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LB 24

PRESIDENT: The Chair recognizes Senator Warner.

SENATOR WARNER: Mr. President and members of the Legislature, what the amendment does is two things. The question was raised with me that the amendment I offered the other day and was adopted which limited the fine, the penalty to an endgun only was written in such a way that some, at least, interpreted that the language also required that every pivot system have an endgun, which obviously no one intends. And so this makes it clear that only when there is an endgun on the system that a means, whether it is mechanical or electrical, but a means is available to shut that off. And in the second part of the amendment it includes the language which was stricken in the process which was that portion of the committee amendment that continued the reference to mechanical failure or other than normal weather conditions that that is taken into account and would not be subject to the fine provision under those circumstances, and the reason that this is necessary to be able to have the same concept that the committee had is just the way the bill is drafted, it becomes a new section, and by the addition of this amendment it refers back to a different section that carried the provisions for the mechanical malfunction and something other than normal weather conditions. So I think it fully is in line with what the committee amendment wanted. It does restrict the penalty only to the endgun that you would have shooting over onto the road and it permits either an electrical or mechanical system to operate the endgun, and I think that as far as I know this meets the problems that everybody thought they were trying to solve.

PRESIDENT: The Chair recognizes Senator Haberman.

SENATOR HABERMAN: Senator Warner, I know that you visited with me just before you introduced this, and you say this puts it back as it originally was, or are you attempting to change...(interruption).

PRESIDENT: Senator Warner, will you respond?

SENATOR WARNER: No, it doesn't put it back as it originally was, Senator Haberman. What it does is contains the concept that the committee amendment has which was stricken by the committee amendment, one that was expressed that where there was a malfunction, a mechanical malfunction or adverse weather conditions was an exception that would be permitted under your bill, and the way it was drafted that was not so because it became a