

November 10, 1992 LB 2

SENATOR MOORE: Thank you, Mr. Speaker. You know, to a point, I agree with Senator Lamb. The only problem is, obviously, if you don't appropriate the money up front and you tell the Department of Revenue just to make it work, the person that may be penalized there, obviously, is the taxpayer in the timeliness of that refund. I don't know. Obviously, any time we pass an A bill, it is an educated guess by the Fiscal Office and the agency at large, this is no different than that. You, obviously, could go through the deficit process. That is certainly a possibility, so don't feel like if you don't pass the A...if you don't pass this, LB 1 won't be enacted, I think, my attitude has always been when you tell somebody to do something, you have to give them the money to do it, and you know the cost. As far as the refund itself, that is the really unknown one. I guess my point is that I think if there was...there is an administrative cost involved with the Bahensky case, not to mention what we have not dealt with yet. In both Bahensky and in Jaksha, there was attorneys fees awarded that at some point in time we will have to deal with. They were mandated by the court similar to the Haman case and the Commonwealth case, and at some point in time, we will have to do those as well. So there is a cost associated with all of those things. I want the public to be aware of that, and you certainly can do it through a deficit. I would encourage the body to appropriate the money up front and still make sure the money is spent wisely.

SPEAKER BAACK: Thank you, Senator Moore. You have heard the closing on the motion to return. We will now vote on that motion. All those in favor vote aye, opposed vote no.

PRESIDENT MOUL PRESIDING

PRESIDENT MOUL: Have you all voted on the motion to return? Have you all voted? Please record, Mr. Clerk.

CLERK: 26 ayes, 5 nays, Madam President, on the motion to return the bill.

PRESIDENT MOUL: The motion is approved. We are back to Select File. Senator Moore.

SENATOR MOORE: Madam...I don't need anything other than once again reiterating that the body certainly doesn't have to enact