

March 27, 1979

LB 42

PRESIDENT: Amendment on the desk...motion on the desk.

CLERK: Mr. President, Senator Cullan moves to amend the DeCamp amendment on Page 4, line 24 strike "the railroad". On Page 5 strike in line 19 "For any automatic" and strike lines 20 through line 1 on page 6.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I move for this amendment to the amendment, to Senator DeCamp's amendment. It is the issue which Senator DeCamp discussed. If we are going to go Senator DeCamp's route and take the railroad's responsibility away as far as constructing these devices, which is the route that the federal government goes, then I see no reason for us to assume the maintenance of these devices. At the very least, the railroads ought to be responsible for the maintenance. Now in current state law...the Department of Roads may use... pay for up to fifty percent of the cost of maintaining these devices. We have never paid for the cost of maintaining these devices, for one reason according to the Department of Roads, because it is very difficult to account for the cost of maintenance, and so it's tough to say in the accounting system what we should reimburse the railroads for. So this language strikes that. This amendment strikes that language. It makes the railroads solely responsible for maintenance as they were in the past, and I think the railroads should be responsible for maintenance because it is something that's difficult for us to reimburse them for, and if we are going to go along with Senator DeCamp's amendments and relieve the railroad's responsibility for constructing these devices, then we ought to make them maintain them. Now also I think we can look down the future and look at the cost of these things, the cost of maintenance is going to be continual in increase, and as to the cost of labor increase, whereas the cost of installing these devices, once we get a great number of installed, perhaps will eventually be reduced. So I think as far as tax dollars for the State of Nebraska are concerned, making the railroads responsible for maintenance is a good idea irrespective of the DeCamp amendment. So I would hope that you would attach this amendment, and I'm sure that Senator DeCamp concurs with this, and I would just ask Senator DeCamp now...if Senator DeCamp would yield, I would ask him if he concurs with this amendment.

PRESIDENT: Will Senator DeCamp respond to that question?

SENATOR DeCAMP: Yes, I absolutely think that the amendment