

April 27, 1979

LB 42

thing. Rail traffic is going to get heavier. Now in some of those areas it is going to get even heavier than you think, you people that got the heavy traffic now, because Chicago and Northwestern which humps through my trail up in northeast Nebraska ain't going to be hauling their train, their coal through there like everybody thinks, like Willie and I think and we are planning on, getting a few dollars tax up there. No, they aren't going to be up there. Arrangements are being made to run a spur line down and the C & NW traffic is going to trail on through you other fellows territory where you got the good track and the heavy traffic already so we are going to run our coal down through your territory too. In the stuff I am passing out you are seeing the railroad and federal figures that indicate you are going to have waits of up to six to eight hours per day at railroad crossings. They had one killed the other day at one of them. LB 42 is an attempt to straighten out and get safety devices, overpasses, things like that but until this year we didn't have a bill that would work. To make it work, get this, we had to take out the one little piece that the railroads did contribute which they weren't contributing and that saved them a quarter of a million bucks. No big shake, I got all kinds of flak on this floor if you remember. How come you are letting the railroads off the hook? Remember the famous words? I said, I'm not. I'm trying to get it so it will work. I said if there is a legal way to tax them and make them help pay overpasses and things, I'll do it. Well, the railroads said there is no legal way you can do that. You can't do that to us. It is unconstitutional, interstate commerce, everybody stood up and one after another said, if we could we would certainly support such a concept. In the back of the rotunda they, my good friends, Phil Kenny and those people, kind of halfway indicated well, sure we would be willing to help pay for it but you know that is unconstitutional. I am handing out an Attorney General's opinion right now. You know, rarely do you get an Attorney General's opinion where it says this is constitutional, you know, open and shut. Usually they will mince words and they will say, well this may have problems but when the moon comes up and the sun comes down it might stand a chance if the water don't rise and so on and so forth. This opinion does not do that. This opinion flat tells you, if you do it in the method I am doing it, you can do it. What am I doing? I am imposing a very modest tax on all this coal and other goods going through here that is going to other states, benefitting other people but inconveniencing us

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