

there, but in terms of us mandating their operation or additions to them, that's where the Attorney General's Opinion goes to is the Boiler Inspection Act, as well as the Federal Railroad Safety Act.

SENATOR SCHIMEK: Okay, a follow-up to that. Just to make certain that I understand what preemption is, if the Exon amendment is attached at the national level, does...when does that go into effect? And I'll tell you, my understanding of it is it's several years down the road, like 1995.

SENATOR KRISTENSEN: Let's make sure we know where we're at in the process. The Senate passed it.

SENATOR SCHIMEK: Right.

SENATOR KRISTENSEN: It's got that amendment on it. It's going to go to Conference Committee. Conference Committee will ultimately, as you know, come up with a version that needs to be voted upon then by Congress. But if the Exon amendment is placed on, the information I have is that sometime the phase-in period to December 31, 1996, but there should be rules and regulations by the end of next year for the implementation of that.

SENATOR SCHIMEK: Okay, then let's...this really gets to the heart of my question. Once Congress has decided to do that and they have decided in basically the same way that this bill would decide, is it preemption if Nebraska just decides to do it a couple of years earlier? Is it still preemption?

SENATOR KRISTENSEN: Preemption goes back to the supremacy clause in the United States Constitution. It talks about that state laws can't interfere or be contrary to federal law. So...

SENATOR SCHIMEK: Yes, I understand that.

SENATOR KRISTENSEN: ...if Congress has taken that issue...

SENATOR SCHIMEK: Uh-huh.

SENATOR KRISTENSEN: ...and dealt with that issue, that is their area. Now if they're going to phase it in, they've dealt with the area.