

PRESIDENT MOUL: Time.

SENATOR KRISTENSEN: ...and they have done so. Thank you.

PRESIDENT MOUL: Thank you, Senator Kristensen. Senator Byars.

SENATOR BYARS: Thank you, Madam President, members of the Legislature, I'm not going to stand on this motion to debate the merits of this bill. From the beginning, when 1172 was brought before the Transportation Committee, I really didn't have an opinion one way or the other. I, obviously, in most instances, as I hope that I have set precedent in the past, have tried to come down on the side of reason and common sense, not to come down on the side of additional regulation if there, indeed, was not abuse and, indeed, was not a need for that regulation, and I want to continue to do that. I have told both sides on this issue, and I think consistently, that my concern isn't with the merits of the bill. My concern, as I stumbled upon accidentally, was whether, indeed, there is preemption on the part of the federal government involved in this issue. At the time that the debate was being set forth years ago in the supposed caboose legislation, an Attorney General was sought at that time relative to the ability of the State of Nebraska to, indeed, legislate in this matter. An Attorney General's Opinion was sought at that time under a different Attorney General. The opinion was sent down at that time that, indeed, the State of Nebraska did not have the authority legislatively in this manner. When 1172 was brought to the Transportation Committee I sensed that there were probably, even though the legislation was written differently, that the same problem still existed. So I took it upon myself to request an Attorney General's Opinion. That opinion was brought down. I have not had it distributed. Those of you who would wish a copy, I would certainly make it available to you. I have deliberately not distributed it because I am trying not to lobby on one side or the other relative to the merits of this bill. I requested it for myself, to give myself the information, that I needed to try to make an objective decision. As amendments have been brought forth on the bill and, as Senator Wickersham has explained to you, and as I'm sure Mr. Lineweber and Mr. Harvey also, in lobbying many of you, have told you also, they have attempted to change, in the contents of 1172, those objections so that they would overcome the Attorney General's negative feelings about this legislation. Because of this, I have again sent back those amendments to the