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that if this bill was implemented it will be tested in courts as the railroads will have to see if the ton mile tax is constitutional. I'm sure that this particular bill will wind up in the Supreme Court. I think that is a good thing. I think that we need to determine whether the states have the right to implement this type of a tax or a purpose as indicated by Senator DeCamp. So, I will vote for this amendment fully aware that eventually this is going to be tested in the U.S. Supreme Court. I can not conclude my comments without responding to some remarks made by Senator DeCamp again with LB 103 and 105 which seems to always find its way into the discussion of a rail safety bill.

SENATOR DE CAMP: I like them so much Sam.

SENATOR CULLAN: I was not asking you a question. I don't know if it is customary to leave Senator DeCamp's microphone on all of the time so that he can speak whenever he wants, but I have no intent to ask Senator DeCamp a question.

PRESIDENT: It is a lot easier Senator Cullan if we just leave it on, but we will try not to.

SENATOR CULLAN: It might be better for the body if we would simply leave it off. But aside from that point I would say, that was in jest Senator DeCamp.

PRESIDENT: Naturally.

SENATOR CULLAN: Naturally. I would say that if Senator DeCamp would take the time I will sit down with him sometime and explain exactly why the sidetrack issue does not do what he thinks that it does. But if he does have the time to sit down for a minute I will explain to him what LB 103 and 105 does and how the sidetrack mergers as he is talking about will have no effect whatsoever.

PRESIDENT: Chair recognizes Senator Kremer.

SENATOR KREMER: Mr. Chairman and members. Very briefly I am standing in support of the Senator DeCamp's amendment. It does give us a chance to look at his idea that we trust will pass the scrutiny of the courts and give Nebraska a little revenue from especially the coal that is being hauled across our state. Of course, Wyoming and the states where the coal is being mined are deriving a lot of money from the mining of coal. So if coal is in the picture and since the mining of coal does effect the environment and what not in the states where the mining is taking place, certainly the