

May 4, 1981

LB 190

found on page 1487 of the Journal.

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President, the amendment does two things. First, the bill when it reached Final Reading referred to the collection of revenue from the trains going through the state as an assessment and changes the wording in all those places, it refers to it as a tax collection. Some concern on my part that since there is some reference federally that assessments are limited to what the railroads can pay, I think it ought to be called a tax and I think everybody agrees that is what it was intended to be. The other part of the amendment, the wording was such that it could have been interpreted, and I believe the railroads agreed it could have been interpreted of limiting the use of these funds only for the five percent of the cost of an overpass that they can be assessed and it was not intended to be that way. It makes it clear that whatever is correct it can be used for grade separations in their entirety. The reference that I mentioned that was in error on the first one was relative to delinquent tax payment by the railroad. The bill as originally written had the same reference as to the maximum usury rate and the amendment changes it for consistency to be the same as LB 167 for that uniformity. So I'd move the bill be returned for the amendment.

PRESIDENT: The Chair recognizes Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, I rise to wholeheartedly support the amendments. They are clarifying things. They don't change one penny of money raised or one penny of money in terms of the goal which is overpasses. What they do do is clarify two areas where in the future assuming a tragedy happened and neither Senator Warner nor I were here to clarify what's really intended, they clarify that this is a tax in case anybody ever said otherwise and they clarify that we are using the money as basically we see fit to build overpasses.

PRESIDENT: Any further discussion on Senator Warner's motion to return LB 190 for specific amendment? The Chair recognizes Senator Higgins.

SENATOR HIGGINS: I just want to ask Senator DeCamp a questions.

PRESIDENT: Senator DeCamp, will you respond?

SENATOR DeCAMP: Well, I don't know coming from Marge but go ahead.