

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

February 3, 2003 LB 72

checkoffs that are already there. And sometimes that causes you not to support a third checkoff. But I suspect that this particular checkoff will appeal to a completely different group of people. So I think we could do well with three. The amendment is simple and technical in nature. Under the bill, the money gained by this checkoff would go to the State Fair Foundation. The State Fair Foundation, as understand it, is a completely private 501(c)(3) corporation. That being the case, the...absent permissive language in the constitution, the question often arises as to whether the state can give money to a private entity. And so what I'm suggesting is that the money not be given to the foundation, but be given, through the regular appropriation process, to the State Fair Board directly. Now, those of you who have been here for a while know that the State Fair Board itself is kind of neither fish nor fowl. It's statutorily constricted, and yet it has aspects of a private corporation. But in any event, the point of doing this is that it would be safer, in a legal, constitutional sense, to give the money to the State Fair Board instead of the foundation. And that being the case, this amendment would recommend to you that we handle it in that...that we process it in that fashion. It doesn't change the purposes for which the money can be used, or do anything else other than change the cash flow mechanism. Thank you.

SPEAKER BROMM: Thank you, Senator Beutler. Senator Connealy on Senator Beutler's amendment.

SENATOR CONNEALY: Thank you, Mr. Speaker, members. If you saw my vote in the committee, I was one of the ones that voted against the bill to come out. And I think Senator Redfield touched on some of our concerns. If you look at the way it's structured, it's going to cost, on the fiscal note, \$75,000 to set it up. I think we had indication that it might be lower, maybe \$50,000 to set this up. We're hoping to garner those kind of funds the first year to offset. If we don't, this will be General Fund dollars that will pay for the Department of Revenue to set this fund up. Because of that, I don't know if this is the time to put this kind of checkoff in place. I don't know if this is the time for us to ask our citizens to give their resources, whether voluntary or not, to the State Fair. And so