

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

January 26, 2005    LB 118

manufacturers, I'm a little surprised though that you're in the business of protecting any particular business element in this free-enterprise system of ours, given your attitude last session with regard to the minimum wage. But I cheer the fact that you are now liberating yourself from these old and quaint notions of our economy and getting in, and that, of course, gives me great hope for the future here of the minimum wage bill. Least (sic) I digress too far, let me get to...let me get to my question, Senator. Again, I like what you're trying to do here. My first question is this. The dealer's request has to include reasonable financial information, background information, and some other pieces of information. What is your intent if, for some reason, one of those four blocks of information is not forwarded and there is no reply from the supplier in 60 days? Has there been a legitimate denial by operation of law in that instance?

SENATOR CUNNINGHAM: Well, no, at this point what happens, there's been instances, and it happened in my district, where they just simply gave no reason; just said they wouldn't renew the contract.

SENATOR BEUTLER: No, no, but I'm, again, indicating that they're giving no reason. They don't reply. The bill says that if they don't reply within 60 days of a written request, and this request was deficient, it didn't have one of those four blocks of information, if he's neither approved nor denied the request within the 60-day period, the request is deemed approved. And, by the way, I would just, for the record, "deemed approved," is that the same as "supplier's consent" as set forth on lines 6 and 7 of page 2? I assume your answer to that is yes, but, just to get that on the record, this would be the same as consent...

SENATOR CUNNINGHAM: Correct.

SENATOR BEUTLER: ...as otherwise set forth in the bill. Right?

SENATOR CUNNINGHAM: Correct.

SENATOR BEUTLER: Okay. Let's say that nothing came in the mail