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in order to benefit from a tax advantage. We did think this language at that time might encourage the construction of alcohol plants within the state. Since that time Archer Daniels Midland has sued the State of Minnesota in court and has won over similar language. I agree with Senator Beutler that the language probably would be held unconstitutional and unenforceable, and although it no doubt would have been stricken in another session prior to the time of its effectiveness, I have no objection to his removing it at this time and I support the amendment.

SPEAKER MARVEL: Senator Warner.

SENATOR WARNER: First, I guess, I would have a question for either Senator Schmit or Senator Beutler. I understand the constitutional issue that you raise but it also seems to me that at least to some extent indirectly that the retention of that language has some effect of limiting the amount of refund that might occur. The reason I raise the question, there are numerous states that are already expressing concern or at least recognition of the fact that it is commendable as the reduction in tax is and perhaps is necessary as it is. Somebody has to end up paying for the road that the vehicle that burns the gasohol drives on, and if we expand this to all and any alcohol, it seems to me that restriction gave some kind of a limit on it or at least there was a direct benefit to Nebraska. But it seems to me that this really opens the door now that wherever it is produced it is going to...and in whatever volume as the bill is written I assume there is a substantial reduction somewhere along the line of receipts that those of us who don't burn gasohol will have to pick up where we increase all the taxes some place to make up the difference. And I guess my question is one of comment from one of you to express to me whether there is any possibility of all these things accumulating being put together that we end up with another problem three or four years down the road. Maybe Senator Schmit would probably prefer to respond.

SPEAKER MARVEL: Senator Schmit.

SENATOR SCHMIT: Senator Warner, I agree with you that there may well be a problem, but I would suggest the problem will probably occur a long while before three or four years if the price of gasoline continues to escalate at the rate it has since the oil deregulation has taken place. I would guess there will be a lot of vehicles that will be parked and we are going to be looking for