

SPEAKER BAACK: Okay, before we proceed to the first item of business, I would like to introduce some guests of Senator Withem. We have 60 fourth grade students from Tara Heights Elementary in Papillion and their teacher. Would you folks please stand and be welcomed by the Legislature. Thank you for being with us. We will now proceed to Item 8 on the agenda with a motion by Senator Wickersham.

CLERK: Mr. President, Senator Wickersham would move to place LB 1172 on General File pursuant to the regions of Rule 3, Section 19.

SPEAKER BAACK: Senator Wickersham.

SENATOR WICKERSHAM: Thank you, Mr. Speaker. You have a packet on your desk that is comprised of an amendment to LB 1172 which has been filed and is also printed in the Journal at page 1407, is AM3540. You also have a copy of 1172 marked up so that you can see the effects of the amendment. And you also have attached a copy of an Attorney General's Opinion which was rendered earlier at the request of Senator Byars and also remarks in the margins concerning the effects, on the Attorney General's Opinion, of the amendment, AM3540. I am asking that 1172 be brought to the floor, absent committee action, because I believe it is an important piece of legislation which has already prompted some action at the federal level and I want to continue to encourage progress at that stage. LB 1172, originally, or in the form that it was introduced provided for something called a detonating device. Now, basically, what that is is a telemetry device that goes on the back of a train and also is located in the cab of a train and will allow the engineer to put the train into what is called emergency from the rear of the train. Now emergency just means that you're going to set the emergency brakes. And the engineer could do that without having the train connected to the engine. There was a great concern about that possibly being unenforceable because of a preemption of that particular provision by federal law. Again, I am happy to advise you that last night the Senate passed a bill, which, if it becomes law, will provide for exactly the kinds of devices that were originally stated in 1172. The bill still has to go to Conference Committee. There was a companion bill in the House and it did not contain the provisions for the detonating device. The Senate bill did and, as I stated, it will go to the Conference Committee. I still wish to keep this issue alive in the State of Nebraska because I