

February 7, 1989

LB 35, 166, 187A, 194, 353, 354A, 362A
LR 26-28

in favor say aye. Opposed no. Carried, the bill is advanced.
LB 166.

CLERK: I have E & R amendments to 166, Senator.

SPEAKER BARRETT: Mr. Chairman.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 166 be adopted.

SPEAKER BARRETT: Shall the amendments to 166 be adopted? Those in favor say aye. Opposed no. Ayes have it, motion carried, they are adopted.

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 166, as amended, be advanced.

SPEAKER BARRETT: Shall LB 166, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 353.

CLERK: LB 353, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 353 be advanced.

SPEAKER BARRETT: Shall LB 353 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. Thank you. Mr. Clerk, for the record.

CLERK: Mr. President, new resolutions. (Read brief descriptions of LR 26-28 for the first time. See pages 632-34 of the Legislative Journal.) All three of those will be laid over, Mr. President.

New A bills. (Read LB 187A, LB 354A and LB 362A by title for the first time. See pages 634-35 of the Legislative Journal.)

Mr. President, your Enrolling Clerk presented to the Governor, as of ten fifty-nine, bills read on Final Reading. (Re: LB 35,

March 13, 1989

LB 49, 85, 137, 146, 178, 179, 215
293, 345, 377, 387, 424, 434, 463
515, 555, 617, 669, 685, 710, 799
LR 27, 28

Without any further discussion, I believe we should just go ahead and try to advance this bill. Thank you.

SPEAKER BARRETT: Thank you. Any discussion on the advancement of the bill? If not, the question is the advancement of LB 49 to E & R Initial. All in favor vote aye, opposed nay. Shall LB 49 be advanced? That is the question. Record, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to advance LB 49.

SPEAKER BARRETT: LB 49 is advanced. The Chair is pleased to announce that Senator Moore has some eighth graders from Emmanuel Lutheran in York. I believe there are 12 of them in the north balcony, with their teacher. Would you folks please stand and be recognized. Thank you for being with us. Also, Senator Sharon Beck has a special visitor from District 8 this morning, Dr. Paul Paulman, who is here today as doctor of the day. Please welcome Dr. Paulman. Anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Retirement Systems reports LB 137 to General File with amendments. That is signed by Senator Haberman. (See pages 1076-77 of the Legislative Journal.)

Transportation Committee reports LB 424 to General File with amendments; LB 799, General File with amendments; LB 146, indefinitely postponed; LB 434, indefinitely postponed; LB 515, indefinitely postponed; LR 27, advanced to the floor, and LR 28, advanced to the floor, all of those reports signed by Senator Lamb as Chair of Transportation. (See pages 1077-80 of the Legislative Journal.)

Natural Resources Committee reports LB 617 to General File; LB 710 to General File; LB 293 to General File with amendments. Those are signed by Senator Schmit as Chair. (Journal page 1080 shows LB 293 as indefinitely postponed and LB 387 as indefinitely postponed.)

Judiciary Committee reports LB 215 to General File; LB 377, General File; LB 669, General File; LB 555, General File with amendments; LB 685, General File with amendments; LB 85, indefinitely postponed; LB 178, indefinitely postponed; LB 179, indefinitely postponed; LB 345, indefinitely postponed; LB 463,

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Sure.

SENATOR LYNCH: What I was going to ask Senator Warner is the funding, if this resolution is passed, apparently there is somewhere around 31 million bucks. It can be funded either through a gas tax increase, or an Appropriation's Committee recommendation for General Fund revenues, or how does it work?

SENATOR WARNER: You're talking about the state...you're not talking about the resolution now, you're talking about the...

SENATOR LYNCH: The project itself, yes.

SENATOR WARNER: No, this resolution deals only with the total amount of apportionment...in Nebraska's case would be the apportionment of Federal Highway Trust Fund and the difference between the apportionment that Nebraska is entitled to and the obligation authority, which we have been given, and that gap between those two, of what has been collected proportionately to go to Nebraska and what we have received over the last about, well five or six years now I guess. By the end of next biennium that will be...have accumulated up to \$84 million of funds in the case of roads. And the \$6 billion that is being held at the federal level that affects mass transit, primarily would go to well Lincoln and Omaha. I do not know what share of that \$6 billion would come back, I don't know the dollar amount that would come back. Obviously that is being held and as you perhaps know mass transit has been getting cut at the federal level and this would relieve their problem, too, if those funds were released.

SENATOR LYNCH: Okay, thank you.

PRESIDENT: Thank you. Senator Warner, please. Did you wish to close on your resolution? All right. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of LR 27.

PRESIDENT: The resolution is adopted. LR 28, please.

CLERK: Mr. President, LR 28 was a resolution introduced by Senators Warner and Scofield. It asks the Legislature to oppose the imposition of a federal motor fuel tax increase to achieve deficit reduction. The resolution was introduced on February 7. It can be found on page 634. As with LR 27, LR 28 was referred to Transportation for hearing. Mr. President, the resolution was referred back to the Legislature for action. I have no amendments pending.

PRESIDENT: Thank you. Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, I'd move adoption of the amendment. This amendment (sic) deals, as indicated by its content, with expressing opposition to an increase in the federal tax on fuels for purposes of reducing the deficit at the federal budget level. As all of you are aware, there have been a variety of proposals that have surfaced in recent months, including a presidential commission which some of those who are involved have suggested that one of the ways to reduce the federal deficit would be to make a substantial increase in motor fuels tax. Primarily those areas that seem to be more sympathetic are areas which do not depend, as the western states, upon transportation to move goods, to do everything that is necessary when people live long distances apart. It is felt that it is certainly an unfair and an unrealistic hardship upon only those portions of the country, those citizens of the country who must, by necessity, depend upon fuel for their living, to get to their jobs, travel substantial distance. In addition, Congressman Smith...Congresswoman Smith is one of the co-introducers of a House Resolution 41, which also is designed to express the consensus of Congress to be opposed. There is a similar resolution introduced by Senator Simms from Idaho in the Senate side, and this merely would reflect the legislators opposition, as it is drafted, and concern of attempting to balance the budget on such a crucial and fundamental product as fuel is. It's been estimated obviously that the consumption of fuel could be dramatically decreased if this tax was at a very high rate, and if that happens then in turn we find ourselves not only paying more for fuel, but we also would find ourselves in the position of being less able to fund state highway system just by the mere reduction in consumption. And that could have a very lasting impact. So I would urge that the body adopt the resolution.

PRESIDENT: (Gavel.) Could you please hold your conversation down a little so we can hear better. Thank you. Senator Wesely, please, followed by Senator Schmit.

SENATOR WESELY: Thank you, Mr. President, members. I think that this issue calls for a little bit of discussion as we've talked in the past, and you've probably read about the idea of imposing an additional surcharge on imported oil with the idea of discouraging imported oil and utilizing the, I don't know what the plan was to utilize the resources raised from that. But perhaps some of that money would go to deficit reduction. I don't know the details enough of the issue back in Washington as to what they hope to do. But I, for one, plan not to vote for this resolution. That doesn't mean I'm going to oppose it as well, but it seems to me that we're taking a position here on national policy that has implications far beyond what we have the ability to understand in its complexity at this point. In my estimation we have a serious problem with oil importation. We still haven't conquered the energy problems that we have and that we need to look at, potentially, the idea of placing that surcharge on there to discourage that oil importation and try to build up our own resources. If we take such a step, if it can help with our deficit, ought that not be part of the discussion. Because of my idea that at least we ought to look at that idea and consider it, it seems inappropriate at this time for us to shut the door to that, or at least to recommend to the Congress that they not consider that option. I think every option ought to be laid on the table, to look at a number of these issues that interrelate. It's no different than when we fought the battles here about Highway Trust Funds and how they be diverted when we were having budget problems. And some people felt very strongly that should not happen, others felt that it's an option we ought to look at. Similarly, back in Washington I don't think we ought to shut the door and lock it, to at least consider this idea.

PRESIDENT: Thank you. Senator Schmit, please, followed by Senator Scofield.

SENATOR SCHMIT: Mr. President and members, I rise in support of the resolution and I do so because I believe very emphatically that if we do not express our concern to the federal government that what appears to be a very ready and available source of revenue will prove to be too much of a temptation to certain members of the Congress, particularly those from the eastern

states who have more densely populated areas who do not need to travel the great distances which we must travel here in the ordinary, normal course of business. I do concur with Senator Wesely that the United States government has almost deliberately destroyed the domestic oil industry, to the extent that we have done so, and to the extent that their actions have discouraged exploration in this country we have encourage the importation of foreign oil. I think we should view that very seriously. But I do not believe that the establishment of a gasoline tax at the federal level, to curb the federal deficit, would in any way be conducive to discouraging the importation of foreign oil. I want to just point out that, for those of us who travel from time to time by air, that the federal tax on aviation gasoline and the tax on our airline tickets are such a lucrative source of revenue to the federal government that most of us realize that we have no control on that at all, and that money is expended with a very, very loose hand. Anywhere you go, any part of the country the most active kind of construction is always around our major airports. And they just have so much money there that they don't know how to spend it all. And I recognize that airline travel is here to stay, and we're going to need to have some expanded airports. But when you view these monuments that are being built today I wonder whether or not the money is being spent correctly. It's money which is not well budgeted. And I'm afraid that once they were able to dip into the federal gasoline tax, supposedly for the purpose of reducing the deficit, the temptation to use that same source of revenue for other purposes, most of which I'm sure we would not agree with, would be overwhelming. So I would think that it would be just good frugal business judgment for us to pass this resolution. And I would hope that Senator Wesely would reconsider his decision not to vote for it, because I think that we've got a responsibility to express our deep concern, not that we wouldn't like to see the federal budget deficit reduced, but that we do not want to tap into a source of revenue which has historically been limited in its utilization for untold numbers of purposes.

PRESIDENT: Thank you. Senator Scofield is next, followed by Senator Chambers. But may I introduce some guests, please, who have just come in. In the north balcony Senator Wehbein has guests there. There are 12 seniors from Nebraska City and their teacher. Would you folks please stand and be recognized by the Legislature. Thank you for visiting us this morning. Senator Scofield, please.

SENATOR SCOFIELD: Thank you, Mr. President and members. I rise to urge you to support this resolution. While Senator Wesely does not appear to be within sight, I hope he's within earshot. And I would echo Senator Schmit's concern that I hope he'd reconsider on this issue. There are really two issues that Senator Wesely has raised here, both of them desirable goals. One is reduce our reliance on foreign imported oil, and the other one, of course, is deficit reduction. I don't think though necessarily that we can abdicate our responsibility as a Legislature representing a rural Midwestern and western state by simply saying to Washington, go ahead and balance that budget any old way you can, and if it's on the backs of Nebraskans that is fine. I would rise to strongly oppose that approach to advising our representatives in Washington. I think it's a basic issue of fairness, first of all, to western states and particularly rural states with predominantly agricultural economies. While we are accused too often in this body of having rural-urban splits, if you go back to Washington, Lincoln and Omaha are considered nothing more than little country towns. So I think we better all stick together on this issue, because to do otherwise is simply cutting off the economy of Nebraska at the knees. While I agree, as Senator Schmit has put it so well, that deficit reduction is crucial, I think it would be all too easy if states like Nebraska refused to take a position on this for the Congress, because it is an easy and quick fix to say let's just raise the gas tax. I think that's bad policy, it's unfair to states like Nebraska. It would have a major, serious impact not only on our economy but on our ability to maintain one of the critical components of our infrastructure, namely our highways. So I would ask you to reconsider, Senator Wesely, and strongly urge the rest of you to support this resolution. Thank you.

PRESIDENT: Thank you. Senator Chambers, please, followed by Senator Hefner.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, we all know that there have been periods of time when various members of Congress, various organizations would talk about the need to do something about the federal deficit, and nobody wants his or her ox to be gored when time comes to do something to reduce that deficit. Now, it's going to take a general tax increase to do anything about the federal deficit, and everybody knows that, and if we would be honest we would acknowledge it.

But what is going to be done is that which is politically expedient. The politically expedient thing to do is to cut programs of those who are helpless, those who are poor, those who do not have a lobby in Washington, and those who have no representatives in Congress. So that means the sick, the elderly poor. There are people who are being put out of hospitals who are old now because they are not in critical condition. There are poor families presided over by single females. The amount of assistance that will go to these types of people is being drastically cut. Aid to housing has been drastically cut during the Reagan years. So I would like to ask Senator Warner a question. Senator Warner, if there would have to be Gramm-Rudman action, or cutting across the board, if what is being proposed in this resolution were to be achieved, would that mean no cuts would come out of the high...no money out of the Highway Trust Funds?

PRESIDENT: Senator Warner, please.

SENATOR WARNER: Well there would be no money, whether this goes or not, out of the Highway Trust Fund at the federal level, because that is in essence a dedicated fund. I'm not aware....It would take other legislation, I guess at least, to move those funds for some other purpose, beyond what exists.

SENATOR CHAMBERS: Right, okay, and we wanted to be sure that they would not touch those funds for the purpose of budget reduction in the last resolution.

SENATOR WARNER: In the previous...well in the previous resolution all we were talking about was, in effect, the impounded funds which, because the manner in which the Highway Trust Fund is considered in the federal budget process it becomes an artificial mechanism to reduce the appearance of a deficit. I'm not aware that it affects the...it can't affect the Gramm-Rudman for the simple reason that it doesn't free up any money as a result. You know it's all by itself, isolated from the rest of the budget, except for the fact that it can be utilized to make the deficit appear smaller than, in fact, it is...

SENATOR CHAMBERS: And what this...oh, excuse me.

SENATOR WARNER: ...by \$15 million.

SENATOR CHAMBERS: And what this resolution would say is there cannot be an increase in the gas tax, fuel tax to reduce the deficit.

SENATOR WARNER: What the resolution, this resolution deals only with the issue of whether or not the tax on motor fuel would be increased for purposes of diverting it from highway purposes and mass transit purposes and use it for general revenue for the federal government, yes.

SENATOR CHAMBERS: So in effect what we would be saying is that those who pay the gas and fuel tax would not be participants in the reduction of the deficit as others may be called on to do.

SENATOR WARNER: I know of no other tax, Senator Chambers, at least that I've heard of any general taxation that would not be borne by those who drive vehicles as well as those who do not. So they're not being shielded from participation, but rather they're not being isolated to be the only one or main one to provide funds for federal deficit reduction.

SENATOR CHAMBERS: Thank you, Senator Warner. Senator Scofield had mentioned, and maybe others had, about Nebraska being an agricultural state and therefore...

PRESIDENT: One minute.

SENATOR CHAMBERS: ...this type of tax, if it were to be used in the way envisioned by the resolution, which the resolution is trying to prevent from happening, would impact strongly on Nebraska. I don't have enough time. How many other lights on are, Mr. Chairman? How many other lights are on?

PRESIDENT: Two besides yours.

SENATOR CHAMBERS: Okay, then I'm going to put mine on again, after I finish, because my time will run out. But, Senator Wesely, one reason they're talking about putting a tax on imported oil is because Texas, Louisiana, Oklahoma are in serious trouble because they rely on oil, and it costs them more to pump the oil than they can sell it for, and there are powerful members in Congress and interests that reside in at least some of those states, Texas for sure. So I'm not sure that people in Nebraska ought to be concerned about what is happening in Texas to the extent of penalizing the people in

this state to bail out those who have made very unsound, unwise investments in the three states that I've mentioned.

PRESIDENT: Thank you. Senator Hefner, please, followed by Senator Schmit.

SENATOR HEFNER: Mr. President and members of the body, I rise to support this amendment...this resolution because I feel that we do not want to use our gas tax money and also our special fuels tax money for anything else except to keep up the roads. In our state and also in a lot of other states our highways are deteriorating, our bridges are...need to be replaced, need to be rebuilt, so we should be using that money to do this rather than balance a federal budget. In Nebraska, especially in the rural areas, we do not have any mass transportation system, so we are committed to using our automobiles, our pickups and our vehicles a lot more than those that are living in the cities. So it would cause a hardship on our rural people. Our rural people travel greater distances. A lot of them travel 20 or 30 miles to get to a town to buy commodities, to buy their supplies and buy their groceries. So I just feel that by raising the gas tax would be real hard on these people. Senator Wesely says that we need to increase the price so we reduce the consumption. In our particular case, in the rural areas, I don't think this would happen because I really don't feel that people waste their trips. Each trip is accountable. And I think if we want to reduce consumption then we should do it by fuel efficient vehicles, which we certainly are doing, because the cars and the pickups that you buy now get greater miles per gallon than the ones we used to buy 10 or 12 or 15 years ago. I think that maybe what we need to do is also look at a tax credit for oil exploration and development. We used to have that, and it gave these wildcatters and other people that wanted to invest in oil development a tax break for doing this. I think that's one way where we can develop our domestic supplies a lot more. So in the end I would say that we're either going to have to reduce spending on the federal level to reduce our deficit, or else perhaps we need to raise our income tax. Of course we won't be able to decide that, that's for our congressional delegation to do. So I agree that deficit reduction is necessary, but I would hate to see them do that on the backs of those that use petroleum products.

PRESIDENT: Thank you. Senator Schmit, please, followed by Senator Chambers.

SENATOR SCHMIT: Well, of course, Senator Chambers raises a point, and it's a very excellent point. I would suspect, however, that any time budget cutting takes place it will not be much different in the Congress than it is in most legislative bodies, and that is that the weakest will be the ones who suffer first and foremost. Hopefully this body does not go along with that line of thinking in most instances. But I would just like to suggest...I was at a meeting one time where a large group of people were together who were strong advocates of the proposal to reduce the federal deficit by a massive increase in the gasoline tax. And when I opposed it one of the brilliant young aides, I suppose, to a Congressman asked me the question. He said, well first of all if you were a member of Congress what would you do? Well, I said, first of all it's not my fault, I'm not a member of Congress. But, secondly, I want to point out there would be a very easy way to reduce that deficit. First of all, I said, I would by law abolish the federal withholding and require that all taxpayers pay their taxes, their federal taxes on November 1st, preferably on a biennial basis, just prior to the Congressional elections. I think if every one of us had to march in and pay our taxes with a check about a week or two before the federal elections there would be a very massive reduction in the present membership of the Congress, and after that happened two or three times I think the message would get back to the Congress. The proposed federal pay raise is an indication that when the people are fully aroused that the message can get back to the Congress, and the message was communicated and the pay raise was rejected. As long as you have the kind of insulation from reality that we have today it's going to be very, very difficult for the Congress to get that message, if we make that money readily accessible. Mr. President, I will generously give my remaining time to Senator Chambers, and he can then use the rest of his time.

PRESIDENT: Senator Chambers, you have about seven minutes altogether.

SENATOR CHAMBERS: Thank you. Mr. Chairman and members of the Legislature, before I get right into the resolution I would like to ask "Baron" Hefner a question or two, if I may.

PRESIDENT: Senator Hefner, please.

SENATOR CHAMBERS: Senator Hefner, you are an oil baron, aren't

you?

SENATOR HEFNER: No, sir.

SENATOR CHAMBERS: You are in the oil business though.

SENATOR HEFNER: I am an oil...petroleum distributor.

SENATOR CHAMBERS: Okay. And you had indicated that taxes raised from fuels and gasoline and so forth should be utilized for the purpose of keeping up the roads, the highway system and things pertaining to transportation.

SENATOR HEFNER: Yes, sir.

SENATOR CHAMBERS: And you feel that way because the taxes are coming from the people who make use of those facilities.

SENATOR HEFNER: Plus we also have a strong need for it...

SENATOR CHAMBERS: Okay, but you think...

SENATOR HEFNER: ...because our highways are deteriorating faster than what we're keeping them up, and same with our bridges. In the last report I got on the bridges there are thousands and thousands of bridges that are about ready to collapse.

SENATOR CHAMBERS: And you see a direct connection between the source of the taxes and the purpose for which the taxes should be used, and that connection should be maintained by not diverting these taxes to another purpose.

SENATOR HEFNER: Yes.

SENATOR CHAMBERS: Basically.

SENATOR HEFNER: Yes.

SENATOR CHAMBERS: Thank you, Senator Hefner. I think Senator Hefner stated a very sound political position, fiscal position and philosophical position. There should be a logical relationship between things that are going to be considered together. There is another issue that is going to come before us that touches on this to some extent, because we're going to

separate the privilege to drive, in this state, from the type of offense that can result in certain people losing that privilege. If we're going to say that taxes derived from fuels should be used for the upkeep of the roads, because there is a connection, then I don't see how we can turn around and say that certain people should lose their drivers license or driving privilege for an offense that has nothing to do with driving, nothing to do with driving. I think that when we legislate our philosophical positions have to be like a seamless web, rather than compartmentalized for the purpose of political expediency. In the case before us now we're talking about adults, we're talking about large interests, those that have people on the floor of the Legislature to speak for them. But when we come to our young people and we talk about the privilege of driving or using the highways, we're going to say to them that if you commit an offense related to alcohol or drugs, that has nothing to do with driving, we're going to take your privilege from you. Where is the logic? Where is the consistency? There is none. The factor that determines how we consider these things is based on who has the strength, who has the power, who has the respect, and our children have never had the respect of this society as a whole. And I must use this particular issue as an opportunity to bring this out because we're drawing a connection between two items, the taxes to be raised and the purpose for which they should be spent, and we're saying there is a logical tie and that tie must be maintained. Do not raise taxes from this source and spend them for some other purpose than those directly related to transportation. But when it comes to our children take away a right of theirs, that has nothing to do with violating a law related to driving. So unfair, so unconscionable, but so alluring because it gives the appearance of us really doing something about a deeper, more fundamental problem, and that problem is that adults in this society do not talk to their children, do not have rapport with their children, fear their children and want to find more and more exotic means of punishing, harassing and oppressing their children. Then when the children react in a predictable fashion to this type of oppressive treatment that shows no understanding, then we want to say put more police on the streets to control them, build more jails to incarcerate them. But apply the same things to us and we cry out, to use Senator Schmit's colorful expression, like a hog with his nose stuck under the gate. We can see the injustice if it impinges on us in the slightest degree, but when it bears down on our children in a way that is totally oppressive, not only are we lacking in understanding and

compassion, we applaud ourselves and pat ourselves on the back for doing something great and then wonder why our children look at us with such contempt, why they tell us we don't have anything to say that they will listen to, because everything we do is designed to hurt, to punish, to constrain. This resolution, if I were to vote on it as the body is going to consider bills that relate to our children, I would have to vote against it. But I do, in fact, see the logic of "Baron" Hefner's argument. And money raised from this source should not be used to reduce the general deficit of the country. So I'm going to vote aye on this resolution. And I just wish....Mr. Chairman, how much time do I have, because I don't want to go over.

PRESIDENT: About a minute and a half.

SENATOR CHAMBERS: I can finish in that amount of time. I wish that I were able to cast those kind of votes that others in this body seem to be able to cast with such ease, a vote to show your anger or your dislike or to get even. I would put a no vote on this resolution just to make a point, and as a protest against the way our children are treated by this Legislature. But I'm unable to do that. I will have to wait until that issue comes before us, give my arguments which are going to be futile,...

PRESIDENT: One minute.

SENATOR (CHAMBERS: ...try to reach legislators who are unreachable when it comes to the welfare of our children, and go down like those airplanes in flames. But I think the issue that I'm talking about has to be raised again and again and again, not just in the context of what do cruel people, who happen to be foster parents, do to our children, but what do we as legislators do to our children, what message do we give them when we impose laws on them that we would not dare apply to anybody else or any other segment of society. I will support this resolution. Senator Wesely is not going to vote against it because there would be too much heat if he did. And I've watched Senator Wesely, so he's going to speak against it, but he's not going to vote against it. And I think, after listening to all these arguments, he'll probably vote for it. Senator Wesely, welcome to....He's shaking his head no. Are you going to vote against it?

PRESIDENT: The time is up.

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SENATOR CHAMBERS: (Laugh.) All right.

PRESIDENT: Saved by the bell. Senator Warner, would you like to close on your resolution?

SENATOR WARNER: Well, Mr. President, members of the Legislature, Senator Scofield just handed me an article where the New York Times is in support of a 50 cent per gallon gas tax. So it could get pretty high. Again, the purpose of the resolution solely is one of expressing concern of placing this responsibility on one....Give you an idea of the impact on Nebraskans as opposed to other sources of revenue that might be available to reduce the federal deficit, according to the American Automobile Association, one of the charts that they put out indicated that an increase at the federal level of 9 cents, with a two house...a household with two wage earners and two...family of four could expect, on the average, in New York to cost \$293.28, on the average, per family, whereas in Nebraska it would be over...about 55 percent more per family, or \$460.54. That merely reflects the fact that in a sparsely populated state and with the heavy utilization of transportation and other fuel related expenses that...for much of our economy in this state that it can be a very major impact. And it seems unfair that that deficit be placed on such a smaller number of people, it ought to be shared on a broader basis. So I'd urge the resolution be adopted.

PRESIDENT: Thank you. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of LR 28.

PRESIDENT: The resolution is adopted. Mr. Clerk, anything for the record at this time?

CLERK: Mr. President, your Committee on Natural Resources, whose Chair is Senator Schmit, reports LB 289 to General File with amendments; LB 761, General File with amendments; LB 52, indefinitely postponed; LB 314, indefinitely postponed; LB 621, indefinitely postponed; LB 622, indefinitely postponed; LB 763, indefinitely postponed; and LB 795, indefinitely postponed. Those all signed by Senator Schmit as Chair. That's all that I have, Mr. President. (See pages 1120-26 of the Legislative

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LB 89, 285, 733
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PRESIDENT NICHOL PRESIDING

PRESIDENT: Ladies and gentlemen, welcome to the George W. Norris Legislative Chamber. We have with us this morning as our Chaplain of the day, Stephen Bilynskyj, who is the Lead Pastor of the First Evangelical Covenant Church in Lincoln. Would you please rise for the invocation.

DR. STEPHEN BILYNSKYJ: (Prayer offered.)

PRESIDENT: Thank you, Dr. Bilynskyj, we appreciate your service this morning. Roll call, please.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal today?

ASSISTANT CLERK: One correction, Mr. President. (Read. See page 1175 of the Legislative Journal.)

PRESIDENT: Is that it? Okay, thank you. Any messages or reports or announcements to make?

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have examined and reviewed LB 285 and reports the same to Select File with amendments, LB 733 to Select File with amendments. LF 27 and LR 28 are ready for your signature.

PRESIDENT: Fine, we will move on to...while the Legislature is in session and capable of transacting business, I propose to sign and do sign LRs 27 and 28. Move on to General File, LB 89.

ASSISTANT CLERK: Mr. President, LB 89 was introduced by Senators Lynch, Crosby, McFarland, Ashford, and Chizek. (Read title.) The bill was read for the first time on January 5. It was referred to the Education Committee. That committee reports the bill back to General File with committee amendments attached, Mr. President. (See page 921 of the Legislative Journal.)

PRESIDENT: Senator Withem, are you going to take the committee amendments first?