

SPEAKER BAACK: Thank you, Senator Hall. Senator Withem.

SENATOR WITHEM: Yes, Mr. Speaker and members of the body, I'm going to join Senator Hall in opposing the amendment, again, not because of any of Senator Smith's motivations in bringing this proposal or in what it seeks to accomplish. But I have a couple of concerns. Number one is a procedural concern. And I think we ought to...we all occasionally slip beyond the ideals of what we all consider to be proper legislative activity but when you increase a fee, in essence, you're increasing a tax that an individual group of people have to pay without a public hearing, without a bill introduction, without a public hearing and with a Select File amendment. Keep in mind, Select File amendment is somewhat different from General File amendment in that there is less time to react. In theory, there is no further opportunity to amend a bill after it leaves Select File and there is a reluctance to bring bills back from Final Reading. So we will be, if we vote for this, imposing a fee increase on a group of individuals who have had no opportunity to react and then we're sending a bill on to Final Reading to be in its final form. Very concerned about those procedures. If we are going to make changes of this kind, it really ought to be through, at the very least, a General File amendment, not a Select File amendment. Secondly, I'm concerned about fee increases. I...I'm reluctant to state this, I almost said I've been around here awhile and then that makes me feel like an old person so I'm trying to think of a gentler way to say that. But I was around during the times when Bob Kerrey was Governor, back when this body was going through tough economic times before, money wasn't flowing into the General Fund as quickly as we anticipated it and there was a tendency in those days to find fee increases to fund governmental programs. Any fee that had not been increased in the last three or four years was subject to somebody finding the fee, of raising a fee to fund a particular program. Fees are dollars that are generated out of Nebraskan's pockets. They are a little more closely identified with particular individuals and they aren't general taxes but they are dollars that come from our taxpayers and in this case they're dollars coming from Nebraska taxpayers, Nebraska citizens, that will be used to fund a function of government, that function of government being the regulation of the horse racing industry. I understand again where Senator Smith is coming from and understand why she is bringing the amendment. I just don't feel comfortable supporting it and I'm not going to vote for it.