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Transportation and Telecommunications Committee
February 03, 2015

[LB53 LB624 LB642]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, February 3, 2015, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB642, LB624, and LB53. Senators present: Jim Smith, Chairperson; Lydia Brasch, Vice Chairperson; Al Davis; Curt Friesen; Tommy Garrett; Beau McCoy; John Murante; and Les Seiler. Senators absent: None.

SENATOR SMITH: Good afternoon and welcome to the Transportation and Telecommunications Committee hearing. I am Jim Smith from Papillion and I'm Chair of the committee. I'd like to introduce you to my colleagues that are here today. To the far left is Senator Tommy Garrett from Bellevue. And next to Senator Garrett is Senator Les Seiler from Hastings. Currently absent is Senator Beau McCoy from Omaha; he will be joining us here shortly. To the far right is Senator Curt Friesen from Henderson. Next to Senator Friesen is Al Davis; Senator Davis will be joining us here shortly. Senator John Murante from Gretna. And Vice Chair of the Committee, Senator Lydia Brasch from Bancroft. On my immediate right is Mike Hybl, legal counsel to the committee. And to my left is Paul Henderson, the committee clerk. Pages joining us today to assist you will be J.T. Beck from Centreville, Virginia; and J.T. is a senior at UNL. We will be hearing the bills in the order listed on the agenda. Those wishing to testify on a bill should come to the front of the room and be ready to testify in order to keep the hearing moving. If you're testifying, please complete the sign-in sheet so it's ready to hand to one of the pages when you approach the testifier table. For the record, at the beginning of your testimony, please state and spell your name. Please keep your testimony concise and try not to repeat what has already been covered in previous testimony. If you do not wish to testify, but do want to voice your support or opposition to a bill, you can indicate so on the sheet that's provided on the table as you came into the room. This will be part of the official record of the hearing. If you do not choose to testify, you may submit comments in writing and have them read into the official record. We ask that you please silence your cell phones. We are an electronics-equipped committee and information is provided electronically, as well as in paper form. Therefore, you may see committee members referencing information on their electronic devices. Also, please be assured that your presence here today and your testimony are very important to us and we see it as very critical to the operation of our state government. So with that, we will begin testimony hearing on LB642. Senator Garrett is introducing that bill and that bill relates to change provisions relating to motorboat, motor vehicles, and trailer registration and titling.

SENATOR GARRETT: (Exhibit 1) Good afternoon, Chairman Smith and fellow members of the Transportation and Telecommunications Committee. I'm Senator Tommy Garrett, T-o-m-m-y G-a-r-r-e-t, and I represent District 3. LB642 is an initial step in preparing for modernized Vehicle Title and Registration System, with the

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ultimate goal of more customer centric services within the Department of Motor Vehicles or DMV. The current Vehicle Title and Registration System was coded by the DMV in the 1980s using the software coding language known as COBOL. The driver's licensing system was coded nearly a decade later in the 1990s and subsequently upgraded in 2009 by a vendor. The problem that the DMV is running in to is that the two systems cannot share information with each other. Changing statute in the manner this bill provides would allow the DMV to collect the relevant information necessary to enable these two systems to coordinate and share information. The DMV has a goal of creating a customer-centric Web site currently and informally named "My DMV" that would allow people to access their own information and change addresses or update information on-line rather than in person. This bill works towards that goal. Mike Hybl, the legal counsel of the Transportation and Telecommunications Committee, identified a potential problem with the bill as it is currently written. Rhonda Lahm, the Director of the Department of Motor Vehicles, will address that concern and offer an amendment to this bill with her testimony. If there are no questions, that concludes my presentation. [LB642]

SENATOR SMITH: Thank you, Senator Garrett. Do we have questions for Senator Garrett? Seeing none, thank you. [LB642]

SENATOR GARRETT: Thank you. [LB642]

SENATOR SMITH: We now move to proponents, those wishing to testify in support of LB642. Welcome. [LB642]

RHONDA LAHM: (Exhibits 2 and 3) Thank you. Good afternoon, Chairman Smith, members of the Transportation and Telecommunications Committee. I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, Director for the Department of Motor Vehicles. I'm appearing before you today to offer testimony in support of LB642. I would like to thank Senator Garrett for introducing LB642 on behalf of the Department of Motor Vehicles. LB642 represents another step towards DMV's long-range goal of replacing our 1980s technology Vehicle Title and Registration System. The VTR System is utilized to collect and distribute nearly \$600 million per year in vehicle taxes and fees. In 2013, the DMV engaged in a business case study to identify needs and solution options for modernizing the VTR System. Last year, the Legislature established the Vehicle Title and Registration System Replacement and Maintenance Cash Fund and appropriated funds to pay for initial costs associated with the acquisition, implementation, maintenance and support, upgrades, and replacement of a VTR system. The DMV has followed modernization projects in other states and have learned a key to success is standardized consistent data. As part of the preparation process, we studied title and registration statutes to identify statutory language which reflected the limitations of the current system and lack the speci...I'm sorry, the specific items needed to support modernized business practices. The goal is to remove existing statutory barriers to an

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upgraded system with twenty-first century functionality. The changes in LB642 will help lay the groundwork for a modernized VTR. It makes small gradual changes, which over time, will provide the information necessary to improve the data quality in the VTR System. By the time a replacement VTR System is implemented, the additional data elements will provide the platform for the replacement system to have increased customer based functionality from the beginning. In order to be successful, we are being proactive by starting the process early. The DMV wants to implement these changes over time in small steps to lessen the impact on the public, and the impact on the daily operations of the county treasurers who act as agents of the DMV for titling and registration services. Therefore, the bill is drafted to allow the director to implement the changes through January 1, 2020. We want to avoid implementing data collection and system changes at the same time as it will compound the difficulty of the transition. By making these data changes over time, the DMV will be able to prepare a better RFI and RFP to bid out a new system. LB642 allows the Legislature to continue its consideration of the VTR System and be in better position to understand the replacement process. The specific changes in LB642 require that when the bill is fully implemented, a person who registers or titles a motor vehicle or motorboat will be required to provide his or her full legal name and one or more of the identification elements listed in Nebraska Revised Statute 60-484 to standardize the data in the VTR System. The collection of the identification elements required by LB642 will allow the replacement VTR System to interface with the driver licensing system because the two systems will have identification elements in common necessary to build a new customer-centered system. The current VTR System does not contain any personal identifiers in motor vehicle or motorboat data which would allow records to be matched to a single individual and there are no standards for names on titles or registrations. A single individual may own several vehicles, but the names on the records may vary from one record to another so that a person's record cannot be consistently gathered together. It should be pointed out that although this will be new data on the VTR side, even when LB642 is fully implemented, there will not be as much data collected for motor vehicles and motorboats as the law currently requires for issuance of driver licenses and state identification cards. I would also like to offer an amendment to further clarify information which would be required with respect to motor vehicles and motorboats which are owned by businesses and organizations. The new language will make it clear that owners who are corporations, a subchapter S corporation, a nonprofit organization, an estate, a trust, a sole proprietorship, a limited liability company, a partnership, personal service corporation, or a church-controlled organization will only be required to provide their tax identification number as an identifier to title or register a motorboat or motor vehicle. Another provision of LB642 also requires county officials to collect the U.S. Department of Transportation numbers for vehicles subject to that U.S. DOT number requirement under federal Law. This will allow federal safety programs to identify trucks which are registered locally, as well as those registered by the DMV for interstate travel. Chairman Smith, at this time I would be happy to answer any questions the committee may have. Thank you for the opportunity to present LB642. [LB642]

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SENATOR SMITH: Thank you, Director Lahm. Do we have questions for the director? Director Lahm, you mentioned that you would want to phase in some of the changes to minimize the impact on the consumer or the customer...taxpayer, what kind of impact would you see it having on the population? [LB642]

RHONDA LAHM: I think, primarily, when they go to the county treasurers office, they're probably not going to be used to providing that personal identifier, and so that may be something new for them. So we want to, you know, if they weren't able to provide it at this time, then if they...still have another chance, so to speak, so that we would be able to phase that in for both them and the county treasurers and the system be set up to accept that information over a period of time. We don't want to get in a position where we have to deny somebody registering their vehicles because this time they didn't, maybe, have that information with them. So for example, myself and my husband, he may have his driver's license number with him, but maybe he doesn't have mine and he goes in to register a vehicle, we wouldn't...we don't want to...it will be an education process and that's why we want to be able to permit to do it over time. [LB642]

SENATOR SMITH: Okay. Thank you. Any further questions for Director Lahm? Seeing none, thank you, appreciate it. We continue with proponents of LB642; those wishing to testify in support of LB642. [LB642]

LOY TODD: (Exhibit 4) Chairman Smith, members of the committee, my name is Loy Todd, that's L-o-y T-o-d-d. I'm the president and legal counsel for the Nebraska New Car and Truck Dealers Association testifying in favor of this legislation. I've also been asked to speak on behalf of the Nebraska Bankers Association and Bob Hallstrom, their lobbyist, has asked me to submit this written testimony. We certainly appreciate this bill being introduced and the proactive manner that the department is taking regarding the, hopeful, building and implementation of the new computer system. As previously indicated, it started off in the '80s and was implemented in 1992. And if you tell people that our state VTR System is operating on technology that's 23 to 30 years old, it's sort of incredible. And so we're extremely supportive of addressing that. Would point out that it's a nice catch by legal counsel regarding the natural person versus various legal entities and we would suggest that the committee consider, rather than laundry-listing the various other legal entities such as LLCs, corporations, trusts, those kind of things, it always scares me to do that simply because I'm always afraid I'm going to...it will omit someone or the Legislature could create a new legal entity in the next year or two or whatever and I'd hate to have to come back and revise this section of law, along with the rest. We certainly don't anybody showing up at the courthouse to register a vehicle or title a vehicle and we forgot to include something. I don't know what happens then, I don't suppose they would get sent away, but it...I just would appreciate it if the committee would consider, maybe, putting in something like--if you're not a natural person, then you shall supply a tax ID number or something like that. But this is another

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phase in what we hope is the ultimate, fully funding and implementation of the new VTR System. It will coordinate efforts among the dealers, the public, revenue, it will...I'm confident that it will be such a positive for the state of Nebraska financially and from a practical standpoint that we're excited about anything that progresses toward that. Thank you. [LB642]

SENATOR SMITH: Thank you, Mr. Todd. Do we have questions? Senator Brasch. [LB642]

SENATOR BRASCH: Thank you, Mr. Chairman. And thank you, Mr. Todd, for testifying today. I believe this is a good thing, but because everybody keeps talking about how old COBOL is, what is the new language...what are programmers using? What is the coding? [LB642]

LOY TODD: Oh, Senator, you couldn't have found a worse person to ask that question. (Laughter) I used to swear I would never have a computer in my office. I finally succumbed to one at my desk and I can find the on/off switch and I can Google things, but short of that, I'm sorry. [LB642]

SENATOR BRASCH: I curious, I took a semester of COBOL and FORTRAN so that dates me a ways back, but just curious what the new technology has brought forward, but it's not a deal breaker here. [LB642]

LOY TODD: I'm sorry, I know nothing. [LB642]

SENATOR BRASCH: Thank you for coming forward. [LB642]

LOY TODD: Sorry. [LB642]

SENATOR SMITH: Mr. Todd, it's great to know a topic we can stump you on, so we will...thank you, Mr. Todd. We will continue with proponents of LB642, those wishing to testify in support of LB642. Seeing no further proponents, we now move to opponents, those wishing to testify in opposition to LB642. Seeing none, anyone wishing to testify in the neutral capacity? Seeing none, Senator Garrett, you're invited to close. [LB642]

SENATOR GARRETT: Thank you, Chairman Smith. I just want to take the opportunity in my short time on the Transportation and Telecommunications Committee, I had the opportunity to work with Director Lahm and just like to compliment the Department of Motor Vehicles and Director Lahm for being so proactive and looking to phase things in like they're doing, very commendable job. [LB642]

SENATOR SMITH: Thank you, Senator Garrett. And with that we will close the hearing on LB642. And move now to LB624 and Senator Larson...I don't see Senator Larson

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present. Stand at ease for just a moment to see if he is on his way. Senator Larson has arrived. Welcome, Senator Larson, to open on LB624. [LB642]

SENATOR LARSON: Thank you, Chairman Smith and members of the Transportation and Telecommunications Committee. My name is Senator Tyson Larson, T-y-s-o-n L-a-r-s-o-n and I represent Legislative District 40 from O'Neill. I come before you today to present LB624 which I have sponsored as a result of a constituent concern and an ongoing issue in my legislative district. LB624 amends Section 60-6,301(2) of statute and provides that any motor vehicle, semitrailer, or trailer carrying livestock or any agricultural products or commodities may operate within excess weight of any one axle, one tandem axle, or a group of axles if the vehicle or combination of vehicles remains within the maximum gross load as permitted. Please note that (2) currently provides this exception for the shifting of livestock. It states that a load of livestock may exceed the maximum load as permitted by such section on only one axle, only one tandem axle, or only one group of axles when the distance between the first and last axle of the group is 6 feet or less. This provision applies if the vehicle or combination of vehicles remains within the maximum gross load as permitted. LB624 would add agricultural product or commodity to this subsection of law and remove the reference to the distance between axles. A definition of agricultural product or commodity can be found in Section 2-3804, and I would be happy to provide this reference...provide this reference with an amendment if it would please the committee. The bill also amends (5) which pertains to the hauling grain or other seasonally harvest products by focusing solely on gross weight. The overall intent of this bill is to provide much needed clarity and assurance for both drivers and producers alike by eliminating any confusion with regard to axle weights and distances. Thank you and I'd be happy to entertain any questions. [LB624]

SENATOR SMITH: Thank you, Senator Larson. Do we have questions for Senator Larson? Senator McCoy. [LB624]

SENATOR McCOY: Thank you, Chairman Smith, and thank you, Senator Larson, for being a force today for LB624. I understand from your opening that while the green copy of LB624 doesn't offer an explanation of agricultural products or commodity, you're saying that that clear definition could be found elsewhere in statute, is that what you're saying? [LB624]

SENATOR LARSON: Yeah, in Section 2-3804, and as I said, if the committee wants to put a clear definition of that in LB624, I'd be more than happy to do that as well. [LB624]

SENATOR McCOY: Do you have that explanation at your fingertips of what it is elsewhere in statute? [LB624]

SENATOR LARSON: Yes, I can pass it out to the committee right here. [LB624]

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SENATOR McCOY: Well, I'd just be curious, that's fine. [LB624]

SENATOR LARSON: (Exhibit 1) Yep. Agricultural product or commodity shall include all products resulting in...resulting from the conduct of farming or ranching activities, dairying, beekeeping, aquaculture, poultry or egg production, or comparable activities, and any by-products resulting from such activities. [LB624]

SENATOR McCOY: Thank you. [LB624]

SENATOR LARSON: Yes. [LB624]

SENATOR SMITH: Any further questions for Senator Larson? Seeing none, thank you, Senator Larson. [LB624]

SENATOR LARSON: Thank you. [LB624]

SENATOR SMITH: And we now continue on with the hearing on LB624, we now open it to proponents, those wishing to testify in support of LB624. Welcome. [LB624]

SHANE GRECKEL: (Exhibit 2) Good afternoon, Chairman Smith, members of the committee. My name is Shane Greckel, S-h-a-n-e G-r-e-c-k-e-l, come from Bloomfield, Nebraska, and I speak as a proponent of this bill. This bill introduction really does, again, clear up some of the, I guess, controversy as a farmer and producer in the northeast part of the state that I have. Just a few points that I want to make on this bill that I feel that was...is really good for it is it clears up a lot of overregulation that I have a hard time understanding as a farmer, rancher, and producer; as well as some neighboring producers that have also spoke with me about this. The handouts that you see, there's several pages that outline, basically, how we're weighing up trucks, how axles are weighed together, measured as well. These are kind of complex and once in awhile it's really hard to understand and hard to get a grasp of how to accurately weigh your truck. And this comes at a time when we're having a lot of times a hard time getting good, qualified drivers on farms and ranches. We just have a hard time finding those individuals. So I think this bill would actually really help clean that language up to where it's easier to just load trucks from the farm. I'm going to give an account of what happens on my farm when you're loading out of grain bin. I'm just taking grain, for example, a commodity, we're loading out of that grain bin, myself, in and out of it, you cannot keep an accurate account of how much that truck weighs when it's just you yourself and the lack of farm help out there. So the forward half of the truck, or the back half, whichever the case may be, may be loaded a little heavy and therefore you understand that when you move the semi ahead to fill the remainder of the truck, so you lighten up the other half. I think that follows the spirit of the law that we have to keep it in that gross combined total weight. When we do that, we're still illegal in many cities...roads in Nebraska. We may be a little bit over on the driver's or the trailer's

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axles, but we're still within the gross combined total of the weight of the truck. So what is happening is this in my area, and I'm guilty of it as well, if you are overloaded instead of taking safe county roads and highways and stuff like that, more and more trucks are taking gravel roads to and from ethanol plants. And that could be a safety vio...you know, just a safety concern in and of itself having that big of a truck moving down the road. This is, well, goes to straight trucks and many other things out there. But it really points to the fact that limited farm help out there anymore and a lack of equipment on some trucks. We have air pressure gauges and so on and so forth being able to help on commercial vehicles. More and more farm trailers in and around the area are simply a spring ride, very, very difficult to tell just by looking in the containment cargo of measuring out exactly 34,000 pounds on your axles, it makes it very, very hard to do that, as well as livestock, commodities shift back and forth. As you're going down the road just normal seasonal travel, road conditions and many other things make it very, very hard...and if you are loaded legally, at the point of origin, where many times there is not a scale, as you're driving down the road loads may shift. And now we have...now I guess the truck is illegal in many sense, we are overweight on a driver axle or so on and so forth. So that is...these are some of my main concerns that it just clears it up; it allows us to keep moving forward. I mean MAP-21 was passed last year that really helped out some of the agencies and farming, this year when we look at this, I take into account that it's easier...and I've lost drivers in the past on my own farm because they did not understand all the legal ramifications of these axle weights, they just don't want to mess with it. So I'm losing help and farming is losing help...agriculture is losing that job opportunity from there on because we're just a little bit too overregulated. Simplifying it up, making a gross-combined vehicle total makes it very easy for people to understand it, drivers to understand it, and move forward as well. Please understand that truck weights...this is no way intended of raising truck weights or anything else on our roads. We have to maintain that as well. And I think all drivers have a healthy respect that if we have to maintain legal weights for our roads. This is just an added benefit to help more drivers come in line, ease the burdensome regulation, and move forward with our trucking industry as our agriculture is our number one employer. Questions from the committee? Thank you. [LB624]

SENATOR SMITH: Thank you, Mr. Greckel. Do we have questions for Mr. Greckel? Senator Garrett. [LB624]

SENATOR GARRETT: One thing that jumped out at me right away, maximum weight on state highways is 95,000 pounds, but on interstates it's 80,000? Why is it less on the interstate than it is on the state highway? [LB624]

SHANE GRECKEL: Those are wonderful questions. And, honestly, I don't know the answer to some of those questions. I would imagine federal funding or something to that accord. But our state highways, that's usually what we're maximized out, depending on the axles on the truck. That is depending on tire size, tire load, maximum number of

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axles, spread, and measurements as well. [LB624]

SENATOR GARRETT: The fact that you're losing drivers because of weight calculation problems, are the drivers themselves fined or is the farmer or rancher fined when there are violations? [LB624]

SHANE GRECKEL: It would be the driver, but more importantly, you know, the farmer...I usually pay the fines of them when my drivers do get pulled over. But, again, I just have to recount that they really don't want to mess with the regulation because they don't understand it. Again, the pamphlet that was passed out, that is just a small "porcel" of what there is for the regulation of that. And, honestly, they just don't want to mess with it. It's easier to put them into a wagon and send them down the road with the same amount of weight on the wagon without any type of regulation on it. [LB624]

SENATOR GARRETT: Thank you. [LB624]

SHANE GRECKEL: Um-hum. [LB624]

SENATOR SMITH: Thank you, Senator Garrett. Do we have other questions for Mr. Greckel? Seeing none, thank you very much. [LB624]

SHANE GRECKEL: Thank you. [LB624]

SENATOR SMITH: We continue with proponents, those wishing to testify in support of LB624. Welcome. [LB624]

KRISTEN HASSEBROOK: (Exhibits 3 and 4) Good afternoon, Chairman Smith, members of the Transportation Committee. My name is Kristen Hassebrook, K-r-i-s-t-e-n H-a-s-s-e-b-r-o-o-k, and I'm here today on behalf of the Nebraska Cattlemen's Association. We support LB624, however, in discussions with Senator Larson, it's our position that a broader discussion about this issue should be had, and we very much look forward to having that discussion with the senator and this committee if you would be so interested. Currently, our statutes for agricultural hauling equipment have not been updated to reflect modern practices in agriculture. We've done a few piecemeal things here and there, like in 2000 and 2007 when we made changes for grain hauling products. However, the underlying problem is that machinery today has advanced and our statutes have not been updated to reflect that. Today machinery is larger, it's constructed to carry heavier weights. The tire technology has vastly improved; better tires means less pounds per square inch, less impact to the roads below. And it's not just about adding axles to carry more weight. Adding axles means more turning, which means more tearing up of roads. It also dramatically decreases maneuverability on the farm, in the fields, for this type of equipment, which is very important to getting the job done. We feel that adding the language of agricultural

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products is vitally important. Today, we know how valuable manure is as a crop nutrient; and spreading it on more and different fields at greater distances is important for protecting the environment as well. Today, I brought a couple of handouts and I won't go over them exactly. One has a picture of different types of axles. I'm sure most of you know what they are, but I brought pictures just in case. They're pictures of trailers because I felt that was easiest to see the actual axle below. And you can see the difference between single, tandem, and the combination vehicle. I also brought along with me a handout that has a couple of examples on it of a feed truck, two feed trucks that would commonly be used on a livestock operation in Nebraska. If you look at their weights, which are empty weights, they are, essentially, empty constructed at, or almost at, the axle restrictions in statute. The second example is actually total...it's over the weights allowed without even carrying any feed in it. And again, you'll see an example of a common farm tractor. Again, that...the tractor is underweight, however, if you add a wagon to it, like you see below, you're quickly over what four axles may be allowed in statute. And so what we're finding is that a lot of our members are running into issues that they had no hand in. The machinery has just improved over time. And we feel that these limits in Nebraska statutes for county roads and state roads, and in discussions with the Transportation Committee staff, that we can raise these limits and not impact our federal highway dollars, which is very important. And we look forward to having discussions on solutions such as different overweight limit tags, perhaps fees, limited speed limits or radius exemptions like we do in this statute already. With that I will be happy to answer any questions you may have. [LB624]

SENATOR SMITH: Thank you, Miss Hassebrook. Do we have questions from the committee? Seeing none, thank you. [LB624]

KRISTEN HASSEBROOK: Thank you so much. [LB624]

SENATOR SMITH: We continue with proponents, those wishing to testify in support of LB624. [LB624]

LAVON HEIDEMANN: Senator Smith, members of the Transportation Committee, my name is Lavon Heidemann, L-a-v-o-n, Heidemann, H-e-i-d-e-m-a-n-n. I'm here today (inaudible) organization I represent, Farm Bureau. Farm Bureau's policy states that...policy states: state law should reflect the needs of modern agriculture when establishing height, width, and weight requirements for both farm equipment and vehicles used in the transportation of ag commodities. We come in support, very strong support of Senator Larson's bill. We think it provides some flexibility. As you know, at harvest time it gets a little bit long hours. When you're out in a field, as has been stated before, you're not a hundred percent for sure when you're loading a truck up where your weight is all going. And this bill would provide some flexibility as far as the enforcement of the laws. We think that this provides...it's a little bit more flexibility and it makes it a little bit less complicated and complex for not only the user but for the enforcer. The

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previous testifier talked about a broader range of discussion and we think that on this bill that we probably ought to have that. We became aware of some situations, I'll point out one that happened in south central Nebraska just recently where a farmer was putting manure on a field and Carrier Enforcement issued a ticket for overweight, not only on the spreader carrying the manure, but also on the tractor. As we look into this, it's come to our conclusion that we are now manufacturing equipment that the equipment itself, according to Nebraska statutes and laws, they will be overweight. As the tractors have got bigger on the back axle, it's got to the point that, in reality, we can't even drive the tractors to the fields anymore. And I think that's something that this state and this committee should actually have a discussion on, because I can see that it's going to cause some problems down the road. And, hopefully, we'll be able to address that sooner rather than later. With that I would try to answer any questions that you might have. [LB624]

SENATOR SMITH: Thank you, Mr. Heidemann. Do we have questions? Senator Seiler. [LB624]

SENATOR SEILER: Lieutenant Governor, the axles, when they are combining the axles, what is the weight sitting on one axle? Do you believe that might cause a hazard, a blowout, or a broken axle or is the equipment strong enough to hold it? [LB624]

LAVON HEIDEMANN: You know, it should be strong enough to hold it. When it comes to loading that up, we want to do as best as we possibly can. And I realize that this bill would allow a lot of weight on one axle, if that would actually take place, but why would a farmer even want that? Because I understand the Department of Roads will be in and saying--this isn't good. But as it...it wouldn't be good for a road, it wouldn't be good for the equipment either, so in reality, we're on the same page with the Department of Roads. We want to be as accurate on every axle as we possibly can for our own benefit. [LB624]

SENATOR SEILER: Okay. Thank you. [LB624]

SENATOR SMITH: Further questions from the committee? Seeing none, thank you. [LB624]

LAVON HEIDEMANN: Thank you. [LB624]

SENATOR SMITH: We continue with proponents, those wishing to testify in support of LB624. [LB624]

TIM KEIGHER: Good afternoon, Chairman Smith and members of the committee, my name is Tim Keigher, that is K-e-i-g-h-e-r. I appear before you today as a registered lobbyist for the Nebraska Equipment Dealers Association. We sell farm equipment. In

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keeping with the Chairman's request, I will keep it brief. I'm a "me too guy" on the discussion on the weight limits. And with that I'd try to answer any questions if I could. [LB624]

SENATOR SMITH: Thank you, Mr. Keigher. We appreciate your testimony. Do we have questions from the committee? Seeing none, thank you very much. [LB624]

TIM KEIGHER: Thank you. [LB624]

SENATOR SMITH: We continue with proponents of LB624, those wishing to testify in support of LB624. Thank you. Welcome. [LB624]

PAT PTACEK: Good afternoon, Chairman Smith, members of the Transportation Committee. My name is Pat Ptacek, that's P-a-t P-t-a-c-e-k, representing the Nebraska Ethanol Producers Association in support of LB624. Obviously, the ethanol boom in Nebraska has changed the dynamics of transportation and you're running a lot more trucks. And not only to the ethanol plant, but also coming from the ethanol plant back to the feedyards with the DDGs. And we just support the intent of the legislation and hope that there's a way to work it out with the Department of Roads. Thank you for your time. [LB624]

SENATOR SMITH: Thank you, Mr. Ptacek. Do we have questions from the committee? Seeing none, thank you. [LB624]

PAT PTACEK: Appreciate it. [LB624]

SENATOR SMITH: Further proponents of LB624, those wishing to testify in support. Seeing no more proponents, we now continue to opponents, those wishing to testify in opposition to LB624. Welcome. [LB624]

RANDY PETERS: (Exhibit 5) Good afternoon, Chairman Smith, members of the Transportation and Telecommunications Committee. My name is Randy Peters, R-a-n-d-y P-e-t-e-r-s. I am the Director-State Engineer for the Nebraska Department of Roads and I'm here to testify in opposition to LB624 which adds exemptions for haulers of agricultural products. Agriculture is Nebraska's number one industry and NDOR strives to be a good partner with farmers, ranchers, and their suppliers. We're proud of the network of farm-to-market highways that together with the Legislature...the Legislature has enabled NDOR to provide. The department's concern that adding more exemptions for overweight vehicles will result in damage to Nebraska's highways and will reduce service life for our pavement and bridges. Weight laws serve to protect our infrastructure from premature damage and repair. In Nebraska, and in most of the country, statutory limitations for weight are modeled after the Federal Bridge Formula. The formula establishes the thresholds and criteria for when vehicle weights begin to

cause excessive damage to pavement and bridges. It sets weight limits in terms of axles and the space between axles, because these things dictate how the gross weight is distributed across the highway surface. As a result, gross weight is not as big of a concern for pavement and bridge damage as the individual loads applied to axles or groupings of axles. Section 60-6,301 of the statutes provides several key weight exceptions. These allowances cover scenarios such as the shifting of weight for livestock. Cattle move around in the truck, we get that; hauling garbage from a community to a landfill; hauling of seasonally harvested products. In each of these instances, the exception is narrowly written to describe limitations on axles, groupings of axles, as well as gross weight. LB624 would significantly change the careful balance that exists in the current law. It would eliminate axle restrictions and, instead, allow gross weight to govern. These changes fundamentally undermine the Federal Bridge Formula's controls over maximum axle weights. The attached diagrams and analysis illustrate the significant increases in overloads that this bill would allow. On our highways, allowing this proposal could potentially result in a 15 percent loss of pavement life on the typical Nebraska state highway pavement. A pavement originally designed to last 20 years under typical loading conditions would deteriorate at a significantly faster rate requiring resurfacing within 17 years instead of 20. Applying that loss of service life to our 20-year-pavement-restoration needs, this assessment results in an additional \$928 million total need, or an additional \$46.4 million annual need each year over the next 20 years. Turning to bridges, on the state highway system alone, we estimate 200 bridges will be impacted and will require some kind of strengthening action to accommodate the increased loading. We estimate a cost of about \$2.5 million per year. On the "off-system," in other words, the county and city bridges, the impacted number of bridges will be substantially higher. In conclusion, this will...this bill will have a dramatic effect on how frequently NDOR must perform repairs on, or replacement of, our infrastructure. For these reasons, the Department of Roads must respectfully oppose the bill. Nebraska's counties will face similar and perhaps greater challenges with respect to their bridges and paved roads. I will be happy to answer any questions you may have. [LB624]

SENATOR SMITH: Thank you, Director Peters. Do we have questions for the director? Senator Seiler. [LB624]

SENATOR SEILER: Is this the proper way to regulate that if the testimony that Miss Hassebrook is to be believed the tractor itself is overweight by the time it comes off the assembly line? That means it couldn't even be delivered...how do you...couldn't drive it to the field. [LB624]

RANDY PETERS: Well, the essential facts are the facts of physics that the force applied to the pavements cause deterioration. And... [LB624]

SENATOR SEILER: I understand what you're saying on this bill. I'm saying, isn't there a

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better way to attack it at the manufacturer level than this? [LB624]

RANDY PETERS: Perhaps there is. [LB624]

SENATOR SEILER: Thank you. [LB624]

SENATOR SMITH: Senator Garrett. [LB624]

SENATOR GARRETT: Thank you, Chairman Smith. For my edification, so when these...this farm machinery, the tractors are too heavy for the roads already. They transport them out to the fields then with the multiple-axle trailers, is that the solution? [LB624]

RANDY PETERS: That's the legal way to do it. The regulated permissible way is to...put enough axles in there. You can take any gross weight, within the law, if you put enough axles there to distribute the load, you minimize the damage, the deterioration done to the pavements and bridges. [LB624]

SENATOR GARRETT: Would there be a similar estimation then for impact on interstate highways? [LB624]

RANDY PETERS: There would be. And to your previous question, the reason that there's gross limitation of 80,000 pounds on the interstate is that interstates are primarily built with federal dollars and the federal restrictions for these very reasons are more stringent than the state restrictions. [LB624]

SENATOR GARRETT: Thank you. [LB624]

SENATOR SMITH: Senator Brasch. [LB624]

SENATOR BRASCH: Thank you, Chairman. And thank you, Director Peters, for your testimony today. And I'm just curious, and maybe I'm thinking apples and oranges, but on our surrounding states, are you familiar with what their laws are and their systems are? Are we...I know that would probably be interstate, but compared to Iowa, do you know what the weight limitations are there or what their regulations are and do they build different kinds of bridges than we do in Nebraska? [LB624]

RANDY PETERS: I do not know Wyoming's, Colorado's, Iowa's. I do know that they are not completely harmonized among the states and that vehicle manufacturers at the factories sometimes have their plant lines that show here's the Wyoming model trailer and here's the Nebraska model trailer, and here's the Utah model trailer. [LB624]

SENATOR BRASCH: And then we have many semis that come across the state that

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are going, maybe, from California across...but isn't there a tax through IFTA that you're paying by the number of axles and the weight, isn't that brought back into...do we see any of those dollars back from our truckers and people who are hauling grain? [LB624]

RANDY PETERS: The IFTA tax is designed to proportionately allocate your gas taxes that you pay in proportion to the miles that you drove within those states. So it's more about how many of your logged miles were within the state's boundaries than what the axle. [LB624]

SENATOR BRASCH: I think you report your axles as well, the vehicles...the trucks are...I guess, identified. I do the paperwork for that. [LB624]

RANDY PETERS: Okay, okay, okay. [LB624]

SENATOR BRASCH: I know that we have to report our axles and the axles reflect the amount of weight that you intend to carry. And so I was thinking that we're getting dollars back on number of axles reported and taxes that come through that. [LB624]

RANDY PETERS: I do have...I'm somewhat of a generalist as the department's CEO. I do have our truck permit person here, as well as the bridge person, as well a pavement person, and, Moe, do you know the (inaudible) axle weight? [LB624]

MOE JAMSHIDI: That's the DMV. [LB624]

RANDY PETERS: Okay, it's a... [LB624]

SENATOR BRASCH: Correct, it is DMV. [LB624]

RANDY PETERS: I'm told it's a DMV...so we can research that and get back to you. I apologize for not knowing the exact... [LB624]

SENATOR BRASCH: No, thank you for your testimony and appreciate your time here. Thank you. No other questions. [LB624]

SENATOR SMITH: Senator Friesen. [LB624]

SENATOR FRIESEN: Thank you, Chairman Smith. I got a couple of questions: So when...when we license a truck, we license it so (inaudible) tons of capacity, and generally 80,000 pounds would be 40-ton registration. So when we go at harvest with 15 percent over, would you still be considered illegal as far as what you're carrying if you're over your permitted tonnage? [LB624]

RANDY PETERS: So when you say permitted tonnage, you mean the 80,000 pounds?

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[LB624]

SENATOR FRIESEN: Right. Typically you'd buy a...for a ten...or a truck setup like you have in the first picture here with two sets of tandems. [LB624]

RANDY PETERS: Right. [LB624]

SENATOR FRIESEN: Your legal weight is 80,000 pounds, so if you purchased your tonnage plates for 80,000 pounds, but at harvest you're allowed to go 15 percent over, are you overcapacity on plates, even though you're allowing it on axles? Or are you allowing them to carry more tonnage? [LB624]

RANDY PETERS: Are you talking about the implications of LB624? Wherein the past, and 15 percent maximum overloads would be permitted for agriculture. [LB624]

SENATOR FRIESEN: Right. But so if I, you know, typically, I'll purchase 84,000 pounds of tonnage, which would be 42 ton... [LB624]

RANDY PETERS: Okay. [LB624]

SENATOR FRIESEN: And so I kind of used the 15 percent over during harvest, but so far I've never been stopped by DOT. But when you're talking about the capacity that would damage the roads, I mean, if people are allowed to permit higher than what the capacity is, I mean, obviously, you're charging for more wear and tear on the roads and it's not a safety factor if you're allowing the tonnage if you pay for it. [LB624]

RANDY PETERS: If I may be permitted, I would like to call Ryan Huff to come and address that question. He's our permits engineer. [LB624]

RYAN HUFF: Good afternoon, Chairman and members of the committee. My name is Ryan Huff, R-y-a-n H-u-f-f, and I represent NDOR's oversize/overweight permitting group. To answer your question, when you talk about tonnage and plates, the things of that nature, I think you're referring to permits that you obtain...you talk about plates. That would be through the DMV... [LB624]

SENATOR FRIESEN: When I'm licensing the vehicle. [LB624]

RYAN HUFF: Through the DMV. My group at NDOR only...the way the law is written, you don't need to get a permit. So there is no permit. This law does not affect oversize/overweight permitting. We receive no funding for any of these oversized/overweight exceptions that are described in this statute. So nothing comes to the Department of Roads in terms of...when you talk about what you're describing. It would all be through the DMV. [LB624]

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SENATOR FRIESEN: Okay. But by allowing those tonnages to be sold, are we saying that it's not a safety factor; it's just a matter of when you license your vehicle, then it's okay to transport it on the roads and bridges? And as long as you don't exceed the capacity of those bridges, you're saying it's okay. [LB624]

RYAN HUFF: Yeah. Well, the way that the current law is written, it is a very narrowly crafted exception to limit it to certain axles, tandem axles, groupings of axles, and so the effect is limited. And we've sort of...it sort of strikes a balance in terms of safety factors and also accommodating these very important sector of our economy. So it's meant to strike a balance, craft a narrow exception and this kind of opens it up for a lot more. And, you know, we are concerned about some of those factors with regard to pavements and bridges, as well as safety. [LB624]

SENATOR FRIESEN: Okay. Well, when we talk of load shifting and when we're talking strictly about this bill, I mean, I don't know if it would be physically possible for me to shift that much weight from one axle to another. Typically, you're...you'll be 1,200 to 1,300 pounds over on an axle and I've had people tell me that the DOT officer gave them...said they could take a scoop and scoop the corn to the front, they'd be legal. So we're talking minor pounds here. We're not talking of shifting the whole load to one group of axles, it's physically impossible, the truck couldn't hold it there. So I mean, what we're talking about shifting here, I mean, we're not moving that many pounds. It just seems to make it...in the past, I've been stopped; I was overweight by 1,500 pounds on one group of axles. The officer, fortunately, just said hey, you know, you're under on the front axle, I'll let it go. This will just clarify that. I mean, typically, that's what we're talking about here. We're talking about 1,500 to 2,000 pounds that could possibly be shifted from one end to the other of a truck. [LB624]

RYAN HUFF: Yeah, and I would say that the way the law is currently written, it allows for you...you know, it takes into consideration those situations where, you know, load shifts occur. And so...but by eliminating the axle qualifiers, if you will, it really kind of opens it up and allows you to, you know, run over much higher weights on multiple axles than just one axle. [LB624]

SENATOR FRIESEN: Only during harvest. Right? [LB624]

RYAN HUFF: Right, yeah. [LB624]

SENATOR FRIESEN: So, if that part was taken out, the rest of the bill would look good? [LB624]

RYAN HUFF: I wouldn't say that. There's still the damage that we're talking about. We'd have to recalculate and see what that would do. But there are plenty of different ways

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you could go about adjusting this. But it's still a concern the way it is written. [LB624]

SENATOR FRIESEN: Thank you. [LB624]

SENATOR SMITH: I think we can go ahead and take further questions for Mr. Huff while he's at the microphone. No additional questions. Thank you, Mr. Huff. [LB624]

RYAN HUFF: Thanks. [LB624]

SENATOR SMITH: And I think what...continuing with Director Peters, please. Are there further questions from the committee? I do have a few questions. On the fiscal note that was included, I assume that's only for state highway systems, is that correct? [LB624]

RANDY PETERS: That's correct. [LB624]

SENATOR SMITH: It does not reflect the county roads or the county bridge system. [LB624]

RANDY PETERS: That's correct. [LB624]

SENATOR SMITH: Would you venture to guess what impact may be there? [LB624]

RANDY PETERS: Well, the state system has 3,500 bridges, the county system has more than 12,000 city and county system. Many of them are in more dire condition to the state. So it would be a bridge...it would be a bridge concern. The pavements, the damage to a gravel road is probably more in terms of motor grader intensity than it is millions of dollars over the course of 20 years, but every load tears up gravel roads too. [LB624]

SENATOR SMITH: Okay. In your opinion, is the state limited from the federal perspective on the maximum gross weight and axle weights that may be authorized? [LB624]

RANDY PETERS: There are federal maximums on them. [LB624]

SENATOR SMITH: And so we're restricted according to those federal maximums? [LB624]

RANDY PETERS: Right. [LB624]

SENATOR SMITH: And so with the increase in size and weight of equipment now, I mean, what is the long-term solution for our road system to make certain that it accommodates this increased weight with equipment? [LB624]

RANDY PETERS: Well, the...you know, our road network is a legacy of already-built bridges and already-laid pavements. One answer is to factor in the modern generation of equipment, the difficulty of finding drivers for that equipment; make them bigger and heavier, but make the corresponding investment in the bridges and pavements as well. And that's the part that's...it's an external cost to this bill and that we're...that we're trying to express that you need to make those investments in making the bridges stronger and making the pavements more durable or replacing them more often. [LB624]

SENATOR SMITH: Across the country, do you see any other states that are leading the way, best practices, and beginning to address that? [LB624]

RANDY PETERS: I think...I know some of our western states in Idaho, Montana, that area where a lot of mining equipment is going north and heavy industrial equipment, they're starting to get together to harmonize their regulation. But I don't know of any breakthroughs in terms of pavements or bridges that are super. [LB624]

SENATOR SMITH: All right. Senator Friesen. [LB624]

SENATOR FRIESEN: Thank you, Chairman. One last question, I guess when you design a bridge, what is the safety factor? When you look at an interstate...or a highway bridge and you're looking at 95,000 gross, triple-axled trucks running across there, obviously you have a tonnage that breaches a breaking point for permitting overweight vehicles, or how many axles they need to carry a load, what would be the safety factor that you use? [LB624]

RANDY PETERS: If you may, I have deputy engineering for operations here, who has also spent more than 20 years on our bridge design. I'd like him to come up and address the question. [LB624]

MOE JAMSHIDI: Good afternoon. My name is Moe Jamshidi, M-o-e J-a-m-s-h-i-d-i. And I'm deputy director for operations for Nebraska Department of Roads. I understand the question is that how much safety factor are used when you're designing bridges? It's a good question, but it's got a complicated answer to it, but I'm trying to do it the best I can to answer it. When you're designing a bridge, there are a set of loads that are...the designers have to consider that goes over the bridge. And these loads are figured in a statistical-type of analysis that wanted the probability of these loads going over the bridge at certain frequencies. And then there are safety factors both on loads and on materials. For example, when you're building a bridge out of concrete, you think you have a 4,000 PSI-strength concrete. What are the probabilities that that strength is on every part of that concrete. So there are assumptions made that not, maybe, all the material is as good as the designer has designed it. So there are safety factors on the material that they may not be as good as what we put in. And also safety factors on

loads. For perhaps there are people who are going over the bridges with extra loads that we had accounted for. So all of those put into place that design of bridges, brand new bridge design, I would say you have probably, potentially, twice as much, possibly, maybe as high as...most...at least one and a half to twice as much capacity and that's why we use it to permit certain type of trucks that their loads are not divisible, you can't take the loads off. And in those cases, we will then restrict the bridges to maybe one truck going at a certain speed and we stop all the other trucks. So again, a bridge is designed to statistically, at any give time, a designer have to decide, really, how many trucks will be on that bridge at the same time on difference spans. And then figure out the worse case scenario and then figure out what are the materials that we're dealing with and what could go wrong with the quality of material. All of these combined would run through the analysis and we come up with the member sizes and the bridge sizes and what have you to meet all the codes. [LB624]

SENATOR FRIESEN: So you get...you get...on your standard bridge, you get two overloaded trucks at the same time, obviously, you're still not in fear of the bridge failing if they're... [LB624]

MOE JAMSHIDI: It depends where they are. It depends how they're meeting one another. That's why we have some big transformers that come to Nebraska, in fact one of the questions you asked--how are states around us are, in fact, sometimes we are the state where nobody else can get permit from others; they take it through our state, the north/south. We're a little bit lenient in some cases. So we want to keep all the loads within legal as much as possible; and if they're not, we want to know about it so we can advise people that if you're going to go over certain bridges, how to get across. Sometimes speed is a factor; if we slow them down there's not an impact force that can affect it. In some cases the answer to your question is yes; you could have a bridge with two trucks, even somewhat overloaded, at the same time would be okay. But five miles down the road, you have another bridge that it might not handle it. So that's why we post bridges that cannot take the standard loads. [LB624]

SENATOR SMITH: Senator Brasch. [LB624]

SENATOR BRASCH: Thank you, Chairman Smith. And thank you, Mr. Jamshidi. [LB624]

MOE JAMSHIDI: Very good. [LB624]

SENATOR BRASCH: And it's good to see you again. [LB624]

MOE JAMSHIDI: Good to see you. [LB624]

SENATOR BRASCH: I'm glad he brought you up here because I've been on some of

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your tours of the bridges, not just the recent ones that we had in the counties. But you've had a few in our district, District 2 and District 3, bridges repaired and reconstructed; one in the West Point area, down in Cuming County, where they laid panel, cable, quite elaborate, we walked under and looked...is that bridge built to a standard that lives for the future, you know, was it...or will this say--that bridge is no longer a safe bridge with this equipment? Or up in Tekamah, Highway 75 to 32,... [LB624]

MOE JAMSHIDI: Right. [LB624]

SENATOR BRASCH: ...your construction people are very proud of your new bridges, they're rebuilding them, and does that make them less of a bridge? [LB624]

MOE JAMSHIDI: Right. Very good question, actually the bridges that we're building today, going back to the statistical analysis of what kind of loads we're going to have now and 50 years down the road, because those are added into the calculation. Brand new bridges are built today are expected to...we, in the bridge division, we decide what we're shooting for a hundred-year bridge. So we are looking in the crystal ball and all of our calculations, we even forecast what kind of loads in the future could be and their frequencies on our bridges. Those are not a problem. But when a law like this gets passed, the immediate attention goes into the bridges that we already have in place, some of them already 50, 60 years old, and what do we do with them to extend their life? [LB624]

SENATOR BRASCH: Very good. That does answer my question very well. Thank you. [LB624]

MOE JAMSHIDI: Very good. [LB624]

SENATOR SMITH: Further questions? I see none, thank you, Mr. Jamshidi, appreciate it. [LB624]

MOE JAMSHIDI: Thank you, sir. [LB624]

SENATOR SMITH: We return to Director Peters. See if we have any further questions for you. I see no more questions from the committee. Thank you for your testimony. [LB624]

RANDY PETERS: Thank you, sir. [LB624]

SENATOR SMITH: We will continue with opponents of LB624, those wishing to testify in opposition to LB624. Welcome. [LB624]

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BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Smith, members of the committee. For the record my name is Beth Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials and I'm appearing here in opposition to LB624. While NACO recognizes the importance of agriculture in this state and to the economy of the state, our question and our concern really comes down to if this bill leads to damage to county bridges, how are we going to pay for it? Senator Dubas conducted a study last summer of county bridges, and it really pointed out the critical nature of some of the bridges and how essential it is to come up with some funding for this, for bridge repair. Right now, if there is damage to a bridge, it needs to be replaced; federal money aside, it really comes out of property taxpayers' pockets. And if there would be damage to bridges caused by the shifting of weights in this bill, the property taxpayers would have to pay for it. So that's the reason for our opposition to this bill. And I'd be happy to take questions. [LB624]

SENATOR SMITH: Thank you, Ms. Ferrell. Do we have questions from the committee? Senator Brasch. [LB624]

SENATOR BRASCH: Thank you, Chairman Smith. And thank you for your testimony, as well, here today. I was also on the county-wide tour that because we've identified the need for bridges, regardless of what equipment, the bridges will be replaced. Do you believe that the new bridges, most likely, like the new bridges the state or the rebuilt bridges will also meet those standards that we just heard testimony that the bridges that are done now are okay with these changes? [LB624]

BETH BAZYN FERRELL: I think I would need to defer that technical question to someone with more expertise in that area than I. [LB624]

SENATOR BRASCH: Okay. Okay, very good. That's my only question. I'm thinking once we get these county bridges up to standards, they will be the same standard as the state of Nebraska has identified. So if you can't answer, that's okay. Thank you. No other question. [LB624]

SENATOR SMITH: Thank you, Ms. Ferrell...again, thank you, Ms. Ferrell. Do we have...oh, I'm sorry, do we have another question? No. All right, we continue with opponents of LB624, those wishing to testify in opposition to LB624. Seeing none, I welcome anyone that would like to testify in the neutral capacity on LB624. Neutral. Seeing none, Senator Larson, you're invited to close. [LB624]

SENATOR LARSON: Thank you, Chairman Smith and members of the Transportation Committee. First, I'll just say the fiscal note is ridiculous. And the Nebraska Department of Roads is using very little common sense in their fiscal note when they talk about that. I think what we heard in terms of most of these...and I think Senator Friesen brought up, these are small shifts in weight...a thousand pounds here on an axle, a thousand

pounds, you know, shifting...this isn't dumping all 90,000 pounds on one axle. And our agricultural producers are getting very large fines and when you have \$4 corn, it's difficult to make sure everything is working. And so to think that these small shifts are going to cause that much damage to the roads is lacking in that common sense. And what farmers and ranchers are doing now to combat these weight limits on axles is they're adding more axles under the trucks. And what that allows...or what that does essentially adds more wear and tear to the roads because you're putting more tires, you're putting shorter...more turning radius, more tires on the road and more wear and tear. So to use the argument that that little extra added weight is going to accelerate the wear and tear on the road. Well, I would make the argument, when you have our agricultural producers just adding axles, that's actually what's adding more wear and tear to the road. And if we don't fix this, it's going to shorten the life span of these highways. So a little common sense from the Department of Roads would have been appreciated. In terms of...and we had a lengthy discussion, LB624, as introduced, doesn't allow you to go over gross weight during the harvest season...and we don't change what happens in the harvest season in terms of letting them be 15 percent over either. This literally just exempts the axle requirement. And like I said, these are small shifts usually. And a producer isn't going to want to put everything on one axle because that's not good for the truck. They're going to try to spread out as much as possible, but there are shifts. I'm open to working with all the agricultural groups and the committee to broaden and update the laws that they were talking about in terms of the added machinery and what's happening there and these producers, making sure they can get their machines to the field. It doesn't make sense, obviously, to load up a semi on a tractor trailer and drive it across the road to get to the next field and things of that nature. And right now, as we heard from the Department of Roads, that's what they legally have to do. And so these are burdens on farmers and ranchers across the state of Nebraska. Hopefully, I'm more...like I said, I'm more than...well, happy to use LB624 as a vehicle to even modernize some of our statutes with the equipment and machinery and use the common sense that, I think, all of us here have in the sense that we're not going to be dumping tons of weight, these are small shifts that are causing a lot of money out of agricultural producers' pockets. And that's still better than adding more axles to these trucks to get around these weight limits, because that's going to tear up the roads even worse. [LB624]

SENATOR SMITH: Thank you, Senator Larson, for your closing. Do we have any further questions for Senator Larson? [LB624]

SENATOR LARSON: Thank you. [LB624]

SENATOR SMITH: Seeing none, thank you. That concludes our hearing on LB624. We now proceed to hearing on LB53, introduced by Senator Scheer. Welcome. [LB624]

SENATOR SCHEER: Thank you, Chairman Smith. I know how to clear a room, if

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nothing else. My name is Jim Scheer, S-c-h-e-e-r; I represent the 19th District in the State Legislature. I'm here to introduce LB53 which deals with the tread depth and the top of the screws that attach license plates to the cars and if they are Phillips head or straight head and providing that to be torques head. Now wait a minute, that's next year, excuse me. (Laughter) The bill I'm introducing is sort of an extension of others that have been approved earlier. It's a very small subset, it just says that if a vehicle is manufactured without the devices to maintain a license plate on the front of a vehicle, that it be allowed to have only a rear license plate on the vehicle. Now I realize that that may create a problem because how would a law enforcement person know that it may or may not be legal and so part of the bill, as well, would dictate that when you purchase this, you would have an ongoing \$100 fee each year that you renew your license plates, that would put a sticker in your front windshield, front left windshield, so that if a law enforcement individual drove by you, if it was there they knew you were driving legally and had paid the additional fee to have the one license plate. And so they wouldn't be concerned if someone was breaking the law or not. I would tell you that that is substantially different than any of the other exemptions that have been offered, that are currently law because right now there are exemptions that allow one license plate to be on the rear of a vehicle. And, quite frankly, law enforcement doesn't know if that individual is being permitted to do so or not because there is no requirement of that. It is a very small subset of vehicles that are purchased in the state of Nebraska. And I think I will allow any questions, but I will probably just wait and there might be some that would express concerns on this bill and I'll just follow up at the end with any other questions that might come up. And if there are questions right now, I'd certainly entertain those. [LB53]

SENATOR SMITH: Questions for Senator Scheer? Real quick question, and you can defer it if you'd like, but are you...is this from a factory that you're looking for? [LB53]

SENATOR SCHEER: Yes, it... [LB53]

SENATOR SMITH: Or could it be customized? [LB53]

SENATOR SCHEER: No. Actually right now specialized vehicles, as you're discussing, is already permitted, Senator. This would be for vehicles that were manufactured without the capacity to have...to hold a front license plate. So a very small subset of the vehicles that would be sold... [LB53]

SENATOR SMITH: Thank you. [LB53]

SENATOR SCHEER: ...are in the marketplace right now. [LB53]

SENATOR SMITH: I see Senator Garrett has a question for you. [LB53]

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SENATOR GARRETT: Thank you, Chairman Smith. Do you have an estimate as to how many vehicles? I can envision some Corvettes, those kind of... [LB53]

SENATOR SCHEER: As far as a number, I have no idea. But from driving, it is a very, very small number. And those folks that have contacted me, most of it is...it's, one, a pain to find some way to attach those plates to the front end because more times than not, they're bolted in through. And then as far as a resale, when they go to resell those vehicles, they go to another state which the majority of the states in the United States do not require that, so then they either have to replace the front mechanism that it was bolted through or they have this other device attached there that no one else wants. So it certainly would be a convenience for those individuals, but those individuals are also paying a proportionate amount for that convenience as well. And the funds, by the way, which I did not mention, would go to the Highway Fund, so at least we would provide some more dollars for road construction or maintenance. [LB53]

SENATOR SMITH: Senator Brasch. [LB53]

SENATOR BRASCH: Thank you, Chairman Smith. And thank you, Senator Scheer, for introducing this, because we do get District 16 calls about speciality vehicles, be it a Corvette, and we have had bills before the Legislature in the past of this nature and I don't...I'm not seeing it here, but I thought there are exceptions made for vehicles that are pretty much...only come out once a year for the Shriners or a special... [LB53]

SENATOR SCHEER: Parade...parade specialty vehicles, yes. [LB53]

SENATOR BRASCH: ...so many milage... [LB53]

SENATOR SCHEER: Yes, those are there. I think it might be part of a difference statute. But it's... [LB53]

SENATOR BRASCH: A different statute, okay. And so this... [LB53]

SENATOR SCHEER: Sort of an extension of that, yes. [LB53]

SENATOR BRASCH: Okay, all right. I have no other questions. Thank you. [LB53]

SENATOR SMITH: Senator Friesen. [LB53]

SENATOR FRIESEN: Senator Scheer, how many states right now just require one license plate, do you know? [LB53]

SENATOR SCHEER: I believe it was 28, but I might be mistaken; I didn't write it down, but half or better, I guess, I think would be a safe assessment. [LB53]

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SENATOR FRIESEN: Because I think when I ordered my last vehicle, I mean, the front license plate bracket was an option that I had to pay for. [LB53]

SENATOR SCHEER: Right. [LB53]

SENATOR FRIESEN: If I wouldn't have required a front plate, I wouldn't have needed to buy that. [LB53]

SENATOR SCHEER: Sure. [LB53]

SENATOR FRIESEN: So I mean I could choose to just have...not have that on there. [LB53]

SENATOR SCHEER: If you want, but bear in mind as well that...I don't know what the option is, but you'd be paying \$100 a year to have that. So it might be more economically feasible for you to buy the bracket then. For those that would choose not to, certainly this would provide them an option. [LB53]

SENATOR FRIESEN: I guess my point was, is why do we require two license plates? [LB53]

SENATOR SCHEER: I don't know. That's far beyond my pay grade, sir. And I'm just responding to the area that I was requested to and feel that it's a logical extension of an exemption. [LB53]

SENATOR SMITH: We may have someone that follows you in testimony that could answer that. [LB53]

SENATOR SCHEER: You know, I'm assuming there might be somebody that may not be as enamored with this as myself, and so we'll let them, perhaps, fill that part of the puzzle in. [LB53]

SENATOR SMITH: All right. Further questions for Senator Scheer? Thank you for your opening on LB53. We continue now with proponents of LB53, those wishing to testify in support of LB53, proponents. Welcome. [LB53]

LOY TODD: Thank you, Senator Smith, members of the committee. My name is Loy Todd, that's L-o-y T-o-d-d. I'm the president and legal counsel for the Nebraska New Car and Truck Dealers Association. I'll start by simply informing the committee that we've never seen a one-plate bill that we didn't like. We're on the front lines of that discussion with the consumer who is anywhere from miffed to devastated that we tell them that we're going to start drilling holes in the front bumper of their new

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\$70,000...\$80,000 sports car, or even a much more modest vehicle and that doesn't come equipped with a license plate bracket. And then we get into our concerns from a dealer standpoint, as you indicated, Senator, do we charge you for that, try to convince you to pay for it, or do we eat that, because, quite frankly, every motor vehicle starts out with no front license plate holder. But with some manufacturers when they go to ship them to Nebraska, they know...they go ahead and incorporate that. You'd be surprised at how many vehicles are actually presold and they know where they're going before they're manufactured. So we've got a real mix. I used to try to find out, I used to try to...tell you how many states do and don't require how many license plates. But, quite frankly, I've been doing this a long time and when we get to these one-plate bills, law enforcement comes in and pretty much makes them go away. So I didn't spend a lot of time doing it this time either and I apologize for that. However, and it used to be other...some other industries would be concerned, the petroleum marketers used to be concerned about drive-offs and that kind of thing. And I think they've solved their problems, so I assume we're not going to hear from them at this time. But I can tell you that about half the states do get along very nicely with one license plate. And I'm sure that our law enforcement is capable of identifying vehicles. And I totally understand some of the merits of having two. But we would strongly suggest that the Legislature consider one plate and make the transition from two to one at a time when the license plates are being renewed and reordered by the department and coordinated. And I think we're a couple of years away from that. And, in fact, one year it was interesting that testimony from the department was...I've never really totally understood it, but they actually indicated that it would cost more to have one plate than two plates because of ordering volume and some other kinds of things. But if we made that transition at a time when they're ordering plates anyhow, I don't think that would be the case. But...so with that I can tell you that there are collector cars, there are cars that will be truly diminished greatly in value by having that plate. Some people just take their chances. And so we see everything, but we would certainly prefer a single plate across the board, without all the other requirements. Thank you. [LB53]

SENATOR SMITH: Thank you, Mr. Todd. I see Senator Garrett has a question for you. [LB53]

SENATOR GARRETT: Thank you, Chairman Smith. I'm going to be master of the obvious here, clearly there's no federal law that requires two plates? [LB53]

LOY TODD: No, Senator. [LB53]

SENATOR GARRETT: Thank you. [LB53]

SENATOR SMITH: Senator Seiler. [LB53]

SENATOR SEILER: Yes, sir, I noticed that Section C(1) creates a license decal for

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passenger cars. You've got a list of other vehicles running up and down the highway that don't have that decal, is that right? [LB53]

LOY TODD: I believe that's the...that's how I see the bill as... [LB53]

SENATOR SEILER: Why the passenger car? Is that just a bone for the State Patrol? [LB53]

LOY TODD: Senator, it's not our bill. We just like it. But I...my assumption was, it was an identifier that the Patrol could see coming from the other direction that this wasn't a vehicle that they had to be concerned with. But it's just my assumption. [LB53]

SENATOR SEILER: Okay. I thought maybe it was your bill. Thank you. [LB53]

SENATOR SMITH: I see no further questions. Thank you, Mr. Todd. [LB53]

LOY TODD: Thank you. [LB53]

SENATOR SMITH: We continue with proponents of LB53. Anyone else wishing to testify in support of LB53? Seeing none, we now move to opponents, those wishing to testify in opposition to LB53. Welcome. [LB53]

MICK MINES: Thank you, Mr. Chairman. Please excuse my voice, I'm just getting over a cold. My name is Mick Mines, M-i-c-k M-i-n-e-s and I'm here representing 3M as their lobbyist on LB...in opposition to LB53. 3M is the supplier of retroreflective sheeting that's used in the fabrication of the reflective license plates that we use here in Nebraska. The issue of one or two license plates has come before this committee, I would bet, every session in one form or another. And here we are again. There are 31 states that require two license plates, 19 do not require two. And in the last 30 years, no state has converted from two plates to one plate. I apologize for the voice; it's just gone. A lot of Nebraskans have deep feelings about one plate versus two. I think we can all agree that it's...that license plates are critical part of our transportation, not only here in Nebraska, but throughout the country. But it seems to me the discussion about one plate or two plates shouldn't be about cosmetics of a car; it should be about safety, it should be about law enforcement, and it should be about taxes that are being evaded. I might mention that Corvettes seem to come up a couple of times in your discussion earlier. Corvettes are made for license plates. You get a license plate bracket. It's an option. It's an option for the 19 states that don't require it, but there's a place for a license plate. In fact, there's...you can go on-line and get a license plate for a new Corvette that attaches with rings around the grill and it doesn't destroy anything. And I don't think we're talking about Corvettes. I would assume Senator Scheer is talking about Ferraris and Lamborghinis and whatever, but the point is, it's about cosmetics. It's not about safety, law enforcement, and evasion of taxes. And here are a couple of reasons why I think we

ought to have front plates. That retroreflective material in the front plate is the only reflective surface on a vehicle, on the front of a vehicle. On the rear of the vehicle, the taillights are mandated to be reflective. On the front of the vehicle, they're not. So in dusk or dawn or when a driver neglects to turn on their lights or is incapable of turning on their lights, it's the only reflective surface that you will see coming at you if that condition occurs. Without a front license plate, you don't have that. Front license plates enhance an officer's ability to identify vehicles, particularly homelands...for Homeland Security, auto theft, traffic violations, those kind of things. Front license plates also enhance the likelihood that a camera in a police car gets photographic evidence from the front of the vehicle, or a "cop cam" that's on the surface of the cops. And additionally, the bank drive-throughs and convenience stores, it enhances the opportunity for cameras to catch the bad guys. And if you remove that front plate, certainly it diminishes that. I think the...the one that I hate the most is front plates provide a reflective target for laser speed detection so police officers can see you with their...get a better reflection back and that...I tend to go a little fast sometimes. The real technology, I think, that's important here is called the automatic license plate reader. That is an infrared optical character reader that actually reads license plates. And it does so in an 8-hour shift, for a police officer, it will read 10,000 license plates; compare that information against the database that the...for an instant data match with state, regional, national data want lists and give them immediate information back whether it's for wants and warrants or terrorists or for parking tickets or it compares all those databases and gives the officer in that vehicle immediate information about that vehicle. And then evasion, the Department of Motor Vehicles has two issues, I think, that are very important. We all know the vehicle taxes in Nebraska are very expensive. And as a consequence, the two problems that the DMV faces, and certainly significant loss of revenue, one is when residents illegally register their cars in neighboring states with lower taxes. And the second, pardon me, and more pervasive problem is plate splitting. Plate splitting is when a person removes the front license plate from a legally registered vehicle and then attaches it to the rear of a nonregistered vehicle. I mean, if we have one license plate on some cars, the enforcement issue, I think, gets more problematic. So it would...I have no doubt it would increase the incidents of plate splitting. A couple of questions that we had about the bill, the sticker...the \$100 sticker, in the bill it doesn't say it's an annual fee. I mean, if you pursue that, I know the senator intended that. And the design of the sticker is very vague. And the intent, we understand the intent, but the design could be whatever you want. So I think what I'd like to say in conclusion is that as your fiscal office noted, there are very few, if any, cars that aren't manufactured for a license plate, and as I mentioned, Corvettes, you can get retractable license plates, you can do, after market, you don't drill right in to the grill. And I think that we're looking for a solution that there's no problem to. So with that, I'd be glad to answer any questions. [LB53]

SENATOR SMITH: Thank you, Mr. Mines. Do we have questions from the committee? Seeing no questions, thank you for your testimony. [LB53]

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MICK MINES: Thank you. [LB53]

SENATOR SMITH: We continue with opponents of LB53, those wishing to testify in opposition to LB53. Welcome. [LB53]

RICHARD HALVORSEN: Good afternoon, Senators. My name is Richard Halvorsen, H-a-l-v-o-r-s-e-n. Somebody once said, the rich are just like the rest of us. Of course, people (inaudible) say-no, they aren't. In this case it is. I mean, here is a guy with \$200,000 Lamborghini, he's got this pressing problem. Man, how do I put my front license plate on? Well, they don't. Like the gentleman before, Corvettes, now I've seen many Corvettes (inaudible) on the streets of Lincoln and they don't have that front license plate. Now how they're getting away with it, I have no idea. The State Patrol is not here, I guess, can't answer that. But somehow they're getting away without the decal or the front license plate. Again, that's one thing too, I'm surprised the State Patrol is not here. Every bill we've had...or you've had, to reduce to one plate, State Patrol shows up and say--oh no, no, no, we can't have that. A few...I don't know...a couple years back, people from western Nebraska wanted to have...do away with it for pickup trucks. You know, we drive these pickup trucks out in the field and the front license plates get all, you know, all bent up, beat up, torn off. And I forget what their remedy was, but, basically, one license plate. And State Patrol said, nope, we can't have that for security reasons. And, again, I see...I don't see...the same thing here, we're dealing with a smaller amount of vehicles, but Corvettes get stolen. Corvettes speed down the highway. Corvettes, you know, I say anything, you know, I say...again, smaller statistics, but same principle holds true that you would think for security reasons that they would come out and say we want, you know, license plates on the front. And also a question about (inaudible) says--one license plate shall be issued upon request...compliance with this...for any passenger car which is not manufactured to be equipped with a bracket on the front of this vehicle display a license plate. Well, like the gentleman says, actually, that's a new one that I'm sure...maybe you can...like I said, the Corvettes might be an option. And I'm sure even the higher-priced cars there's some way to get a bracket for the front plate. And plus, who decides? I mean, if you go in there, don't want a front license plate, you go in there...I suppose common sense, the car, you know, will tell, but if you got a standard Chevy Impala it's got a front plate. Well, I thought, well whose is going to decide (inaudible). Well, the guy said, well, I don't want a plate, I want to pay the hundred bucks. Again, it's an issue of fairness, you know. They ought to compile the same rules that the rest of us do and if there's an option out for them, maybe we all ought to start exploring other options for other people that don't like the plates. And that's my testimony. Thank you. [LB53]

SENATOR SMITH: Thank you, Mr. Halvorsen. Do we have questions from the committee? [LB53]

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SENATOR SEILER: I do. Sir. [LB53]

SENATOR SMITH: Yes, we have a question. Senator Seiler. [LB53]

SENATOR SEILER: I think maybe your question was answered on the last part of page 2 and the top of page 3: the license decal shall be issued with the license plate, and it goes on--shall display on the driver's side and it shall be paid \$100 plus the cost of the decal paid to the county treasurer and then remitted to the state treasurer. That might explain why nobody is here. [LB53]

RICHARD HALVORSEN: Yeah. Well, like I say, that option is not available now, but... [LB53]

SENATOR SEILER: Because that wasn't in any of the other... [LB53]

RICHARD HALVORSEN: Huh? [LB53]

SENATOR SEILER: That was not in the previous bills. [LB53]

RICHARD HALVORSEN: Right. But I can't remember what the remedy was. [LB53]

SENATOR SEILER: I can. It wasn't. [LB53]

RICHARD HALVORSEN: Yeah. And maybe...maybe who knows,... [LB53]

SENATOR SEILER: Thank you. [LB53]

RICHARD HALVORSEN: ...if this passes maybe they'll come back and say, hey, well, maybe not a hundred bucks for an old pickup, but maybe they'll say we're willing to pay fifty bucks for a decal. Again, who knows. [LB53]

SENATOR SEILER: Thank you. [LB53]

RICHARD HALVORSEN: Thank you. [LB53]

SENATOR SMITH: (Exhibits 1 and 2) Thank you, again. Any additional opponents to LB53, those wishing to testify in opposition? Seeing none, we now move to...okay we have two letters to read into the record in opposition to LB53 from Todd Schmaderer, Chief of Police on behalf of the Omaha Police Department, and from Amy Prenda on behalf of Nebraska Sheriffs' Association. Now move to those wishing to testify in a neutral capacity on LB53...neutral. Seeing none, Senator Scheer, you're invited to close on LB53. [LB53]

SENATOR SCHEER: Thank you, Chairman Smith. In response to a few of the things that were brought up, Mick doesn't have to worry as far as 3M is concerned. This doesn't talk about having...only buy one. It simply says: one would be issued. There's still two plates that would be purchased. I mean, there's no discount because you're only going to use one. You still are buying both plates; one is going to be destroyed. In fact, I found it ironic in the fiscal note it talked about an additional cost of \$18,000 to destroy the plate. And I'm thinking these things aren't made out of steel. Every county courthouse has a shredder. You can put those things in a shredder and destroy it. So you sort of do away with the other concern he had with the plates splitting because you're only issued one plate. You are issued the sticker. So if the vehicle is driving down the street, if it doesn't have a sticker and it's got one plate, law enforcement is quite intelligent, they would know that that's probably either plate splitting and they could certainly pick them up, or it's some other type of violation. We're not breaking new ground. For those of you that are interested, we already exempt dealers; they don't have front plates. We exempt all motorcycles. Now I got to tell you, if I'm law enforcement, I think there's probably more convenient stores or other type of things that are done probably on motorcycles because they're an awful good way to evade police. They go places cars don't go. And not that all criminals are highly intelligent, I get that, but some of them might be and if they're using their head, that's probably the more opportune part of robbing something. I would also note that watching TV, and I'm the casual watcher, most of those type of infractions when they rob banks or they rob other places, they're walking out and they're leaving the premises on foot. There's no car to take a picture of. So again, it's immaterial if they had a front plate or just a rear plate. As far as identification, that was one of the other concerns that we spot these 10,000 plates. Well, we don't stop the plates on a dealer's vehicle; we don't register any plates on any motorcycles. We don't do it on any tractor-trailers, something about that, every truck running up and down the highway doesn't have a front plate on it. No buses have a front plate on it. We already allow in...through law, specialized vehicles to do exactly this. It does have a smaller fee attached to it, but it does not have any way for law enforcement to know if they have even paid the fee. This allows law enforcement to know that those vehicles have paid the fee that allows them to have one plate. This isn't special interest. This is just a succinct part of the driving public, just like motorcycles are. Not asking for anything more, anything less than what's already being granted to everybody...you know, not everybody else, but a large portion of the driving public. So we're not breaking virgin dirt here. It's just a small extension of what's already being offered for those people that are wanting the...that are willing to pay the additional expense of allowing them not to destroy the front of a vehicle for value purposes at some point in time and have one plate on the rear end. I would suspect they're probably not highly criminal activity people. That's not to say they won't break the law, they might. But a patrolman with a camera on his shoulder isn't walking around the front to take a picture of the license plate that he picked up from the back side. They don't pick cars up from the front side, they pick them up from the back side. That plate is still there; law enforcement's fine. So this really doesn't impact law enforcement. In fact, it adds some

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security pieces to it that are better than what we've already allowed to be out there. So, we don't have to worry. Companies will continue to make two plates; one of those plates will be destroyed. A sticker will be designed...it's mute on what the sticker is supposed to look like. I believe the Department of Transportation can probably come up with whatever sticker they want. The person that's going to be getting the single plate is also paying...remember, it doesn't say what they have to pay...they will pay for that sticker and an additional hundred dollars. So I believe everything has been covered that would facilitate law enforcement from a larger perspective. You're always going to have concerns from law enforcement regardless if it had two plates. People are still going to rob places. They're still going to cause problems; they're still going to break the law. One plate or two doesn't stop that. But what the bill does, is it provides some additional guarantees for law enforcement above and beyond what we already ask in the different areas that people would be driving with one plate exclusively. I would urge you to move it out of committee. Thank you. [LB53]

SENATOR SMITH: Thank you, Senator Scheer, for the closing. I think we have a couple of questions here. Senator Brasch. [LB53]

SENATOR BRASCH: Very interesting concept. I am aware that we have aftermarket plates as was mentioned. What hasn't been mentioned, I'm wondering if our Chairman is thinking about sesquicentennial decals that maybe could be issued when you mentioned design. So, there you go. I don't have any questions. [LB53]

SENATOR SCHEER: Wonderful idea, Senator Brasch. But that's certainly up to the department to decide. [LB53]

SENATOR BRASCH: Very good. Thank you. [LB53]

SENATOR SMITH: Thank you for the nice plug, Senator Brasch. Any further questions from the committee? Seeing none, thank you for your closing. [LB53]

SENATOR SCHEER: Thank you very much. [LB53]

SENATOR SMITH: And that concludes our hearing on LB53 and our hearings for the day. [LB53]