

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

January 21, 2004 LB 479

SENATOR BOURNE: Well, you know as well as I do, Senator Schrock, anybody can sue anybody over anything without necessarily having any merit to the lawsuit. But the producer would have to provide notice that they're accepting bids, they would have to demonstrate then to the satisfaction of the Department of Revenue that they decided on a non-Nebraska-based contractor, and they would have to state their reasons. And to me, if they have a past work history with an entity, versus an entity from Nebraska that bid on it that they have no relationship with, that, say, doesn't have a good reputation, that, you know, has performed poorly in the past, it absolutely would give the Department of Revenue and that ethanol producer the latitude to go with the known contractor, even though that contractor might not be from the state of Nebraska.

SENATOR SCHROCK: All right. Senator Bourne, I don't know how I'm going to vote on this. I'm just concerned that it might open things up for more litigation. The Nebraska contractor should have the advantage, because locally-based, and...but I don't know how that all works, and I'm just afraid to...

SENATOR BOURNE: Right.

SENATOR SCHROCK: ...I'm afraid we're getting into some things that are outside of our area of expertise. But...

SENATOR BOURNE: I appreciate that. They should have an advantage just because of their being in Nebraska, versus coming in from, you know, miles away. But the biggest part of the problem is, is that the Nebraska-based contractors don't even know that these contracts potentially exist, because the contracts are already sealed up, already awarded, already buttoned down before the Nebraska-based contractors even have knowledge that a potential for some work exists here.

SENATOR SCHROCK: And then, being as we're dealing with private companies here, I have a problem also forcing them to open it up for public bids. Would you want to respond to that?

SENATOR BOURNE: Sure. If we're giving...I understand your concern,...