

May 24, 1973

SENATOR CARPENTER: (mike off)--if so, I ask unanimous consent to withdraw it. If it's not there, why forget about it.

PRESIDENT: It's, it isn't there, Senator Carpenter, so you're alright. Senator Kelly, excuse me, Senator Carpenter.

SENATOR CARPENTER: I want to talk after, for a few minutes after Senator Kennedy gets through.

SENATOR KENNEDY: Go ahead, Senator Carpenter. Go ahead.

PRESIDENT: Senator Carpenter has the floor.

SENATOR CARPENTER: Mr. President, this is reasonably important. I have been in contact with the fiscal analyst who has been in contact obviously, with the Tax Commissioner who would be responsible to the administration of this act if passed. It would require about \$90,000 to fund this bill. Now we have no problem because they have a sufficient amount of money in the interim between now and the time we get back in January in order to do what the bill says if they're required to do it. Now there's one other thing in which I hope will happen. It's my understanding, irrespective of the form of this bill, it will be taken to the courts as it should be, but I would hope rather than to use this bill through a court action as a vehicle of delay, that those who have the responsibility to protect the State and those who are trying to protect others who might be adversely affected by it, would do what they could to convince the Supreme Court of the State of Nebraska to have this as an original entry and not go through the District Court and by the application and delays peculiar to law

(End of Belt #9)

(Start Belt #10)

make this bill completely ineffective, and if they do that then it seems to me they almost indict themselves upon the horns of public dilemma that they don't want this thing to happen and they're using a legal procedure in order to preclude it. What I'm trying to say, if this bill is unconstitutional, the sooner we find it out the better and I would hope that both sides would expedite the matter in order to get it into the courts if that's what they want to do and I think they probably do want to do that. That's their privilege and I think they probably should do it.

PRESIDENT: Chair recog--next recognizes Senator Kelly.

SENATOR KELLY: Well Mr. President and Members of the body. Included in the Kennedy amendment are sections that have the various vendors of fuel and energy sources in Nebraska to make their allocations known to the Tax Commissioner and penalties if they don't follow those and if they don't submit what their allocation is going to be. Now there are factions that believe the first sections of this bill are unconstitutional. The severability clause should be able to leave intact the recorded allocation procedures with the penalties. I believe in this bill, as it now stands, we may have the best of two worlds. Those that want to be severely restrictive in the controlling of energy sources and those who want to