

May 7, 1979

LB 42

House is the adoption of the amendment to LB 42, the DeCamp amendment, all those in favor, wait a minute, Senator Newell.

SENATOR NEWELL: Senator DeCamp do you just want to briefly reiterate what your amendment does?

PRESIDENT: Senator DeCamp, do you want to respond?

SENATOR DE CAMP: My amendment keeps the ton mileage tax inoperative until July 1, 1980. Reason for the delay of approximately one year and two months. The railroads contrary to their previous position of saying that they are not obligated to pay anything and they shouldn't be made to pay anything have now formally put into the record an acknowledgment in writing saying that we are responsible we want to help devise a way. I say that this is one way, if they come up with a better way in the next year I am willing to go with the better way. But, this makes sure that they will have some incentive to come up with the better way, and if they don't we have got a way going into effect in one year.

SENATOR NEWELL: John, the effective date is July 1, '81?

SENATOR DE CAMP: July 1, 1980.

SENATOR NEWELL: July 1, '80?

SENATOR DE CAMP: Right. And there is, of course, another alternative that Senator Beutler brought up. We could just build slurries.

PRESIDENT: Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President, members of the Legislature. I'm viewing the ton mileage tax as though it is tax on interstate commerce which I am well aware that states can not tax interstate commerce. The Feds take a dim view of that. Informally and quickly visiting with Senator DeCamp he alluded to the fact that he has documents that states that LB 42 with his amendment would be constitutional and would be acceptable to the ICC. At this time I would ask Senator DeCamp to comment for the record and for my edification concerning the ICC, the Feds and the Constitutionality of his amendment.

SENATOR DE CAMP: Sure. Okay, you weren't here the day we passed out a rather thick document. The issue is, of course, whether we could tax the railroads on the ton mileage basis. Now, federal cases, so on and so forth and supreme court rulings