

April 7, 1995

LB 461, 481

Highway Administration issue, and I know that I was not, I don't believe, even present when Senator Kristensen's amendment was adopted, so I don't know what debate took place on that issue, so I will listen and respond, if necessary. I am offering, again, the amendment as a surrogate for Senator Will. The provisions in the amendment merely reduce the number of hours to the standards that were in place, and as I understand it mirror what is in federal statute. Now if I am mistaken, I will stand to be corrected, but with that, I would offer the amendment and request the return of the bill for purposes of its adoption. Thank you, Mr. President.

SPEAKER WITHEM: Thank you, Senator Hall. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. President and members of the Legislature. Senator Hall, you now know how Senator Will felt through a few periods of time with amendments. He gave the exact same speech. Let me...but Senator Hall does bring up some issues and let me try to frame them because I think that Senator Hall has got a policy choice here that the body does need to make, or has the opportunity to make. Prior to 1994, these drivers, and these are Class B and C commercial drivers of intrastate, in other words, they are not going over state lines. They are only within the State of Nebraska, those people were not subject to hours of service, in other words, restrictions on how long you could operate a motor vehicle or a commercial vehicle and how long you had to be off and so on. In 1994, those hours of service got extended by the federal government to those particular drivers. Now we decided that we didn't want that to occur in this state, we were going to try to find some way to delay this implementation of the federal law and let Congress come to their senses and try to grant some exceptions for some of our seasonal workers, for our construction industry because they are a very seasonal-based group, some of the ag people in the fertilizer industry. I know if Senator Elmer was here, he'd be up and would be talking again about the ag chemical people. But we extended and said, look, those hours of service don't apply in Nebraska till April 1st of 1995, which was last week. Senator Matzke brought a bill into us this year, LB 481, which would have extended it another year and said, look, let's go on our good looks, extend it for another year, and if we are in violation, what they do is they take what's called our MCSAP, our safety money from the Federal Highway Administration. During the public hearing on Senator Matzke's bill, the Federal Highway Administration came in and said, look,