

not nitrogen is an element used. That will make the numbers balance. Third, it was critical to make this payable by the seller rather than the manufacturer. That's because certain manufacturers could probably not be reached under the Bellas Hess Supreme Court decision and if we wanted to make sure that the numbers, in fact, balanced to make the system work, we needed to be able to collect these from retailers, from sellers if you will. There is an additional provision with respect to the use of the retailers' collection fee. That language you will find on the amendment that is on your desk on page 2 and it has to do with Section 3 of the amendment and I would yield the remainder of the opening to Senator Rasmussen for the explanation of that provision and then we'll proceed to the discussion on reconsideration.

SENATOR RASMUSSEN: Thank you, Senator Landis. What this deals with is the sales tax collection fee which is basically done on a two-tiered approach. Before LB 829 it was 3 percent of the first 5,000 and 1 percent for every 1,000 afterwards. 829 cut the total amount collected in half, but in fact, for those businesses that are really small and don't raise much more than \$5,000 in sales tax per month really got hit much harder than a 50 percent cut. It was more like a 75 percent cut because what it did was reduced not only the percentage on that first tier, but also the dollar amount from 5,000 to 1,000. In the original 1063 Warner amendment it brings it back up to 2.25 percent on the first 1,000 and 1 percent on every 1,000 afterwards. I am attempting to try and adjust that formula so that we raise the same amount of money, but there is less impact on the very small businesses and I do by that, by changing the formula to 2.25 percent on the first \$3,000 and then reducing the second tier to a half percent for every \$1,000 afterwards. And I think this is a better policy in terms of reducing the impact on the particularly small business.

PRESIDENT MOUL: Thank you, Senator Rasmussen.

SENATOR SCHMIT: Point of order or information, please. I understand that a motion for reconsideration is in order, has been made here today and I'm not going to object to the proposed amendment to the motion. But it would appear to me from the explanations that have been given that we are going a little beyond the bonds of propriety of this institution insofar as the rules are concerned and I do not care to make an issue of it because I like to get along with my colleagues, but I just think