

March 27, 1979

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them, and I thought it was most appropriate to add it here since it's a railroad safety program, it requires them to remove the debris and I think this will be most helpful to us in terms of our flood control. I move the amendment.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President, and members of the Legislature, Senator Lewis discussed these amendments with me. I think they could be of some substantial benefit to particularly eastern Nebraska. I commend Senator Lewis for bringing them forward and attaching them to the bill, and I have no objection to these amendments.

PRESIDENT: The Chair recognizes Senator Stoney.

SENATOR STONEY: Mr. President, a question of Senator Lewis if he'd respond, please.

PRESIDENT: Senator Lewis, would you respond?

SENATOR LEWIS: Yes.

SENATOR STONEY: Senator Lewis, I'm wondering whether or not there is a provision for any penalty if a railroad would fail to comply? Is that covered in the statutes that are referred to in this amendment?

SENATOR LEWIS: No, for a specific purpose, I didn't put in a penalty section yet. I thought if this was part of the state policy, and they knew they were supposed to do it, and if they didn't then we could come back and make it punitive. I think it's a matter of simply an expression of what the state says they ought to do, and I hate to tangle it up with...first of all, I don't understand the criminal code well enough to know what to call it. What I would like to do now is simply say they will clean it up, and knowing that they are fair and objective and want to follow the law of the state, then we can do that without a penalty. If that doesn't occur, then next year I think we can come back and make sure there are some punitive measures involved, if that's a satisfactory approach.

SENATOR STONEY: Thank you, Senator Lewis. I have a tendency to concur, but know that many times these projects that we ask to be completed are not indeed completed unless there is some enhancement to do so, and I think the