

March 27, 1979

LB 42

the railroads, whether it's financial, whether it's... whether it's they don't want to set precedence, whether it's they don't think they're needed, whatever the reasons, the agreements don't come about, and it is a voluntary system. Sam Cullan came this year with an idea...a good idea. The idea was simple. Well, let's quit jacking around with the voluntary stuff. Let's say the state makes the decision and then they order the railroad to do it, and that is what Sam wanted to do in his bill. That is an unconstitutional concept. The bill does not do that, contrary to what some people thought in the beginning. Therefore, it is my contention we're back exactly where we were...a whole voluntary system, and the money keeps building up in the fund to build them from federal and various other places, but the crossings don't get built. Now if this amendment is adopted, I'll tell you this, I'm going to have crossings in my area, and I'm sure some of the others are, because we won't have to sit and play this game of delay, and a new blueprint and we need this and we need that, and we really don't have the money now, but we will next year. The money is there. The state orders it built, and it gets built. That's all. Now Senator Kahle raised a problem about maintenance, and I think Senator Cullan pretty adequately addressed that. It's to their advantage once it's there to protect themselves from liability. They're going to maintain it. Senator Murphy suggested well, let's just eliminate the confusion and let's say if there is something that...an accident that results from a failure, then let's specify in the statute that liability is there. I don't disagree. I think that might be...might be a proper amendment on here. I don't know whether it's necessary, but I sure wouldn't disagree with it. I urge adoption of the amendment. I think it really is the only way to accomplish what Sam originally set out to do, which was mandate that some crossings get built, and not two or three or five years, but tomorrow.

PRESIDENT: The question before the House is the adoption of the DeCamp amendment to LB 42 as amended by the Cullan amendment. Senator Newell, for what purpose do you rise?

SENATOR NEWELL: Is there debate on this...

PRESIDENT: Well, I...there was no one seeking to debate it and I asked him to close. So that was a close. I didn't realize you wanted to further discuss it.

SENATOR NEWELL: Well, my light's been on and I...I would try to keep my remarks brief if I could...