

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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out...is that there's some point in time where you've just got to draw the line and say, look, we're going to assess the cost up front. There's no way to assess and come back later and put in some negligence theory that there was some problems here, that the city's got some affirmative obligation to monitor it and if they don't put it back together, it's the requirement to go back and redo it to get it done right. That includes packing and filling and properly doing seams and all those sorts of things. That's where this amendment comes in, and that in return for taking out the presumption and that the city has the burden of proof, that now any of those permit fees or charges shall be reasonably related in time to the occurrence of the cost, and so that you'll have those fees and assessed costs at the time the right-of-way is entered and at the time it's repaired, but once it's properly done or done, and if the city doesn't offer any monitoring or basically stands mute and doesn't say anything about the method in which it's repaired, that's the end of the obligation for the company. There's a couple of clean-up things in the first part of the amendment if you're reading the amendment, but the last sentence is really the fundamental purpose for this amendment. I'd be happy to answer any questions. And then I believe that there are a couple of people who had some questions, and I think that would probably be appropriate when we get on to the bill to discuss that. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Kristensen. Discussion on AM1440 to LB 496? Must have been very thorough, Senator. You're recognized to close.

SPEAKER KRISTENSEN: I'd waive closing.

PRESIDENT MAURSTAD: Closing is waived. The question is the adoption of AM1440 to LB 496. Those in favor vote aye, those opposed nay. Please record.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Kristensen's amendment.

PRESIDENT MAURSTAD: The amendment is agreed to.

CLERK: I have nothing further on the bill, Mr. President.