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proper fund. The cap really has no bearing on that. I agree, eliminate it completely and I support it, and I am sure the railroad people who are interested in this are sitting out there worrying a little. The bill itself is in perfect form with this eliminated and Senator Haberman, my playing footsy with the railroad that you talked about is a little silly when I wanted to build the coal-slurry pipeline which they weren't too keen on. I put the ten mile tax on with no help from any lobbyist or anybody else which they opposed, and I forced on the floor repeatedly them to bring in a proposal such that they would have to pay some taxes to pay for these over-passes. So I guess I don't know where the footsy is other than always putting them in a position where they had to deal with us and had to help pay for things. But I do, indeed, support the amendment. I doubt if the railroads do, but it does not jeopardize the bill and I think, in fact, improves the bill and it solves Senator Warner's problem completely because instead of having to change language you are eliminating that whole part where they would have any ability to terminate the tax under any condition. So I support it.

PRESIDENT: Any further discussion on the Haberman amendment? Senator Kremer.

SENATOR KREMER: Mr. Chairman, I would like to ask Senator Haberman a question. Senator Haberman, I support your amendment. However, I want to know, does your amendment strike...is that in lieu of the Warner amendment?

PRESIDENT: Senator Haberman, will you respond?

SENATOR HABERMAN: My amendment amends his amendment so that there is no cap. His amendment said they had to come back and ask. Mine strikes that too. They just collect the tax.

SENATOR KREMER: But we need them both. Of course, if you take yours off, then we won't need his, would we?

SENATOR HABERMAN: You say we need them both?

SENATOR KREMER: Would not yours...if we adopt yours, we would not need the Warner amendment.

SENATOR HABERMAN: We would not need Senator Warner's amendment. That is correct.

SENATOR KREMER: This is right. Thank you.