

called down to fiscal, fiscal says it is \$4,875,000 that would be raised with this \$3.75 charge. That is where that figure comes from. I should also tell you that if you are looking at the language those sections which are stricken are simply for the bill drafters sake because of some unconstitutional language that occurred in another decision. The language that you should look at is on the bottom of page one and the flip of page two. It says in essence we fund the state highway patrol operations cash fund \$4,875,000 out of the Highway Trust Fund on a one time basis in the coming budget. I thought that the Governor gave us a good suggestion when he brought this into the Legislature. I'm sorry that the Appropriations Committee decided to follow a different course of action and bring to us the \$3.75 surcharge. Those of you who are in contact with your constituencies, as I am since I live here in Lincoln, know the growing sentiment that this surcharge is a gimmick and an unfair gimmick. It is a way of obtaining \$3.75 with giving no value, with receiving no services and it essentially is keeping the inspection fee without having an inspection. I can not however support the Fenger amendment if it means that we leave a five million dollar hole in the budget, that all we do is rip out five million dollars of revenue with no intention of replacing it. That budget is tight, those dollars are needed, we should have some form of revenue. There is in the law the theory of the deep pocket. It comes to us from the tort law concepts that says when there are risks, when there is jeopardy you look to those most able to pay, most able to endure the hardship to help you over the calamity of a tort. In this case the deep pocket for Nebraska budgetary problems and cash flow problems happens to be the Highway Trust Fund. Now I know the purists object to using that. However, the use of reserves by any business, by any company means you go to the deep pocket in times of trouble. We have a number of short term decisions that we are going to arrive at to help us with cash flow. Most of this body is sympathetic to the inter-cash fund transfer idea. Most of this body is sympathetic with the change with respect to LB 895, to help us with the problems of state aid dispersements. This too is a short term need. It is the one that the Governor endorsed when he spoke to us the first part of this session and although it steps on the toes of some very powerful interests, ultimately I think this is the deep pocket that we need to go too to underwrite a legitimate state budget. It is a more reasonable alternative than the \$3.75 charge and for that reason I offer it as an amendment to the Fenger amendment and when you adopt these two as a package you are saying we reject the surcharge method but we don't take out that five million dollars, we find it from another creditable source, the Highway Trust Fund on a one shot basis, the deep pocket that