

agency out of it as it should be and will not be under the Department of Revenue or another department and would not be at the whim of any Governor which we might have in the future or the Governor that we have now, this is where it should be placed because sincerely believe that the office of energy will be one of the more important administrative agencies that we have in the State of Nebraska in the future with our energy problem such as it is and therefore it should stand on its own feet and not be flip flopped around from one agency to another and should not be controlled by any particular agency, but should have its own control and that is the reason behind this amendment.

SPEAKER LUEDTKE: Alright, now do you want to take the amendment. There is an amendment to the Duis amendment, is that correct Mr. Clerk? Did you say? Is there....

CLERK: Alright Mr. President, Senator Bereuter moves to amend the Duis amendment by deleting only the words "executive department or a" in lines 3 and 4, page 2 of LB232 and the words, "as determined by the Governor" on line 5, page 2 of LB232. Signed, Senator Bereuter.

SPEAKER LUEDTKE: The Chair recognizes Senator Bereuter.

SENATOR BEREUTER: Mr. Chairman, members of the Legislature. It is my thought that it would probably be unnecessary to create all of the bureaucracy that is necessary to create a new department. That the energy office despite its importance could well be handled by a division within an existing department. Because energy is a function that to some extent is considered by a number of departments in state government, it seems to me that we can find a logical home. When I say "we" I mean the legislature by the appropriation process or by other direction that the legislature might see appropriate to give. Now, if Senator Duis really feels that there ought to be a separate department I would suggest that he ought to eliminate or a division; but he leaves the choice, either one there. The words...striking the words "as determined by the Governor," I have already alluded to, it seems to me that this provides just as much possibility for the function being juggled around as it does under a situation where it might be determined by the legislature to be appropriate. It would mean that any one Governor might change it from year to year or more likely that a Governor coming in to succeed a previous Governor would change it. That seems to me to be a rather unstable situation. Those are the purposes of my amendments to the Duis amendment. I will be happy to take any questions.

SPEAKER LUEDTKE: Chair recognizes Senator Fowler.

SENATOR FOWLER: I would support Senator Bereuter's amendment. I might explain the current circumstances in the energy office as it is. It is created really by executive order of the Governor. It started as a fuel allocation office during the oil embargo some years back. As such it was placed in the Department of Revenue where there was information to the tax on fuels as to available amounts of gasoline and so on. So, currently it is a division within an existing agency. Now,