

why are we doing this? I guess...I am sorry Senator Smith is not in the room because it is important maybe we get back to where we are on the issue. We do now have an Asbestos Control Act in place in the State of Nebraska. The purpose of LB 923 is to, in effect, loosen up that act, to make it more easy, less costly to perform asbestos encapsulation or removal projects. So it is, if you are in favor of less control by government on construction projects, asbestos related projects, if you are in favor of less control, then you would like to see this bill pass, because if this bill does not pass, then we are left with existing law which is much more stringent than I believe is necessary, and most of us that have been working on the issue believe it is necessary, and, as a matter of fact, the Department of Health thinks is necessary. So it is important that we look at this bill in relation to how we are easing up on the restrictions as opposed to making anything tougher. So this amendment that Senator Wesely offers to us is kind of a side issue that creates a loophole by easing up on the bill, and says right now the Department of Health has the ability to go in and fine these workers for not being certified but they can't fine the businesshead. They can't fine the business owner that is performing these things, and so we ought to have, really, the penalty be on the business owner who is performing asbestos projects that is not doing it right, as opposed to the worker that they are hiring. That is what this amendment is doing. However, it is also important because we are talking about an asbestos project. Now what is an asbestos project? An asbestos project has something to do with the removal or encapsulation of asbestos and an asbestos project is being defined so that some projects will not be asbestos projects, and some will be asbestos projects. Most projects could have certain amounts of asbestos in materials that are on that job or on that construction site or on that home, but some projects will be called asbestos projects and some will not be, depending upon its definition, and the definition revolves around the word "friable". Now I don't mean to confuse you but what I am only saying with this amendment, adding "knowingly", is that you could have a situation where somebody is in the process of remodeling a home, in the process of remodeling a business office, or whatever, and they could be in the process of doing something, and all of a sudden, it could become an asbestos project, and it wasn't intended to be an asbestos project, but because of definitions, it could become an asbestos project. With that kind of thing, with this amendment, it is saying you are in violation of the law at the moment that actuality occurs.