

speak to the kill motion, followed by Senator Withem.

SENATOR WESELY: Thank you. Mr. Speaker, members, the confusion reigns, I guess, at this point. I remember the debate we just had, and I thought I heard Senator Landis make the argument that Senator Hall was just making, that the current case law, or whatever, didn't provide for class action refunds. Then I heard Senator Warner and Senator Hannibal and others talk about the fact that, if we didn't keep the language in this bill that Senator Withem's amendment was trying to amend, that we would have class action refunds that would cost us \$120 million, or whatever it would cost us. And so we rejected, or some people rejected the Withem amendment, now we're back to the original point that I thought we had that Senator Hall was making, that class action refunds are not evidently possibly under case law. What it just tells me is I don't think we know what is going on. We don't know the current situation, we don't know what we're trying to change to, that we are in a state of confusion here, that certainly for a lot of us that are not at all involved in this sort of tax measure we have to rely on experts, we have to rely on the Department of Revenue, we have to rely on tax expertise that we simply don't have on this floor. Now I admit, with Senator Scofield's comments, that given the information we can make good decisions. I think we have the ability, within this body, to make some good tax decisions, but we can't do it when we have to ferret out the facts for ourselves as we work our way through floor debate. It is simply not the way to do our jobs. At this point, it's quite confusing to me. In addition, I'd like to ask Senator Hall, I know he's busy over on the side there, but, Senator Hall, is it not also the case that we just went through this whole exercise, not more than six months ago, when on May 26th we passed LB 762, a Revenue Committee priority bill, introduced on behalf of the Revenue Department in an attempt to anticipate the refund problems we're now attempting to address, knowing that there was litigation, knowing that we were going to face this issue? As I understand it, the Revenue Department made this issue a priority with the Revenue Committee, and LB 762 was passed changing the exact statutes, essentially, that we're now amending again, six months later. Why are we back at this? I don't understand why, when the Revenue Department came in, we couldn't get it straight the first time. What is...did we not address this issue before with that committee priority bill from the Revenue Department? And why is it that we weren't able to resolve it, now we're back again in the state of confusion? Senator Hall, I'm just curious