

March 9, 1981

LB 190

SPEAKER MARVEL: Senator DeCamp, are you closing? Okay, you are recognized.

SENATOR DeCAMP: Mr. President, members of the Legislature, reluctantly I rise to oppose the amendment because I know the goal of Senator Kahle and Senator Lamb, and it kind of fits into my own techniques. Leverage, pressure, that is why those particular sections of the statutes want to be retained. Now the cities who came in and testified, the other people, I think Senator Lamb and Senator Kahle themselves would say, "Ya, it probably can't be legally done. We can't force somebody to involuntarily do something." You can't force somebody to negotiate and arrive at a predetermined thing. You can't legally do it and then you have other statutes that go in direct conflict. 18-602, grade crossing projects shall be undertaken on a basis that will impose no involuntary contributions on the affected railroads except as provided by Section 5 (b) of Public Law 521 enacted by the 78th Congress, blah, blah, blah. I would love it if it would work. So what is my fear? Why even care about it, if it doesn't matter that much? If it can't be, if it can't be imposed, why don't I let them have that little bit of leverage? Because I am scared. I am scared of the railroads. What am I scared they will do? They will use this, this as their excuse for saying ahhh, you see we offered a solution, we agreed to come up with a couple of million dollars a year to help pay for these and what did you legislature do? You came up with two systems and we just can't understand. Well they dog-gone well are going to know what it means. But it could be their basis to go into court and say we don't really know, are we supposed to follow law A or law B or law C? I'm saying that you repeal a very limited number of sections where there is just clear conflict and which go in conflict with what we did two years ago, LB 42 on grade separation crossings. Now when the Omaha City Attorney who wanted these sections repealed was alerted to LB 42, Herb Fitl and some of the other people out there, lobbyists, were alerted to it in the last little while, they didn't even know that they existed. They didn't take the time to check out the rest of the statutes on it. If you would adopt the bill in its form as offered, the railroads can not fight it, they are going to have to pay a couple of million dollars this year and millions more in the future and begin using that money for grade separations, and, take your North Platte's your Columbus' and your whatever, instead of you having to come up with a pile of money your amounts may be minimized to zero because we can use this money for your city contribution. Reluctantly again I urge you to not accept the amendment because it will not give anything and may risk taking away what we can get. That is the only reason I oppose it. I just think that we have got a pretty clean bill and a clean system and I want to keep it that way