

excused at the present time. A roll call has been requested in reverse order. In the meantime, Senator Hefner, Senator Conway, Senator Hannibal, Senator Higgins, Speaker Nichol, Senator Peterson, Senator Abboud, Senator Chambers, the house is under call. Senator Hefner, Senator Higgins, Senator Abboud, Senator Peterson, Senator Chambers, please return to the legislative floor, the house is under call. I believe we are all here now. House is under call. Reverse order roll call has been requested. Please, may we have your attention, please. (Gavel.) We are voting now on the Smith amendment to LB 1230. Clerk will call the roll in reverse order, aye or nay.

CLERK: (Roll call vote taken. See pages 2131-32 of the Legislative Journal.) 18 ayes, 26 nays, Mr. President.

PRESIDENT: The amendment fails. The call of the house is raised. Anything further on the bill?

CLERK: Yes, sir. Mr. President, Senator Haberman would move to amend the bill. (Haberman amendment appears on page 2132 of the Legislative Journal.)

PRESIDENT: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the body, at the present time we have a check-off that the farmers pay on corn, wheat, and grain sorghum. This adds another check-off which I'm going to call a tax, so it is a double taxation. We are paying one tax, now we are paying two taxes. My amendment merely says that any person... "A grower who has sold corn, wheat, or grain sorghum, and has an assessment deducted from the sales price may, by written application to the board, secure a refund of the amount deducted. The refund shall be payable by the board." So what it does is it gives those farmers the opportunity to ask for a refund. I think this is no more than right. If you have my phone calls and listen to the people, the farmers from my area, this is what they want. They want the opportunity to have a full refund. They do not want to be taxed and not have an opportunity to get a refund. Now ethanol, if it is as good as Senator Schmit says it is, and I believe it is, then it will have the support of enough people to raise the money to do what he wants to do. But I think it is no more than fair, under the present economic conditions, to give the farmers the opportunity to ask for a refund on this second tax on grain. So I ask you to support my amendment that they can get a full refund if they request it. Thank you, Mr. President.