

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
February 24, 2009

[LB109 LB114 LB650 CONFIRMATION]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, February 24, 2009, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB109, LB114, LB650, and gubernatorial appointments. Senators present: Deb Fischer, Chairperson; Arnie Stuthman, Vice Chairperson; Kathy Campbell; Tim Gay; Galen Hadley; Charlie Janssen; Scott Lautenbaugh; and LeRoy Louden. Senators absent: None. []

SENATOR FISCHER: (Recorder malfunction)...I'm Chair of the committee, and I'm the senator from the 43rd District from Valentine, Nebraska. At this time, I would like to introduce our committee members to you. On my far right is Senator Kathy Campbell. Senator Campbell is from Lincoln. Next to Senator Campbell is Senator Tim Gay, who is from Papillion. Next we have Senator Arnie Stuthman, who is from Platte Center, and is the Vice Chair of the committee. To my immediate right is Mr. Dustin Vaughan, who is our committee counsel. On my immediate left is our committee clerk, Ms. Laurie Vollertsen. Next we have Senator Scott Lautenbaugh from Omaha, and next to Senator Lautenbaugh is Senator Galen Hadley from Kearney, Nebraska. Our pages today are Justin Escamilla from Scottsbluff and Rhianna Needham from Bellevue, and they are here to assist you if you need anything handed out, a drink of water, anything like that, please just let me know. We've been joined by Senator LeRoy Louden, and Senator Louden is from Ellsworth, Nebraska. We have a few housekeeping things to get through before we start the hearing. We will be hearing the bills in the order that they are listed on the agenda. We have two confirmation hearings first. Those wishing to testify on a bill should come to the front of the room and be ready to testify as soon as someone finishes testifying in order to keep the hearing moving. I would ask that you complete the yellow sign-in sheet at the on-deck table and be ready to hand that in when you testify. We do use a computerized transcription program, so it's very important that you follow the directions on that sign-in sheet, and I ask that you hand that sign-in sheet to our committee clerk before you sit down to testify. For the record, at the beginning of your testimony, please spell your last name and also your first name if it can be spelled in several different ways. Please keep your testimony concise and try not to repeat what someone else has covered. If you don't want to testify, but you do want to voice your support or opposition to a bill, you can indicate so at the on-deck table on the sheet that is provided there. This will be a part of the official record of the hearing. If you want to be listed on the committee statement as a testifier at the hearing, you must complete a yellow sign-in sheet and actually come forward to testify even if you just state your name and your position on the bill. If you do not choose to testify, you may submit written comments and have them read into the official record. I would ask that you turn off cell phones. We don't allow cell phones in this committee, and that means no texting. With that, I will open our hearings for the day. We do have two confirmation hearings to begin with, and I would ask that Steven Riehle come forward. This is for the Board of Public Roads Classifications and Standards. So welcome, Mr. Riehle. Thank you for

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being here today. [CONFIRMATION]

STEVEN RIEHLE: (Exhibit 1) Thank you, Senator Fischer. Good afternoon, Senator Fischer, members of the Transportation Committee. My name is Steven P. Riehle. Steven, S-t-e-v-e-n P. as in Patrick, Riehle, R-i-e-h-l-e. I thank you for the opportunity to be considered for appointment to the Board of Public Roads Classifications and Standards. I'd like to take the opportunity to introduce myself and then allow some questioning if the board has questions on my experience and my understanding of the activities of the Board of Classifications and Standards. My mom was born in Loup City, and my dad was from Omaha, and that way I was born in Omaha, raised in Omaha for a while, and then we moved over to Council Bluffs, Iowa. We lived in a portion of Omaha where they took our house in the 1980s for an interstate construction project for the north freeway in Omaha, and so I got to see pictures of my house during my employment with the Department of Roads and see what it looked like from the perspective of somebody that was going to demolish the house. I stayed at home and went to school at the University of Nebraska at the Omaha campus and got a bachelor of science degree in civil engineering. I am a registered professional civil engineer, and in my career, I've worked for a utility in Iowa both in...when I was in college, and then outside of college in the utility industry. I worked at the Department of Roads, finishing that career as a construction engineer, working on preliminary design for projects, and then constructing highway and street projects. I've spent a number of years as a heavy highway contractor, both doing road projects, building landfills, drainage projects and dams, spent time as a consultant doing civil engineering projects for wastewater, water, landfills, as well as streets, highways, and bridges. And now I'm serving as the city of Grand Island's public works director and also as the city engineer. The Public Works Department in Grand Island is exactly that. It's public, so a lot of what we do impacts the public, so the public has input into many of the things we do, especially traffic control projects. Whenever we do a traffic signal, that's one way to get a lot of public input is to work on a traffic signal or not work on a traffic signal. In the Public Works Department in Grand Island, we've got five divisions. We've got engineering and administration; we've got solid waste where we run a transfer station and a landfill. Many times what everybody calls the dump. It's where all the trash goes to. We also run the streets department where we do snow removal or pothole patching, concrete patching, asphalt work, some of those items. We've got fleet services where we've got mechanics to keep all the equipment running, primarily the snow removal equipment, but we also work on ambulances and fire trucks and utilities vehicles, and we've also got wastewater where we treat sanitary sewage from approximately 12,000 customers in Grand Island, got a little over 200 miles of sanitary sewer main, and then we discharge about 12 million gallons a day to the Wood River, eventually gets into the Platte River. During the 1980s when I was at the Department of Roads, I remember participating in a highway needs study and traveling throughout the state of Nebraska, talking to constituents about what they felt the needs should be for the state's highway system. I think it was a good time for the state of Nebraska; it was a good time for roads, because a lot of people talked

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about expressways, and when should an expressway be built? And that was the beginning of an embarkment for the state of Nebraska on trying to accelerate the expressway construction across the state. Every day through my work when I talk to young kids that are thinking about going to school for engineering, I tell them about the math I do. Every day I work on design construction or maintenance of highways, bridges, and city streets. Every day it's what I do. You mix into that other items such as personnel management, waste water issues, solid waste issues. But every day there's a street issue on there or a highway or a bridge issue. I believe I have a good background, and I appreciate and understand what the Board of Classifications and Standards does. I have on my bookshelf immediately behind my desk a copy of their standards. We were referred to them through what we do, both in terms of maintenance and especially in terms of construction. I look forward to the opportunity to serve the public, and I'm open to any questions the committee may have. [CONFIRMATION]

SENATOR FISCHER: Thank you, Mr. Riehle. At this time, I'd like to say for the record, we've been joined by Senator Charlie Janssen from Fremont. Are there questions for Mr. Riehle? Senator Louden. [CONFIRMATION]

SENATOR LOUDEN: Yes, thank you for, I would say, volunteering for this appointment, Mr. Riehle. This is a new appointment, is that...? [CONFIRMATION]

STEVEN RIEHLE: Yes, it is. I'm filling a term that was formerly held by Jim Bauer from Beatrice, and then he retired, and is no longer eligible for the board. [CONFIRMATION]

SENATOR LOUDEN: Now, this Board of Classifications and Standards, they're the ones that decide on the classifications for county roads and all the roads. Is that correct? [CONFIRMATION]

STEVEN RIEHLE: That is right. They would set the standards that should be used for a road based on classification. Those roads might be a minimum maintenance road or a recreation road, all the way up to and including an interstate highway. [CONFIRMATION]

SENATOR LOUDEN: Okay. Are you familiar with that new classification put in, rural residential roads, and what's your opinion on...if you? [CONFIRMATION]

STEVEN RIEHLE: I've looked at it a little bit. I think it's important as a state that we consider that there are different parts of our state and the different parts of the state have a different application that should be used. For instance, in my practice, I remember meeting with the Department of Roads and asphalt contractors in the Omaha and Lincoln area, and they talked about consistency and following the same set of rules. And I reminded that group that there's a different set of rules we have in Grand Island, because we have a lot of our roads where we have asphalt surfacing, because it's in

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front of somebody's house, and we have a house every 80 feet. But it's an asphalt roadway, and the standard that would apply to that asphalt roadway is different than many of the standards that apply to a Lincoln and Omaha roadway. And so we're able to, in Grand Island, apply a different standard for our asphalt mixes. And so we have a different set of rules. I think a similar thing should be considered and weighed when we're talking about a recreation road or a residential road. You do have to be careful that you consider the needs that the public has in that regard. For instance, we talked...I participated in two board meetings, one in January, one in February. And one of the issues that the board was considering was a access road that is now a recreational road in Knox County just off of the Missouri River. There are a number of cabins back in there, and they wanted to look at the standards for that road for a horizontal curve. The standards require it to be a flattened curve for 30 miles an hour. It's in an area that's got quite a bit of trees on it, because it's close to the Missouri River, and they asked for an exception to that standard to 20 miles an hour. We thought that was very appropriate for that section of roadway, and especially in light of the fact that they had another way in, we thought that was very appropriate. So we were balancing both, what should the requirements be with looking out for the public interest by making sure there was another way into that road? So I think that same consideration should be considered when you talk about the remote residential roads that were passed by the Legislature last year. [CONFIRMATION]

SENATOR LOUDEN: Okay. You don't have any problem then that they have to have 26-foot wide crown gravelled or anything like that on some of those rural residential roads out in the Sandhills where we've had oil strips. And, of course, you can't afford to asphalt oil anymore, so now they're going to rock on that standard, but we don't have a 26-foot wide crown on that. Is there...will you have any problem with coming across those standards? [CONFIRMATION]

STEVEN RIEHLE: I would not. Matter of fact, I was a proponent. Part of my work as the city engineer is recommending speed limits for certain sections of city street in Grand Island and even highways in Grand Island. And part of the trouble we have in Grand Island is we make some of our city streets very wide, and we may have areas in town where we've got 37-foot wide streets with homes adjacent to that street that have three-car driveways, three-car garages and driveways, and so we have a very wide street. So we have a speeding problem, and I was a proponent and supporter to the Grand Island City Council narrowing that street to slow traffic down. I don't think we should design a street for the time when you have a Mother's Day or Fourth of July party. I think you should design for the average, not the exception. And I think that same thing would apply to some of our rural residential roads when you get out away from a lot of traffic. It is very hard to maintain a 26-foot top when you got an asphalt roadway. Hall County is doing some of that right now. Some of the roads that...I've worked with the Hall County highway superintendent. Some of the roads that Hall County was given from the Cornhusker Army Ammunition Plant were paved from when the roads were

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used by the Army as a part of the Army Ammunition Depot. They're no longer used by the Army. It's actually more expensive for them to maintain that road as asphalt than it would be if they converted it to gravel, so they're buying a piece of equipment, and they've talked to the city about cost sharing in that to lower that road from being a paved road to a gravel road. I think the same thing applies to some of the roads when you get in the remote parts of Nebraska. It may have been oiled or paved years ago, and I don't think that standard is any longer applicable. [CONFIRMATION]

SENATOR LOUDEN: And that's our problem out there. We...in order to go to the gravel, we had to have a 26-foot wide crown on it, and so, consequently, there isn't really that much need. So now we're going to try and do gravel, what was used to be the oil strip, and what's left of it anyway. And then...but we don't...didn't want to grade up a 26-foot wide base, and I was wondering, this is kind of important for how it's done in some of those Sandhill counties out in the western part of the state that had a lot of oil strips at one time. [CONFIRMATION]

STEVEN RIEHLE: The only place I would caution and have to be careful with as a member of the Board of Classifications and Standards is to make sure to consider the tops of any hills. As you approach the top of a hill, you want to make sure that you do have adequate width where a vehicle can move off to the side, and I think with that in mind, thinking of the crest of any hill, most all of us are in the center of a gravel road when we drive it. And then when we get to the top of a hill, hopefully, we have room enough to move off to the side, and that's what I'd want to make sure as an engineer that we were careful to do that. [CONFIRMATION]

SENATOR LOUDEN: Yeah, there's a site regulation with it. Thank you.
[CONFIRMATION]

SENATOR FISCHER: I think you and Senator Louden have a lot to talk about on those rural residential roads. Any other questions? Senator Stuthman. [CONFIRMATION]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Riehle, have you had a lot of experience with bridge inspections, sufficiency ratings on bridges or give me some of your history on that. [CONFIRMATION]

STEVEN RIEHLE: A little bit. In my times at the Department of Roads, I was certified as a bridge inspector, went through the training, and did a little bit of inspection for almost a year, and then somebody else took over that function. We are responsible in the city of Grand Island for inspection of a few bridges, but there...frankly, there's only three on there. But because we have a good working relationship with Hall County, I've been called on by the Hall County highway superintendent to go out with him and take a look at some of his bridges. So formal experience and training was there. I don't use it a lot right now, but I have worked with the Hall County highway superintendent as a licensed

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engineer to give him some ideas of what he can do on some of his bridges.
[CONFIRMATION]

SENATOR STUTHMAN: Okay, thank you. [CONFIRMATION]

SENATOR FISCHER: Other questions? Senator Campbell. [CONFIRMATION]

SENATOR CAMPBELL: Senator Fischer, my question is actually for you or for legal counsel. This is an appointment by the Governor that the Legislature consents, and is that accurate? And how many members serve on the board? [CONFIRMATION]

STEVEN RIEHLE: I believe there are 12 members. There are three that represent cities; three that represent the public-at-large; three that are Department of Roads...two Department of Roads; three from counties; three from cities; and three from each one of the congressional districts. [CONFIRMATION]

SENATOR FISCHER: Certain boards have qualifications that the members must meet, and this is a case where that happens. The Governor does make the appointment, and this committee will forward or not forward a name, and if a name is forwarded, then the full Legislature has to vote for the confirmation, um-hum. Other questions? Senator Lautenbaugh. [CONFIRMATION]

SENATOR LAUTENBAUGH: Less of a question, but thank you for being willing to serve. You sound infinitely qualified, and I appreciate your answers today.
[CONFIRMATION]

STEVEN RIEHLE: Thank you, Senator. [CONFIRMATION]

SENATOR FISCHER: Other questions? I'd like to thank you for coming down today. It's important for the committee to have a few minutes, at least to get to know you a little bit, and be able to have an opportunity to ask you questions, so appreciate you being here today. Thank you. [CONFIRMATION]

STEVEN RIEHLE: Thank you. You're welcome. [CONFIRMATION]

SENATOR FISCHER: Is there anyone here to speak in support of this nomination? Anyone in opposition to the nomination? Anyone here in the neutral capacity? I see none, so I will close the hearing for Mr. Riehle. And I will open the hearing for David Copple, who is here for an appointment to the Nebraska Highway Commission. Good afternoon, Mr. Copple, and thank you for being here today. [CONFIRMATION]

DAVID COPPLE: (Exhibit 2) Good afternoon, Senator Fischer and other state senators. My name is David Copple spelled C-o-p-p-l-e. I reside in Norfolk, Nebraska. My wife,

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Shirley, is with me this afternoon. Thank you for taking time out of your hectic schedule to listen to a few comments that I might make by way of background and history. I was born in Omaha, graduated from high school from Norfolk Senior High, went to the University of Nebraska-Lincoln, graduated with a bachelor's degree in 1980, went to the University of Nebraska Law College, graduated in 1983. I've been practicing law in the state of Nebraska since 1983. I am a senior partner with the law firm of Copple, Rockey & McKeever. We have offices in Norfolk and offices in Omaha, Nebraska. I presently serve on the University of Nebraska President's Advisory Commission, and also serve as the current chairperson of the Economic Development Branch of the Norfolk Area Chamber of Commerce, and have been on that council...they refer to it as the Action Council, for approximately 15 plus years. I thank you for considering me for this particular appointment. I am in the process of trying to gather information, both with respect to the duties, responsibilities, and role that a state highway commissioner would perform. I'm also in the process of trying to gather information as to how the process with respect to the commission works, and the interchange between the executive branch and the legislative branch. And I'm learning a great deal, having had an opportunity to review the various materials that the department has provided me to review. I'd be happy to answer any questions. Senator, I can't talk about 26-foot crowns in the road. I don't have any experience in that. I do have experience in trying lawsuits involving eminent domain or condemnation proceedings. I do have experience in dealing with tax protests with respect to valuations and how roadway systems may impact those valuations. I have experience in dealing with prospective businesses in trying to recruit those businesses to Norfolk and surrounding communities, and the potential economic impacts that good transportation systems including road systems have, and what CEOs and other executive officers of companies are looking for in considering whether or not they will or will not relocate or start a plant or facility in this particular community or District 3 which is the district that this particular position involves or in any of the other seven districts of the state of Nebraska including District 1 with Omaha, and all the way out to Sidney, Nebraska. By way of geographic travel, my practice is both instate and outstate. Within the last 12 months, I've been as far west as Sidney, Nebraska, and as far north and east as Dakota County and, obviously, I've been in Douglas and Sarpy County, so I have an opportunity in the course of my professional life to travel many of the roads which the department is responsible for. [CONFIRMATION]

SENATOR FISCHER: Thank you, Mr. Copple. Are there questions? Senator Campbell. Oh, I'm sorry, Senator Gay. [CONFIRMATION]

SENATOR GAY: Thank you, Senator Fischer. How did you become interested in wanting to apply for this? [CONFIRMATION]

DAVID COPPLE: That's a very good question. The first time I was the chairperson of the Action Council which was approximately ten years ago. I had the pleasure of having

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one of their duties in that capacity as meeting with and talking with prospective businesses. And oftentimes, in dealing with those prospective businesses and dealing with their CEOs, inevitably, not just often, but inevitably, the issue would arise, what kind of road systems do you have? Do you have interstate? Do you have expressways? Do you have two lanes? How close are you to an expressway? How close are you to an interstate? And when you live in rural Nebraska, which many of you do, you understand that the road system is a very important criteria for economic development. There are those that don't share that view, and I respect and understand that, but those of us that live in rural Nebraska, who deal with trying to recruit businesses to come to rural Nebraska, understand the need for good roadway systems. And so, having that experience and constantly, year after year after year of that point forward, when you're presented with the issue of what's your road system like? I thought perhaps, and maybe I'm being foolish, but I thought perhaps some of that experience could be used in trying to make policies, thinking outside the box, and thinking about solutions to the issues that face the state of Nebraska, in particular, with respect to roads; in particular, with respect to the revenue issues that you all face as legislatures in dealing with, how do we fund some of the needs that the state of Nebraska has? [CONFIRMATION]

SENATOR FISCHER: Did you have a follow-up, Senator Gay? [CONFIRMATION]

SENATOR GAY: I did, but I'll wait. [CONFIRMATION]

SENATOR FISCHER: Oh, okay. You can go ahead and ask another question, Senator Gay. [CONFIRMATION]

SENATOR GAY: Well, maybe someone else might have answered it, but I guess we dealt with that yesterday, a lot of the things you just discussed. But in your...and I know you haven't been on it. It'd be new in learning. How would you prioritize where a road goes then with your economic background, recruitment, and retention and all, how would you prioritize where a road should go with very limited...not very limited, but limited finances and high demand. How do you prioritize? [CONFIRMATION]

SENATOR FISCHER: Be careful with the quicksand on this one. [CONFIRMATION]

DAVID COPPLE: I understand that, Senator (laughter). And my answer...and I'm not trying to be evasive. My answer is really twofold. First, I understand from the research that I've done, the role as a commissioner is to be an advisor, and I believe, based upon the information that I've been able to gather, that the process is such that the Legislature is the body that is responsible for the funding mechanism. And I believe the department has gone through extensive review over the past two or three years, and they've developed, I believe, a couple of committees, and they have two or three prioritizing vehicles that they use. One deals with preservation; the other deals with construction, and I think the second one is safety, as I understand it, from the interviews

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that I've done with respect to state director of the Department of Roads. And so it is an issue that you all, I'm sure, will spend a great deal of time about, thinking about, and trying to find the solution that is in the best interests of the citizens of Nebraska. But as I sit here today, I'm not prepared to share that I have an opinion, because candidly, I don't. I'm new to the process, but I will assure you, Senator, that I'll try to learn as much as I can, and if I can add some input, I'll be happy to do that too. [CONFIRMATION]

SENATOR FISCHER: Senator Stuthman. [CONFIRMATION]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Copple, first of all, I want to thank you for accepting this position. I think it's very important that we have someone, you know, out in the rural areas, you know, to take care of that. And I live at Platte Center on the farm, so I'm not very far from you, so. But the fact is, are you going to be a very strong supporter of, hopefully, trying to get some of these expressways done out in the rural communities as compared to, you know, the money being spent in the urban areas? [CONFIRMATION]

DAVID COPPLE: I...from the information that I have gathered, and from my experiences practicing law both in Omaha and in Norfolk, I understand that there is interest, both from the metropolitan areas and interest from the rural areas to try to develop road systems that exist in and around their particular locations. I think it equally important that rural areas have good road systems, just as I think it's equally important that metro areas have road systems. The expressway system, if that's specifically what you're asking me about, the Legislature took action concerning that. They made decisions a couple of decades ago about what they thought was in the best interests of the citizens of Nebraska, and at that time, they felt that that was important. I know that the Department of Roads has attempted to build those expressways out. I know that there remain several miles that are not completed. I know that some of those that are not completed are located in District 3 which is the district for which, if I'm fortunate enough to be appointed and confirmed, that would be the district that I serve, so certainly, the expressway system, along with all of the other systems, including the interstate system, are important. And I understand, being from Platte Center and Columbus and 81, the four-lane expressway, I understand how important that is. I understand how senators from Kearney, how important the interstate is. I understand how important it is from Lincoln to Omaha and making sure that they have three lanes of interstate going each way. I understand how important that is. [CONFIRMATION]

SENATOR STUTHMAN: Are you aware of the situation where the highway commission or the Department of Roads has changed the criteria as far as completion of the roads from a traffic count of 5,000 or 6,000 to now 10,000, and I'm referring to the...from Schuyler to Fremont, and we'll never get there if that does occur. [CONFIRMATION]

DAVID COPPLE: I am acutely aware that there was a hearing at the last State Highway

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Commission where comment or presentation was made relative to the 10,000 versus the 6,000 count. I know that Dan Mauk from the city of Norfolk, attended and shared the city of Norfolk Chamber of Commerce's perspective relative to that issue. I'm also aware that a number of other communities shared their perspectives relative to that issue, and I understand that that is a very sensitive issue, that if left in place, could, as you say, have the potential to, in effect, negate the probability or possibility of completing certain portions of the expressway. And I don't know, as I sit here today, I've read the minutes of that meeting, but I don't know if any formal action was taken by the commission, and it would be presumptuous of me to talk about that since, one, I wasn't in attendance, hadn't even really thought about disposition at the time of that meeting, and it's better left served for those that participated at that time. [CONFIRMATION]

SENATOR STUTHMAN: Okay. Thank you very much for your comments.
[CONFIRMATION]

SENATOR FISCHER: Other questions? Senator Campbell. [CONFIRMATION]

SENATOR CAMPBELL: Thank you, Senator Fischer. I do have a question.
[CONFIRMATION]

DAVID COPPLE: I knew I said too much (laughter). [CONFIRMATION]

SENATOR FISCHER: We haven't even gotten to this side yet (laugh).
[CONFIRMATION]

SENATOR CAMPBELL: Mr. Copple, Norfolk is my hometown and I'm always grateful when I go back to my hometown, that Highway 81 is now four-lane from Columbus to Norfolk. That has just made it so much easier. Yesterday we had a very lengthy hearing and discussion, and a really good discussion on the potential of bonding for special projects or expressways or many different... Do you have any thoughts that you might want to share with us on that topic? [CONFIRMATION]

DAVID COPPLE: The only thoughts that I really have on it are, I know that it's being bantered about as a possible funding mechanism. I don't know enough specifics about one, what was discussed; two, what was proposed; and three, and most importantly, what the needs are with respect to the construction projects for me to provide you with any meaningful comment relative to any of those issues or the subject matter as a whole. But I do understand that it's being discussed, and I understand that your body collectively is considering that as a potential option to address some needs.
[CONFIRMATION]

SENATOR CAMPBELL: Thank you. [CONFIRMATION]

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SENATOR FISCHER: Other questions? Senator Louden. [CONFIRMATION]

SENATOR LOUDEN: Yes. Well, since you say you don't know that much about 26-foot gravel roads, we'll go down another road. Are you familiar with the ports to plains transportation corridor that's trying to be built across central United States? [CONFIRMATION]

DAVID COPPLE: I don't know that I can specifically tell you I'm familiar with that. I did speak with one of the commissioners who are...I think it's...his name is Mr. Leifgren, if I pronounce it correctly? [CONFIRMATION]

SENATOR LOUDEN: Doug Leafgreen, yeah, from Scottsbluff. [CONFIRMATION]

DAVID COPPLE: And I spoke with him last week, and he shared with me some of his concerns; some of his perspectives; some of his issues relative to the western part of the state, and relative to road development in the western part of the state, and potentially connecting in with Wyoming and so I've had some discussions with him. But I can't tell you, as I sit here today, that I have any real intimate knowledge about it or what the issues are or what... [CONFIRMATION]

SENATOR LOUDEN: Okay. We'll have to send you some maps then as that's one of the major corridors they're trying to get built across, well, South Dakota, Nebraska, Colorado, and clear to Mexico from Canada. Nebraska seems to be lagging behind. South Dakota does have quite a little of their four-lane expressway built. Nebraska doesn't even have it on any kind of a program anywhere. And there's some of it has been built in Nebraska as far as Scottsbluff area from the south. And you say you're at Sidney... [CONFIRMATION]

STEVEN RIEHLE: Um-hum. Yeah, I'm familiar with... [CONFIRMATION]

SENATOR LOUDEN: ...but it goes clear on down to Kimball. Any rate, this is what I was looking to see if we have people that are familiar with western Nebraska and have any concern about trying to do something for this expressway type system. It would be comparable to what the interstate does for Nebraska going east and west, and we all know that that's probably the biggest lifeblood vein that Nebraska has for commerce and revenue. And this is where my concern was, is what we can do for this expressway system or this transportation corridor across western Nebraska. If we don't go ahead with it, it will be moved over into Wyoming, and if we do some work on it, we can keep it into Nebraska, because Colorado has moved most of their traffic as much as they can to the east, away from the front range and I-25 because of the traffic congestion there, so we do have an ally in Colorado that we need to play our cards right. And I was just wondering if you were familiar with any of that. [CONFIRMATION]

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DAVID COPPLE: To a limited degree, and I'll be happy to receive any materials that you or any of the other senators have on issues so that I can review it and familiarize myself even more and learn more about it. [CONFIRMATION]

SENATOR LOUDEN: Okay. Thank you. [CONFIRMATION]

SENATOR FISCHER: Other questions? I see none. I'd like to thank you for being here today. Mr. Vaughan, our committee counsel, tries to attend most of the commission meetings, and I'm usually invited to one or two of them. We'll see how that goes this year, but I'm usually invited, and I look forward to seeing you at those meetings. It's a pleasure to work with the commission, and I can see that you're very knowledgeable already, and you're willing to put in the time to learn this. So thank you very much for being here today. [CONFIRMATION]

DAVID COPPLE: Thank you. Thank you all for your time. [CONFIRMATION]

SENATOR FISCHER: Is there anyone here to speak in support of the nomination? Anyone in opposition? Anyone in a neutral capacity? I see none. With that, I will close the confirmation hearing. And I would like to thank you two gentlemen again for being here today. As I said, it means a lot that you're willing to take the time to come down here and have a visit with the committee members, so thank you very much. With that, I will open the hearing on LB109, and Senator Rogert is here. Welcome this afternoon. [CONFIRMATION]

SENATOR ROBERT: (Exhibits 3, 4) Well, good afternoon, Chairman Fischer. First off, I want to thank your staff for being flexible with me today. I have three bills up in three different committees, and we're off to the races. Good afternoon, members of the Transportation and Telecommunications Committee. My name is Kent Rogert. I'm the senator from the Legislative District 16, and I'm here today to introduce LB109. And I'll first off say that today's hearings on LB114 and 650, they're all pretty similar, and I will support whatever the committee does with any of those three bills in terms of putting anything together. When ATVs were defined in statute several years ago, we were basically limited to three-wheelers and a few four-wheelers, and some random other designs. Today farmers and others use many designs of four-wheeled vehicles for their husbandry use and other use. Their trade names as you may know them are a Rhino, a Gator, a Mule, a Ranger, a Prowler, a Pug, mini truck, many other things. We also see several golf cart variations, large and small, battery- and gas-powered, being used by hunters, farmers, seniors, and others, and these have all become fairly popular in many areas across the state. We've allowed ATVs to be used on country roads and allow cities, if they choose, to allow ATVs on their streets, and we've allowed tractors of any size and lawn mowers of any size and shape to be on our streets, and for basically anybody who wants to drive these vehicles anywhere they choose. Many states allow the use of alternative vehicles on the streets and county roads for a variety of reasons

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be it for husbandry, hunting, construction, or other labor and business use. The savings of gas and the ease of use by our seniors, the use of these vehicles is expanding across the country. These vehicles are often safer than current ATVs that we have defined in statutes, and many of them have lights, taillights, turn signals, roll bars, cages, seat belts, and are oftentimes more stable, more versatile, and more useful than the current ATVs that we have. There is obviously a desire from the public to safely add these or some types of these vehicles to the list of road legal vehicles in some way. Senator Christensen, Loudon, and I have gotten many e-mails and calls over the past couple of years, and I hope the committee can grab ideas and pieces from each bill and put something out the Legislature can pass. And I'll keep it fairly short and simple, and answer any questions you may have. [LB109]

SENATOR FISCHER: Thank you, Senator Rogert. Are there questions? I see none. [LB109]

SENATOR ROBERT: Super. I'm going to waive closing. [LB109]

SENATOR FISCHER: Okay. Thank you very much. Are there proponents to the bill? If the first proponent would like to step forward. [LB109]

_____ : (Inaudible) no friends. [LB109]

SENATOR FISCHER: No friends. Are there opponents to the bill? I see none, but I do have a letter, Senator Rogert. The letter in opposition is from the Nebraska Safety Council, Executive Director Laurie Klosterboer. Is there anyone who wishes to testify in a neutral capacity? Good afternoon. (See also Exhibit 6) [LB109]

LOY TODD: Senator Fischer, members of the committee, my name is Loy Todd, L-o-y T-o-d-d. I'm president and legal counsel for Nebraska New Car and Truck Dealers Association. I might as well warn you now, I'm going to be testifying on all three bills. I'll try not to be repetitive. First of all, we do appreciate seeing some attempt at regulation in this area, and this particular bill recognizes the distinctions among the types of vehicles that we're talking about. And I have a handout for the committee, and I apologize to counsel for this, because he's probably going to get a lot more questions later from all of you about this. But basically, the federal government regulates motor vehicles or passenger cars in two categories, and that is, passenger cars which meet a federal standard, and I have that for you. And then low-speed vehicles, and, fortunately, this particular bill does recognize that federal definition of a low-speed vehicle, and that is one that doesn't exceed 25 miles per hour and has certain safety features. And so I think a lot of your approach to this whole issue is going to...ought to at least consider these two types of categories that the federal government recognizes. And they don't recognize any other, and NHTSA is the regulatory body that does this, and they have very clearly said, they're not going to recognize any others. Now, I cannot tell you in any

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way who enforces this law in Nebraska, because apparently, it is not enforced. We have our own state standards regarding motor vehicles that the Legislature has set, and that our local law enforcement agencies regulate, so that's part of it. And we simply would...what we're really seeking out of all of this is some guidance. My dealers sell some of these things. I have membership that's not just car dealers, but also some ATV dealers, motorcycle dealers, those kinds of entities. And we're faced with consumers who want these vehicles, and they're always asking us, how can you use them? Where can they go? What can we do with them? A couple of other issues I'd like you to consider, and they're raised in the other bills--insurance, you know, on all the motor vehicles that we have on the roads, just mandatory insurance. Is there going to be insurance on these, and sales tax. I'm going to bring up the ghost of LB163 from 2007 where we came forward, and Senator Fischer carried the bill for us, asking that all these vehicles be titled, and that when they are titled, that sales tax is either collected, or if there's proof that sales tax has been paid, because I can tell you that right now, about the only people collecting sales tax on any of these kind of vehicles are my licensed dealers. And so if we're going to have these vehicles on the roads, they ought to be taxed like anything else is taxed, and it ought to be collected in some manner. And I would urge this committee to consider digging out that dusty old killed copy of LB163 and relooking at it. I think it's an answer to a lot of problems. We're certainly not trying to stop anybody from doing this. We're not trying to eliminate the marketplace or...and if you can drive them on the road safely, it ought to be used for whatever it's going to be used for. I don't care whether somebody is hunting or somebody is fishing or someone's farming, you know, we're not opposed to these alternative means of transportation in any way. And I don't want this to be misunderstood that way. We just...we'd really like either the DMV or this committee to get their arms around all of these vehicles. The other day you heard one to make it easier to title them. The committee killed the bill. The department continually comes in...the DMV comes in continually, when we try to do a piecemeal approach and helps say no, let's do a big picture, then kills these bills, so we'd sure like a big picture approach if that were possible. Thank you. [LB109]

SENATOR FISCHER: (Exhibit 5) Thank you, Mr. Todd. Would you be willing to work during the interim on that big picture approach? [LB109]

LOY TODD: Oh, absolutely, and I can bring you some very qualified volunteers from our industry to do that. [LB109]

SENATOR FISCHER: Okay. Thank you. Are there questions? Senator Lautenbaugh. [LB109]

SENATOR LAUTENBAUGH: If we're already talking about the interim, I don't know if I need to ask, but in any event, leaving aside the licensing issue and the tax issue, how would an insurance requirement be policed otherwise? [LB109]

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LOY TODD: Well, I'm afraid what we're "besaddled" with is something similar to what we have for motor vehicles already, and one thing, you know, that certificate of insurance is a nuisance, and we know it, but I don't know how else you do it. And so from that standpoint, I think you're probably going to...I think these things ought to be titled. If, you know, if people are going to own them, people are going to steal them, and that's why we have titles. And so, once we got a title, we've got a pretty good grasp on the opportunity to create an insurance...you know, these things, well they're...the other bills that are coming, they'll be interesting. They're not toys; these aren't toys. So that's the only process I know, Senator. [LB109]

SENATOR LAUTENBAUGH: Just by way of a follow-up, are your concerns on the next two bills virtually identical? [LB109]

LOY TODD: Pretty much, although understand that this categorically talks about the federal definition of a low-speed vehicle, and that is one that does not exceed 25 miles an hour. And they actually have to...I think they have to get up to 20 in order to qualify, so it's not golf carts; it's not the little electric things; it's not Segways; it's not all that other stuff. It's really a very narrow classification. So my concerns on the other two bills, as unfortunately, you'll get to hear, is basically they are probably more aggressive, more capable of doing a lot of other things than these vehicles by definition. So you may even have an additional...you might want to maintain this category as a separate category, because that fits the feds. The rest of these will not fit any federal definition. [LB109]

SENATOR LAUTENBAUGH: Thank you. [LB109]

SENATOR FISCHER: Other questions? I see...oh, I'm sorry, Senator Stuthman. [LB109]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Todd, since we passed the all-terrain vehicle and communities, you know, can't allow them to go through the community and stuff like that, have you ever experienced the fact that people have a concern with that? Have you heard anything negative as far as that's concerned? [LB109]

LOY TODD: Not at all, Senator. Not...and we get...we hear those kinds of things so it wouldn't be unusual for us to hear that, and we have not. [LB109]

SENATOR STUTHMAN: And that's the reason I asked the question, because you know, if people are saying what, you know, since they have allowed those four-wheelers to go through town, it being a real problem. But you haven't experienced that. [LB109]

LOY TODD: We have not heard that. [LB109]

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SENATOR STUTHMAN: Okay, thank you. [LB109]

SENATOR FISCHER: Other questions? I see none. Thank you, Mr. Todd. Anyone else wishing to testify in the neutral capacity? Good afternoon. [LB109]

GARY KRUMLAND: Senator Fischer, members of the committee, my name is Gary Krumland, G-a-r-y K-r-u-m-l-a-n-d, representing the League of Nebraska Municipalities. I'm here in a neutral position, because this is an issue that our cities have talked about for the last two years, about whether to expand the authority that they have for ATVs to adopt ordinances, and they're very split. They just could not come to a decision on whether to expand it or not. There are a lot of cities that adopted ATV ordinances. They are being asked by their constituents to expand it to mini trucks, to some other types of vehicles. Some cities have decided they do not want these types of vehicles riding on the streets and have not adopted the ordinance allowing it and their citizens support that, so we're very mixed. However, I guess what I would like to emphasize, and I'll only appear on this bill, not the other ones too, but with similar considerations for other bills, is they would like to have the local option, and that seems to be the way to resolve the split between the cities is let the local elected officials make that decision, and so those that if the committee decides to move something forward, then the local officials can decide whether it's appropriate for their community or not. And with that, I'll be happy to answer any questions. [LB109]

SENATOR FISCHER: Thank you, Mr. Krumland. Are there questions? Senator Stuthman. [LB109]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Krumland, since your league, you know, some of the communities have adopted ATV ones. Have you heard of any negative things on those that have adopted it? [LB109]

GARY KRUMLAND: No, the ones that have adopted it seem to...I mean, it seems to be working well, and in those cities there have been requests from citizens to say well, if we have an ATV, why can't we do X. And so they would like it expanded. The cities, though, that probably thought it would be a problem just did not adopt an ordinance to allow it, so it's never raised an issue there. [LB109]

SENATOR STUTHMAN: But the issue now is the fact, you know, some communities you can utilize, you know, those small vehicles and doing their lawn service or taking trash to the compactor, or anything like that where other communities don't. And if there's people that have, you know, a lawn service, you know, one community they can drive them in and the other community they can't. So that to me is kind of an issue. I was more concerned about the fact, you know, are the communities that are allowing them, like you said, they're not having a problem with it. [LB109]

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GARY KRUMLAND: No, I haven't heard of that at all. [LB109]

SENATOR STUTHMAN: Yeah, okay, thank you. [LB109]

SENATOR FISCHER: Other questions? I have a question. If a city, and I understand why your members would like that local option in any potential bill that would move forward, but if a community adopts currently even the ATV, what's their liability on that then? Has there been any discussion on that if...? [LB109]

GARY KRUMLAND: Yeah, we've actually done some legal work, actually had some...and generally, under several reasons, but political, so they're just are claimed (inaudible) in others. The simple act of adopting an ordinance, allowing something like that does not create liability. If a city itself allows their employees to drive an ATV, you know, clearly, there may be liability for the employer if something would happen there, or if a city vehicle hit an ATV. The other situation would be if a city did not maintain a road, and you had potholes and somebody was injured, but that's the same liability you would have if a bicycle hit a pothole. [LB109]

SENATOR FISCHER: What happens in communities where maybe they haven't taken any action but there are individuals who have a lawn service and are driving those vehicles on the streets or they...you might have people using golf carts to go pick up their mail or to go to the senior center not that I know of any of my communities that may be doing that? But what is the liability for those communities if they are not ticketing individuals that are doing that? And there is an accident either caused by the golf cart or the golf cart is hit. [LB109]

GARY KRUMLAND: Yeah, I don't know...or the golf cart was in an accident and hurt. I don't know that there's liability. I just don't have an answer to that. I mean, I think if...generally, if someone is violating the law by driving it without the permission of an ordinance, then the city probably should be enforcing that and giving tickets, but whether that brings on liability for not enforcing it, I just don't know the answer. [LB109]

SENATOR FISCHER: Okay. Other questions? I see none. Thank you very much. Anyone else in the neutral capacity? Good afternoon. [LB109]

LARRY DIX: Senator Fischer. Good afternoon, Senator Fischer and members of the Transportation and Telecommunications Committee, my name is Larry Dix spelled D-i-x. I'm executive director of Nebraska Association of County Officials, appearing today in a neutral capacity on LB109. Our thoughts on LB109 and the next two bills are pretty much identical from a county point of view. From law enforcement, we would ask that you take safety into consideration. From the county treasurer's point of view, we would ask that there are rules adopted so that we can title and register these vehicles. And if, by chance, we would move into a discussion over the interim, I would tell you

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that NACO and/or county treasurers would be happy to participate in that discussion if we're going to take a look at numerous vehicles of this type. With that, I'll answer any questions anybody may have. [LB109]

SENATOR FISCHER: Thank you, Mr. Dix. Are there questions? I see none. Thank you very much. Anyone else in the neutral capacity? I do have a letter from the Department of Motor Vehicles signed by the director, Beverly Neth, stating that the department is taking a neutral position on it, and there is information also in that letter, dealing with LB274 that we passed in 2005. Anyone else? Senator Rogert has waived closing. With that, I will close the hearing on LB109. I will open the hearing on LB114. Senator Louden, would you like to open, please? [LB109]

SENATOR LOUDEN: Thank you, Senator Fischer and members of the committee. My name is LeRoy Louden. That's spelled L-o-u-d-e-n, and I represent the 49th district. Today I bring before you LB114, a bill that provides for operation of mini trucks on highways without being registered under the Nebraska Motor Vehicle Certificate of Title Act or the Motor Vehicle Registration Act. I introduced this bill with the intention of providing for those vehicles on rural highways. These vehicles are very convenient for agriculture uses on ranches or farms. As technology has come forward, and other states are allowing these vehicles, I feel that it's time for Nebraska to comply. So far, 11 states allow mini trucks on public roads. Federal safety standards don't apply to these vehicles because they are sold and considered as off-road vehicles such as ATVs. These vehicles go by many names including Japanese, mini truck, key truck, micro truck, and utility transportation vehicle. When drafting this bill, I used the language I used for the ATV bill a couple of years ago. Along with very specific characteristics that define the vehicle, the bill also clearly states that the vehicle may not be operated on any controlled access highway with more than two marked traffic lanes. Language states that it's up to cities and villages to enact ordinances to relate to the use of these vehicles within city or village limits incidental to the use of the vehicle for agricultural purposes. The same may be done so by county board by resolution for unincorporated villages. The mini truck must be operated within the hours of sunrise and sunset, and the operator may not drive the vehicle in excess of a speed of 30 miles an hour. The driver must have a valid Class O operators permit; an operator must have proof of insurance for the vehicle, and be able to provide it to a peace officer within five days of a request to do so. There is language that pertains to crossing the four-lane controlled access highway and the procedure to do so, and there is language to provide for penalties of violations of the act. There are exemptions for use of these vehicles in parades that have been authorized by city, state, or county that would allow them to be used at dusk and after sundown. These trucks are a good option for agriculture use. Some of these vehicles may get up to 40 miles a gallon which is one of the positive alternatives when the price of fuel continued to rise. I'm promoting these vehicles with limited use, and I'm aware that others have introduced similar legislation. And I believe I've come up with a viable option and would urge your consideration for LB114. With

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that, I would be willing to answer any questions. [LB114]

SENATOR FISCHER: Thank you, Senator Louden. Are there questions? I see none. Thank you very much. Are there proponents to the bill? Any proponents? Any opponents to the bill? I see none. Anyone wishing to testify in the neutral capacity? Good afternoon, Mr. Todd. We don't even need to use the lights today, do we? [LB114]

LOY TODD: (Exhibit 7) I hope not (laugh), but you feel free to go ahead and turn one on if you get tired of listening to me. [LB114]

SENATOR FISCHER: It'll hit red for you soon. [LB114]

LOY TODD: I do have another handout. We're going to have a variety anyhow. I think by giving you half of this testimony and then half the next, but, actually it's just a World-Herald article on these vehicles. I would point out that Senator Louden really thought of most of the things that we thought of and has anticipated that in the bill, and so we appreciate the fact that they're there. The interesting thing about these is that in our view, they're imported by the manufacturer, saying these are off-road only, and thus, they avoid the safety requirements and emissions requirements necessary in the United States. Then once they get here, now there's a...and the senator is absolutely right. There is a big demand for people who want to use these in an expanded capacity, and...because that's how we live, and you can't, you know, if you're farming, you don't get to have the luxury of...there will be no roads in between the fields that you farm and in between the town that you're going to go to. So, and we certainly understand the desire to expand the use of these beyond what the manufacturers intend to do, and I wish the federal government would pick something and stick with it. And so, but we're saddled with this issue, and again, we're certainly willing to work with anybody. My members sell these things. And so, you know, we're interested in trying to find a way that this works. I would suggest one other thing, Senator, if we are going to let them on the roads and we're going to collect sales tax on them, let's put that in the Highway Trust Fund where it belongs; every little bit helps. That's the end of my testimony. [LB114]

SENATOR FISCHER: Thank you, Mr. Todd. A man after my own heart. Any questions? I see none. Thank you very much. Anyone else in the neutral capacity? I see none. We do have a letter in opposition that I need to get entered in, and that is from the Nebraska Safety Council, executive director Laurie Klosterboer. Senator Louden, would you wish to close? (See also Exhibit 6) [LB114]

SENATOR LOUDEN: I'll waive closing. [LB114]

SENATOR FISCHER: Waive closing? With that, I will close the hearing on LB114 and open the hearing on LB650. Senator Christensen is on his way. Good afternoon,

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Senator Christensen. We're moving kind of quickly today through these bills, so thank you for getting down here with us, and welcome. [LB114]

SENATOR CHRISTENSEN: (Exhibits 8, 9) That's good. Thank you, Chairman Fischer and members of the Transportation and Telecommunications Committee. I'm Senator Mark Christensen, C-h-r-i-s-t-e-n-s-e-n, represent the 44th Legislative District, and I'm here to introduce LB650. LB650 would allow mini trucks to operate on all Nebraska roads except interstate highways, controlled access highways, and expressways. Currently, mini trucks are not defined in statute and do not fit into other motor vehicle categories. There is confusion on to how many trucks should be treated under the current law, causing conflicts between owners, county attorneys, law enforcement, and Department of Motor Vehicles. It is the intent of LB650 to put mini trucks into statute, get rid of the confusion so they may be properly operated in Nebraska. For example, one constituent from Perkins County has been ticketed for no registration or license. He could not register or license his mini truck because his title was stamped ATV even though his vehicle, under Nebraska law, did not fit the ATV category. According to my office's last contact with this constituent, the judge in this incident has postponed his appearance in court until the adjournment of the Legislature to see how we might address this issue. This is costing him attorney fees and use of his mini truck in his small business. We've had many other supporters contact our office from my district and around the state. Many of the people use their mini trucks for agricultural vehicles, but also in nonagricultural businesses. They are hoping we allow them as much freedom as possible to drive these vehicles. LB650 defines mini truck and requires title, registration, proof of financial responsibility. In addition, it would allow mini trucks to be operated by a holder of a farm permit. LB650 also requires a mini truck to operate with headlights and taillights on. The bill prohibits the operation of mini trucks on interstate highways, controlled access highways, and expressways. My intent was to prevent them on the interstate for sure and possibly expressways and four-lane highways because of high speeds. The use of controlled access highways may not accomplish my intent and restrict more roads than I intended. If this is the case, I would be fine with removing controlled access from the bill. This would also get rid of the \$20,000 fiscal note needed for signs on controlled access highways. Mini trucks are fuel efficient, versatile vehicles. It only makes sense for Nebraska to ensure that our agricultural producers, small business entrepreneurs have the options to use mini trucks. They can increase the utility and efficiency of certain businesses when competing with neighboring states who currently allow greater operation freedom. I believe the intent of LB650 is best way to address the operation of mini trucks. I encourage you to look at LB650 to move to General File. [LB650]

SENATOR FISCHER: (Exhibit 11) Thank you, Senator Christensen. Are there questions? Senator Stuthman. [LB650]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Christensen, is there

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anything in this bill that would restrict them from nighttime driving, or is...they could drive any time? [LB650]

SENATOR CHRISTENSEN: No. They have to have actual headlights, taillights, every light like any other vehicle. [LB650]

SENATOR STUTHMAN: So they would be allowed on any of those roads any time of the day. [LB650]

SENATOR CHRISTENSEN: Correct. [LB650]

SENATOR STUTHMAN: Okay. Thank you. [LB650]

SENATOR FISCHER: Other questions? Senator Christensen, on the information you passed out with the pictures of the vehicles, on the second page there's one of a Mitsubishi Bravo van. Is that...I assume that's classified as an off-road vehicle? Would it...I mean, I don't know how it could be off-road. It looks pretty low to the ground, but right now this van is not licensed or titled in Nebraska? [LB650]

SENATOR CHRISTENSEN: I believe that's correct. [LB650]

SENATOR FISCHER: Which means it arrives in this country with being classified as an off-road vehicle, I would assume. [LB650]

SENATOR CHRISTENSEN: I guess I don't know how they classify them, but right now they're not legal on the road so. [LB650]

SENATOR FISCHER: Okay. Thank you. Other questions? Senator Hadley. [LB650]

SENATOR HADLEY: Thank you, Senator Fischer. Senator Christensen, if I read this right, they would be...you talked about them having title, registration, and proof of financial responsibility, but they wouldn't actually have a license plate then, is that correct? [LB650]

SENATOR CHRISTENSEN: Yeah, they would have a license plate. They'd be fully licensed like a regular vehicle. [LB650]

SENATOR HADLEY: So a peace officer could look at the...you know, use the license to check registration information and such about them. [LB650]

SENATOR CHRISTENSEN: Yes, be identical to your car now. You got to have liability insurance and everything like current law. It would just bring them up to the current car status. [LB650]

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SENATOR FISCHER: Other questions? I see none. Thank you very much. Will you stay for closing? [LB650]

SENATOR CHRISTENSEN: If I can. [LB650]

SENATOR FISCHER: Okay. Are there proponents for the bill? Good afternoon. [LB650]

FRED FRANKLIN: (Exhibit 8) Hi, my name is Fred Franklin. Last name is spelled F-r-a-n-k-l-i-n. Appreciate Senator Fischer, having to meet here today and the other senators. I'm here to maybe give you a little more information, and when I get done talking with you, you know, asking me questions as you'd like. I'm very confident about mini trucks or key trucks is the term I like to use. The first thing I would like to mention is that key trucks as a classification that the Japanese manufacturer used for these types of trucks or these types of vehicles, because even the van and things that you see in those pictures, those are all key vehicles. And they're...that's the classification that Japanese use for their vehicles, so, and yes, in every single one of those that are coming into the country are all getting labeled as off-road vehicles whether they look like they're an off-road vehicle or not. And that may be one of the main points that I want to point out is that these vehicles do not look like an off-road vehicle whether it has double doors or a pickup bed on the back. When they come over here, they have little skinny street tires on them just like your vehicles that you're driving with today and that's because in Japan, these vehicles were originally designed to be driven on the street. Now, these little pickups that are coming over here, yes, they have four-wheel drive, and because they have been limited in many states over the last few years as to where they could be driven, yes, people have put more aggressive tires on them; they've jacked them up three inches, and they're using them for hunting; they're using them, you know, while they're out in pastures and things like that, because they're off-road. But technically, these vehicles, when they were first designed in Japan and they started designing these in 1961. That's 48 years worth' of technology and developing mini trucks or key trucks. They weren't designed to be considered an off-road vehicle, and that's why every single safety feature that's on them is just like a normal vehicle that we have today. We have seat belts, and they got all those different...all the same lights and horns and turn signals and windshield wipers and everything on them that a normal vehicle that you're driving, that you're going to drive home today, has on them. The newer models, 1999 and newer, are fuel-injected engines. These are all 3-cylinder liquid cooled engines, by the way, and the newer models, they even have driver side air bags in them, and that's because...you may say well, that's not an ATV, that doesn't sound like an off-road vehicle. And that's because they're not really an off-road vehicle, because that's not the way they were designed. The only reason why they're getting tagged as an off-road vehicle is because when they come into our country, that's what the federal government is giving them. They don't have a classification form, and they're tagging them as an off-road vehicle, and then they're coming over here to us in

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Nebraska or whatever other state, and then that's when the confusion begins. When really the confusion...there shouldn't be any confusion. These trucks are 10.5 feet long. They're 4.5 feet wide which is 54 inches; 54 inches is 4 inches wider than what your minimum standards that's in your statutes currently today; 50 inches is your minimum standard for...and they actually don't even give a length. They just give a width in your state statutes currently. I'm a land surveyor, and I guess I forgot to mention that. I'm a land surveyor, and I own a small business at Oakland, Nebraska, which is about 30 miles north of Fremont, and I would say this table is about 6 feet long. A mini truck is 4.5 feet even longer than this table. If that gives you any kind of visual sense of how long...and this table is probably just a little over 3 feet wide, and the mini truck is 54 inches, 4.5 feet wide. So this miniature vehicle is not that small of a vehicle, and maybe sometimes we get the term, mini, and we keep thinking real little, tiny. It's not really that small. It is 2 feet shorter than a 4-door Toyota Corolla, if you know what those look like; 2 feet shorter than a Toyota Corolla, and as far as its height, the top of the cab is taller than me. Of course, I'm a pretty short guy, but it stands just a hair over 6 foot tall, and this is one of the reasons why...I know some people maybe have concerns about the vehicles on the road, thinking that it's a mini truck. These vehicles are very visible, because they're not something that sits real low to the ground. They're something that sits actually higher than probably 50 percent of the vehicles that we currently have on the ground. The headlights on it sit higher and are just as big around as normal headlights that are on a vehicle that you're driving today. The taillights are just as bright; they're just as wide as what we have today. Most of these vehicles are four and five speeds. They have four-wheel drive in them. I think the only reason...I mean, the four-wheel drive system, they put those in the pickups just as extra versatility, but they do come in two-wheel drive also. So some of the vehicles coming into the country are just two-wheel drive, and surely, we wouldn't consider a two-wheel drive anything would be considered something that could just be driven off-road. I guess, you know, with that, I am a proponent of this bill, because I feel that with the gas prices like they are today and, of course, they're a lot lower. Actually, they were lower in the last couple of days than they were last week, but, you know, just a short time ago, six months ago, I don't think any of us were saying that. These trucks will get about 45 miles to the gallon when properly driven, and they...I just don't feel that there isn't anything that these trucks don't have that aren't currently on our roads today. They meet all of our...if you go through the list of your Nebraska State Statutes, it has a list of what needs to be on a street legal vehicle, this vehicle has them. And I would also like to maybe mention that these vehicles are not ATVs. These vehicles should not be in any sense classified in the same category as a Mule or a Gator or a four-wheeler or any of those kinds. These vehicles were designed by Japanese car manufacturers to be driven on the street. I know there's talk about emissions. In Japan, their emission standards are more "strenuent" than ours. Their population per land mass is way greater than ours, and these trucks, when they were designed, they met their emission standards. And I will guarantee you that these trucks are getting better emissions...they're putting out better emissions than my diesel truck that I pulled it with all the way down here today. And with that, if anybody

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has any questions, I'll be glad to answer them for you. [LB650]

SENATOR FISCHER: Thank you, Mr. Franklin. Are there questions? Senator Stuthman. [LB650]

SENATOR STUTHMAN: Thank you, Senator Fischer. The fact of these vehicles coming into the United States as an off-road, does that have any effect on what type of tariff and taxes that are placed on that vehicle? [LB650]

FRED FRANKLIN: Yes, absolutely. What happened was, when the Japanese manufacturers first brought the vehicle over, the federal government, they said, we want to bring it over as an off-road vehicle. Federal government said no, you can't bring this over as an off-road vehicle, and they're like, why? Well, because it doesn't meet the specs of being considered an off-road vehicle, and so they said, well, what can we do...what kind of modification can we do to the truck to make it an off-road vehicle? They said, put a plate...they talked around about it, and they said, put a plate on the stick shift that limits it to two or three different gears, and so that you can't get into fourth or fifth gear, so it won't go over 25 miles an hour. And they agreed to it, and that is the only modification that was done, and then the federal government started labeling them as an off-road vehicle. Prior to that, I mean, like I said, in order to be an off-road vehicle, it has to have the characteristics of an off-road vehicle. And the trucks don't have the characteristics of an off-road vehicle just as Senator Fischer mentioned, when that van came up, she looks at it and says, well, I don't see how this would be even able to go off-road as low as it sits. But believe it or not, it's being labeled that way when it comes into the country. [LB650]

SENATOR STUTHMAN: Another question I have is the fact that I've heard rumors that, you know, these are all used vehicles that are coming over, the majority of them. [LB650]

FRED FRANKLIN: Yes, yes. [LB650]

SENATOR STUTHMAN: And is there any truth to the fact that, you know, a couple of years they have to be traded off because of the emission standards, that when they get a little bit older they can't meet that emission standard so they sent them all over here? [LB650]

FRED FRANKLIN: No, here's why they're getting...here's why there's such a large supply of these trucks over in Japan. Japan, their tax system is 180 degrees different than ours. As the trucks are getting older, as any vehicle in Japan is getting older, each year when you go to relicense them, you have to pay more. You're paying more every single year, and the United States, the older your vehicle gets, you go to the courthouse, and you don't have to pay as much anymore. So it's cheaper and cheaper

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and cheaper. They do have strict emission standards, and they want to have as new of vehicles on their roads in Japan as possible, so people that keep these vehicles for a long period of time, they're getting penalized for having the older vehicles. So, therefore, I'm not sure exactly how many years they keep them, but they don't keep them...they keep them to a point where if it's costing them too much on a yearly basis to have them relicensed, they trade them in, and they go get something new. A brand new one of these trucks, brand spanking new is...in Japan is less than \$10,000, so we're not talking about a lot of money for them to say, well, I'm just going to trade this one in; I'm going to get a new one, because I don't want to have to pay the high taxes every year as time goes on. [LB650]

SENATOR STUTHMAN: Thank you. [LB650]

FRED FRANKLIN: Yeah. [LB650]

SENATOR FISCHER: Other questions? Senator Hadley. [LB650]

SENATOR HADLEY: Senator Fischer, thank you. These vehicles, from what I've been hearing, we're really going to treat them as if they were the same as a car or truck vehicle. Who sells these? Are they sold through dealer networks? You know, we have protections built in for the consumer when you buy new cars through dealers and trucks and such as that. Who sells these vehicles? [LB650]

FRED FRANKLIN: Well, right now, they're imported in from Japan. There's probably about five different major Japanese importers, and then from there, those importers then sell to local dealers throughout the country. And then so...in Nebraska there might be, I don't know, maybe ten dealers throughout the... [LB650]

SENATOR HADLEY: Would they be automobile dealers or truck dealers or something? [LB650]

FRED FRANKLIN: They would be mostly...they're just...they're not automobile dealers. There isn't...I don't know any automobile dealer that's actually selling mini trucks also. Most of them are maybe a place that's already selling off-road type vehicles. Some of them are farm and equipment, tractor supply companies that are adding them because of the fact, the tag that they've been getting and their clientele have been farmers so they're bringing them in, and they're selling them as, you know, a piece of farm equipment, machinery, or type of thing, you know, for their farming aspect. But if they were to be...if this bill was to be passed, then obviously, then they would fall in the same category as any other vehicle and, therefore, anyone that's planning on continually selling them, they would have to have an automobile dealer's license, because you are now selling a vehicle that is being driven on the street, and that's the way it would have to be. So and any automobile dealer that's currently selling vehicles, they could just buy

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some of these vehicles and put them on their lot and start selling them also. [LB650]

SENATOR FISCHER: Any other questions? I have a couple. It's my understanding, these vehicles don't meet the federal safety standards. How do we account for that? And also, that they don't meet our emission standards that we have in this country. So how can we basically sanction their use on our roads when they don't meet our safety standards or emission standards that every other vehicles on our highways has to meet? [LB650]

FRED FRANKLIN: That's a good question. And here...the answer to that question is that when the Japanese car manufacturers started bringing over these little trucks, like I said, they wanted to bring them over as an off-road vehicle. Now, off-road vehicles are not tested for federal highway safety standards, and they are not tested for emissions, the ones that were coming over used. And, therefore, there has been a lot of talk, and I believe it's even mentioned in the article, the Omaha World-Herald incorrectly, I might add, it says that they don't meet federal highway safety standards. The truth is, they haven't been tested for federal highway safety standards, because an off-road vehicle coming into this country are not tested. [LB650]

SENATOR FISCHER: Okay. But if we're going to allow them on our highways and our streets, I would think there has to be some kind of testing before that can happen because, there again, we're sanctioning vehicles that are in violation of emission standards set by the federal government. How can we do that as a state? [LB650]

FRED FRANKLIN: Well, the explanation I can give you for that is that the...again, I don't know if there is any federal highway safety standard that these trucks would not meet. I do know that... [LB650]

SENATOR FISCHER: But they still would have to be tested, do you see? I mean, it's all well and good for us to say, these are great, and they're going to save consumers gas and that's the main reason that I've heard for them being allowed to be used on the streets is to save gas. But how...so how can we ignore, though, that they haven't been tested for safety? Don't we have a responsibility not just to the drivers of those vehicles but to other people who are on our roadways in the state so that everyone is safe? [LB650]

FRED FRANKLIN: Yes. I would say that we do have a responsibility, but that...there is a double standard in our federal government, and then the sense is that they will allow a motorcycle, a scooter, and a moped to go drive around anywhere they want, get licensed, and drive on the street. But then when they come to something that has an enclosed cab, then they want to start saying, you're not meeting all these crash test ratings, or you're not doing this, and you're not doing that. That is a double standard. I went through the Federal Highway Safety Standards and read through them, and as

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soon as I read through their crash test rating and all these things, and then I got to motorcycles, you know what they said? It said, this is excluded. These vehicles are excluded. That is a double standard. And I believe that as a state, that we need to recognize that these vehicles are way safer than the thousands of people that went out and bought motorcycles last summer because the motorcycles were getting 50 to 60 miles to the gallon. Let's be smart about it and say, hey, some of these people for making their little short trips back and forth wherever they went, they would have actually been safer in a mini truck. They could have bought a 1999 or 2000 mini truck for probably half the price, and then had seat belts, driver side air bags and everything that they could have had, you know. And if a semi hits a motorcycle, he's going to kill them. If a semi hits a mini truck, he's probably going to kill the people inside there too, but it ain't no different than that 4-door Toyota Corolla, a semi hits them, they're probably going to die there too. And sometimes I really do feel that we are just a little overregulated. We need regulation, but we need to have, you know, some standards to take care, but people want to be able to decide for themselves what they can drive, and what they can't drive, and that's one of the reasons why the motorcycles and these scooters and mopeds actually were able to be driven, that they took away standards so that they could be driven on the streets. [LB650]

SENATOR FISCHER: You mentioned, if I understood you correctly, that a plate was put on the shift so they couldn't go over 25 miles an hour? Is that plate then left on the gear shift so these...do these vehicles only go 25 miles an hour? [LB650]

FRED FRANKLIN: Well, the plate--it's a welded plate that limits them to first, second, and reverse... [LB650]

SENATOR FISCHER: But do you...I mean, but do you take it off or can they only go 25 miles an hour? [LB650]

FRED FRANKLIN: Well, they can be taken off. They can be taken off, but I mean, that's, I guess, when they're sold, when someone sells one, they get it, the plate is on there. Whatever the individual does after that, I guess that's totally up to them. But the thing is, I think some of these bills have speed limit type situations that they have listed in the bills currently already. [LB650]

SENATOR FISCHER: Okay. At what speed do you think that the mini trucks are safe to operate in traffic? [LB650]

FRED FRANKLIN: In traffic like in town or in a bigger city? [LB650]

SENATOR FISCHER: Well, if we're going to allow them on the roads, what's a safe speed not just for them, but for other traffic? If they're only...with this plate on them, if they can only go 25 miles an hour, is that safe if they're in a traffic stream in Lincoln,

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Nebraska, where the speed limit is 35, or if they're going down O Street, and it's 40, or if they're out on the highway, you know, if you take that plate off and they can go faster, what do you think is a safe speed for these vehicles? [LB650]

FRED FRANKLIN: I think a safe speed...that these vehicles can be operated very safely at 45 miles an hour or less, very safely. I mean, they...and if they had a top speed, they could go much faster. But they...in the sense that everybody's planning...that would like to use them for, you know, like in town or a drive from the country, into town to buy some groceries or go to the mini mart or things of that nature or even in an Omaha, you know, congested area, you know where we're...we're not talking about, you know, 25, 30, 35 miles an hour is what people are driving. Now, you know, we can't get on Dodge Street and take off... [LB650]

SENATOR FISCHER: Now, wait a minute, I've been to Omaha and Dodge Street (laugh). I don't see anybody going 35. [LB650]

FRED FRANKLIN: Well, I mean, they would be restricted from being able to be on Dodge Street anyway because of the controlled access. But I mean, any time you get off of Dodge and you're on a street in Omaha that's just a two-lane subdivision area that has maybe a plaza or something, I mean, that speed limit is like 30 miles an hour. You're not supposed to go over that anyway, and these vehicles would be able to go through and streamline themselves within that speed limit very easily without even impeding traffic, because I do agree, and that's one of the reasons why those first couple of bills I'm not so sure about that, you know, if you want to start putting...call one a slow-moving vehicle and put a tag like that on it, then it gets out on the highway, that's actually a bigger, larger chance of having an accident than if you let the vehicle drive a little faster, because you're going to come upon that vehicle a lot quicker. So, I mean, that's kind of where I would be coming from so. [LB650]

SENATOR FISCHER: Okay. Thank you very much. Senator Hadley. [LB650]

SENATOR HADLEY: Yes, Senator Fischer. The emission standards, do they meet the federal emission standards that any other car or truck has to meet? [LB650]

FRED FRANKLIN: They have not been tested. [LB650]

SENATOR HADLEY: So they haven't been tested for that either? [LB650]

FRED FRANKLIN: They haven't been tested. [LB650]

SENATOR HADLEY: I guess that bothers me that we would be allowing a vehicle on our highways or streets that hasn't been tested for emission standards. Wouldn't we be running the risk of polluting the atmosphere if we allow these? [LB650]

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FRED FRANKLIN: Well, I think what's happened is, is that, like I said, these are three-cylinder little engines that, coming from Japan, their emission standards are more "strenuent" than ours, and I would just about guarantee you that any of these little trucks that are...when they're running, that their emissions are probably less than over 50 percent of what's already currently driving on our streets, because we don't have...the state of Nebraska doesn't have emission standards. I mean, the federal government does, but our state of Nebraska does not in the sense that if we did, then you would be eliminating most all the vehicles that are out there being driven today. [LB650]

SENATOR HADLEY: And a follow-up question, did I hear you correctly, that most of the ones that are being imported are used vehicles being imported? [LB650]

FRED FRANKLIN: Yes, sir, and that's because the federal government would not allow any vehicle in the country that is less than five years old. So currently, they can't even import anything in that's newer than a 2003, 2004 model. [LB650]

SENATOR HADLEY: Why is that? [LB650]

FRED FRANKLIN: And I do not have an answer for you. [LB650]

SENATOR FISCHER: Other questions? Senator Louden. [LB650]

SENATOR LOUDEN: Yeah. Did I understand you correctly that like this bill is...to be titled and license plates and the whole bit, as Senator Christensen said in his presentation, but then you said you didn't think they should be driven on controlled access roads or something like that? That you would want to limit them to what roads or (inaudible)...? [LB650]

FRED FRANKLIN: Oh, I definitely think that we should limit any vehicle that's not sufficient as far as speed goes. I don't think we should have any kind of vehicle that can't keep up with traffic on an interstate or a four-lane highway that the speed limit is 65 miles an hour, things of that nature. So...and I wouldn't agree with any vehicle whether it's this vehicle or not or any other that would be able to do that. [LB650]

SENATOR LOUDEN: Well, any other vehicle, as far as I know in the state of Nebraska, other than a bicycle, doesn't have anything like that on it. If you get a license on it and stuff, you can drive it anyplace providing you go at...beyond the minimum speed like on the interstate. In other words, if you go past what, 40, 45 miles an hour--I think 40, you can drive it on the interstate. That's the reason I'm wondering, why would be the point to license and record the license and the whole thing, and have titles on them if you can't drive them everyplace because that would be the only vehicle then you'd have that would be in that classification? [LB650]

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FRED FRANKLIN: Yeah, that's just my opinion on that. I don't believe...I mean, if there's other vehicles out there that are able to...I mean, obviously, like a scooter or something can be on a controlled access four-lane highway too as long as he's going fast enough. And personally, I don't agree with that so. [LB650]

SENATOR LOUDEN: Well, I agree with that part, but nonetheless, that's the way it is. If you can license it, you can drive it anyplace, I guess, if you can go the right speed, and that's the reason I was wondering...I wanted to have that clarified if that's exactly what you meant by having it just be allowed to go on certain roads or not. [LB650]

FRED FRANKLIN: Yeah, it's just it would be just how he's got it put in there in LB650. I would agree with that so. [LB650]

SENATOR LOUDEN: Okay. Thank you. [LB650]

FRED FRANKLIN: Yeah. [LB650]

SENATOR FISCHER: Other questions? I see none. Thank you very much, Mr. Franklin. [LB650]

FRED FRANKLIN: Thank you. [LB650]

SENATOR FISCHER: Other proponents for the bill? Good afternoon. [LB650]

KEITH WASEM: (Exhibit 12) Thank you, Senator Fischer, members of the committee. My name is Keith Wasem, W-a-s-e-m. I'm the owner-operator of Easy Lawn Incorporated, a lawn care company out of Aurora, Nebraska. I have had this business since 1979. We do commercial lawn care, tree care, and underground sprinkler installation. So as not to go against any of the rules that Senator Fischer set forth, being one of the last ones to speak, it leaves me a smaller window to visit with you on, but I would like to address that for the specific use that I do currently have a mini truck for. I equipped it with a spray unit, primarily for the purpose of commercial applications on industrial sites, acreages, any other large turf area, and it has proven to be an excellent vehicle for that purpose. It's not only 4-wheel drive, but it has a high- and low-range. It sets a very light footprint, so I feel comfortable running it on highly maintained turf areas. It has the low speed so I can accomplish my application rates as denoted on all of the manufacturer labels. It gives me the ability to carry a load sufficient to do a day's job on a given site. The one thing that has hampered me is the ability to move from one site to the other. I always have to load it on a trailer and transport it with typically, in my case, a three-quarter ton truck which negates some of the points that I lean on at this point as being in favor of LB650. Fuel consumption being one in a time of which we're all dealing with high fuel prices, somewhat limited fuel, at times. These are a very thrifty

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vehicle to have in my business transportation arsenal. Number two, I want to be a contributor to the state tax base. I don't want to take away from it. If these were licensed, titled, and we pay our appropriate share for that privilege, I want to have that known that I'm going to write that check to the state of Nebraska. Some of the other things that was a contributing factor in me choosing to have this particular vehicle for my company is the fact that it is a right-hand drive. I am right-handed. When I am spraying, I also have a spray wand so I can do fence lines, small areas, building perimeters, it's automatic. My hand is right out the right hand door, it's there, it's very controllable, and has proven to be an essential tool in my company for that purpose. I have also used it more of on a personal nature for the acquisition of firewood, and we had a lot of firewood around Aurora after the tornado, and it has gotten me into some places I would not have normally been able to have reclaimed that renewable resource. I know other states have been ahead of us on this, as has been pointed out. I think there's 11 of them. I might make the notation that I believe Wyoming has termed theirs an MPV, a multipurpose vehicle which gives you another avenue to work through. Indiana right now has legislation on the floor. It's passed its second hearing and the last I checked, was probably expected to pass so there are others that are currently moving forward on these issues. I have nothing further to add, and I'd certainly be willing to answer any questions that you might have. [LB650]

SENATOR FISCHER: Thank you, Mr. Wasem. Are there questions? Senator Hadley. [LB650]

SENATOR HADLEY: Senator Fischer, thank you. Mr. Wasem, something you said just triggered a thought in my mind. If these trucks or vehicles are more than five years old, they're being imported from Japan as used vehicles, and you said they are a right-hand drive, so all of these trucks that would be imported would be right-hand drive that people would be driving on the highways. Is that correct? [LB650]

KEITH WASEM: Not all of them. There are some that are left-hand drive. There are some conversion kits that make them left-hand drive. The bulk of them are right-hand, yes. [LB650]

SENATOR FISCHER: Other questions? Senator Campbell. [LB650]

SENATOR CAMPBELL: Thank you, Senator Fischer. Mr. Wasem, in the information that you gave us and the picture, I noted in the letter that you said, it can travel up to 55 miles per hour. [LB650]

KEITH WASEM: That is correct. [LB650]

SENATOR CAMPBELL: And have you driven it...have you gotten it up to that speed, I guess? [LB650]

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KEITH WASEM: No. I have driven 45 miles an hour...only in limited times. [LB650]

SENATOR CAMPBELL: No, I understand that. I was just going by the previous speaker that talked about it being up to 40. [LB650]

KEITH WASEM: Right. [LB650]

SENATOR CAMPBELL: Why I noted in your letter that you said you thought it could go to... [LB650]

KEITH WASEM: They are capable of that. They are what I would call a high performance engine with high RPMs. To get that, it's going to be singing to you fairly loudly (laughter). [LB650]

SENATOR CAMPBELL: Okay, thank you. [LB650]

SENATOR FISCHER: Other questions? I see none. Thank you very much for being here today. [LB650]

KEITH WASEM: Thank you for your time, Senators. [LB650]

SENATOR FISCHER: Are there other proponents for the bill? Any other proponents? Are there opponents to the bill? I do have a letter from the Nebraska Safety Council, executive director Laurie Klosterboer, so we will enter that into the record. Anyone in the neutral capacity? Good afternoon. (See also Exhibit 11) [LB650]

LOY TODD: Good afternoon again. Senator Fischer, members of the committee, my name is Loy Todd, L-o-y T-o-d-d, president and general counsel for Nebraska New Car and Truck Dealers Association. Just going to mention a couple of things. One is while it's certainly comfortable for all of us to talk about our experiences with the vehicles that we may be familiar with, you have to draw rules for all the vehicles. And so whatever is imported, whether it be the specific type that are identified that the previous testifiers sell or others, our rules need to apply to all of them, so we need some pretty specific rules as opposed to everything that came from Japan ought to be okay as long as it either goes fast or doesn't. I mean, it's...you know, we just...we need some really specific stuff. And then the other thing that I just really appreciate hearing and think that you ought to give a lot more thought to is this Japanese method of taxing motor vehicles where we tax the new vehicles at a very low amount (laughter), and then punish those people who keep them too long and pollute the air, and make things unsafe. And I think there ought to be serious consideration given by this committee and the individual members to look hard into that as a cure for many of the ills that we have in this state and country (laughter). [LB650]

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SENATOR FISCHER: We will take note of that, Mr. Todd. [LB650]

LOY TODD: Thank you. [LB650]

SENATOR FISCHER: Any questions? I see none. Thank you very much. Anyone else in the neutral capacity? I see none. I do...oh, I don't have another letter to read in, so Senator Christensen, would you like to close? [LB650]

SENATOR CHRISTENSEN: Yes, thank you. Yeah, these vehicles can go up to 55. I haven't personally drove one there, but I think that the discussion on the emissions is good discussion to have. I think there's a lot of cars that don't meet them. I could take and show you a number of them; I own them (laugh). [LB650]

SENATOR FISCHER: Senator Christensen, be careful what you say (laugh). [LB650]

SENATOR CHRISTENSEN: (Laugh) Anybody that owns a very old truck owns one. But, you know, there's a lot of antique cars fall in that category too, but that doesn't mean we can't set up a structure to have them tested, you know. I guess I'm not going to...I'm not trying to buck the trend, things that way. I think it's just good business. If that's something you guys want to go down that road, I personally don't have a problem if they're on a four-lane road and interstate if they hit the minimum. But I put that in there for cautious approach. I'm a lot more risk-taking than many people probably, and I'm sure open to discussion with the committee on what they would like to see done, you know, whether we have them tested or whether we restrict that speed. There currently is 11 other states that have them allowed. Arkansas allows them up to 55 miles an hour. If you want these, I can hand these out too. I have copies. Idaho has no speed restriction. Illinois, 25; Kansas had no speed restriction; Louisiana, no speed restriction; Missouri, 45; North Dakota, 55; Oklahoma has no restriction; Tennessee is 35; Utah is 35; and Wyoming, no restriction on any road but interstate. But...so, there is a variety of differences in many different states, how they have taken this approach, and if you'd like copies of these, I have them too, if you want, but. [LB650]

SENATOR FISCHER: Thank you, Senator Christensen. Any questions? Senator Stuthman. [LB650]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Christensen, would these mini trucks work very excellently for harvesting your trapping stuff in the road? (Laughter) [LB650]

SENATOR CHRISTENSEN: I think it'd work excellent there personally, yes. The guys I have that really like them, one of the guys that pushed me on this was a potato. He uses these...they have air conditioners in them. His help stays fresher. They drive to the

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pivots with them, and he says, we have less trouble with these than we do pickups, and they've got rid of their ATVs. He is the first guy who started pushing me a year ago, and then I've had a number of them since, so that's why I went to looking at this. [LB650]

SENATOR STUTHMAN: Okay, thank you. [LB650]

SENATOR FISCHER: Thank you, Senator. Other questions? I see none. With that, I will close the hearing on LB650 and close the hearings for today. Thank you all for being here. [LB650]

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Disposition of Bills:

LB109 - Held in committee.

LB114 - Held in committee.

LB650 - Held in committee.

Chairperson

Committee Clerk