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Transcriber's Office

Floor Debate  
February 23, 2012

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[LB@209 LB239 LB446 LB712 LB727 LB735 LB773 LB830 LB849 LB863 LB904  
LB985A LB996 LB1018 LB1030 LB1049 LB1064 LB1084 LB1104 LB1105 LB1118  
LB1155 LR358CA LR408]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-second day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Reverend Doctor Adam White with the Lutheran Center on the UNL campus in Lincoln, formerly of Hastings. He's the guest today of Senator Seiler. Please rise.

REVEREND DOCTOR WHITE: (Prayer offered.)

SPEAKER FLOOD: Thank you, Reverend Doctor White. I call to order the thirty-second day of the One Hundred Second Legislature, Second Session. Senators, please record your presence.

SENATOR COASH PRESIDING

SENATOR COASH: Mr. Clerk, please record.

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

SENATOR COASH: Thank you. Are there any corrections for the Journal?

CLERK: I have no corrections.

SENATOR COASH: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Transportation reports LB1030 to General File, LB1155 to General File. (Legislative Journal page 613.) [LB1030 LB1155]

SENATOR COASH: (Gavel)

CLERK: I have a confirmation report from the Transportation and Telecommunications Committee, that's signed by Senator Fischer. A new resolution, LR408, by Senator Pahls. That will be laid over. Enrollment and Review reports LB1018, LB1064, LB773, LB904, LB735, LB209, LB996, all to Select File, some having Enrollment and Review amendments. Hearing notices from Retirement Systems Committee. And an amendment to be printed by Senator Coash to LB863. That's all that I have, Mr. President. (Legislative Journal pages 611-614.) [LR408 LB1018 LB1064 LB773 LB904 LB735 LB209 LB996 LB863]

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SENATOR COASH: Thank you, Mr. Clerk. We will go to the first item on the agenda.

CLERK: Mr. President, LR358CA is a constitutional amendment proposed by Senator Carlson and others. It proposes an amendment to Article III, Section 12 of the Nebraska Constitution. Introduced in January, referred to the Executive Board for public hearing, advanced to General File. Senator Carlson presented his constitutional amendment yesterday. When the Legislature adjourned, Senator Council had pending AM2100 as an amendment to the constitutional amendment. (Legislative Journal page 606.) [LR358CA]

SENATOR COASH: Thank you, Mr. Clerk. Senator Carlson, would you give the body an update on LR358CA? [LR358CA]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. LR358CA is a simple change to existing policy. In one word, it changes two four-year terms by which we could serve, to three four-year terms, and that's the essential portions of the bill. I won't repeat my introduction from yesterday. Thank you, Mr. President. [LR358CA]

SENATOR COASH: Thank you, Senator Carlson. Senator Council, would you give us an update on AM2100. [LR358CA]

SENATOR COUNCIL: Yes. Thank you very much, Mr. President. AM2100 is as simple of an amendment as LR358CA is a resolution. And AM2100 just simply provides for the repeal of the constitutional limitations on terms of service in the Legislature. In fact, AM2100 is, I believe, supported by the mere fact that we are entertaining LR358CA. If term limits represent the panacea that people believe it represented when the constitutional amendment was passed, there would be no reason for us to be here today considering LR358CA. In fact, many of the reasons for LR358CA that have been stated were the very reasons that were stated in opposition to term limits from the outset, one of which was the experience issue. During the opening remarks yesterday, Senator Carlson made reference to the importance of allowing members of this body ample time to gain the necessary experience to be the most effective legislators that they can be. But what the problem is, is with LR358CA, it sets an arbitrary time period for which first to acquire that knowledge and then to exercise that knowledge. This arbitrariness is not what we need in government today. What we need is to engage the citizenry in their own governance and that by imposing term limits we remove that engagement. Quite frankly, in considering to introduce AM2100, I went back and reviewed the pros and cons on term limits, and some of us in this body are quick to recite statements made by the Founding Fathers in support of particular initiatives. And I went back and I looked at what Alexander Hamilton wrote in the "Federalist Paper No. 72," and he stated, "Nothing appears more plausible at first sight, nor more ill-founded

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upon close examination (sic--inspection), than..." term limits. "One ill effect of the exclusion would be a diminution of the inducements to good behavior. There are few men"--and I would add women--"who would not feel much less zeal in the discharge of a duty when they were conscious that the advantages of the station with which it was connected must be relinquished at a predeterminate (sic--determinate) period..." of time "...than they were if they were permitted to entertain the hope of obtaining, by meriting, a continuance of them." And precisely the opposite effect occurs with term limits. And so that's all that AM2100 provides for is to place before the voters of the state of Nebraska the elimination of the constitutional amendment limiting terms. Because the great fear and, again, the mere fact that LR358CA is before us, is an indication that the arbitrariness at some point in time, is this body going to decide for the voters, for the citizenry, that 16 years is enough time for a senator to serve or 20 years is enough time for a senator to serve? I submit to you that that's not our decision to make. It's the voters' decision to make who they want to represent them and how long they want that individual to represent them. I will reserve the balance of my remarks to the debate of AM2100. Thank you very much, Mr. President. [LR358CA]

SENATOR COASH: Thank you, Senator Council. You've heard the opening to LR358CA and the amendment. Those wishing to speak: Senators Hansen, Council, and Carlson. Senator Hansen, you are recognized. [LR358CA]

SENATOR HANSEN: Thank you, Mr. President, and good morning, Legislature. I want to go back in just a little bit of my personal history and give a little bit of a different perspective on the legislative resolution that we're talking about today, and specifically term limits and expanding those term limits to three terms instead of two. In 2000, the voters voted in favor of initiating term limits in the state of Nebraska as passed by the voters 56 percent. I was one of those 56 percent. I think out in the western part of the state the percentages might have been higher than they were back here, but I don't have those figures so I can't really say for sure. In 2005, I decided to run for the Legislature knowing full well that we had two terms if reelected, and that was going to be the maximum we served. When I was talking to my family, that was one of the discussion points. I said, you know, at the very most I'll be gone from the calving corral for eight years, and not that they miss me and not that they count on me, but I've not been there for six years so far, and I think I'll make it the next two years. But in 2006 I was elected, and I say somewhat due to term limits. The senator that was representing Lincoln County had decided not to run, decided to do something else, and he was going to be term-limited out. But he...that was part of his decision. I mean it wasn't his decision. It's nobody's decision when you get term-limited out. But that being said, I think I owe term limits the ability to actually be here. And in 2007, we seated 22 new senators. There were two senators, Senator Ashford and Senator Cap Dierks, both had served before and they came back and have served the state well since then. Senator Dierks, of course, lost an election and some of the 22 decided not to be legislators anymore and went to do some other things. And that's how we lose...we have attrition

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normally, without a vote of the people. In 2010, I stood for reelection and ran unopposed, which probably wouldn't happen if there were three terms, and I appreciate Senator Carlson explaining that yesterday, that people can wait for so long, but they're not going to wait forever. And some of the things we say and do on the floor that the people see probably say, well, I could do that; I think I could even do a better job. We are now in the process of looking for new candidates in my district and many other districts, too, because term limits are still in effect. In 2014, a new constituent of mine now will be a senator sitting on this floor and representing Lincoln County. What this does in my mind is it concludes half of a cycle. The election that is in 2013 will be half of the cycle and we will fulfill the will of the people, 56 percent of the voters voted for term limits. We will be instituting the will of the people in 2014 when new senators are seated. There's seven senators today that serve here that will be term-limited out next year and that will complete the first cycle. I think that we need to listen to the will of the people. I think we need to listen to our constituents. Even though the third term may be a great idea, the term limits came from the citizens, it came from petition. I think that in my view I think that would have been a great place to have it. I really appreciate Senator Carlson... [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR HANSEN: ...bringing this bill, bringing this constitutional amendment. Therefore, the people will get to vote on it. I don't think that it will pass in my district. I don't think it will pass in Nebraska. What's going on, not necessarily in Nebraska, but what's going on at the federal level, people are very, very discouraged about what's happening with politicians in general. I oppose the passage of LR358CA, and those are some of the reasons. I think there would be some others brought up, too, but that's it for now. Thank you, Mr. President. [LR358CA]

SENATOR COASH: Thank you, Senator Hansen. Senator Council, you are recognized. [LR358CA]

SENATOR COUNCIL: Thank you, Mr. President. And I appreciate Senator Hansen's comments because we're talking about...and his comments were indicative of what he believed the will of the people to be, and that the will of the people was to limit us to two terms and not pursue LR358CA. And I think that's one of the problems with the issue we're debating, we are substituting our will for the will of the people. At the time that term limits were first discussed in this body, and I think everybody knows that it was the way, the Contract for (sic--with) America was to push for term limits, and everybody jumped on the term limits bandwagon. And it was supposedly driven by a hatred of politicians and government, and term limits were driven by an odd hatred and there was a belief that all politicians become corrupt over time; that they lose their moral compass to the influence of interest groups; that the process of understanding the various needs of citizens and entities to special interest groups were evil and that only the private

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sector has virtue; and that all government spending is generally bad. This was the mood of the day when term limits were first being considered. But this perverse understanding of government and politicians is the core problem with pro term limits. It forgets that all politicians are elected by voters and that voters can decide to boot out politicians if they cease to fulfill their promises and duties. In general, term limits perverts and diminishes our entire understanding of what democracy actually is. Term limits replaces the will of the people with arbitrary time limits that may have nothing to do with what the will of the people want or what is in the best interest of society in general. Again, we want to talk about the will of the people, but we want to substitute our judgment as to what the will of the people ought to be for the will of the people. Now, admittedly, and Senator Hansen correctly pointed out that the people expressed their will when they voted to limit us to two terms. So are we thereby ignoring their will by, again, imposing our judgment as to what is best for them through LR358CA? If we really, really were concerned in preserving the will of the people, LR358CA wouldn't be before us. But if you listen to the reason and the rationale behind LR358CA, it appears to me, and it's just my opinion, that again it's just our will that we are seeking to address, our will to extend our term for a period of time that we have determined is needed for us to best represent our constituencies. I submit to you that the best determinate of the time for us to serve our constituents is the electoral process, and for that reason AM2100 returns to the people the decision as to whether or not we should be limited to two terms or we shouldn't be limited at all. That's the decision that should be made, not whether or not by our own calculations, our own judgment as when we gain enough experience to be effective legislators. It should be up to the people. [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR COUNCIL: Senator Hansen also made reference to the fact that because of term limits, people are out actively looking for individuals to run for office in districts where the incumbent is term-limited. Is that actually the way the process is supposed to work? Is that the only reason that people are interested in serving in this body is because they don't have to face an incumbent? Legislators are servants of the people, and the people who seek these offices should be willing to be servants of the people as long as the people wish for them to serve. It shouldn't be a matter of going out in search of people to run for this office, particularly if they're satisfied with the person that's serving them. So for those reasons... [LR358CA]

SENATOR COASH: Time, Senator. [LR358CA]

SENATOR COUNCIL: Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Council. Mr. Clerk, announcements.  
[LR358CA]

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CLERK: Mr. President, the Health Committee will have an Executive Session at 9:30. Health Committee, 9:30, in Room 2022.

SENATOR COASH: Thank you. Senators still wishing to speak: Senators Carlson, Sullivan, Nelson, and Council. Senator Carlson, you're recognized. [LR358CA]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. First of all, I do not support AM2100. AM2100 is not in step with the voters of Nebraska. All of you received a letter from U.S. Term Limits out of Fairfax, Virginia, and in that letter, if you just glance at it, it can scare you, because polling found that 78 percent of registered voters support term limits. Now that's nationwide, and I'm not sure about Nebraska. But 78 percent, if that's anywhere close, and I wouldn't even argue it, I'm there too. I'm part of that 78 percent. I support term limits. In the 2000 election, people in Nebraska had two choices: no term limits or two four-year terms. They had no other choice. That's what happens with a ballot initiative. The NCSL sent out some facts, and I had those distributed to you yesterday. There are 15 states that have term limits and those term limits in 14 of those 15 states range from 12 years to 24 years. There are three states that have a 12-year limit, but no other state is as low as eight years. Now in other states with term limits, people can move from the house to the senate or the senate to the house. Obviously, we can't do that in Nebraska. But I think it's time to give the voters another choice that they didn't have in the year 2000. Now I would disagree with Senator Hansen on something. We talk about 78 percent support term limits. Well, it wasn't that case in Nebraska. It was 56 percent, but that was two four-year terms versus the possibility of three. And I think there's a good chance that three four-year terms would be accepted by the voters of Nebraska. At this point, and it won't change, I am opposed to AM2100 and I would ask you to vote against it. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Carlson. Senator Sullivan, you're recognized. [LR358CA]

SENATOR SULLIVAN: Thank you, Mr. President. Good morning, staff. While the discussion on this issue is good and helpful, I'm still not convinced we should even be having it. Timing in so many cases is everything, and I truly agree with Senator Hansen that we are guilty by association of what's going on in Congress. And if there's one thing I hear from people when we talk about larger issues, and particularly when it relates to what's going on in Congress, the first thing the individuals say: Well, that's where term limits needs to take place. And I'm not so sure that but what the electorate then makes a translation, even though they don't compare us with what's going on in Congress, the term limit issue may carry over to us as well. It's been said a lot that with term limits what we lack then is the institutional knowledge and that we depend and give potentially more power to staff. Well, first of all, I will say I'm...that is definitely, I don't think, in my estimation, true. I will say first and foremost that staff is invaluable to a senator and they help you become a better senator, but they certainly don't take over power, unless of

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course that senator chooses to give them power. So I think that's sort of a nonissue. The question of institutional knowledge keeps being brought up a lot. I haven't been here long enough to know if that's had an impact. There are at least a couple senators who have been here longer than all of us, and so to that end I don't think Senator Ashford is in the body right now, but I would like to ask if Senator Louden would yield. [LR358CA]

SENATOR COASH: Senator Louden, will you yield? [LR358CA]

SENATOR LOUDEN: Yes, I would. [LR358CA]

SENATOR SULLIVAN: Thank you, Senator. As I said, you've been here longer, certainly, than me and nearly all of us. So what in your estimation has changed, if anything, in the body with term limits? [LR358CA]

SENATOR LOUDEN: Well, I said I never, when I first came down here I wasn't against term limits, because there were probably people that needed to be changed. What I think triggered term limits was back then the Legislature was in something similar to what our Congress is now. They were kind of in a gridlock. You had the committees were run by old heads and there never was that much advancement made on a lot of issues. After term limits came in and we started moving some of those committee chairs around, I think nowadays you acquire or you do a lot more work and get a lot more accomplished than we did probably when I first came down here. I was in the unique position that I served with the people that were first going out with term limits, I served with the old heads. And then I came in when term limits started coming forwards when we had, that one year, 20-some people that were reelected. One thing I do see though that in my...this is my tenth year down here, I see a lot of legislation making the circle again on the wheel that happened when I was down here. So there is something to be said for memory on what happened. But I don't have a problem with term limits, whether it should be two terms or three terms or wherever you have. But it does change the face of the Legislature and you do have new faces and new ideas come through a lot quicker than it used to be. New ideas didn't have much of a chance in the Legislature was when I first came down here because it was pretty well geared to...as I say, the old heads were running a lot of things. Some of them had been in there for years, and new ideas just weren't brought forwards very soon. You had to be here about four years or so before... [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR LOUDEN: ...you even got onto a committee that you wanted to. [LR358CA]

SENATOR SULLIVAN: Thank you, Senator Louden. I appreciate that. You know, there's a part of me that says absolutely no one is indispensable. So I struggle with this a

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little, and there's a part of me that says, yes, we want an engaged citizenry to have the say in this. Timing is everything. And when you have some turnover of people, you have the potential to have a more robust, engaged body that is more responsive to their citizenry. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Sullivan and Senator Loudon. (Doctor of the day introduced.) Also, colleagues, the treats that are not being passed around today are in celebration of Senator Flood's birthday. Would you please give Senator Flood a happy birthday? Senator Nelson, you are recognized. [LR358CA]

SENATOR NELSON: Thank you, Mr. President and members of the body. I rise in support this morning of LR358CA introduced by Senator Carlson and in opposition to AM2100. I'd like to address what Senator Council said and along those terms on her amendment. If I understood her correctly, she read or...that term limits set arbitrary limits on the will of the people. Well, in a sense they do, but I think we have to look at the larger picture and remember that we still have elections every four years. And just because we're limited to two terms and we can serve eight terms here in this body...or rather eight years in this body, doesn't mean that we're going to make it into a second term. The people can speak. They can vote at that time and they certainly can impose their will. So I don't think that that's a good rationale for supporting AM2100. I also feel that AM2100 won't pass if it does get on the ballot. We have to recall that it took three attempts to get term limits and a lot of work on the part of the people, and I have to say I don't necessarily agree with term limits. It has its disadvantages as well as its advantages. But we have to remember that after three attempts term limits were imposed here in Nebraska to the extent of two terms, and I think it's very unlikely that the people in Nebraska are going to change that if it goes on the ballot. I think we have to be realistic about that. Senator Carlson referred to this sheet from NCSL, and if you look at that you'll see that there are a great number of states that do impose term limits, and mostly for two terms or eight years. The thing that we need to remember, and I want to stress this again, is that in all of those states, because they don't have a Unicameral, by and large people move from one house to another. I attended an NCSL convention several years ago and met a man from Wisconsin, a senator from Wisconsin at that time. I think he was in his eighties. He lived in the capital district there in Wisconsin and he was about to serve his fiftieth year as a representative, either as a senator or a representative there. He was not unlike Senator Avery who lives in the capital district here. But this gentleman was at one time a Republican, an Independent, and a Democrat, depending on how the political winds were blowing in Wisconsin. The point that I want to make is that he was able to serve a period of time in the house and then move on to the senate, and the people of that district kept reelecting him. Why? Because they respected him because he had a vast deal of knowledge, a great memory of what had gone on in the past, and they knew he was valuable to them. And he's approaching 90 now. I haven't seen him for a while, but perhaps he's still there. Well, I know he was embroiled in the controversy in Wisconsin there as far as the same sort of

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issues that we had here with CIR. So I see nothing wrong with asking the people of Nebraska to decide whether they want to give the senators an opportunity for a third term here. They can vote on that. They can take a look at it. And yes, I might agree with Senator Sullivan that this is perhaps not the best time in light of what we're going through in Washington... [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR NELSON: ...and the disenchantment there. But I think with the proper sort of support and the education for the people in Nebraska, that they will take a close look at this, and I think that Senator Carlson's bill does have a reasonable chance of passing. AM2100, I am sorry to say, I think has very little chance if that goes on the ballot, and therefore, I will oppose that and I will stand in support LR358CA. Thank you, Mr. President. [LR358CA]

SENATOR COASH: Thank you, Senator Nelson. Senators wishing to speak: Senators Council and Lathrop. Senator Council, you're recognized. [LR358CA]

SENATOR COUNCIL: Thank you very much, Mr. President. And I guess it's fortuitous that I follow Senator Nelson because I believe that Senator Nelson unwittingly made the case for AM2100. Just like he said, the voters could vote us out after one term. There's nothing absolutely that prevents them from voting us out after one term just as they could vote us out after two terms, three terms, four terms, ten terms. If the voters do not believe that the person that's in the office at the time is representing their interests, they have the opportunity to vote us out of office. You don't need term limits to accomplish that. And, in fact, Senator Nelson, as I again said, unwittingly made that case because there's no guarantee that under the current constitution you get two terms. You only get a second term if the voters send you back, and you would only get multiple terms if the voters sent you back. The other argument that was made by Senator Nelson also supports the case for AM2100. If the gentleman that he referred to in Wisconsin was continuously returned to either his seat in the house or his seat in the senate, that represented the will of the people. He also stated in referencing that gentleman, that he was well-respected, was knowledgeable, and his constituents admired him. Yet under LR358CA, after 12 years he would be out if he were in a Unicameral. But again, the point I made yesterday is that while we followed the herd that went into term limits and we limited ourselves to two terms, in a Unicameral that limits you to eight years. In a bicameral, it really is no limit, because they can serve eight years in the house, go serve eight years in the senate, go back to eight years in the house, and then go eight years in the senate. But we didn't appreciate the distinction accorded us as a Unicameral. Again there is no right clearer under our democracy and a few of any more importance than that the people should be at liberty to choose the ablest and best men and women to represent them in government, and that these men and women exercise the greatest merit as possible if they want to continue in that position. Yet with term limits, we

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voluntarily relinquish this right and we shackle their choice and we force people who want to continue to be servants of the people to leave their offices. Elections, elections, elections are for getting rid of politicians who are not performing up to the people's expectations. Term limits are for eliminating politicians who are performing. And in the case cited by Senator Nelson, an absolute term limit in Wisconsin limiting the amount of time you can serve in the house, period, or the amount of time you could serve in the senate, period, would in the case of the gentleman... [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR COUNCIL: ...he referred to would be eliminating a politician who is performing. And if you believe a politician should be removed from office merely by virtue of the fact that he or she has been there a designated period of time, you are actually going against the American way. You're going against our democracy that depends on the voting booth. Term limits serve nothing more than to push out people who some don't like that they elect. Think about it. Term limits are generally pushed by those who do not like who other voters elect. And so we want to shackle... [LR358CA]

SENATOR COASH: Time, Senator. [LR358CA]

SENATOR COUNCIL: Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Council. Senator Lathrop, you are recognized. [LR358CA]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Good morning. I stand in opposition to AM2100 and in support of LR358CA, and I want to give you my rationale for why I believe Senator Carlson is on the right mark here. And it really goes back to whether two terms has been good for the state or not. And we could stand here and say, and as some have: Well, we just did this, it hasn't been enough time; let's wait. I think we have enough time to address whether it should be three terms or two, and let me tell you what is, I think, the strongest argument for me in moving LR358CA to the ballot and then pitching it to the voters. Before term limits, when senators were elected every four years, they came in and they would cycle in and out of various committees in this body. And since term limits, and maybe the legacy of term limits is this, that with eight years to serve if you look at how our committees have been structured in the last eight years, since term limits, people get on a committee and they stay on a committee. And because we only have eight years, we become experts in the committee...in the subject matter of the committees that we serve on. And here's where the problem lies, and it's not a criticism of any one of these committees, but I'm going to use them as an example. The Education Committee deals with school funding, the TEEOSA formula, and when Senator Adams brings out changes, how many of us know what he's talking about? Only the people that have served on Education know what Greg Adams is

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talking about when he goes into the detail of TEEOSA, because none of us have served over there except for a handful of people. The same is true, and particularly true with Appropriations. We get to Appropriations, a bill comes on the floor, and we all know that they take some kind of a...they all make a deal inside of Appropriations to stand together, which they must necessarily do. But the bill comes to the floor, and who knows anything about the appropriations process outside of the nine people that are on Appropriations? Nobody. We moved the entire budget in less time than it took to debate roadside trapping. The difficulty with the term limits is that they do not permit a legislator who the people are willing to reelect to cycle in and out of committees, and it stifles debate. It prevents a good exchange on the floor of subject matter. And I could go down the list and say Education, Natural Resources, Appropriations, Revenue, all of those places where people go, they camp out for eight years and nobody can argue with them about the subject matter because they've never served over there. And I think adding an additional term will improve the likelihood that we will have folks that will cycle in and out of committees and that will improve and provide a good tension, a good exchange on the floor, and we'll have more people that know the subject matter than just the committee members. And I've watched it happen and you probably have too. We have Education bills and Appropriations bills and Revenue bills that deal with millions--millions of dollars, tens of millions of dollars, hundreds of millions of dollars, and they pass in 15 minutes because nobody knows anything about the process than the people who are on the committee. So I think that's the strongest argument for why term limits have not been good. And if we looked at, as Senator Carlson and Senator Council have both talked about, in a bicameral house or in a bicameral system I could be over in the house on Judiciary Committee, get over to the senate, if the people want me there, and serve on Appropriations, and now I have more background on various subjects than just a limited number of, you know, Business and Labor, and Judiciary Committee. And so I think that would improve the debate on the floor. We'd end up with better bills, better laws,... [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR LATHROP: ...and the process would be served with three terms. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Lathrop. Senator Smith, you are recognized. [LR358CA]

SENATOR SMITH: Thank you, Mr. President, and good morning, colleagues. I rise in support of LR358CA, and I just wanted to say thank you to Senator Carlson for his concern and his courage in bringing forward this resolution. I think it's necessary. I am, too, fearful for Nebraska's legislative future. The experience factor is really critical and we do need to make certain that we attract and retain experience in the Legislature. And I feel very differently about this than I did just a few short years ago whenever I was on

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the outside looking in. I really do believe that it's critical to have the experience in the Legislature. I do respect Senator Council's arguments and position on her amendment AM2100, and I might agree with Senator Council if it were not for the very fact that the citizens of Nebraska voted for term limits. And so in staying with that I do have to oppose AM2100. And around my district every meeting that I've been in and this conversation comes up, I have yet to find one of my constituents that oppose extending the term limits to 12 years. So with that, colleagues, I do stand in opposition to AM2100 and I am supportive of LR358CA. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Smith. Senator Council, you are recognized. There are no other lights on. Would you like to close on your amendment? [LR358CA]

SENATOR COUNCIL: Thank you, Mr. President. I don't know what to believe. I don't know whether term limits enables new ideas or stifles new ideas. According to Senator Carlson, term limits provides opportunities for new ideas. According to Senator Lathrop, term limits play...casts a shadow on new ideas. So which is it? And when we talk about what the voters want, then if you really believe that the voters have spoken, then there's no reason for LR358CA. They've said two terms is enough. And if we keep going down this incremental road, then in my opinion it absolutely establishes that the reasons for term limits are not to provide good government; it's not to provide for opportunities for infusion of new ideas; it's merely to prevent certain voters from electing certain people to represent them in this body. To my friend, Senator Lathrop, if as a result of term limits people get on committees and stay for eight years, then they'll get on committees under LR358CA and stay for 12 years. The duty of this body is to provide those opportunities. If we are really concerned about rotation among committees, we know how that occurs and it's not due to term limits. It's due in part to one of the adverse effects, in my opinion, of term limits. And if you don't see it, I've seen it in the short time I've been here, is it increases polarization in this body. I think it diminishes, it diminishes the legislative position in the balance of power in this state, and you've seen it. I believe that if we are serious about providing good government, infusing new ideas, according the citizens the right to elect the representative of their choice, we will vote to amend LR358CA with AM2100. It no less provides voters a choice. LR358CA provides voters a choice. And if timing is bad for AM2100, timing is bad for LR358CA. Again I urge your favorable consideration of advancement of AM2100. [LR358CA]

SENATOR COASH: Thank you, Senator Council. Members, you've heard the closing to AM2100 to LR358CA. The question is, shall the amendment to LR358CA be adopted? All those in favor vote aye; all those opposed vote nay. Senator Council. [LR358CA]

SENATOR COUNCIL: I would request a call of the house and a roll call vote, please. [LR358CA]

SENATOR COASH: There has been a request to place the house under call. The

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question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk. [LR358CA]

CLERK: 26 ayes, 0 nays, Mr. President, to place the house under call. [LR358CA]

SENATOR COASH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Mr. Clerk, there has been a request for a roll call vote. [LR358CA]

CLERK: (Roll call vote taken, Legislative Journal pages 614-615.) 3 ayes, 42 nays on the motion, Mr. President. [LR358CA]

SENATOR COASH: The amendment is not adopted. Raise the call. Mr. Clerk. [LR358CA]

CLERK: Mr. President, the next amendment...I might announce the Revenue Committee is meeting underneath the balcony, the north balcony. Senator Council, the next amendment is yours, Senator. And I have the one in front of me, just so you and I are on the same page, that inserts the date "2005." Is that the one? Okay. Senator Council would move to amend, Mr. President, with AM2101. (Legislative Journal page 609.) [LR358CA]

SENATOR COASH: Senator Council, you're recognized to open on AM2101. [LR358CA]

SENATOR COUNCIL: Yes, thank you, Mr. President. And for those who questioned AM2100 is basically a technical amendment and, in fact, is rather arbitrary in the date selected because there's a date that is different in the upcoming amendment AM2101. But if you read LR358CA, it says that no service prior to January 1, 2001, shall be utilized in calculating consecutive terms. My question is, is what's the necessity of that date? Because I don't know of any who are in this body presently who have been here since prior to 2001, and if we're talking about consecutive terms, if someone has been elected since 2001, if the intent of LR358CA is that all you serve is a grand total of 12 consecutive years, there's absolutely no reason for there to be a limitation in LR358CA to service prior to a particular date. If there is a reason, then it should be four years out, which would encompass someone who has served two consecutive terms by the time this initiative would go before the voters, and the result would be that that individual would only be eligible for one other term. Otherwise to read that I think would imply or the argument could be made is that the intent of that is you could have served 12 years and then at the time the voters, if they decide to extend term limits, you'd be entitled to 12 more. So again the intent of the amendment is to look at the reason for having a date of January 1, 2001. First and foremost, it doesn't apply to anyone in the body now

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because you're talking about consecutive terms. So last I counted, three consecutive terms would be 12 years, and if the voters were to pass LR358CA in November of this year, anybody elected before 2001 and serve continuously since 2001, which I might add none of us could have done. You couldn't have served consecutively since 2001 because you've been limited to two consecutive terms. So I put before the body amending that to include time served before 2005 because that would indeed be affected by a three consecutive four-year term limitation or in the absence of moving it to January 1, 2005, moving it to January 1, 2009. Thank you. [LR358CA]

SENATOR COASH: (Gavel) Thank you, Senator Council. You've heard the opening to AM2101. Those wishing to speak: Senators Carlson and Burke Harr. Senator Carlson, you're recognized. [LR358CA]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I rise in opposition to AM2101. The date that's referred to in there really has no bearing on the bill. If this went to the voters and they voted to adopt it or accept it, once the Governor is able to declare it as a final and legal election, it becomes immediately effective. So those dates, that date, really has no bearing on this bill. If for some reason between now and Select File it was necessary to address that date, certainly I would do it. I don't believe there is, so I am opposed to AM2101. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Carlson. Senator Burke Harr, you're recognized. [LR358CA]

SENATOR HARR: Thank you, Mr. President. When we mess with the constitution, it's something very important and it's something we shouldn't take lightly. I want to thank Senator Carlson for bringing LR358CA. I am a small business owner. As a small business owner, I will tell you when I have a good worker I want to hold on to that worker. When I'm happy with that worker, I want to keep that worker. Now I may not want to give them a pay raise, but I'm going to do whatever I can to make sure that person stays where they are and they're doing a great job. As a matter of fact, if they are good, you know what I do? I give them more responsibility. And that's what we do here, ladies and gentlemen. Cream rises to the top. And we invest a lot of our own time and people invest a lot of time in us to make sure that we are good senators, and it's important that we are good senators. And it seems tragic that all this time and money that is invested in us and we turn around and we have to leave because of term limits. Oftentimes when I look at what I think is the right thing or the wrong thing to do, I'll read the "Federalist Papers," and I'll look at original intent of the constitution. And I've looked at the constitution. Nowhere did it talk about term limits. Now I think 12 years is probably good enough. If you stay here longer than 12, no offense to Patrick, you're likely to go crazy. But...or Dick--I'm sorry, I didn't mean to exclude you. But there is...we are very fortunate to have Patrick and...well, Mr. O'Donnell and Mr. Brown. These two individuals have a vast amount of knowledge, institutional knowledge that we don't have, and we

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lean on them and we rely on them and they are very important to this institution. And I don't think we give them enough credit for all that they do, and I know sometimes I don't show it as much as I should, but they're important and the fact that they've been here longer than eight years is important. They see things coming that we can't, and that's why it's important that we do have 12 years so that you can get a little sense of maturity and you can maybe not be so reactive. You can say, been there, done that, seen that. So I appreciate that Senator Carlson has brought LR358CA. As for Senator Council's AM2101, if we're amending the constitution, let's do it right. It's just that simple. Let's make it as precise and let's do it as well as possible. I know there are some who believe that possibly this is just a delay tactic. I don't know if it is or it isn't, but I will tell you one thing, it's the right thing to do. It's absolutely right. Why do we have a reference in statutes in the constitution that's incorrect? Now we make enough mistakes, but to knowingly make a mistake, we aren't living up to our end of the bargain that we are going to represent the people as well as possible. So I'm going to do a little more work on this, but based on the introduction of Senator Council, why not be the best we can be? Why not make this amendment... [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR HARR: ...so that we are as clear as possible as to what the intent is? The last thing we want to do, if we believe that this is so good, LR358CA, let's make it as clear as possible. Let's not create ambiguity. Let's not open this up to litigation. Thank you very much. [LR358CA]

SENATOR COASH: Thank you, Senator Harr. Senator Council, you are recognized. There are no other lights on. You can use this opportunity to close on AM2101. [LR358CA]

SENATOR COUNCIL: Yes, thank you very much, Mr. President. And thank you, Senator Harr, for trying to clarify, because what goes on the ballot and what this body believes is being represented to the public are two different things. If you look at LR358CA, it just simply speaks to how many terms. It doesn't speak to how those terms are counted, what happens if someone is appointed midterm. In those instances you go back to the statute, and the statute needs to be clear in those respects. And again, it doesn't make any sense to have language in the statute about holding the office prior to January 1, 2001, when it has absolutely no bearing on your ability to serve three consecutive terms. Would Senator Carlson yield to a question? [LR358CA]

SENATOR COASH: Senator Carlson, will you yield? [LR358CA]

SENATOR CARLSON: Yes, I would. [LR358CA]

SENATOR COUNCIL: Senator Carlson, what is your intent so it is a clear

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understanding: If the voters were to enact LR358CA in the November election, what impact would that have on someone currently serving in the Legislature? [LR358CA]

SENATOR CARLSON: The intent would be that in the 2014 election those that have currently served two terms could serve a third if they were reelected. [LR358CA]

SENATOR COUNCIL: Okay. So it's not your intent that in the 2014 election that someone who had already served two terms could then be eligible for three consecutive terms. [LR358CA]

SENATOR CARLSON: They could be eligible for the third term, yes. [LR358CA]

SENATOR COUNCIL: I mean for three additional consecutive terms. [LR358CA]

SENATOR CARLSON: No, not three additional. [LR358CA]

SENATOR COUNCIL: Okay. Now under AM2100, assuming a senator had been elected prior to January 1, 2005, as of the November elections in '14, they would have already served two consecutive...potentially have served two consecutive four-year terms. Correct? [LR358CA]

SENATOR CARLSON: I'm not quite following you. Say that again, please. [LR358CA]

SENATOR COUNCIL: If a senator was elected prior to January 1, 2005, that if the voters enact your legislative resolution and add an additional term so that in 2014 someone who had been elected prior to January 1, 2005, would they be eligible for an additional four-year term? [LR358CA]

SENATOR CARLSON: Not in 2014. [LR358CA]

SENATOR COUNCIL: And that's the reason for the amendment. Because according to the language of the statute and the language as it has operated, if I were elected in November of 2004, I would have been sworn into office January of 2005, and by 2014 I would have, in fact, completed two full terms and would have been elected for, if it passed in 2012, could have been elected to another term. I'm trying to logistically, Senator Carlson, I'm not...I'm just trying to get you to focus. For example, some of us are up for election right now, so if we're elected...reelected in November of this year... [LR358CA]

SENATOR COASH: One minute. [LR358CA]

SENATOR COUNCIL: ...but served no time before 2005, if the voters voted then that person who is up for election this year could then seek another four-year...could then

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seek another four-year term in 2014...2015. [LR358CA]

SENATOR CARLSON: 2014, no. Because they had served eight years through 2012, then only two years out and they're not eligible to come back in until they've been out four years. And it would be a different district, but that's not according to statute. These dates were put in here when term limits first came into effect, taking care of those who had served before. They're already in effect. And so this date doesn't have any bearing at all. I won't say that there isn't something that needs to be considered there, and if that were the case, as I said, I would certainly do it by Select File. [LR358CA]

SENATOR COASH: Time, Senators. [LR358CA]

SENATOR CARLSON: Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Carlson and Senator Council. Members, you've heard the closing to AM2101. The question is, shall the amendment be adopted to LR358CA? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LR358CA]

CLERK: 5 ayes, 13 nays on the amendment, Mr. President. [LR358CA]

SENATOR COASH: The amendment is not adopted. Mr. Clerk, items. [LR358CA]

CLERK: I do, Mr. President. Thank you. I have amendments to be printed, Senator Cornett to LB1049 and LB1118; Senator Adams to LB446. (Legislative Journal page 615.) [LB1049 LB1118 LB446]

Mr. President, the next amendment I have with respect to LR358CA, Senator Council, AM...I have AM2103, Senator, but it's the...you want AM2102? Okay. AM2102, Mr. President--AM2102. (Legislative Journal page 609.) [LR358CA]

SENATOR COASH: Thank you. Senator Council, you are recognized to open on AM2102. [LR358CA]

SENATOR COUNCIL: Thank you, Mr. President. AM2102 is a follow-up to AM2101, and I think it's important, colleagues. I mean we need to know what the intended effect of LR358CA is on people who are currently serving or who have previously served and whether or not if the voters vote to enact LR358CA for some of us that constitutional amendment would go into effect midterm. The question is, for someone who is at the end of their second two-year term in 2014, or in the middle of their second four-year term in 2014, would they be eligible in 2016 to run for another four-year term, or for that matter, for another four-year term? I think it's important that this date be set and that there is a clear understanding of how it affects individuals who are currently holding this

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office. If the intent is that no one, regardless of when you were elected, will serve more than 12 consecutive years, then this language needs to be clarified to state that. At a minimum, the section should be deleted if the intent is if the voters in 2014 say no more than three consecutive terms and there are individuals in the body who have served two full terms, then they are out. But if they could seek reelection and file for office in 2013 and run in 2014, then I think we need to send a clear signal to those potential candidates that either they can or they cannot seek that what would be potentially a third consecutive term. By moving it to January 1, 2009, I think it makes it even more clear than the prior amendment on 2005, and that is that if you were elected to office prior to 2009, that time doesn't count. And then by 2014 you're in the middle of your second two-year term, potentially, and then you're only entitled to one more four-year term. So I think AM2102 makes it even clearer how the impact that LR358CA would have on current members of this body if enacted. And I would urge your favorable consideration. [LR358CA]

SENATOR COASH: Thank you, Senator Council. (Visitors introduced.) Those wishing to speak: Senators Adams and Carlson. Senator Adams, you are recognized. [LR358CA]

SENATOR ADAMS: Thank you, Mr. President. Members, I hadn't planned to speak quite this soon on the issue but time presents an opportunity. I'm not going to speak specifically to Senator Council's amendment but rather this concept of term limits. And what I'm about to say is not academic, I hope not particularly political, but very personal. I can't think of a single question in the six years that I have served in this body when I go back to my district to do forums, that I get more often than, what do you see as the impact of term limits? And quite candidly, my first response is almost always: It has not been the end of the world. Now that may seem a bit self-serving, because in part my ability to get here had something to do with the fact that term limits vacated a seat. I have also said that if we put something on the ballot, and it's pure speculation, I believe that the Nebraska voters said we expect term limits. I don't expect that to change nor do I think that Senator Carlson's proposition asked to do away with term limits. Here's the other thing that I tell my constituents--I don't have time to talk about all of it. Let me, first of all, begin with committee work. I'm going to take a slightly different bent than what Senator Lathrop did. Maybe it's the old schoolteacher in me, but I don't like my committee making policy decisions and changing direction until they've had an opportunity to be schooled on how we got to where we are at today in terms of policy, whether it has to do with what age a kid should be able to start kindergarten or our Opportunity Grant for college scholarships or this thing called TEEOSA. And that takes time. And I suppose that one of the elements of extending the term limits would be, unlike Senator Lathrop's prospect that people could move around, and certainly there would be benefit in that, I'd look at it a little bit the opposite and say I can keep some committee members around and we can build an institutional base, a policy base, for making decisions. On any given year in any given election cycle there's going to be

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people coming in and out of committee. That's the reality of things. But to have some consistency over time I think is a great benefit to making policy in the area of Education, Business and Labor, Appropriations, you name it. I'm going to speak for a moment about another issue that I see, and that is separation of powers. I know Senator Harms and others have brought this up. When the body is as fluid as it is, at least my perception of things is, that whether it is a governor and whether it be this one or any other governor, depending on their leadership style, the lobby, the political parties, I believe it gives them a foothold for more influence in this body. And you take that for whatever it's worth. I could also argue it doesn't matter. It's up to the constitution of every individual person in this body how much anybody influences them, and I really believe that as well. [LR358CA]

SENATOR COASH: (Gavel) One minute. [LR358CA]

SENATOR ADAMS: I was reluctant to stand up on this because...and I have spoken with Senator Carlson about this many a time. I think there needs to be an additional term. What I am uncomfortable with is it seems a bit self-serving to me at this point to say I want another term. But I respect this body. If I walk away with nothing else from my time here, it is the respect for what happens inside of the walls of this building, and I think a little extra time would further improve our performance and maintain the culture of this body. Thank you, Mr. President. [LR358CA]

SENATOR COASH: Thank you, Senator Adams. Senator Carlson, you're recognized. [LR358CA]

SENATOR CARLSON: Mr. President and members of the Legislature, I also rise in opposition to AM2102, but I will tell Senator Council that she has brought up perhaps a point of concern in the (2) section, and I want to address that prior to Select File, and I think the answer is probably just to strike all the (2) section. But with AM2102 as she has proposed, I think that that would possibly allow somebody to serve 20 straight years. So I'm in opposition to that amendment. However, she's brought up a point that should be addressed, and hopefully with your okay I would certainly address that before Select File. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Carlson. Senator Council. Senator Council, there are no other lights on. Would you like to use this opportunity to close or...? [LR358CA]

SENATOR COUNCIL: Yes, Mr. President. [LR358CA]

SENATOR COASH: Okay. You're recognized to close on AM2102. [LR358CA]

SENATOR COUNCIL: And thank you, Mr. President, and thank you, Senator Carlson,

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for recognizing the issue that I sought to address by AM2102. There was a reason that in the prior legislation that led to the enactment of term limits that there was a decision made as to what the policy would be in terms of the enactment of term limits and the effect on people who were in the middle of a term at the time term limits were enacted. I think that's a very serious issue and it's a question that must be resolved before any issue of expansion of term limits should go back before the voters. The voters need to know precisely what effect that will have on their particular representative. And yes, Senator Carlson, potentially AM2102 could result in 20 years, but that's the question: What is the intent? I mean arguably as it's written it could result in 24 years, because there's no limitation. I mean the argument could be made that it only goes into effect prospectively, and that even if you've already served eight, then you're eligible to then serve three consecutive four-year terms. I think that question ought to be answered. I think it ought to be answered definitively before any measure is put before the voters. And for that reason I would, at this point in time, Mr. President, with at least the acknowledgement by Senator Carlson that this issue of the date in subsection (2) of LR358CA needs to be addressed, either it needs to be deleted in its entirety or it needs to be clarified. With his acknowledgement of the fact that that needs to occur, I withdraw AM2102. [LR358CA]

SENATOR COASH: Thank you, Senator Council. AM2102 is withdrawn. Mr. Clerk. [LR358CA]

CLERK: Mr. President, Senator Council would move to amend with AM2103. (Legislative Journal page 609.) [LR358CA]

SENATOR COASH: Senator Council, you're recognized to open on AM2103. [LR358CA]

SENATOR COUNCIL: Thank you, Mr. President. AM2103 is also a simple amendment. Currently, the term limits apply regardless of what district you represent. And again, my concern about term limits in general is that term limits prevent the electorate from choosing the representative of their choice. Under the law as it's currently written, the ballot question will be shall you be limited to three terms. That's all the voters will receive in terms of what will be on the ballot. But the statute dictates how those three consecutive terms are to be counted and currently, under LR358CA, those three consecutive terms are to be counted regardless of what district you may represent. Again, my concern is about the effect that term limits have on people, the electorate, being able to select the representative of their choice. We just recently went through redistricting, and as a result of redistricting some senators are no longer in the district from which they were elected to two consecutive terms. Well, under the current term limits and the language of the current term limit legislation, that particular senator or those particular senators could not seek election from their new district because it would place them in a position that they would be potentially elected for more than two

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consecutive terms. Well, the same issue would apply in the case of three consecutive terms and the great possibility, in fact the absolute certainty, that within the next 12 years there will be another census and there will be another potential for redistricting that could result in the movement of senators from one district to another. Again, my objective here is to provide the electorate with as much choice of their representative, who they want to serve them, as possible. And all AM2103 says is that the three consecutive terms only applies for one district and it doesn't apply if you move to another district, and it's very simple and it allows individuals who the electorate in a particular new district want to have as their representative. And it's designed to uphold the core principles of democracy and that is to allow the voters to elect the representative of their choice. And I would urge your favorable consideration of AM2103. [LR358CA]

SENATOR COASH: Thank you. Thank you, Senator Council. Members, you've heard the opening to AM2103. Senator Carlson, you're recognized. [LR358CA]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I rise in opposition to AM2103. I understand the intent, but it's very clear in current law that if the voters decide that we could go to three consecutive terms, it says regardless of the district represented, it would be three consecutive terms, period. AM2103 says representing the same district, so theoretically somebody could serve three consecutive terms in District 37, move to District 39 and serve three more consecutive terms. So that's the possibility of 24 straight years. That's not the intent of term limits and I am opposed to AM2103. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Carlson. Senator Council, you're recognized. Senator Council, there are no other lights on. Would you like to use this as a time or to close? [LR358CA]

SENATOR COUNCIL: Well, I may need additional time, Mr. President, so if I go 5 minutes I'll push my light again. But again, the opposition stated to AM2103 again confirms a point that I made very early on when introducing AM2100. What is the intent of term limits? If the intent of term limits is to keep certain people from serving, then is that truly the appropriate reason for having term limits? I thought term limits were designed to increase government and make it more effective and make it more responsive. But apparently, if there's opposition to AM2103, it's just that term limits are designed to make sure that people don't serve more than 12 years, regardless of the nature of their service, regardless of their performance; that we want to restrict the ability of voters in the state of Nebraska to choose their representative. Is that not arbitrary? I mean I don't know of many who would make it a point after being term limited to deliberately move to another district in order to run again. But even if that were the case, if the voters in that district wanted that individual to represent them in this body, why shouldn't they be permitted to do so? I think it runs counter to representative

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democracy and, again, I think it also illustrates the difference in a unicameral and a bicameral. If we were in a unicameral (sic), the individual could go 12 years in the house and then 12 years in the senate. But here we're talking just 12 years, but if, for reasons that we don't need to discuss right now, you end up in a different district, despite the desire of the constituents in that district to have you represent them, under this legislation you would have to sit out 4 years before you could seek that office. Again, let's think about what is the intent and purpose and objective of term limits. If there's opposition to AM2103, then it appears to me, and admittedly it's my own opinion, that the intent of AM2103 is to prevent certain people from serving longer than 12 years, and it's not designed to ensure that the constituents in districts have the representative of their choice or the best person to represent them. So in view of the time I've used, Mr. President, I will use that time as my closing on AM2103 and urge the body's favorable consideration of AM2103. [LR358CA]

SENATOR COASH: Thank you, Senator Council. Members, you've heard the closing to AM2103. The question is, shall AM2103 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Mr. Clerk, please record. [LR358CA]

CLERK: 3 ayes, 24 nays, Mr. President, on the amendment. [LR358CA]

SENATOR COASH: AM2103 is not adopted. [LR358CA]

CLERK: I have nothing further on the resolution at this time, Mr. President. [LR358CA]

SENATOR COASH: Seeing no other lights, Senator Carlson, you are...oh, Senator Schumacher, you are recognized. [LR358CA]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. My position always has been to favor term limits. And my position has also been to let the people vote on matters of constitutional consequence and review their actions. And to stop them from doing that and again having an opportunity to review their actions I think is putting in position where their only ability to review their actions is through the petition mechanism. The petition mechanism over the past few years has become severely impaired. The procedure, which has eliminated pay by the signature, has tripled the cost and administrative expense, and so the only way that they really have, from a grass-roots level, to review their actions and consider new policy in the constitution is by us giving them that opportunity to vote it up or down. I supported Senator Council's motion on striking term limits altogether because I think that puts the philosophical issues into focus for the voters. Seems to me there's very little difference between 8 years and 12 years or 16 years. It's a concept that is there and the concept is what the people should have an opportunity to look at. Regardless of the intent of a decade ago, the function of term limits has not been to keep people out of this body but give opportunity for people to come in to this body and a fair shot to have their time to try to

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bring vitality to the system. I think that we are at a point in our culture and in the global economy where things need to change rapidly, and it bothers me somewhat to hear that, well, there's no institutional memory. As I look around this room, there is tremendous institutional memory. There are people from every profession bringing new ideas and years of experience of the institution of the state, the institution of the future. Now granted, that institutional memory may not be well-nurtured in an environment and a system of committee structures and rules that were designed initially for a two-house system and later for a system in which there were dynasties of senators and long-term servers. But it is a highly adaptive mechanism if we can give it a chance and that chance, by restructuring our rules, restructuring our ability to draw on resources for the outside, and just restructuring our ability to sit down and think about the big picture outside of some fragmented and compartmentalized system. So I'll support putting this on the ballot. I believe that so far we have not given term limits a chance. We have not given the new blood, the new environment a chance because we have not adopted the engine to the new fuel which the voters have given us. And I think that maybe we, apart from this discussion on this particular amendment, we need to address those issues conceptually with people who are experts in the various fields and create a new forum for the bringing forth of ideas, because I think in 8 years we can do far more if we have a different environment for decision making and creativity than we could do in 16 under the old rules. And our new society and our new requirements of adaptability require us to figure out a way to get rid of institutional drag in this country and in this body. Thank you, Mr. President, members of the body. [LR358CA]

SENATOR COASH: Thank you, Senator Schumacher. Those wishing to speak: Senators Carlson and Avery. Senator Carlson, you're recognized. [LR358CA]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I'm going to talk a little bit about populations of voters in Nebraska and how those populations weigh in on this item. I think that we have a group in Nebraska, voters, that support two four-year terms. I'm convinced we have a population that supports three four-year terms. I know that we have a portion of the population that support no term limits at all. We may even have a portion of the population that would support one four-year term. And we do have a portion of the population that is so antifederal government because of what's happening in Washington, D.C., that they're leery of any proposed change at the state level, and I understand that. Now I indicated in my opening, although I'm about to complete six years of service in the Legislature, for three or four years, as I've gone about my district talking to groups, I've talked that long about the idea that I believe term limits ought to be changed, not done away with but changed from two four-year terms to three four-year terms. And I...perhaps unlike some of you that go out and talk, if that's not been a pressing item on your mind, you don't ask it the same way I do. Now if I...and I do this when I speak to a group. If I say, how many of you support term limits, let's vote today, how many of you support term limits, it will be about two-thirds of the group that will raise their hands and a third of the group that

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won't because they don't like term limits at all. And then after a discussion and talking to them like I talked in my opening on LR358CA why I think a change is appropriate, after that discussion I will say, now we're going to vote: How many of you think that our current system of two four-year terms is adequate and should remain as is? There's either no hands that go up or a very few hands that go up. How many of you believe it would be appropriate to go from two four-year terms to three? And it's almost unanimous, every group that I've spoken to. When people understand what's involved, I think people in Nebraska are very reasonable, they're willing to consider a change. And I think not given that opportunity in 2000 it's time in 2012 to ask our voters again. And so I ask for your support of LR358CA. Thank you. [LR358CA]

SENATOR COASH: Thank you, Senator Carlson. Senator Avery, you're recognized. [LR358CA]

SENATOR AVERY: Thank you, Mr. President. Colleagues, I oppose term limits and I have done so consistently because I believe it to be bad policy. This bill improves what is bad policy. It's not a complete cure but it will make things better. Let me explain why I oppose term limits by using a baseball analogy. Let's suppose you have two teams. We'll call one team the incumbents and we'll call the other team the challengers. The incumbent team, when it gets to bat, gets a bigger bat, a bigger ball, and the outfield fence is brought in 50 yards or 50 feet, so every time the incumbents get up to bat they hit it out of the park so they win all the time. Well, after a while, the fans get upset and they're dissatisfied so they say to the incumbent team, you can't play anymore. They don't change the rules. They just say you can't play anymore. Well, now the challengers become the incumbents and the rules are still the same, so they get a bigger bat, they get a bigger ball, and the outfield fence comes in 50 feet, so they start knocking it out of the park every time they're up and they win all the time. Fans get upset, say you can't play anymore, kick you out. The point here is the solution to more competitive elections...that's what the pro term limits group is all about. It's about noncompetitive elections. Incumbents are always winning. The point here is you've got to change the rules if you want to have competitive elections. Just saying you can't play anymore, kicking out the incumbents doesn't work. So if you don't change the rules, Senator Lautenbaugh, you know that I have spent most of my six years here trying to change the rules of the game, changing the rules of elections to make elections more competitive. And I believe if we focus our efforts on that then perhaps a lot of the support for term limits might disappear. So I just give you that to think about. I'm going to support this bill all the way through Final Reading. Thank you, Mr. President. [LR358CA]

SENATOR COASH: Thank you, Senator Avery. Seeing no other members wishing to speak, Senator Carlson, you're recognized to close on LR358CA. [LR358CA]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature.

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Thank you for the discussion. Thank you for the attentiveness as we've gone forward on LR358CA. I want to give another example before I finish the closing on this. What if we had an eight-year limit on the football coach at the University of Nebraska and Tom Osborne could coach eight years and that's all? What if the best teacher in our local high school could only teach there eight years? What if the best college professor that you experienced could only teach there eight years? What if you need heart surgery and the heart surgeon could only perform that surgery eight years and then he's term limited or she is term limited? It's not the right thing to do. Now why are there reservations about voting for three four-year terms? And I ask you to listen carefully and listen to your heart rather than your head. Are you up for reelection? Are you worried about what the voters may think if you vote for three four-year terms? Let your heart tell you, how are the people of Nebraska better served? I think some of you have reservations about voting because you have an honest opposition to it. I don't understand that but I accept it. I think some of it is political; for political reasons, I'm skeptical about voting for this. Again, I don't understand that kind of reasoning. And all we're doing here is deciding whether or not we let the voters decide. There's some reservation for voting for this because we don't like career politicians. Eight years at \$12,000 does not make a career politician, but it does guarantee your training in how to serve cannot go on any longer. I believe LR358CA is the right thing for us to make a decision to better serve the people of Nebraska. I believe that our voters understand and can make the right decision. Please, let's give our voters an opportunity to weigh in and give them a choice that they did not have in the year 2000. I ask for your support of LR358CA. Thank you. Mr. President, I would ask for a call of the house and a roll call vote. [LR358CA]

SENATOR COASH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LR358CA]

CLERK: 39 ayes, 0 nays, Mr. President, to place the house under call. [LR358CA]

SENATOR COASH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. There has been a request for a roll call vote. Mr. Clerk. [LR358CA]

CLERK: (Roll call vote taken, Legislative Journal page 616.) 30 ayes, 12 nays, Mr. President, on the advancement of LR358CA. [LR358CA]

SENATOR COASH: LR358CA does advance. Items, Mr. Clerk? And I raise the call. [LR358CA]

CLERK: Thank you, Mr. President. Your Committee on Education, chaired by Senator

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Adams, reports LB1104 to General File, LB1105 to General File with amendments, and LB1084 indefinitely postponed. I have amendments to be printed: Senator Fulton to LB727, Senator Langemeier to LB849. That's all that I have, Mr. President. (Legislative Journal pages 617-619.) [LB1104 LB1105 LB1084 LB727 LB849]

SENATOR COASH: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, we will now move to General File, 2012 senator priority bills, the Janssen division.

CLERK: Mr. President, LB830 is a bill by Senator Hadley. (Read title.) Bill was introduced on January 5 of this year, referred to the Revenue Committee, advanced to General File. There are Revenue Committee amendments pending. (AM1971, Legislative Journal page 518.) [LB830]

SENATOR COASH: Senator Hadley, you're recognized to open on LB830. [LB830]

SENATOR HADLEY: Mr. President, members of the body, good morning. The purpose of LB830 is to amend Section 77-2701 and 77-2701.04, Reissue Revised Statutes of Nebraska to clarify that biochips used for the genetic and/or protein analysis of production livestock, commercially produced plants, companion animals, and research animals are not subject to state or local sales and use tax. At one time the sales tax law had been strictly...had not been strictly applied to the purchase of biochips for agricultural research. Under current rulings and legal interpretations, if a product or business is not specifically exempted from a sales and use tax in the statutes, then sales tax must be paid on the purchases of products used by a business and in the production of the products or services of that business. For the purposes of this act, biochips used for the purposes of conducting genotyping and/or the analysis of gene expression, protein expression, genomic sequencing and/or protein proofing (sic) of plants produced for commercial purposes, animals produced for commercial purposes, companion animals, or other nonhuman laboratory research model organisms, such as mice, shall be exempt from sales and use tax. DNA/RNA protein biochips consist of a solid substrate upon or into which is incorporated chemicals and/or specific genetic or protein information. When the DNA/RNA protein samples are introduced to the chip, they are queried through one or more chemical interactions allowing an isolation of one or more single nucleotide polymorphisms, SNMPS, which constitute an animal or plant genotype, "(b) an expression profile which measures activity of genes or the presence of proteins, or (c) a detailed genomic sequence or protein profile." The chemicals and/or specific genetic or protein information incorporated onto or in the chips are consumed in the process of conducting the analysis. That is an important point. Once the chips are used, they are thrown away. This bill changes the statutes to make biochips used for these purposes be exempt from state or local sales and use tax. The bill will impact any Nebraska company that is involved in the use of biochips for this type of scientific research. I would like to give you an example of how this bill will impact just one company based in Nebraska at the present time. That company is GeneSeek. Let me

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give you an overview of GeneSeek. This is the type of company that we want in Nebraska. It was founded in 1998 by a Lincoln entrepreneur and a UNL faculty to provide high throughput genetic screening, gene discovery, and characterization services for the swine and dairy industries. It started in a business incubator at the Nebraska Technology Park with one part-time intern, one part-time intern, started in a technology park. The breakthrough came when the USDA used GeneSeek to verify the origin of the first animal in the United States with bovine spongiform encephalopathy, BSE, or mad cow disease. GeneSeek was acquired in April of 2010 by Neogen Corporation, headquartered in Lansing, Michigan. Neogen is a leading international firm involved in support of production agriculture, good safety and the life sciences, with sales of \$172 million in FY 2010-11. Neogen is the largest licensee of UNL food safety technologies. It has paid approximately \$1.8 million in royalties to UNL with \$375,000 paid last year alone. Neogen has added space, employees, and significant investment since the acquisition. GeneSeek today has an annual impact of \$41.2 million on the Nebraska economy, according to the UNL Bureau of Business Research. GeneSeek has the same kinds of jobs Nebraska is seeking in other companies. Of 45 employees, 24 percent have Ph.D.s or master's degrees and 91 percent have at least a bachelor's degree, and most are recruited from Nebraska. Food safety is an increasing focus with the USDA Meat Animal Research Center and UNL. GeneSeek is conducting research in the early identification of harmful bacteria in food products: E. coli, salmonella, and listeria. GeneSeek is a wonderful example of economic gardening or growing your own companies in the state of Nebraska. The two states Neogen has facilities now located in do not tax biochips used in the manner that GeneSeek currently uses the chips. In summary, Nebraska has consistently not taxed inputs into the agricultural process. When we enact statutes dealing with sales and use tax we have no idea...when we enacted statutes dealing with sales and use tax, we had no idea what a biochip was and what it would be used for in agriculture. Tax policy must address technology and innovation. Whether it is cloud computing, datacenters, biochips, or other new technology, we must be able and willing to amend the state of Nebraska tax statutes to meet changing situations. I would ask for support for LB830. It is good for Nebraska and, equally important, it is good tax policy consistent with how we treat agricultural inputs. I would ask your support for LB830. Thank you, Mr. President. [LB830]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Hadley. You have heard the opening on LB830. As the Clerk has stated, there are committee amendments offered by the Revenue Committee. Senator Cornett, as Chair of the Revenue Committee, you're recognized to open on AM1971. [LB830]

SENATOR CORNETT: Thank you, Mr. President, members of the body. Before I explain the amendment, I just want to rise in support of the bill. This is the very type of company that we want to keep in Nebraska. They're homegrown and they provide a

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tremendous amount of benefit to our state. The amendment, AM1971, clarifies the bill's sales and use tax exemption for biochips used for the purpose of conducting genotyping or related analysis, among other things, of nonhuman laboratory research model organisms, by limiting it to nonhuman protein or lipid laboratory research model organisms. It's a clarification of what type of research that they do and what is exempted. I urge the body to adopt AM1971 and the underlying bill of LB830, and I appreciate Senator Hadley for bringing us this bill. Thank you. [LB830]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening now on LB830 and the committee amendment offered to it. The floor is now open for discussion. Those wishing to speak, we have Senator Avery, Haar, Adams, and Pahls. Senator Avery, you're recognized. [LB830]

SENATOR AVERY: Thank you, Mr. President. This is a bill that I have a considerable interest in. I'd had the privilege of touring the GeneSeek facility a few weeks back. I was impressed with the operation. I was impressed with the facility. I didn't quite understand the technology, but I didn't have to understand the technology to understand the importance of having that business in this city. It is...the bill is a narrowly crafted bill. It would help create and maintain businesses that employ highly educated individuals. In fact, as I recall in that visit to their facility, most of the people I talked to working in those labs have Ph.D.s. These are good-paying jobs and this is the kind of high-tech business that we need to encourage and we need to promote in this state. Currently, we are at a competitive disadvantage because we currently tax biochips, but I would let you know that this is a relatively new tax. We only started collecting it in December of 2010 and, as a result, GeneSeek has been put in a real bind because it's costing them about \$400,000 a year. They have a new owner and that new owner is an out-of-state owner, and the new owners have a facility in another state that does not tax biochips. They want to stay in Nebraska. They want to stay where they are, they want to stay in Lincoln, but they will not be able to do that if we continue to tax this product. They will need to move the Lincoln operation and that would be detrimental to our economy and would work against our objective of creating and promoting these high-tech industries. So I urge you to support this bill, despite the fact that my good friend, Galen Hadley, is the introducer. Thank you. [LB830]

SENATOR LANGEMEIER: Thank you, Senator Avery. (Visitors introduced.) Returning to discussion on the committee amendments offered to LB830, those wishing to speak, we have Senator Ken Haar, Senator Adams, Pahls, Fischer, and others. Senator Haar, you're recognized. [LB830]

SENATOR HAAR: Mr. President, members of the body, I rise in strong support of LB830 and I want to thank Senator Hadley for bringing this bill forward. I, too, have had the opportunity to tour GeneSeek and, to me, it looks like it's exactly the kind of industry that we want in Nebraska from a number of standpoints. First of all, it was actually

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founded by a UNL professor and a Nebraska entrepreneur. They work with ag, which has led to improvements in livestock breeding practices and market opportunities, and they're employing the kind of people that we're desperately trying to retain in Nebraska. We have a great education system. Kids come up through elementary and through our university system and many of them, once they get advanced degrees, have to leave the state to find employment. Here's an opportunity to keep some of those people with advanced degrees in the state, working for the state, working in the place they would like to be. To me it's a matter of supporting small business. I believe it also fits into, although I don't know whether or not this company would move to Innovation Campus, it's the kind of thing that fits right into Innovation Campus and the whole concept of the university working in concert with business right here in Nebraska. Now sometimes when you hear that a business is going to leave if they don't get this or that, you know, it sort of feels like a threat, but certainly I see this as a great opportunity. Again, it's the opportunity to keep our young people in this state employed. It's an opportunity to grow the university's reputation for agriculture and ag support. And it's an opportunity to support small business. So I would certainly hope that we'd vote for LB830; and if you have any kind of technical bent to you, an interest, I would also recommend that you go and visit GeneSeek. It's an interesting place to see what they do and to see that it's being...that we have a world leader right here, a world-leading business right here in Nebraska. Thank you very much. [LB830]

SENATOR LANGEMEIER: Thank you, Senator Haar. Senator Adams, you're recognized. [LB830]

SENATOR ADAMS: Thank you, Mr. President, members. If you look at the computer, you will see that I was one of the no votes in the Revenue Committee to move this bill out, and I feel compelled to say why. And you're probably, before this session is over, going to hear me tell you this story more than once. Let me begin by first of all saying that everything that Senator Haar said about this company is right, Senator Avery is right, Senator Hadley very passionately told the story. It is a good company we hope stays in Nebraska. You know how many times we've heard that story in Revenue this year? And we've still got two more days of hearings. I can't put a number on how many bills have come to us asking for an income tax credit or a sales tax exemption, and every one of their stories is compelling, whether it's the elderly asking for Social Security to be exempt or a company of unknown name wanting to come to Nebraska maybe if you give us this. And we want to grow the state, but it's frustrating. And I'm not blaming anyone. It's the nature of the Revenue Committee. It is the nature of our tax structure. It is the nature of our desire to expand this state and create more jobs. So in light of all of that, Adams, why did you vote no? Three hundred and sixty-two thousand dollar fiscal note, come on, in a billion dollar...multibillion dollar budget, what the heck? "What the hecks" add up and I'm sick of cutting K-12 education, let me just lay it out there. I'd like to be able to give every one of these a little bump in the tax code to maybe bring them home or level the playing field, all the things we've heard. I even said in the Revenue

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Committee Exec Session on this bill I hoped that I could get to the floor and support it, but the timing is not right. Here's why. We got a revenue forecast coming out Friday. We don't have it yet. We got an Appropriations Committee, I'm not going to guess, but they've spent hours, I'm sure, trying to make the numbers all balance and they're not done because they don't know all the numbers yet. And we're putting this out on the floor. I just thought it was premature to have it out here, that was all, not that it isn't a good company, not that we probably shouldn't try to help them, not that it doesn't fit into the economic culture of Nebraska. It's \$360,000, and then it's \$400,000 and whatever it is, and there's probably another 25 bills behind it sitting in Revenue that all got a price tag on it that are good, and where does this begin and end? Well, with me in the Revenue Committee, when we "execed" on this, it began and it ended right there. I said, no, not until I got a better picture of how the budget is coming together, of how the revenue forecast is looking. I can't even deal with TEEOSA yet, for me, until I get my hands around those numbers. Well, I'm not going to say anything more because you'll probably hear this story a few more times yet. Thank you, Mr. President. [LB830]

SENATOR LANGEMEIER: Thank you, Senator Adams. Senator Pahls, you're recognized. [LB830]

SENATOR PAHLS: Good morning, Mr. President, members of the body. Well, I feel a little bit better right now. It's been a long struggle. Again, I read this, this sounds great, but after I heard Senator Hadley, who's a good friend, but I'm also almost thinking that he's going to be our exemption king here in a little bit. But anyway, he said, well, this company may move to another state. So all of a sudden I started thinking, my goodness, I better go to South Dakota. No, no, I better go to Wyoming. No, I better go to Texas. Well, maybe I ought to go to Florida because I wouldn't have to pay any income tax, none on income tax. That would be a good exemption on my part. In fact, if you can recall, I have shown, in my past stories about tax exemptions, how we could do away with income taxes or property taxes if we said, oh, my goodness, sales tax exemptions are going to be squashed a little bit. I can tell you right now, again, I feel like I'm at a birthday party because I know which direction, there's a possibility, this bill will go; not against the concept. But even though the previous bill, when we voted on extending some people's lives to 12 years possibly instead of 8 in this body, well, if that does occur I have a feeling some of you in this body who are in your first term, you have a potential of serving, like let's say, at least 8 more years plus what you're serving now. In that time down the line, you're going to be looking at tax exemptions much more seriously than we are right now, because that keeps growing and growing. In '67, when this started, it was a small amount. Now it is this, almost our budget is what we exempt. And again, I'm not picking on this particular bill. It just gives me the opportunity to reinforce, because my time is...I'm almost going to be exempted here pretty soon from this body so I only have one or two more occasions to be able to speak on this. But how many times have we heard in another state...and I know there's a possibility and we do not want to lose this type of company because it is probably the future, that they will

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move to another state or others will move to other states? The idea of Social Security, now I fit in that, I hope you exempt that. That would be great for me. We have a few veterans on the floor. They've tried to have their...to be exempted from some taxes, not a bad idea, because I know we do have a number of veterans. And we have a few people in my age bracket on Social Security, that would be a good thing. Why don't you think about people like us? Don't you want people like these old people to stick around and to retire in the state of Nebraska and to spend our money? It is a complicated process, these exemptions. I have never voted or said we should eliminate exemptions. I think we should find a rationale. I hear the word, the "policy." Well, it seems like that policy is expanding. And I'm going to stop now because I do have a bill coming up with exemptions that I will have an opportunity to speak on a little bit more. Again, the idea is good; it's hard to argue, truly is, truly is. Thank you. [LB830]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Thank you, Senator Pahls. Senator Fischer, you're recognized. [LB830]

SENATOR FISCHER: Thank you, Mr. President and members. I echo Senator Adams' comments. I won't flail as much as he does or raise my voice though. He's much more dramatic than I am on the mike. But I can tell you, as a member of Revenue Committee, if you look at that committee statement I, too, voted no on this bill out of committee, the reason being exactly what Senator Adams said. We hear every day about another group, another idea that would like a tax credit, a tax incentive, or tax relief. How are we going to put this all together? I was kind of surprised this year at the number of bills that were introduced, and I'm really surprised at the number of priority bills out there chosen by my colleagues or by the Speaker that involved tax incentives or tax credits or tax relief. Those are spending bills. Every single one is a spending bill. It takes revenue away from the state to be used for another purpose. We have commitments. We've made commitments as a body in our last budget. And I was surprised to see that so many of my colleagues believe the economy has turned around and that we can afford all of this now. I don't believe we can, so we have to set priorities. I voted no on this bill coming out of committee, not because I don't support the bill, not because I don't support this business. I voted no because of the process. I felt, as Senator Adams did, we shouldn't be sending all these bills out on the floor at once; that the committee needed to decide what the priorities were for the Revenue Committee, just as Appropriations goes through the budget and decides what their priorities are before they put it out on the floor in a package. I happen to believe this year it's vitally important that Revenue meet with the Fiscal Office, meet with Appropriations Committee so we can determine what, if anything, we can be spending this on. We have a Cash Reserve that I think needs to be built up too. So there's a lot of wants out there. But as I said earlier, we've already decided on a lot of priorities: K-12 education, roads funding, child welfare. I'm sure Senator Campbell is going to start standing up and saying, whoa, wait a

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minute, folks--Senator Howard is nodding, member of...members of Health Committee are nodding--because we haven't seen that package yet, and I think all of us in here have said child welfare is a priority this session. I have read it in the paper that we've all said it, so it must be true. Then let's make it true. If we truly have set priorities, pay attention to these bills. Look at the fiscal notes on things that are on General File and there is...I found one, Senator Ashford, that doesn't have an A bill yet but I think it should, so we'll talk about that later. All of these are coming up. I know Senator Ashford is going, why is she picking on me; I'm sitting over there being quiet. (Laugh) But truly, I just...I just say to you there are all these wants that are out there. I personally have set this, this bill of Senator Hadley's as a priority of mine. [LB830]

SENATOR CARLSON: One minute. [LB830]

SENATOR FISCHER: I'm willing to spend the \$360,000. I'm willing to spend the \$550,000. But it has to fit into the budget so I'll clarify that my support, it has to fit in the budget. But I will vote to advance this bill because I believe it is a priority. I believe that we can afford this. I believe it will be good for the entire state of Nebraska. But we need to pay attention. We can't afford most of what's out there. Thank you, Mr. President. [LB830]

SENATOR CARLSON: Thank you, Senator Fischer. Those senators still wishing to speak include Senators Brasch, Krist, Hadley, Hansen, and others. Senator Brasch, you're recognized. [LB830]

SENATOR BRASCH: Thank you, Mr. President. And good morning, colleagues. I rise because I was excited and enthused in the Revenue Department (sic) to learn of GeneSeek. I asked Senator Hadley if I could make this my priority bill and am honored to do so. Why did I make it my priority bill? Because it does affect Nebraska, all of Nebraska and Nebraska agriculture in many, many facets. GeneSeek, now Neogen, came to the Legislature asking for help because they want to stay here. It was one of our incubator success stories at the university where students, researchers, scientists came upon a very valuable tool in agriculture, in animal research in genetics, and they became their own company. That's what we want to see. And they stayed in Nebraska and they grew here and they are of important value to us. One technique I like to use as a senator is boots to the ground, so believing this is an important bill I put my boots to the ground. And I spoke to a dairy farmer in our district asking them about GeneSeek, this type of technology, and his eyes lit up and he said, yes, we have worked with this company historically, with this technology; it would be a terrible shame if they were not a Nebraska-based company. I also spoke with Dr. Alan Doster, the director and veterinary pathologist with the UNL Veterinary Diagnostic Center. He has a longtime history of working with these scientists as they were at the university, and he said that they work cooperatively, they complement each other. They do go to them on research that they are unable to do. I also believe that we need to take a look at the bigger picture here,

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that we, this company now acquired by Neogen, a national company, will and does look at the bottom line. They put a pencil to it. We are the only state that would charge a sales tax on this agricultural input. They have headquarters in Michigan, Kentucky, and I believe it's Scotland, and it would be so easy, this is what the university Dr. Doster said, for them to relocate. It wouldn't take a huge semitruck, that this type of equipment is very mobile. And we would be losing, you know, the \$40 million of tax receipts that they do contribute to our state. They are of value and they are facing a business decision that will greatly impact them. Personally, the people there, they would love to stay here. They are employing the kind of jobs that we asked for as a Legislature. They are higher education Ph.D.s. They have hired graduates from the university. They have brought people, you know, into our university. I ask others for your support here. I will yield my time to Senator Hadley. Thank you. [LB830]

SENATOR CARLSON: Thank you, Senator Brasch. Senator Hadley, a minute and 10 seconds. [LB830]

SENATOR HADLEY: I just want to quickly thank Senator Brasch for prioritizing it. I'm in the queue to speak later, but just to speak a little bit to the timing, there is a timing issue on this. [LB830]

SENATOR CARLSON: One minute. [LB830]

SENATOR HADLEY: Decisions have to be made by companies and they sometimes don't operate on our calendar. And so with that, my light is on and I will expound on that later. Thank you, Mr. President. [LB830]

SENATOR CARLSON: Thank you, Senator Hadley. Senator Krist, you're recognized. [LB830]

SENATOR KRIST: Good morning, Nebraska, colleagues. I would like to echo some of Senator Fischer's sentiments and also Senator Adams'. In my own personal case, those of you who have heard me on this mike before will highlight the fact that I believe that we are changing tax code and the revenue status in this state one bill at a time, one day at a time. I have taken the personal stand that I, too, have my priorities when it comes to spending money and prioritizing where that money should be spent: child welfare, foster care, Medicaid. We have sadly underfunded essential services to our kids, to our foster care program, and we continue to throw money at the situation. If you've read the Op-Ed in the World-Herald today or the recent release from the department, again, we are going to throw money at the situation, in some cases unaccountable for what we're doing. And to coin a phrase from Top Gun, I think we're writing checks that we can't cash. But this is one of the bills that I looked at that has become one of my priorities to spend money, along with the child welfare system and foster care, not because this company came to us and said, you know what, if you don't cut us a deal we're going to

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move to Wisconsin, because that, in my mind, would be extortion. But what they've said is, we grew this, we've grown it, it is an incredible return to the state. I think there's over, maybe Senator Hadley will talk about it later, but I think there's over a million dollars in royalties paid back to the university every year. I think there's over \$40 million in revenue that comes in from this company. So I will support this bill. But I will caution those who are listening all throughout Nebraska, don't come to us and say, we're going to move unless you change the tax policy. I'm going to be here for a few more years and my intent would be to change revenue and tax policy in this state in a smart way and to make every committee accountable for anything that comes out of that committee to be balanced along with the Appropriations, the availability of the tax receipts, and spending. I reluctantly voted for the \$25 million that we handed to the university last year. I am going to vote for this bill. But I caution everyone, develop your priorities, look at the availability of funds, look at the return to the state, make sure that you are not giving away the farm, so to speak. I was talking off the mike with Senator Hansen a few minutes ago and I said, you know, when you retire from the Air Force or retire from the military, you have a family decision to make and usually you sit down with a map of the United States and you say, I'm tax-free here, I'm tax-free here, I'm tax-free here. And even though we identified all those places we could go and be tax-free, we wanted to stay here in Nebraska. There is a choice to be made. Just because we are giving people cuts and deals does not mean that they will stay here, but those conditions and those decisions are made daily by people who do not want to stay in this state for reasons that Senator Pahls elaborated on earlier. Take a look at what we're spending money on. If this is one of your priorities, I would invite you to join me and vote yes on AM1971 and the underlying LB830. Thank you. [LB830]

SENATOR CARLSON: Thank you, Senator Krist. Senator Hadley, you're recognized. [LB830]

SENATOR HADLEY: Thank you, Mr. President. I want to talk about two or three things. We talk about the needs of the state--child welfare, TEEOSA, school aid funding, prisons, a long list. Where does the state get its money? Where do we get money to fund these things? Well, we can do it through reallocation where we cut one agency and give it to another agency. We went through a pretty painful process the last couple years cutting; it isn't fun but we can do that. We can raise taxes. If you're willing to raise taxes, please let me know. I don't think there's a real sentiment in the body to raise taxes to get more revenue for the state. Or we could try and grow and keep businesses that pay taxes. If we're going to fund things in the future, we've got to grow our economy. We've got to keep those businesses that pay taxes, that pay property taxes that fund TEEOSA, that pay income taxes that fund the state of Nebraska, that pay sales taxes that fund the state of Nebraska and individual communities. That's where we get the money. And this is an example of that. Secondly, it's kind of the idea that we're giving somebody a special deal. Let's talk about agriculture. How many of you want to start taxing inputs to agriculture? Anybody? Sure you don't. Why? Because it's a

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very competitive market, right? Price is determined by the market and we don't want to put our ag producers at any disadvantage. Well, this is a part of the agricultural chain, so if you don't want to do this as an exemption, then maybe we need to look at other areas in agriculture. But we don't want to do that. So I think there's a logic behind this bill and it is not just to say to this company, oh, we like you so we're going to give you a tax break. We like you because you're involved in agriculture, which one in three Nebraskans are either directly or indirectly involved in. Lastly, what would you do if you lived in Hastings and a company came to you and said, we're willing to come here and the economic impact on the area is \$41.5 million but would you help us with a \$350...we got a problem with the use tax that we think is unfair to us, would you help us? Or if they came to Lexington and said, we're thinking about moving to Lexington or Kearney, Scottsbluff, Morrill, Valentine? How many...any of you that would not like to have a company move in with a \$41.5 million impact to your local economy, you want to raise your hand and we could just cross you...we can tell DED to cross you off the list. That's what the impact is of this company. But it's only one of them. There are other companies. I have a list here of about 12 companies around the country and around the world that are involved in this. There are companies from foreign countries that GeneSeek and Neogen compete with. And in the competition, input costs are a part of that decision making. [LB830]

SENATOR CARLSON: One minute. [LB830]

SENATOR HADLEY: I realize we're taking this up early, but I think there are special circumstances for taking it up early and I think they're important circumstances. Lastly, I want to go back to the cost-benefit concept: \$41.5 million impact on one hand; a \$350,000 impact on the other. Add them up. If we could get a hundred companies that came in that had a \$41.5 million impact that cost us \$350,000, I got a hunch we might be very happy with that. So again, I support the underlying...the amendment and the underlying bill, and I would ask for your green vote. Thank you, Mr. President. [LB830]

SENATOR CARLSON: Thank you, Senator Hadley. Senator Hansen, you're recognized. [LB830]

SENATOR HANSEN: Thank you, Mr. President. I guess I have...this is the week of confessions for me. I had to confess something the other night at supper and today I also need to stand up and confess something, that I am a doubting Thomas. I think my parents probably aptly named me; and I really doubt whether some of these tax exemptions, sales tax exemptions especially, are worthy. I spent quite a bit of time talking to Senator Pahls about his ideas and I like the ideas. I like the flat sales tax at a very low rate across the board. Let's tax everything very, very lightly rather than give out a lot of exemptions. But I doubted, at the time, if I should cosign the bill, but after a very brief explanation by Senator Hadley, I went ahead and did it. But then I said, I said to the lobbyist that was representing GeneSeek, I said I got to see this, I've got to put my

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eyes on it. They wouldn't let me put my hands on it, but I wanted to see what was there, what the history was, what the future is for this company. I think they have a really bright future. They have a bright future in genomic research in the livestock industry and probably more yet in the future. We can talk about tenderness. If you've ever gotten a tough steak, this GeneSeek identifies markers for tenderness, beef tenderness, also for swine traits too, and the list will get longer and longer, I'm sure. These companies like GeneSeek do have headquarters that are out of state. They've come here and invested in a building. They give royalties to the University of Nebraska because they're associated with them. They have researchers there too. But between the royalties, the income taxes that they pay, the owners of the company, the managers of the company, the employees of the company are all paying income taxes. They pay property taxes like everybody else if they have a house. If they live in an apartment, you're going to be paying...those employees also pay the property taxes. And they also pay sales tax on the purchases that they make that are still taxed. Whether it be a low amount of exemptions or a high amount of exemptions, they're still going to pay sales tax. I think we have to pick and choose. We have to be very deliberate in what we will vote for in the area of sales tax exemptions. Senator Hadley has a list and it's an extensive list, just the requests from this year. I pay sales tax on machinery parts, and I think the week after I cosigned this bill I carried around for about a week a letter...not a letter, it's a receipt for a baler. We bought a new John Deere baler last year. Well, when you buy a new piece of equipment like that, they offer a tune-up or a good look at the baler the following winter when you're not using the baler, so we took it in. And it cost considerable for them to go over it, but there was also \$131 worth of sales tax on that one bill, that one trip to town with that baler. And so we continue paying for that. I don't think I, at this time, unless the rate is reduced and the base is broadened, I won't support the repeal of the sales tax on machinery and repairs. So we have to pick and choose. This is the one I choose. I do support the bill and will continue to do so. Thank you, Mr. President. [LB830]

SENATOR CARLSON: Thank you, Senator Hansen. Those senators still wishing to speak include Schumacher, Dubas, Cornett, Ken Haar, and Langemeier. Senator Schumacher, you're recognized. [LB830]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Since I've been appointed to the Revenue Committee, I've felt like a Catholic priest at Christmastime hearing confession--a whole line of people outside my door all wanting tax forgiveness. I share the sentiments expressed by Senator Adams and Senator Fischer regarding the nature of our fiscal responsibilities to the people of this state. We have a tremendous quandary arising out of businesses who want particular tax preferences. We have no general policy on how we approach those. We know that...our present salary budget projections and no matter what we do to try to make them look pretty still mean that our reserve is low, our economy is uncertain. We haven't calculated into the mix the cost of medical care. Even if Obamacare fizzles out, the

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healthcare mess does not go away. We have got...we're facing an election where if one side wins there may be severe federal budget cuts, and that burden will go on the state. If the other side wins, we have huge deficits and we wait with dread the coming of a black swan to trigger an interest rate increase and cause the whole system to collapse. So we have to pick and choose very, very carefully and we, at all cost, have got to avoid becoming the candy man and attracting more and more people wanting special treatment. That being said, this particular company is a case study and it's a case study of what we do right and what we do wrong. Those very, very talented people tell the story how this company had a hard time getting financing, in fact, tried to get a loan, \$10,000, to start the thing off; ended up rigging up a credit card and personal monies for a small amount of money to get started. And they became very profitable very quickly because they were talent, know-how. They were lucky at the time they entered the market with a minimal amount of capital. There weren't any angel investors sitting on their nest. And they had the labor resources and the physical resources... [LB830]

SENATOR CARLSON: (Gavel)

SENATOR SCHUMACHER: ...here to make it all work. And they grew to be a successful competitive company. Now there was a problem there. We should have had a better capital organization mechanism to help them out on the front end with private money instead of public grants, but they made it anyway. Then what happened is when it got up and going, did they sell themselves to Nebraska investors? No. They merged with companies controlled from outside of Nebraska, and in doing so we lost control. Fortunately, what ended up happening is there is a royalty agreement with the university for some of the assistance and partnership with the university that they, regardless of where they move to, will be paying to the university a nice sum of money. But we should have had our capital organized to acquire these companies that we help get started with these facilities, these campuses, and so that our investors, instead of having to invest in \$12,000-an-acre farmland, and that's up about \$2,000 from when we spoke about it a year ago, could invest in these businesses. We have an opportunity to do that and minimizing the situations that we're put in where they say, we will move, we'll pack up our things in a couple of semitrucks and leave if you don't give us thus or so. So I think this... [LB830]

SENATOR CARLSON: One minute. [LB830]

SENATOR SCHUMACHER: ...this underscores a general issue that we have to address from a large planning element as to how we're going to mobilize capital and people and talent, how we're going to handle these requests to either give something or we will leave. And these are good discussions that we need to start having at a very basic level in the development of policy for our resources and our taxation. I'm going to support this but it's with the situation that I think the word has got to go out that these kind of events are going to be fewer and more far between. Thank you, Mr. President and members of

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the body. [LB830]

SENATOR CARLSON: Thank you, Senator Schumacher. Senator Dubas, you're recognized. [LB830]

SENATOR DUBAS: Thank you, Mr. President. Colleagues, I couldn't agree more with what Senator Adams and Senator Fischer have said. I do not envy the position that the Revenue Committee is in. I'm one of those senators that have come to them with my hat in hand asking them for some special treatments. I requested a sales tax exemption for farm repairs and parts because our equipment dealers are at a huge economic disadvantage, especially those who are on the border, competing with our neighboring states who don't charge sales tax on those particular items. And if a farmer can save 5, 7 percent on big ticket items, which there is no repair that's that small, they're going to do that. So we're always talking about how we keep ourselves competitive, how do we keep our business climate competitive, and it's a struggle. It's definitely a struggle. Sometimes it almost feels like we're being held hostage. I think Senator Schumacher kind of alluded to that fact. You know, companies say, you know, if you don't give me this, we're going to go elsewhere because we can get it elsewhere. We don't want to lose that. We are working very hard to build the economy in Nebraska, especially in our rural areas of the state. And so we do whatever we think we need to do to make that happen. Would Senator Adams yield to a question, please? [LB830]

SENATOR CARLSON: Senator Adams, would you yield? [LB830]

SENATOR ADAMS: Yes, I will. [LB830]

SENATOR DUBAS: Senator Adams, thank you again for the comments that you made, and again, I couldn't agree with you more. And I believe education should be our first priority and that is what everything else should circle around. But as I just said, you know, I've come to the committee with my requests for exemptions. I'm bringing in a whopper of a fiscal note to you this afternoon. We're going to have a good discussion about that. But we know we want to be competitive. We know what our neighboring states are doing. We know we are not an economic island. There's been a lot of talk about how do we improve our rankings. We want to get in that top quarter of the rankings. And this may be a question that you can't really give me a good...a solid answer to, but I think it's one we're kind of touching on as we have this discussion this morning. How do we do that and still be true to what we need to do within our own state? How do we do that and make education a priority but yet still make a friendly business climate for our state too? [LB830]

SENATOR ADAMS: Wow. (Laugh) You've asked probably the unanswerable, at least at this point. [LB830]

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SENATOR DUBAS: And I believe that's true, but I'd appreciate your insight. [LB830]

SENATOR ADAMS: You know, I do think there isn't a person in here that doesn't, in their minds, prioritize education, prioritize children's programs. We do that. But as you well know because you've been here, we also have to make additional choices that go along with it. And I think, quite frankly, that a part of our issue is the economic environment. This climate that we have been in since this recession, which I don't believe we've climbed completely out of yet, has put us in a spot where we really haven't been able to say...I mean, yes, we've been able to say here's what our priorities are and do the best we can, and not having the money forces us to really do that. But I don't think it also gives us the opportunity to really look at tax policy and expansion and say what do we need to do over here and can we do them at the same time, particularly in this financial environment we're in. And I suppose to some degree, and this is very, very personal with me, sometimes it's just the frustration that we're here in January, we go away in April, and we hear all these bills and we all have other things in other committees that we're dealing with. And we've got all this stuff coming at us in Revenue and you're trying to think what's good for the state and, at the same time, what's good tax policy. And then I'm worried about education and you're worried about agriculture,... [LB830]

SENATOR CARLSON: One minute. [LB830]

SENATOR ADAMS: ...and it just...I'm not making excuses. I'm trying to answer the question. I'm thinking out loud. [LB830]

SENATOR DUBAS: No, and I agree with you and I think that highlights how complex a legislative process is when we're trying to put together sound fiscal policy for the state. And I think maybe through our Planning Committee we might be taking a step that direction. I think Senator Krist has talked about how do we put together an organized way of putting the Revenue Committee and the Appropriations Committee together and taking all of the other bills that come before us so that we are not looking at them as isolated pieces of legislation but a bigger package. And we've had this discussion before in the Legislature and it's much easier to talk about it than to actually do it. But I just so much appreciate and respect the position that you've taken. And again, I don't envy the position you're in as a member of the Revenue Committee and I hope that the entire body... [LB830]

SENATOR CARLSON: Time. [LB830]

SENATOR DUBAS: Thank you. [LB830]

SENATOR CARLSON: Thank you, Senator Dubas and Senator Adams. (Visitors introduced.) Returning to discussion, Senator Cornett, you're recognized. [LB830]

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SENATOR CORNETT: Thank you, Mr. President, members of the body. Again I want to rise in support of this bill, but I want to explain the Revenue Committee's putting this bill out. If you look, a number of our bills with fiscal notes have not been voted out of committee; and we are waiting on "execing" on those bills, as Senator Fischer and Senator Adams have discussed on the floor. This bill, because of its nature and because this is a homegrown company and because they have been such a good actor in the state and they do employ 24 Ph.D.-level people, they do almost all of the DNA testing for breeding animals, not only in the state but in the country and around the world. They are a example of what we have been trying to incentivize in Nebraska--a wonderful homegrown company that wants to stay here. The Revenue Committee members that voted for the bill to come out of committee all felt that this was a priority above the ones...not above the ones we were holding but an immediate priority that we felt we could address. And none of the committee members that voted no or did not vote actually expressed that they didn't support the bill or the company. It was my understanding that they were waiting until the Forecasting Board. But we did kick this bill out. I do support it and I do urge everyone to support this bill also. And I yield the remainder of my time to Senator Langemeier. [LB830]

SENATOR CARLSON: Thank you, Senator Cornett. Senator Langemeier, 3 minutes and 20 seconds. [LB830]

SENATOR LANGEMEIER: Mr. President, thank you. Senator Cornett, thank you. I rise today in support of LB830 and the committee amendment with it. And I had the privilege to serve two years on the Revenue Committee and I always jokingly told people, as I talked to my constituents, that some day you may see a flier that says I voted against a tax exemption for somebody or a tax cut for somebody. And you did, because you just had 60 bills before your committee and you couldn't advance them all, so you made those decisions. I appreciate the Revenue Committee putting out LB830. I think this is something we weren't taxing before and now to a new ruling we're going to tax it again or start to tax it, I should say. And I'm willing to vote LB830 along. I do know that it's got a fiscal note so we're going to see the budget long before this can ever get across the finish line, but I think today it's worthy to move it on to the next level and then we'll wait for that Forecasting Board and we'll wait for the rest of the bills to come out. Then we're going to have to make decisions. But today I'm willing to make that move and keep it in the process. It is all about timing in this Legislature. Whether you get your bill up like this right before noon or you get it up first in the day really affects on where your bill lies, whether it comes early in the session or late in the session. But I think you look at it at the merits it has before it and you move it on to the next selection. And I would ask for your support of LB830. Thank you. [LB830]

SENATOR CARLSON: Thank you, Senator Langemeier. Senator Ken Haar, you're recognized. [LB830]

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SENATOR HAAR: Mr. President, members of the body, I understand, too, that we come under really great personal pressure, and I'm sure that's true of each of us, when we have to decide what do we support and what don't we support when it comes to things like tax exemptions. But...so we have to come up with priorities. How do we set these priorities? And certainly we have to pick and choose among those projects then. And one of the things about this that will get my vote is that you start by keeping what you have that's good. This is a great business. It started in Lincoln. It started in Nebraska. It's Nebraska grown. It's primarily staffed by Nebraskans and it's people who will stay in Nebraska because they like living here. So once again, I would say I support this project because we need to keep what we have that's good, and this is certainly a good project. I would give the rest of my time, should he want it, to Senator Hadley. [LB830]

SENATOR CARLSON: Thank you, Senator Haar. Senator Hadley, you have 3 minutes and 40 seconds. Senator Hadley waives. Senator Council, you're recognized. [LB830]

SENATOR COUNCIL: Yes, thank you very much, Mr. President. I have listened to much of the debate on this particular piece of legislation, and I certainly appreciate the desire of the proponents to maintain a business of the caliber of the biochip business that would be impacted by this legislation. But I share the concern of many of my colleagues who have risen to address the fact that we are, in my opinion, establishing tax policy on a piecemeal basis. I can't help but be reminded of the fact that last year or the year before those of us from the Omaha area attempted to get this body to exempt from sales tax the additional sewer fees that were going to be charged Omahans as a result of the combined sewer overflow project; the fact that we presented evidence that major employers, major corporations in the Omaha area that were going to be impacted by that sales tax increase had advised that they, too, would consider relocating because of the sales tax increase. And it appears to me that we become selective in terms of determining which businesses are worthy of committing to stay here. Or if that's not the case, it's we are driven by where the business happens to be located, which I believe to be the absolute wrong policy direction to be taking on a matter as serious as the revenue to be generated and the revenue to be exempted from taxation. So I just wanted to stand and remind colleagues that when we do this in a piecemeal basis, we do come down, in my opinion, to very subjective reasons for approving one company over another company. And that if that's going to be the standard that a company threatens to leave, and if the company has potential or employs significant numbers of people, then we need to develop a policy and a standard that would be universally applied because it apparently does not apply in every case where there's the potential for a significant loss of an employer, a significant loss of income tax and other revenue bases as being the basis for a sales tax exemption. Thank you. [LB830]

SENATOR CARLSON: Thank you, Senator Council. There are no other senators wishing to speak. Senator Cornett, you're recognized to close on AM1971. [LB830]

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SENATOR CORNETT: I just urge the body to support AM1971. It is a technical amendment to include language suggested by Senator Schumacher. Thank you. [LB830]

SENATOR CARLSON: Thank you, Senator Cornett. You've heard the closing on AM1971. The question is, shall it be adopted? All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk. [LB830]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB830]

SENATOR CARLSON: The amendment is adopted. We return to discussion of the underlying bill, LB830. Are there senators wishing to speak? Seeing none, Senator Hadley, you're recognized to close. [LB830]

SENATOR HADLEY: I will make this short and sweet. Thank you, Mr. President. Just a couple quick things: People seem to think we're singling out one company. This is a continuation of the policy. We do not tax inputs to agriculture. It is not a new policy. Secondly, it is the type of situation we want to grow in Nebraska. You can either raise taxes to fund government or you can grow the economy to try and fund government. I happen to believe that we do it by increasing the economy. With that, I would ask for a green vote on LB830. I can't...I need to get new glasses, I'm sorry, LB830. Thank you, Mr. President. [LB830]

SENATOR CARLSON: Thank you, Senator Hadley. Members, you've heard the closing on LB830. The question is, shall LB830 be advanced to E&R Initial? All those in favor vote yea; opposed vote nay. Record, Mr. Clerk. [LB830]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB830. [LB830]

SENATOR CARLSON: LB830 does advance. Mr. Clerk, items for the record? [LB830]

CLERK: Mr. President, Senator McCoy, an amendment to LB1018 to be printed; new A bill. (Read LB985A by title for the first time.) Natural Resources Committee will meet in Executive Session at 1:30 in Room 1525. Senator Fulton would like to add his name to LB712; Senators Bloomfield and Schilz to LB239. (Legislative Journal pages 619-621.) [LB1018 LB985A LB712 LB239]

And a priority motion: Senator Ken Haar would move to adjourn the body until Friday, February 24, at 9:00 a.m., Mr. President.

SENATOR CARLSON: Members, you heard the motion to adjourn. All in favor say aye.

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Opposed, nay. We are adjourned until Friday morning at 9:00 a.m.