

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 29, 2000 LB 1234

but it probably would have gotten more than 17 votes had that not been the case.

SENATOR CUDABACK: Time. Thank you, Senator Chambers. Senator Beutler, on the Wickersham amendment to the committee amendments.

SENATOR BEUTLER: You know, in fact, Senator, this amendment is evidence that the opposition is losing steam, not that the support is losing steam, because now they're attempting to do by indirection what they cannot do directly because of the solid support for the bill. This amendment is clearly making the bill unconstitutional. It's a violation of the interstate commerce clause and these lawyers know that. It's probably a violation of the contract clause and the due process clause, and all this does is kill the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, Senator Beutler said what I wanted to say the first time but I wanted to check with committee counsel or legal counsel, and he is absolutely correct. This is a violation of the interstate commerce clause because you cannot dictate price. Senator Wickersham, let me explore with you, though, on a concept I had earlier this year, and you don't have to respond, but if you want to. I had thought of a tax on nonrenewable fuels and you could dump that money into the Highway Trust Fund, bring down the total. Beings the Highway Trust Fund is variable, it would bring down the total levy, and that is one way you could provide a monetary incentive for ethanol. We did explore that. But if you did want to put a 5 cent tax on nonrenewable fuels, I think it's a separate issue, that could be done. I don't think that would bother...bother our interstate commerce clause. So with that, Senator Beutler is absolutely right. I thought maybe your amendment was going to help the bill for a minute there, but I knew better and I didn't want to say it until I checked with legal counsel. Thank you.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Baker, on the Wickersham amendment.