

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
February 01, 2008

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[LB39 LB92 LB157 LB177 LB202 LB204A LB204 LB205 LB210 LB235 LB235A LB246  
LB268 LB269 LB312 LB379 LB380 LB383 LB402 LB690 LB700 LB706 LB707 LB743  
LB782 LB865 LB965 LB981 LB1040 LR5CA]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for this, the seventeenth day of the One Hundredth Legislature, Second Session. Our chaplain for today is Pastor Gary Fugman, First Presbyterian Church, Lyons, Nebraska, Senator Rogert's district. Please rise. []

PASTOR FUGMAN: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you. I call to order the seventeenth day of the One Hundredth Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections to the Journal? []

CLERK: I have no corrections, Mr. President. []

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, Senator McGill has selected LB268 as her priority bill for this session. I have an amendment to be printed to LB39 by Senator Erdman. I have the lobby report, which is required by statute, as well as a series of reports received in the Clerk's Office. Those reports will be acknowledged, Mr. President, and available for member review. That's all that I have. (Legislative Journal pages 469-470.) [LB268 LB39]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk. []

CLERK: Mr. President, Senator Hudkins, as Chair of the Rules Committee, would move to amend the permanent rules. I might indicate to the membership the proposed change is found on page 281 of the Legislative Journal. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Hudkins, you are recognized to open on your motion to change the rules. []

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SENATOR HUDKINS: Thank you, Mr. President and members of the body. I can't talk any louder than this, I'm sorry. Thank you, Mr. O'Donnell, for giving the page number. If everyone would turn to page 281, Senator Erdman, as Vice Chair of the committee, will explain what this change does. Thank you, Mr. President. []

SENATOR LANGEMEIER: Senator Erdman, you are recognized. []

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. And, Senator Hudkins, I'm glad to assist. The rules amendment before you would create in our legislative rules a Redistricting Committee and would generally outline the procedures that they would utilize in the disposition or in the drafting of any redistricting plan that would come before the Legislature during the next decennial and any decennial census after that in which these would be in our rules and we as a legislative body have a responsibility. If you recall, this came up as a part of the discussion on Senator Schimek's bill, LB402, which was referenced to the Executive Board which, in my opinion, was prematurely advanced, and we spent a great deal of time, Senator Schimek and I, addressing some of the concerns and ultimately what we asked you to do was to decide on the location of a proposal. You agreed, at least in principle, with my proposal during the debate on her bill that it was more readily situated and more appropriate for it to be located in the legislative rules, and so what you have before you is that option and the option, as I see it, is pretty clear. If you would like a process, and Senator Schimek and I generally agree that it would be instructive for this to be before you in a form that is more than just a note that we would leave behind, but this would be in our rules. You would then have the opportunity to review those rules, as we do every legislative session, especially those that begin in...or end in the number one, which would be the years that we deal with the redistricting bills, and then this would be the process we would follow. The Redistricting Committee will be in our rules continuously, but they will be only be constituted in a year ending in one. The committee will consist of members from districts that were Congressional districts that were in existence in the year ending in zero. And the logic behind that is, is that obviously going forward in that year ending in one you're going to have new Congressional districts and you're going to have new boundaries. And so we're ensuring that there will be representation from the existing districts as we did in the year 2001 when we did this prior. No more than five members may be appointed to the committee that will be affiliated with the same political party, and a vacancy shall be filled by the Executive Board as soon as possible, and those members shall be appointed by the Executive Board to represent those Congressional districts. The members of the Redistricting Committee shall elect the Chairperson of the board. The Vice Chairperson will be elected as well, but shall not be from the same political party as the Chair. The committee will continue in existence until the redistricting plans that the Legislature has a responsibility for are passed and signed by the Governor. And in the event that there is a successful legal challenge or successful challenge to those redistricting plans, the committee shall be reconstituted.

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So, practically speaking, this committee will be in existence during a session ending in one or, for example, maybe in a special session or in a subsequent session if there is a successful legal challenge. The staff support will come from the office of director of Legislative Research, which is the office that currently provides and has responsibility, under Senator Schimek's bill, LB402, to compile the census data that is being collected by the United States Census Bureau, and then collect that and compile that for the members of the Legislature and the Redistricting Committee to draw those lines and to present those proposals to the Legislature as a whole. The committee shall, at the earliest feasible time, make available to the public the guidelines that they prepare, and there are two sets of guidelines. The committee has the authority, as every legislative committee does, to adopt procedural guidelines--how they're going to handle their business within the committee--which may include who would have access to the technology, who would have access to the drawing of the maps, how that will all play out within the committee structure over their oversight. The other side...and that would not have to be approved by the Legislature. The other side are the substantive guidelines. Those are the guidelines that we use to determine the variances, the communities of interest, the legal understandings of how redistricting lines must be drawn to comply with previous court rulings and understand...and stated precedence. Those are the substantive guidelines. They will make those available to the public, and what we did in 2001 was we did them in the form of a legislative resolution. The public knew what they were. The Legislature ultimately adopted those as a legislative resolution and those guidelines, which we can make available to you, were what determined the foundations for the 5 percent variances for legislative districts. I don't know...I don't recall specifically the other variances, but those types of issues would be in those guidelines that you as senators, as a legislative body as a whole, would have to adopt. After those statistics and redistricting plans and guidelines have all gone through the committee and they have that information available to them, they will then hold public hearings, as expeditiously as possible, in each Congressional district for the purposes of soliciting input on the proposed redistricting plan. All legislative committees now have the authority and the opportunity to use video and audio devices in conducting a hearing, and we have done that in the Ag Committee, we have done that recently in the Health Committee for appointments to ensure that there is input and access throughout the state for individuals who may not be able to travel to Lincoln for those hearings. However, the video and audio component that may be utilized in a hearing does not substitute and could not be substituted for a physical hearing in those Congressional districts. Now if you know the Congressional districts, you recognize that you could have a committee hearing in York, Lincoln, and Omaha and satisfy the requirements of this provision, because York is in the 3rd Congressional District. The intent of that second part of the video and audio is to ensure that throughout the greater part of the state that there would be opportunity for input, especially if those decisions and proposals would impact them. So the committee would adopt the substantive guidelines. The Legislature would approve them. The committee would then release the data that they're utilizing, as well as the plans, which are the maps, to the public, and

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then they would have public hearings on those maps in each Congressional district and would be authorized to utilize video and audio tools to assist them in that. And in addition to any of those guidelines, the bills would then follow the normal course of our rules. They would be open for amendment. They would be subject to any other procedural motions or activities. They would be treated the same as any other legislative bill and, under our rules, the Speaker would also still remain to have the authority to name major proposals. They would have the ability to utilize the tools that that provides as well. To sum all that up, what this amendment does is to codify in our rules what we did in 2001. Those that have been around in this process generally agree that that was a fair process, that that process was...well served Nebraskans. The argument generally comes back, as it does in every year, about what the guidelines were and whether or not they should have been written as broad as they were or should have been more narrow or should have had other considerations. Those will still be open for your debate during that legislative session. The strongest reason that I can make for putting in our rules as I did under LB402 is the fact that these are rules that govern the process. Those are always found in our rules. They're not found in statute. This will require 30 votes to adopt this proposal. We are amending the permanent rules. It will require the same when you adopt the permanent rules in the year ending in one, which would be 2011, should you choose to change this or to change this at any point going forward. That safeguard is in place. In addition to that, this proposal had a hearing before the Rules Committee. Any other proposals would also have to have a hearing before the Rules Committee. So there are safeguards in place. This is designed to be a foundation. This is designed to be instructive. This is designed to be an opportunity for those that will be in the Legislature in 2011 to have guidance, but ultimately it will be you that will be here and those that will come after that will have the responsibility to ensure that it reflects the process that best serves Nebraskans. [LB402]

SENATOR LANGEMEIER: One minute. []

SENATOR ERDMAN: This is reflective of approximately 30 years of history, what was done well, what was done not so well. I offer it to you for your consideration. If you agree that there should be some guidance, this is your proposal that a number of us would strongly recommend. If you prefer there to be no guidance, you have that option as well. But I would encourage you to adopt this amendment or this motion to amend our permanent rules. Thank you, Mr. President. Thank you, Senator Hudkins. []

SENATOR LANGEMEIER: Thank you, Senator Erdman. Thank you, Senator Hudkins. Senator Schimek, you are recognized. []

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I stand to say that I would very much echo and second what Senator Erdman has just said. I think he's explained very well why it would probably be a good idea to do this. And I think that I need to tell you that he and I have worked hard on this. We have agreed on it. I have

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told him that if we do put this in the rules then LB402 goes away. We won't pursue that bill any longer. My goal was to get it in statute, but along the way it was obvious to me that that might not happen, and a good second alternative to me was to get it in the rules. And as Senator Erdman has just explained, it takes 30 vote to change the rules. So it would be possible in 2011 to change them if something came up, but it would be also a little bit difficult to change them at that point. I think it's a good compromise that we've come to. The only little hesitation I had in the whole thing, perhaps, was not putting the substantive rules in, because I think the substantive rules will probably not change that much as far as being influenced by court decisions or any of that kind of thing. But I'm satisfied that we've put a process in place. I'm satisfied and have to believe that the people who will follow us here will have the best intentions at heart, will have good advice from staff, will have briefings on court cases and history to help them put the best possible substantive rules in place. So with that, Mr. President, I would simply urge you in this body to vote in favor of amending the permanent rules, as already explained. Thank you very much. [LB402]

SENATOR LANGEMEIER: Thank you, Senator Schimek. (Doctor of the day and visitors introduced.) Returning back to floor discussion on the proposed rules change, Senator Erdman, your light is next. You're recognized. []

SENATOR ERDMAN: Mr. President, I also want to thank Senator Schimek. We have worked on this language and, if you recall again from the debate on LB402, the language in her bill actually is reflected in this rule change. And the language that was presented there was a combination of an amendment that I had offered to her bill that clarified some of the language that she had originally offered. So what we're talking about here is the right location. I think it's generally agreed that this is the right foundation to build our process upon. And ultimately, again, as Senator Schimek and I have both stated this morning, you have the responsibility, those of you that will be here, to ensure that the process is in the best interests of Nebraskans. One of the issues that I recall from 2001 was the limited availability of the plans, the maps, because of the limitations of technology at that time. We have made great advances in technology since then in making available the information, both through the Legislature's Web site as well as technology in general via the Internet, to make sure that these could be posted, these could be distributed, and that ultimately the people would have the ability to receive that type of information in a timely manner. Ultimately, when you get into legislative issues, where the people are...or, excuse me, the districts or the boundaries of which an individual represents is important, but it's as important to the people in those boundaries as to whom their representative may be. And so the procedural guidelines are in the rules. That's what our rules are for. Senator Schimek and I had discussed the idea of putting the substantial guidelines or the substantive guidelines in the rules. Your Rule Book would double in size. And the idea is, is that if we allow the process to reflect that we used legislative resolutions to adopt those guidelines, they will be in effect just as much as they were in the rules, but it provides

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flexibility for the committee. So we did disagree on that, but we did agree on this process. Again, I offer the...I offer the rules amendment to the committee. After working with Senator Schimek, the committee unanimously advanced it for your consideration this morning. And again, I would encourage, as Senator Schimek did, your adoption of this motion to amend the permanent rules. Thank you, Mr. President. [LB402]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Seeing no other lights on, Senator Hudkins, you are recognized to close. []

SENATOR HUDKINS: Thank you, Mr. President and members. Senators Erdman and Schimek have explained to you the reason for this rules change. I would remind you that since we are amending the permanent rules it does take 30 votes. So please, everyone, be sure to vote. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Hudkins. You have heard the closing on the motion to amend the rules. The question before the body is, shall the rule amendment be adopted? All those in favor vote yea; all those opposed vote nay. This does, just for your information, it does require 30 votes. Record, Mr. Clerk. []

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of Senator Hudkins' proposed rules change. []

SENATOR LANGEMEIER: The motion to amend the permanent rules is adopted. []

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: (Visitors introduced.) Mr. Clerk, we will move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first legislative bill is LB92. [LB92]

CLERK: (Read LB92 on Final Reading.) [LB92]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB92 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB92]

CLERK: (Record vote read, Legislative Journal page 471.) 43 ayes, 1 nay, 1 present and not voting, 4 excused and not voting, Mr. President. [LB92]

PRESIDENT SHEEHY: LB92 passes. We will now proceed to LB177. [LB92 LB177]

CLERK: (Read LB177 on Final Reading.) [LB177]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB177 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB177]

CLERK: (Record vote read, Legislative Journal page 472.) 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting. [LB177]

PRESIDENT SHEEHY: LB177 does pass. We will now move to LB202. [LB177 LB202]

CLERK: (Read LB202 on Final Reading.) [LB202]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB202 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB202]

CLERK: (Record vote read, Legislative Journal page 473.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President. [LB202]

PRESIDENT SHEEHY: LB202 passes. We will now proceed to LB204. [LB202 LB204]

CLERK: (Read LB204 on Final Reading.) [LB204]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB204 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB204]

CLERK: (Record vote read, Legislative Journal pages 473-474.) 31 ayes, 16 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB204]

PRESIDENT SHEEHY: LB204 passes. We'll now proceed to LB204A. [LB204 LB204A]

CLERK: (Read LB204A on Final Reading.) [LB204A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB204A pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB204A]

CLERK: (Record vote read, Legislative Journal page 474.) 38 ayes, 8 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB204A]

PRESIDENT SHEEHY: LB204A does pass. We'll now proceed to LB205E. [LB205]

CLERK: (Read LB205 on Final Reading.) [LB205]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB205 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB205]

CLERK: (Record vote read, Legislative Journal page 475.) 41 ayes, 0 nays, 7 present and not voting, 1 excused and not voting, Mr. President. [LB205]

PRESIDENT SHEEHY: LB205 passes with the emergency clause attached. We will now proceed to LB210. [LB205 LB210]

ASSISTANT CLERK: (Read LB210 on Final Reading.) [LB210]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB210 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB210]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 476.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB210]

PRESIDENT SHEEHY: LB210 passes. (Visitors introduced.) Mr. Clerk, we will now proceed to LB246E. [LB210 LB246]

ASSISTANT CLERK: (Read LB246 on Final Reading.) [LB246]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB246 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB246]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 476-477.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB246]

PRESIDENT SHEEHY: LB246 passes with the emergency clause attached. We will now proceed to LB269. [LB246 LB269]

ASSISTANT CLERK: (Read LB269 on Final Reading.) [LB269]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB269 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB269]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 477-478.) Vote is 48

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ayes, 0 nays, 1 excused and not voting, Mr. President. [LB269]

PRESIDENT SHEEHY: LB269 does pass. We will now proceed to LB379. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor of the...correction, we will now proceed to LB312. [LB269 LB312]

ASSISTANT CLERK: (Read LB312 on Final Reading.) [LB312]

SPEAKER FLOOD PRESIDING [LB312]

SPEAKER FLOOD: All provisions of law relating to procedure having been complied with, the question is, shall LB312 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Mr. Clerk, please record. [LB312]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 478.) Vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting. [LB312]

SPEAKER FLOOD: LB312 passes. We now proceed to LB379. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB312 LB379]

ASSISTANT CLERK: 39 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB379]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB379]

ASSISTANT CLERK: (Read title of LB379.) [LB379]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB379 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB379]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 479.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB379]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB379 passes. (Visitors introduced.) Proceeding to the next bill, Mr. Clerk, LB380. [LB379 LB380]

ASSISTANT CLERK: (Read LB380 on Final Reading.) [LB380]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB380 pass? All those in favor vote aye; all those opposed

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vote nay. Have all those voted who intend to? Mr. Clerk, please record. [LB380]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 480.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB380]

SPEAKER FLOOD: LB380 passes. We now proceed to LB383. Mr. Clerk, the first vote will be on whether to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB380 LB383]

ASSISTANT CLERK: 39 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB383]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB383]

ASSISTANT CLERK: (Read title of LB383.) [LB383]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB383 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB383]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 481.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB383]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB383 passes. (Visitors introduced.) Mr. Clerk, LB690. [LB383 LB690]

ASSISTANT CLERK: (Read LB690 on Final Reading.) [LB690]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB690 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB690]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 481-482.) Vote is 46 ayes, 1 nay, 1 present and not voting, 1 excused and not voting, Mr. President. [LB690]

SPEAKER FLOOD: LB690 passes. Mr. Clerk, next bill is LB706E. [LB690 LB706]

ASSISTANT CLERK: (Read LB706 on Final Reading.) [LB706]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB706 pass with the emergency clause attached? All those in

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favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB706]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 482.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB706]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB706E passes with the emergency clause attached. LB707. [LB706 LB707]

ASSISTANT CLERK: (Read LB707 on Final Reading.) [LB707]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB707 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who intend to? Mr. Clerk, please record. [LB707]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 483.) Vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB707]

SPEAKER FLOOD: LB707 passes. Mr. Clerk, LR5CA. [LB707 LR5CA]

ASSISTANT CLERK: (Read LR5CA on Final Reading.) [LR5CA]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LR5CA pass? All those in favor vote aye; all those opposed vote nay. This does take 40 votes. Mr. Clerk, please record. [LR5CA]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 485-486.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LR5CA]

SPEAKER FLOOD: LR5CA passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB92, LB177, LB202, LB204, LB204A, LB205E, LB210, LB246E, LB269, LB312, LB379, LB380, LB383, LB690, LB706E, LB707, and LR5CA. Mr. Clerk. [LR5CA LB92 LB177 LB202 LB204 LB204A LB205 LB210 LB246 LB269 LB312 LB379 LB380 LB383 LB690 LB706 LB707]

CLERK: Mr. President, your Committee on Revenue, chaired by Senator Janssen, reports LB965 to General File with committee amendments attached. Mr. President, received a communication from the University of Nebraska and from the Coordinating Commission with respect to a request by the university for a bond issue. Pursuant to that arrival, I will be forwarding...we're forwarding this on to the Reference Committee for referral. Subsequent to that communication, I have a Reference report referring said bond issue to the Appropriations Committee for purposes of consideration. That's all that I have at this time, Mr. President. (Legislative Journal pages 486-489.) [LB965]

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SPEAKER FLOOD: Thank you, Mr. Clerk. Proceeding on our agenda, we now move to Select File, 2008 priority bill, LB235. Senator Nantkes, would you take a few minutes and just explain where we're at in this process before we go to a continuation of Select File debate. Senator Nantkes, you're recognized. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Good morning, colleagues. Here we are together again on a bright and sunny Friday morning and what's quickly becoming the never-ending story (laugh) it feels like at times. But what we're debating today is an important piece of legislation. It's LB235, which creates the Nebraska Advantage Film Production Incentive Act. What this bill is, at the end of the day, is a tax rebate program to encourage additional film and television production in Nebraska. It also has the added benefits of addressing a variety of different public policy issues and areas from retaining and attracting the creative class here in Nebraska, addressing brain drain issues, and then also, most importantly, creating good jobs that bring a positive economic impact to Nebraska. We've had a lot of dialogue on this legislation over the past few days and I appreciate all of the different perspectives that were brought forward and I really feel that this hard work has enabled us to create and bring forth a more sound proposal in regards to trying to accomplish and adopt this program. Where we're at this morning is that I filed two amendments on the bill, again, in the spirit of compromise and trying to be responsive and address other senators' concerns as we've worked through the debates. On your viewer, you can see them listed as AM1719 and AM1721. AM1721 simply takes the annual cap afforded under the program from \$5 million a year down to \$2.5 million a year. And AM1719 is, in essence, exactly the same amendment that my esteemed colleague Senator Raikes offered earlier in the week, which provides some limiting language for the type of projects that will qualify, and then also puts a sunset date on the program and requires, after the period of three years, that there's an economic analysis conducted to demonstrate what I know will be true, that the Nebraska Advantage Film Production Incentive Act will be able to clearly demonstrate a very positive economic return on our investment. So my hope this morning, colleagues, is that we can move forward rather quickly on these amendments--of course, I'd like to always hear more dialogue and information--and that we can hopefully move to a vote today. As we've worked through the dialogue, we've received many, many inquiries to our office, via e-mail, via letters, via phones, from local Nebraskans involved in this important industry, and they've shared with us not only anecdotal information about how this type of program would help them in their work, but they've also helped to provide hard numbers to further demonstrate the types of good jobs that this industry brings with it and the types of economic benefits they leave in our communities postproduction. Just a few interesting notes that I wanted to share with folks this morning... [LB235]

SPEAKER FLOOD: Senator Nantkes, you do have an amendment up. [LB235]

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SENATOR NANTKES: Oh. [LB235]

SPEAKER FLOOD: So at this time I think what we'll do is we'll proceed to your amendment and allow you to open. Mr. Clerk, first amendment. [LB235]

CLERK: Mr. President, Senator Nantkes would move to amend with AM1721. (Legislative Journal page 465.) [LB235]

SPEAKER FLOOD: Senator Nantkes, you're recognized to open on AM1721. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Really appreciate you helping me to continue along in the process here this morning. AM1721, colleagues, is an amendment I filed which, again in the spirit of compromise, brings down the total cap available underneath this program from \$5 million a year to \$2.5 million a year. Again, this is...I bring this forward to ensure that we can get a start with this program, that we can get something on the books that we can clearly demonstrate the benefits from, and that my hope is into the future we'll be able to grow and build and expand this program. But just to point out, we've talked a lot during the debate about what other states have on the books in terms of remaining competitive and attracting and retaining this industry because of the very good jobs and real dollars that they bring with them. In New Mexico, for example, they started with a very modest film incentive program and in a very short amount of time were able to garner some pretty significant returns on those investments. They had a similar refundable tax program that brought in about \$79 million in its first year, that's back in 2003, and worker days increased from 7,698 in 2002 to its current level of 96,610. Colleagues, that is a dramatic impact, not only in terms of the economic dollars but in terms of those jobs, those real jobs. We've had a lot of discussion about what these jobs look like and how they're a little different from the jobs targeted in our other economic development programs. But, you know, New Mexico's example here, starting out with a modest program like this amendment seeks to accomplish with the underlying legislation, I think is very telling. And at the end of the day, those same principles that apply to our other economic development programs in Nebraska apply here. So with that, Mr. President, thank you. [LB235]

SPEAKER FLOOD: Thank you, Senator Nantkes, for the opening on AM1721. The floor is open for discussion. There are no...there is a senator now wishing to speak. Senator Chambers, you are now recognized. [LB235]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm getting a little assistance now because my machine will not call up this amendment and I want to have some discussion with Senator Nantkes about it, which I can engage in without...the very competent staff of the Legislature has mastered this machine and the text of Senator Nantkes' amendment is now before me. Senator Nantkes, I was trying to listen to you while trying to manipulate this machine, to get it to work, and I don't know

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whether or not you stated what was made available as a cap in the state that you had referenced, and that may have been Oklahoma or New Mexico. [LB235]

SPEAKER FLOOD: Senator Nantkes, will you yield to a question from Senator Chambers? [LB235]

SENATOR NANTKES: I will. Yes, Senator Chambers, I think I noted earlier in our debate on this issue, my bill, LB235, is modeled after the program that Oklahoma adopted a few years ago. They are capped at \$5 million. When opening on this amendment, I was talking about New Mexico's experience because they started with a very, very modest program, like I'm talking about in AM1721, and saw immediate significant benefits. And so I thought that that provided kind of a correlation for the debate on this amendment this morning. [LB235]

SENATOR CHAMBERS: Okay. Now this...that makes it possible for me to ask you this question, because the term "competitive" was used repetitively. If Nebraska caps at \$2,500,000, Oklahoma at \$5...I meant, yeah, \$2,500,000, Oklahoma at \$5 million, and a production company which is going to spend upward of \$30 million--that's the only way one could get the full amount, if I understand the bill--Oklahoma is on the left hand, Nebraska is on the right hand. All things are equal between the two states in terms of a place for making the film. Which state would be selected, the one that would offer a \$5 million rebate or the one that would offer half that amount? [LB235]

SENATOR NANTKES: Senator Chambers, I think that...and I understand what you're trying to explain. [LB235]

SENATOR CHAMBERS: You think, therefore you are, but I'd like you to answer the question, if you will, so my time won't run out. [LB235]

SENATOR NANTKES: I think that it's just not as simple as that; that the incentive packages offered by different states are something that films and different production companies look at, and having nothing on the books here in Nebraska excludes us from consideration right off the bat. [LB235]

SENATOR CHAMBERS: Okay, thank you, which is really a nonanswer. I will answer the question. I've been in the Legislature 37, going on 38 years, and it might take that long to be able to understand a question posed by a senator and answer it. You all know good and well, because you've talked about it in the context of other bills, that if two states are being considered and they're both offering incentives, all other things being equal, the state which will be selected is the one which offers the greater incentive. All of you know that, I think. Well, let me not say that, after what's been happening in the last few days. Senator Carlson wants to sell a car. He's going to put it on one of those cable stations where people can bid. [LB235]

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SPEAKER FLOOD: One minute. [LB235]

SENATOR CHAMBERS: Senator Kopplin says...I don't know if you say it orally or if you punch these buttons, but he puts in a bid of \$3,500. Chambers puts in a bid of \$5,300. Senator Carlson says, hmm, should I accept \$3,500 or \$5,300? Hmm, I think I'll discuss it with my wife and I'm going to call in the neighbor and I'm going to call my mechanic and just see what I ought to do. No, Senator Carlson would snap that thing up in what they call a New York hiccup. He'd snap up the \$5,000 bid; we all know it. When a bill is on shaky legs, the senator finds difficulty answering directly. If a witness is testifying, the jury is more impressed by a witness who answers directly... [LB235]

SPEAKER FLOOD: Time. [LB235]

SENATOR CHAMBERS: ...and forthright...10:34? [LB235]

SPEAKER FLOOD: No, zero. Senator Stuthman, followed by Senator Chambers. [LB235]

SENATOR STUTHMAN: Thank you, Mr. Speaker and members of the body. I would like to engage in a little conversation with Senator Nantkes. [LB235]

SPEAKER FLOOD: Senator Nantkes, you're recognized if you are willing to yield to a question from Senator Stuthman? [LB235]

SENATOR NANTKES: Yes, of course. [LB235]

SENATOR STUTHMAN: Senator Nantkes, can you tell me about what would be the length of time that a production company would come into the state to do some project or film something? [LB235]

SENATOR NANTKES: Well, Senator Stuthman, thank you for that question. And really it's hard to quantify because depending upon the overall budget and production schedule, that's going to vary. And so they generally range for a major motion picture production schedule that's going to be about anywhere in between three and nine months. And just as a point of clarification from the basis of your question, not only will folks be coming into Nebraska, but this also benefits Nebraska companies and Nebraskans that are already here. [LB235]

SENATOR STUTHMAN: Then if the production company comes into Nebraska, and they say they stay here six months or nine months to do their production, and they hire maybe 25 percent of their work force would be people from the state of Nebraska, these will be people, in my mind, that would be looking for a job, a temporary job, and could

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work in that setting. The thing that really does concern me though is after that 9 months is over and they pack everything up and they leave the state of Nebraska, what have they left as far as assets that can be taxed in Nebraska that we can generate some revenue from to hopefully repay to the General Fund for this \$2.5 million or \$5 million that we have given that company to come into the state for 9 months? I think those are the things that really do concern me. You know, what type of return will we get for that? Or are we going to generate enough income in the state during those nine months, you know, as far as the jobs are concerned? But there's not going to be any permanent houses built for people to come here to work with that production for years to come. That won't happen because the production is over in 9 months, and then they have left the state with our \$2.5 million, if they qualify. Those are things that I'm really thinking about. I'm not against companies coming into the state of Nebraska to do a production, but I am really concerned about giving them a gift as they leave the state of Nebraska. But I think I'm in favor of what Langemeier had yesterday, what we discussed as far as an income tax credit. That would be more doable, in my opinion. I just don't see any benefit in the long-term with having them come to the state of Nebraska as far as assets or investment in our state that will generate some revenue in the time to come. Thank you, Mr. President. I'll give the balance of my time to Senator Chambers. [LB235]

SPEAKER FLOOD: Senator Chambers, 1 minute, 40 seconds, if you so desire. [LB235]

SENATOR CHAMBERS: Thank you, Senator Stuthman. Thank you, Mr. President. When you've been here a long time, you have to listen with one ear to where you're operating, and listen with the other ear to what's going on, on the floor, and then process that. What I was trying to get to before was the fact that Nebraska, if you adopt this amendment that Senator Nantkes is offering, is not competitive. If you are talking about making Nebraska competitive by putting a law like this on the books, I'm against it. I don't want anybody to be unaware of that. You are not making Nebraska competitive. Either you're doing it just to do it, or you want Nebraska to be competitive. If you want Nebraska to be competitive, you should not reduce that \$5 million cap; you should increase it. All of you know that. Some of you all run businesses. Why is it that you dummy up on me in this manner? You make yourselves look bad. I know that you know better, so I'm trying to tell the world, because we're carry worldwide, that my colleagues know better than what they're indicating they know. If you're trying to be competitive, you must equal or surpass the one you're trying to compete with. If you go to a grocery store and they say, buy one item and get a second one free, if the price can vary like meat, the second one will cost the amount... [LB235]

SPEAKER FLOOD: Time, but you may continue on your own time. [LB235]

SENATOR CHAMBERS: Thank you, Mr. President. Whichever item costs the most is the one...the amount you'd have to pay. So let's say that they say, buy one package of hamburger and get another package free. You might buy one for \$3 and the one you

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want to be free is \$5, but you're not allowed to determine which you'll pay for. You will get the second one free, which is lesser, so that you pay the higher amount. The idea in business is always to get the most that you can for what you're offering. You all know this. You know it better than I do. So if the purpose of this bill is to be competitive, you are reducing Nebraska's attractiveness if you adopt this amendment. I don't know whether Senator Nantkes has reached the point now where just anything is all right; anything passed is all right. What I intend to do, if it looks like you all are going to pass this bill, maybe to accommodate Senator Nantkes or if your minds have gone on vacation, I'm going to start offering amendments to the bill itself. There is no reason whatsoever in the part of the bill that I have discussed over and over, to say that the Department of Economic Development Film Office must decide or determine that the project has a reasonable chance of economic success. It is none of the department's business whether it's an economic success. If this production company is legitimate and if they can pay the amounts that are necessary to meet the requirements in the bill, it makes no difference whether the film succeeds or flops, because they have already made the expenditures in Nebraska. They have hired people based on the number of employees they must hire, even though it's like seasonal work. It makes no difference what happens to the film after it's made. I thought you all would see that immediately, and say, Chambers, you think you are smart; you missed something; you're talking about after the fact; after the film is in the can. We don't care what happens after the film is in the can, because the production company is going to spend its money prior to the film being in the can. So if they've spent the money, and if it's a nonmajor studio, and they put up the requisite bond, then they have met the only requirements that Nebraska should be interested in. You want them to spend some money. And if they can establish that they have the wherewithal to spend that amount of money, that they're going to hire the requisite number of people who are residents of this state, that is it. Forget all about whether the thing is going to be an economic success or not because you are not saying, in the language as it's written now, that the company expends this money after the film is made. It's obvious they have to spend it before it's made. They cannot make it without spending that money. All you want them to do is spend the money. Am I being repetitive? Of course I am; of course I am; of course I am. Is it necessary for me to be repetitive? Is it necessary? Of course, it's necessary. Of course, it's necessary. [LB235]

SPEAKER FLOOD: One minute. [LB235]

SENATOR CHAMBERS: Do I believe in doing what is necessary; what is necessary? I certainly do believe in doing what is necessary, necessary. Mr. Sir Echo must always do his job, Senator Fulton; an echo, echo, echo, echo, echo. That is the nature of an echo. I know what I have to do to try to get something through to my colleagues, and I think I still haven't gotten it through so I'm going to begin offering amendments to the bill, and I'm going to take whatever time is necessary and I'm going to bring you to your senses. This amendment reduces the ability of Nebraska to compete. Don't accept the amendment. If you accept the amendment, kill the bill, because that's what, in effect,

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you've done. Thank you, Mr. President. [LB235]

SPEAKER FLOOD: Thank you, Senator Chambers. Senator Nantkes, followed by Senator Fulton. Senator Nantkes. But before we go to you, Mr. Clerk, are there any announcements or messages for the record? [LB235]

CLERK: Mr. President, I do. Senator Nantkes...excuse me. The Health Committee will have an Executive Session at 11:00, Room 2022; Health Committee at 11:00 in Room 2022. [LB235]

SPEAKER FLOOD: Senator Nantkes, you are recognized. [LB235]

SENATOR NANTKES: Thank you, Mr. President. I was hoping Senator Stuthman would yield to a question or two. [LB235]

SPEAKER FLOOD: Senator Stuthman, will you yield to a question from Senator Nantkes? [LB235]

SENATOR STUTHMAN: Yes, I will. [LB235]

SENATOR NANTKES: Thank you, Senator Stuthman. And I appreciate the issues that you brought up this morning, and I think that they are appropriate to be debated. I guess I just wanted to clarify, for the record, do you feel that the Nebraska Advantage Act provides gifts to companies? [LB235]

SENATOR STUTHMAN: Well, I don't know whether I would state as a gift, but any time that you can receive money, money for participating in something in the state of Nebraska, it's a monetary gift or...yes, I guess I would say it would be a gift. [LB235]

SENATOR NANTKES: Senator Stuthman, will you characterize the new farmer tax credit program as a gift? [LB235]

SENATOR STUTHMAN: I would say it's a gift that is used in the preparation to hopefully continue these people on the farm, get them established in the farming operation so that we can interest young people in coming and staying in the livestock and farming production. [LB235]

SENATOR NANTKES: Senator Stuthman, would you characterize our public policy that exempts from sales tax agricultural products and machineries? [LB235]

SENATOR STUTHMAN: Could you restate that question, ma'am? [LB235]

SENATOR NANTKES: Senator Stuthman, would you characterize our public policy in

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Nebraska which exempts from sales tax agricultural machinery and other items in that regard to further the agricultural industry? [LB235]

SENATOR STUTHMAN: Senator Nantkes, I would like to clarify something as far as being exempt from sales tax. There is only one reason it's exempt from sales tax. It is that same piece of machinery is put on your depreciation schedule, and it is taxed as personal property, and those taxes are generated and given to the county. Those are exempt from a sales tax, but there are taxes paid on farm machinery. And it's a wash as far as total dollars given on that piece of equipment. Sales tax in comparison with a five- or seven-year depreciation schedule, amounts to almost the same dollar. [LB235]

SENATOR NANTKES: Senator Stuthman, thank you so much for clarifying your position on those other economic development programs. I appreciate your words there. And I guess that we just have a philosophical difference. I don't see economic development programs as a gift, regardless of what industry they're targeting. I see them as a sound public policy decision that is meant to grow and expand our great state. So thank you for clarifying your position in regards to economic development. I appreciate that. In terms of some anecdotal information I wanted to share with you folks this morning, recently you may have seen some media reports about a movie being filmed here in Lincoln at our own beloved Memorial Stadium. It is called...I'm sorry, I am looking for my notes just to make sure I give it the appropriate title...well, I'm sorry. I believe it was called Yes Men, but...oh, here it is. Yes, Warner Brothers film called Yes Men, starring Jim Carrey, was filmed for one day last fall at Memorial Stadium, and filmed other scenes in the city and countryside. The production budget was \$50 million, and that day here in Nebraska they invested \$250,000... [LB235]

SENATOR LANGEMEIER PRESIDING [LB235]

SENATOR LANGEMEIER: One minute. [LB235]

SENATOR NANTKES: ...and had a crew of 26 people. The interesting part, colleagues, is the location manager then spent weeks preparing the Los Angeles Coliseum and dubbed it as Memorial Stadium for the completion of that film. Our own beloved Memorial Stadium was reconstructed in LA at the Coliseum because we were not able to provide an even playing field, a competitive environment for movies that are interested in showcasing unique Nebraska landmarks. And I think that that's a real travesty for talking about what we have to offer here in Nebraska, and looking at that very, very recent experience and those very, very real dollars, having that large production crew here in Lincoln for just that amount of time, they invested \$250,000 in one day, colleagues. [LB235]

SENATOR LANGEMEIER: Time. [LB235]

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

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

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

SENATOR LANGEMEIER: Senator Nantkes, would you yield? [LB235]

SENATOR NANTKES: Yes, of course. Yes. [LB235]

SENATOR FULTON: Senator, this says we've experienced...experienced?...we've gone through a number of amendments, and so I would like to...I'm going to put forward what I understand and I'll do so in a kind of an accounting sense, and I'd just ask if you could confirm or deny. If AM1721 goes forward, then it sounds like there will be two types of incentives that we're offering. On the one side there would be a reduction in revenue through a tax credit structure. On the other side there would be some money moved from the General Fund and transferred into this cash fund, so we would be reducing General Fund dollars. So are there, then, two mechanisms by which this incentive is going to go forward? [LB235]

SENATOR NANTKES: Senator Fulton, thank you for your question, and just to be clear, it doesn't change the structure of the program to offer any sort of tax credit. It remains a rebate or refund program. It just limits the overall amount that can be paid out each year from the original \$5 million, down to \$2.5 million. [LB235]

SENATOR FULTON: Okay. So this amendment limits the amount that would be paid out, but where are we at in terms of amendments that have been adopted? I guess I'm...we now have...there is a tax credit of some sort that's afforded, correct? [LB235]

SENATOR NANTKES: No. No, Senator Fulton. Those amendments have been withdrawn or defeated. [LB235]

SENATOR FULTON: Okay. So now we're still on the rebate side of it, and this amendment just limits from \$5 million...or it moves from \$5 million down to \$2.5 million. [LB235]

SENATOR NANTKES: Yes, that's correct. [LB235]

SENATOR FULTON: Okay. I had a sense that there's some other members that may have not understood this either, so I thank you, Senator Nantkes. Thank you, Mr. President. [LB235]

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PRESIDENT SHEEHY PRESIDING [LB235]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Erdman. [LB235]

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. I feel compelled to join the discussion, and I think it's appropriate for us, as we've had conversations before in this body, to discuss the projects in the state of Nebraska. Senator Stuthman is correct that there is an exemption under the sales tax statutes for equipment that is purchased. However, when you go to repair that equipment, there is no exemption for that sales tax or that labor. On the other hand, and in candor, agriculture and farming touches every Nebraskan, or hopefully it does, at least three times a day if not more. Most folks appreciate the opportunity that lawyers don't bother them at all, and yet we don't tax legal services in the state of Nebraska. Let's get back to what we're talking about. I think it's appropriate to analyze this. And in fact, up until the passage of LB90, there was not a single agricultural entity that was eligible for any tax incentives in the state of Nebraska. It's a \$10.6 billion industry. Sixty-five percent of that comes from livestock. And do you know what the incentives that we have in place for agriculture? To comply with federal or state regulations, that's it. Now, do we want to give \$5 million away; \$2.5 million away? Do we want to provide opportunities for people to come to Nebraska? Absolutely. But at the same point, if you want to look across the landscape of the state of Nebraska, recognize that the people that are here and they're helping to build the state and put food on the table and provide the substantial sum of our economy, are the same people that evidently Senator Nantkes wants to go after, or at least pursue conversations with Senator Stuthman. We're talking about apples and oranges. But if you want to do this proposal, then talk about why this is the right proposal. If you want to get into those other issues, I assure you there are bills before the Ag Committee to address some of those policy decisions. Senator Dierks has legislation regarding agricultural industry as a whole that we're going to hear this session, where there's going to be all kinds of opportunities. But I find it hard to believe the comparison between the two industries, or the proposed industry and the one that we as a state recognize as our top industry and one that benefits all Nebraskans, as well as all Americans and those within our world, because of the success and the quality of the products that are produced here in our state. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Mr. Clerk, you have an amendment on your desk. [LB235]

ASSISTANT CLERK: Mr. President, I do. Senator Chambers would move to amend Senator Nantkes' amendment with FA165. (Legislative Journal page 489.) [LB235]

PRESIDENT SHEEHY: Senator Chambers, you are recognized to open on the

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amendment, FA165. [LB235]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'm going to bring some reality to this discussion now. Either we mean...not we...either those who support this bill have accepted the argument that Nebraska must be competitive, or they don't accept it. What my amendment would do is modify Senator Nantkes' amendment so that in lines 2 and 4 I would strike the word "two" in both those lines, and insert in lieu thereof, the word "eight." And it would say then, her amendment, strike "five million" from the bill, and insert "eight million five hundred thousand" dollars. Either you're going to put enough money into this program to make Nebraska competitive, or you're wasting time and you're chasing a chimera. That might...I mean...that has three syllables in one word, so I've got to change what I said. A will o' the wisp. But each one of those is a different word, therefore, and the o' is a contraction of the word of: will of the wisp. Now, a will o' the wisp, as everybody knows, is encountered if you're in a swamp-like area where there is decaying vegetation. It takes on an appearance of phosphorescence. And when you are lost or not lost, you see what you think is a light, and you move toward the light in the same way that people did in that movie where the little girl went into the television set and was seized by demons. I forget the name of the movie. And the old woman who was summoned by the family to try to rescue her had made contact through the veil. And it said, move toward the light. So the concept of moving toward the light is not unusual, and I'm sure Senator Carlson has been on the earth long enough to say that they looked and saw light at the end of the tunnel, but when they got midway through the tunnel they discovered that it was a train coming. What you are doing with this bill in the present form and with Senator Nantkes' amendment, is pursuing a will o' the wisp. It is something which has no reality as far as being able to make Nebraska competitive and drawing filmmakers to this state. If you really mean what you say, if you really want to do this, put the money into the pot that will make it alluring and attractive. If no major production company or studio is of a mind to come to Nebraska and spend \$30 million or more in one project, the money remains there. With the way the bill was changed, there is not going to be an infusion of this amount every year regardless of whether any of the money is taken out of the pot. Maybe you don't want to put \$8 million, but certainly don't put less than \$5 million. And I do not believe that \$5 million will make Nebraska competitive. Let's say that I somehow was able to persuade the Russian government to make a claim to a certain amount of territory at the North Pole, and I persuade them to rent me some of that territory. So I stake it all, and then I tell the movie producers, come to the North Pole and you can produce a movie as though it were made in Tahiti, or the Riviera, or on a desert at the North Pole. They would say, man, you must be crazy. I'd say, no; all I'm doing is putting something out there as an offer. If you accept it, you're the one who's crazy. I'm testing others' IQ. I know what mine is. If we're talking about making Nebraska competitive, and there is nothing about Nebraska that has made it a desirable place to make films, and you're basing your hope on incentives, the incentive has to be sufficiently substantive to persuade a company to come here rather than go someplace else. Even though

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Senator Nantkes couldn't bring herself to answer the question I posed earlier, I'm going to pose it now and answer it myself. If Oklahoma has capped their incentive program at \$5 million and Nebraska's is at \$8.5 million, all other things are equal, the two states have roughly the same kind of weather at the time that the film is to be made, if they're looking for something like that. But the only substantive difference is in the amount of the incentive, if Nebraska's incentive is \$8.5 million, the company will select Nebraska. These people are in business. They are known as businesspersons. The goal of business is to make a profit. The business activity is going to be conducted where the greatest profit can be derived. This is why all these patriotic companies, every one of whose managers will wear a lapel pin flag. Every one of those companies, nevertheless, will send their operations to another country outside the United States, because they don't have to pay taxes there or the labor is much cheaper. Patriotism is not worth a cup of warm spit when it comes to these companies. They want to go where they can make the most money with the least expenditure. They want to maximize profit. If you think you're going to lure one of these companies here because they're going to try to help Nebraska shake its "hickeyfide" image, you are pursuing a will o' the wisp. On the other hand, if you are genuinely convinced that Nebraska has whatever it might take to lure a company here to make a film, and that company is willing to spend \$30 million and more dollars on that project, then offer them a carrot that will bring them, if you're dealing with a rabbit. But you're not dealing with a "wascally wabbit," so don't be offering "cawwots." You've got to offer something that they understand and can put in the bank. Even Senator Nelson cannot deposit money, cannot deposit "cawwots" in the bank, but he can rent a safety deposit box and put anything in there that he wants, but it's not going to generate any interest for him. I'd like to ask Senator Fulton a question if he's around. How much time do I have, Mr. President? [LB235]

PRESIDENT SHEEHY: One minute, 30 seconds. [LB235]

SENATOR CHAMBERS: Thank you. [LB235]

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

SENATOR CHAMBERS: Senator Fulton, which weighs more, a pound of feathers or a pound of gold? [LB235]

SENATOR FULTON: They weight about the same, Senator. [LB235]

SENATOR CHAMBERS: Thank you, and you are wrong. Gold and precious metals are weighed according to troy weight, which is 12 ounces to the pound; feathers are weighed according to avoirdupois, which has 16 ounces to the pound. So a pound of feathers weighs more than a pound of gold. You all think I don't know anything, don't you, because I spend all this time... [LB235]

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PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: ...kibitzing with people who don't know anything. But I'm trying to raise your level by engaging your mind and your interest. I'm serious about this amendment. It will not make me support the bill. But it brings the bill closer to what we've been told the purpose is. I'm going to listen to the debate and see what my colleagues think about it. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. You have heard the opening to FA165 to AM1721. Members wishing to speak, Senator Rogert. [LB235]

SENATOR ROGERT: Thank you, Mr. President. I stand in support of FA165. I agree that we should fund this operation if we're going to do it. Two and half million dollars would be eaten up within one small project. If we put enough money into this fund we will have enough to bring on a large project or two that would be significant to the state of Nebraska, bringing in many jobs and much input into our economy. I know Senator Chambers still doesn't support this bill, but he's on the right track here when he says we need to put some more money into it to make it worthwhile. In my opinion, it comes down to a simple statement of you're either for economic development or you're not. With that, I will donate the rest of my time to Senator Nantkes if she so chooses. [LB235]

PRESIDENT SHEEHY: Senator Nantkes, about 4 minutes, 15 seconds. [LB235]

SENATOR NANTKES: Thank you, Mr. President, and thank you, Senator Rogert, for the time. I appreciate it. And I think Senator Chambers made clear in his opening that he brings this amendment not because he supports the underlying legislation, but just to continue the debate here this morning. His amendment, which raises the annual cap from \$2 million to \$2.5 million as proposed in my amendment, up to \$8 million annually, I think sounds great. However, I don't think that after careful negotiations with many of our colleagues, that we have enough support to create the program at that level at this time. But what we do have is strong support for the idea and a modest start so that we can get a program initiated in Nebraska and that we can grow. The Nebraska Film Office and the Omaha film office have looked at the proposal, and even under the modest amount that I'm proposing for the annual cap, \$2.5 million, they think that that will probably bring in a minimum of about two qualifying projects a year, looking carefully at the experience of surrounding states and their incentive packages and how those play out. I'll let you know, as well, colleagues, that since we have had such a rousing debate on these important issues, the Nebraska and the Omaha film office have really been receiving many, many inquiries about the progress and the potential for this program here in Nebraska. We have received communications from DreamWorks Studios; we've received communications from Alexander Payne, one of Nebraska's own, one of our most famous native sons. People are watching us. People are watching

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us very closely. They're rooting for Nebraska. They're rooting for economic development and good jobs. So with that, I thank Senator Chambers for trying to expand the program. I think it is well-warranted. However, I'm a realist, and at the end of the day I prefer to focus on nonfiction at the debate this morning rather than fiction. And I just don't think that we're going to have the support of \$8 million, so I think let's start off at a \$2.5 million program, and then let's expand it to \$8 million after the 3-year period. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Are there additional members wishing to speak? Seeing none, Senator Chambers, you're recognized to close on FA165. [LB235]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'll tell you something else I'm doing, and my colleagues need to think about it, especially the ones called "newbies." You fund this thing, and when the budget comes out here and you have other A bills and you have something as insubstantial as this that you've given money to, you're going to have other proposals which are not going to directly benefit the state that you're going to be pressured to support also. You're going to support something like this when you know that it's not making the state competitive. Why are you doing it? It makes no sense whatsoever, speaking for myself. For the rest of you it must a lot of sense. I will draw a different kind of conclusion based on how you vote for Senator Nantkes' amendment. That's not enough money to do anything. If she just wants this bill to be a placeholder so that after I'm gone then they can put some money in it, let her take all of the money out, period, and just put the idea there, and say it has to percolate and give people a chance to understand it and build up support for it. Then when I'm gone she can get the money. All they have to do is bring film people here and others with credentials that wow the rest of you, and the money will be forthcoming. This bill would have been gone already if I hadn't stopped it the other day. And now I'm asking that you evaluate it. I'm not upset that you may sleep on a bill and not stop it or slow it down as you should. I am disappointed when after you have come awake you do not handle the bill in the appropriate way. People in this body will run around the state talking about what kind of conservative he or she is. Then on some project like this, you're going to throw all of your ability to think rationally out the window. The standards you want to set for other programs will not be set for this. Accept my amendment is what you ought to do. You don't have the belly for it. You don't have the backbone for it. That's where your conservative comes in, and you says, oh, not \$8.5 million. So then you're going to cut the \$5 million to \$2.5 million, which will do nothing, but you might go for that. Why? I don't know what's the matter with you. If I had a couch in my office, I would stretch you out on that couch and talk to you for a few minutes, and then maybe I'd know what's going on in your head, if anything. But I do have a stamp in my office, and I have used it on occasion when a senator was not listening or paying attention to what I was about, when I had the opportunity. Senator Nelson, when I would be dealing with one of my colleagues and it didn't seem like anything was going on upstairs, I

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would tap him lightly on the forehead with that stamp. Do you know what it said? Room for rent; vacancy. That's what I'd do. And they would wonder why people are looking at them. They think that suddenly they became not any longer a frog, but a prince. But in the realm of frogs, a human prince is not attractive. You have to put things in the proper context, and this bill should be looked at in the context of you-all's' vaunted fiscal conservatism. [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: But as I stated, if you're intent on going forward with this atrocity, I'm going to offer amendments which in my view will improve the bill, but I'm going to have to get your attention first. Mr. President, I will ask for a call of the house. [LB235]

PRESIDENT SHEEHY: We do have a request for the call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB235]

ASSISTANT CLERK: 26 ayes, 0 nays, to place the house under call, Mr. President. [LB235]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, also please record your presence. Senator Cornett, would you check in, please. Senator Gay, Senator Howard, Senator Hansen, Senator Erdman, Senator Pankonin, Senator Stuthman, the house is under call. Senator Chambers, would you please check in. Senator Pankonin, would you please check in. Senator Chambers, all senators are present. How would you like to proceed? [LB235]

SENATOR CHAMBERS: Roll call. [LB235]

PRESIDENT SHEEHY: You have heard the closing to FA165 to AM1721. We'll proceed with the roll call. [LB235]

CLERK: (Roll call vote taken, Legislative Journal pages 489-490.) 4 ayes, 39 nays, Mr. President, on the amendment. [LB235]

PRESIDENT SHEEHY: FA165 is not adopted. We will return to discussion on...the call is raised. We will return to floor discussion on AM1721. Senator Chambers. And this is your third time. [LB235]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I offered a realistic, practical amendment, if you are serious about this bill, if you're

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serious about doing what those who support the bill say they intend to do. But it also may be a dose of reality. In order to do what those who support this bill say is their intention, an amount of money would be necessary which the body is not willing to put up. So you ought not pass the bill. In the past, there have been programs aimed at the rural sector of the state, peanuts in those proposals. I would try to talk to my rural colleagues and persuade them that there is not enough money in this proposal to have any chance of success with the program, so either get enough money to make it work or don't put the program out there. If you put the program out there and it's touted as one which help foster economic development in the rural area, the public is going to take you at your word and expect there to be enough money to fund what the program is designed to do. Then when the realities hit and it's reviewed in terms of whether or not the money is there, and people find out it's not, then the Legislature has lied again. A game of politics has been played. The shell game has been worked to perfection. They raised high expectations in the rural community, as they do, then they bring them crashing to the ground again, and laugh behind their hand about how they tricked the rubes and the yokels once again, and got the rural rubes and yokels and hicks in the Legislature to go along with it. That's why those stereotypes are in place. They base the stereotypes on the fact that people who come here do not represent the interests of those who sent them here. All they want to do is get along with lobbyists, don't offend people, and be able to say they sit in the Legislature, but they won't add, like a knot on a log. And that's what happens around here. This bill should have been off the agenda a long time ago, not by the Speakers hand, but votes should have been taken which would let the introducer know that this bill is going nowhere, or people should have made it clear on the floor that they don't support it. Then I wouldn't have to work as hard as I'm working. But I'm going to work under the presumption that this bill has enough juice to pass, and such being the case I'm going to start trying to improve the bill so the Legislature will not look like a collection of inattentive people who ought to be attentive. Senator Wightman, I almost said it, but I looked at Senator Wightman and I caught myself. Senator Carlson, I looked at Senator Wightman, and I put skid chains on my tongue, and I did not say what was fighting against the inner surface of my brain to get out. It said, Ernie, let me out of here, and I said, no, I can't let you out because it will run my colleagues out of the Chamber, and I don't want to do that today; the issue is not that grave. But think what it is you're doing. If you accept Senator Nantkes' amendment, you have made a mockery of the whole idea on its face. [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: Save her from herself, that's what you ought to do. She can say she offered a compromise. This is a compromise in the worst sense of the term. Compromise in the sense of harming, weakening, or undermining the structure of the bill. Senator Fulton can tell you, if you compromise the foundation of a structure, that means you have harmed it. If you compromise the infrastructure, you have harmed it. That's what her amendment will do. She is so intent now on getting anything that she

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will drive the stake through the heart of her own bill. And I've tried to prevent that, but you don't want to help me save her. So I'm afraid the lass, I'm afraid the damsel must be placed in greater distress, but I will try, if I can, to be a rescuer to the extent that I can. [LB235]

PRESIDENT SHEEHY: Time, Senator. [LB235]

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

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

SENATOR NANTKES: Thank you, Mr. President. Thank you, Senator Chambers, for your comments this morning. Colleagues, I believe that we've had full and fair discussion on this amendment. I think that you're all aware of what it does. It drops the annual cap from \$5 million to \$2.5 million. It makes it a modest program at its inception, and provides it room to begin, and then grow. So with that I would ask for your support of AM1721. Thank you. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Are there additional members wishing to speak on AM1721? Seeing none, Senator Nantkes, you may close. Senator Nantkes waives closing. The question before the body is, shall AM1721 be adopted to LB235? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB235]

CLERK: 25 ayes, 9 ayes, Mr. President, on the amendment. [LB235]

PRESIDENT SHEEHY: AM1721 is adopted. [LB235]

CLERK: Mr. President, the next amendment I have to the bill: Senator Nantkes, AM1719. (Legislative Journal page 465.) [LB235]

PRESIDENT SHEEHY: Senator Nantkes, you are recognized to open on AM1719. [LB235]

SENATOR NANTKES: Thank you, Mr. President. Colleagues, AM1719, again mirrors word-for-word an amendment that Senator Raikes brought forward in the debate earlier this week. It provides a sunset date on the program to July 1, 2011, and at that time it also requires the Department of Economic Development to conduct a cost-benefit analysis of the program. Additionally, it provides some limiting language for the types of projects that will be eligible for the Nebraska Advantage Film Production Incentive Act benefits. So I think that we've had a chance to look at this language. I would appreciate any concerns that you may have about it. We debated it fairly extensively when Senator Raikes brought it forward, and I just really felt that after consulting with many of you, that this was an important parameter to add to the program as we move forward. So

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with that I'd ask for your support of AM1719. Thank you. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Mr. Clerk, you have amendments on your desk. [LB235]

CLERK: Mr. President, Senator Chambers would move to amend. (FA166, Legislative Journal page 490.) [LB235]

PRESIDENT SHEEHY: Senator Chambers, you are recognized to open on your amendment. [LB235]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this first amendment that I'm offering to the language that Senator Nantkes is presenting is on page 2. I would strike lines 10 and 11. I am now going to undertake to improve this bill to the extent that I can, then I'm going to try to kill it. If you improve it, it won't be as bad if you decide not to kill it. I'm going to show you the language that I'm striking. The words are these: "Material that portrays the State of Nebraska, its citizens, or its institutions in a negative light." Since this is Senator Nantkes' language, I'd like to ask her a question. [LB235]

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

SENATOR NANTKES: Yes. [LB235]

SENATOR CHAMBERS: Senator Nantkes, what is the meaning of the word "negative" in line 11 on page 2 of your amendment? [LB235]

SENATOR NANTKES: My understanding would be that that term would utilize its normal and standard definition. I would be happy to look it up in a dictionary and provide that, Senator Chambers, if that would be of use to the body in this discussion. But I think negative is commonly understood to mean in a bad or offensive light. [LB235]

SENATOR CHAMBERS: Senator Nantkes, are there things which are true about Nebraska which in some people's minds might be offensive? [LB235]

SENATOR NANTKES: Yes, Senator Chambers. [LB235]

SENATOR CHAMBERS: So even if something is true, you would not want a movie to be subsidized simply because the truth would rub some people the wrong way and they would find it offensive. We've already talked about not using racially, ethnically, and other things like that, insulting language, so we're not talking about that. That has already been taken care of. When you lay those things aside, if Nebraskans would find it negative to be portrayed as people who wear straw hats, sit on top of tractors when

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they're not trying to make the combine work, and it was supposed to be humorous in the minds of the filmmakers in the way that Beverly Hillbillies was deemed by some people to be humorous, a film like that could not receive the rebate under this language. Is that true or is that not true? [LB235]

SENATOR NANTKES: Senator Chambers, I can't say with any specificity about whether or not that example would be accepted or not accepted under the rebate program, but this amendment provides some guidelines and some parameters, as the Department of Economic Development will later adopt rules and regulations to create a set of criteria about what projects should qualify for incentives underneath this program. [LB235]

SENATOR CHAMBERS: But Senator Nantkes, you who are offering this language don't know what the language means, is that correct? [LB235]

SENATOR NANTKES: No, Senator Chambers. Again, I believe that the term "negative" as you asked me earlier, is afforded its usual and common definition. [LB235]

SENATOR CHAMBERS: But you don't know what that definition would be in the context of this language, is that true? Give me an example then of what you think...because you say you know what the word means. Give me an example of what would be negative so that a film could not receive a rebate because of that type of content. [LB235]

SENATOR NANTKES: Senator Chambers, that language is included to assure my colleagues what I know will be the case if we move forward with this legislation. Some colleagues have expressed concerns about somebody coming in and potentially filming a documentary or expose' about the ethanol industry, which again I'm not saying that we're trying to prohibit any sort of artistic exploration or exhibition of those important questions, but all we're saying with this limiting language is that we're basically going to limit our public policy and our economic development program to basically things that wouldn't go out of its way to portray Nebraska in a negative light. [LB235]

SENATOR CHAMBERS: Senator Nantkes, you take so long to answer, so I'm going to make a few assertions, then as we go along maybe I'll ask another question. They will allow the subsidization of curt television commercials, so I guess if it says Nebraska is the greatest place in the world...in other words, they will subsidize propaganda even if the propaganda exaggerates, even if it's not true. If it's hyperbole and completely misrepresents what Nebraska is, because it will make Nebraskans feel good, then that can be subsidized. If a film which is scientific in nature and explores the problems with ethanol, it cannot be subsidized because somebody at that film office is going to say, well, we're here to advance economic development in Nebraska, and anything negative about ethanol cannot be subsidized; but if you praise ethanol, that can be subsidized. You are talking about content now. You want this to be an advertising arm of the state. I'm shocked that Senator Nantkes would say the things she has said, and I'm not saying

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that facetiously. She is in favor of restricting these rebates to those filmmakers who may have the highest capability and will present something with scrupulous honesty and integrity. But if the people in the film office say, well, that's against the interests of the people who want to hustle ethanol in Nebraska, they can't get a rebate. But then you have somebody producing something that is totally off the mark, but Nebraskans say that makes them look good, then they can get the rebate. How can anything be more negative to a state than what is on that quarter, when they had the opportunity to put something that had profound significance, cultural, historical, sociological, anthropological? All of these factors would unite in the figure of Chief Standing Bear. And that was rejected so that the Governor could pander to people in western Nebraska when he was running for reelection, and he did not hide the fact that he made a mockery of that quarter in order to garner some votes. You all won't say it on the floor, but you know it's true. Why else have a rock that in fact looks like an obscene gesture with a finger, and that's what some people have called that quarter, and that's what you have. Then you've got the nerve to put into what you want to make a statute that if something is negative, that portrays the state of Nebraska in a negative light, it doesn't say in a false light, but in a negative light, should I be able to sue somebody because they say Ernie has a beard and it looks like a place where rats and roaches would nest? That's negative but that might be what they think, and other people might look at my beard and think that that is true. But, brothers and sisters, it's been my understanding that rats and roaches don't like places that are hygienically maintained, so rats and roaches would not like to live in my beard. And I don't dribble food out of my mouth on my beard, because I don't talk when my mouth is open (sic). There was a little boy in the funny paper, and he was dipping these cookies and other items into his milk, and just stuffing them in his mouth and just talking away, and spraying everything. His mother said, Hammy (phonetic)--that was his name--it's called the... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: I forget the name of it. But these two people have two little children. She said, don't you know that in other parts of the world children are not allowed to talk with their mouth open and full like that? He said, and I sure feel sorry for them and put more in his mouth and talked even more. Well, I don't have those practices. So here's the point I'm getting to. There is a difference between negative and untrue. You all are that sensitive, if something you don't like, you're so sensitive you put in your law that you have to be protected from the truth? Why, that is facetious. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Members wishing to speak, Senator Christensen, followed by Senator Chambers. [LB235]

SENATOR CHRISTENSEN: Thank you, Mr. President and fellow colleagues. You know, I think this is some important language, and you look at the fact that people could

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come in and portray...there are people that don't like to eat meat. Let's say they come in and portray meat in a negative context or a bad context. And then all of a sudden we're giving rebates to help somebody try and kill our number one industry. You know, I think there is some importance here to have some protections to the state here, and be able to control what they can address and so they don't come after our industries. We need to...you know, if this is economic development, which the bill has been set up for, we do want to be portrayed in a positive manner. We don't want to be attacked, things that way. And I just think it's good policy for us to make sure that they don't come in to kill our industries that are supporting this state in the act of trying to bring more economic development here. Thank you. [LB235]

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

SENATOR CHAMBERS: Mr. President and members of the Legislature, I read the language that is presented to us. These films that are to be subsidized cannot contain pornography or other obscene material; material that promotes bias or prejudice toward a particular race, color, culture, nationality, gender, religion, sexual orientation, or other social category; material created for the purpose of influencing public opinion with respect to a particular political candidate or issue. So they've put restrictions already, so what is it that Nebraskans fear? They fear the truth. I've been told by Franklin D. Roosevelt, you have nothing to fear but fear itself. Senator Carlson, Jesus said, my word is truth. You don't fear the truth. The people on this floor are just like Pilate. He would ask Jesus, what is truth, and then he walks out and doesn't wait for an answer. You all are afraid of the truth. If the truth about your state is negative, why don't you do away with that negative element? It teaches you that you've got something wrong; that you perceive your state is inferior, it is defective, it is flawed. Then you get offended when somebody points to that and says, instead of hiding it, correct it. You can stink like a skunk and put on a brand new shirt, a brand new suit, a necktie, socks, and shoes, and dress a skunk who stinks as you will. A skunk is a stinking skunk still. And you all want to dress the skunk in a suit and not correct the stench. That's your problem, and it's why Nebraska is so far behind on everything. Any new idea terrifies them. Their knees go to knocking. Their palms get moist. Their throat tightens up. And they say, no, we can't have that; not in Nebraska. Nebraska is a backward state; we like it like it is. We can't be having these changes. You mean, I've got to get up in the morning and everything is not exactly the way it was yesterday? Every time I get to Oak Street, I always turn right; I never turn left. So you say, did it ever occur to you that you might like what you find, turning left on Oak Street? Well, I don't want to risk it; I like things just the way they are right now; just the way they are right now. And you wonder why young people run out of this state. This thing is portrayed as something to stop the brain drain. Why don't young people want to stay in Nebraska? Listen to what you're doing here. You are telling young people that the truth about Nebraska is so objectionable to Nebraskans that what that guy that Senator Loudon referred to, as that old man running around the country said in one of his movies, you can't handle the truth. And that's what

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you're saying here. You've got these fragile industries that are boondoggles. You've got people who trick the politicians into erecting a house of cards, and if the slightest breeze is directed against that house of cards, the whole thing crashes down. So you don't want people to stereotype Nebraska, you say. You boast about the fact that you grow a lot of corn. Then when somebody comes here and they talk about Nebraska's corn, the first thing that's said,... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: ...they're stereotyping Nebraska. They are going by what you say. You do not realize what you have said and projected about this state. So you're not going to strike this language? How about if I said material that portrays the state of Nebraska, its citizens or its institutions in an inaccurate or false light? That wouldn't even be good. Suppose it's a comedy. Suppose it's a comedy, and they say the people in Nebraska wear wings made out of the husks from corn? You can't stand that either, because, by God, if you send that out in New York they would think that folks in Nebraska really make wings out of corn husks and fly around in the air, and we don't want them to think that about Nebraska. Well, what do you want them to think about Nebraska? [LB235]

PRESIDENT SHEEHY: Time, Senator. Senator Chambers, this is your third time. [LB235]

SENATOR CHAMBERS: But I assure you not my last. It might be the last on this but it may not, because I can move to reconsider if you don't accept it. I've got to say to Senator Raikes, what a young man said. His name was Christopher Marlowe. He said, cursed be he who created war. You all didn't know that, did you? You don't even know who Christopher Marlowe is. Christopher Marlowe died in his middle twenties, and he wrote a story about a man selling his soul to the devil. Dr. Faustus, he didn't just want money; he wanted knowledge; he wanted information; he wanted to be able to travel everywhere. He went to the Vatican, bumping priests on the head, because he was invisible. Doing all the kind of things that people wanted to do, mid-twenties. Mary Shelley, as a teenager, wrote the book Frankenstein, and it was nothing whatsoever like these movies which are cartoonish caricatures of what she wrote. If you read it, you would be profoundly impressed by her ability to use words, description, and to create moods and the imagery--a teenager. That will never happen with teenagers in this country, or even old people in this country who write. So moving from Christopher Marlowe saying cursed be he who created war, cursed be Senator--what's his name?...who did I say?--Senator Raikes--somebody is paying attention; Senator Raikes is looking--for bringing this language. And my colleagues are so eager to get something in this bill that they will accept that. I had stated, even when Senator Raikes had it under his control before he pulled it, that that language ought not to have been there. That is a bad reflection on this state that you're trying to make look so sophisticated. On the one

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hand you're saying Nebraska is sophisticated, come to Nebraska. But on the other hand, you're saying Nebraska is so sensitive, so lacking in self-confidence, has such an inferiority complex, that we have to put in the law that if you're going to try to take advantage of this incentive program you needn't even come here to make your movie because what you're presenting will put Nebraska in a negative light. So they say, well, tell me what will put Nebraska in a positive light? Well, they've got a very tall building in Omaha; they got a rock that sticks straight up in the air out in the Panhandle; they've got some combines, some tractors; they've got a long straight stretch of the interstate. It's so long and flat that you can see the curvature of the earth if you stand on one end and look at the other. They have real cold winters and real hot summers. Well...and that's interesting to you in Nebraska? Well, sure it is. What's interesting where you come from, pardner? What could be more interesting than what I told you? They say, I don't even want to tell you; you would get a heart attack; you'd think I'm manufacturing things, things are not real. Why do they stereotype Nebraska? Because while you're trying to portray them as sophisticated, you mark them in your law as "hickeyfide," yokelish. The kingdom of "yokelism": Nebraska. And you're proud of this. You ought to be ashamed, but you're not. It takes a certain amount of understanding analytical ability to experience shame and embarrassment. And it shouldn't just be, if you step on a banana skin and your feet fly out from under you, and you fall. That's not humorous to me. [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: But I think it would probably be hilarious to Nebraskans. That's the level at which their minds operate. You ask, who is Jonathan Swift? Who is he? Is he a guy who ran fast? Well, not really. Why should young people stay in this state? You all are supposed to be the best. Nebraskans had the opportunity to send the best that they've got, and maybe that is the best that they've got, and they are so sensitive and so lacking in confidence that they're afraid to have Nebraska portrayed in a way that is accurate. That does boggle my mind. And I'm glad to say I do have a mind to be boggled. Thank you, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there additional members wishing to speak? Senator Harms. [LB235]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Chambers, I've listened to you now talk about and put down western Nebraska, and I'm here to tell that I couldn't disagree with you more. We're not a bunch of dumb farmers. We're not a bunch of people who are ignorant. We are not a bunch of people that don't know what is going on. Senator Chambers, you don't know anything about western Nebraska. What do you know about the Oregon Trail, the Mormon Trail? What do you know about the history and the culture? That's what make rural America great, and I'm not disappointed in that, and I'm not, to be frank with you, upset with that. I can take you places in rural America that would blow your mind away with the creativity that we have with water and

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energy. I can take you places in western Nebraska that we're on the cutting edge of technology in training. So every time you talk about we're stupid, every time you talk about we're corn growers, I object to that. We're not. I'm proud of the culture. I'm proud of the history. I'm proud of where Nebraska is. It's your views, your judgment that we're backward. That's most unfortunate, and I'm disappointed in you, because, quite frankly, you are a leader in this Legislature. And if you feel that way, what a shame that is for the state. What a shame that is for rural America. I couldn't disagree more with the position you've taken on that part. Now, in regard to this issue, it's a whole nother thing, and you're probably right on target. But it's the side things that you say that hurt Nebraska, that hurt rural America, and I want you to understand there are an awful lot of people who won't agree with you, who disagree with you, and that we aren't stupid farmers. And we know the direction we're going to go, and we have a great future. We're not a long highway that goes nowhere. I'm sorry that I just disagree with that. And thank you very much, Mr. President. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Harms. Are there additional members wishing to speak? Seeing none, Senator Chambers, you are recognized to close on FA166. [LB235]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, iron sharpens iron, but not one thing that Senator Harms said is on the mark or relevant with reference to what I'm talking about. Nobody is going to make a movie about the Oregon Trail. That's not going to draw people here to make a movie. But let's say that it does. Are those the only kind of movies that can be made here and be subsidized? It shows the Oregon Trail. It shows water power. I see some wind machines every time I drive to or from Lincoln. Huge bladed structures, converting wind power into energy. I'm aware of these things. But if that is true, why are you going to put language in this bill to say that you cannot get a film subsidized if it portrays Nebraska and its citizens in a negative light? If you have so much going for you, people will put that film in proper context. I probably have more negative things said about me than anybody in the state ever has had said. And does it make me any difference? Absolutely not, because people can look at what it is that I'm doing, what I have done. But whether they like what I do or not is of no moment to me. I'm not trying to please them. I want to make them think. And the first thing to do to make people think is to prod them, to provoke them. It may have been Lenin or Marx who said, anger is a revolutionary emotion. You all want to be left complacent and undisturbed and comfortable, and that's what's the matter with Nebraska. If this state is as great as Senator Harms said, you must then have some stupid young people, because they're leaving here in droves if what I'm told is true. And if you need something like this that Senator Nantkes is talking about to stem the brain drain, then something is drastically wrong. Why do you all think I say what I say? Because I don't compartmentalize and listen to what you just say today. I listen to what you've been saying all along the line, and the various issues you raise. You all are the ones who talk about the brain drain. You all are trying to talk about how to find a way to

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keep the young people here. You all are the ones who have to produce language for beginning farmers. And some of those here right now don't know the role that I played in making sure that language was substantive and would make it possible to have a program that meant something when you were talking about young beginning farmers. You all get here in the middle of the show, and you think it started where you came in. There is a lot you don't even know. You don't know what I've done that uplifts Nebraska, and rural Nebraska. And how many times, Senator Harms, I have been voted down by rural senators when I wanted a program that would be the kind that would make main street in rural Nebraska thrive again, or at least have a chance to. And they said, no, we're not going to do it because we promised these city people when we supported their language to give millions of dollars to the corporations, we wouldn't ask for more than \$200,000 for anything. And I ridiculed the senators when that came up. And then they come crawling over to me, and say, Ernie, I wish I hadn't agreed to that. I say, you're not bound by that. They're not God--maybe they are to them, but I'm trying to make a point. They're not your parents. They don't stick by anything they tell you if it's going to hurt who sent them down there. You're talking about your communities. I stand by every single thing I've said. And if Nebraskans are not so backward and if they are not so fearful... [LB235]

PRESIDENT SHEEHY: One minute. [LB235]

SENATOR CHAMBERS: ...that the truth will destroy them, they wouldn't put this in their law. Senator Harms, I'm not offering this language. I'm trying to say enough to get them to see what they are saying about Nebraska; why they ought to take this out. You all are the ones saying this. I'm trying to stop you from saying it. How will it hurt this bill if you take this language out? But it sure would give me a lot of grist for my mill if I was a stand-up comedian. I would talk about how Nebraskans want to be sophisticated, and I'd start with a lot of the things that Senator Harms mentioned. I would say, but when we get right down to it, they have, behind all that, a profound inferiority complex. They got in their laws that nothing can be said that portrays their state in a negative light. Even if other states have done that, and I don't know that they have, Nebraska shouldn't. Mr. President, I will ask for a call of the house. [LB235]

PRESIDENT SHEEHY: Thank you, Senator Chambers. There has been a request for the call of the house. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB235]

CLERK: 31 ayes, 0 nays, Mr. President, to place the house under call. [LB235]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Chamber. All unauthorized personnel please step from the floor. The house is under call. Senator Engel, Senator Kruse, Senator Wightman, the housing is under call. Senator, all members are present. How would you like to proceed? [LB235]

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SENATOR CHAMBERS: I'll take a board vote. [LB235]

PRESIDENT SHEEHY: Members, you have heard the closing of FA166 to AM1719. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB235]

CLERK: 4 ayes, 21 nays, Mr. President, on the adoption of the amendment. [LB235]

PRESIDENT SHEEHY: FA166 is not adopted. Do you items for the record? The call is raised. Do you have items for the record? [LB235]

CLERK: I do, Mr. President. Priority bill designation. Senator Howard has selected LB782 as her priority bill for this session. Bills read on Final Reading this morning were presented to the Governor at 10:35. (Re LB92, LB177, LB202, LB204, LB204A, LB205, LB210, LB246; LB269, LB312, LB379, LB380, LB383, LB690, LB706, and LB707.) A constitutional amendment read on Final Reading was presented to the Secretary of State at 10:45. (Re LR5CA.) I have a confirmation hearing report from Natural Resources. Enrollment and Review reports LB157 as correctly engrossed. The Natural Resources Committee, chaired by Senator Loudon, reports LB743 and LB865 to General File. And I have a series of hearing notices. The General Affairs Committee, chaired by Senator McDonald, a notice of hearing, and several hearing notices from the Health and Human Services Committee, chaired by Senator Johnson. Amendments and motions to be printed. Senator Chambers to LB235, and Senator Carlson, LB235. Senator Chambers, a motion with respect to LB235. An amendment by Senator Nantkes to LB235A. I have some name adds, Mr. President. Senator Kopplin would like to add his name to LB700; Senator Avery to LB981. Senator Hudkins would like to remove her name from LB1040. (Legislative Journal pages 490-494.) [LB235 LB235A LB782 LB92 LB177 LB202 LB204 LB204A LB205 LB210 LB246 LB269 LB312 LB379 LB380 LB383 LB690 LB706 LB707 LR5CA LB157 LB743 LB865 LB700 LB981 LB1040]

And I do have a priority motion, Mr. President. Senator Heidemann would move to adjourn until Monday morning, February 4, at 10:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Monday, February 4, 2008, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.