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FLOOR DEBATE

February 1, 2005    LB 52

SENATOR ERDMAN:    Thank you, Mr. President.    Members of the Legislature, LB 52 is a statutory cleanup bill, in its form in the green copy, and it is... "arised" out of a bill that was passed a couple of years ago, in LB 735, which dealt with the Grain Warehouse Act and made a number of provisions there, and it was passed two years ago.    The provisions of LB 52 are as follows.    The first area that it deals with is clarifying the calculation of the dealer security.    It's based on the dealer's fiscal year, and that information is clarified in the bill to remove any concern about what is actually determined by the year in which that is taking place.    The next area of provision that it deals with is it brings all areas of delivery under a similar statute.    Currently, you have 30 days from the time you delivered the last load of grain to the warehouse to be able to demand a payment.    Then you'll have 30 days from that in order to cash the check, and in the event that that check does not clear, then you'd have 30 days from that period to demand or to submit a claim with the Public Service Commission.    So this simply clarifies some of those provisions that are already in law and brings them under similar areas.    The third area that it deals with is, under LB 735, we had a provision that allowed for a financial review or a request of an audit to be used in order to submit information to the Public Service Commission.    That continues in this current proposal.    It just...there's a harmonization of that process to make sure that when you go to ask for that audit, it's in addition to someone that's already filed that financial review, and it further clarifies how that works as far as the original intent of LB 735.    Finally, under LB 52 there is a provision that would allow the Public Service Commission to perform certifications of devices that measure both grain moisture and test weight, and as we have seen some of the new technology come available for measuring grain, the moisture and test weight is becoming more of a machine that can be regulated, and so this would give the Public Service Commission the authority to do that.    That portion of the law would go into effect January of 2006.    The remaining portions of the bill that I've outlined would go into effect with the effective date of the bill.    And there are committee amendments, so I will close and wait for your approval to open on that, Mr. President.