

more money in the long run out of the tax mile as presently set up in the statute. I know the railroads don't want to put any more money in than is necessary but I think those of us who represent communities where you have tremendous coal traffic and that is one that I represent, Grand Island, where we have both the Burlington and the Union Pacific crossing each other and where we have all the coal cars from the west coming through that community, we just have to have some overpasses or underpasses. We have to have the local city involved in making the decision in where those ought to go and I just believe it would be a mistake for us to pass the legislation as it has been offered.

SPEAKER MARVEL: Senator Koch.

SENATOR KOCH: Mr. Speaker and members of the body, I am going to support the indefinite postponement and I am going to tell you a couple reasons why. First of all, I think that what the industry has been telling us about the constitutionality of the ton mile tax is in question and I am willing to have that question answered at the right place which is the Supreme Court. In looking at the proposed bill, even though it does offer some support in terms of the problems that railroads sometimes create in helping us all economically, I don't believe it is going to generate enough money to take care of too many crossings or overpasses or whatever we need. If you build one good overpass it is 10 million dollars almost immediately and it will take us, in my mind, a long time to get there in order to build one overpass and the Speaker should know better than I do because he lives in a city where the railroads have constantly caused some problems in terms of traffic flow. I believe we should let the courts decide whether the ton mile tax is appropriate. Then if it is not appropriate, then we can come back to the train mile tax which is what we are talking about, 190, and make certain that it generates a sufficient sum of money so that indeed, some of these problems can be solved, not only in the best interests of the industry I think and in public relations, but in terms of safety, in terms of other kinds of transportation. So, I will support Senator Schmit and we might as well take a test right now to see whether or not we are willing to leave the original legislation, ton mile tax, versus train mile tax and I would hope you would support Senator Schmit's indefinite postponement. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Wesely. The question has been called for. Do I see five hands? Do I see five hands? For what purpose do you arise, Senator Haberman?