until after the fact. And so I think that Senator Chambers deserves a great deal of credit for bringing this particular issue to the attention of the body. And as has been the case with other problematic issues this body has encountered in the past, many senators came together to work to find a viable solution to make sure that a safe haven bill did come through this body this year. And I appreciate and commend the many senators who spent a great deal of their time coming together and making this happen. In particular, I'd like to thank Senator Chambers again for bringing this to the attention of the body, and Senator White for his major contributions in drafting the amendment. In the end, the approach this amendment makes is to simply put the determination of whether or not to terminate parental rights upon the juvenile courts, and existing entities that are well-experienced at making such decisions and making them in a manner in which I think they're generally regarded as legal and highly ethical. And so again I'd just like to thank the many senators who spent a great deal of thought and work on this amendment. I'd urge you to pass the amendment and the underlying bill. Thank you. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You have heard the opening to AM1696. Members wishing to speak are Senator Ashford and Senator Howard. Senator Ashford. [LB157]

SENATOR ASHFORD: Thank you, Mr. President and members of the body. I just would like very briefly to say that, as Chairman of the committee that has had this bill within its jurisdiction and then out on the floor, I am again...want to thank the team of people that my fellow senators who serve on the Judiciary Committee who make my job exceedingly easy, and in this case every one of the members of the Judiciary Committee have taken on responsibilities of bills that are difficult. Most of our bills are difficult. Most of them are emotionally charged. And in this case, Senator Pirsch volunteered to deal with what had been somewhat of a stumbling block or...in moving this bill forward. And he is successfully working with others, Senator White and others, has come up with language which is very, very clear. Short and to the point, I think, does solve the issues there. One of the key points I think that Senator Pirsch makes is that we're dealing--and I know Senator Stuthman will make this point, as well--that we're dealing with the sole act of leaving an infant at a hospital, and that's what we're dealing with. We're not dealing, as Senator Howard will speak as well, but she raised some excellent points in earlier debate about other issues relating to what happens to this infant. Senator White has raised some issues, and, of course, Senator Chambers raised some issues in earlier debate last year and again this year. But if we just focus here on

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what we're trying to accomplish, the fewer words the better, in some cases, and this is a case of that, where we are specifically dealing with simply leaving the infant at the hospital and absolving the mother, the parent, of liability for that act. I think we accomplished what Senator Stuthman was attempting to accomplish in the bill, as introduced. So again I applaud my committee, all those that worked on this bill--Senator Pirsch in particular; Senator Stuthman, for sticking in there; and Senator Pahls, as well, for bringing his ideas to the committee. And this is an amalgam, really, of Senator Pahls's ideas and Senator Stuthman's ideas. So with that I would certainly urge the adoption of AM1696 and the advancement of LB157. Thank you, Mr. President. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Senator Howard, followed by Senator Stuthman. Senator Howard. [LB157]

SENATOR HOWARD: Thank you, Mr. President and members of the body. Thank you, Senator Ashford, for your always supportive words. Many senators have committed themselves to working on this bill, and I find that...I find that very significant that this body is willing to look at issues of child welfare and child safety as earnestly and as diligently as many of the other bills that we have concerning water and economics. And I find this speaks well of our body and our concern for children in this state. It's been brought to my attention that there is a concern on the part of the Department of Health and Human Services regarding the age, or I should the lack of any sort of age indication in this bill. In order to provide a greater measure of safety for all children, we simply put in the term "child." And the concern on the part of the department is whether this would open the door to individuals that would choose to, say, leave an adolescent at a hospital. I don't know if that's a concern that really would become a pressing problem, but I'd like to give Senator Stuthman the opportunity to respond to that, if he would be available for questioning. [LB157]

PRESIDENT SHEEHY: Senator Stuthman, would you yield? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR HOWARD: Thank you, Senator Stuthman. I know in the work that you've done on this bill and over a considerable period of time, that the focus really has been on infants and the safety of the infant. Would you like to make a comment on the record regarding your intent for the age and the focus of this bill? [LB157]

SENATOR STUTHMAN: Well, the initial intent of my bill, the safe haven bill, is the safety of the child, the infant, the child. That is the main interest of my bill. The reason we have changed the name from baby or infant to "child," is we had a little bit of a debate and disagreement as far as, you know, what age. We had 72 hours in one of the bills. We had 30 days old. Concerns about, is it 72 hours old, is it 80 hours old, is it 30 days old, is it 50 days old? How can you determine that? That is one of the reasons

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behind inserting the word "child." That is one of the main issues. But a child can be a broader age that could be involved. My main emphasis is on the small child, the protection of that small child and the safety of that child. And we've got to keep in mind, the main thing is the safety of the child. [LB157]

SENATOR HOWARD: Thank you, Senator Stuthman. I appreciate that clarification of your intent. I agree that we are committed to the safety of all children. The question now is, should we look at an age limit for this particular bill? I know I've been told that the limits that's in place in some states is a year or younger. Again, it would be difficult to determine at the time if the child is, in fact, a year or a year and two months. So do you have any reflection on that? [LB157]

SENATOR STUTHMAN: Yes. Yes, I would, Senator Howard. I think if there's a child that is delivered to the hospital and it's a year old or possibly not quite a year old, it should be less than a year old, I'm sure there would someplace be a birth certificate for that child, maybe not in all the cases, but I think there probably would be a birth certificate for that infant, for that child. Any ones that are older than that, you know, there will be... [LB157]

PRESIDENT SHEEHY: One minute. [LB157]

SENATOR STUTHMAN: ...will be the fact that there will be a birth date. I'm sure everyone has a birth date. I have never yet seen a five-year-old that doesn't know what his birth date is. I think that is something that happens. I am...you know, the main concern is the safety of the child. [LB157]

SENATOR HOWARD: Thank you, Senator Stuthman. Again, I'd like to thank this body for their diligent work on this issue and for all the child welfare issues, especially the ones I bring in here with concern. I am very grateful to you all. I'd like to see some further discussion on this matter. The last thing I want is any unintended consequences on this bill that we are able to prevent at this time. So I'd welcome your comments on this. Thank you. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Stuthman, followed by Senator Chambers. Senator Stuthman. [LB157]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I am pleased for the fact that a group of us had decided upon an agreement, which is this amendment, for the safety of a child. Yes, there were some concerns about the older children and safety of those also. But I really think there are agencies in place already at the present time that do fall into place for the safety of a child that is a little bit older, as to what takes place when this child is left off at a hospital. And I want to remind you and I want to also get on the record that this only deals with a hospital. The firefighters, the

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fire stations, EMTs, they're not in this at all. This just is a hospital, a hospital that is staffed, that has someone on duty all the time. I think the main issue that I'm trying to accomplish is the safety of the child and the fact that the person, the act of leaving a child at a hospital, shall not be criminalized. But I do realize that if there is some visible evidence that maybe the child has been harmed, has been bruised, then there is something that does take place when something like this has occurred for this child. The court systems will get involved. It does take place. We don't have to reinvent the wheel for those situations. And in the amendment that we have before us right now, that it is stated in there that the hospital shall notify the proper authorities to take custody of this child. And I think the hospitals will be engaged in this, that they will notify the proper authorities, whether the child is one day old or one year old or four years old; they will notify the proper authorities. And that already is all in place, so we don't have to reinvent the wheel for that. That will take place. The main issue is the safety of the child. Yes, there may be one that's a couple years old that gets delivered and left off at a hospital. But the reason I feel, the only reason is for that safety of that child, that they're left off there, because a parent or a person may be to the point where they can't handle it anymore, can't take care of that situation, and before something drastic happens to that child, we have allowed them to take that child to the hospital. Always remember, safety of the child; that is what I am trying to do, and moreover, safety of that little innocent baby that would be dropped off at the hospital. But we've got to keep in mind, you know, I am concerned about the safety of children. Thank you. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Chambers. [LB157]

SENATOR CHAMBERS: Mr. President and members of the Legislature, when I wore a younger man's clothes, when I was a very small lad and attended church, there was an expression, come clean or stay away dirty. I have to come clean on this effort. More credit should not be attributed or ascribed to me than is merited. I did not play that significant a role in all of this. I more or less got out of the way. I did not craft the language. I, in a sense, did what I refer to as making a deal with the devil. I had said that whatever language was agreed upon by those who were working so assiduously to get the Legislature out of a tangle that it had fallen into, primarily because of my opposition to the idea, I would not fight against the language. That doesn't mean I like the idea of society putting its imprimatur on young women, middle-aged women, old women forsaking their children in the way contemplated under these bills. I told those who were working on this bill, the fact that I was not going to fight their language did not mean I would not talk about the underlying issues that I find existing. This society is not respectful of or toward women in general. It is not nurturing. There are terrible insulting slurs cast against women; more against women probably than any other group, save African Americans. Everybody in here is grown. Everybody has heard these words: bitch, ho, slut, tramp, trollop; and you can go right on down the line. But there are not these kind of insulting words put upon men. When these kind of bills are discussed, just as when the subject of abortion comes up, the full responsibility and the weight will be

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placed upon the woman. These babies are not conceived by a woman alone--the yin and the yang. Stigmas are attached to women, especially if one is pregnant without being married to a man, and in some cases, women who are married are stigmatized when they are pregnant. We need to look at underlying causes. What is it in a society that will make a young woman feel so desperate that she cannot hold on to what may be the most important thing in her life? A lack of self-esteem, no feeling of self-worth, no self-respect. Those to whom she should be able to turn to for sustenance and nurturing may be the ones who would come down on her the hardest, because they are embarrassed. They wonder what other people will say. In this society there needs to be sex education for these young women and for these young men. There needs to be the availability of prenatal and postnatal care for poor women and girls. And with the sex education, the prenatal and postnatal care, there should be the availability of counseling. [LB157]

PRESIDENT SHEEHY: One minute. [LB157]

SENATOR CHAMBERS: Young girls should be made to know that a baby is for life. A baby is not like a doll or a plaything. And society has the responsibility to address these issues in such a way that the young girl does not feel automatically that the only way out of a difficult situation is to throw her hands up and cast aside her child. Some will do that perhaps no matter what. But as long as I can find part of the cause in the attitude that society takes for these unfortunate females, until I can remove society as a cause, I'm not going to place the responsibility on the women in terms of their arriving at this very difficult decision. I'm not through but my time has run out so I'll put on my light again. Thank you, Mr. President. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Wallman, followed by Senator Chambers. Senator Wallman. [LB157]

SENATOR WALLMAN: Thank you, Mr. President, and thank you, Senator Chambers. I also agree with you about education. But when we decide, I know a couple of people who this happened to in a hospital in Illinois, and those children are always going to have a hard time finding out why this happened, who the mother was or the father was. We have a social ramification here to educate our women. And also let's not forget the men. Responsibility should be on us because some man did a thing that created a baby with a woman. So we're putting this blame on the woman. I think this safe haven bill is not about putting the blame on anybody. We all know it's a two people's thing. So I would urge that we vote for this safe haven bill. It's not perfect. We never put a perfect bill out of this place yet. And so we're making more laws, and it's...we're not perfect. Why do you think Jesus didn't deal with the politicians? You know, he didn't become a politician, and he knew better. But we have to try to make...he turned this over to us to try to make this a better place for everyone. And so I would urge you pass this bill. Thank you. [LB157]

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PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Chambers. [LB157]

SENATOR CHAMBERS: Mr. President, I had stated to some of my colleagues that what is wanted by this Legislature more than anything else is a bill--any bill. And I told them, I'll get out of your way, I'll let you have what you want, I'll give this to you. And you have before you the work done by a group of senators trying to reach an accord and present something to the body that they feel--beyond that, that they are convinced--addresses the problem that has led to these so-called safe haven bills. I call them society's approval of abandoning your child bill. There is so much discussion about family values and personal responsibility. All it is, is a lot of talk. The things that a society, through its legislature, could do to strengthen the likelihood that a family will come into existence, meaning that the woman will keep her child, those things are not done. It's easy to do a lot of yakety-yakking. Senator Schmit handled it and summed it up very well: the kind of legislation that's loved by a do-nothing Legislature. It doesn't say anything. It doesn't do anything. It doesn't hurt anybody. It doesn't help anybody. They go for that. The underlying problems are still here. They are not being addressed. They will not be addressed. Those who say they are opposed to abortion have never brought forth a program that would help address the underlying causes. I had a bill last session that was on the consent calendar. It would have allowed school clinics. Senator Fulton and some of the other troglodytes saw abortion in that, and they had it taken off the consent calendar. So I'm sure they'll be no consent calendar this session. That's the kind of thing I'm talking about. They are so paranoid, they are no manic-depressive, that they cannot see what is happening in the real world. Let them do in their homes and with their families what they please, but it's regrettable when they can persuade a Legislature to deprive young people of the medical counseling, the healthcare that they need and can obtain, because of their skewed notions of morality. There was a school operated by nuns, and it may have been in Grand Island. They wanted the right to have that clinic and receive funds that other programs receive, but these narrow-minded, zealot-like people in the Legislature, said, no, because it might result in an abortion. They think keeping young women and young men ignorant is going to solve a problem. There is no power for good in ignorance. For these who pretend to be "Christians"...

[LB157]

PRESIDENT SHEEHY: One minute. [LB157]

SENATOR CHAMBERS: ...and pray here every morning, who go through the motions of praying. Paul the Imposter said, brethren, I would not have you ignorant. Everybody has heard the old saw, knowledge is power. Why do we want to keep our children ignorant, even if we ourselves have been ignorant? You're not going to make somebody promiscuous by teaching them how the human body functions; the consequences of sexual intercourse, not merely conception, the production of a fetus which if carried to term will produce a baby, but the responsibilities that go along with these things. And so

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many of these young women are set upon by men who are supposed to be respectable: ministers, politicians, and the rest. [LB157]

PRESIDENT SHEEHY: Senator Chambers, you may continue for your third time. [LB157]

SENATOR CHAMBERS: Thank you. So they hear all of these things said, and they know the ones saying these things are hypocrites through and through. Young girls are sexually assaulted by family members, by friends of the families, by stepparents, by neighbors, by people who are heading organizations to which people should be able to commend their children in confidence, and the people heading those organizations violate that most sacred trust. They are the predators, and the children suffer. The Catholic Church has been one of the worst offenders when it comes to the abuse of children. And I say the church, because the wrongdoing priests were covered for by the hierarchy of the church, from the bishop all the way up through the Pope. The current Pope Benedict covered for this kind of activity. They don't want these priests handled in the way they should. This head priest down here named Bruskewitz, is the only one in the country who does not want to have the program for evaluating, monitoring the conduct of priests to make sure there is no pedophilia. And Catholics go along with it. They go...they worship him, in a manner of speaking, and nobody is supposed to say anything about it. If the Mafia, if La Cosa Nostra had people in their ranks who did what these priests did, they themselves would, in the parlance of the Mob, ice them. La Cosa Nostra and the Mafia did not do what Catholic priests and the church was complicit in doing to children. And people dare not even mention it. Let there be a large corporation guilty of the things that the church and its minions are guilty of, and you think that corporation would stay in business? There is a fear in this society to address the very serious problems that are undermining everything that might strengthen not just the nuclear family, not just a society, but in a sense, the entire country and the world. When children are not protected, nothing in my view is considered sacred. Some people ask, if that's the way I feel about children, how can I dare say that a woman has a right to have an abortion? I've been labeled somebody who believes in abortion rights. I don't believe abortion has rights. Abortion is not a person. I do say a woman has a right to determine whether or not to carry a pregnancy to term. And all these hypocrites running around here, saying not so, not so, if they would take care of what happens in their own house, they wouldn't have so much time to be meddling in other people's affairs. That decision is one of the most difficult and intimate that a woman could make. I don't believe she says, "I'm going to get an abortion," in the same way she says, "I'm going to wear a blue skirt so I'll wear some blue shoes with it." But the little respect that people have for women is shown by suggesting that just on whim these very difficult decisions are made. And because there is so little respect for women... [LB157]

PRESIDENT SHEEHY: One minute. [LB157]

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SENATOR CHAMBERS: ...a Legislature can take a position that will put the state on record as saying that babies are throwaways. You don't want a woman to make a decision. I think the choice is the woman's. It's nobody's business; not the Pope's, not the priests, not mine; not anybody else's but hers. But as long as women occupy an inferior, subordinate status in this society, they will be dictated to by the biggest of hypocrites. I won't say anymore on the amendment because obviously I've spoken my third time, but I'll have opportunities when we get to the bill itself, and I'm not attacking the bill. When I make my deal with the devil, I am as honest and bound by my word as is the devil. He will deliver what he promised, and I'll deliver what I promised by staying out of your way. Thank you, Mr. President. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Harms. [LB157]

SENATOR HARMS: Thank you, Mr. President. Senator Pirsch, would you yield for me, please? [LB157]

PRESIDENT SHEEHY: Senator Pirsch, would you yield? [LB157]

SENATOR PIRSCH: I would. Thank you, Senator Harms. [LB157]

SENATOR HARMS: Thank you, Mr. President. Senator Pirsch, in the discussions we were just recently having, I came back and reviewed your amendment. Could you...could we have some discussion about what the definition of a child is? I don't know what that means. I don't know what the ages are. I don't know what it includes. Could you maybe help me better understand this, please? [LB157]

SENATOR PIRSCH: Sure. This was, with respect to the definition of a child, a specific definition in this section, I don't believe there is any. It takes on, in the law, words that don't have specific definitions; just their ordinary and common meaning shall be divined by those judges interpreting the statute. [LB157]

SENATOR HARMS: So if...you know, I support this very strongly. I just think it's something that's necessary. But I think there, for me, there's a little bit of confusion about if I was to bring a child in, how old is that child? Is that 10-year-old, 12-year-old, and say I don't want this young boy or young girl? Is there a limit here in its definition so that we...? If I was receiving on the other end, as a hospital, you know, I would have some concern about that. [LB157]

SENATOR PIRSCH: Uh-huh. Well, I think that clearly child in its ordinary and plain meaning, which is how the courts will interpret it, would say that...would certainly be...the child could not be older than the age of majority. I think that clearly...and if anything, I think that it may even--and I'm not sure that it does--but it may restrict it further. But I would say probably would be interpreted by a court to be equivalent to a

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minor child. [LB157]

SENATOR HARMS: Do you think it would be to our advantage to define that in this legislation? Or do you think they would be...it would not be wise to do? Because I don't know what the courts are going to do and you don't know what the courts are going to say. [LB157]

SENATOR PIRSCH: Yeah. [LB157]

SENATOR HARMS: For the child, once that child is there we want to make sure that child is taken care of and protected and into the system, and we're on our way. That's the only question that I have, Senator Pirsch. I support the legislation. I just...that's the only thing I have some question about. [LB157]

SENATOR PIRSCH: Well, and I do appreciate that concern. We did talk about that during the course of our discussions, as I was facilitating those, the age of the child, and it was a purposeful addition by the...I guess by the consensus of the working group there. And I think their concern was, with respect to, as Senator Stuthman pointed out, listing specific ages, that the difficulty...and I think some of the members of the group had expressed a, not only a difficulty in establishing the age, but a difficulty in understanding why a...you know, at what level, I think it had been expressed, should you not start to care about the safety of the child--if it's three days old, six days old, nine days old, nine months old, you know, a year and a half old. At what age... [LB157]

PRESIDENT SHEEHY: One minute. [LB157]

SENATOR PIRSCH: ...shouldn't we be most focused about the best interests of that child. And so that, I think, is how it was expressed to me, and that is why I think the conscious decision was made by consensus, I think, to go forward with the language that was chosen. [LB157]

SENATOR HARMS: Well, Senator Pirsch, I think, and I agree...I appreciate your comments on this, but I have some concern that leaves it open-ended. And not knowing for sure in my mind what a child is and what age level, I just think it leaves something for discussion. But I am supportive of this, and whatever we agree to, I think it's extremely important that we pass this bill. I'm just posing this for some thoughts for the body to give some thought to. Thank you, Mr. President. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Harms. Are there additional members wishing to speak on AM1696? Seeing none, Senator Pirsch, you're recognized to close. [LB157]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor and members of the body. I

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would ask at this point in time for your passage of this amendment. I do think that it's a giant step forward in the right direction for the state of Nebraska. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You have heard the closing. The question before the body is on the adoption of AM1696. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB157]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Pirsch's amendment. [LB157]

PRESIDENT SHEEHY: AM1696 is adopted. [LB157]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB157]

PRESIDENT SHEEHY: Is there further discussion on the advancement? Senator Chambers. [LB157]

SENATOR CHAMBERS: Mr. President and members of the Legislature, my bedrock belief is that this body will accept anything along this line--anything. Every other state has done it. The governor of Alaska is about to sign a bill. So anything and everything goes. I made a deal with the devil. I can't bind anybody else. During the entire discussion of this bill I have not heard people talking about the ones who are most intimately involved, those are the women. Women never count. They are tack-ons, tagalongs. For their information, they might be fire extinguishers for some man who feels a tremendous amount of lust. Then she's thrown aside and she's a tramp. You all know this is true and you all know this Legislature is never going to come to grips with it. One of the most antiabortion senators here was John DeCamp. I have the articles. He, while married, impregnated a woman, and tried to get her to go to Colorado to have an abortion. That's the kind of hypocrisy that is here. And I just wish I could look into the lives of these people who are so moral, who are so "busybodyish," who have their ears to people's bedroom walls, who have their eyes to people's bedroom keyholes. And then you look even at how they conduct their affairs here. Can't do that right but they're going to make decisions and judgments, and impose them on everybody else, because they are so righteous. And the people who know them, know that they're not righteous. They are contemptible. If this bill were the outgrowth of genuine concern for women, that would be something different. This thing will be passed on. The Governor will sign it with a lot of fanfare. People will run over there with him and be given one of his pens that used to sign it. And the problems that exist, which lead to this which is a symptom of those problems, will be untouched, and you all know it. The Legislature needs to learn how to stay out of people's personal business, and frankly and forthrightly address those things that we ought to. And I do think those clinics ought to be available in these schools, but they're not. When we talk about education, we talk about structures, salaries, processes, procedures, and never the children. They're mentioned incidentally

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because they are the grist for the mill of the education establishment, the education industry. If there was any genuine interest about our children, you couldn't have black children, Latino children, Native American children, poor white children lagging so far behind white children. And the white children are not doing great guns. [LB157]

PRESIDENT SHEEHY: One minute. [LB157]

SENATOR CHAMBERS: People without education talking about education. Somebody had a job in education forever, so they are experts. But go look at the condition of the schools and the children where they were all that time. They've got the paper credentials. I didn't vote for the amendment. I won't vote for the bill. But I won't get in the way of the bill. You wanted it, you've got it. I'm going to do like your God will do on occasion. You've been begging and begging and begging, so I give it to you. Do you want an example? Senator Carlson will know about this. The Israelites wanted a king. They said, everybody else has got a king; we want a king; give us a king. Now, this God who is supposed to be all-powerful, got sore ears listening to them say... [LB157]

PRESIDENT SHEEHY: Time, Senator. Senator, you may continue. [LB157]

SENATOR CHAMBERS: ...listening to them say, we want a king. So he gave them a king. And that king's name was Saul. And things did not turn out so well, and Saul was not such a great person. As a matter of fact, it was through Saul that I learned from the "Bible" itself that evil comes from God. God is the source of evil and the Bible makes it clear. An evil spirit from the Lord afflicted Saul. Not an evil spirit from Lucifer; not an evil spirit from Satan; not an evil spirit from the devil. An evil spirit from God afflicted Saul. And Saul's servants said, there's a way to deal with these things; go get somebody who can make good music. And when the evil spirit from God is upon the king, let this person play the music. So that's where little David, play on your harp, came into the picture. And David would be summoned whenever the king was under the influence of that evil spirit from God. David would play, and the evil spirit from God would be lifted. You all talk this mess about religion and where evil comes from, and God is all-good, and that's a lot of B.S. You don't even read the Bible yourself to see what's there. And you condemn somebody for saying what the Bible itself says because of your ignorance about the Bible, and the myths, the rumors, the falsehoods, that you were taught as being what the Bible says. I read it just like I read Greek and Roman mythology. The Old Testament is Hebrew mythology; the New Testament is Christian mythology, and it's all in the same bag, all in the same boat. And the one thing about mythology and all religions all over the world, the adherents don't practice it. The adherents don't practice it; none of them. That's what you always hear them say: God is a forgiving God. And they think God is stupid. A child will go get cookies out of the cookie jar when told, don't get them. And the parent will forgive the child the first time, and say, okay. The child goes back to the cookie jar. Parents might be in a good mood because they've had a little liquor and they feel good, so they say, okay, but don't go into the cookie jar

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anymore. The kid goes in the cookie jar again, and says, I won't do it anymore; and the parent says, do you think I'm a fool? Do you think I don't know what you're going to do? I'm tired of this. But you know what they say about God? They trick God. God, if you let me out of this, I won't do it again. And God is so stupid that he falls for the okey-doke. And that's what you all teach your children; that's the way you behave. If you believed in God, you couldn't be as vicious as you are. If you thought there was a hell you wouldn't do like you do. If I stood here with a pistol and I said, if you open your mouth I'll blow your brains out; you would shut your mouth and it would be like "Silent Night." You fear my pistol. And I may shoot and I might not. But God is supposed to stick by his word, and you all say God is going to send you to hell if you sin, and you sin every day. But God is stupid. So you tell him, I ain't going to do it no more. You all should have watched this old guy on television. I used to like to watch Bishop Sheen, Catholic, in all that colorful regalia, and he probably had the first talk show on television. He had that angular face, deep-set piercing eyes, eyebrows that contracted and met over his nose so he had a perpetual glare. He looked like a hawk looking right through you. And there was one program he was on, and it was...the sponsor was TWA. [LB157]

PRESIDENT SHEEHY: One minute. [LB157]

SENATOR CHAMBERS: And they said, well, Father, how can you be on a program that's sponsored by a commercial operation? He said, you don't understand what TWA stands for. They said, Bishop Sheen, what do those letters stand for? He said, Travel With Angels. The man had a sense of humor. He was sitting by ringside one night when there was a boxing match, and this guy came out and he crossed himself. And the announcer said, Bishop Sheen, that guy crossed himself; will that help him? Bishop Sheen said, if he can fight. In other words, if you can't fight, you can cross yourself all that you want to, and you're going to get knocked colder than a cucumber. I think I might have one more time to speak, Mr. President. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Dubas, followed by Senator Chambers. Senator Dubas. [LB157]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. I support this bill. I have from the very beginning, you know, even with all the questions that were raised. But I also take this bill as a challenge, and I agree with some of the things that Senator Chambers stated as far as, yes, this bill provides an outlet for a child to have a safe environment. But we aren't addressing the woman or the man who is looking at this decision and wondering, and they're scared and not knowing what to do, and not feeling like they have any support, not knowing where to turn, not knowing what kind of a decision they need to make. I've never been ashamed of my pro-life stance. I am never ashamed to talk about my pro-life stance, but I have also never missed an opportunity to say that this is about more than a decision about whether a child should live or die. This is about what do we as a society offer in a means and a ways of support for the people who are

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in these situations. What do we offer this child if we want this child to be born, after it's born? What type of support are we giving to this child as far as healthcare, as far as a quality education, as far as jobs for the parents so that they can support this child? It's a much more complex and involved issue than just whether they decide to give birth to this child or not. So I take this...I look at this bill as a personal challenge to me, and I will issue that challenge to my constituents and to this state. These are people who are in very scary and uncertain situations, and what will I personally do to offer them the support that they need, the encouragement that they need, the love that they need for themselves as well as their child? So I appreciate Senator Chambers standing up and issuing that challenge to us. I appreciate his support of women and the way women are perceived and treated in our society. And I hope that I can be an example to women in our society, that we do need to stand up and ask for what we need and speak for what we want, and defend each other. So again I do support this bill. I appreciate the opportunity to have this dialogue, and that if even only one child gets saved by this bill, I think it's worth it. But I think it goes far deeper than what we're talking about, and I hope every one of my colleagues on the floor today will accept this same challenge. Thank you. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Dubas. (Visitors introduced.) Senator Chambers, this is your third time. [LB157]

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. And I appreciate the fact that Senator Dubas spoke. Nobody has to speak on this floor with reference to any issue. That's a prerogative we have, to speak or not to speak. But I do believe that the Legislature every time we have the opportunity, instead of saying the slogans and cliches, family values this, family values that, we should consider what is the meaning of a nurturing society. What does that mean? What kind of programs that the Legislature is capable of putting in place would bring us to that point? When people say, what do you mean, the government through the Legislature doing this? Well, the government through the Legislature gives all kind of money and handouts to big corporations. They don't mind getting involved in that. But when it comes to the living, breathing human beings, a different attitude asserts itself, especially when those human beings are of the female gender. Governors always would bring to the Legislature nominations for boards and commissions--almost 99.99 percent male. So for a two-year period, I would speak and excoriate all of the nominations; not the nominees, and how this showed the chauvinism in this society. I used it as an example of what is meant by institutional discrimination. The organization, the institution itself, builds a system that's going to move in one direction to favor a certain group of people. Then they can say, well, we're not discriminating; that's the way the system works. Well, they skewed the system. So I said, when you come in here and you can say this is just a reappointment, and it happens to be a man, well, you appointed a man in the first place, and you knew every time you reappointed, it would be a man. And it's wrong. So finally, they started offering female nominees. And invariably, a senator would stand up and say, Senator

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Chambers, this will make you happy. They didn't say all of my colleagues; they said Senator Chambers, because Senator Chambers was the only one who would take the issue, the only one who would say something. The rest sat like knots on logs. That's the way it always is. You need somebody who will see the wrong and call it what it is, and insist that we do something about it. That's not going to happen. I'm like your conscience; that's what I am, because I make you unhappy. Do you know why I make you unhappy? Because you know what you ought to be doing. You don't need me to tell you. You know. You all go to church every Sunday. You hear the same thing over and over and over and over. And you can cite it. You can recite it. But it doesn't affect your conduct. Your prayers are sacrileges because you have the opportunity, after uttering those prayers, to convert all of that yammering into conduct. You can obey your master. You can do what your Lord tells you to do. He asks you, why do you call me, Lord, Lord, and you don't do what I say? I don't look for Chambers to do anything. He's going straight to hell and he's going to knock sparks a mile high. But you, you pray. You know better. And somebody said, Lord, suppose... [LB157]

PRESIDENT SHEEHY: One minute. [LB157]

SENATOR CHAMBERS: ...Chambers did pray, what would you think of that? The Lord said, well, he'd just be kidding. I watch my colleagues, and I watch whom you all favor. You all favor the rich man. You all favor Daddy Warbucks. You don't care about Little Orphan Annie, but I do. And as long as I'm here and the opportunity presents itself, I'm going to speak for Little Orphan Annie and her A-line dress. And you all can bow down to Daddy Warbucks, and give him everything he wants, but not I. Thank you, Mr. President. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there further members wishing to speak on LB157? Seeing none, Senator Stuthman, you're recognized to close. [LB157]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I just want to thank everyone that has engaged in the conversation and the debate in this bill as long as we have been debating it. We debated it last year. We debated it quite a number of hours again this year. And I want to thank everyone for their support for this bill. It's something that needed to be done, I feel. And if there are situations that do occur because of this bill, I promise that we will try to address those in the coming year. Thank you. I ask for your support. [LB157]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. You have heard the closing to LB157. Senator McGill. [LB157]

SENATOR MCGILL: Mr. President, I move LB157 to E&R for engrossing. [LB157]

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PRESIDENT SHEEHY: We do have a request for a machine vote on the advancement of LB157. The question before the body is, shall LB157 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB157]

CLERK: 32 ayes, 1 nay, Mr. President, on the advancement of LB157. [LB157]

PRESIDENT SHEEHY: LB157 does advance. The next item under Select File. [LB157]

CLERK: Mr. President, LB235, a bill by Senator Nantkes. It was discussed yesterday on Select File. At that time, Enrollment and Review amendments, as well as an amendment from Senator Nantkes, was adopted. When the Legislature left the issue, Senator Langemeier had pending AM1702 as an amendment to the bill, and he further offered AM1711 as an amendment to AM1702. Those two amendments are pending. (AM1702, Legislative Journal page 438.) [LB235]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you are recognized to open on AM1702. [LB235]

SENATOR LANGEMEIER: Mr. President and members of the body, we've discussed this amendment in some quite a bit of detail yesterday, so I'll be brief. This amendment would take the cash earned in the green copy or the E&R amendment of this bill, would convert it into Nebraska income tax credits. And that's what it does. I'll talk about the amendments as we get to them. Thank you. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You are recognized to open on AM1711, the amendment to the amendment. (Legislative Journal page 444.) [LB235]

SENATOR LANGEMEIER: Thank you, Mr. President. AM1711 is very technical in nature, back to AM1702. In AM1702, we were in a rush to get this done yesterday. We did not take into account all the different ownership of an organization, whether it's an LLC, a corporation, an individual. So what AM1711 does is allows these credits to go to any kind of organizational structure that may earn them. Thank you. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening to AM1711. Members wishing to speak, Senator Nantkes. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Good morning, colleagues. Just to start off, I wanted to apprise everyone of the fact that I filed two amendments on the legislation this morning in reaction to the wonderful debate that we held here yesterday. And in the spirit of compromise and in the spirit of moving forward with this provocative idea contained in the Nebraska Advantage Film Production Incentive Act, I wanted to let you know that those should be up on your gadget. And what they are is this. The first one mirrors word-for-word the amendment that Senator Raikes, in his learned capacity,

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brought forward yesterday, but then too hastily withdrew before we had a chance to vote. And really I think that that helped to ease a lot of concerns amongst people in creating a time frame for a sunset, and requiring an economic development analysis at the end of that point, while also including some limiting language for qualifying projects. I think there's a lot of support amongst the body for including those provisions within the legislation. So I would really like to see those adopted. And then finally the original legislation had a \$5 million a year cap contained therein for the amount that could be paid out under the program. I have amended that down to \$2.5 million a year, again in the spirit of compromise and in the spirit of moving forward. Making those concessions through negotiations, I am hopeful that we can move forward with this debate in an expedient manner this morning. Again, we had a wonderful debate yesterday. I think a lot of good information was brought forward, and I'd really like to move forward on this legislation today. I had a chance to visit with Senator Langemeier off of the mike. Again, while I appreciate that there are different ways to accomplish the objectives of creating a film incentive program, I think the amendments that he has proposed are an entirely different bill, essentially. It's a whole different mechanism for how to accomplish this, and as he noted on the mike yesterday, he doesn't bring these because he supports the program, but rather for other reasons. And so I would urge the body to not be supportive of the Langemeier amendment; to move forward with an expedient vote on each of the amendments that I've brought forward and to see where we are at. To reiterate my position from General File and Select yesterday, I know as a member of the Appropriations Committee, how serious our state's financial overall picture is. And I commit to you again as we move forward that waiting for the February forecast, waiting to see how decisions come out through the budgetary process, if we are in fact in a position to include what is now a very modest program with the \$2.5 million cap, I think that it's important that we move forward with the idea and then wait and see how the financial picture shakes out and if we can proceed with this legislation this year. I wanted to be very clear about my intentions this morning, and I know that my colleagues will do so as well. So with that, thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Senator Langemeier, followed by Senator Chambers. Senator Langemeier. [LB235]

SENATOR LANGEMEIER: Mr. President and members of the body, and as we have discussed this amendment yesterday, I said I had in Bill Drafting, rushing one more technical amendment to offer, so I thought I would talk about that a little bit, too, which is going to come up after AM1711. It's going to be AM1727, and what it's intent is to do, is to, of these tax credits, it would limit them to allow only \$5 million worth of tax credits out at any given time. So as one film producer would use them, they would have to be returned and used on income tax to be reissued again. And that will be in the next amendment to come. That was we limit this exposure to \$5 million, and it couldn't get \$5 million per film. They do have in AM1702, they have to be used within three years. So if we issue them and they don't use them--well, we hope they use them--but if they don't

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use them then they would expire in three years, and then that would refill the pot in ready for redistribution to the next. So if we could get a film every three years, we would be on a better roll than we are today. And so with that you're going to see one more technical amendment coming, AM1727, that goes back to AM1702 in the future. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Chambers. [LB235]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I didn't like this bill the other day. I don't like it now. And I have a word or two about the way the Legislature has operated on this bill. I had a very important meeting I had to attend in Omaha, and was not here when this bill came up on General File. So the body rushed it on across the board because nobody was going to deal with it. Nobody. Yesterday when it came up for our first discussion on Select File, I was in a discussion with, it may have been Senator Friend or somebody, and Senator Nantkes had offered an amendment. Nobody was going to discuss it. Not one of you senators was going to discuss it. Not one. So I had to stall in order to get the opportunity to see what the amendment was about. Then when I got you to wake up, we began to discuss the bill, and other issues were raised. You let things just go right across the board. And do you know why I knew I had to stall? Because the Chair said, any further comment on Senator Nantkes' amendment? Nobody was up, so I had to put my light on in a hurry. I carry this Legislature on my back. I'm Atlas. Atlas supported the world. That's me. I do this. You don't like it, do you? I usually don't interpret poems that I write. I wrote one the other day. I'm going to see if I can find it; I know my time is running. Wouldn't you know it? Anyway, it was about the Pilgrim mothers, and it said words to...oh, here is it. Seek and ye shall find. "IF those 'Pilgrim Fathers' were great, / Then greater, still, were those Pilgrim Mothers, / For dealing with those Pilgrim Fathers was their fate / Which certainly was not those Pilgrim Mothers' 'druthers'...." I am the Pilgrim mothers. You all are the Pilgrim fathers. I have to deal with you all. That's the significance of this rhyme which I'm sure nobody picked up. And whether you like it or not, I'm going to call attention to how poorly the Legislature is doing its business and how they must be prodded, they must be poked, they must be awakened. But once people are awake, they bring forth very good and worthwhile ideas. They contribute cogent observations to the discussion. But somebody needs to get us to do it. And from my good friend, Senator Nantkes, she's going to have to come to realize that despite all the praise that they got in the newspapers, Senator Chambers doesn't think that these newbies are the salvation. I've seen where these newbies don't even read the legislation before they attack it, and it's naive to think that simply by saying, I want to get a vote on this bill expeditiously, that's going to happen. When I have legislation, I don't care whether I get a quick vote or not, and I will never vote or make the motion to cease debate. I always vote no on motions to cease debate. I don't think that ought to be done. So people need to just keep their powder dry. When you bring a bill that has elements and components which justify discussion, the discussion will be forthcoming. I don't make no more deals with the

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devil. That last bill was the last one that I make. The rest of this stuff is going to get the full treatment. [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: Even if Senator Langemeier's amendment is adopted, it won't make the bill good policy. He's trying to mitigate the negatives in this bill. Many times somebody not in favor of a bill will offer amendments to try to improve it. So whether he supports it or not has no bearing really on whether or not the amendment should be adopted. I'm going to support his amendment. This is not one of those situations where the state writes out a check and gives it to somebody who produced something that flopped. These so-called jobs are not going to last any longer than the amount of time that the film is being produced. The big blockbuster films, if you want to call an \$8 million-producing film a blockbuster--that's the amount that they say was produced, not by the film itself--but in Nebraska they came here without these so-called incentives. Nebraska provided the backdrop and they came. That's what will happen. [LB235]

PRESIDENT SHEEHY: Time, Senator. [LB235]

SENATOR CHAMBERS: Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY Thank you, Senator Chambers. Senator Nantkes, followed by Senator Chambers. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Thank you, Senator Chambers, for your comments again this morning. And again, colleagues, I'd really urge, as we move forward here, and you look down your viewer, and I'd be happy to provide a hard copy of the amendment if that would be helpful, as well, for any of your review, but as we move forward here I believe in the spirit of compromise in dropping that cap and being cognizant of what our overall financial picture will be in the ensuing months that I would like to see us move forward this morning. I'd like to see progress on this bill. I think that Senator Langemeier's approach, and then also there's kind of an alternative approach brought forward through an amendment Senator Wightman has been working on. I'm not opposed to the tax credit idea overall. I just feel like we haven't really had a chance to digest and work through with all of the varied and diverse individuals and groups that have been assisting us in crafting this legislation. Basically from initial conversations and initial reviews of these alternative mechanisms for creating the Nebraska Advantage Film Production Incentive Act, they feel that really the rebate component is important to ensure that the program remains attractive and will be able to carry out its intended purposes. I really feel as we move forward that it's important that we get an up-and-down vote on not only the many, many important ideas put forth by this legislation, but also the process that we're utilizing in my version of legislation. I think it's a little bit cleaner, it's had a chance to be tested through the fiscal notes and fiscal

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analysis and working with the Department of Economic Development and talking with professionals within the industry. I think that our approach is just a little bit cleaner and easier to understand, more straightforward and keeps the program competitive so that in fact in can achieve its intended purposes, which is retaining and attracting major productions to Nebraska, to address brain-drain issues, to retain and promote the creative class in Nebraska, to create good-paying jobs. These are fantastic jobs as part of cast and crew, and that's why labor has come together and organized and spoken with many of you about how this legislation creates good jobs for Nebraskans. And that's something that's very important to me as we move forward with the debate. And then on the flip-side of that, we also have the added bonus of creating potential for huge positive economic development for our state and promoting the strong quality of life, inherently beautiful natural landscape that we enjoy, our rich history and our bright future. Colleagues, I'd like to move forward with this idea this morning. And with that, I thank you. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. (Visitors introduced.) Members wishing to speak: Senator Chambers, followed by Senator Gay. Senator Chambers. [LB235]

SENATOR CHAMBERS: Mr. President, members of the Legislature, no matter what amendment is offered, I think we're going to chew the same cud again and again and again. If Senator Erdman were here, I would challenge him to give the technical name of the critters which have multiple stomachs for taking food through a digesting process and they don't always digest it the first time around. So I would like to ask Senator Erdman a question, if I may. [LB235]

PRESIDENT SHEEHY: Senator Erdman, would you yield? [LB235]

SENATOR ERDMAN: I will. [LB235]

SENATOR CHAMBERS: Senator Erdman, you're aware of the type of creature I have described? [LB235]

SENATOR ERDMAN: Ruminants? [LB235]

SENATOR CHAMBERS: It's a little...you got to chew it a little farther than that; pardon the pun. (Laughter) But that's good enough, that will do for now. Thank you, Senator. We're going to do it like that. You know, these critters chew and then when they get tired they swallow it and they let it swish and slosh around and get good and slimy. Then they call it back up and they chew it again and again. And you'll notice that if a predator is eating something, a predator's jaws open up and down. One of these other critters, the jaws will kind of move from side to side because they're grinding the food. The predator has a very tight jaw joint so that when they take their prey, they bite and

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they slice through it like scissors. We're not going to be doing too much slicing here this morning. We're going to be rechewing the cud. I still feel that no matter what amendment may be adopted, whether we have a rebate or a credit, we come back to how a person or entity puts the state in a position where it has to give this rebate. I'd like to ask Senator Nantkes a question that is... [LB235]

PRESIDENT SHEEHY: Senator Nantkes, would you yield? [LB235]

SENATOR NANTKES: Yes, of course. [LB235]

SENATOR CHAMBERS: Senator Nantkes, if a movie were going to be made, say about Rome, and they wanted to include the Acropolis, the Parthenon, the Colosseum, the statuary; do you think that these people from the film office could go to that company and say come out to Nebraska and make your movie about Rome on the plains of Nebraska? Do you think that ever would be successful? We don't know that it would be. Would there be a chance for it to be successful, if you said there's a sweetener? You'll get a rebate if you come out there and make it. Would that make one of these big outfits come here, do you think? [LB235]

SENATOR NANTKES: Senator Chambers, in the hypothetical example and the type of project that you've proposed in the course of this debate, I'm guessing that there's probably more appropriate locations for that type of film to be set, probably in Athens or Rome or something of that nature. That doesn't take away from the fact though that there are unique aspects of Nebraska's landscape that would be more appropriate for many other genres within the filmmaking world. [LB235]

SENATOR CHAMBERS: You mean if they're going to make a movie where (sings) the corn is as high as an elephant's eye. Do you think that Schmidt would have...oh, well they weren't getting a rebate anyway. They made that movie here as well as Indian Runner--I'm looking at the yellow sheets and films that produce a good amount of money--because of what they thought was in Nebraska that would accommodate the kind of film they wanted to make. And had they not found that in Nebraska, the piddling rebate being considered by this bill, even at \$5 million... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: ...maxed out, would not bring them here. The only kind of things that will come here, in my view, would be the little rat race operations if they're going to be lured here by this small rebate. Big or major studios, is what I think the language is in the bill, are not going to be lured to Nebraska because of something like this. That is what I still see as the crux of this. We have not been told one major studio which suggested that this little rebate would draw it here. And if Senator Nantkes knows of such a studio, I'd appreciate her telling on her time because mine is up. Thank you,

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Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Gay, followed by Senator Erdman and Senator Nantkes. Senator Gay. [LB235]

SENATOR GAY: Thank you, Mr. President. I was looking further down the agenda here and I saw Senator Nantkes is making some concessions on this bill that I think are in the spirit of compromise, very good suggestions. One was reintroducing in a different form or maybe almost the same form as Senator Raikes's amendment yesterday which had a review process of this bill in three years. Still I think it's still 2011 that we're reviewing this whole process. So I commend her for doing that. But I'd like to ask Senator Nantkes a few questions. Would she yield to a few questions? [LB235]

PRESIDENT SHEEHY: Senator Nantkes, would you yield? [LB235]

SENATOR NANTKES: Yes. [LB235]

SENATOR GAY: Senator, as we have these discussions, I'm hearing Senator Langemeier has ways that he feels will improve your bill. I guess I'm not quite familiar. I understand what you're trying to get is broader picture of bringing...attracting a new industry to possibly look at Nebraska as a place to do a portion of their business. Is this bill intended to be a bill that brings companies to stay here permanently or locate here, or is this an enhancement to generate pieces of a production? [LB235]

SENATOR NANTKES: Well, thank you, Senator Gay, for your comments and for that question. And I think that really the legislation and the approach as outlined through our amendment seeks to accomplish two things. One, to retain productions that seek to remain in Nebraska from local filmmakers. That's a critically important piece. We've been working with many, many members of the industry who have deep, deep roots in Nebraska and want to stay here and make films. Their hand is forced, however, when putting together a production package to look elsewhere, because we are not competitive in terms of providing a landscape in an economic sense that behooves them to create that and film that project here in Nebraska. Additionally, as outside interests from Hollywood or other aspects of the entertainment industry are scouting locations, they frequently call the Department of Economic Development here at the state level, or the Omaha film office up in the Omaha area. And they talk not only about locations but, like I explained earlier in the debate, they very quickly get to the question of, what types of incentives do you offer as we put together our business plan to create this project? And time after time, our film professionals here in Nebraska have to explain to them that we don't have a program in place. And usually that's where the conversation ends. [LB235]

SENATOR GAY: Okay. Well, another question then. When you came back with this

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compromise to lower the amount we're looking at and also to keep the review process in place, if this works the way you intention it would work and in three years we come back and look at this project and you have some solid data, I mean, what do you project, in the best-case scenario how is this going to work? Because what you're looking at is, of course, it is shorter time jobs for these people but there's other ancillary things that are created and generated from the benefits. I guess what I wanted to ask you, what are the benefits then that we're going to receive from something that now is \$2.5 million and going to be reviewed? In three years what are we going to have? [LB235]

SENATOR NANTKES: Well, Senator Gay, to keep with the theme of films this morning, if you remember the picture Field of Dreams, I don't think that this is a field of dreams. But I do believe in the concept contained therein. If you build it, they will come. [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR NANTKES: And for example, if you look at the experience of other states, this is modelled after legislation that Oklahoma has adopted over the past few years. You can see a more than three to one return on that economic development incentive program that they've experienced. And Oklahoma is not alone. As I explained in other rounds of the debate, the economic benefits are clear and are strong and I am confident, even with a short window and requiring that analysis, that that will only further build support for this type of program. [LB235]

SENATOR GAY: Yeah. And I support this bill, Senator Nantkes. I think it's a good start and I think you've gone a long ways to amend this and compromise and especially the review process. Like I say, I think other things should have a review process. So I think you've gone a long way to, in the spirit of working to this. And of anybody, I know you understand the budget picture as well. What I heard earlier was, okay... [LB235]

PRESIDENT SHEEHY: Time, Senator. [LB235]

SENATOR GAY: Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Senator Erdman. [LB235]

SENATOR ERDMAN: Thank you, Mr. President. Would Senator Chambers yield to a question, please? [LB235]

PRESIDENT SHEEHY: Senator Chambers, would you yield? [LB235]

SENATOR CHAMBERS: Yes, I will. [LB235]

SENATOR ERDMAN: Senator, just so that I'm clear, the question that you were asking

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to me earlier, were you referring to what the animals that have the multiple chambers for the digestion of food fall within or were you specifically referring to the contents that they produce? [LB235]

SENATOR CHAMBERS: No, that they fall into. [LB235]

SENATOR ERDMAN: Okay. Let me ask you--since it apparently doesn't matter what we talk about here this morning, but I see the connection--do you know some other physical feature of ruminants besides the fact that they share in common with the way that they digest food? [LB235]

SENATOR CHAMBERS: Do they have a cloven hoof or an uncloven hoof? [LB235]

SENATOR ERDMAN: That's the question to you. What is one of the...they all share a common feature. [LB235]

SENATOR CHAMBERS: They all have four legs. [LB235]

SENATOR ERDMAN: Well, that may or may not be true, Senator, but that's a good guess. Is that your final answer? [LB235]

SENATOR CHAMBERS: And a tail. [LB235]

SENATOR ERDMAN: Okay. Well, I'll leave it out there, but I just wanted to be clear that we did refer to those animals as ruminants, which is correct, and the product of their effort in digestion is called the cud, which is actually correct. But I just wanted to make sure that it was clear what the question was because we moved on to other things and you said I was close, but that's actually what it is. I just wanted to make sure that it was clear. And I actually support Senator Langemeier's amendments for the sake of the debate because when we talk we generally have to refer to the topic. So thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Nantkes, followed by Senator Adams, Senator Chambers, and Senator Wightman. Senator Nantkes. [LB235]

SENATOR NANTKES: Thank you, Mr. President and thank you, colleagues, again for adding your ideas and thoughts to this important debate this morning. In keeping with the theme and to keep the debate fresh after we've been engaged in it for many hours over the course of a few days here this session, I really feel if any of you have had a chance to see a film classic, The Godfather, we've put together a deal that you can't refuse. Yes, Senator Fulton is doing this right now which...thank you, Senator Fulton, for getting in the spirit of things this morning. Senator Chambers brought up the yellow sheet that I passed around yesterday which documents the economic impact of

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different films that were produced and filmed within Nebraska over a 10-year period, spanning from 1991 to 2001. And as you can see, this is a fairly impressive list of many unique and interesting different stories about Nebraska and different issues within our history. And then I want to point out that, as he noted, at that time we did not have an incentive program in place and these films still came and these productions still came to Nebraska. If you look though really at the history of how this industry has evolved and operated and states' response thereto, I think that you'll clearly see, as in the articles that we've passed out detailing other states' experiences and the NCSL data that we discussed yesterday, since this time, this ten-year period, 1991 to 2001, 20-plus states have ramped up their efforts, have recognized the economic benefits of this program, and have created very competitive film incentive programs. Nebraska has not acted in that regard and thus we are quickly falling behind. In terms of competitiveness, this is critically important and I think it's interesting to note, yes, we did have a lot of interest during this ten-year period. I bring this forward to document the positive economic impact. But I will let you know, we will not be able to show this kind of interest in Nebraska at this point in time forward without being competitive in terms of an economic development program. As I've mentioned many times during this debate, whether it's in terms of the former LB775 and now LB312 under the Nebraska Advantage Act, we'll be debating the Super Advantage Act this session. The same principles apply in terms of positive economic development in LB235 as do in those programs. And we've taken great pains to, in crafting this legislation, to mirror those principles, from not only the name but housing it back in the Department of Economic Development and ensuring that we can minimize administrative costs by really modelling this piece of legislation after our other economic development programs. Again, this is just one more tool in our overall economic development toolbox to help us retain and attract quality jobs and positive economic benefits, not only in the production sense but then later in the tourism and promotion aspects as well, which I think we've clearly documented on some of the handouts that we sent around yesterday in terms of... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR NANTKES: ...the Nebraska tourism dollar multiplier as figured by the Nebraska Department of Economic Development. For every \$1 invested in Nebraska tourism activities like this, it'll generate an addition \$1.70 within the state economy. So not only are we going to see the creation of good jobs for a clean industry, which is also important I want to note in this debate, we're going to see those direct impacts that are positive and we're going to see those indirect impacts which are positive as well. And we're really going to leverage state tax dollars to do so. I look forward to continuing the debate and again, I'm hopeful that we can move forward and take a vote on these important issues this morning. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. That was your third time. Senator Adams. [LB235]

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SENATOR ADAMS: Thank you, Mr. President. I'm wrestling with this bill and I have told Senator Nantkes that. And I think in some ways I owe it to her to tell her what it is that I'm struggling with and I will also give her some time to respond to my questions. I've tried to pride myself in supporting as many economic development measures in the time that I have been here as I can. And for that reason, I can find myself stepping on the side of support of this bill. I've heard the criticism in the last hours of debate yesterday and today that, well, we don't know if a film is going to be successful. We don't know if an ethanol plant is going to be successful. We don't know if any of the economic ventures that we provide tax increment financing for or income tax credits for are going to be successful. We look at the performance, we make the best judgment that we can, we keep our fingers crossed and we hope. I've heard it said that, well, if we give these tax credits, they're just going into the pockets of the owners and they get wealthy and they don't live here and on it goes. I have a feeling that within the Advantage Act or LB775 and many of the other incentive programs that we have, the bottom line of the stockholder has improved and many of those stockholders are not going to be living here in Nebraska. So I've kind of pushed those two arguments aside. But Senator Nantkes, here's two of the things that I'm concerned about, besides the dollar amount, and you are addressing that today and I appreciate that. But here's two of the things I am concerned about. When we attract a business in Nebraska with the Advantage Act, there's no guarantee but I think one of our assumptions is that we attract new people to the state. Those new people will become taxpayers in the state of Nebraska. They'll put kids in our schools, they'll buy homes. I'm confident that ought to be one of our motives. What I'm concerned about with this particular bill is how long does it take the movie to be made--three months, six months--and do we truly attract people in the state, into the state who are going to stay here and buy homes, or is it temporary labor? And even that has some value. My other concern is, in the fiscal note the...the fiscal note says three new people who need to be hired to run this program. I've got to wonder if there aren't people in DED or the department of tourism that could do this, if we're going to do it at all. And I would yield the rest of my time to Senator Nantkes if she wants to respond. [LB235]

PRESIDENT SHEEHY: Senator Nantkes, would you yield? You have about 1:40. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Thank you, Senator Adams, for your comments and for the time this morning. I appreciate it. And thank you so much. We had a chance to visit off the mike this morning and you reintroduced some of these issues this morning in your eloquent comments. And I do want to clarify, colleagues, that I misspoke during the debate yesterday about the personnel and administration issues in carrying out the Nebraska Advantage Film Production Incentive Act. If you look at the updated fiscal note... [LB235]

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PRESIDENT SHEEHY: One minute. [LB235]

SENATOR NANTKES: ...and if you remember from prior rounds of the debate, the Nebraska Department of Economic Development already contracts with one full-time...with one person on a less than full-time basis to carry out the different inquiries, objectives and activities involved in dealing with the film industry as they look to either stay in Nebraska or relocate to Nebraska for the completion of their projects. And what the updated fiscal note does is that it then takes from a contract position to a personnel position, that same existing employee, and then also adds an economic development consultant. I have a description of what an economic development business consultant does under the state personnel rules. There were some questions about that. They're really engaged full time in... [LB235]

PRESIDENT SHEEHY: Time, Senator. [LB235]

SENATOR NANTKES: Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Senator Chambers. [LB235]

SENATOR CHAMBERS: Mr. President, members of the Legislature, with everything that's being said in support of this bill, there still is a lot of tap-dancing around whether or not it's going to do anything of consequence. Bills should be enacted not just so somebody has behind their name a bill that was accepted. I don't believe any major studio is going to come to Nebraska because they're offered this piddling amount. If you told them we're not going to give you a 25 percent rebate, we're going to give you the total amount in this fund, how much is it, \$2.5 million; you think that \$2.5 million is going to make me cart all of this that I need to Nebraska and that's the only reason I'm coming, because you're offering me some peanuts? You all underestimate the intelligence and the business acumen and savvy of these people who make movies. I'd like to ask Senator Nantkes a question, and she may not know the answer. [LB235]

PRESIDENT SHEEHY: Senator Nantkes, would you yield? [LB235]

SENATOR NANTKES: Yes, absolutely. [LB235]

SENATOR CHAMBERS: Senator Nantkes, is the amount of money that would be in this bill at the high end or the low end when it comes to incentives? [LB235]

SENATOR NANTKES: It would be at the low end when you look... [LB235]

SENATOR CHAMBERS: Okay. [LB235]

SENATOR NANTKES: ...comparatively at other states' programs. [LB235]

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SENATOR CHAMBERS: Now if I am one of these major studios and I am going to be lured by an incentive, Nebraska is not competitive. Would you agree with that? [LB235]

SENATOR NANTKES: Currently we are not. [LB235]

SENATOR CHAMBERS: And this amount would not make Nebraska competitive practically speaking, would it? [LB235]

SENATOR NANTKES: I disagree with that conclusion, Senator Chambers. [LB235]

SENATOR CHAMBERS: With what state would it be competitive? [LB235]

SENATOR NANTKES: It sends the message to the industry that we do recognize the benefits that those kinds of productions create for a state. [LB235]

SENATOR CHAMBERS: They don't care about that. They don't care what... [LB235]

SENATOR NANTKES: They do, they do. [LB235]

SENATOR CHAMBERS: They don't care what you think or how you feel about what they're doing, they're interested in money. So you're not going to give them anything other than saying there ain't no living on love alone but I'm going to try to bring you here on love alone, we love what you're doing. That's impractical. Can you give me a state--and that's why I said you may not know the answer, and I'm not looking for you to necessarily know that--which offers as small an amount as Nebraska and has landed a major studio production based on the offering of that piddling amount of money? [LB235]

SENATOR NANTKES: Senator Chambers, again, if you remember, we modelled this after the Oklahoma program which also has a \$5 million cap. They saw a three-to-one return there. And what I think bringing down the overall cap does is rather favors independent filmmakers and local filmmakers which, I know as a patron of the arts and humanities, that's something you are interested in. [LB235]

SENATOR CHAMBERS: Now you're...and I said it would help maybe the little rat race operations. That's what this bill is aimed at in reality, isn't it? [LB235]

SENATOR NANTKES: No, Senator Chambers, it's not. And I don't believe that, you know, \$2.5 million program is piddling. I think that's a fantastic start. [LB235]

SENATOR CHAMBERS: Thank you, Senator Nantkes. That's all I will ask you. Members of the Legislature, there is a term that rhymes with Hollywood; it's Bollywood.

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They're interested in money, too. They don't make films just because they want to make films. Senator Nantkes mentioned these little independent operations, or art films. I talked about that yesterday and said if they would make it a forthright attempt to support the advancement of the arts, I would support it wholeheartedly without reservation at the original \$5 million. I'd be in favor of grants, outright grants... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: ...to artists in all realms of artistic effort; films, sculpting, painting, writing, acting, singing, dancing, instrumentation, anything that can qualify as art. Art is aimed at uplifting the spirit and ennobling the mind and there is something of value in things which have nothing to recommend them other than their beauty, the pleasure and the satisfaction they bring, to show the importance of pleasure and satisfaction. There are people who will risk going to prison for multiples of years by using and possessing certain narcotic substances and all they get: pleasure, a good feeling, perhaps bad health, and a lot of time in prison. So beauty does have its place. Art has its place. But this bill... [LB235]

PRESIDENT SHEEHY: Time, Senator. [LB235]

SENATOR CHAMBERS: ...has no place. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Wightman, followed by Senator Langemeier. Senator Wightman. [LB235]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. With regard to AM1711 and AM1702, they are limited to nonrefundable credits. And as I understand it, they would have to earn...have earnings in Nebraska in order to acquire that credit because it would be only a credit sufficient to offset their income tax for the particular year. I do think that this is probably not going to be attractive, particularly attractive to any filming business that might come into Nebraska or even that are already in Nebraska as far as producing an additional film. I'm going to offer an amendment later that would try to increase that incentive somewhat but still tie it to profitability. And that would provide for not only the nonrefundable credit but a credit that would be refundable for up to 40 percent of the amount that they were able to use as an income tax credit during a particular year. It's not going to provide anywhere near the incentive that's currently provided under Senator Nantkes' bill. I do think that's going to be a little difficult to sustain. I realize putting the \$2 million on it, that it will be somewhat limited. But it certainly is subject to someone coming in, having a bunch of production costs with regard to a particular film, and then get 25 percent of that to a credit and leaving the state. I think that the amendment which I will propose, which would provide up to 40 percent of that as being refundable and that all being tied to producing some income within the state to even use the credit, would be at least more of an attraction than

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Senator Langemeier's proposed amendment. So with that being said, I'll wait until the proper time to introduce my proposed amendment, but would ask you to keep that in mind as we continue the discussions on AM1702 and AM1711. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Langemeier. [LB235]

SENATOR LANGEMEIER: Thank you, Mr. President. At this time, to kind of aid in the process with the number of amendments that I have to follow it, this time I would like to withdraw AM1711. [LB235]

PRESIDENT SHEEHY: AM1711 is withdrawn. Next amendment, Mr. Clerk. [LB235]

CLERK: Mr. President, Senator Langemeier, I next have AM1727 that was filed. But I understand, Senator, you'd like withdraw; as a substitute, AM1740? [LB235]

SENATOR LANGEMEIER: Yes. [LB235]

PRESIDENT SHEEHY: Is there objection to substituting? So ordered. [LB235]

CLERK: Senator Langemeier, AM1740. (Legislative Journal pages 455-456.) [LB235]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on AM1740. [LB235]

SENATOR LANGEMEIER: Mr. President, members of the body, the reason for withdrawing AM1711 and AM1727 is to try and kind of aid this process. We've combined those together with another little word change that needed to be done and we've created AM1740. Still a technical amendment. The one thing...so I'll talk about the second amendment that I withdrew that we haven't had an introduction on. There's been discussion in the body about the \$5 million credits could be offered to many different filmmaking production firms. The second amendment that I had withdrawn, AM1727, would limit that to make \$5 million of credits out there total. So once they were out, until they were redeemed we couldn't offer any more. It would limit the total exposure to \$5 million at any given time. However, in this bill they expire in 3 years. So if nobody did claim them, which the introducer of the bill hopes they are claimed, if nobody would claim them over a three-year process, they would automatically be...refill the pot, per se, and be able to issue them. So I'm hoping this will cleanup some of those amendments and just get us down to one vote and we can proceed as the body chooses. So with that, that is AM1740. Thank you. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening to AM1740, an amendment to AM1702. Senator Nelson. [LB235]

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SENATOR NELSON: Thank you, Mr. President. I'd like to address a couple of questions to Senator Langemeier. [LB235]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB235]

SENATOR LANGEMEIER: Yes. [LB235]

SENATOR NELSON: Senator Langemeier, we've had a multitude of amendments here to AM1702, which is pretty sizable, but we haven't talked about AM1702 really, have we? [LB235]

SENATOR LANGEMEIER: No. You've just heard the amendment on AM1702. But the intent of all our discussion was really about AM1702. [LB235]

SENATOR NELSON: Would you just very briefly outline what this does? And I'm concerned about...is it really going to be any incentive or any benefit of a producer or people who live outside the state of Nebraska? [LB235]

SENATOR LANGEMEIER: What...let me explain on part of your time, I'll turn my light on. But what AM1702 does is takes the green...the E&R copy of Senator Nantkes' bill. It allows the industry to gain credits in the way that she had hoped they would, instead of then when they resubmit all their bills and all their expenses, instead the state of Nebraska writing this \$5 million check to an out-of-state entity, what it would do is give them income tax credits that they could use on any income in Nebraska. Typically an incentive program in Nebraska, we have offered incentives for to build ethanol plants. We end up with a structure and jobs in Nebraska. This bill is designed to give our money to individuals out of the state of Nebraska. My amendment would require this money to be incentivized in Nebraska towards Nebraska income. Now Senator Wightman has offered an amendment to follow that would allow some of those credits to be transferable, which would mean if they earned them, in my capacity, my amendment, then they could put them on the open market and sell them to Warren Buffett and he could use them towards income. [LB235]

SENATOR NELSON: All right, thank you. I'll give the rest of my time to Senator Nantkes because I think there was a question by (microphone malfunction) if she will yield. [LB235]

PRESIDENT SHEEHY: Senator Nantkes, would you yield? [LB235]

SENATOR NANTKES: Yes. [LB235]

SENATOR NELSON: Senator Nantkes, I'm offering you some time if there are other

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things that you want to address here, questions from other senators. [LB235]

PRESIDENT SHEEHY: Senator Nantkes, about 2:40. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Thank you, Senator Nelson, for yielding some time this morning to help me finish some of the discussion about questions raised earlier in the debate. And thank you for your strong support of this legislation from the very get-go. I truly appreciate that. Senator Adams from my home district--the 24th Legislative District, a good friend and a great senator--asked a question basically that the stability and longevity of the jobs involved in this industry. And I didn't really have a chance to address that. In visiting with different representatives from trained cast and crew who have worked on these types of projects in the past and who want to work on more of these projects in Nebraska into the future, they told me about the type of jobs that these are, lasting usually from three to up to six months. And they cycle through as many of those per year as they can. So there's actually very little downtime and that is, in fact, the nature of the industry. But they also pay such competitive wages that they are able to very easily provide for a strong quality of life for many Nebraska families. For example, visiting with representatives from the teamsters organization that is down here today, they provided some examples to me where they've had... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR NANTKES: ...members that have been involved in different productions, driving trucks and helping and assisting with transportation, and been able to garner very competitive salaries far in excess of an average annual salary for a Nebraskan in that limited time period. So I think again that the type of jobs that we're talking about are, in fact, quality jobs. And like I mentioned yesterday, they may look different than they do in other industries that receive the benefits of our economic development programs, but just because they look different, the value is not diminished. With that, thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Senator McGill. [LB235]

SENATOR MCGILL: Thank you, Mr. President, members of the body. I'd like to piggyback on what Senator Nantkes was just saying about jobs and share some of my personal experiences with the filmmaking industry. As a young 17-year-old I got to spend a couple of days as an extra on the set of the Election, an experience that I found to be fabulous and I learned a lot about filmmaking. And it inspired me to go into broadcasting when I went to college with the original intention of getting into filmmaking. Well, when I realized that there was no future for me in Nebraska if that was a route I was going, that made me think about things again and decided to go into reporting instead of going into filmmaking. A lot of the colleagues that I had, the friends I had in

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college and high school that were heavy in the arts, they didn't stay here. They went to California, they went to New York where there were opportunities to work on films, to get higher degrees in filmmaking and to have the careers that they wanted to lead. And so I believe there are opportunities for bringing...not only bringing jobs here, but in keeping our young people here instead of having them leave. I have a couple of friends from high school that worked on the most recent film that was being filmed up in Omaha and had a great time. And I just wish that they had the chance to work on films more frequently that come this way for those that couldn't afford to leave Nebraska and move on to California or to New York or other places where more of these sorts of films are made. Anyway, I would just like to voice my support for Senator Nantkes and LB235. And I hope if you have any questions, you can head them my way. Thanks. [LB235]

PRESIDENT SHEEHY: Thank you, Senator McGill. Senator Chambers. [LB235]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I would like to ask my colleague Senator McGill, whom I will refer to as our Hollywood and filmmaking expert... [LB235]

PRESIDENT SHEEHY: Senator McGill, would you yield? [LB235]

SENATOR MCGILL: I would love to, although I wouldn't consider myself an expert, Senator Chambers. [LB235]

SENATOR CHAMBERS: Well, I'm giving my opinion. You're modest, that's why I want to ask you this question. Senator McGill, if a movie were to be made, what role in any movie could I play other than a superannuated wolf-man? (Laughter) [LB235]

SENATOR MCGILL: Oh, I think there are plenty of opportunities. I mean, they were talking about how you make deal with the devil; maybe you could play his partner in crime. (Laugh) [LB235]

SENATOR CHAMBERS: Well, I can't share a billing, it could be Chambers and the devil. It would have to be me altogether. But here's a question that I want to ask you in reality. Now this is all in seriousness. If this bill had been in place, things wouldn't have been any different for you, or you think it would have been...they would have been different? [LB235]

SENATOR MCGILL: Oh, no, I'm agreeing that in this case Alexander Payne decided to come to Nebraska and frequently does. But right now there's a disincentive for other productions to come here. [LB235]

SENATOR CHAMBERS: Okay. But before we get there, let me ask you another question or two. The people who you knew who left Nebraska to seek their fortune in

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this realm did so because they thought there were other places more amenable to them finding success than in Nebraska. [LB235]

SENATOR MCGILL: Not many films come through Nebraska in the big scheme of things, so yes. [LB235]

SENATOR CHAMBERS: Now if this bill were in place, and we're down to \$2.5 million perhaps as the total amount available for all of the films produced in a given year. What major studio can you think of that would be attracted to Nebraska on the basis of that rebate? [LB235]

SENATOR MCGILL: Senator Chambers, it doesn't have to be a major studio. It deals with... [LB235]

SENATOR CHAMBERS: No, that's why I'm phrasing the questions, because it mentions major studios in the bill. Can you think of... [LB235]

SENATOR MCGILL: Well, I don't any heads of those studios or the producers personally, Senator Chambers. [LB235]

SENATOR CHAMBERS: Say it again? [LB235]

SENATOR MCGILL: I don't know the heads of these studios or any of these producers personally. [LB235]

SENATOR CHAMBERS: Well, I'd like you to speculate with me this morning. Based on the way things generally go and the knowledge you do have from experience, reading, talking to people, does it seem likely to you that a major studio would be encouraged to come to Nebraska because of the possibility of getting or sharing a total rebate of \$2.5 million? [LB235]

SENATOR MCGILL: When they're trying to decide where they're going to go to shoot a film on location, as Senator Nantkes has said before, if they're looking at a bunch of states that have incentives and those that don't have incentives, then we're not even considered. And I think it will at least put us into that realm of consideration for them to come here. [LB235]

SENATOR CHAMBERS: But do you think they first would want to find states that would provide a backdrop for the kind of film they want to make... [LB235]

SENATOR MCGILL: Well, that comes first. [LB235]

SENATOR CHAMBERS: ...and then if they can sweeten the pot. But if the pot is not

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sweetened, they're going to go to one of those states anyway if they intend to make a movie, aren't they? [LB235]

SENATOR MCGILL: They'll probably pick the best location for their needs, whether it be the background, combined with incentives. [LB235]

SENATOR CHAMBERS: Thank you very much. Members of the Legislature, we're not talking...I'm talking about little rat race operations. They're the ones who might want to do something under this bill. The big ones are not coming to Nebraska because you offer them some Skippy peanut butter and a graham cracker with some jam. Or as that little green creature--who is that, Geico--says, oh you want an English muffin? They will actually hand you a muffin with butter and jam. Delicious. You think they'll come here for an English muffin and butter and jam? Is that what you think? I don't. The films that were made here that we see on Senator Nantkes' yellow sheet that generated in Nebraska... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: ...several millions of dollars came here without being offered anything because what they wanted in their film was found in Nebraska. I saw a film called Children of the Corn and they mentioned the town where a former senator lived. But the film was not made in Nebraska. They mentioned Nebraska. It was supposed to be taking place in Nebraska. But it was not made in Nebraska. They found something more accommodating to their needs in other states. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Chambers. [LB235]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, what we're looking at now is the way the lure will be structured. Is it going to be in the form of the rebate that Senator Nantkes' bill discusses or the credits that Senator Langemeier is talking about? From my position, it doesn't matter how you structure it. I do not believe that any major studio will be lured. So you might ask me, and if I were dealing with somebody like me and I was in favor of this bill, I would ask what harm can be done then if we pass the bill and put the money, make it available either as a rebate or the credits. I won't call it money. Make the lure or the incentive. If no studio will come here and claim it, how does the state lose anything? If the incentive is not claimed, the state doesn't lose anything. But why do something which is pointless if you say you're doing it to make a point but there's no point to be made? The term "major studio" is in the bill. No major studio is going to be drawn to Nebraska by this incentive, no matter how structured. I don't believe that somebody is going to sell motor boats in the middle of Nebraska. They might sell one or two. They might have a better chance of selling watercraft in a location where there is water where such craft can be used. Nebraska is not the kind of place. If you all read about American Idol and the comments made by

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Nebraskans, one professor at the university in Omaha said they showed corn, corn, corn, corn. One of them said Omaha did not look much like a city. Why would you even consider Omaha? And on top of that they say they're so tightfisted that all they're going to offer is \$2.5 million for us to bring a \$30 million film project to the place like Nebraska? I'm going to see how this amendment fares, but I don't think the bill ought to pass. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator McGill. [LB235]

SENATOR MCGILL: I yield my time to Senator Nantkes. [LB235]

PRESIDENT SHEEHY: Senator Nantkes. [LB235]

SENATOR NANTKES: Thank you, Senator McGill. I appreciate the time. As you can imagine, colleagues, in working very diligently on this legislation I've been moving through my speaking time pretty quickly. Senator Chambers posed, well, what role would be appropriate to him. And I haven't yet come up with the perfect cast, I don't think, not being a professional in that regard. But I'm sitting here thinking about maybe Rudy, or Raging Bull, or Rocky, or some sort of very spirited character that I think that he would be an appropriate fit for. I guess as we move forward again with the debate this morning, I just want to hasten my colleagues to remember that I don't know if we're really changing minds at this point in time. I think we've had a wonderful debate and dialog on the concepts and mechanisms for how to carry out this idea and this legislation if it does move forward. I think we've demonstrated time and again the clear economic benefit for not only local filmmakers but attracting outside industry forces into Nebraska. I think that we demonstrated this is a clean industry, it has positive environmental impacts as well, which is important when we look at our overall economic development programs. And I think when we look at the lay of the land and what's occurred in other states in recent years, we must move forward to demonstrate that we want to be competitive and that we want to create and retain good jobs and that we want to showcase Nebraska in a positive light. And that's what this legislation seeks to accomplish. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Additional members wishing to speak? Seeing none, Senator Langemeier, you're recognized to close. [LB235]

SENATOR LANGEMEIER: Mr. President, members of the body, I appreciate the discussion we've had here on the concepts behind LB235. I would ask the body to support AM1740. It is a technical cleanup to my poorly drafted original AM1702 to get that into the shape it needs to be in. With that, I would ask your support of AM1740 to get AM1702 correct, and then we will return to the discussion on whether you want to have Nebraska income tax credits at that time. So at this time, I would ask for the advancement, adoption of AM1740. Thank you. [LB235]

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PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the closing. The question before the body is, shall AM1740 be adopted to AM1702? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB235]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Langemeier's amendment to his amendment. [LB235]

PRESIDENT SHEEHY: AM1740 is adopted. [LB235]

CLERK: Mr. President, excuse me. I do have another amendment to Senator Langemeier's. Senator Wightman would move to amend with AM1734. (Legislative Journal pages 456-457.) [LB235]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on AM1734. [LB235]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I suggested that I was going to be introducing this amendment earlier. The amendment strikes the word "nonrefundable" although it retains a refundable credit, but it's broader. It strikes it on page 4, line 20; strikes the word "nonrefundable" on page 5, line 17; and page 6, line 13. It strikes the words "A nonrefundable" credit and inserts just the word "an" to fit in that. And then finally the major change and amendment would be line 4 (sic), page 11, line 18 and after the period there insert--this would be the language--"The income tax credit shall be nonrefundable," meaning that it could be applied to cancel the income tax or apply against the income tax "except that a portion of the income tax credit not used in a tax year equal to forty percent of the amount of income tax credit used in the tax year shall be refundable." So what it would allow, and let's take an example. If we had a company that did earn \$2 million on a film, it would require earnings the same as a nonrefundable credit would because it's only if you would have incurred an income tax without regard to the credit that you would be entitled to a refundable credit. So let's say a company earned \$1 million on a particular film and it was Nebraska income. Under my understanding of the corporate income tax, it wouldn't have to be a corporation. It would probably go in about a 7 percent tax, which would be \$70,000. In that instance, if they had a \$70,000 tax they could earn 40 percent of that much, or \$28,000, as a refundable credit. So they would be able to tap into that \$28,000 that had been set aside as being 25 percent of the gross and at that point apply that not only to their taxes, but to get a separate 40 percent of that amount as a refundable credit. My thought with regard to AM1702 as proposed by Senator Langemeier is that it's not going to provide a credit that probably will result in anybody coming to the state of Nebraska or even any major company doing filmmaking in Nebraska to produce a film because of it, because all that can be used is the...is a nonrefundable credit. I'm trying to get something on the books that would at least provide some attraction to a filmmaking company to produce or one

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from outside of Nebraska to come here and produce a film and at least have some incentive to come here over and above the tax credit. So that is the credit, or is the amendment that I would offer, and would urge your support of this. I think that it does not leave the state open to near the possibility of the expenditure that we will have if it's just the 10 percent or 25 percent credit provided in LB235. So again, I would appreciate your support. Thank you. [LB235]

SENATOR PEDERSEN PRESIDING [LB235]

SENATOR PEDERSEN: Thank you, Senator Wightman. First to speak on this amendment, Senator Langemeier. You are recognized. [LB235]

SENATOR LANGEMEIER: Members of the body, I rise in kind of a neutral position on AM1734 offered by Senator Wightman. It would allow some of these credits to be converted over to refundable. So an individual out of state that got these credits could in some minor way have a few they could sell off to a big income earner in Nebraska to use on their income tax. So I'm at the position...I'm neutral. I just want you to know I'm neutral on this. I probably wouldn't have put it on myself, but as you see I didn't offer it. However, I think it still keeps the concepts within AM1702 so in that regard, again, I'm neutral. Thank you. [LB235]

SENATOR PEDERSEN: Thank you, Senator. Senator Nantkes, you are recognized. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Thank you, Senator Wightman, for really sitting down and trying to work with me and work with the idea in an honest and straightforward way. To echo Senator Langemeier's comments, I'm kind of neutral (laugh) which I thought was a great way to phrase it. I, again, am most interested in moving forward with the idea and the concept. There is, of course, many different ways to accomplish that, as we've seen through the experience in other states. Basically my reservations at this point in time with the Wightman amendment are essentially that changing the mechanisms drastically under Senator Langemeier's proposal or under Senator Wightman's proposal haven't been tested through the committee process, haven't been dealt with in negotiations with the very different and interested parties that have been helping us and craft this legislation as we move forward. And again, in the spirit of compromise, bringing down that overall annual cap from \$5 million to \$2.5 million, I really feel that in order to ensure this is a program that works and can carry out its intended consequences, we need to keep the rebate factor. That's really the strongest component of the legislation at this stage of the debate. And I wanted to make clear to some folks as there was some confusion, I voted yes for Senator Langemeier's amendment in the last go-around as he's been trying to work with me to move the debate forward in an expedient manner, which I appreciate. I remain opposed to his underlying amendment, AM1702. I wanted to be clear about that. And colleagues, as

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we reach high noon, there's always different personalities and different themes that emerge within this body. Some days it's Mr. Smith Goes to Washington, some days it's One Flew Over the Cuckoo's Nest. I'm not sure (laugh) which one we're at today but I look forward to the debate continuing. Thank you, Mr. President. [LB235]

SENATOR PEDERSEN: Thank you, Senator Nantkes. Senator Chambers, you are recognized. [LB235]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Nantkes a question. [LB235]

SENATOR PEDERSEN: Senator Nantkes, would you respond? [LB235]

SENATOR NANTKES: Yes. [LB235]

SENATOR CHAMBERS: Senator Nantkes, if I understood you correctly, it doesn't matter to you really whether his amendment, Senator Wightman's amendment is adopted or not. Is that correct? [LB235]

SENATOR NANTKES: Again, my main impetus is that we move forward with the concepts contained in the legislation. I would prefer that we not utilize the mechanism outlined in Senator Wightman's amendment because it hasn't been tested through the process and the rebate component is what will make the program work, particularly with the lower threshold that I've now moved forward with in the spirit of compromise. So kind of neutral I guess is a misrepresentation of my position. I will be voting no. [LB235]

SENATOR CHAMBERS: I thought so, because I listened to what Senator Nantkes said and she elaborated on her kind of neutral position. It sounded like it was in opposition. If Senator Nantkes wants to move her bill along, this is what I would suggest, if she were asking me for my suggestion. Senator Langemeier's amendment is before us. It will be debated. Senator Wightman's amendment does not do that much of consequence to Senator Langemeier's amendment. Senator Nantkes is opposed to his amendment, Senator Langemeier's, because it changes the nature of the lure from a rebate to credits. So time might be saveable by adopting Senator Wightman's amendment. Senator Langemeier's amendment is still before us. We're going to debate it anyway. If Senator Wightman feels that it's necessary to make additional efforts to persuade those who may be unpersuaded, it's going to take some time to do so. For my part, I will listen and participate in any aspect of the discussion that I think I ought to participate in, but I'm going to listen to all of it. I have not liked credits even when it comes to giving these corporations, these big operators something which, in my mind, they're not entitled to. Any time you reduce the amount of tax contribution that Mr. A and Ms. B are making, the rest of the alphabet is going to have to make that difference up. If we were talking about providing additional assistance to the poor, everybody would be standing on this

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floor--not everybody, but the general consensus would be no, we don't need to do that; that's not government's role. But you will feed the kitty of the big-shots every day in every way. I'm going to see how people vote on Senator Wightman's amendment. I'd like to ask Senator Wightman a question. [LB235]

SENATOR PEDERSEN: Senator Wightman, would you respond? [LB235]

SENATOR WIGHTMAN: Yes, I will. [LB235]

SENATOR CHAMBERS: Senator Wightman, are you neutral, kind of neutral, or strongly in favor of your amendment? [LB235]

SENATOR WIGHTMAN: Well, I'm in favor of my amendment. [LB235]

SENATOR CHAMBERS: But not strongly? [LB235]

SENATOR WIGHTMAN: Well, I would say strongly. [LB235]

SENATOR CHAMBERS: Okay. Would you like me to vote for your amendment? [LB235]

SENATOR WIGHTMAN: Well, I'd ask for your support. [LB235]

SENATOR CHAMBERS: And I will give it. That's all I will ask you. Thank you, Senator Wightman. And I'm going to give it for the reason that I said. It will then present this issue of credits in a form that ultimately it may take anyway after much more debate. So I'm not going to lengthen it. I wouldn't have said this much except for the purpose of trying to indicate that maybe if we adopt Senator Wightman's amendment, we can save a bit of time. Thank you, Mr. President. [LB235]

SENATOR PEDERSEN: Thank you, Senator Chambers. Senator Carlson, you are recognized. [LB235]

SENATOR CARLSON: Mr. President and members of the Legislature, I'm going to address some questions to about three individuals. I'd like to start with Senator Chambers, if he would yield. [LB235]

SENATOR PEDERSEN: Senator Chambers, would you respond? [LB235]

SENATOR CHAMBERS: Yes, I will. [LB235]

SENATOR CARLSON: Senator Chambers, in discussion this morning on this bill, you've made the statement that big producers won't be lured to Nebraska by LB235, is

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that correct? [LB235]

SENATOR CHAMBERS: That's correct. [LB235]

SENATOR CARLSON: And you just stated that you are against credits for big producers, in speaking about the Wightman amendment? [LB235]

SENATOR CHAMBERS: That's correct. [LB235]

SENATOR CARLSON: Could small producers be lured to Nebraska by LB235? [LB235]

SENATOR CHAMBERS: I don't know if they'd be lured, but there might be some small film operators in Nebraska who might try to put on a project with the idea of obtaining this rebate. Although that wouldn't pay the full cost of the film, it would be a measure of subsidization that they would not otherwise have. That's why I said it's for the little rat race operations. [LB235]

SENATOR CARLSON: Okay. And I don't care for the terminology of little rat race operations because our economy is full of small businesses. Are you against credits for small producers? [LB235]

SENATOR CHAMBERS: We've never had that issue put to us directly because they have never been in the equation when the tax money was being given away. [LB235]

SENATOR CARLSON: Okay. And I ask this because you've pretty generally referred to big and big and I understand that. That's why I ask you. I appreciate your answer. [LB235]

SENATOR CHAMBERS: Okay. [LB235]

SENATOR CARLSON: I'd like to address a question to Senator Langemeier. [LB235]

SENATOR PEDERSEN: Senator Langemeier, would you respond? [LB235]

SENATOR LANGEMEIER: Yes. [LB235]

SENATOR CARLSON: Senator Langemeier, if the Wightman amendment is accepted and AM1702 is accepted, will you vote for LB235? [LB235]

SENATOR LANGEMEIER: No. [LB235]

SENATOR CARLSON: Okay, thank you. I'd like to address a question to Senator Nantkes. [LB235]

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SENATOR PEDERSEN: Senator Nantkes, would you respond, please? [LB235]

SENATOR NANTKES: Yes. [LB235]

SENATOR CARLSON: I don't know if you heard the answer from Senator Langemeier, but I would ask you, if the Wightman amendment is accepted and AM1702 is accepted, will you vote for LB235? [LB235]

SENATOR NANTKES: Again, Senator Carlson, I think that I've been clear that my intention is to move forward and to create a program like this for the first time in Nebraska. I believe that the rebate feature outlined in my version of the bill is what will ensure economic success for this project. I would rather see the idea move forward than not, but I feel like the Wightman amendment and the Langemeier amendment are really going to end up being counterproductive to being able to demonstrate the clear positive economic development impact as envisioned under my legislation. [LB235]

SENATOR CARLSON: Okay, thank you for your answer. I would yield the rest of my time to Senator Nantkes, if she would want to take it. [LB235]

SENATOR NANTKES: Thank you, Senator Carlson. I appreciate the time and I appreciate your very direct questions on this issue this morning. Again, colleagues, the clock is ticking and I'd really like to move forward with a vote on these issues. We've spent a considerable amount of time on them. I think that's appropriate. These are very important issues. A lot of people have worked very, very hard on this legislation. Many Nebraskans, many, many people have called in from outside of Nebraska offering their thoughts on... [LB235]

SENATOR PEDERSEN: One minute. [LB235]

SENATOR NANTKES: ...telling us about their experiences and wanting to create film projects here in Nebraska. And so it's great that this issue has had the kind of attention that it's been able to garner over the past few rounds of the debate. However, we are in the midst of a very busy legislative agenda. I would like to move forward with a vote on these issues today if at all possible. If not, we'll go into act three tomorrow and see what happens before the final curtain is drawn. But with that, senators, thank you for your time, patience, and attention, consideration to these important matters. Thank you. [LB235]

SENATOR PEDERSEN: Thank you, Senator Nantkes. Senator Langemeier, you're recognized. [LB235]

SENATOR LANGEMEIER: Mr. President, are there any other lights on? [LB235]

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SENATOR PEDERSEN: Senator Wightman. [LB235]

SENATOR LANGEMEIER: I will waive. Thank you. [LB235]

SENATOR PEDERSEN: Thank you, Senator Langemeier. Senator Wightman, you are recognized. [LB235]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I have spoken with the Department of Revenue and they indicate that under the current language that we adopted in AM1740, that the language of AM1734 will not mesh with that in such a manner we will have a bill that will be workable as a result of that. I still would like to work with Senator Nantkes in coming up with something which I would have more comfort with. I am going to ask that AM1734 be withdrawn until we have an opportunity to work further with it. I guess if LB235 passes we'll have to move forward from there. But I would ask that AM1734 be withdrawn until we have some additional time to see if we can make that fit with AM1740 that has been approved as an amendment to AM1702. Thank you, Mr. President. [LB235]

SENATOR PEDERSEN: Thank you, Senator Wightman. AM1734 is withdrawn. We're back to discussion on AM1702. Senator Langemeier, you're recognized. [LB235]

SENATOR LANGEMEIER: Mr. President, members of the body, I'm just going to give you a quick brief because we haven't spent a lot of time on AM1702. AM1702 is what creates the tax credits. We have now amended this up where this is a good piece of legislation. Senator Wightman's amendment, what his technical problem was, is when we took on AM1740, his amendment was going to address line 11, which now became line 18. So it shifted in the lines. That was the technical part and nature of his amendment and that's why he withdrew it. But now AM1702 would say we're not going to give you a check back, we're going to give you Nebraska income tax credits. I think it's a responsible way to go and I would ask for your support of AM1702. [LB235]

SENATOR PEDERSEN: Thank you, Senator Langemeier. With no other lights on, Senator Langemeier, you are recognized...Senator Nelson, you are recognized. [LB235]

SENATOR NELSON: Are you going to turn me on? (Laughter) Excuse me, I withdraw that question. [LB235]

SENATOR PEDERSEN: You're now on, Senator Nelson. (Laughter) [LB235]

SENATOR NELSON: Strike that please. (Laughter) Mr. President and colleagues, I'm just going to be very brief. We've got a very comprehensive amendment on the part of Senator Langemeier here. It goes into a great amount of detail. I assume he's looked at

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it very carefully. But I'm not going to support that amendment. I think that we need to stick with the original provisions of LB235 and the concept of the rebate. It may be that the tax credits will work, but I don't think it's been done in any large measure in any of these other states that do have incentives. We know that rebates do work. We know that it's worked in Oklahoma, it's increased their return considerably. It works in Louisiana. I want to address something about Louisiana. We talked about that as not being comparable to Nebraska. Well, in many ways it is. Sure, New Orleans is a premiere city and it's attractive to people, but there was a movie made there called Ray about Ray Charles. And it had its setting in New Orleans, but it also was set in New York, Los Angeles, and a lot of other places. And even though it was filmed in Louisiana, all of those scenes were manufactured right there in Louisiana. They didn't go to New York, they didn't go elsewhere; they did it right there on site in a studio that they have especially in Shreveport. Well, the same thing could work here in Nebraska. We attract movie-makers, film producers to come here. About Schmidt is another example that was set in Denver in part, but they showed Denver but all of those scenes were actually filmed in Omaha. So you get them here, they get the production facilities or they rent them or whatever they use. Let's get them here and let them do it in Nebraska. And it may be a small outfit; that's all right. I believe in entrepreneurs and starting out small and giving them incentives here. So what do we really have to lose? We have one, maybe two employees that would be doing this. If we don't attract the companies to the extent that we think that we will, then those rebates are not going to be paid out. We've set it aside, we've modified it--or I haven't, but Senator Nantkes has--to \$2.5 million. I have some reservations about whether that's enough to attract, but at least it's a start. Arizona is another example where they have grown immeasurably. They've got to the point where they built studios down there that are drawing things away, productions away from L.A. In fact, they're doing some TV things there now. So research has gone into LB235. The proposals there were heard by committee, they were passed by the committee. Respectfully, Senator Langemeier I think is doing what he thinks is best here but he's not going to vote for the bill and I think he sat on that committee. And therefore let's go forward with LB235 and, at this time anyway, let's try it out, let's try it for three years. [LB235]

SENATOR PEDERSEN: One minute. [LB235]

SENATOR NELSON: If it's not working, we can go to something else such as tax credits. So I would urge your support for LB235 as it is as amended by Senator Nantkes and urge that you not support AM1702. Thank you, Mr. President. [LB235]

SENATOR PEDERSEN: Thank you, Senator Nelson. Senator Chambers, you are recognized. [LB235]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Nelson called me out in a manner of speaking, and Senator Carlson brought

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the idea of the little producers. If you're talking about jobs, a little producer is not going to create many jobs. Those who supported this bill have gotten caught now and they've got to support it no matter what. They're throwing out the window all of the other rationales they've given in the past for having giveaways misnamed economic development. They would not give ethanol credits to the guy with the filling station on the corner. They're not going to do it. That's what you've changed this bill to now. It talks about major studios. That's in the bill. Now you're talking about the little rat race operations. They're not going to produce jobs. For my colleagues who haven't been here long, I have fought against the giveaways to the big corporations. I had said on this floor repeatedly that you ought to look at the rural areas. You talk about these little towns, you talk about the main streets drying up, so you need to fashion one of these giveaway programs that will accommodate them. We don't make the giveaways to retail establishments, but if that is the kind of establishment--the so-called mom-and-pop store, bakery--fashion something that is going to breathe life into those enterprises that are found in the small towns if indeed you care about them. It is very cynical to say, well, all they got to do is get somebody to come here who's going to sick \$100 million and create so many and so many jobs. They're not going to put a big operation in the middle of nowhere and everybody knows it. But that's how they get around saying they're not going to help the rural areas. So when it came to that kind of assistance that I was pushing for year after year and it was rejected, now all of a sudden because you like this bill for some reason you're saying it might affect only the little operators. But you put the term "major studio" to give the impression that you're going to land some big fish. I'm going to catch a shark, so how do I fish for a shark? I take a license plate off a car and throw it in the water at the end of a rope, because I saw in Jaws where they cut a shark open and found a license plate in it. Therefore, the lure to catch a shark is a license plate. I'm going to catch a catfish, so what do I use to catch the catfish? I take a ball of cotton, I saturate it with arsenic, and I throw it in the water. You're not going to lure these big studios here, period. Get that out of the bill. Don't even talk about a \$30 million project and say that this is to encourage the growth of the film industry in Nebraska and you're going to start out slow and work your way on up, because every old hound dog once was a pup--I got that out of a song--and let it also be tied to the notion of advancing the arts. That's what you all are talking about now but you don't want to call it that. You want to put this thing in place. You patterned it, I've been told several times we have, after Oklahoma. Well, there are people who would like to pattern Nebraska's football team after Oklahoma's team but they can't cut the mustard. They've got 11 players on offense, 11 players on defense. They've got a coach, they've got... [LB235]

SENATOR PEDERSEN: One minute. [LB235]

SENATOR CHAMBERS: ...defensive coordinators, offensive coordinators, but they can't coordinate the whole program and win football games. So just because Oklahoma is doing something like this, Arizona, Wisconsin, North Dakota, South Dakota, and

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everybody else, that doesn't mean that when you put in place in Nebraska it's going to work. So I'm going to oppose it. But I will support Senator Langemeier's amendment. That gets away from writing out a check and putting it in the hands of somebody who produced a flop, who may not have created the number of jobs that people thought. And you can create legal complications by having agreed in advance to give them this rebate. It's not well-crafted. Thank you, Mr. President. [LB235]

SENATOR PEDERSEN: Thank you, Senator Chambers. There are no further lights on. Senator Langemeier, you're recognized to close. [LB235]

SENATOR LANGEMEIER: Mr. President, members of the body, I'm going to be really quick so we can get this vote in yet today. AM1702 is a proven method. We've taken it in the biodiesel, this is what we did on that. So what it's doing is, at the end of the day they're going to apply for credits, they're going to get their credits just the way Senator Nantkes' LB235 would work. But at the end of the day, we're not going to write them a check; we would give them Nebraska income tax credits. With that, I would ask for your adoption of AM1702. [LB235]

SENATOR PEDERSEN: Thank you. Thank you, Senator Nantkes. There's been a motion, a call of the house. All in favor vote aye; those opposed, nay. Record, Mr. Clerk. [LB235]

CLERK: 39 ayes, 0 nays to place the house under call. [LB235]

SENATOR PEDERSEN: The house is under call. All unauthorized personnel please leave the floor. All those senators off the floor please return. We're all present and accounted for. Senator Langemeier, how would you like to vote? Board vote. All those in favor vote aye; all those opposed vote nay. All those voted who want to vote? Senator Langemeier, you're recognized. [LB235]

SENATOR LANGEMEIER: I'd ask for a roll call vote in regular order. [LB235]

SENATOR PEDERSEN: Senator Langemeier has asked for a roll call vote. Mr. Clerk, would you please read the roll. [LB235]

CLERK: (Roll call vote taken, Legislative Journal page 457.) 19 ayes, 27 nays, Mr. President, on the amendment. [LB235]

SENATOR PEDERSEN: Thank you, Mr. Clerk. AM1702 fails. I raise the call. We are now back to LB235. Items for the record, Mr. Clerk? [LB235]

CLERK: Mr. President, I have notice of hearing from the Judiciary Committee, from the Natural Resources Committee, from the Government, Military and Veterans Affairs

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Committee, from the Transportation and Telecommunications Committee. A series of reports: your Committee on Natural Resources reports LB805 to General File; Government reports LB268 to General File with amendments, LB746 to General File with amendments; and Revenue reports LB1004 to General File and LB754 to General File with amendments; Transportation reports LB755 to General File with amendments, LB823 to General File with amendments, LB276 indefinitely postponed, LB676, LB910; and Revenue reports LB893 to General File; those all signed by their respective chairs. Priority bill designation by Performance Audit, LB823. New resolution: LR236 by Senator McGill. That will be laid over. Confirmation report from Natural Resources Committee. And amendments: Senator Pirsch, amendments to LB619, LB620; Senator Lathrop, LB586; Senator Nantkes, LB235. Series of name adds: Senator Wallman would like to add his name to LB575; Senator Howard and Kopplin to LB1100; Senator Schimek to LR223.

And a priority motion: Senator Preister would move to adjourn until Friday, February 1, at 9:00 a.m. (Legislative Journal pages 458-467.) [LB805 LB268 LB746 LB1004 LB754 LB755 LB823 LB276 LB676 LB910 LB893 LR236 LB619 LB620 LB235 LB575 LB1100 LR223]

SENATOR PEDERSEN: Thank you, Mr. Clerk. All those in favor of adjourning please say aye. Those opposed. The ayes have it. We are adjourned until 9:00 a.m. tomorrow morning, February 1. []