

enacting clause.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, you are going to be, I guess when I just read a handout that came out, you're going to be told two different things. And you'll have to decide which is factual. But I will tell you I am very comfortable with what I am saying. There are three reasons why I believe you should not pass this bill. Number one, it does take effect September 15, I understand that, no disagreement. We would not be out of compliance then until September 15. But there is nothing discretionary, by federal law, upon September 15. As I read the amendment it indicates we would lose 10 percent. What I am told, because that is what the law says, and I think some of you have read it, it's fairly plain, or have it available I should say, any state that authorizes, by statute, after the effective date a speed limit in excess of 55 miles an hour, it is mandatory that no further projects would receive approval, 100 percent no further project approval after the effective date. So placing this into statute, and assuming they do not change it at the federal level, you've gained nothing. Now you could argue you've lost nothing because you can change it next session. That is my other concern. Then the 10 percent, that it indicates in your letter, may become a factor. We are border line on compliance with that now. It would be my perception that if the public knew, and obviously would know, the law was going to change to 70 in September there would be even a greater tendency than what there is now, and I don't deny it isn't substantial, but there would be a greater tendency for people to want to drive in excess of the 55 which we know they already are. But it could be just enough that then we would become out of compliance on the 10 percent...or have the 10 percent, which is discretionary, but have the 10 percent compliance factor take effect and we would have a reduction in available funds. The point is you have gained nothing to enact the bill now. It can be enacted when the federal law is changed. If you pass it now you run a chance of losing something, and I see no merit in running that chance. I'd urge the bill be returned, strike the enacting clause and be considered next session if it is appropriate at that time.

PRESIDENT: Okay. Senator Chambers. Senator Haberman is next, and then Senator Wesely, Senator Smith, and Senator Hoagland, and Senator Warner.