

SENATOR SCHMIT: Mr. President and members of the Legislature, again I rise to support the amendment. In regard to the fact that the bill does not have the emergency clause there is a vast difference between the emergency clause and not passing a bill. I think that all too often we throw the emergency clause on bills just as a matter of convenience. I think the emergency clause should mean just exactly what it does mean. It is an emergency. The bill as introduced was not an emergency but it was a matter of necessity from the standpoint of the introducer. I would like to point out an actual experience which I know about where because of the lack of clarity in the law the Nebraska Safety Patrol asked a tow truck operator to move a vehicle that was an impediment to the ongoing traffic. The tow truck operator protested because he said as I move it it will be illegal. The Nebraska patrol officer told him to go ahead and move it anyway, he would provide him an escort. He did over the opposition, believe it or not, of a weigh station operator. Well when the tow truck operator came back the weigh station operator then accosted him and there was a very long and arduous problem for the tow truck operator because the weigh station man said he operated illegally. He was going to write him a ticket, he did. There was a lot of other problems that ensued. Now I believe that anytime this Legislature can with a minimum of problem, clarify the law to provide for additional safety on Nebraska's highways, to provide for additional safety in the transportation of these vehicles I think it ought to be done. An upset semitractor rig and trailer on the highway is not a small item. It is not a dead dog or a deer which can be moved with a minimum amount of effort. It requires certain equipment and we ought to give the people who operate that equipment the protection of the law. Now you don't have an attorney handy by you to defend you in the event you get yourself into trouble. If a Nebraska safety patrolman asks you to move a vehicle and you move it and then at a later date you find yourself in trouble, I think that is asking the equipment operator, the tow truck operator to extend himself in a manner which is not necessary. So I would hope, and I think very frankly the reference to the fact that the bill can come up on consent calendar is very likely not true, Senator Beutler. All it takes as I recall are any three members to knock a bill off of consent calendar. I have had a number of bills in previous years that have been put on the consent calendar only to be stymied not because, ladies and gentlemen, anyone really having objection to that particular bill, but because they might have objected to another bill of some kind. So the consent calendar is hogwash if you have a bill that someone wants to impede the progress of across this board. I would ask the amendment be adopted and that we advance the bill with the amendment.