

indicate that where interstate commerce has a sufficient what is called "nexus", n-e-x-u-s, with the state causing a certain problem and if you use certain uniform standards so on and so forth, then if you have a tax that reasonably relates to solving that particular problem and it is on the railroad itself that is causing the problem it is Constitutional. I have an attorney general's opinion and we have gone through, three or four of us working this out, she might be able to have it for you there, and as you know our attorney general's opinions so frequently say well this may or may not be or we think that we could defend this. If you look at this one it is one of the few that we got where it says open and shut, you have got it right. So, I feel completely satisfied we are home free on this. I urge you to adopt it. The amendment as I say will delay it six months so that we can hopefully come up with something....

SENATOR KELLY: So what you are saying Senator DeCamp is that the railroad is causing, through the increased traffic, safety problems on the crossings and that it is well within the police power of the State of Nebraska to tax the railroad to protect ourselves against their tremendous traffic, for the specific purpose of the crossings. Senator Pirsch has handed me a copy of the attorney general's opinion which I will get a copy for my files and I congratulate you on your effort. As I now look at this as a real step forward. Because there is going to be continuing increase in rail traffic through, particularly a town like Grand Island that has Burlington-Northern and UP both where they cross right in our city limits. This is a real serious situation and we need a serious answer to it and I believe that Senator DeCamp is bringing that and we thank him very much for this answer.

PRESIDENT: Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President, to clarify Senator DeCamp, what would the effective date of this bill be with your particular amendment?

SENATOR DE CAMP: The effective date of the bill itself, in other words 42, what you are concerned about is bango, the minute the governor signs it. It has within it a subsidiary effect on the ton mileage which would be July 1, 1980. But in terms of what you and I are trying to accomplish once the governor signs that Neligh, and my towns are going to be getting rail crossings, I hope.

SENATOR CULLAN: Thank you Senator DeCamp, I appreciate that. I support the DeCamp amendment. There is no doubt in my mind