

SENATOR HABERMAN: A point of order, Mr. President. You had one person speak against the kill motion and you had four speak for it and I don't think that is fair. I think you ought to let some of us who wish to...

SPEAKER MARVEL: Are you asking to speak, is that what your reason is for arising?

SENATOR HABERMAN: Yes.

SPEAKER MARVEL: Okay, go ahead. I'm sorry. Just a minute. Senator Haberman, if I recognize you it is because the debate has not been full, no other reason. So you may proceed. I like to have you know what the reason is and not the fact that we are playing a numbers game.

SENATOR HABERMAN: Mr. President, members of the Legislature, I rise to oppose the kill motion. Let's go back to 1979 when we passed the original ton mile tax. Some of those people who are standing up here today opposing killing this, voted for the ton mile tax then. 1980, these same people voted to put it off. They said, let's take another look. This isn't the proper tax. Let's wait another year. Some of these same people have now done a hundred and eighty degrees. So for two years we have collected no tax, not a penny. So now we come up with a bill and they want to start playing Mickey Mouse again. Under the ton mile tax I will call to your attention, you don't get any money on the empties, just on the fulls and half of the coal trains that leave and go back to the western part of Nebraska are empty so you collect no money on those. So, if it is a constitutional suspect, Senator Koch says he wants to go to the courts. This could take a couple of years, three years, maybe four. The railroads still wouldn't pay any tax. You are still not going to get anything built, underpasses, overpasses, cross arms or what have you. I will admit that probably in the long pull the ton mile tax would raise more money but you are going to have problems with it. You are not going to have any problems with this bill. So, I say after stalling for two years, do not support the kill motion. Let's go ahead and advance 190 and we can always change it on down the road if it isn't working out. Thank you, Mr. President, for the privilege of letting me speak.

SENATOR KAHLE: Senator Newell, you are next.

SENATOR NEWELL: Mr. President, I rise neither to support or oppose the motion, but I would like to answer some points that Senator Schmit brought about Butler County and I called for some information but that hasn't gotten back to me at this point and I just want to say, Senator Schmit, very