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LB 312, 500

LB 775 and son of LB 775, LB 312, prerogatives, that even at the state level, wholesale versus wholesale, retail versus retail, can be affected by certain provisions in LB 312, and yet there, there's no public entity whatsoever that makes a decision on the balancing of the factors. If your application meets the qualifications of the act, it's good. In this bill, I just wanted to go over briefly with you what does exist, in terms of public hearings, to bring before the deciding bodies the questions of whether there are retail establishments that might be damaged. First of all, remember you have two different mechanisms here, two different opportunities for public input and for a public decision that won't necessarily be in favor of Cabela's or anybody else that...Cabela's or anybody else that's applying here. First of all, you have a board consisting of the Governor and the State Treasurer and the chairperson of the Nebraska Investment Council. And consider for a moment the pressure the Governor is going to be under in a question like this, if there are substantial questions about retail competition. I think the Governor is going to be highly sensitive to that question and may well not approve particular projects, if the competitive element is too large or strong, or if the advantage in the public interest is otherwise too weak. But when it goes before that board, the board is asked to consider a number of different things, and takes in different kinds of information, and it takes in such other information as the board determines is necessary to decide whether the area is an eligible area. And I assume, if we wanted to, we could even put in specific...a specific factor here, with regard to retail competition, but it sounds to me like, even under that "such other information" provision, they could request an analysis there. And then relating to that decision at the state level, as to whether to create a district at all, is a public hearing, and, of course, anybody can come in who feels that they're being unfairly treated and make their case to the Governor and that small board. So then that board has the, has the right and the responsibility of making a decision as to whether a district is going to exist. But once there's a district, then there's a whole other second process that involves a public hearing at the, at the local level, and that local decision has to do with the development project plan that is being presented. And once again, in that public hearing, there is an opportunity to come