

the State of Nebraska can equally be as important for all the other states in the United States. But we do need to send them that message. And, in part, we sent them that message when LB 1172 was introduced. We now can send them the further message that not only were we interested in train safety when we introduced the bill, we are still interested in train safety and we are still willing to take steps in the State of Nebraska which will ensure that the trains operating here operate at a higher standard and are safe as opposed to potentially other areas of the United States where they do not operate under the same conditions and are not operated as safely. I will reiterate that I think that the bill, as it would be amended by AM3540, which is printed in your Journal, will avoid the preemption arguments. It will avoid them simply because we will be placing back into statute the requirements that we adopted in 1986 and simply be requiring that these operating devices, which are already on trains, work. All we're going to ask is that these devices that are already on trains work. And I will submit to you that that will pass muster against the federal preemption arguments. I do not see why they should not be required to work. As Senator Chambers also pointed out earlier in debate, if we do not now advance 1172, we do not have any other opportunities to send our message to Congress or to require that the level of train safety in the State of Nebraska be increased. If 1172 isn't advanced to the floor this afternoon, 1172 is dead. I think 1172, both, quite frankly, in its original form and in the form I will ask you to amend it later on if we advance it to the floor, is a bill that is clearly worthy of life and debate on the floor of this Legislature. And it deserves to have its place in the roster of senator priority bills along with all the other issues that we will debate this session. I thank you for your consideration and again urge you to vote for advancement of 1172.

SPEAKER BAACK: Thank you, Senator Wickersham. The house is under call. Members, please report to the Chamber and record your presence. Senator Lynch, would you record your presence. Senator Schmit, Lamb. Senator Coordsen, would you record your presence, please. We are waiting on Senator Lamb. We are waiting on Senator Lamb. May we go ahead and proceed, Senator Wickersham. Okay, we will now proceed to vote on the motion by Senator Wickersham to place LB 1172 on General File. All those in favor vote aye, opposed vote no. Record, Mr. Clerk.

CLERK: Mr. President, a request for a record vote. (Record