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Floor Debate
January 25, 2007

[LR9 LB27 LB35 LB43 LB63 LB74 LB110 LB111 LB148 LB182 LB185 LB206 LB207
LB264 LB283 LB296 LB305 LB315 LB333 LB335 LB341 LB344 LB414 LB441 LB700]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George Norris Legislative Chamber for the sixteenth day of the One Hundredth Legislation (sic), First Session. Our chaplain of the day is Pastor Andrew DeGolyer from Unadilla Christian Church at Unadilla, Nebraska, Senator Heidemann's district. Please rise. []

PASTOR DeGOLYER: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you, Pastor DeGolyer. I call the sixteenth day of the One Hundred Legislation (sic)...Legislative Session, First Session. Senator, please check in. Mr. Clerk, please record. []

CLERK: I have a quorum present, Mr. President. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, I have an appointment letter from the Governor with two appointees to the Foster Care Review Board; Attorney General's Opinion addressed to Senator Langemeier to be inserted in the Journal. That's all that I have at this time, Mr. President. (Legislative Journal pages 363-366.) []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. (Doctor of the day and visitors introduced.) We'll now proceed to the first item on the agenda. Mr. Clerk. []

CLERK: Mr. President, Senator Flood would move to withdraw LB414. [LB414]

SENATOR LANGEMEIER: Speaker Flood, you're recognized to open on your motion to withdraw. [LB414]

SPEAKER FLOOD: Thank you, Mr. President. Members, I rise today on LB414. I had originally introduced this bill because I was concerned about the direction that we were going with substance abuse prevention dollars in Nebraska. And after further

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consultation with the Department of Health and Human Services, its director, Christine Peterson, and our chief medical officer, Dr. Joann Schaefer, as well as consultation with folks back in my district, I'm reasonably satisfied that a fair system is put in place that recognizes that you can't necessarily put all the money in 50 communities in your district and expect each community to have an active coalition. I think the department recognizes that you do different...you do this kind of business differently in rural Nebraska than you do, maybe, in Omaha or Lincoln metro area, and so for that reason I'm satisfied that prevention abuse dollars...prevention substance abuse dollars are being spent wisely and per the federal requirements, and I would ask your consent to withdraw LB414. Thank you, Mr. President. [LB414]

SENATOR LANGEMEIER: Thank you, Speaker Flood. Is there any discussion? Senator Flood, seeing no one wishing to speak, would you like to close? Speaker Flood waives closing. Now, all in favor of the motion say aye. All those opposed? Oh. Please record your vote. Record, Mr. Clerk. [LB414]

CLERK: 29 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB414]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Next item on the agenda. []

CLERK: Mr. President, the first bill on General File this morning, LB63, offered by Senator Schimek. (Read title.) Bill was introduced on January 5 of this year; at that time referred to the Banking, Commerce and Insurance Committee; advanced to General File. I have no amendments at this time, Mr. President. [LB63]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schimek, you're recognized to open. [LB63]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. LB63 is a bill that was introduced last year and it is not a major kind of bill at all. It was actually brought to me by a constituent who needed help, and it was not controversial, really, last year, I don't think. It was maybe going to get put in with a committee omnibus bill or something, but for one reason or another never did. So I brought it again this year. It has to do with Section 44-784 in our statutes, and it's about childhood immunization, and I think I'm going to try to make this pretty short because right now, as I speak, the pages are passing around a letter from my constituent that explains it. But what this bill does is allow so-called certificates to cover childhood immunizations. Vaccination of children became a priority for the state of Nebraska several years ago and one thing that we didn't know or weren't aware of was that some companies use certificates, and to the best of my knowledge the only company we know about is one that's based in, I believe it's, Indiana. But a few years ago my constituent and his wife sought childhood immunizations for their child, but they were notified by the certificate provider that his child's coverage was, in fact, not mandated by Nebraska law. After a lengthy

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investigation by the Department of Insurance, it was found that the constituent's certificate was, in fact, not subject to 44-784 and that the group in Indiana had not violated Nebraska law. My constituent, however, felt cheated. He believed, as most people would, that immunizations were a mandated benefit, no matter what the terminology. It should be noted that in certain circumstance it is completely possible that the employer that purchases insurance may not have any understanding of the regulatory laws of Indiana, or any other state, nor the conflicts of law that arise in situations such as this. Even more disturbing is that the consumer, who naturally believes he or she is entitled to all the benefits of the mandate, is not in fact entitled. This issue does pose another question, and that's the possibility that companies can use trusts to avoid mandated benefits, thereby skirting state regulations. While the state in which these certificates were for may have some regulatory function over the trust, it appears that forum shopping could be a prime consideration for the situs of these trusts. The Department of Insurance recommended last year that if we were to introduce a bill, that it be done in the matter in which this bill is done. The department had indicated that the problem encountered by my constituent could be one for a small sliver of consumers who fall into the cracks between federal and state law, and we're talking about ERISA and so forth. Unfortunately, the department does not know how many consumers within the state are affected the same way that my constituent is. Now this bill is probably not going to help my constituent too much because his child has probably already had the immunizations, but I think there may be a few other people that it could and should help, and I think it's just putting some consistency into our law. So with that, I know that the Banking Committee did advance this bill by a 7:0:1 vote, if my recollection is correct. I know they did take some time and discuss it. So I would ask that you advance the bill. Thank you. [LB63]

SPEAKER FLOOD PRESIDING [LB63]

SPEAKER FLOOD: Thank you, Senator Schimek. The Chair recognizes the gentleman from Ellsworth, Nebraska. [LB63]

SENATOR LOUDEN: Thank you, Mr. Speaker. I would like to ask Senator Schimek a question, if I may. [LB63]

SPEAKER FLOOD: Senator Schimek, will you yield for a question? [LB63]

SENATOR SCHIMEK: Yes, I would. Thank you. [LB63]

SENATOR LOUDEN: Senator Schimek, do you have any kind of figures? Will this increase the cost of insurance for families, their premiums or anything like that? Do you know if there's any impact on it costwise? Will it raise insurance premiums any? [LB63]

SENATOR SCHIMEK: I don't see how this would have any relevance to the cost of

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those insurance premiums. All this bill does is include, in the scope of childhood immunization law, these few companies, and we only know of one, actually, that may use certificates, and it just incorporates them into the law. [LB63]

SENATOR LOUDEN: Well, do most of the health insurance companies now already pay for child immunization all the way, I mean like BlueCross BlueShield and some of the major ones in Nebraska? [LB63]

SENATOR SCHIMEK: That's my understanding. [LB63]

SENATOR LOUDEN: And as the handout you put out there, I think the person said that they thought it was capped at \$200. Is that correct or is that the way that's been, and will that change this or...? [LB63]

SENATOR SCHIMEK: That is...it is my understanding that that's the way it is, although I didn't do a personal investigation of that, but that doesn't change the cap. This bill doesn't change the cap now. [LB63]

SENATOR LOUDEN: Okay. As I look at the committee report, I don't think there were any insurance companies that testified against it. Did they? [LB63]

SENATOR SCHIMEK: No, and I don't think this affects most insurance companies. [LB63]

SENATOR LOUDEN: Well,... [LB63]

SENATOR SCHIMEK: It may only affect this one insurance company that is situated in Indiana. [LB63]

SENATOR LOUDEN: Okay. Thank you, Senator Schimek. [LB63]

SENATOR SCHIMEK: You're welcome. [LB63]

SENATOR LOUDEN: Thank you, Mr. Speaker. [LB63]

SPEAKER FLOOD: Thank you, Senator Louden. Chair recognizes Lincoln district senator from District 19...29. [LB63]

SENATOR FULTON: Thank you, Mr. President. I'd like to ask a question or two of Senator Schimek, if she would yield. [LB63]

SPEAKER FLOOD: Senator Schimek, would you yield? [LB63]

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SENATOR SCHIMEK: Yes, I would. [LB63]

SENATOR FULTON: There were no other insurance companies that you're aware of that this is going to affect other than... [LB63]

SENATOR SCHIMEK: That is correct. [LB63]

SENATOR FULTON: Okay. And what has this insurance company, Benicorp, said? Or have they said anything? [LB63]

SENATOR SCHIMEK: They haven't said anything. [LB63]

SENATOR FULTON: I guess I...the question I have is whatever mechanism that prompted the existing insurance companies that do offer these immunizations, whatever mechanism that was...or I guess I don't know what mechanism that was. I guess could you explain that to me? What mechanism prompted existing insurance companies to offer these immunizations? [LB63]

SENATOR SCHIMEK: Well, state law. That's a state law that we're amending. [LB63]

SENATOR FULTON: And that's where I guess I'm a little confused. If that state law has compelled these existing insurance companies, like BlueCross BlueShield, to provide immunizations, then wouldn't that same state law compel this company? [LB63]

SENATOR SCHIMEK: Well, one would hope so and think so, but the truth of the matter is that the word "certificates" was not included in that original law, and so there is just some question about whether they're really mandated like the rest of the insurance companies. [LB63]

SENATOR FULTON: Okay. That would be the second question that I had, was what is the difference then between a certificate and a policy? I...what... [LB63]

SENATOR SCHIMEK: I have no idea, Senator. (Laugh) I mean, I think they're basically the same thing, but hang on. I'll ask counsel. [LB63]

SENATOR FULTON: Okay. The reason I have these questions, we went through this with my children. We, when we were switching insurance, we ended up getting some of our immunizations down at the Department of Health. And so I do recognize that the public sector subsidizes, to some effect, these immunizations which are required. What I have some problem with is mandating something that doesn't need to be mandated. If the free market can dictate that immunizations need to occur, let that be. I have a problem passing laws where laws don't need to be passed. And in this case it seems to me that insurance companies, by and large, are providing these immunizations. Let the

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force of the free market force out those companies that won't. And if the law has compelled these companies that exist to provide these immunizations, then that same law should compel this company. I guess that's where I'm a little hesitant to advance this, but, yeah, what is...what's the difference between a... [LB63]

SENATOR SCHIMEK: I'll try to explain it as best I can, according to committee counsel. It is the employer who has issued the policy, and it is the individual who is issued the certificate. And in this case, because the certificate was issued in Indiana, it is not...you see I'm having trouble. The policy was issued in Indiana so, therefore, the certificate is not covered by state law, not mandated by state law. The certificates that are issued in Nebraska are covered by state law, but the certificates that are issued to individuals in Nebraska from Indiana were not covered. [LB63]

SENATOR FULTON: Okay. [LB63]

SENATOR SCHIMEK: Does...is that as clear as mud? (Laugh) [LB63]

SENATOR FULTON: That helps. [LB63]

SENATOR SCHIMEK: Okay. [LB63]

SENATOR FULTON: I still...I still have some concerns. If law exists now that compels insurance companies to act in accord with the intent of this law,... [LB63]

SPEAKER FLOOD: One minute. [LB63]

SENATOR FULTON: ...I have concerns about redoubling that, about mandating something that has already been mandated or by requiring something that the free market is already requiring. So at this point I'm not able to support the bill, just on those grounds, that I don't know enough about it and ostensibly it seems to work against what the free market is already doing. So thank you. [LB63]

SPEAKER FLOOD: Thank you, Senator Fulton. The Chair recognizes the gentleman from District 8. [LB63]

SENATOR WHITE: Thank you, Mr. Speaker. I would like to respond to a couple of those comments. First of all, with regard to the free market, infants generally do not participate in the give and take of the marketplace. Second, if we want to save money and our healthcare system, whether it's Medicare, Medicaid, county health subsidies, the worst thing we can do is cut back on simple preventative matters like immunizations. Third point, insurance is incredibly difficult area because it is regulated by each of the 50 states separately and then the federal governments have jumped in with ERISAs. Given the increase in costs we have, in the cracks of the various jurisdictions,

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fly-by-night companies who come in and basically sell blue-sky insurance policies. When you get a company like this that hits a regulatory crack and says, for example, well, we're not selling a policy, we sold a policy to your employer but each of the employees get a certificate, therefore we're free from the basic fundamental decencies, that we insist of the companies that really do business here, we need to correct it. This is nothing more than repairing a hole in a fence to make sure our children have immunizations. And I would suggest to all of you, if we do not do that, the cost of treating the diseases will far exceed whatever cost we incur through this means. [LB63]

SPEAKER FLOOD: Thank you, Senator White. Chair recognizes the senior senator from Omaha's 11th District. [LB63]

SENATOR CHAMBERS: Thank you, Mr. Speaker and members of the Legislature. I have to say, with reference to Senator White this morning, how in the world can he be so clear, lucid, logical and correct today when yesterday he obfuscated? (Laughter) But anyway, he did give a very good explanation of what it is we're looking at. By using certain terminology, a company or an individual can escape a regulation that might be in the statute by saying the statute does not mention this specific word, therefore, even though what I'm presenting may look like an insurance policy, I call it a certificate; therefore, it is not covered by Nebraska's law regulating insurance. The Department of Insurance acknowledged that. The Department of Insurance acknowledged that, based on the existing law, these companies should have to cover these immunizations. But because these schemers spend a lot of time figuring ways to avoid being covered by the law, they can escape the language of the law while violating the spirit. The reason the Internal Revenue Code is so thick and so complex is because this is not a nation of angels when it comes to business. Every time you build a wall high, they find a way to go around it. When you make the wall wide, they figure a way to go under it. When you sink it deep into the earth, they find a way to go through it. So what those who draft these codes...I use the IRS Code, because people are familiar with the thickness and the complexity of it, to show that people who are out to fleece the public are going to find ways around the existing law. So what Senator Schimek is doing with this particular piece of legislation is saying if it looks like a duck, if it waddles like a duck, if it quacks like a duck, it's a duck even if you call it Quetzalcoatl, which was one of those huge mythical birds. So this that we're talking about looks like an insurance policy, it smells like a policy, it is paid for like a policy, but because it doesn't carry the name "policy" the ones who issue these things can receive money while those who are providing it think they're getting a coverage which in fact they're not. Regarding the free market, the free market is not free any more than the so-called free world is free. America is supposed to be a part of the so-called free world and the leader, and I can tell you from experience it's not free as far as I and people of my complexion are concerned. That's why you have to change federal statutes, you have to have state statutes to prohibit discrimination, you have presidential executive orders, you have court decisions, and this would not be necessary if this were a free country. Now it might be free for certain

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people, but not for all. And I would never leave the care and nurturing of our children to the tender mercies of what has been called the so-called free market. So I'm going to have to talk to my friend Senator Fulton, and next time, when he and I have a conversation, I'm going to put it into the hard, practical, mathematical terms of the engineer. And when I can show the point by analogizing it... [LB63]

SPEAKER FLOOD: One minute. [LB63]

SENATOR CHAMBERS: ...to matters covered by those with the mind of an engineer, he'll say, oh, well, then why didn't somebody say so? I'll say, well, brother, I'm saying so now. But I do support what Senator Schimek is doing. We are not going to hurt anybody. All we're doing is saying that when we pass the law saying this kind of coverage is to be available, we mean it. That's all her amendment says--the law is this, and we mean it. So, Senator Schimek, I applaud you. Senator Fulton, I appreciate your questions, the discussion that it generated, because I think it led Senator White and some others perhaps to give a bit more explanation so that the record, if anybody reviews it, is crystal-clear on what we did, why we did it, that we knew what we were doing, that the law says what we mean and it means what we say. Thank you, Mr. Speaker, and that's all that I'll have for now. [LB63]

SPEAKER FLOOD: Time. Thank you, Senator Chambers. Chair recognizes the gentleman from Holdrege, District 38. [LB63]

SENATOR CARLSON: Mr. Speaker and members of the body, I'm going to make two points, and one of them to further clarify. Two days ago Senator Chambers said we need to simplify things, and I'm going to simplify things as much as I can in how I would respond to Senator Fulton. Your employer has a policy. As an employee, you have a certificate. You want to make sure that your certificate is as good as your employer's policy. Second point I want to make is in, somewhat, defense of the insurance industry. Generally speaking, I'm very skeptical about mandates. I think we need to proceed cautiously about mandates. But I believe the intent of the Nebraska law was to include insurance certificates, along with insurance policies and subscriber contracts. And I don't believe that agents intentionally market a plan that allows their company not to pay a benefit. I have ENO insurance and I'm not interested in testing it out over an item such as this, so I appreciate LB63, Senator Schimek's bill, and I recommend that we pass it. Thank you. [LB63]

SPEAKER FLOOD: Thank you, Senator Carlson. The Chair recognizes Lincoln District 29, Senator Fulton. [LB63]

SENATOR FULTON: Thank you, Mr. President. In the midst of this I have been persuaded. I think it's appropriate to let people know. It was explained to me by Senator Hansen, though there was no reference to any Aztec mythology, but I appreciate that.

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Yeah, a certificate basically is a policy and so this is the closing of a loophole, as I understand it. That being the case, statute should compel this particular company. So I will support this bill. Thank you for the discussion. I yield the rest of my time to the Chair. [LB63]

SPEAKER FLOOD: Thank you, Senator Fulton. Senator Hudkins. [LB63]

SENATOR HUDKINS: Thank you, Mr. President and members. I would like to make a comment, and then, Senator Schimek, you may answer or jump in as you see appropriate. The way I see this, and if you look at where you send your premiums for your insurance policies, very few of them actually go to a company in Nebraska. Many of them go to Des Moines, Iowa. So if we don't pass this bill, I'm afraid that there could be more insurance companies that say, oh, why didn't we think of that; this is a way to get out of what we legitimately owe. So I will be supporting this bill. Thank you, Mr. President. [LB63]

SPEAKER FLOOD: Thank you, Senator Hudkins. There are no more lights on. Senator Schimek, would you like to close? [LB63]

SENATOR SCHIMEK: Yes, briefly, Mr. President and members. First of all, I told Senator White that I probably didn't need to close after his eloquent explanation, but I just want to say that I appreciate all of your remarks and that what we're doing here is saying if you are going to sell insurance in Nebraska, you have to follow the Nebraska law. And I think Senator Hudkins said that in much the same way, if a little bit differently. So thank you, Senator Fulton, for changing your mind or at least thinking it through a little bit further. I would never get up here and say to you in my opening remarks that this is a simple little bill, because look what happens to simple little bills. You just never know. Thank you very much. I appreciate your support to advance LB63. [LB63]

SPEAKER FLOOD: Thank you, Senator Schimek. You've heard the closing on LB63. The question before the body is the motion to advance LB63 to E&R for initial. Please record your vote. Have you all voted? Record, Mr. Clerk. [LB63]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB63. [LB63]

SPEAKER FLOOD: LB63 is advanced to E&R Initial. Next bill, Mr. Clerk. [LB63]

CLERK: Mr. President, LB74, introduced by Senator Erdman. (Read title.) Bill was introduced on January 5 of this year; referred to the Agriculture Committee for public hearing; advanced to General File. At this time, Mr. President, I have no amendments to the bill. [LB74]

SPEAKER FLOOD: Thank you, Mr. Clerk. The gentleman from Bayard, Nebraska, is

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recognized to open on LB74. [LB74]

SENATOR ERDMAN: Mr. President and members of the Legislature, LB74 is a bill brought to the Agriculture Committee at the request of the Department of Agriculture, which I introduced on their behalf. The bill had a public hearing on Tuesday, January 23. The bill was heard by all eight members of the committee, who were in attendance, and the bill was advanced unanimously, 8 to 0. There were no opponents to the bill and there were six proponents. LB74, again, is brought at the request of the Department of Agriculture to amend the Nebraska Pure Food Act incorporating the 2005 recommendations of the United States public health food service, excuse me, Health Service, Food and Drug Administration, commonly known as the 2005 Food Code. Currently, the state of Nebraska is operating under the 1999...or, excuse me, the 2001 Food Code and this is an opportunity for us to update our regulations and statutes to reflect new practices and procedures regarding the regulation of retail food establishments or where food is prepared and delivered to a final consumer. Nebraska is among a majority of states that incorporate the model provisions of the Food Code for regulatory standards pertaining to food preparation, storage, presentation, and sanitation practices of retail food establishments. The code is updated every four years to incorporate regulatory experience and advancement in the knowledge of the mitigating risk factors of food-borne illness. The Nebraska Pure Food Act currently incorporates, again, the 2001 Food Code. The act was brought to us by the department after they had an opportunity to visit with the Food Industry Review Board, which are individuals across the state who are subject to the act. They are a part of other discussions on a national level to make sure that the act is reflective of the most appropriate standards regarding mitigating those risk factors and food-borne illness. The state of Nebraska then has the opportunity to make certain changes to the Food Code to reflect some of the policy decisions that we have either made in the past or more specific to the state of Nebraska's needs, and adopt substantially most of what is in the Food Code in order for us to be able to comply with interstate commerce and other opportunities and avoid additional regulation. With LB74, there are fewer 2005 Food Code issues that were excluded than in the previous Food Code. Now to say that a different way, we have actually adopted more of those federal standards or recommendations, in reality because a lot of the practices that we were doing were already in place, or that there were opportunities for us to simply adopt those in clarifying what our existing regulations were. We do have a table that lists the item-by-item changes that are being made and, again, as I said earlier, most...or, excuse me, more of the previous recommendations in the Food Code are being adopted. There is a new defined term in the act that is...doesn't change the application of the law. It simply further clarifies the entities that are subject to the law. Currently under the law, we have treated all folks that we now call itinerant food vendors--those individuals that would sell food and prepared items at a farmers' market or similar event--we have classified them as convenience stores under the existing Food Code. LB74 would make that technical change to give them their own definition and

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classification. It does not change their subject as far as their authority that they're subjected to. They still have to follow the same procedures under the Food Code. It just further clarifies them as an entity. Section 6 of the bill does deviate a little bit from what the 2005 Food Code asked the states to adopt. However, it's been determined by the Food Industry Review Board that it is just as effective, and we had quite a bit of discussion in the committee about this issue and this relates to bare-hand contact with ready-to-eat foods. The act allows for...or our bill allows for individuals to use their bare-hands if they have complied with hand-washing and other necessary measures to prevent allowing those who are in a susceptible population to be at risk in exchange for what the Food Code asks for, and that is to use gloves. LB74 amends the relevant section again and allows for those individual and, excuse me, amends the relevant section by specifying hand-washing procedures and adopting the Food Code recommendation of no hand contact if you are serving that highly susceptible population. Another key part of LB74 is carried over from legislation that was passed in 2003, and that is how the act is administered in the ways of fees. Currently, we have a balance that allows for 50 percent of the fees to come from General Funds and approximately 50 percent of the fees that go to administer this act coming from General Funds. The act also allows the department to be able to adjust those to make sure that they're managing their cash balance effectively, and the projection is approximately a 3 percent inflation growth in the cost of the program. We also have a handout, if others are interested in seeing what that looks like. If LB74 does not pass with the fee proposal that is in it, it would require an additional General Fund expenditure, either through the appropriations process or through an A bill, in order for us to make sure that we are able to carry out the provisions of LB74 under the new Food Code that we are adopting. Finally, the bill adds the emergency clause to the legislation, which gives the fee schedule the opportunity to be implemented at the beginning of the next fiscal year, which begins July 1. This bill, again, was the effort of the Department of Ag, but I will mention that, as any bill of this substance, the committee counsel, our research analyst Rick Leonard, has done an exceptional job of going through the previous act, comparing it with the new act, and then understanding the policy decisions that we have made as a Legislature that may have deviated from the 2001 Food Code and making sure that we had the reasons why those may or may not have been changed in this act. Again, the committee reported the bill out unanimously, 8 to 0. I would be happy to try to answer any questions. There are individuals from the Department of Ag available here in the Rotunda to visit with you on specific questions, and with that, Mr. Speaker, I would be open to any questions. Thank you. [LB74]

SPEAKER FLOOD: Thank you, Senator Erdman. The Chair recognizes the gentleman from Scottsbluff. [LB74]

SENATOR HARMS: Thank you, Mr. Chairman. I'd like to ask Senator Erdman a question, if I may, please. Senator Erdman, under... [LB74]

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SPEAKER FLOOD: Senator Erdman, will you yield to a question? [LB74]

SENATOR ERDMAN: I would. [LB74]

SENATOR HARMS: Senator Erdman, under...on page 4, Section 3, would you define "potentially hazardous food" for me, please? [LB74]

SENATOR ERDMAN: If you'll give me a moment, I can get the bill. We're going to get that for you, Senator Harms, in just one moment here. [LB74]

SENATOR HARMS: While we're waiting for that answer, I have another question, as it comes up on your computer, if you would, for me, please. [LB74]

SENATOR ERDMAN: Sure. Go ahead. [LB74]

SENATOR HARMS: In your definition, it says: approved such sources at nonpermanent locations such as farm markets, craft shows, or county fairs. The question that I have for you, as we look across the state of Nebraska there are a lot of special events that occur like Oregon Trail Days, the Czech Day and other sorts of things. Does that include that? Because your definition does not identify it. It identifies craft shows, county fairs, farm markets. This is independent and separate of that. Now I do know, as you read through a little bit later in this bill, it starts to clear that up. Sometimes people only go to the definition and I'd like to make sure that's defined early and clearly so people have a better understanding of what that is. [LB74]

SENATOR ERDMAN: Good question, Senator Harms. Let me start with your first one, the definition of "potentially hazardous food." Potentially hazardous food means a food that requires time and temperature control for safety to limit the pathogenic microorganism growth or toxin in formation. [LB74]

SENATOR HARMS: And that temperature is what, Senator Erdman? [LB74]

SENATOR ERDMAN: Senator Harms--and Senator Karpisek, who is in the business as well, can further address this, as he did in the committee--it's a combination of time and temperature. In the example that we heard in the committee, there may be foods that need to be held at a temperature, say at 41 degrees, for a certain time frame; other foods that may be more susceptible have different time frames. And logically what happens is that, as they're more susceptible, that timing is shortened because of the fact that you want to make sure that those items are not able to have those types of concerns. So there are different provisions. For example, you may have a 41-degree requirement for some foods, other foods have a 45-degree requirement, and then again there's another component to both of those and that is the time frame in which you can hold that item on your shelf in order to avoid these circumstances. [LB74]

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SENATOR HARMS: And, Senator Erdman, who enforces that, please? [LB74]

SENATOR ERDMAN: The Food Code will be enforced by the Department of Ag. They have individuals who have the responsibility of working both with local health departments--you have Lincoln-Lancaster County, you have Douglas County and others--who have the authority to enforce the act and are in cooperation with the Department of Ag. And then the other parts of the state where those circumstances aren't in place, it is the Department of Ag themselves. [LB74]

SENATOR HARMS: Oh. Thank you very much for your... [LB74]

SENATOR ERDMAN: Sure. [LB74]

SENATOR HARMS: ...answering my questions. [LB74]

SPEAKER FLOOD: Thank you, Senator Harms. There are no other lights on. Senator Erdman, would you like to close on LB74? [LB74]

SENATOR ERDMAN: I would, Mr. President, and I do thank Senator Harms for his questions. I'm aware of the community celebrations that he speaks of in western Nebraska and in other parts of the state. We'll make sure that we get the specific answer. I will tell you that the language in LB74 doesn't change how that is...how that is administered currently. You may recall that previous legislation has been passed to address the permitting for certain events, such as Oregon Trail Days, that then Senator Smith had carried. Those things are not being changed. We're simply clarifying what an itinerant vendor is. Those entities that are currently subject will remain subject to the act. It just further clarifies for the purposes of knowing who these different entities are because, at the time, we had convenience stores that were...or we had food vendors that were being called convenience stores, and that obviously wasn't an appropriate definition. So we'll make sure we get that resolved. Again, LB74 is an effort on behalf of the Department of Ag, in cooperation with the Agriculture Committee, to update our state laws in regards to the Food Code. The act before you is substantially the 2005 Food Code with modifications that have been approved by the Food Review Board. And with that, I would request your support of LB74. Thank you, Mr. Speaker. [LB74]

SPEAKER FLOOD: Thank you, Senator Erdman. The question before the body is the motion to advance LB74 to E&R Initial. Please record your vote. Have you all voted? Record please, Mr. Clerk. [LB74]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB74. [LB74]

SPEAKER FLOOD: LB74 advances to E&R Initial. Next bill, Mr. Clerk. [LB74]

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CLERK: Mr. President, LB111, a bill by Senator Erdman, relates to milk. (Read title.) Bill was introduced on January 8, referred to the Agriculture Committee for public hearing, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB111]

SPEAKER FLOOD: Thank you, Mr. Clerk. The gentleman from Bayard, Nebraska, is recognized to open on LB111. [LB111]

SENATOR ERDMAN: Mr. President and members of the Legislature, LB111 is a similar idea that was in LB74 in that we are going to be updating state statutes to reflect a more appropriate and more timely adoption of federal standards or federal guidelines as part of our state statute. It is also a change in the way that the milk law is administered in the state of Nebraska, not in the practical application but in the reference in statute. So we're going to be codifying two separate acts--the Manufactured Milk Act, and the Grade A Pasteurized Milk Act--into one act. And there will be a handout that will be distributed to you that will give you a graph or a spreadsheet that will show you how the two acts are currently composed, the fee schedule for those, and then how those acts will now work in cooperation under the passage of LB111. LB111, again, was brought to us by the Department of Agriculture. We had a committee hearing on January 23, 2007. Again, all eight members of the committee were present. There were no opponents to the bill. We had a good hearing and the bill was advanced unanimously with all eight members voting to the floor for your consideration. The bill that is before you adopts the...excuse me, updates the provision of the Nebraska Milk Act to incorporate the most federal model provisions pertaining to the regulation of milk and to consolidate the Grade A and manufacturing grade milk laws. This bill also revises the associated permit and inspection fees. As is the practice under the Department of Ag, as they bring forth bills such as the Pure Food Act, which was LB74, this act, which is LB111, they have an advisory group of individuals that are subject to the act that they convene. They discuss the issues. They make sure that they're aware of the proposed changes in the proposed milk ordinance, which we will call the PMO, and making sure that they're aware of those changes and that their insight is gathered in deciding what parts of those acts to adopt for state law. That group is called the Dairy Industry Review Board. The primary purpose of LB111 is as follows: It incorporates the most recent versions of the United States Department of Health and Human Services, Public Health Service, and the Conference on Interstate Milk Shipments, titled the Grade A Pasteurized Milk Ordinance of 2005, or the 2005 PMO. It is the basic body of regulation governing sanitary practices for Grade A milk. Nebraska law currently incorporates the 1999 PMO revisions. Since we began this process about a year ago, we are actually still in compliance, even though we have to update our process every six years. And so, by adopting this, we will be maintaining that compliance in order to facilitate the transport of milk across state lines and through other means. This act also consolidates two separate laws--the Nebraska Pasteurized Milk Law, and the Nebraska Manufacturing Milk Act--into one act

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to be known as the Nebraska Milk Act. The bill would utilize selected existing sections of these acts, as recodified and as modified, to retain the distinctions between utilization of milk for either Grade A or manufactured grade purposes where appropriate. Existing sections of law that become obsolete or duplicative because of the consolidations are out repealed under Section 31 of the bill. The intent of this legislation, in addition to updating the 2005 PMO, is to simplify and eliminate redundancy between these two acts. The definitions adopted by reference in the Grade A Pasteurized Milk Ordinance, or the PMO, would be applicable to both Grade A milk and milk for manufacturing purposes. There is considerable overlap, so many of the definitions can be eliminated and utilize uniform terminology. Adopted provisions of the PMO relating to somatic cells and drug residue testing is the procedures of milk for manufacturing purpose, so these are not required to be repeated. The fees, again, are an issue that are going to be adopted in this proposal that are similar to what we have adopted in the past and under similar philosophy as what was adopted in the Food Code under LB74. There is a funding mix that is designed to be balanced between General Funds and Cash Funds, and by adopting this proposal, as it's before you, it allows us to better manage the cash balance of that fund and to make sure that the fund is appropriately administered. The handout, again, explains the deficit in the program, assuming that the 3 percent inflation in costs, that the General Funds are continued, and the need for us to be able to adjust the Cash Fund in order to balance those out. Without the increase, the Legislature will again face the choice of increasing General Fund support above our historic fifty-fifty split between General Funds and Cash Funds, or scaling back the inspection program. Those subject to the act are in agreement that the fees can be adjusted under this model that has been successfully implemented over the past five years. The bill also adds the emergency clause again so that the new fee schedules may be implemented at the start of the next fiscal year, which is July 1. Again, I'd like to thank our research analyst, Rick Leonard, for his effort in going through the Pure Food...or, excuse me, the PMO, the Pasteurized Milk Ordinance, comparing it with existing law, and working with the Department of Agriculture to make sure that the laws reflected in this act are appropriate and adjust for issues that we have made decisions in the past for public policy. Thank you, Mr. Speaker. [LB111 LB74]

SPEAKER FLOOD: Thank you, Senator Erdman. The Chair recognizes the gentleman from Scottsbluff. [LB111]

SENATOR HARMS: Mr. President, colleagues, I have a couple questions I'd like to ask Senator Erdman, just for clarification. I'm not pick... [LB111]

SPEAKER FLOOD: Senator Erdman, will you yield to question? [LB111]

SENATOR ERDMAN: I would. [LB111]

SENATOR HARMS: I'm not picking on you today. But on page 7, line 4, item (14), we

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took out the definition of "milk," and then when you go down to line 21, item (10), we define "probationary (sic) milk." Why have we done that? [LB111]

SENATOR ERDMAN: Repeat the...repeat the reference or the citing again one more time for me, Senator Harms. Page? [LB111]

SENATOR HARMS: Oh, okay. On page 7 of the bill, green copy,... [LB111]

SENATOR ERDMAN: Okay. [LB111]

SENATOR HARMS: ...line 4, item (14), we define "milk." You took out the definition of "milk." Then you go down to 21, item (19), you marked it down to (10), you did define "probationary (sic) milk." Why have we done that? Why have we taken out the definition of "milk" and why have we then just left "probationary (sic) milk" defined? [LB111]

SENATOR ERDMAN: Great question, Senator Harms, and I'm grateful that you're taking an interest in these acts because they are more than just technical things that need to be done. They affect our food supply and safety. The reason why the definition of "milk" has been removed from statute is because it's defined in the 2005 PMO, and so we're going to be adopting that, that definition, as part of this. The reason why that other definition is in the act is because the PMO only deals with pasteurized milk. We have a Manufacturing Milk Act currently in effect, and that definition comes from that. And so we have merged the two acts where appropriate and eliminated unnecessary definitions. But in order to maintain the integrity of the program and ensure consistency in enforcement going forward, we have maintained that second definition for the manufacturing milk side of the act. [LB111]

SENATOR HARMS: Do you believe that that's adequate for anyone, if they wanted to question what that product is? [LB111]

SENATOR ERDMAN: We had quite a bit of discussion in the Ag Committee about the practical application of definition. We had a good deal of discussion and question and answers with the Department of Ag. We are confident that the definitions that are in law allow us to adopt and to effect the type of policy that we're intending. We believe that the definition that are in the PMO allow us that same opportunity. That's why it's adopted by reference. So we had gone through quite a bit of those discussions to make sure we were clear on what they were proposing, that the language reflected the current practice in the fact that we merged these two acts together, and so I'm confident that we have done our due diligence to make sure that it is appropriate. [LB111]

SENATOR HARMS: A question I have: Do you think the consumer will understand this? [LB111]

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SENATOR ERDMAN: Senator Harms, I think the reality of this process is, is that hopefully the consumer won't notice, and the idea is, is that it's not a deviation of current practice. We're simply updating the code in statute to make sure that it's the enforceable act that we're able to use. The consumer should still be able to expect the high quality of products that they're currently receiving under the act. That doesn't change. We're just simply codifying the two laws and making sure that the definitions are reflective of the best practices that are currently in use. [LB111]

SENATOR HARMS: Oh. Thank you very much for your answers. I just have one other final question, Senator Erdman, on page 9. [LB111]

SENATOR ERDMAN: Yes, sir. [LB111]

SENATOR HARMS: You have divide...you have shown that milk and then cream is...as a by-product. There are other by-products. Why are those not defined at that point? [LB111]

SENATOR ERDMAN: Here's the uniqueness of merging these two acts, again, and again that's a question that we asked the department specifically. There is a combination of these two acts. The reason that "milk products" is stricken is to reflect the practices and what... [LB111]

SPEAKER FLOOD: One minute. [LB111]

SENATOR ERDMAN: ...and what we have available to us. So again, it's not a deviation. It's just a matter of trying to make sure that the language is able to be adapted to both acts. The department has explained to us explicitly how they plan to continue to require pasteurized milk to be sold in circumstances and also that you will still have the opportunity, under LB111, to be able to purchase raw milk from consumers...or, excuse me, from producers directly from their farm. So again, we're not changing the process. We're simply updating it to reflect what's available to us under the act. [LB111]

SENATOR HARMS: Oh, thank you very much, Senator Erdman. [LB111]

SPEAKER FLOOD: Thank you, Senator Harms. There are no other lights on. Senator Erdman, would you like to close on LB111? [LB111]

SENATOR ERDMAN: I would, Mr. Speaker. Thank you. Members, again, I would encourage your support of LB111. This is an important policy and, as I explained to Senator Harms, as we continue to proceed with these actions, the reason that these are important is so that we can have the enforceability of the act under state law with the Department of Ag and making sure that we have that available in protecting our consumers and ensuring that the quality of products that they're receiving under the Milk

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Act are as they should be. I would encourage your support, again, of LB111. [LB111]

SPEAKER FLOOD: Thank you, Senator Erdman. You've heard the closing on LB111. The question before the body is the motion to advance LB111 to E&R Initial. Please record your vote. Have you all voted who care to? Record please, Mr. Clerk. [LB111]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB111. [LB111]

SPEAKER FLOOD: LB111 is advanced to E&R Initial. Next bill, Mr. Clerk. [LB111]

CLERK: Mr. President, LB110, offered by Senator Erdman. (Read title.) Bill was introduced on January 8, referred to the Agriculture Committee, advanced to General File. I do have Agriculture Committee amendments pending, Mr. President. (AM78, Legislative Journal page 351.) [LB110]

SPEAKER FLOOD: Thank you, Mr. Clerk. The Chair recognizes the gentleman from Bayard. [LB110]

SENATOR ERDMAN: Mr. President, members of the Legislature, LB110 is a important piece of legislation that is essential for us to ensure that we have the appropriate checks and balances, as well as methods and procedures in place to respond, if necessary, in the event that we would have bovine tuberculosis outbreak in our state. This bill, again, is a result of efforts by the Department of Ag, in cooperation with outside groups that they have formed as task force to review the policies and procedures, and analyze federal guidelines and adopt those or recommend those for adoption to the Legislature. The bill was heard on January 23, 2007, in front of the Agriculture Committee. Again, all eight members were present for the hearing. All eight members voted for advancement of the bill. There will be some technical amendments, as well as an emergency clause as a committee amendment, in order to make sure that this act, if adopted, would be available as soon as it's signed into law. LB110 adopts the Bovine Tuberculosis Act. The act would replace the existing bovine tuberculosis control provisions that are currently found in state law. These provisions were first enacted in 1927 and have remained virtually unchanged since then. LB110 is a comprehensive update to provide an appropriate statutory authority to Department of Agriculture to carry out tuberculosis prevention, surveillance, and eradication activities consistent with the most recent publication of the uniform methods and rules for bovine tuberculosis eradication effective January 1, 2005. This legislation is patterned after legislation that has been enacted from time to time to bring the state in conformity with other federally led eradication programs, such as pseudorabies, scrapie, and cattle and swine brucellosis programs. The federal rules for tuberculosis eradication are found under 9 C.F.R. Part 77, which provide for a progressive classification of states according to prevalence of tuberculosis since the time of the last incident of the disease, the stage of progress in obtaining and exercising sufficient authorities to conduct surveillance for tuberculosis,

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and to respond appropriately to a tuberculosis incident. Nebraska is currently classified at the highest level, which is accredited free. It imposes progressively more restrictive and burdensome restrictions for movements of cattle interstate if states regress to those lower stages. It also provides for USDA and APHIS publication of uniform methods and rules to establish standards for state eradication efforts. USDA and APHIS have intensified its TB, or tuberculosis, program, including comprehensive update of uniform methods and rule, increased surveillance, and increased requirements for states to maintain an accredited free status. Incidents of tuberculosis in Minnesota and Michigan, generally to be linked also to wildlife transmissions, and in states bordering Mexico, coming in contact with Mexican cattle or states that have cattle imported from Mexico, bring the necessity for updating this act. Thank you, Mr. Speaker. [LB110]

SPEAKER FLOOD: Thank you, Senator Erdman. For the opening on the committee amendments, Senator Erdman, would you like to continue? [LB110]

SENATOR ERDMAN: Mr. President, the committee amendment before you to LB110, again, has a technical component. On page 3, line 22, we found a word that was "shall" and it should have been "may," so we are striking the word "shall," inserting the word "may." And again, as I mentioned briefly in the opening on LB110, there is an emergency clause attached to this bill. I will tell you that the value of doing that is that if we're going to pass this act and we're going to update this, making sure that we have this available for the Department of Ag to utilize, that they have it at the earliest possible moment, in the event that we would have a circumstance that would require its use. We have general authorities under existing statute for the Department of Ag to exercise to respond to some of these circumstances. This gives specific authority to the Department of Ag to respond in the event that there are bovine tuberculosis issues. And again, the committee thought it was appropriate and necessary to include the emergency clause on this bill to make it available to the department at the earliest possible moment, should the bill become law. Thank you. [LB110]

SPEAKER FLOOD: Thank you, Senator Erdman. There are no other lights on. Senator Erdman waives closing. The question before the body is the motion to advance LB110 to E&R Initial...oh, adopt the committee amendments, strike the prior. Please record your vote. Record please, Mr. Clerk. [LB110]

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB110]

SPEAKER FLOOD: The committee amendments are adopted. [LB110]

CLERK: I have nothing further on the bill, Mr. President. [LB110]

SPEAKER FLOOD: The question before the body is the motion to advance LB110 to

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E&R Initial. Record your vote. Record please, Mr. Clerk. [LB110]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB110. [LB110]

SPEAKER FLOOD: LB110 advances to E&R Initial. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR9, which was passed pursuant to Rule 4, Section 5(b) of the Legislature's rules. Next bill, Mr. Clerk. Items for the record. [LB110 LR9]

CLERK: Thank you, Mr. President. Your Committee on Education, chaired by Senator Raikes, offers notice of hearing. Your Committee on Revenue reports LB315 to General File; LB344, General File; LB305, General File with amendments. Government Committee reports LB27 to General File. Health Committee reports LB185 to General File; LB283, General File; and LB296 to General File with committee amendments attached. In addition, Mr. President, I have a Reference report of certain gubernatorial appointees. That's all that I have. (Legislative Journal pages 368-371.) [LB315 LB344 LB305 LB27 LB185 LB283 LB296]

SPEAKER FLOOD: Thank you, Mr. Clerk. Next bill, Mr. Clerk. []

CLERK: Mr. President, LB148, a bill by Senator Heidemann. (Read title.) Bill was introduced on January 8 of this year; at that time referred to the Transportation and Telecommunications Committee. The bill was advanced to General File. I have no amendments at this time. [LB148]

SPEAKER FLOOD: Thank you, Mr. President (sic). The Chair recognizes the gentleman from Elk Creek to open on LB148. [LB148]

SENATOR HEIDEMANN: Thank you, Mr. Speaker and fellow members of the body. LB148 is a simple bill that does not bring with it any huge new changes to the law, but it could prove to be helpful to a number of Nebraska farmers. Currently in statute, at harvest time trucks with two or more axles are allowed to travel on state highways with loads that exceed their maximum weight limits by 15 percent. This bill would simply add trucks that have two or fewer axles to the exception so that they could also carry loads that are 15 percent over at harvest time. Basically, this would apply to trucks that have a single rear axle. Passage of this bill would benefit small farmers and make the weight exceptions fair across the board. I would like to note that vehicles that are carrying these overweight limit loads must be traveling from farm or stockpiles to market or factory. Also, the maximum distance that they can travel is 70 miles. The farmers would still need to follow the guidelines for their truck model's GVW, or gross vehicle weight, guidelines. Also like to point out that county roads do not have weight limits, but farmers would need to abide by the weight bridge limits if the bridges are going to be crossed; also pointing out that this only applies to Nebraska highways and not the highways...and

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not the highways in Nebraska that are part of the national highway system. Also would like to mention that this bill was...came out of committee without opposition. There was no opposition at the hearing from either carrier enforcement or Department of Roads. No one testified in opposition. With that, I would take any questions. [LB148]

SPEAKER FLOOD: Thank you, Senator Heidemann. The Chair recognizes the gentleman from Omaha's District 11. [LB148]

SENATOR CHAMBERS: Thank you, Mr. Speaker. Members of the Legislature and to the distinguished Chair of the Appropriations Committee, I would have a question or two in order that my education might be improved. Senator Heidemann, this bill has been offered in the past. Is that correct? [LB148]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question? [LB148]

SENATOR HEIDEMANN: We had the bill up prior. I think it made it to General File and I offer it as... [LB148]

SPEAKER FLOOD: Is that a yes, Senator Heidemann? Will you yield to a question? [LB148]

SENATOR HEIDEMANN: Yes, I will yield to a question. [LB148]

SPEAKER FLOOD: Thank you. [LB148]

SENATOR CHAMBERS: Senator Heidemann, and I think this is a yes or no question also, has this bill been before us prior to today in a previous session? [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

SENATOR CHAMBERS: Senator Heidemann, that bill did not pass into law, is that correct? If it did, we wouldn't need this bill today, would we? [LB148]

SENATOR HEIDEMANN: Yes. Can I expand? [LB148]

SENATOR CHAMBERS: I didn't understand you. [LB148]

SENATOR HEIDEMANN: Yes, it did not pass into law. Could I expand a little bit? [LB148]

SENATOR CHAMBERS: Certainly. [LB148]

SENATOR HEIDEMANN: I had offered this bill as an amendment to a bill that Senator

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Baker had last year. It was getting close to noon and I think there was questions at that time, and I believe they might have been directed from you, so at that time I decided to pull the bill, as not to jeopardize Senator Baker's bill, and because of time constraints, we ran out of time last year. It was never brought back up again. [LB148]

SENATOR CHAMBERS: Very good, and that's the way I recollect it also, Senator Heidemann. But you know when you reach my age, you are not sure whether what you are recollecting really occurred or whether something is being manufactured in your mind. Senator Heidemann, this bill mentions a single-axle vehicle. Is that vehicle a truck? [LB148]

SENATOR HEIDEMANN: Oh, you're...okay, we would presume it's a truck, but it does...I don't know if it actually says single axle. It says two or fewer, I believe. [LB148]

SENATOR CHAMBERS: Two or fewer, so if you have fewer than two, how many would you have? [LB148]

SENATOR HEIDEMANN: Could you repeat that for me? [LB148]

SENATOR CHAMBERS: Yes. Here are two fingers. If I have fewer than two fingers, how many do I have? [LB148]

SENATOR HEIDEMANN: Would be one. [LB148]

SENATOR CHAMBERS: I would agree. Studies have been made, and this is a slight digression, about people who lived during the Stone Age or cave days, and naturally there was speculation as to whether they could count. And the speculation based on various information they could devise or derive from the evidence that seemed to be available was that cavemen, they never talk about cave women, cavemen could not count, but they could count beyond one. They knew the difference between one and more than one. I'm having difficulty with this bill because I want you to tell me what kind of vehicle has a single axle. And we've established that "single" means one. What kind of vehicle on the highways has a single axle? First of all, what is an axle? [LB148]

SENATOR HEIDEMANN: An axle is something that runs from one side of the vehicle, the way I understand it, to the other one, with a... [LB148]

SPEAKER FLOOD: One minute. [LB148]

SENATOR HEIDEMANN: ...with a... [LB148]

SENATOR CHAMBERS: It runs from one side of the vehicle to the other? [LB148]

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SENATOR HEIDEMANN: With a set of wheels on each side, and in-between it is what I call the axle. [LB148]

SENATOR CHAMBERS: Okay. So it's something that connects two wheels. What kind of vehicle on the highways of Nebraska has one axle? [LB148]

SENATOR HEIDEMANN: Besides a unicycle, probably none that I could think of. [LB148]

SENATOR CHAMBERS: So unicycles would be allowed to exceed this weight limit currently? [LB148]

SENATOR HEIDEMANN: Well, to maybe clarify things a little bit, I believe the bill does say any truck with no more than two axles. We actually...I don't believe it states anywhere in here that we talk about single axle. [LB148]

SENATOR CHAMBERS: So what does this bill mean in line 8 when it says any single axle? It's not my bill. I'm just... [LB148]

SPEAKER FLOOD: Time. [LB148]

SENATOR CHAMBERS: ...trying to get an understanding. Thank you, Mr. Speaker. [LB148]

SPEAKER FLOOD: Thank you, Senator Chambers. The Chair recognizes Senator Raikes. [LB148]

SENATOR RAIKES: Thank you, Mr. Speaker and members of the Legislature. I'll ask Senator Heidemann a question or two in a moment, but I want to sort of outline my concerns, not necessarily with his bill, because I think he's presented it as a matter of fairness. To review a little bit, and I'm going to be off on the dates and so on, but for grain trucks in Nebraska...and I think it specifically refers to hauling grain. I don't think it applies, although I'm not sure of that, to anything else. The standard for way back when was you could carry 34,000 on a set of duals. Okay. At some point that was changed to allow farmers to be able to exceed that if they went and got a permit. And you had to go buy a permit at the county and it cost you \$25 bucks or something like that, and it was available to you during the harvest period, as I remember it, maybe a three-month period or something like that. Well, then it was relaxed. And so the way it is now with a tandem axle--I don't...I'm not going to get into the...Senator Chambers, I don't understand that either--but for a tandem axle you could go 15 percent over and instead of having to go for a permit, the permit requirement was gone. So basically, you can just load your truck to 41,500 pounds and not worry about being ticketed for overweight. And I think also that there is a requirement that it has to be from farm to market, but I

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think, as a practical matter, any grain that's hauled anywhere is somehow now farm to market. I think you can...you can cover that difficulty. Senator Heidemann is absolutely right that single-axle trucks...excuse me, a front axle and one back axle, that's maybe a way I can understand it, were excluded from this. They can only haul 20,000 pounds. And what he's suggesting, well, if you can go over with 34,000, then you ought to be able to go over with 20,000. My point is this, very quickly, and it's not been quickly, I apologize. We're out of money for roads. We are searching everywhere, up and down, to find money so that we can build and maintain roads and, matter of fact, you can almost say that probably building roads is out of the question. I think there is little doubt that truck traffic, particularly heavy truck traffic where you're hauling heavier loads than that 20,000 or 34,000, tears up roads. Why at this time, when we don't have money for building or maintaining roads, are we moving in the direction of allowing more tearing up of roads? I think that's a policy issue that we have to consider right here. Now Senator Heidemann makes the point, well, look, we're already doing it for the 34,000; it's only fair that we do it for the 20,000, and I think he has a good point there. My point is we ought to be undoing it for the tandems rather than adding it for the single axle. Thank you. [LB148]

SPEAKER FLOOD: Thank you, Senator Raikes. The Chair recognizes the gentleman from District 29. [LB148]

SENATOR FULTON: Thank you, Mr. Speaker. The question that Senator Chambers asked, it's a good question. A single-axle vehicle, as I would understand it, would be a vehicle in tow. Maybe I'm wrong. That might not be the intention here of the statute, but a vehicle in tow would be a single-axle vehicle because the load that the road is incurring is...it's loaded over a single axle. So that...hopefully that adds a little clarification of the question. The questions that I have about the bill I think may have been addressed, but I want to ask if Senator Heidemann would yield. [LB148]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question from Senator Fulton? [LB148]

SENATOR HEIDEMANN: Yes, I will. [LB148]

SENATOR FULTON: How are bridges addressed? There are weight limits on bridges. Does this say that we have to abide by any bridge limits? [LB148]

SENATOR HEIDEMANN: I think I had said that in my opening, that all rules of the roads would still have to be, you know, abided by. [LB148]

SENATOR FULTON: Okay. And then the second question is, have there...what kind of feedback, and this probably dovetails off Senator Raikes' question, what kind of feedback has there been from the Department of Roads about dynamic loading? The

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concern is the integrity of roads. When there's an increased dynamic load on a road then there's the chance that the road can be torn up, I guess, for lack of a better term. Has there been any feedback from the Department of Roads or any other entities that would have that purview? [LB148]

SENATOR HEIDEMANN: I'm not going to get into it very much. I'm going to...I got my light on. I'm going to expand on that a little bit more. But we contacted Department of Roads on this bill. They just...the only words they had to us, they was not going to come in, in opposition to this bill. If they had concerns, they was not going to share them with us. [LB148]

SENATOR FULTON: Thank you, Senator Heidemann. [LB148]

SPEAKER FLOOD: Thank you, Senator Fulton. The Chair recognizes the gentleman from Omaha District 11. [LB148]

SENATOR CHAMBERS: Thank you, Mr. Speaker. Members of the Legislature, I'd like to resume my discussion with Senator Heidemann. Senator Heidemann, did you draft the language in this bill, the new language? [LB148]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question? [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

SENATOR CHAMBERS: Senator Heidemann, is this the same language that was in the amendment you offered last session? [LB148]

SENATOR HEIDEMANN: No, it's not. [LB148]

SENATOR CHAMBERS: What is different about it? [LB148]

SENATOR HEIDEMANN: We talk more about a single axle. We had changed that word and we put any truck with no more than two axles carrying grain or other seasonal harvest product. We switched it around to try to make it just a little bit more clear for all members of the body to understand. [LB148]

SENATOR CHAMBERS: Okay. Well, one member is still asking questions. Senator Heidemann, is the term "single-axle vehicle" in the new language? Don't cheat. You've drafted it. It's not very long. Is the term "single-axle vehicle" in your new language? [LB148]

SENATOR HEIDEMANN: I don't believe it. I could be wrong. I don't believe it is, though. They talk about it in statute, but I don't believe that it's in my new language. [LB148]

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SENATOR CHAMBERS: Well, why are we discussing single-axle vehicle? Is it because I used that term? [LB148]

SENATOR HEIDEMANN: I...well, if I mentioned it, I might have mentioned single rear axle in my opening, but I believe your... [LB148]

SENATOR CHAMBERS: No, I mean the attachment...I mean the addition of the word "vehicle." Who added that word "vehicle" to the term "single-axle," which is what you have in your bill? [LB148]

SENATOR HEIDEMANN: I'm not... [LB148]

SENATOR CHAMBERS: You didn't say single-axle vehicle, did you? [LB148]

SENATOR HEIDEMANN: What's that? [LB148]

SENATOR CHAMBERS: You didn't use the term "single-axle vehicle," so why are we talking about a single-axle vehicle? While you cogitate on that, I'd like to ask Senator Fulton a question. Mr. Speaker, I'd like to ask Senator Fulton a question, if he will yield. [LB148]

SPEAKER FLOOD: Senator Fulton, will you yield to a question from Senator Chambers? [LB148]

SENATOR FULTON: I will. [LB148]

SENATOR CHAMBERS: And, Senator Fulton, although there was a man with a name such as yours who dealt with a steam engine, there will be no steamrolling here. Senator Fulton, why did you discuss single-axle vehicle? [LB148]

SENATOR FULTON: The reason I discussed single-axle vehicle is because I believe that was the question you asked of Senator Heidemann. [LB148]

SENATOR CHAMBERS: Did you look at the new language in Senator Heidemann's bill, which would be the underlined language? [LB148]

SENATOR FULTON: I did look at the language; however, my response to the question of single-axle vehicle was prompted by your question. [LB148]

SENATOR CHAMBERS: Thank you. Now you said a single-axle vehicle could be...what did you say that would be? A vehicle in tow? [LB148]

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SENATOR FULTON: That is what I said, yes. [LB148]

SENATOR CHAMBERS: Would this be like a trailer, or what? [LB148]

SENATOR FULTON: Actually, I couldn't...it could be one of several vehicles in tow, but what I have seen is a...is the back end of a pickup truck being towed by another moving vehicle with a load. [LB148]

SENATOR CHAMBERS: And is that piece considered a vehicle? [LB148]

SENATOR FULTON: It's a good question. It do not know. I am merely suggesting that it may be considered a vehicle. [LB148]

SENATOR CHAMBERS: Thank you, Senator Fulton. And I appreciate him trying to give assistance to Senator Heidemann in this discussion. Senator Heidemann, is there a way you could more clearly say what it is that you're talking about? [LB148]

SENATOR HEIDEMANN: There might be. I would almost go back to the point that the people that deal with this on a daily basis, both carrier enforcement and the people that would use this exemption, understand... [LB148]

SPEAKER FLOOD: One minute. [LB148]

SENATOR HEIDEMANN: ...the language and are able to function with that. I know it is somewhat confusing language, but we worked this on an extended period of time and we tried to make it as clear as possible before we moved forward, and this is what we came up with. [LB148]

SENATOR CHAMBERS: When you say "we," who all is included in that term "we"? You and who else? [LB148]

SENATOR HEIDEMANN: Bill Drafting. We talked to some people... [LB148]

SENATOR CHAMBERS: Are they experts on one axles, on one axle whatever they are? Are they? Is Bill Drafting an expert on that? [LB148]

SENATOR HEIDEMANN: Uh... [LB148]

SENATOR CHAMBERS: Who did you talk to who has expertise? Because you said all those involved will understand this. Who did you talk to who would have expertise and told you they understand this and what it means? [LB148]

SENATOR HEIDEMANN: Standing here right now I probably couldn't recall a name.

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[LB148]

SPEAKER FLOOD: Time. [LB148]

SENATOR CHAMBERS: Thank you, Mr. Speaker. [LB148]

SPEAKER FLOOD: Thank you, Senator Chambers. The Chair recognizes the gentlewoman from Fullerton, Nebraska. [LB148]

SENATOR DUBAS: Thank you, Mr. Speaker. I would like to maybe make a clarification from a personal and my job point of view. As a farmer, when my husband tells me to go to the field and take the straight truck to town, I know he's talking about the truck that has one axle underneath the box of the truck. If he tells me to take the tandem to town, I know he's talking about the truck that has two axles underneath the grain box of the truck. So that's my understanding of what a single axle is and a double axle. Thank you. [LB148]

SPEAKER FLOOD: Thank you, Senator Dubas. The Chair recognizes the gentleman from Nebraska District 1. [LB148]

SENATOR HEIDEMANN: I'm...yield just a little bit of time to the Madam Chair from the Transportation Committee, if I could. [LB148]

SPEAKER FLOOD: Thank you, Senator Heidemann. Senator Fischer, will you...are you interested in taking some of Senator Heidemann's time? [LB148]

SENATOR FISCHER: Thank you, Mr. Speaker. Yes, maybe I can answer some of Senator Chambers' questions, or else I'll get the issue even more confused. Senator Chambers, in the bill, if you look at page 4, at the end of the new language, and it talks about...it gives the section of the statute, 60-6,294, if you look in that statute you'll see that when it...when the bill is referring to that single axle and gross weight, in...the way I interpret this statute is that only a single axle of that vehicle can carry gross weight up to 20,000 pounds. Does that answer your question about single axles? [LB148]

SPEAKER FLOOD: Senator Chambers, will you yield to a question from Senator Fischer? [LB148]

SENATOR CHAMBERS: Yes, I will. Senator Fischer, you said that's how you interpret that statute. I don't have it before me, so what language in the statute are you interpreting to mean what you're telling me? In other words, does the statute actually say what you're telling me, or are you giving your view of what is meant by what that statute says? [LB148]

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SENATOR FISCHER: Senator Chambers, I can read you the part of the statute that I think applies here. [LB148]

SENATOR CHAMBERS: Okay. [LB148]

SENATOR FISCHER: And then you as an attorney can tell me if I am correct in my interpretation that this is...since it's being referenced in the bill, this is what I believe the bill is saying. I will read from Section 60-6,294(2): No wheel of a vehicle or trailer equipped with the solid rubber tire shall carry a gross load or excess of 10,000 pounds on any highway, nor shall any axle carry a gross load in excess of 20,000 pounds on any highway. Does that clarify it for you, Senator Chambers? [LB148]

SENATOR CHAMBERS: And in this bill, this new language that we have says, exceeds the maximum load permitted by the section you read by 15 percent on any single axle. And now the single axle that you were referring to said what? Would you read that? [LB148]

SENATOR FISCHER: A single... [LB148]

SENATOR CHAMBERS: Okay. [LB148]

SENATOR FISCHER: Would you like me to read it again? [LB148]

SENATOR CHAMBERS: Yes, I would. [LB148]

SENATOR FISCHER: No wheel of a vehicle or trailer equipped with solid rubber tires shall carry a gross load of...in excess of 10,000 pounds on any highway, nor shall any axle carry a gross load in excess of 20,000 pounds on any highway. [LB148]

SENATOR CHAMBERS: So it would be 15 percent above that 20,000. [LB148]

SENATOR FISCHER: That would be correct, Senator, which is 3,000 pounds. [LB148]

SENATOR CHAMBERS: Now when it says...did it say a solid rubber wheel in that statute that you read? [LB148]

SENATOR FISCHER: Correct. [LB148]

SENATOR CHAMBERS: And that's what we're talking about here, those trucks that have solid rubber wheels? What is a truck that has a solid rubber wheel? Because I think that's what you read in the statute there. [LB148]

SENATOR FISCHER: Yes. [LB148]

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SENATOR CHAMBERS: So we're talking about trucks with solid rubber wheels? Or are we not? [LB148]

SENATOR FISCHER: They're solid...I'm not... [LB148]

SENATOR CHAMBERS: Does that mean they don't have air in them? [LB148]

SENATOR FISCHER: It has. I'm sorry, Senator, I skipped a...in here too. I skipped a word, I apologize. It's pneumatic, too, which is the air in the tires. [LB148]

SENATOR CHAMBERS: Okay. It's clear now. [LB148]

SPEAKER FLOOD: One minute. [LB148]

SENATOR CHAMBERS: It's clear what she read. [LB148]

SENATOR FISCHER: Is it clear now? [LB148]

SENATOR CHAMBERS: Thank you, Senator. [LB148]

SENATOR FISCHER: You tend to fluster me, so I skipped. [LB148]

SENATOR CHAMBERS: I'm sorry. (Laugh) Okay. [LB148]

SPEAKER FLOOD: Thank you, Senator Chambers. The Chair recognizes the gentleman from Platte Center. [LB148]

SENATOR STUTHMAN: Thank you, Mr. Speaker and members of the body. I would like to engage in a little conversation with Senator Heidemann, if I may. [LB148]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question? [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

SENATOR STUTHMAN: Senator Heidemann, I truly understand what you're trying to accomplish with this bill, to be consistent with the tandem axles, the semis, the grain trailers. But I...in listening to the discussion, what type of regulation do we have as far as grain carts? Are grain carts allowed on a public highway? And I could explain. You know, a grain cart, in my opinion, is a grain cart that's utilized in the field to gather the grain and take it to a semi on the end of the field. But I have observed grain carts going down the highways. And these grain carts are a single axle, sometimes with single tire on each side, sometimes with a dual tire on each side, and they'll carry up to 1,200

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bushels, which is...be about 65,000 or 70,000 on that axle. Are any of these grain carts, what I've explained, are they allowed on any public highway? [LB148]

SENATOR HEIDEMANN: I would have to probably...and this is from more personal opinion. I'd say they are allowed. They are a farm trailer. They are allowed. As far as the amount of weight that you're talking about carrying, I wouldn't want to be caught carrying that much weight, I would have to think. But the grain cart alone is...would be allowed. [LB148]

SENATOR STUTHMAN: In other words, the empty grain cart traveling from field to field, going down the highway just as a tractor would, an unlicensed vehicle, which is allowed on a public road, but you feel that it is not allowed to carry any product in that grain cart? That is illegal? [LB148]

SENATOR HEIDEMANN: I...if I said that, that's not...I wouldn't carry the amount of grain that you said that they were capable of. I would say that they would have to abide by any weight limits, just like any other farm trailer. [LB148]

SENATOR STUTHMAN: But is there a...Senator Heidemann, is there a total weight limit that you could have on a highway as far as one vehicle or one transporting vehicle, as to total weight on a highway? I think some of the grain trailers, some of the transporting equipment, is it 90,000-some total gross vehicle weight is all you can have? Is that correct? [LB148]

SENATOR HEIDEMANN: I think it's 95,000 total. [LB148]

SENATOR STUTHMAN: So in other words, if you have a vehicle that's carrying 95,000, you know, you can legally do that. If you're an agriculture producer, can you carry 95,000 with a tractor and a grain cart? [LB148]

SENATOR HEIDEMANN: There's also restrictions on the amount of axles there are. I think you have to have enough axles to carry that much weight. You cannot do that on a single axle, my understanding. [LB148]

SENATOR STUTHMAN: Yes, that is a problem. That's a concern that I hear in my community, you know, that we're allowing, you know, the 15 percent for a tandem axle, and the amount for a single axle, but yet, you know, those with grain carts carrying a full load down the roads, you know...which, in my opinion, are, you know, breaking the roads up a lot more than some of these single axle trucks. And I am not sure, and I'm trying to get information as to what the legal part is that. And maybe Senator Raikes would have some information on that, if I could direct a question to him, if he's available. [LB148]

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SPEAKER FLOOD: Senator Raikes, would you yield to a question from Senator Stuthman? [LB148]

SENATOR RAIKES: I would. [LB148]

SENATOR STUTHMAN: Senator Raikes, have you got any information as far as grain carts, tractors, four-wheel-drive tractors, duals all the way around, pulling grain carts? Is there any weight restriction on roads, state highways? [LB148]

SENATOR RAIKES: I don't have any information you could rely on. My understanding is that if it's a single axle--I'm afraid to say that--but if it's a single-axle grain cart,... [LB148]

SPEAKER FLOOD: Thirty seconds. [LB148]

SENATOR RAIKES: ...then that would be subject to the same weight limits as would a single...the axle under the box on a single-axle truck. So 20,000 right now would be the limit. [LB148]

SENATOR STUTHMAN: Even with an unlicensed, unregistered vehicle? [LB148]

SENATOR RAIKES: In my understanding, yes. [LB148]

SENATOR STUTHMAN: Okay, thank you. [LB148]

SPEAKER FLOOD: Thank you, Senator Stuthman. The Chair recognizes the gentleman from North Platte. [LB148]

SENATOR HANSEN: Thank you, Mr. Speaker, members of the body. I would like to have a little bit of clarification on some standards of these trucks, if I could address Senator Heidemann? [LB148]

SPEAKER FLOOD: Senator Heidemann, would you yield to a question? [LB148]

SENATOR HEIDEMANN: I will try. [LB148]

SENATOR HANSEN: Senator Heidemann, I think we have a little safety problems here with the older trucks. And I know through the harvest period those are the trucks that are used and overused, and some of these trucks are getting to the age where they probably could vote if they were human. And we have no safety inspection. Do those two things, the age and the lack of inspection for these single-axle trucks that sit in a garage until harvest time, does that come into play with this bill? [LB148]

SENATOR HEIDEMANN: I'm not for sure what the question is. I understand maybe

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your concern. I think you're kind of lumping into the sum that all single-axle trucks are old trucks. These trucks, if stopped by carrier enforcement or State Patrol, if they are not up to specs, would have to be made specs, just like any other vehicle that travels on our highway system. [LB148]

SENATOR HANSEN: I think it's a class of trucks, and whether they're old or new, the safety factors are the same. I think some of these trucks that are running on permits may be violating those permits, maybe even, you know, more than what they're made to carry. I would like to amend your bill by, on page 4, line 4, change the word from "seventy miles" to "twenty miles"; on line 5, change the word "fifteen" to "ten" percent overload. And then, thanks to Senator Chambers, I tried to read the bill, every word in the bill, and I think we need to add the word "vehicle." [LB148]

SPEAKER FLOOD: Senator Hansen, are you hoping to ask somebody a question? [LB148]

SENATOR HANSEN: No, that was an amendment. [LB148]

SPEAKER FLOOD: Are you finished then? [LB148]

SENATOR HANSEN: Yes. [LB148]

SPEAKER FLOOD: Okay. Thank you, Senator Hansen. Mr. Clerk, have there been any amendments filed to this bill? [LB148]

CLERK: Mr. President, Senator Langemeier would move to amend the bill, FA3. (Legislative Journal page 372.) [LB148]

SPEAKER FLOOD: The gentleman from Schuyler, Nebraska, is recognized to open on FA3. [LB148]

SENATOR LANGEMEIER: Thank you, Speaker Flood and members of the body. I offer amendment FA3, as you see up there, to add, on page 3, after...in between the last two words, in between "two" and the word "axles," we add the word "rear." I think that would clarify that any truck with no more than two rear axles can carry grain. And I think this amendment helps. Those of us in the ag world are very familiar with, as it was mentioned before, the straight trucks, and the terminology used around the farm. But I think this might add a little clarity to this bill that might solve some of the issues out there. And then with...in regards to the last sentence of the new language, that "any single axle," I did not add it there, because that is talking about the load limit per axle, no matter how many are on the vehicle. That is strictly talking about the load limit per axle. So I've offered amendment FA3 to put the word "rear," again, on page 3, behind the word "two" and in front of "axles." And I would ask for your adoption and discussion

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on that amendment. [LB148]

SPEAKER FLOOD: Thank you, Senator Langemeier. The Chair...you've heard the opening on FA3. Continuing with discussion, the Chair recognizes the gentleman from Cortland, Nebraska. [LB148]

SENATOR WALLMAN: Mr. Speaker, members of the body, that does clarify it up, because most farmers know single axle, Senator Chambers, means rear axle. I've been weighed, paid overweight fines. I know what that means. But...so Senator Langemeier's amendment would clear it up for everybody, I think. Thank you. [LB148]

SPEAKER FLOOD: Thank you, Senator Wallman. The Chair recognizes the senior senator from District 11. Senator Chambers, do you wish to speak to the Langemeier amendment? [LB148]

SENATOR CHAMBERS: I wish to speak regarding the Langemeier amendment, but I wish to speak to Senator Heidemann, if he will yield. [LB148]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question from Senator Chambers? [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

SENATOR CHAMBERS: Senator Heidemann, have you had a chance to look at Senator Langemeier's amendment? [LB148]

SENATOR HEIDEMANN: We're just starting to do that right now. We was not aware that this was going to happen, so... [LB148]

SENATOR CHAMBERS: All right. Then I'm not going to ask you about the amendment as such, but kind of what it touches on, and Senator Langemeier's comments, in the context of the statute read by your seatmate, Senator Fischer. Is it your understanding that when we're talking about a single axle, that is the limit of the amount of weight that can be borne by one axle? Is that your understanding of what that means? [LB148]

SENATOR HEIDEMANN: I believe so. [LB148]

SENATOR CHAMBERS: I didn't hear you. [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

SENATOR CHAMBERS: Okay. Now, if there are two axles,...let's say, so it's easy for me, that the load limit for a single axle is 10,000 pounds. If you have two axles, the load

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limit would be 20,000 pounds. You would multiply that maximum amount by the number of axles that you have on the vehicle. Is that your understanding? [LB148]

SENATOR HEIDEMANN: I wasn't 100 percent for sure on the question. I... [LB148]

SENATOR CHAMBERS: Let me ask it again. You have agreed, I think, that when the term "single axle" is used in the statute you are amending, that term "single axle" is telling you the maximum amount of weight that can be carried by that axle. [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

SENATOR CHAMBERS: So if the maximum amount is 10,000 pounds, if you have two axles, the maximum amount would be 20,000 pounds. Would that be correct? [LB148]

SENATOR HEIDEMANN: Actually, they... [LB148]

SENATOR CHAMBERS: Well, you're talking in your language about two axles. That's why I'm using two. "Any truck with no more than two axles." So I'm trying to stick with what you used. So if one axle can bear 10,000 pounds, if there are two axles, how much can be borne, legally? Twenty thousand? [LB148]

SENATOR HEIDEMANN: They...there's some distance deals that get involved, but going back to what I understand by rules of the road, they talk about four axles at 34; five at 34; six at 34. You get up to nine axles, it's 39; ten axles is at 40. [LB148]

SENATOR CHAMBERS: Forty what? [LB148]

SENATOR HEIDEMANN: Thousand. [LB148]

SENATOR CHAMBERS: Ten axles would be 40,000, which means each one can bear 4,000, right? [LB148]

SENATOR HEIDEMANN: I'd have to get some clarification. Just a second. There's different rules as far as distance and how many axles, the way I'm looking at it here. [LB148]

SENATOR CHAMBERS: Okay, so let's stick with what you have. Your new language says, "Any truck with no more than two axles." So let's limit it to two axles, which you're dealing with,... [LB148]

SENATOR HEIDEMANN: A front and a back, okay. [LB148]

SENATOR CHAMBERS: ...because that is where you're going to allow the load to be

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exceeded. Now, is it your understanding that if this two-axle vehicle that you're talking about... [LB148]

SPEAKER FLOOD: One minute. [LB148]

SENATOR CHAMBERS: ...is under a rule or a formula which allows one axle to bear a certain amount of weight, then two axles would bear twice that amount. Is that correct, or incorrect? [LB148]

SENATOR HEIDEMANN: The way I understand it, one axle right now can carry 20,000; two axles can carry 40,000. Each axle would be able to carry 15 percent over during this period of harvest time. [LB148]

SENATOR CHAMBERS: Now, if you have a long-bedded truck, it doesn't mean that the weight is evenly distributed so actually over each axle there would be 20,000. It means that the total weight in that truck bed is 40,000, and all of it could be in the front part of the bed, or the back part, meaning each axle in fact has more than 20,000 pounds. [LB148]

SENATOR HEIDEMANN: No, sir. [LB148]

SENATOR CHAMBERS: That couldn't be? [LB148]

SENATOR HEIDEMANN: No, sir. [LB148]

SENATOR CHAMBERS: Then I will wait and turn my light on and pursue it. [LB148]

SPEAKER FLOOD: Time. [LB148]

SENATOR CHAMBERS: Thank you. [LB148]

SPEAKER FLOOD: Thank you, Senator Chambers. The Chair recognizes the gentleman from Holdrege. [LB148]

SENATOR CARLSON: Mr. Speaker, members of the body, while waiting for my turn, I've had my concerns addressed. I yield my time. [LB148]

SPEAKER FLOOD: Thank you, Senator Carlson. The Chair recognizes the gentleman from Ewing. [LB148]

SENATOR DIERKS: Thank you, Mr. Speaker. I really didn't intend to say anything about this, but I thought I should relate a little incident that happened to me here a few years ago. You know, people that are hauling dry edible beans have a very fragile load. You

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can't move those things around all that much without disturbing the quality of the beans. So in the Panhandle, they're allowed a certain percent over. You'll see that in the bill that we're looking at today. From 70 miles away from the elevator, they can load these beans in the field without having to weigh them, and get them into the elevator with a percent over the maximum amount. We thought we should do the same thing for the truckers that came from Holt County, where I live, because they were making...they were producing a lot of dry edible beans up there, but the storage facility was in the Panhandle. So we increased the mileage from that 70, I think, to 350, passed the bill, got it passed, and found out later that we were going to lose our federal road dollars because of that, so we had to come back and undo that. Do you remember that, Senator Chambers? Yeah. Thank you. [LB148]

SPEAKER FLOOD: Thank you, Senator Dierks. The Chair recognizes the gentleman from Omaha's District 11. [LB148]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have to continue now, because Senator Heidemann may have had an opportunity to consult. Senator Heidemann, have you had a chance to look at Senator Langemeier's amendment? [LB148]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question? [LB148]

SENATOR HEIDEMANN: Actually, not. No. Which...the one that's up now or the one that he's working on? [LB148]

SENATOR CHAMBERS: You won't yield? (Laugh) [LB148]

SPEAKER FLOOD: Is that a you won't yield, or you won't answer his question? [LB148]

SENATOR HEIDEMANN: I will yield. [LB148]

SPEAKER FLOOD: You will yield. Thank you. The record shall so reflect. [LB148]

SENATOR CHAMBERS: Okay. So you haven't had a chance yet. Were you looking at what the question that I had asked you before, where if the maximum load that can be borne by one axle is 20,000 pounds, when you get to the two axles that you're talking about the maximum load would be 40,000 pounds, which would be exceeded by the 15 percent? But I don't want to get to what we're exceeding it by until we know for sure what it is that we're talking about. So would we be talking about 40,000 pounds being borne by this two axle vehicle, this truck? [LB148]

SENATOR HEIDEMANN: There cannot be more, right now, the way the statute and the way I understand it, more than 20,000. If you have to have a load, it has to be evenly

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distributed according to what the axles can handle, not only under statute, but according to gross vehicle weight. [LB148]

SENATOR CHAMBERS: So then if you have this long truck bed, there must be...and you drew a line right in the middle of the front and the back, there would be 20,000 pounds on one side of that line and 20,000 pounds on the other side of the line, because you've got two axles. Is that what you're saying when you say the load must be evenly distributed? If you divided that truck bed in half, you would have 20,000 pounds in the front half and 20,000 pounds in the rear half. Is that what you're saying? [LB148]

SENATOR HEIDEMANN: Probably the way things work, though, if you put a line right in between both axles, there would still be more weight in the back axle, because over the front axle is the cab. The cab is a lot lighter than probably whatever you're hauling, so at that time you have more weight on your back axle than you do on your front axle. That's why, when they manufacture vehicles, they don't have the axles load limited, load rated to as much as they do rear axles. [LB148]

SENATOR CHAMBERS: So then there is a different amount that a front axle will be allowed to bear than a rear axle? Is that what you're telling me? [LB148]

SENATOR HEIDEMANN: You can only carry on your front axle what your vehicle is rated to carry. If it is...some of these single-axle trucks are probably only rated between, most of them, probably 12,000, some 9,000. There are some single-axle trucks that probably may be modified to carry up to 16,000. [LB148]

SENATOR CHAMBERS: Okay. One thing. Then you are talking about a truck with a single axle, after all? Is that true? [LB148]

SENATOR HEIDEMANN: Single rear axle. [LB148]

SENATOR CHAMBERS: A single rear axle. So you're saying that when you say single axle here you're talking about a single rear axle, which can bear 20,000. Is that true? Is that what you're talking about? [LB148]

SENATOR HEIDEMANN: You can exactly, the way I understand it, maybe do it that way, because if a truck ever comes up that is load rated in the front to carry that 20,000, you probably couldn't exempt that axle at that time from doing that. It's what it's...it also goes back--there's more factors that carry into this--what goes back to what the vehicle is able to carry. [LB148]

SPEAKER FLOOD: One minute. [LB148]

SENATOR CHAMBERS: Well, what are you talking about in this language you're

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offering us? [LB148]

SENATOR HEIDEMANN: What I'm offering to you, that you will be able to exceed the maximum load permitted by Section 60-6,294 by 15 percent on any single axle in gross weight. [LB148]

SENATOR CHAMBERS: And what is the amount listed in the section that you referenced? Is that where the 20,000 pounds comes from? [LB148]

SENATOR HEIDEMANN: That I would have to find out. [LB148]

SENATOR CHAMBERS: So you're not sure what you're telling me? You're telling me that you're telling me something, but you're not quite sure what it is. [LB148]

SENATOR HEIDEMANN: Before I would start quoting, I want to make sure what it is. [LB148]

SENATOR CHAMBERS: Okay, then I will put my light...Mr. Chairman, do I have one more time with Senator Langemeier's amendment? [LB148]

SPEAKER FLOOD: You have one more opportunity to speak, Senator. [LB148]

SENATOR CHAMBERS: Then I'm going to stop at this point and give him that opportunity, and then turn my light on again. Thank you. [LB148]

SPEAKER FLOOD: Thank you, Senator Chambers. Senator Chambers, you're recognized to speak once again. You're the only light on at this time. [LB148]

SENATOR CHAMBERS: Thank you, Mr. Speaker. I thought we had gotten away from single axle, but now Senator Heidemann says he in fact does mean a single-axle vehicle. I had conceded that in the earlier discussion I injected the word "vehicle" into his new language because that word does not follow "single axle," which is in his language. I attached "vehicle" to the end of it. Now he's saying that he does mean a single-axle vehicle. When he describes this truck, the truck that he described has two axles, one in the back and one in the front. So how in the world can a truck that has two axles be described as a single-axle vehicle? I'd like to ask Senator Heidemann a question or two now. [LB148]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question from Senator Chambers? [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

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SENATOR CHAMBERS: Senator Heidemann, I'm going to get away from the amount of weight until you had a chance to look at that other statute. Have you had a chance to look at that other statute that you had cited? [LB148]

SENATOR HEIDEMANN: Briefly. I can try to explain this. [LB148]

SENATOR CHAMBERS: Does it give an amount of weight in terms of poundage that this axle can bear? [LB148]

SENATOR HEIDEMANN: It goes back to, "No wheel of a vehicle or trailer equipped with pneumatic or solid rubber tires shall carry a gross load in excess of 10,000 pounds on any highway nor shall any axle carry a gross load in excess of 20,000 pounds on any highway." [LB148]

SENATOR CHAMBERS: Okay, so a single axle on that vehicle can bear 20,000 pounds. If there are two axles...are there vehicles which, as Senator Dubas touched on, which will have two axles under that truck bed? Or was she misleading this city slicker, this greenhorn? Are there farm vehicles that have two axles under the truck bed? [LB148]

SENATOR HEIDEMANN: And they are called tandem axle trucks. She... [LB148]

SENATOR CHAMBERS: I don't care what they're called. Are there truck beds that have two? [LB148]

SENATOR HEIDEMANN: Yes, sir. [LB148]

SENATOR CHAMBERS: And under the statute that you read, each of those axles is allowed to bear 20,000 pounds. Is that true? [LB148]

SENATOR HEIDEMANN: No, sir. [LB148]

SENATOR CHAMBERS: That's not true? [LB148]

SENATOR HEIDEMANN: Not the way I understand it. I believe it's... [LB148]

SENATOR CHAMBERS: Well, I'm going by what you read to me. [LB148]

SENATOR HEIDEMANN: Well, there's... [LB148]

SENATOR CHAMBERS: Okay, that's all I'll ask you. Members of the Legislature, I thought that Senator Heidemann read to me a statute which said that no single axle can bear more than 20,000 pounds. If a single axle can bear no more than 20,000 pounds,

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that's a way of saying it can bear as much as 20,000 but no more. So if you have two axles, then you can multiply the number of those axles by the amount of weight. So if one can bear 20,000, two can bear 40,000. That would have led me to the question that I had asked earlier. As a matter of fact and reality, in one of these truck beds there could be more than 20,000 pounds over a given axle, but the total amount of the load does not exceed 40,000 pounds. So if the truck is weighed, the conclusion could be that, since you've got two axles and the weight is 40,000 pounds, it's in compliance with the law. [LB148]

SPEAKER FLOOD: One minute. [LB148]

SENATOR CHAMBERS: You wouldn't have to divide what's in the front half of that truck bed and weigh it and get 20,000, pounds and then weigh what's in the front (sic) half and get 20,000 to be in compliance with the law. That's the question I wanted to ask, but I really can't get there. So I'm going to have to listen and see, or watch and see how Senator Langemeier's amendment will be voted on, because it says "two rear axles." So I'm going to listen and observe. Thank you, Mr. Speaker. [LB148]

SPEAKER FLOOD: Thank you, Senator Chambers. Senator Langemeier, you're recognized to close on FA3. [LB148]

SENATOR LANGEMEIER: Thank you, Mr. President. At this time, I'd like to withdraw FA3. [LB148]

SPEAKER FLOOD: FA3 is withdrawn. Mr. Clerk, do you have any additional amendments? [LB148]

CLERK: Mr. President, Senator Langemeier would move to amend with FA5. And if I may, I'll read: Strike the word "two," found on page 3, line 27, and insert the words "single rear"; and on page 3, line 27, strike the "s" from the word "axles," so it's a singular use of the word. Is that right, Senator? Yes. (Legislative Journal page 372.) [LB148]

SPEAKER FLOOD: The Chair recognizes the gentleman from Schuyler to open on FA5. [LB148]

SENATOR LANGEMEIER: Thank you, Mr. President and members of the body. I withdrew amendment FA3. We've had some discussion here. Just by adding the word "rear" in doesn't fully describe that. We need to put in the word "single rear" and then take the plural off the "axle." The first part of this bill is the clarification of the type of vehicle, and so I think that would clear that up. Any truck with no more than a single rear axle carrying grain, I think clarifies. At a glance, you'll know what that vehicle would look like. And then the second part of this is the issue on the weight. And I think this clarifies

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the first to identify the vehicle we're first talking about here, and then we can get on to the portion about talking about the weights in which these axles carry, momentarily, later. So I would ask for your adoption. I think that, again, clarifies the type of vehicle we're talking about, as you meet it on the road, as the law enforcement would meet it on the road. And with that, I'd ask for your adoption of FA5. [LB148]

SPEAKER FLOOD: Thank you, Senator Langemeier. You've heard the opening on FA5. There are no other lights on. Senator Langemeier, would you like to close on FA5? Senator Langemeier waives closing on FA5. The question before the body is, should FA5 be amended...should FA5 amend LB148? Record your vote. Have all those that wish to vote voted? Record please, Mr. Clerk. [LB148]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator Langemeier's amendment. [LB148]

SPEAKER FLOOD: FA5 has been adopted. [LB148]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB148]

SPEAKER FLOOD: Thank you, Mr. Clerk. There are no other lights on. The gentleman from District 1 is recognized to close on LB148. [LB148]

SENATOR HEIDEMANN: I want to thank everybody in this body for the patience that we've had to get to the point where we're at right now, to get everybody to understand just a little bit better what we're trying to accomplish. And I think we probably all either understand some weight limits and rules that truckers deal with or, either that, or we've thrown more confusion into it, one of the two. I think, to simplify things, I want to state in my closing that this is already allowed, and the only thing, the only thing that we are trying to do is give the ability, what I call single-axle trucks, but we can clarify it by saying a truck with two axles, a front and a rear, the ability to do what's already being done under statute. And that's all we're trying to do. I'm going to go back and hit on what Senator Raikes said just a little bit. I think we need to remember that this is an ag-based state, and all this statute, which is already law, allows is, during harvest time, that these trucks carry a little extra weight. I want to remind everybody that the majority of the miles traveled with these trucks that have this extra weight are probably county roads, not even paved, not even part of the state highway system. I had talked to Senator Raikes earlier about this. He agreed with me. The majority of the time these trucks carry this extra weight, they're on gravel roads. It's the last couple of miles that they go to the elevator that this exemption would matter to them. I also want to point out that I believe, when it comes to roads, that the Transportation Committee is going to protect our roads like no other. I want to remind you that this bill came out of Transportation 8 to 0. I want to remind you that neither the highway department came in, in opposition of this bill. There's been some concerns about safety. We called carrier enforcement, the State

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Patrol; they did not come in and testify on this bill. I would appreciate...thank you for your time. I appreciate your time getting to this point, and I'd appreciate your vote on advancing LB148. [LB148]

SPEAKER FLOOD: Thank you, Senator Heidemann. You've heard the closing on LB148. The question before the body is, should LB148 advance to E&R Initial? Record your vote. Have you all voted? Record please, Mr. Clerk. [LB148]

CLERK: 36 ayes, 1 nay, Mr. President, on the advancement of LB148. [LB148]

SPEAKER FLOOD: LB148 is advanced to E&R Initial. Mr. Clerk, next bill, please. [LB148]

CLERK: Mr. President, LB206, a bill by Senator Friend. (Read title.) The bill was introduced on January 9 of this year, referred to the Urban Affairs Committee for public hearing, advanced to General File. I have no amendments pending at this time, Mr. President. [LB206]

SPEAKER FLOOD: Thank you, Mr. Clerk. The Chair recognizes the senator from Omaha's 10th Legislative District. [LB206]

SENATOR FRIEND: Thank you, Mr. Speaker. Members of the Legislature, LB206, legislation would essentially change state statutes regarding the city treasurer in a metropolitan class city...in metropolitan class cities. This is an Omaha bill, folks. I'm not usually too excited about carrying specifically an Omaha bill, but that's what it is. This is specifically repealing the requirement that the county treasurer...by the way, there's nothing wrong with Omaha. I'll carry a bill if it makes sense, obviously. But I don't want to offend anyone in regard to that comment. This specifically repeals the requirement that a county treasurer serve as an ex officio city treasurer for such city, and authorizing that a member of the finance department of the city assume those functions. It also repeals the obligation for the city to pay the additional compensation to that county treasurer for his or her services as the ex officio city treasurer; ex officio, more or less, by virtue of an office or a position. A department head is residing on a board because of the fact that that person, as the head of a department...that that person should be on the board of governors. I mean...or, excuse me, that the board governs that department; that person resides on that board because of his or her position--ex officio. The city has statutory authority, power, and resources to handle, with the city finance manager, this type of service that the county treasurer is supposed to provide but doesn't provide, and that the county...or, excuse me, that the city is paying \$1,000, I believe, a year for to deal with. This is antiquated language. The city doesn't need it. That's why we're doing it. The bill came out of committee unanimously, did get information and testifiers in a proponent capacity, none in an opponent capacity. I am also...it is also my understanding that the county treasurer of Douglas County, Mr. Ewing, is not only in

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favor of the bill, but believes it makes sense and it needs to happen. So with that, I'd be happy to answer any questions in regard to LB206. I would respectfully ask for its advancement. Thank you, Mr. Speaker. [LB206]

SPEAKER FLOOD: Thank you, Senator Friend. There are no other lights on. Seeing no other lights on, Senator Friend, you're recognized to close. Senator Friend waives closing. The question before the body is the advancement of LB206, to advance that bill to E&R Initial. All those in...please record your vote. Have all those voted who wish to? Record please, Mr. Clerk. [LB206]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB206. [LB206]

SPEAKER FLOOD: LB206 is advanced to E&R Initial. Next bill, Mr. Clerk. [LB206]

CLERK: LB207, Mr. President, is a bill by Senator Friend. (Read title.) Bill was introduced on January 9 of this year, at that time referred to the Urban Affairs Committee. Bill was advanced to General File. At this time, I have no amendments, Mr. President. [LB207]

SPEAKER FLOOD: Thank you, Mr. Clerk. (Visitors introduced.) The Chair recognizes the gentleman from Omaha's 10th Legislative District to open on LB207. [LB207]

SENATOR FRIEND: Thank you, Mr. Speaker and members of the Legislature. LB207 is legislation that would provide a new power for the board of directors of a metropolitan utilities district. Well, hey, my second Omaha bill in a row. Sorry, folks. There is only one metropolitan utilities district. There's only one metropolitan utilities board. Here's the problem. Under state statute, the metropolitan utilities district is forced to refer to and title its president, its CEO, whatever we'd like to call it or whatever we would interpret it, as a general manager. One of the problems that a metropolitan utility district is having is that when you do business and you send out letterhead and you're required by law to send something out to New York City or Philadelphia, or you're doing business with organizations scattered all over the country, if a CEO from a particular corporation gets, you know, letterhead from the "general manager," it gets to be a little confusing. There's nothing wrong with a general manager, obviously, the title, everything else. But it does create what some would consider some confusion. What we're doing here with this legislation is changing...or, giving the ability for that metropolitan utilities district board to be able to call their CEO whatever they'd like to call their CEO. That's it, folks. I would be happy to answer any questions in regard to this legislation. I would respectfully ask LB207 be advanced to Select File. Thank you, Mr. Speaker. [LB207]

SPEAKER FLOOD: Thank you, Senator Friend. You've heard the opening on LB207. The Chair recognizes the senior senator from District 11 in Omaha. [LB207]

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SENATOR CHAMBERS: Mr. President, I think I'm about to give Senator Flood...I meant Senator Friend--I was looking at Senator Flood--a second vote on an Omaha bill. Senator Flood (sic), why is it necessary that we do this in statute, did you say? [LB207]

SPEAKER FLOOD: I will not yield to your question. [LB207]

SENATOR CHAMBERS: I mean Senator Friend. [LB207]

SPEAKER FLOOD: Senator Friend, would you like to yield to a question from Senator Chambers? (Laughter) [LB207]

SENATOR FRIEND: If...Mr. Speaker, if Senator Chambers would like to address the senator from the 10th Legislative District, right, you know, fairly close to his, I would be happy to yield. [LB207]

SENATOR CHAMBERS: I want to make you happy, Senator Friend. Would you yield to a question on your bill? [LB207]

SENATOR FRIEND: Yes, I will. [LB207]

SENATOR CHAMBERS: Why did you say it's necessary that we do this by statute? [LB207]

SENATOR FRIEND: State...according to state statute, Senator Chambers, right now,...and I don't know if you have the bill in front of you. [LB207]

SENATOR CHAMBERS: Yes, I do. [LB207]

SENATOR FRIEND: If you go to page 2, line 23, it says, the...well, and there are other areas where this is the case. It says, the compensation of the general manager and such employees shall be paid from...the point here is, on lines 22, 23, and in other areas where we're changing it, the metropolitan utilities district is required to call--the way they've interpreted it and the way others have interpreted it--are required to call the particular person who's in a capacity of chief executive officer, if you will, a "general manager." They have to do that. That's the understanding. [LB207]

SENATOR CHAMBERS: And why is that a problem? [LB207]

SENATOR FRIEND: Well, I think, and it's been communicated to me, that it is a problem because when conversation based on, you know, e-mail, letterhead going all out...you know, across the country, the way the metropolitan utilities district is trying to do business with organizations throughout this nation, it causes confusion, Senator Chambers, and confusion in that somebody might be getting a letter, and...on the other

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end, and say, why am I talking to your...why am I speaking to your general manager in regard to this subject matter? Why am I not speaking to the person who is in charge of your organization? [LB207]

SENATOR CHAMBERS: Well, why can't that person being questioned simply say, we call the CEO the general manager? There are companies that don't use the term CEO. There are some... [LB207]

SENATOR FRIEND: Oh, absolutely right. [LB207]

SENATOR CHAMBERS: ...police divisions...right. Some police divisions will refer to their chief of police not as the chief of police, but the chief executive officer. So MUD is telling us that because whoever makes a call to MUD and wants to know why the general manager is responding to whatever the correspondence had been, that person speaking for MUD is unable to say, we call the...what you call a CEO is what we call the general manager, or the general manager is what other people may call the CEO. And they're saying that somebody is confused about that, so we're changing the law? [LB207]

SENATOR FRIEND: I...yes. I've heard that there has been confusion in regard to that issue. And you are correct, that is why we are changing the law. But I also think, Senator Chambers, if I may, that it doesn't really make sense to tell this utilities district, or any other, or any other public entity, in the law, what they should label their, you know, their director. And the reason I say that,... [LB207]

SPEAKER FLOOD: One minute. [LB207]

SENATOR CHAMBERS: Then, since I have one minute, why...well, I'll put on my light, and then Senator Friend can give as much of the answer as is available on my time. You can continue, Senator Friend. [LB207]

SENATOR FRIEND: Thank you, Senator Chambers. And I think the reason that I say that is because we're...there...we talk specifically, and sometimes in high level, about local control and what these type of organizations...you know, how much they should be empowered. We have a metropolitan utilities board that has no empowerment in this specific area of the law, and I guess my viewpoint, even though I'm not...as you can tell, I'm not that passionate about it, my viewpoint is, I think that it made sense, Senator Chambers, in allowing that metropolitan utilities district board to have that capability. [LB207]

SPEAKER FLOOD: Time. Thank you, Senator Chambers and Friend. The Chair recognizes the gentleman from the 29th Legislative District in Lincoln. [LB207]

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SENATOR FULTON: Thank you, Mr. Speaker. I think I've had some of my...most of my questions...all of my questions answered. To clarify, this provides MUD with the authority to call their leader whatever they want to call their leader, correct? If I could...yeah. [LB207]

SPEAKER FLOOD: Senator Friend, would you yield to a question? [LB207]

SENATOR FRIEND: I will yield to a question. [LB207]

SENATOR FULTON: This provides the authority to MUD to call their leader what they want to call their leader. Is that true? [LB207]

SENATOR FRIEND: Yes, it is. [LB207]

SENATOR FULTON: Okay. That was my concern. I guess I had a little experience with this. When I took my first job, I was charged with going overseas to close out a deal, and my title was not appropriate to someone being able to close a deal, so I was given a different title. It sounds to me like MUD didn't have the authority to do that, because in statute their leader is called the general manager. And now they want to be able to call him by some more...by a title that's more appropriate to the industry. Is that a correct understanding, then, Senator Friend? [LB207]

SENATOR FRIEND: Yes, it is, Senator Fulton. That's correct. [LB207]

SENATOR FULTON: I have no further questions, and I'll yield the remainder of my time. [LB207]

SPEAKER FLOOD: Thank you, Senator Fulton. The Chair recognizes the gentleman from the 11th Legislative District. [LB207]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Friend if he would look at his copy of the green version of the bill. Senator Friend, do you have that before you? [LB207]

SPEAKER FLOOD: Senator Friend, will you yield to a question from Senator Chambers? [LB207]

SENATOR FRIEND: Yes, I will. And I have that copy in front of me. [LB207]

SENATOR CHAMBERS: Senator Friend, on page 2, line 23, we strike the two words "general manager." Is that correct? [LB207]

SENATOR FRIEND: That is correct. That's what I read. [LB207]

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SENATOR CHAMBERS: Then when we go to page 3, line 7, we strike the words "general manager." Is that correct? [LB207]

SENATOR FRIEND: That is correct. And then also in line 23. [LB207]

SENATOR CHAMBERS: Yes, on page 3. If you're going to do this,...first of all, when you began your discussion, you said this bill is to give a power to MUD, or something like that. [LB207]

SENATOR FRIEND: To the metropolitan utilities district board of directors. [LB207]

SENATOR CHAMBERS: Is OPPD a utility in Omaha? [LB207]

SENATOR FRIEND: Yes, it is. Well,... [LB207]

SENATOR CHAMBERS: Does OPPD...? [LB207]

SENATOR FRIEND: ...and other areas of (inaudible). [LB207]

SENATOR CHAMBERS: Does OPPD deal with power? [LB207]

SENATOR FRIEND: Yes. [LB207]

SENATOR CHAMBERS: Well, why are you going to give "power" to MUD, which doesn't deal with "power"? [LB207]

SENATOR FRIEND: Yeah. [LB207]

SENATOR CHAMBERS: Does MUD deal with water and gas? [LB207]

SENATOR FRIEND: Yes. [LB207]

SENATOR CHAMBERS: So why are you giving them "power"? (Laughter) [LB207]

SENATOR FRIEND: I'm actually empowering them. [LB207]

SENATOR CHAMBERS: But you didn't say "empowering," did you? You said you're giving them power. [LB207]

SENATOR FRIEND: I stand corrected. I am trying to empower the board of directors; I'm not trying to give them... [LB207]

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SENATOR CHAMBERS: Now, may I ask you a question that might contain a suggestion? Since the term "general manager" is being stricken, perhaps we ought to strike the term "general manager" in line 5 on page 2, and use language that simply says, the board may, when you have this appointed official, may designate this person with the title that MUD...that the board chooses, and just get "general manager" off the table. Since it's not going to be used, why...who drafted this bill? [LB207]

SENATOR FRIEND: Well, the Urban Affairs Committee legal counsel, Senator Chambers. And this...we've seen this, I believe, three times. Senator Bourne had the bill last year, and the Urban Affairs Committee amended it. [LB207]

SENATOR CHAMBERS: Was there any reason for keeping the term "general manager" anywhere in the bill? [LB207]

SENATOR FRIEND: Well, that's a very good question, and the first...and when you brought that up I was a little bit concerned, because they may...there may be some significance there to leaving that particular reference in...on line 5 right there. But I don't know the answer to your question off the top of my head. My guess is, I don't...my guess is, I don't think it would be a problem to strike that. [LB207]

SENATOR CHAMBERS: Why don't you find out. And I won't offer an amendment now, but I think you could contrive some language that would make the bill a lot simpler, and just say the board may call this appointed individual by the title they choose, or something like that, and then we don't even have "general manager." Because either they're going to use that term, or they're not. If using it causes confusion and the purpose of this bill is to get rid of the confusion,... [LB207]

SPEAKER FLOOD: One minute. [LB207]

SENATOR CHAMBERS: ...then we get rid of the term "general manager." All we're talking about in this bill is this top official who is going to be appointed. If some other person in the company is to be called general manager, they can call those lower-ranking people whatever they choose without the statute making reference. We're not naming all of the individuals who may have a supervisory or administrative position. We're only talking about the top person in the company who will be appointed by the board. Is that true? [LB207]

SENATOR FRIEND: My understanding,...I agree with your assessment. [LB207]

SENATOR CHAMBERS: Okay, then I will see what you come up with by the time we get to Select File. That's all I would have. Thank you, Mr. President. [LB207]

SPEAKER FLOOD: Thank you, Senator Chambers. The Chair recognizes the senator

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from Omaha's Legislative District 10. [LB207]

SENATOR FRIEND: Thank you, Mr. Speaker. And, Senator Chambers, thank you. There...I agree with your assessment. I am going to check with Mr. Stadtwald and make sure that there isn't any specific reason that that reference on line 5 needs to be there. I don't believe, like I said, that it needs to be. But let me...I understand your concern, and would be happy to address it. With that, I would ask...I would respectfully ask that you move this to Select File, before I...thank you, Mr. Speaker. [LB207]

SPEAKER FLOOD: Thank you, Senator Friend. The Chair recognizes the gentleman from south Omaha, representing District 7. [LB207]

SENATOR SYNOWIECKI: Thank you, Mr. Speaker. You cited that correctly. Thank you. Senator Friend, would you yield, perhaps, to a question? [LB207]

SPEAKER FLOOD: Senator Friend, will you yield to Senator Synowiecki? [LB207]

SENATOR FRIEND: Yes, I will. [LB207]

SENATOR SYNOWIECKI: In presenting the bill, Senator Friend, you had spoken to some external considerations, particularly some confusions that arise relative to the individual at the MUD being referenced as general manager, and that it causes some degree of confusion with external communications. Isn't that true? [LB207]

SENATOR FRIEND: That is true. You probably said it better than I did. Thank you. [LB207]

SENATOR SYNOWIECKI: You know, Senator Friend, internally as well, though, I think that in my dealings with boards and entities that are board-driven and have a chief...they are typically and normally, when you have a board-driven identity, and the person in charge of the operation, aren't they normally called chief executive officer or executive director, when you have a board-driven operation? [LB207]

SENATOR FRIEND: Senator Synowiecki, I...yeah, I would say yes. And I wouldn't say all the time. I mean, we're talking about...we are pretty unique here, as you know, because of our adherence statewide, to a great degree, on public power and public utilities. So because of that uniqueness, I would say that there aren't a lot of other states that have to deal with the type of concerns that we have to deal with. This is one of them. [LB207]

SENATOR SYNOWIECKI: Well,... [LB207]

SENATOR FRIEND: So I think you're right. And I don't mean to, you know, elaborate.

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I'm not trying to put words in your mouth either. But I think it does cause confusion internally. But it's been my understanding that the...most of the confusion that it's caused is external, because of our uniqueness. [LB207]

SENATOR SYNOWIECKI: And I understand that, and I appreciate your remarks relative to the external considerations. But in terms of infrastructure, I'm not aware of any board-driven organization that alludes to their chief executive officer as a general manager. It's usually referred to as chief executive officer or executive director. It just seems fundamental and practical and appropriate that they're alluded to in that fashion, rather than as general manager, as far as internal, infrastructural reasons. Thank you. Thank you, Senator Friend. [LB207]

SPEAKER FLOOD: Thank you, Senator Synowiecki. The Chair recognizes the gentleman from Bayard. [LB207]

SENATOR ERDMAN: Mr. Speaker and members of the Legislature, I rise with a point of information, but not officially under our rules. The issue that I'm about to share with you has nothing to do with LB207, and I have asked Senator Friend his permission to be able to share this with you. Today in the United States District Court for the District of Nebraska the following declaratory judgment and permanent injunction was issued: that the defendants, being the state of Nebraska, are permanently enjoined from enforcing or taking any steps to enforce Initiative 300. That ruling was issued by the Nebraska District Court...excuse me, the U.S. District Court for the state of Nebraska...for the District of Nebraska. I will be distributing this to your offices in e-mail form so that you will have a copy of it. As it is part of ongoing litigation that the state is appealing, as well as potential legislation that is before this body, I thought it was appropriate. I, however, do not think it's appropriate for us to discuss the merits or the issue before us in regards to Initiative 300. That will be held for a later date. But I did want to make sure that you were aware as soon as I was aware of this development, as it does affect the public policy of the state of Nebraska. And I appreciate Senator Friend's accommodation in allowing me to share this information with you. Thank you, Mr. Speaker. [LB207]

SPEAKER FLOOD: Thank you, Senator Erdman. There are no lights on. Senator Friend, would you like to close on LB207? [LB207]

SENATOR FRIEND: Just to say and to clarify that...an issue like this seems rather innocuous compared to what...the information Senator Erdman just gave us. But just to clarify that, Senator Chambers, we will, you know, work toward making sure this is tight language. With that, Mr. Speaker, I would ask for the advancement of LB...respectfully ask for the advancement of LB207. Thank you. [LB207]

SPEAKER FLOOD: Thank you, Senator Friend. You've heard the closing on LB207. The question before the body is, should LB207 be advanced to E&R Initial? Record

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your vote. Have all those voted that wish to do so? Record please, Mr. Clerk. [LB207]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB207. [LB207]

SPEAKER FLOOD: LB207 shall be advanced to E&R Initial. Next bill, Mr. Clerk. [LB207]

CLERK: Mr. President, LB35, introduced by Senator Janssen. (Read title.) The bill was introduced on January 4 of this year, referred to the Transportation and Telecommunications Committee. The bill was advanced to General File. I do have committee amendments pending, Mr. President. (AM9, Legislative Journal page 357.) [LB35]

SPEAKER FLOOD: Thank you, Mr. Clerk. The gentleman from Nickerson is recognized to open on LB35. [LB35]

SENATOR JANSSEN: Thank you, Mr. Speaker, members of the Legislature. LB35 would change the law to clarify that the speed limit for all freeways in Nebraska would be 65 miles per hour. Currently, the state statutes require that freeways located in Douglas County have a maximum of...limit of 60 miles per hour. The Department of Roads would like to make the change to clarify that the speed limit for all freeways in Nebraska be 65 miles per hour. Under this particular bill, this would not include any freeways that are part of the interstate system. LB35 applies to my legislative district, since U.S. 275 is a freeway that runs from Fremont to Omaha. It is currently posted at 60 miles an hour, although the Department of Roads believes that they could allow that portion of this freeway that is in Dodge County to be 60 miles an hour. They have kept it at 60 to be consistent with that portion that is in Douglas County. This particular bill would allow the entire freeway to be posted at 65 miles an hour. This was supported by the Department of Roads in Transportation and the Telecommunications hearing on January 16. There are people in the Rotunda who would explain any technical questions to you, but this is...this would make Douglas County consistent with the rest of the state and the freeway system. With that, I'd answer any questions you might have. [LB35]

SPEAKER FLOOD: Thank you, Senator Janssen. You've heard the opening on LB35. Mr. Clerk, are there amendments to LB35? [LB35]

ASSISTANT CLERK: Mr. President, the Transportation Committee would offer AM9. [LB35]

SPEAKER FLOOD: The Chair recognizes the gentlewoman from Valentine, as Chairperson of the Transportation and Telecommunications Committee, to open on the committee amendments. [LB35]

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SENATOR FISCHER: Thank you, Mr. Speaker, members of the body. The committee amendment, AM9, makes one change to the original bill. This amendment was brought to the committee by the Department of Roads, who wanted to make sure it is clear in statutes that only the interstate system can post a speed limit of 75 miles per hour. In subdivision (1)(h) on page 5 of the green copy, lines 16 and 17, the amendment strikes the language, quote, upon a freeway that is part of the state highway system and, end quote, to make it clear that a 75-mile-per-hour speed limit may be posted only upon the interstate system. With the adoption of the amendment, subdivision (h) will read: 75 miles per hour upon the national system of interstate and defense highways. Thank you, Mr. Speaker. [LB35]

SPEAKER FLOOD: Thank you, Senator Fischer. The gentleman from Omaha's District 11 is recognized to speak. [LB35]

SENATOR CHAMBERS: Mr. President, I will only speak one time on this, because I am in favor of there being consistency when it comes to the speed limits posted on certain types of roads. So rather than have anybody, through inadvertence, or maybe they came from another state, running afoul of an artificially low speed limit, we will have uniformity on these types of roads with the work being presented to us by Senator Janssen and the Transportation Committee. So I am in full support of what is being done. Thank you. [LB35]

SPEAKER FLOOD: Thank you, Senator Chambers. There are no other lights on. Senator Fulton, you're recognized to speak. [LB35]

SENATOR FULTON: Could I ask a question of Senator Janssen? [LB35]

SPEAKER FLOOD: Senator Janssen, will you yield to a question from Senator Fulton? [LB35]

SENATOR JANSSEN: Yes. [LB35]

SENATOR FULTON: The fiscal note suggests that we are only going to be changing out signs in Douglas County. Is that correct, or have I read that incorrectly? [LB35]

SENATOR JANSSEN: Yes, I believe there is a sign in Dodge County also, on that portion that they put back to 60 mile an hour to make the traffic flow at the same speed. It's only about three miles, if I remember right, that is in Dodge County, so there's probably only one sign. [LB35]

SENATOR FULTON: Okay. That's important for me to clarify. The fiscal note I didn't quite understand, but it sounds as if this is clarifying in statute but not necessarily

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changing wholesale signs across the state. So he's answered my question. I yield my time to the Chair. Thank you. [LB35]

SPEAKER FLOOD: Thank you, Senator Fulton. The Chair recognizes the gentleman from Omaha's District 4. [LB35]

SENATOR PIRSCH: Thank you, Mr. Speaker. Just kind of echoing Senator Chambers' remarks. I do believe uniformity is a good attribute to have. Another important attribute is one of safety. Douglas County does have a number of unique qualities that sets it apart, in terms of population and the roadways, the freeways there. I guess I had a question, if Senator Janssen would yield to a question. [LB35]

SPEAKER FLOOD: Senator Janssen, will you yield to a question from Senator Pirsch? [LB35]

SENATOR JANSSEN: Yes. [LB35]

SENATOR PIRSCH: Now, Senator, you had indicated that the Department of Roads was recommending this change take place, were in favor of it. Is that correct? [LB35]

SENATOR JANSSEN: That's absolutely correct, yes. [LB35]

SENATOR PIRSCH: Okay. Do you know if they looked at this particular issue from the aspect or component of safety, any extra dangers that may result in Douglas County as a result of this? [LB35]

SENATOR JANSSEN: No. No, there would be no dangers there. It would be consistent from Dodge County on into Douglas County, and then connect up with the system in the city of Omaha. [LB35]

SENATOR PIRSCH: Okay, thank you very much. [LB35]

SPEAKER FLOOD: Thank you, Senator Pirsch. Seeing no other lights on, the gentlewoman from Valentine is recognized to close on the committee amendment to LB35. Senator Fischer waives closing on AM...on the committee amendment. The question before the body is, should the committee amendments be adopted to LB35? Please record your vote. Record please, Mr. Clerk. [LB35]

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB35]

SPEAKER FLOOD: The committee amendments have been adopted to LB35. Senator Janssen, you're recognized to close on LB35. [LB35]

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SENATOR JANSSEN: Thank you, Mr. Speaker. This is a consistency bill. There is no reason for that portion of the state highway system to be lowered...left at 60 mile an hour. The road is a very good road, and the traffic can move very easily at 65 mile an hour into the city of Omaha. With that, I would ask for your support of this piece of legislation. Thank you. [LB35]

SPEAKER FLOOD: Thank you, Senator Janssen. You've heard the closing to LB35. The question before the body is, should LB35 be advanced to E&R Initial? Record your vote. Record please, Mr. Clerk. [LB35]

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB35]

SPEAKER FLOOD: LB35 shall be advanced to E&R Initial. Next bill, Mr. Clerk. [LB35]

ASSISTANT CLERK: Mr. President, LB43 was introduced by Senator Heidemann. (Read title.) Bill was read for the first time on January 4 of this year, referred to the Transportation and Telecommunications Committee. That committee reports the bill to General File with committee amendments attached. (AM12, Legislative Journal page 357.) [LB43]

SPEAKER FLOOD: Thank you, Mr. Clerk. The Chair recognizes the gentleman from Elk Creek. [LB43]

SENATOR HEIDEMANN: Thank you, Mr. Speaker, fellow members of the body. LB43 is a bill that would allow for mowing and hay harvesting on highway right of ways. It would create a permit program that would be administered by the Nebraska Department of Roads. The applicant would pay a fee which would cover all of the administrative costs of administration of this program. They would also sign a liability form, which would acknowledge that they will assume all risk and liability, and that the state is not liable for the hay quality or work that is done by the permittee. Landowners who have land abutting the highway would receive first priority in issuance of permits. There were a couple of entities that came to me with concerns on the original draft of this bill, and so there is a committee amendment that will be presented next that addresses these concerns. After Senator Fischer introduces the amendment, I will be more than happy to help address the questions relating to the provisions added with this amendment. I would like to know that since the Department of Roads will be administering this program, they can handle the specifics of this program in their rules and regulations. Currently, mowing and hay harvesting of highway right of ways are allowed when the Governor declares a drought designation of a certain area of the state, which over the last several years has been quite a large part of the state. The Department of Roads administers the permits for mowing and haying when this kind of designation is made. I

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would assume that they would administer this proposed program much like they do when the Governor announces a drought designation. This bill would allow for highway right of ways to be opened up for farmers to make good use of this potential asset on a regular basis. If there are any questions, I would be happy to answer after the amendment. [LB43]

SPEAKER FLOOD: Thank you, Senator Heidemann. You've heard the opening on LB43. The Chair recognizes the senior senator from Omaha's District 11. Mr. Clerk, are there any amendments to this bill? [LB43]

ASSISTANT CLERK: Mr. President, the Transportation and Telecommunications Committee does offer AM12. [LB43]

SPEAKER FLOOD: Thank you, Mr. Clerk. The gentlewoman from Valentine is recognized to open on the committee amendments to LB43. [LB43]

SENATOR FISCHER: Thank you, Mr. Speaker, members of the body. The committee amendment makes a few changes to LB43. These changes were brought to the committee by Senator Heidemann at the hearing. These changes are a response to concerns relayed by the Game and Parks Commission, and the Department of Roads. AM12 limits the time an owner of the land abutting the right of way has priority to receive a permit for such land until July 30 of each year. This will allow the permit process to be opened up to other interested parties by a specific date each year. The amendment also limits applicants who are not owners of the abutting land to a permit for five miles of right of way per year. This change was made to curb any commercial operation taking advantage of the permit process. A time period was also added to the bill so that the department shall allow mowing and hay harvesting on or before...I'm sorry, on or after July 15 every other year, unless haying was completed the year prior due to drought or other declaration. The July date for the commencement of mowing and the limitation of mowing every other year was inserted in response to concern regarding the wildlife habitat and nesting activities along our state highways. As the amendment states, if the Governor declares a drought designation or some other declaration, mowing and hay harvesting could be allowed in consecutive years. Thank you, Mr. Speaker. [LB43]

SPEAKER FLOOD: Thank you, Senator Fischer. You've heard the opening on the committee amendments. We now go to debate on the bill. Senator Chambers, from Omaha, you're recognized. [LB43]

SENATOR CHAMBERS: Thank you. Mr. President, I'd like to ask Senator Heidemann a question. Senator Heidemann, the bill does say that whoever is going to engage in this activity has to assume responsibility for accidents and quality of the hay and so forth. Is there anything that requires that person to show he or she is capable of responding in

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damages to anybody who may be harmed? [LB43]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question from Senator Chambers? [LB43]

SENATOR HEIDEMANN: It just states...no, that you don't have to have...I think if you're asking for, like, proof of insurance, this goes back to what, during a drought designation, they just have to--I think this even actually goes a little bit further than that--but they just have to assume liability. But they don't have to prove that they have liability insurance, the way I understand it, if that's the question that you're asking. [LB43]

SENATOR CHAMBERS: So the state, by this legislation, is granting a privilege to people who, in carrying out this activity, may cause serious harm or damage to an individual, maybe to a roadway, maybe to livestock, or any number of entities; yet there's not going to be any requirement that this person show that he or she can pay for the damage that might result? [LB43]

SENATOR HEIDEMANN: They just have to assume liability. I can... [LB43]

SENATOR CHAMBERS: Of what value is it...and these are not designed to be trick questions, but to put things into the record. And maybe Game and Parks people, or others who are interested in this, can provide some answers. What value is it for me to say that I assume responsibility for harm done to others if I'm judgment-proof, meaning that I cannot respond in damages because I don't have anything with which to make whole anybody harmed by what I'm doing? Had that issue been considered by those who want this legislation? [LB43]

SENATOR HEIDEMANN: It may have been brought up in a conversation about it, as far as, you know, if someone gets hit or causes damages to a sign or other things. In the discussion, farmers that would do this tend to, on the average--I can't guarantee that each and every one will--but a farmer will carry liability insurance so that if something happens, Senator, that they won't get themselves in a lawsuit so that they lose their farm. A farm...go ahead. [LB43]

SENATOR CHAMBERS: Well, is...does that...if they have liability insurance, does it cover activities such as this, which may not have been contemplated at the time the policy was issued? [LB43]

SENATOR HEIDEMANN: Usually, a liability policy, I would have to think, would cover this, because farmers right now can travel up and down the state highway system. If they have an accident at that time, or cause an accident at that time, that liability policy should cover it. So... [LB43]

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SENATOR CHAMBERS: But they're...when they're just driving up and down the highway, you might be thinking about traffic problems, but this is a brand-new activity being specifically authorized by the state. And you don't have to give me a definitive answer, but I'd like you to get some information on that when you can. Another question that I have--becoming a bit less serious, because we've had some serious discussions this morning--could we say that while the cattle are lowing, the cattlemen are mowing? (Laughter) If you're knowing. (Laugh) Here's what I want to ask you also. How many axles must the mowing machine have? (Laughter) That's all I have. The serious question relates to the liability, if you can find something on that as we move forward. Thank you. [LB43]

SPEAKER FLOOD: Thank you, Senator Chambers. The Chair recognizes the gentleman from Cortland. [LB43]

SENATOR WALLMAN: Thank you, Mr. Speaker. May I address a question to Mr. Heidemann? [LB43]

SPEAKER FLOOD: Senator Heidemann, will you yield to a question from Senator Wallman? [LB43]

SENATOR HEIDEMANN: Yes. [LB43]

SENATOR WALLMAN: Has the state Department of Roads discussed how that affects the contract mowers they have now? [LB43]

SENATOR HEIDEMANN: There was some discussion on that. The state Department...Roads Department does contract out for mowing. There's been some discussion whether they either are going to maybe not mow those acres after they've been hay harvested. That's probably a work in progress. They actually have to deal with that, I would have to think, right now, because during drought designation, like I had said before, the state has been...quite a bit of the state has been under drought designation, they've had to deal with the same issue before when people go out and mow alongside the roadways because of the drought designation. [LB43]

SENATOR WALLMAN: Yeah, I'd like to see the farmers do it every year, like the Dakotas, and, you know, leave it at the discretion of the farmers, and they handle the different roadways themselves. And it would save the state highway department some money. We're out of money, right? [LB43]

SENATOR HEIDEMANN: We worked very hard with all the parties that were interested in this. We had, at first, before the amendment was put on, that they could do this every other year. There was concern with Game and Parks that came in as far as nesting and other wildlife concerns. Because of that, part of the amendment says it's every other

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year. I would probably agree with you, but to move this bill forward, we tried to work with everybody and not against anybody, so that we can move forward and get this done. [LB43]

SENATOR WALLMAN: I thank you. [LB43]

SPEAKER FLOOD: Thank you, Senator Wallman. The Chair recognizes the gentleman from Nickerson. Senator Janssen, you're recognized to speak. [LB43]

SENATOR JANSSEN: Thank you, Mr. Speaker, members of the Legislature. I would like to echo what Senator Wallman talked about, in other states. For several years, we would go to Minnesota on our vacation, and coming back through Minnesota, and Iowa also, you'd see a lot of haying of road right of ways. Now, as far as liability goes, Senator Chambers raises that question, and that...I'm thinking that maybe an amendment on Select File to assure that there is liability coverage on anyone who wants to participate in this mowing should be put on as an amendment, so that the state Department of Roads or anyone else wouldn't be liable for letting those farmers do that. I think that would be...if Senator Heidemann would agree to that, I would like to see that happen. With that, I think it's a good idea. But someone needs to be protected there. Thank you. [LB43]

SPEAKER FLOOD: Thank you, Senator Janssen. There are no other lights on. Senator Fischer, you're recognized to close on the committee amendments to LB43. Senator Fischer waives closing. The question before the body is, should the committee amendments to LB43 be adopted? Record your vote. Record please, Mr. Clerk. [LB43]

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB43]

SPEAKER FLOOD: The committee amendments to LB43 have been adopted. The gentleman from Elk Creek is recognized to close on LB43. [LB43]

SENATOR HEIDEMANN: There has been some question about some liabilities and proof of liabilities. If there is interest in trying to work together between General File and Select File, we would be willing to do that and see what we can come up and put an amendment on Select File at that time if there's interest in doing that. I believe this is a good bill. I believe there's a lot of interest in doing this bill, and I believe it will be a win-win situation for a lot of people. I appreciate your support, and I appreciate your vote. Thanks a lot. [LB43]

SPEAKER FLOOD: Thank you, Senator Heidemann. You've heard the closing on LB43. The question before the body is, should LB43 be advanced to E&R Initial? Record your vote. Record please, Mr. Clerk. [LB43]

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ASSISTANT CLERK: 40 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB43]

SPEAKER FLOOD: LB43 shall be advanced to E&R Initial. Items for the record, Mr. Clerk? [LB43]

ASSISTANT CLERK: Mr. President, I do. Your Committee on Natural Resources reports LB333 to General File with amendments. Senator Cornett announces that the Business and Labor Committee will conduct its hearing on Monday, January 29, in Room 1524. Judiciary Committee offers notice of hearing for February 1. A series of name adds: Senator Fischer to LB264; Senator Schimek to LB335; Senator Dubas to LB341; Senator Mines to LB441; Senator Pahls to LB700; and Senator Lathrop would withdraw from LB182. Mr. President, (Legislative Journal pages 373-377.) [LB333 LB264 LB335 LB341 LB441 LB700 LB182]

I have a priority motion. Senator Harms would move to adjourn until Friday, January 26, 2007, 9:00 a.m. []

SPEAKER FLOOD: Thank you, Mr. Clerk. The question before the body is, should the Legislature adjourn until Friday the 26th, 2007, month of January, at 9:00 in the morning? All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned. []