

April 10, 1979

LB 23, 42

CLERK: (Read record vote found on page 1404 of the Legislative Journal.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER MARVEL: The bill is declared passed with the emergency clause attached. LB 42.

CLERK: Mr. President, I have a motion on the desk.

SPEAKER MARVEL: Read the motion.

CLERK: Senator Cullan moves to return LB 42 to Select File for a specific amendment, that amendment being: (Read Cullan amendment found on page 1405 of the Legislative Journal.)

SENATOR CULLAN: Mr. President, members of the Legislature, the purpose of these amendments are to make some clarification in amendments adopted to my bill by Senator DeCamp and by Senator Maresh. Senator DeCamp's amendments with respect to maintenance and his intent was to insure that the railroads did not pay or that the State of Nebraska did not pay for the maintenance of railroad crossings. There was a drafting error in those particular amendments and this first amendment is necessary to insure that that intent is carried out. There is some language left there with the date that would perhaps create some confusion and so that amendment is necessary to carry out the intent of Senator DeCamp and myself, that the railroads pay for the maintenance of crossing devices. Secondly, the rest of the amendments deal with concerns raised by Senator Maresh and in his particular amendments and his amendments dealt with taking, the cleaning up crossings once a railroad track is abandoned and we are changing the word once a railroad is not operating to "abandoned" so that that is clear and also changing "may" to "shall" and we have checked these amendments with Senator Maresh and I would ask him to respond. We have seen him and I would just ask him to express his approval or disapproval with the amendments. Again, I do not think they change the intent of the bill but they are necessary. They were brought to us by the Department of Roads so I would ask you to adopt the amendments.

SPEAKER MARVEL: Senator Maresh.

SENATOR MARESH: Mr. Speaker and members of the Legislature, I approve the amendments. I think these clarify a problem that the Department of Roads has raised and I think if we