

March 29, 1982

LB 408

the amendments to the bill but let me go through those and then let me explain why I think we still need to amend the bill. The handout that I just sent around to you goes through the language of the amendments the committee is proposing at this time. Everybody on their desks should have a copy of this. It is just a one page handout and it has LB 408 at the top. It has there the language the committee has adopted and which is now before you on this vote. Now I would like to go through it point by point as it is in your handout and explain why there are some questions in this language that I think ought to be addressed. Number one, we talk about the Department of Roads at its discretion developing this testing program. It is quite clear as you read through the committee amendments that the Department of Roads has broad discretion in terms of establishing this program and you will find after you read this amendment to the bill that there really is very little restriction whatsoever or direction whatsoever to the Department as to how they should conduct this test program we are talking about and what exactly their authority is. The next item that I am concerned about is the question about what exactly we are applying this to, getting back to the discretion we are talking about. It doesn't say that it is just on the interstate highway system although it has been implied in conversations. In fact, this amendment to the bill just says on highways under the jurisdiction of the Roads Department. That could be the interstate, it could be our highways, it could be any roads in the State of Nebraska under my interpretation of that language. So again, no clear discretion as to what we are allowing the Roads Department to do or not to do. The next question I have with the amendments concerns exactly what sort of combination of vehicles we are talking about. It doesn't say that it is triple trailers although the implication from the discussion was that triple trailers are what we are trying to test for. It doesn't say that. All it says is a combination of vehicles. That could be triple trailers, it could be four, it could be five, it could be any number and it doesn't again specify whether it is interstate or two lane highways. The next item that I am concerned about concerns what exactly we are lifting in terms of restrictions on this testing program. It says that there really isn't any restriction. It doesn't refer to just length, size. It doesn't specify whether weight is lifted in terms of its restrictions. It is not clear at all that the eighty thousand pounds that we now limit trucks to in the State of Nebraska is necessarily intact or whether it could be adjusted by the Roads Department. I would think that they wouldn't do that because of the federal reaction but, nevertheless, it is not in the amendment or in the statute. Next again what we are talking about..... (interruption)