

SPEAKER MARVEL: Motion lost.

CLERK: Mr. President, the next amendment that I have is offered by Senator Haberman. Read Haberman motion.

SPEAKER MARVEL: Senator Haberman.

SENATOR HABERMAN: Mr. President, members of the Nebraska Legislature, if we are going to have this bill, which I hope we don't, let's have it be worthwhile. All this does is increase it from 6.7 to 10.7. We know construction costs are going up very very rapidly and it is going to cost many many million dollars more to construct overpasses and underpasses, safety signals and I feel that if we set this to low, if we set it at six, we are going to run out of funds and we should look down the road, count on the inflation and make it 10.7. Thank you very much, Mr. President.

SPEAKER MARVEL: Senator DeCamp, do you wish to speak to the Haberman amendment?

SENATOR DeCAMP: Mr. President, members of the Legislature, again reluctantly, you think that I do everything reluctantly here, I rise to oppose the amendment. Let me explain why. Because I do not understand how it is going to change the numbers, what it is going to do and everything else. I just know that it is designed to increase something. The amounts of revenue. Okay, here is the problem. We are raising with the proposal that we have got, anywhere from \$200,000 to maybe \$500,000 more the first year and the second and third year probably than we would have with the ton mile tax. Why would they pay more? Because that was one of the concessions that they went along with in return for having something that only could be identified with Nebraska, rather than something that would proliferate across the United States. Second, the existing amounts in the formula, this first year, are all apportioned among the railroads themselves. Chicago-Northwestern is not the strongest railroad, they have got some problems financially, whereas Union Pacific and Burlington, they won't admit it are drowning in money. So we have tried to apportion very carefully, the cost among the railroads. If you do want to change the entire formula, which is what this does, I would suggest that we get it in place for a year. Raise our money so that you don't have to worry about court tests and everything else, I repeat again, they agreed on the record they would not fight this in the courts, they would accept it. After a year if you want to try to increase it, fine, I'll probably be helping you. But I wouldn't go for it just yet because there is another factor and that final factor is the Interstate Commerce Commission. If they make a finding, that the tax imposed is an unreasonable burden upon interstate commerce, then they can