

PRESIDENT: Senator Landis.

SENATOR LANDIS: Members of the Legislature, upon reflection, I was persuaded by Senator Scofield's argument that the present circumstance is sufficiently without guidelines, limitations, standards or examination, that we really should tighten things up. And, on that basis, I'll vote for the Scofield amendment. I do think the Scofield amendment puts us perhaps in the situation of being at the mercy of a private entity to exonerate the public interest. In other words, if St. Paul Surety Company stops writing ecological risks or surety bonds, the State of Nebraska has no way of granting a permit, under this system. Our ability to grant that permit comes to an end because that which we require, a surety bond, doesn't exist in the marketplace. Well, perhaps an alternative should exist, but that's maybe for a better day...another day to be improved. With respect to a background check, it's a good idea, but again what you're doing is asking the private marketplace, and you're placing your assurance in the private mechanism which may or may not exist, which may...well, which we do not review, which we do not standardize, which we have no greater faith in, other than that that is a practice of their business to do. We have no oversight of their background check because it's not our background check. If the argument is we should have a background check, why not ensure it by doing it in house, making this our function and our responsibility rather than relying it on...in the private marketplace. In summary, let me say that although I think the amendment could be improved by the existence of an alternative mechanism of showing financial responsibility and therefore not placing ourselves at the mercy of the private marketplace, I do think the amendment is a better piece of public policy than the public policy we have today. And, for that reason, even though I think it draws the net a little too tight and limits some options that are reasonable, it's probably better than the situation today in which items as hard to check on and as easy to manufacture as a letter of credit could be used to secure financial responsibility when, in fact, there is very little reason to believe, it seems to me, that a letter of credit is an adequate guarantee of the taxpayer being relieved of responsibility because there will be some private entity to respond to a need. In that sense, the Scofield amendment probably is better public policy than what we have today.

PRESIDENT: Thank you. Senator Owen Elmer, please.