

February 7, 1992 LB 899

SENATOR SCHMIT: Is not the Department of Roads doing this at the present time?

SENATOR KRISTENSEN: They are doing this but it has come into question as to whether they have the statutory authority to do that.

SENATOR SCHMIT: In other words, at the present time, we are using gas tax funds for the purpose of providing wetlands rather than for the purpose of building roads?

SENATOR KRISTENSEN: That is right. They go hand in hand because we couldn't build the road if we wouldn't get the permit if we didn't have the wetlands replacement that the government requires us to have.

SENATOR SCHMIT: But it is an expansion of the use of Nebraska tax...gas tax funds?

SENATOR KRISTENSEN: No, no, it is not an extension or expansion of that.

SENATOR SCHMIT: Isn't it true that historically we have not allowed the use of gasoline tax funds for other purposes than the construction of roads. Now I understand, this is consistent with road building but it is a new requirement imposed upon us by the federal government, is that right?

SENATOR KRISTENSEN: Well, Senator Schmit, this is essential in most cases if we are going to be able to build that road or extend it. Now, unfortunately, the federal government puts that requirement on you, but this is essential if you want to make those additions to the road, so it does go hand in hand directly.

SENATOR SCHMIT: There was a time prior to the wetlands act, I suppose, that the Department of Roads could build a highway through a wetlands area, and if in so doing disposed of the wetland, they were not required to restore it. But as of today, there has to be an equal acre per acre...

PRESIDENT MOUL: One minute.

SENATOR SCHMIT: ...or an equal area (interruption)...