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Transportation and Telecommunications Committee
January 26, 2010

[LB805 LB808 LB821 LB914]

The Committee on Transportation and Telecommunications met at 1:30 p.m., Tuesday, January 26, 2010, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB914, LB821, LB805, and LB808. Senators present: Deb Fischer, Chairperson; Arnie Stuthman, Vice Chairperson; Kathy Campbell; Tim Gay; Galen Hadley; Charlie Janssen; and LeRoy Louden. Senators absent: Scott Lautenbaugh. []

SENATOR FISCHER: Good afternoon and welcome to the Transportation and Telecommunications Committee. My name is Deb Fischer, I am Chair of the committee. I represent the 43rd District and I'm from Valentine, Nebraska. I would like to introduce to you the members of our committee. On my far right is Senator Charlie Janssen from Fremont. Next we have Senator Kathy Campbell from Lincoln. Next is Senator Tim Gay from Papillion. Senator Arnie Stuthman is our Vice Chair and he is from Platte Center. To my immediate right is our committee counsel, Mr. Dusty Vaughan. To my immediate left is our committee clerk, Miss Laurie Vollertsen. And next we have Senator Galen Hadley from Kearney. Senator Lautenbaugh has an excused absence today, he has another commitment and Senator LeRoy Louden from Ellsworth will be joining us a little bit later; he has a bill to introduce in another committee. We do have two new pages with the committee this year, Lisa Cook from Omaha and Tony Pastrana from Fort Collins, Colorado. If you need any assistance with anything with handouts, please signal to me and I will have our pages help you with that. We will be hearing the bills in the order that they are listed on the agenda. 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 committee hearing moving. I ask that you please sign the yellow sign-in sheet at the on-deck table which is right there and have that ready to hand in when you testify. We do use a computerized transcription program and so it's very important that you follow the directions on that sign-in sheet. And before you testify, I would ask that you hand that sheet to our committee clerk before you sit down to testify. For the record, at the beginning of your testimony I ask that you spell your first and last names and please keep your testimony concise and try not to repeat what someone else has covered. I don't plan to use the light system today. I think the bills should move through fairly quickly, but I do reserve the right to limit testimony. If you don't want to testify, but you want to voice your support or your opposition to a bill, you can indicate so at the on-deck table on the sheet provided and this will be part of our official record of the hearing. However, if you want to be listed on our committee statement, you do have to complete that yellow sign-in sheet, come forward and at least state your position on the bill. If you don't testify, you can submit comments in writing and they will be read into the official record and the committee always welcomes your comments. At this time I would ask that you turn off your cell phones, that means no texting. We don't allow cell phones on in this committee. With that, I will open the hearing on LB914 and Senator Sullivan is here to open. Welcome, Senator Sullivan. [LB914]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR SULLIVAN: Thank you. [LB914]

SENATOR FISCHER: This is, I think, your first time before the committee. [LB914]

SENATOR SULLIVAN: Yes it is, Senator Fischer. [LB914]

SENATOR FISCHER: We're very happy to have you. [LB914]

SENATOR SULLIVAN: (Exhibit 1) Thank you very much. Good afternoon, Senator Fischer, [LB914]

SENATOR FISCHER: Good afternoon. [LB914]

SENATOR SULLIVAN: and members of the Transportation and Telecommunications Committee. I'm Senator Kate Sullivan representing Legislative District 41. That's Kate K-a-t-e Sullivan S-u-l-l-i-v-a-n. LB914 amends Section 60-696(4). This section contains the statutory requirements for drivers of vehicles involved in accidents resulting in damage to property their duty to provide their information to the owner of the damaged property and to report the accident promptly; and the penalties for drivers who violate the law. Regardless of whether the driver is a first time violator, a Class II misdemeanor, or has been convicted under this section before, a Class I misdemeanor, the mandatory penalty is a one-year license revocation. I propose to change "shall" to "may" in line 11 on page 3. This allows, in essence, the judge to use his or her discretion in suspending the license. Prior to passage of LB254 in 2001, suspending the license was not a penalty of violation of 60-696. LB254 added a mandatory license suspension for at least 30-days and up to one year. In 2006, the Legislature passed LB925 which eliminated the 30-days to a year and made the mandatory license suspension one year. The intent of both LB254 and LB925 was to catch and punish repeat DUI offenders who often left the scene of an accident to avoid alcohol testing. However, this statute also applies to drivers who aren't drunk and aren't trying to avoid a DUI charge. It catches, in essence, people who slide into a mailbox during bad weather and report the accident the next day. It catches people who back into a car, a building, or a cart corral in a store parking lot and are identified by store security cameras. The punishment may fit the crime if someone is driving drunk, but a one-year license suspension is too harsh for a minor fender bender in the Target parking lot or a mailbox casualty in icy conditions. Each of you have received a letter from my constituent, Mark Van Pelt of Dannebrog. I just gave copies of that to the pages. I also have a copy of his letter that I would like to have entered into the record for this bill. Mr. Van Pelt's son was in a one vehicle accident on an icy road that resulted in damage to the car and minor damage to an apartment complex mailbox. He reported the accident the next day and paid for the damage to the mailbox and to the car that he was driving. As a result of leaving the scene of the accident and not reporting it until the next day, he lost his license for a whole year; was

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

Transportation and Telecommunications Committee
January 26, 2010

not eligible for a work or school permit and now has a Class II misdemeanor on his record. Now, I'm not excusing the young man's actions in not reporting the accident until the next day, but to lose your license for a year for sliding into a mailbox, that's a harsh punishment. Harsher, I might add, than the maximum suspension for the first offense DUI which is six months. LB914 leaves the option to suspend the license for up to one year in the statute; but it also allows the judge to determine the sentence on a case by case basis. It allows the judge to suspend the license for less than a year; impose the full year suspension; or not to suspend the license at all, and to base that decision on the circumstances in each individual case. In preparation for this bill, my staff contacted Mothers Against Drunk Drivers, they don't object to this change; the Office of Highway Safety, the change does not affect their 402 grant funds; DMV, they don't object to the change and actually suggested the addition of the record keeping language on page 3; and Marty Conboy, the Omaha city prosecutor, who did not oppose the change and also supports the record keeping language. I understand what we thought we would accomplish with the one year mandatory suspension for violation of 60-696, but quite frankly, it's too rigid. LB914 allows each judge to make their own determination of whether it's appropriate to suspend the license and how long the suspension should be. The penalty can be tailored to each individual situation. The judges hands won't be tied by a penalty that is too harsh and strict for minor violations. In my estimation, this is common sense legislation and I would encourage you to advance it to General File. Thank you for your time and interest and if possible, I'll answer any questions. [LB914]

SENATOR FISCHER: Thank you, Senator Sullivan. Are there questions? Senator Stuthman, please. [LB914]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Sullivan, in my estimation, does the judge have to revoke the license for a year because it said "it shall" right? [LB914]

SENATOR SULLIVAN: The statute says "shall" and in the case that was brought to my attention, that started all this to begin with, the judge admitted that this young man was not a harsh violator, but he...the judge simply had no choice because the statute says "shall" revoke the license for one...suspend the license for one year. [LB914]

SENATOR STUTHMAN: And that is the issue that I'm trying to deal with, because the individual, you know, it was not a bodily injury accident or anything like that, and the accident occurred; he did report it within that 24-hour period, in my opinion, and since it was not a bodily injury accident, it was still reported, I think the issue there is, give the person some credit for that. [LB914]

SENATOR SULLIVAN: Um-hum. [LB914]

SENATOR STUTHMAN: But if the law has stated, you know, they shall revoke it for one

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

Transportation and Telecommunications Committee
January 26, 2010

year, and it's worse, it's double the punishment of driving under the influence. [LB914]

SENATOR SULLIVAN: Well I think it's helpful to remember why, perhaps, that mandatory one year suspension might have been put in place in the first place and that was to catch some of those repeat DUI offenders. But the long and the short of it is, it was probably an unintended consequence that it catches some of these minor violations. [LB914]

SENATOR STUTHMAN: I do have one more question for Senator Sullivan. In the bill on page 3, you had changed it from "shall" to "may" order the defendant not to drive. [LB914]

SENATOR SULLIVAN: Um-hum [LB914]

SENATOR STUTHMAN: And then down further in line 18: the court shall also order the operators license of such person be revoked for a like period of time. So that means...does that mean that if "may" ordered not to drive so if it makes it 30 days, then this bottom one, it "shall" be 30 days too. Or should we take that other "shall" out and put a "may" there? [LB914]

SENATOR SULLIVAN: No, because that latter part was added to actually correct sort of an oversight, because what this does, it says, okay, the judge is going to suspend the license for X-number of time, but then he...at that determination "shall" be put in the record of that driving record of that individual. So in my estimation, we need to leave the "shall" in there because that was the second part that was overlooked in original legislation. [LB914]

SENATOR STUTHMAN: Okay. Thank you. [LB914]

SENATOR SULLIVAN: Um-hum. [LB914]

SENATOR FISCHER: Senator Gay. [LB914]

SENATOR GAY: Thank you, Senator Fischer. Senator Sullivan, last night several of us attended a judicial dinner, senators back in Omaha, and they discussed about the total lack of flexibility when it comes to DUI and those situations, so I like the idea you're giving them discretion, some what. But, however, I'm also impressed you covered the bases with the...we'll see if there's any opponents to this as well, but I guess that reason they did this was because the DUIs, the drive-offs, of course, which probably far out number the cases like this, but...and this is an interesting case, but did you do any research to see, is there other cases that you've heard along the way, or is it just kind of...because I just wondered how many... [LB914]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR SULLIVAN: Just in passing, in visiting with people about this situation and the legislation, I've actually have had a couple of different people say, oh yes, this happened to a friend of mine; they were all alone and they waited until the next morning to report the accident and got in trouble for it. [LB914]

SENATOR GAY: Perfectly innocent case though here, where, maybe, they didn't think that much of it, don't know the law. [LB914]

SENATOR SULLIVAN: Exactly, exactly. [LB914]

SENATOR GAY: But on the other hand, I can see that weighing where people take off, but they'd still have that discretion right? [LB914]

SENATOR SULLIVAN: Absolutely. [LB914]

SENATOR GAY: To be...come down hard on most the cases, I would assume they do that, but we can't guarantee it. [LB914]

SENATOR SULLIVAN: Well no, we're not in a perfect world. The last thing I wanted to do would be to make it any easier to...for people driving under the influence to walk away from a situation; but by the same token, I don't really think it's fair to have, I wouldn't call them innocent people, but minor infractions pay this heavy of a price. [LB914]

SENATOR GAY: Thank you. [LB914]

SENATOR FISCHER: Thank you, Senator Gay. Senator Hadley. [LB914]

SENATOR HADLEY: Senator Fischer. Senator Sullivan, you're changing...or the change in this law already takes care of one part of Mr. Van Pelt's concern, doesn't it? Because the other part was the misdemeanor that follows his son forever, right? [LB914]

SENATOR SULLIVAN: Absolutely. [LB914]

SENATOR HADLEY: And so what we've taken is the...changing the potential penalty part of it, but we haven't changed what the judge has to... [LB914]

SENATOR SULLIVAN: We haven't changed the penalty portion of it all. And he admits, I mean, I'm giving the judge discretion to... [LB914]

SENATOR HADLEY: But the judge has to charge him with a mis...they're charged with a misdemeanor, aren't they? [LB914]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR SULLIVAN: Yes, yes. [LB914]

SENATOR HADLEY: And which Mr. Van Pelt said that caused a lot of problems for his son. [LB914]

SENATOR SULLIVAN: In addition to the driver's license suspension. [LB914]

SENATOR HALDLEY: I guess, the only concern is, you know, is there any discretion for a judge where you do have the innocent person that we're hitting with... [LB914]

SENATOR SULLIVAN: Well they aren't...they aren't innocent. [LB914]

SENATOR HADLEY: Well, oh I understand, that's the wrong term, the gravity of the leaving the scene, there's no discretion, they're charged with a misdemeanor and now we're just saying the judge has discretion on the penalty part of the conviction for the misdemeanor. [LB914]

SENATOR SULLIVAN: Um-hum. [LB914]

SENATOR HADLEY: Okay. [LB914]

SENATOR FISCHER: Thank you, Senator Hadley. Senator Campbell. [LB914]

SENATOR CAMPBELL: Thank you, Chairman Fischer. I must admit, until I read this bill, I'm like, well there are certain situations that I'm not sure I would have known that I was supposed to report and I just want an answer Senator Gay's question. We received a letter this morning in our office from an attorney here in Lincoln who wanted to add several other examples... [LB914]

SENATOR SULLIVAN: Oh really. [LB914]

SENATOR CAMPBELL: ...and has had clients that would support Senator Sullivan's bill. One of them was where they slid into a snow bank, didn't think that they had done any damage and the next day there was a slight damage to a sign and the person lost their license for a year. And another example that they mentioned of an elderly woman had scuffed the bumper of another car and she will lose her license for a year. So I think there are other examples out there and just wanted to make sure that the committee knew that we had received the letter with other examples. [LB914]

SENATOR SULLIVAN: Thank you. [LB914]

SENATOR FISCHER: Thank you, Senator Campbell. Senator Louden. [LB914]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR LOUDEN: Yes, thank you, Senator Fischer. Well, yes, Senator Sullivan, I understand what we have here; you have a problem with a kid that probably made some mistakes, they probably didn't go home and tell his folks he wrecked his friend's car to start with, but we're also talking about leaving the scene of an accident that was over what, \$500 or something like that is what it is, my guess would have been the first thing they should have done was paid the \$1,200 to fix the friend's car and that would have taken care of some of the...some of that part because all he would have had to report was hitting the mailbox and I don't know if that has to be reported in that length of time. I mean, there was...there was ways of getting around it. What I'm wondering is, if the judge would have still ordered it too, it wouldn't have changed the out...it wouldn't have changed anything, whether it was a "shall" or a "may", because then you give the discretion to the judge and if he goes ahead and decides that the kid did this, then he's subject to a Class II misdemeanor. [LB914]

SENATOR SULLIVAN: Absolutely. [LB914]

SENATOR LOUDEN: Which he could have been as much as six months in prison and \$1,000 fine. I think according to what legal counsel has talked like on misdemeanors. [LB914]

SENATOR SULLIVAN: Right. [LB914]

SENATOR LOUDEN: Do you we have to be careful when we do this that we'll get into some place where somebody, you know, does a lot of damage or something or wrecks a car and then leaves the scene of an accident, because, I mean, there is times when that is very serious, leaving the scene of an accident and should it be...should that be changed to leaving the scene of a property accident or something like that? [LB914]

SENATOR SULLIVAN: Well first of all, I think that we're not, or at least in my estimation, I'm not overlooking the seriousness of leaving any type of accident whether it involves real property or otherwise and I think that's what I want to...I'm cautious about. And so, all I'm asking for is to give the judge a little more discretion so that he can take into account whether it was...the seriousness or the lack thereof of the particular incident. [LB914]

SENATOR LOUDEN: Well, yeah, but then you added...then how come you added this new language down here: if the court orders the defendant not to drive, you know, for up...the court shall order the operator's license revoked and that sort of thing, I mean they would do that anyway, wouldn't they? [LB914]

SENATOR SULLIVAN: That...but those two things need to be put in there and that latter phrase has been overlooked in all the legislation whether it was...the one passed in

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

Transportation and Telecommunications Committee
January 26, 2010

2006 or even 2001 or 2006. And what those two phrases do, one says the judge determines the amount of time the operator will not have his license; the second part is that amount of time will be recorded in the driver's record. [LB914]

SENATOR LOUDEN: I see. [LB914]

SENATOR SULLIVAN: And that latter part was what has always been omitted and DMV and also Marty Conboy from Omaha suggested and indicated that that has always been over looked and that should be added. [LB914]

SENATOR LOUDEN: Okay, and that's the reason you want to put that in there. [LB914]

SENATOR SULLIVAN: Right. [LB914]

SENATOR LOUDEN: Then it wouldn't...that would still go on his record? [LB914]

SENATOR SULLIVAN: Exactly. [LB914]

SENATOR LOUDEN: It wouldn't change that...okay, thank you. [LB914]

SENATOR SULLIVAN: Um-hum [LB914]

SENATOR FISCHER: Are there other questions? I see none. Thank you very much. [LB914]

SENATOR SULLIVAN: Thank you. And I will be here for closing. [LB914]

SENATOR FISCHER: Will you be here? Our first proponent, please, for the bill. Good afternoon. [LB914]

MARTY CONBOY: Good afternoon, Chairman, Senators, my name is Marty Conboy, C-o-n-b-o-y. I'm the city prosecutor in Omaha and as such we prosecute several hundred leaving the scene cases each year. These cases are limited to property damage collisions, but as Senator Louden pointed out, those can be devastating, particularly for people who don't have collision insurance on their own vehicle. They are victimized in a lot of ways; some of them can't work, and it's, you know, one of those things that they have to deal with with no recourse. And just the callousness of leaving the scene is a very serious thing. And I helped advocate years ago, increasing this crime to an offense that carried a year loss of license. What we've seen happen though is an unfortunate result and that is, as, first of all, as Senator Sullivan pointed out, there are some cases that are very minor in nature, that are still addressed as leaving the scene. They still carry that penalty, the potential loss of license and the DMV consequences in points and record; but they are more minor in nature. The judges,

however, have no flexibility in their sentences and so sometimes they're reluctant to even convict if it's a matter of simply pulling out of a grocery store parking lot and bumping the fender of the car next to them. And this would, at least, allow the judges to have that discretion and flexibility to decide how much of a loss of license to impose. Most important in this bill to me and one reason that I got involved in it, in the current law it gives the court the authority to order the person not to drive for a year, in fact, it requires it. But it does not have any consequence in terms of their DMV record. Just the opposite of what your concern is. The actual result is that the DMV does not get a order of the court to revoke the license. Subsequently then, if the person is pulled over during that year and they're driving, law enforcement officer would have no way to know that the court has ordered them not to drive. There would be no record in the DMV of a revocation of a license. It would be strictly an issue between the judge and that person. Worse than that, if the person is fined or given a short jail sentence and the sentence is over, then the court loses jurisdiction of that defendant. They told the defendant don't drive for a year, but six months later when the person is caught driving, that judge has no further jurisdiction to do anything about their order. Basically it is without consequence. This law would allow this offense to be enforced down the road when the person continues to drive for whatever period that the court imposes. So this allows for the flexibility; it still provides for that penalty, it doesn't take it away, the judge has the discretion to still impose that up to a year as loss of license, but now it is done in a way that will have that permanent affect on the driving record and the ability for law enforcement to enforce it. So, based on those reasons, I support this bill. I can tell you other prosecutors I've talked to for many years have felt that this was necessary and I'll tell you even the court is frustrated by the current situation. This would rectify that in several ways. I think it is a good solution to the problem and will help, actually, make this law work better for those victims who suffer from what I consider one of the most callous and frustrating crimes that we see. [LB914]

SENATOR FISCHER: Thank you, Mr. Conboy. Are there questions? Senator Janssen. [LB914]

SENATOR JANSSEN: Thanks, Chairman Fischer. Mr. Conboy, do you have, at present, do you have any authority in prosecuting these or any latitude in the manner in which you would prosecute a leaving the scene? [LB914]

MARTY CONBOY: No, actually, that's a good point too. It really is all or nothing. This is the only statute, you know, for whatever severity of offense there is. It's all or nothing. We did have to prosecute as a leaving the scene or not and of course right now it would require a years loss of license. [LB914]

SENATOR JANSSEN: Thank you. [LB914]

SENATOR FISCHER: Any other questions? Senator Hadley. [LB914]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR HADLEY: Senator Fischer, thank you. Mr. Conboy, just a couple of quick questions. This specifically deals with leaving the scene. If you're involved in an accident with another car, where there is another driver, you exchange drivers licenses, you know, insurance, such as that, this statute does not apply to that? [LB914]

MARTY CONBOY: Yes, it would. [LB914]

SENATOR HADLEY: It would? [LB914]

MARTY CONBOY: Actually, either...whether there's another vehicle involved, as long as there's no injuries to either party, or even those third party things, where you hit a pole or a parked vehicle, or where there's nobody present, you still are required, under the current law, to notify law enforcement and to leave your name and information if possible. [LB914]

SENATOR HADLEY: But if it's...if I hit a...pull out of my driveway and happen to hit the car across the street and there's somebody in it and we...does that come under...I haven't left the scene at that point in time. [LB914]

MARTY CONBOY: Yeah, that would not apply. As long as you exchange the information. [LB914]

SENATOR HADLEY: The second point is that the way the law is currently written, it says, shall not drive any motor vehicle for any purpose in the state of Nebraska, so they could literally go to another state and not have to report that their license has been revoked in Nebraska because as the current law, it's not revoked, is it? [LB914]

MARTY CONBOY: Right, under the current law, that's true. In fact, they could just go get a license in another state. I know we see that happen. [LB914]

SENATOR HADLEY: Get a license in another state, yeah. Thank you. [LB914]

SENATOR FISCHER: Other questions? Mr. Conboy, I've been in a conversation up here with legal counsel on the difference between revocation and suspension of licenses and do you have a copy of the bill with you there? [LB914]

MARTY CONBOY: I do, yes. [LB914]

SENATOR FISCHER: On page 3, if you look at, beginning with line 13, and when I'm reading through that, I see some confusion that the court may order the defendant not to drive any motor vehicle for a period of up to one year. And then...in my opinion, and I am not an attorney, but in my opinion, that could bring some confusion about and the

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

Transportation and Telecommunications Committee
January 26, 2010

court could possibly have the discretion then to suspend someone's license. Do you think that put that in conflict with the new language then with the revocation further down? [LB914]

MARTY CONBOY: No, quite the contrary. The current language that exists on page...line 13 really doesn't create any power to suspend or revocation or revoke as our current statutes define them. This doesn't use either term. In Nebraska actually, judges don't have the authority to suspend, but only to revoke, and actually it just says order not to drive, that's sort of a vague term that doesn't really fit very well into either definition. [LB914]

SENATOR FISCHER: Do we need to amend the bill to clear that up though on line 13, do we need to put in that the court may order the revocation instead of order the defendant not to drive? [LB914]

MARTY CONBOY: Actually, I've worked with Noelle Sherdon from the Department of Motor Vehicles on that very issue and that's actually part of her suggestion is this new language that's added to that; and it allows them to make a record of the revocation. This is the way it is worded in other statutes such a reckless driving where we can take the license in court. It is worded the same way: the court shall order not to drive and the department then will revoke. So this makes it consistent with their policies and procedures to make it easier for them to deal with. [LB914]

SENATOR FISCHER: Okay, thank you for clearing that up. Other questions? I see none. Thank you very much. [LB914]

MARTY CONBOY: Thank you, Senator. [LB914]

SENATOR FISCHER: Any other proponents? [LB914]

MATT KOSMICKI: My name is Matt Kosmicki, my business address is 140 North 8th Street, Lincoln, Nebraska, 68508. I'm the one that wrote the letter to Senator Campbell [LB914]

SENATOR FISCHER: Could you, [LB914]

MATT KOSMICKI: and I'm also the...I'm sorry. [LB914]

SENATOR FISCHER: Excuse me, could you spell your last name. [LB914]

MATT KOSMICKI: Oh, sorry. K-o-s-m-i-c-k-i. [LB914]

SENATOR FISHER: Thank you. [LB914]

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

Transportation and Telecommunications Committee
January 26, 2010

MATT KOSMICKI: I'm also the defense attorney for Senator Sullivan's constituent's case that you're talking about, so I'm here to basically give some context to how this is applied, at least from a defense standpoint. It's true that a lot of these people are innocent, as far as innocent bumps with other people. I think the statute was after getting the DUI drive-offs and in my experience, and I handle probably between 75 to 100 DUIs a year, most of those people, a very small percentage are the DUI drive-offs. Most of them are people who are downtown eating, back out and hit someone at night. The UNL parking lot is a famous one, some of those things, and they're just...people who don't think they cause any damage, yet they get hit up with one of these things and lose their license for a year. And for a lot of them, it's very, very traumatic, because how are they going to get to work, how are they going to take care of their kids and those kinds of things. As far as, worrying about capturing the DUI drive-off, most of the time in these kind of situations, law enforcement gets a hold of these people, at least in Lincoln, fairly quickly. They get them to admit that they were drinking and they get charged with DUI anyway. So they don't escape the DUI charge; they can get hit with both the leave the scene and the DUI charge. It has, as far as defense attorney's standpoint, increased our jury demands which has put a burden on our courts. I think with ability for these people to maybe not lose their license in these innocent situations, there would be less jury demands and probably just a plea, if we could be sure...felt comfortable they could get a way to drive without losing their license for a year. There was concern from several of the committee members about, you know, the rest...for people that have property losses, sometimes significant property loss, and my experience has been all most always before we were sentenced and done with the case that restitution had been addressed in some way. Insurance usually covers a lot of it. If they don't have insurance, then we're going to require some kind of payment from them and went through difference agencies. And just one other question that Senator Hadley had, my...what I understand is, if they're revoked in Nebraska, it's reported to the DMV placed on their database and if they go to another state, I think that they honor that revocation and so they won't be able to get a license in another state until they clear up the Nebraska hold which would be the revocation through the "shall" revoke. So I don't think that they get to go to another state and get a license. But that's all I had. I just wanted to add some context to listen in. If you guys have any questions. [LB914]

SENATOR FISCHER: Thank you, Mr. Kosmicki. [LB914]

MATT KOSMICKI: Yep. [LB914]

SENATOR FISCHER: Are there questions? I see none. Thank you very much for coming today. [LB914]

MATT KOSMICKI: Yep, thanks. [LB914]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR FISCHER: Any other proponents for the bill? Are there any opponents to the bill? Anyone wishing to testify in a neutral capacity? I see none. Senator Sullivan, would you like to close? [LB914]

SENATOR SULLIVAN: Just briefly, Senator Fischer, just to remind you that what I'm asking is that...well, first of all, we're not diminishing the seriousness of leaving the scene of an accident at all. We're just giving...we recognize, in fact, that there might be a range of circumstances and giving the judge flexibility in determining the harshness of the penalty going to be imposed. But also, I think, the other thing that's been brought out is that per the suggestion of DMV, we're making sure that the statute is clear, that, not only do we delineate what the judge will do in terms of the amount of sentence imposed for the length of revocation of the license, but then that will also follow with the drivers record as well. Thank you very much. [LB914]

SENATOR FISCHER: Thank you, Senator Sullivan. With that I will close the hearing on LB914. And Senator Stuthman, as Vice Chair, would you please take over? [LB914]

SENATOR STUTHMAN: Yes. Thank you, Senator Fischer. I will open the hearing on Legislative Bill 821 introduced by Senator Fischer. Good afternoon, Senator Fischer. [LB821]

SENATOR FISCHER: Good afternoon, Senator Stuthman and members of the Transportation and Telecommunications Committee. For the record my name is Deb Fischer, F-i-s-c-h-e-r and I am the senator representing the 43rd District here in the Nebraska Unicameral. LB821 requires the Department of Roads to consider the preservation and maintenance of the existing state highway system as it's primary priority when formulating it's specific and long-range plan. This committee has become well aware of the funding problems that we are facing as a state when it comes to our highways. The department is predicting the state will not have enough money to even in two years to even cover the cost of maintaining the system at it's current level. We have seen the highway construction program fall from \$390 million five short years ago to the predicted \$300 million for our next fiscal year. At the same time, our highway needs are great. The department estimated the 20-year highway needs at \$13 billion with inflation applied. With current projected revenues only covering \$6.4 billion of that cost. There's several high dollar projects that have been put on hold due to lack of funding and there remains 174 miles of the 1988 planned expressway system to finish. In 2007, the department formed the Funding Distribution Team to determine where the state's resources should be spent in the face of falling revenues. The team concluded that the top priority should be to preserving the state's existing state highway and bridge assets. LB821 is the statutory reflection of that conclusion. I believe that we have an obligation to the citizens across the state that although we may not be able to build their road in the near future, they will not see the current system deteriorate. That current system is worth \$7.7 billion. I believe it would be irresponsible of us not to protect this investment.

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

Transportation and Telecommunications Committee
January 26, 2010

LB821 does not change the department's current planning process, it simply codifies it. It also does not require every road to be maintained in perfect condition, rather it still will be the department's duty to decide what level of preservation and maintenance is sufficient. Thank you, Mr. Vice Chair. [LB821]

SENATOR STUTHMAN: Thank you, Senator Fischer. Any questions for Senator Fischer? Senator Gay. [LB821]

SENATOR GAY: Thank you, Senator Stuthman. Senator Fischer, do you know will there be other people testifying on this? I wanted to ask questions about the determining the projects and how we do that. Do you know? [LB821]

SENATOR FISCHER: I believe the department will be coming forward. [LB821]

SENATOR GAY: Oh, I'll just wait until then. Thank you. [LB821]

SENATOR STUTHMAN: Okay, thank you, Senator Gay. Any other questions from the committee? Seeing none, thank you Senator Fischer. [LB821]

SENATOR FISCHER: Thank you. [LB821]

SENATOR STUTHMAN: First of all, we'll hear the proponents. How many do we have that plan to testify as a proponent? No proponents. How many in the opposition? We will hear from...we will now hear from the neutral testimony. Good afternoon, director. [LB821]

MONTY FREDRICKSON: (Exhibit 2) Good afternoon Senator Stuthman and members of the committee. I am Monty Fredrickson, director of state engineers the Department of Roads, M-o-n-t-y F-r-e-d-r-i-c-k-s-o-n. I'm here today in a neutral capacity to provide background and answer questions about our current priorities. As the committee is aware, the department is required to develop a long-range state plan addressing the needs of the highway system. We are required by statute to consider a number of factors in determining the needs, including traffic volume, safety requirements, economic development, demographic projections and maintenance and enhancement of the quality of life for all Nebraska citizens. We present our needs annually to the Legislature. Currently, we value the Nebraska taxpayer investment of the 10,000 mile highway system at over \$7.5 billion. The department has long considered the preservation of this investment as the most important priority and the wisest use of our available resources. When additional resources are available beyond meeting the needs of maintaining the current system, we have and will continue to meet other needs such as capital improvements. Occasionally, situations can arise where the wisest use of resources may be delaying a maintenance project because of an opportunity elsewhere. I would be happy to answer any questions. [LB821]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR STUTHMAN: Thank you, Director Fredrickson. Does the committee have any questions? Senator Hadley. [LB821]

SENATOR HADLEY: Vice Chair Stuthman. Mr. Fredrickson, you listed what, one, two, three, four, five, six different things that you look at, the factors, are those all weighted the same or do you weigh some factors more than other factors? How do you go about actually working with those factors to determine the needs? [LB821]

MONTY FREDRICKSON: The way we determine the system preservation needs are based purely on pavement condition and bridge condition. So it's a worst first calculation and we predict how long a certain pavement will last and then when it comes due, it comes up on the priority list. That's kind of the easy part. The hard part is the capital improvements when we have money. We have now developed a rating system that gives most of the weight to the user cost benefit of a highway improvement. So for instance, if you were calculating the benefit of a bypass around a major city and the existing speed limit through the city was 35 miles an hour and you could actually drive 60 miles an hour on the bypass, and there was considerable volume that would use that bypass, there would be a great user benefit because of the time and gasoline and accident savings of the bypass. So, anyway, that's given a lot of weight, but all these other factors are a piece of the puzzle to ranking capital improvements. So the answer is, yes, certain of these get more weight than others. [LB821]

SENATOR HADLEY: Another question, Mr. Fredrickson, when you say we, the department, how does the commissioners, I believe they are, right, for the Department of Transportation Commissioners or... [LB821]

MONTY FREDRICKSON: Yeah, the Highway Commission. [LB821]

SENATOR HADLEY: Highway Commission, are they the ones that ultimately decide the priorities for the department, or is it the department? [LB821]

MONTY FREDRICKSON: The department is charged with deciding the priorities; the commission has approved our methodology. [LB821]

SENATOR HADLEY: Okay. [LB821]

SENATOR STUTHMAN: Thank you, Senator Hadley. Senator Gay. [LB821]

SENATOR GAY: Thank you, Senator Stuthman. Mr. Fredrickson, when we had the joint hearing between the transportation and the appropriations, I asked how you site your maintenance schedule and you gave me a logical decision. I know it's, you know, it's not an exact science, but I was pleased with that and I've always had that question, but I

guess on this, if we did the maintenance, and I understand where Senator Fischer is going with this, and it's hard to argue against it, but if we had to cut budgets, let's say, and we cut our road budget \$100 million, then I think we should maintain where we're at. But now then times get better and we come back and a county or a city wants to build a road, where would we...would you be catching up on the maintenance then at that point that we neglected? Or how do we know when we're ever out of the maintenance cycle? Because the maintenance cycle, I would think, would keep increasing, but how would you decide that, that now we have capital that we can spend on new projects and if you had a match from the city or county, came to you, which they do many times, said, now we have some...do you have the funding, would you get caught up at some point or how would you implement this? [LB821]

MONTY FREDRICKSON: It depends on what standard we would set for our maintenance activities. And that's what Senator Fischer explained a few minutes ago, as I understand it anyway, that standard would be left to the department to decide. And the way we do that now is, we set an average of pavement condition value that we aspire to over a 10-year period. And you need to look that long above a time frame because things change from year to year and you have a terrible winter like we had today. Your pavement condition is going to go down drastically. So in answer to your question, if we were in really lean times and let's say we set our standard at 85, that was the number we aspired to be to, that 85 percent of our roads were in good or very good condition. In lean times we can't afford to do that. So we would have to lower our standard and rerun our computer model and say if our budget was \$200 million, what could we do? It might be 70. So that might have to become our new standard with a \$200 million program. So then all of a sudden comes along greater times, we would have to decide how much money we wanted to spend on getting the pavement condition back up to a reasonable level and maybe we'd only set 80 as our standard because we wanted to spend some of this money on some expansion projects. [LB821]

SENATOR GAY: Yes. So the computer model then would determine this, and I don't...I know you don't have the time to go into all that. I agree with Senator Fischer; we have a big investment, we need to protect it. I'm wondering though, if we did something like this, would it be better if we had a 80, 85 percent, we said, here's where we're not going to go below, because this is our investment over the years, and citizens do deserve...they've paid for this infrastructure. We won't go below a certain number. You could determine a number then? Because what I'm afraid of, if we get behind, we'd never get caught up and then we're at the point now where everyone is clamoring for this new money that they think we now have, but yet we've let our roads slip to 60 percent and we need 200 million just to get it back up to where the number is 85 percent. So that's where...I'd like to say, what is the bar we're stopping at and say this is preservation and maintenance. Could that be done? [LB821]

MONTY FREDRICKSON: It could be done. I don't know if that would be a good thing to

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

Transportation and Telecommunications Committee
January 26, 2010

put such a specific number in statute. I think it would cause lots of problems and I think we've created a road system that the citizens have come to expect a certain quality to it and we've been able to maintain that for over 20 years. I just can't imagine that the public would allow us to drop that standard into some poor state of repair. I would hate to go there. I just think we need the flexibility to create that standard as to what the economy could afford. [LB821]

SENATOR STUTHMAN: Senator Campbell, a question? [LB821]

SENATOR CAMPBELL: Yes, thank you very much, Senator Stuthman. Director, I'm sitting here thinking about in the time that you've been with the department and we've all been following the roads, has there ever been a time in which we haven't made maintenance our priority? I mean, maintaining the investment that we have, and I think that's what Senator Fischer is trying to get at here, but I can't imagine a time when we haven't made it a priority. [LB821]

MONTY FREDRICKSON: Probably not; we just haven't been quite as visible as the last three or four years because of the way the funding is. And one could argue, back in the seventies that there was a couple of years where we might have spent over two-thirds of our budget on trying to finish the interstate. And someone could argue, well I'm not sure preservation was your priority that year and there was a couple of years where we sunk a lot of money in the Omaha rehabilitation of the interstate; so, yes and no. I don't think we've ever purposely neglected the existing highway system. We know that has to come first. [LB821]

SENATOR CAMPBELL: If I could follow up. [LB821]

SENATOR STUTHMAN: Yes, please. [LB821]

SENATOR CAMPBELL: Director, that same question I have is, if we got into...and I want to go back to Senator Gay's point, if we got into really tough times where we had to...tougher than we're in, let's put it that way, and we really had to cut back, would there ever be a point at which we would look at, certainly as a priority, but we would sort of strata and say, boy, these road get X-number of cars and we've got to keep them to 80 percent, but these roads don't have as many, so, you know, maybe the percentage is 70. Would we ever do that? [LB821]

MONTY FREDRICKSON: That's a tough one. You're not the first person that suggested that. [LB821]

SENATOR CAMPBELL: And I'm not suggesting, I'm just hypothesizing. [LB821]

MONTY FREDRICKSON: It is something that could be explored, you know, if you're the

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

Transportation and Telecommunications Committee
January 26, 2010

person that drives the low volume road, you got to ask yourself, why do I have to live with the 70 and someone else lives with an 80. But I know both sides to that argument and it's a tough one. And if times got really tough, we'd have to do some extreme evaluation of things just like that. I mean we'd have to consider the interstate as a higher priority than certain routes. [LB821]

SENATOR CAMPBELL: Thank you very much. [LB821]

SENATOR STUTHMAN: Thank you, Senator Campbell. Any other questions from the committee? I do have one and it follows along the same line as Senator Gay and Senator Campbell; and I really, really support the bill that we have here that we've got to be thinking about, you know, all the state roads in Nebraska, do you think if we continually continue to not have the revenue and the demands are the greatest to maintain the roads in the areas where the population is and, like Senator Campbell said, there's a road that doesn't have very much traffic it goes to...falls apart, gets to the point where it needs to be totally redone, would the state ever say, you know, we're going to abandon that highway and give it back to the county? Would there be a possibility of that? Could that happen because of the amount of traffic on certain roads? [LB821]

MONTY FREDRICKSON: Yes it could happen and there are provisions in statute that lay out how it has to happen. [LB821]

SENATOR STUTHMAN: Because I know...I'm aware that you will not accept a new road as a state road, we will swap roads, but, you know, I didn't know if there was a process in place that, you know, you could abandon a 40-mile stretch of a highway that doesn't have a lot of traffic and the maintenance on that will become the burden of property tax owners then. [LB821]

MONTY FREDRICKSON: There are provisions set up, as you probably remember as well as I, not many roads have been abandoned in the last 30 years, but it can be done. [LB821]

SENATOR STUTHMAN: Okay. Thank you for your comments. Yes, Senator Louden. [LB821]

SENATOR LOUDEN: Yes, Director Fredrickson, you have numbers for 10,000 vehicles to be expressway and certain numbers that they have to be certain...in order to be a certain kind of highway; do you have numbers in there that if they fall below a certain amount of vehicles per day that you'll abandon that road? [LB821]

MONTY FREDRICKSON: No. [LB821]

SENATOR LOUDEN: And you don't...and do you have any numbers in there that if they

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

Transportation and Telecommunications Committee
January 26, 2010

fall below a certain number of days that you will be, what would you say, like some of the counties, minimum maintenance or something like that? [LB821]

MONTY FREDRICKSON: No, we do not have such a provision. [LB821]

SENATOR LOUDEN: In other words, if some of these rural byways, I'd call them, that aren't used with that high of traffic count and they start falling apart, you still put them on your maintenance schedule? [LB821]

MONTY FREDRICKSON: Yes. [LB821]

SENATOR LOUDEN: And will that maintenance schedule keep getting moved from year to year instead of being repair work done, they will be...moved farther down in the line? [LB821]

MONTY FREDRICKSON: Right now our standard is we treat every highway the same, as far as its maintenance schedule and its reconstruction schedule. It may look like we don't work as much on low volume roads and that's because they are low volume roads and they don't wear out as fast so you're...they just last longer. So you may not have to go in and do a overlay but every 15 years, whereas, you've got a fairly high traffic volume road, it's only going to last 12, you know, even with your best resurfacing material. [LB821]

SENATOR LOUDEN: Well, what I was getting at, I travel Highway 2 a lot and live on Highway 2 and as near as I can tell, by the piece of paper you get out there for your 6-year plan or whatever they are, 5-year plan, some of that was suppose to have been reoverlayed or something; instead they go out there and they put, I call them blade patches, they go for a quarter, half mile or so. And one spot there, they've done this twice now and it's still in bad shape. Is this some way or other that you're extending the maintenance period on that thing into the future rather than fixing it up? [LB821]

MONTY FREDRICKSON: It is purely a result of not having enough money to get to all the resurfacing needs at the optimum time. [LB821]

SENATOR LOUDEN: Okay, now that brings me to the next question, how do you stick this 6-lane interstate mixed up in there because some of that highway you're tearing up is, looks like to me, is good road. How do you, I guess, justify going in there and rebuilding roads that's in substantially good condition, but we're not repairing and maintenance of roads in some other parts of the state? [LB821]

MONTY FREDRICKSON: We haven't had to make that choice until today. All the 6-lane work we've done so far has fit the priority schedules that the funding distribution team put together and we were able to keep up with system preservation and still put the

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

Transportation and Telecommunications Committee
January 26, 2010

dollars into the 6-lane interstate. But all the jobs that are under contract are, let's say, accounted for, paid for, the money is set aside for them. There's two more contracts to let and we cannot say that anymore unless new money comes from somewhere we will have to do system preservation first if we abide strictly by our hierarchy of priorities and those last two segments of 6-lane will have to wait. [LB821]

SENATOR LOUDEN: And where will those segments be? Between Waverly and Lincoln or some place like that? [LB821]

MONTY FREDRICKSON: Fifty-sixth to Waverly is the one segment and then the other one is right on the west edge of Lincoln from Highway 77 through the Northwest 48th Street. [LB821]

SENATOR LOUDEN: I see. Thank you. [LB821]

SENATOR STUTHMAN: Senator Gay for a question. [LB821]

SENATOR GAY: Thank you Senator Stuthman. In Senator Louden's example, on Highway 2, if it's been patched and, you know, you don't have enough to do the whole thing, but let's say you don't get to this in 10 years and it needs to be completely redone at this point because now it's been 10 years and the patches haven't quite held up, is that then maintenance, because it's an existing road, or is that new construction? How do you look at what's maintenance and what's...if you'd have to do the whole overlay for 20, I don't know how long that goes, but, you know, 15 miles, is that new construction or is that just maintenance in your? [LB821]

MONTY FREDRICKSON: We consider all of that system preservation. [LB821]

SENATOR GAY: If it's an existing road then? [LB821]

MONTY FREDRICKSON: Yeah. If you don't widen the shoulders or add lanes. [LB821]

SENATOR GAY: Or going to a new location? [LB821]

MONTY FREDRICKSON: Right, or build interchanges. [LB821]

SENATOR GAY: Right, yeah. [LB821]

MONTY FREDRICKSON: Even the replacement of a bridge across the Missouri River when it's worn out and rated poorly and narrow, that is system preservation or maintenance or whatever term, it's something you just have to do to maintain that route. [LB821]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR GAY: So what I could see today if I looked at a map and looked at every highway on there, if you're doing anything there, it's maintenance; because it's not new...you're not tearing up new ground and putting a new road in. [LB821]

MONTY FREDRICKSON: Well, I mean, there's a few projects that are left over from the last couple of years that... [LB821]

SENATOR GAY: Well yeah, but I'm just saying once we complete those though... [LB821]

MONTY FREDRICKSON: Right. [LB821]

SENATOR GAY: ...that would still be the thing to look at. At least we'd know what we were talking about. [LB821]

MONTY FREDRICKSON: Exactly. [LB821]

SENATOR STUTHMAN: Okay. Thank you. Any other questions from the committee? Seeing none, thank you, Director. [LB821]

MONTY FREDRICKSON: Thank you. [LB821]

SENATOR STUTHMAN: Next testifier in the neutral position. [LB821]

LYNN REX: Senator Stuthman members of the... [LB821]

SENATOR STUTHMAN: Good afternoon. [LB821]

LYNN REX: Good afternoon. Senator Stuthman, members of the committee, my name is Lynn Rex representing the League of Nebraska Municipalities. And we appreciate Senator Fischer putting this bill in to basically underscore the importance and the prioritization of maintenance. The concern that I would raise to the committee is, basically, what if you have a situation, hypothetically, where a safety issue is so predominant it does require a new road or a new structure at some point. Then have you, basically, subjected the department to criticism because it's not maintenance. And I guess that gets to...some of the questions that have been asked by committee members and maybe Senator Fischer can explain that, as well, in terms of where's the line between maintenance and where's the line between, I guess, necessity, when you have to do something and if it's going to be a new structure? If you find out that there's an area in the state and that there's repeated accident after accident after accident, should the Department of Roads not have the flexibility to do that without having somebody come back and say, I know that's not your intent, Senator, but without someone coming back and say, well look, you know, the statutes says that maintenance

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

Transportation and Telecommunications Committee
January 26, 2010

is the priority. And that's a higher priority than safety; because I think that's what's being said here. So, that's my only concern and that we wanted to bring to the committee and just perhaps underscore that there could be times when...although maintenance, clearly, and maintaining what you have is, obviously, more important than just building new things here and there and everywhere. There may be a point when you have to do something that's new. And it would seem to me you don't want to have to go back and amend the statute to do that or read an article in the World Herald as to why the department is being criticized because they're doing something "new" as opposed to just maintaining. That's my only point and I appreciate the opportunity to be here today and also just underscore the need for funding on the local level too. So, thank you very much. [LB821]

SENATOR STUTHMAN: Thank you. Any questions from the committee? Senator Hadley. [LB821]

SENATOR HADLEY: Senator Stuthman. Ms. Rex, how do you view the coordination, you represent the cities, between cities, county and the state when dealing with roads, highways, streets and such as that? Do you think it's a good process? Because we have three different entities... [LB821]

LYNN REX: Right. [LB821]

SENATOR HADLEY: ...that deal...because (inaudible) deal with the same, not the same stretch, but different parts of the same stretch. Do they work together well? [LB821]

LYNN REX: Well, I think that everyone tries very hard to work together and be collaborative, that doesn't mean that there's not frustration, I'm sure that the state may have with local governments and vice-versa but rather, I think, people are doing their very best with very, very limited resources to try and get some major things done in the state. [LB821]

SENATOR HADLEY: And the resources... [LB821]

LYNN REX: And it's very difficult. [LB821]

SENATOR HADLEY: And the resources, literally, what we're talking about is an allocation problem because as the resources get smaller and smaller, we have to decide how we're going to spend the limited resources we have. [LB821]

LYNN REX: Well that's true and they're just, obviously, small as well for cities and counties that have lost lots of money as well and the road issues. It's very critical. I think we've reach a point of critical mass in the state where we're going to have to make some significant investments in infrastructure. [LB821]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR HADLEY: Thank you, Ms. Rex. [LB821]

SENATOR STUTHMAN: Thank you. Any other questions from the committee? Seeing none, thank you. Any other testifiers in the neutral position? Seeing none, Senator Fischer would you like to close? [LB821]

SENATOR FISCHER: Yes, please. Thank you, Senator Stuthman and members of the committee. First of all, I think you all know me well enough to know that I view this as a very serious bill and a very important bill and I introduced it for a number reasons. The first of which I think we need to have preservation and maintenance as the first priority; and I believe the bill, as it is written, covers Lynn Rex's concerns. If you look on page 2 on the bill, you will see on line 12 and 13 that preservation and maintenance is the department's primary priority except as may otherwise be provided in state or federal law. The Department of Roads knows what they're duties are and it is laid out in statute and safety is one of their primary responsibilities. So I believe that concern is covered. We have an investment as a state, over \$7 billion in concrete out there and we need to maintain it and we need to preserve it across the state. We have a funding situation where right now all we can do is preserve the system we have and maintain the system we have. And this bill is also to underscore that funding challenge that we're facing here in the state of Nebraska. And I want to put it out there that, yes, preservation is the first responsibility and in our funding and I want to put it out there that it is a challenge to the legislature that we come forward with a solution. Senator Gay asked: maybe in the future we have to cut the roads budget. Senator Gay, I think you said that tongue in cheek, hopefully because I don't plan on cutting the roads budget anymore as long as I'm here and I would hope that this committee would be strong in saying enough is enough. We're at a maintenance program right now; we're at a preservation program right now and we can't take any more cuts. With inflation coming along as it does, we can't even maintain what we have. So this bill is out there to say we need to preserve the system we have and enough is enough. And I'm preaching to the choir, so with that I will stop. [LB821]

SENATOR STUTHMAN: Thank you, Senator Fischer. Question from Senator Gay. [LB821]

SENATOR GAY: Thank you, Senator Stuthman. Senator Fischer, I know you, with the news media around here, you wouldn't mean that I'd said the cuts... [LB821]

SENATOR FISCHER: We have no news media here today, do we? [LB821]

SENATOR GAY: Either way. You've heard from other... [LB821]

SENATOR FISCHER: I said tongue in cheek, Senator. [LB821]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR GAY: Yes, exactly. You've heard from others though that, you know, sometimes you got to make tough decisions and we got to decide what our priorities are and then make those tough decisions. What do you want to cut? Education or, I mean, we all know...at a certain point here though is...if we do this, it's kind of...and I agree with you on this as far as the...I think we've talked so that...but is there a certain...is this kind of draws a line in the sand and said this is it? But don't we hamstring...shouldn't this be the Legislature as a full body and I know this would go to the Legislature and we could have that debate there as well and this is just a committee hearing, just say, here's what it is, we're spending \$400 million and some right now on maintenance, now if you want to go lower it, but at that point it's an appropriations thing too. You got to...this would basically take it off the table completely for the Legislature, wouldn't it? If you just said...or is it just...you say if we could find 300 million, so, I mean...I'm just...I don't get...it's kind of vague of where we're going to go because we're then letting the department decide what our 60, 70, 80 percent. And I don't feel comfortable doing that. Because I think if we put more money into it, we should expect more. And if, of course, would cut, then we're going to get less, but how do you answer that question that we're now turning our authority over to them. [LB821]

SENATOR FISCHER: Oh gosh, you gave me a whole range of topics that I can address there. First of all, as this committee knows, highway funding is different. And thank heaven it is here in the state of Nebraska. We have the trust fund which this committee will be seeing a constitutional amendment a little later, but we have that trust fund. And because we do, that does protect highway funding, I believe. It's still up to the Legislature as a whole what we're going to appropriate for roads. We're at \$300 million right now and that is going for maintenance. But because we have that trust fund, I think that helps insulate our infrastructure here in Nebraska from the discussion of cuts because we're not taking General Fund money and we're not relying on other revenue sources. We have the fuel tax; we have our registration fees; we have sales tax and motor vehicles, that's...those user fees are how we build roads in the state of Nebraska and the Highway Trust Fund, thank heavens, helps to protect those user fees for the purpose they are meant for and to insulate them, as I said, from budget cut discussions. I think that's very important. Another important quality that we have here in the state of Nebraska is that we don't get politicians involved on where roads are built. On Friday I spoke to the Highway Commission, a very interested and active group and I was asked questions similar to that. And, in my opinion, the strength of our highway system in the state of Nebraska is that we as politicians aren't involved in deciding where roads are built. We leave that up to the professionals. I agree with the director in that we also leave it up to the professionals on the standards that are used and what is going to be needed in order for us to have safe roads for our citizens to travel. And I don't think that is...I am certainly not qualified to make those decisions and, no offense to anyone on this committee, but I don't think any of you are qualified either to determine whether it needs to meet that 85 percent standard or we can let some of these roads go down to

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Transportation and Telecommunications Committee
January 26, 2010

60 or 70 percent. The director of...has spoken to me and I know to some of you about the problems with the interstate system and how the bed of the interstate is just pulverized and we have concerns there that we're going to have to rebuild all of that. Is that a new highway or is that maintenance? To me that's maintenance and preservation. We have to preserve the system. You can only do so many years of over-lay and you're going to have to, basically, rebuild. But it's preservation, it's maintenance. Those professionals make that decision. Our job, here in the Legislature, I view it as getting enough money so that we have safe and decent infrastructure here in the state that meets the needs of the citizens and business. [LB821]

SENATOR STUTHMAN: Thank you, Senator Fischer. I would just like to make a comment, you know, Senator Fischer, I thank you for bringing this bill and I think it's very timely, in my opinion. In listening to President Obama and the fact that his health care thing didn't go as well as he wanted to; he's concentrating on economic development, creating jobs, jobs, jobs, and I really think, you know, this might be a real opportunity for the Department of Roads, you know, to have some things ready to go to create these jobs. We could get billions of dollars from the federal government to fix our roads. [LB821]

SENATOR FISCHER: Would you like me to comment on that? [LB821]

SENATOR STUTHMAN: Yes. But I think...I mean, that's what... [LB821]

SENATOR FISCHER: I'm not putting...I'm not putting any faith in the federal government and that's not a comment on which administration is there. I think we as Nebraskans need to solve our own problems. We need to address the situation we're in; the challenges we face; we need to do it as Nebraskans and use solutions that fit our state and not listen to either what the federal government may or may not be promising us or what different groups may or may not come forward with their proposals. I think we have the educated people, many of them in this room, I think we have informed people, many of them in this room. I know everybody on this committee has a deep interest in highway funding and keeping our roads safe and well maintained that we don't need to go too far out of this room or out of this building or out of citizens that we have in this state to find the solutions we need. [LB821]

SENATOR STUTHMAN: Thank you, Senator Fischer. And with that I close the hearing on LB821. And I will turn it back to the committee chairperson, Senator Fischer. [LB821]

SENATOR FISCHER: Thank you, Senator Stuthman. With that I will open the hearing on LB805 and Mr. Vaughan, would you do the opening please. All observers too. [LB805]

DUSTY VAUGHAN: I will. Thank you, Senator Fischer and members of the

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

Transportation and Telecommunications Committee
January 26, 2010

Transportation and Telecommunications Committee. For the record, my name is Dusty Vaughan, spelled V-a-u-g-h-a-n and I'm the legal counsel for the committee. LB805 updates several references to federal law in the Nebraska Motor Vehicle Statutes. This is our annual updating of...dates that reference federal law in the motor vehicle statutes. These updates are necessary for Nebraska to remain in compliance with federal law. Failure to do so could result in the loss of federal highway funds. Sections updated include reference to handicap permits; the International Registration Plan; commercial drivers license; driver licenses and motor carrier safety and hazardous materials transportation. And with that I will conclude my testimony. Senators. [LB805]

SENATOR STUTHMAN: Thank you, Dusty. Any questions from the committee? Seeing none. At this time anyone from the proponent side. Good afternoon, Ms. Neth. [LB805]

BEVERLY NETH: (Exhibit 3) Good afternoon, Vice Chairman Stuthman, members of the committee, I'm Beverly Neth, B-e-v-e-r-l-y N-e-t-h, director of the Department of Motor Vehicles. I'm appearing before you today to offer testimony in support of LB805. I want to thank the committee for sponsoring this bill on behalf the Department of Motor Vehicles. As legal counsel did say, this is our annual reference update bill introduced each year to keep the DMV consistent with federal laws and regulations that govern state laws administered by the department. LB805 amends the reference dates for three specific DMV programs that are governed by federal law. First, it adopts the most recent version of the International Registration Plan for IRP. Nebraska has been a member of IRP since 1975. Membership in IRP allows trucking companies in Nebraska to pay registration fees in Nebraska for all the jurisdictions through which the company travels. We distribute the collected registration fees to other jurisdictions based on a pro rata mileage of...pro rata share of miles that the carrier travels in each jurisdiction; and, obviously, we retain some of those fees in Nebraska as well. This bill will allow Nebraska to follow IRP agreement changes through January 1, 2010. LB805 also updates the reference to federal regulations governing commercial motor vehicles and the issuance of commercial driver licenses. The law...the change will allow the DMV to follow the federal regs as they exist on January 1, 2010. It is important for us to remain in compliance with the federal laws in this area. If we were to fail to comply with the laws, the Federal Motor Carrier Safety Administration has the authority to withhold funding for Nebraska's Motor Carrier Safety Assistance Program (MSCAP) and federal highway funds. This year the bill also updates the references to federal regulations governing the handicap parking tags. And finally, LB805 combines the DMV's annual update bill with the Nebraska State Patrol's update provisions. It is my understanding that there is a representative from state patrol who will address that portion of the bill. I'll be happy to answer any questions you might have. [LB805]

SENATOR STUTHMAN: Thank you, Director Neth. Any questions from the committee? Senator Loudon. [LB805]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR LOUDEN: Yes. Thank you, Senator Stuthman. Director Neth, as I thumb through this thing, we have, what, 12 pages, 15 pages of...just so we can underline 2010? Is this the way I read this bill? [LB805]

BEVERLY NETH: That is exactly what we're doing. We're going through it, it does have quite a few pages. We do have several programs that we follow federal regulations in those programs and in order to be in compliance with the federal laws, we come in annually and we change that date. In this instance we're changing it from 2009 to 2010. [LB805]

SENATOR LOUDEN: Then all we're doing is updating this thing and we did 15 pages and had a hearing so we could talk about 2010. [LB805]

BEVERLY NETH: That's exactly right. [LB805]

SENATOR LOUDEN: Okay. Thank you. [LB805]

BEVERLY NETH: But it's critically important that we do it every year. [LB805]

SENATOR STUTHMAN: Thank you. Any other questions from the committee? I have one. Director Neth, and I haven't gone over the bill that much, just the fact that those states, what is going to be changed as far as the handicap parking tags, anything? [LB805]

BEVERLY NETH: You know, I'm not sure that there are any federal changes. From time to time, the feds do make some changes to the rules that govern policy changes or whatever they may be, but I'm not aware of any true substantive changes. We just want to make sure that our law does comport with the federal rules that are in place at this point. But if there were some federal...some substantive changes to that program, much like we do in the CDL program, we would come in with a bill and offer those as a cleanup too, that particular revision or a substantive bill to those provisions for adoption into the Nebraska Statutes. [LB805]

SENATOR STUTHMAN: Okay. Thank you, Director. One other question. Could we change it, instead of putting in 2010, make it 2015 so we wouldn't have to go through this all the time. [LB805]

BEVERLY NETH: Well they're not in existence at this point, so I think it would be difficult for us to comply with something that doesn't exist, so what we're saying is, we want to comply going forward with the 2010 statutes and I know it is...we're here every year to do this. But it does make sense in the context of following those rules. [LB805]

SENATOR STUTHMAN: Thank you, Director Neth. Any other questions? Seeing none,

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

Transportation and Telecommunications Committee
January 26, 2010

thanks again. [LB805]

BEVERLY NETH: Thank you. [LB805]

SENATOR STUTHMAM: Any other...anyone else that wants to testify in the proponent?
Good afternoon, Ms. Maaske. [LB805]

JULIE MAASKE: (Exhibit 4) Good afternoon. Senator Stuthman and members of the Transportation and Telecommunications Committee, my name is Captain Julie J-u-l-i-e Maaske M-a-a-s-k-e and I'm here today on behalf of the Nebraska State Patrol and to testify in support of LB805. When the United States Congress passed the Motor Carrier Safety Act, emphasis was placed on the states adopting uniform safety measures with the ultimate goal of a reduction in the number of commercial motor vehicle accidents. In order for the state of Nebraska to retain consistent and compliance with these federal regulations and requirements, it is necessary to update our commercial vehicle safety regulations annually. This legislation will enable the Nebraska State Patrol to continue to enforce the updated Federal Motor Carrier Safety Regulations and the Federal Hazardous Materials Regulations. Specifically referring to the green copy on page 4, line 18, Section 5 adopts state Statute 75-363 which is the Federal Motor Carrier Safety Regulations and on page 9, line 7, Section 6 adopts State Statute 75-364, the Federal Hazardous Material Regulations which were in effect on January 1, 2010. Everyday troopers strive to make our highways safer. In the fiscal year 2009, the Nebraska State Patrol conducted 29,215 roadside inspections, and 7.3 percent of those drivers were placed out of service. Of the 11,045 vehicles that were inspected, an average of 2.9 violations per vehicle were discovered, with 36 percent of the vehicles being placed out of service. The roadside inspection program has enabled the state to establish a strong enforcement presence on our highways and has created a significant deterrent effect. In addition to enforcement efforts, public education is a valuable tool that the agency uses to improve highway safety. In fiscal year 2009, the Carrier Enforcement Division of the Nebraska State Patrol conducted 53 public education seminars and 5 town hall meetings across the state interacting with commercial motor vehicle owners and operators. A total of 2,120 people attended these seminars and town hall meetings. During the calendar year of 2008, Nebraska experienced 43 fatality crashes involving trucks and no fatalities involving buses. This continues to be a dramatic reduction from the 115 fatality crashes in 1989 when we began enforcing these safety and hazardous material regulations. Success in the program is built on the principle of uniformity in the safety inspection program. Enforcement of these safety measures by the Nebraska State Patrol increases the likelihood of vehicle defects, commercial driver deficiencies and unsafe motor carrier practices being detected and corrected. I'd ask that you please find attached handouts summarizing the latest Federal Motor Carrier Safety and Hazardous Material Regulations that are being adopted through this action and this update. Thank you for the opportunity to testify today on behalf of this bill and I'd be happy to address any questions that you may have. [LB805]

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

Transportation and Telecommunications Committee
January 26, 2010

SENATOR STUTHMAN: Thank you, Captain Maaske. Any questions? Senator Hadley. [LB805]

SENATOR HADLEY: Senator Stuthman. Captain Maaske, just a quick question and more for my own knowledge, 29,215 roadside inspections, I'm just curious, you know, we talk about probable cause and like a seat belt and such as that, the roadside inspections can basically, you can pull over any truck and do an inspection, is that correct? [LB805]

JULIE MAASKE: Motor carriers are subject roadside inspections, much like they are subject to inspections as they go through a scale house. [LB805]

SENATOR HADLEY: Then how...when you do a roadside inspections, do you pull all trucks? I'm just curious as to kind of the mechanics of setting up a... [LB805]

JULIE MAASKE: There's not a possibility to pull all, but it's an officer's discretion issue to be able to address certain vehicles at certain times if there's concern about certain safety issues or driver issues. [LB805]

SENATOR HADLEY: Okay, thank you. [LB805]

JULIE MAASKE: You're welcome, sir. [LB805]

SENATOR STUTHMAN: Thank you, Senator Louden. [LB805]

SENATOR LOUDEN: Yes, thank you, Senator Stuthman. Captain Maaske, when mentioned Section 5 here, and as I read that, goes on to say: refer to in existence and effective as of January 1, 2009 and you just...and this bill just adds 2010. [LB805]

JULIE MAASKE: Yes, sir. [LB805]

SENATOR LOUDEN: Why? What was wrong in 2009? [LB805]

JULIE MAASKE: Well nothing. Actually what it does is it takes any of the federal regulations that were new or updated in 2009 and became effective. [LB805]

SENATOR LOUDEN: Okay, the federal regulations were updated since last January, is that what you're telling me? [LB805]

JULIE MAASKE: Yes, and it just brings those into Nebraska Statute. [LB805]

SENATOR LOUDEN: Okay. Thank you. [LB805]

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

Transportation and Telecommunications Committee
January 26, 2010

JULIE MAASKE: You're welcome. [LB805]

SENATOR STUTHMAN: Any other questions from the committee? I see none. And thank you for your testimony, Ms. Maaske. [LB805]

JULIE MAASKE: Thank you, sir. [LB805]

SENATOR STUTHMAN: Any other testifiers in...as proponents? Anyone want to testify in the opposition? Anyone want to testify in the neutral position? Seeing none. You waive closing and then I will close the hearing on LB805. And legal counsel will open on LB808 from the Transportation Committee. [LB805]

DUSTY VAUGHAN: Thank you, Senator Stuthman and members of the committee. Again for the record my name is Dusty Vaughan spelled V-a-u-g-h-a-n and I am the legal counsel for the committee. LB808 was introduced as a result of the audit done by the National Highway Traffic Safety Administration regarding Nebraska's commercial drivers license and commercial motor vehicle safety statutes. Several minor discrepancies were found between the statutes and what is required by federal rules and regulations. The bill updates the statutory definition of farm vehicle to match federal regulations. It removes the affidavit requirement for a replacement or duplicate drivers license as this is current practice with other replacement licenses in Nebraska law. It corrects the language oversight that certain violations in a private vehicle can lead to the disqualification or revocation of a commercial motor vehicle driver and adds a new federal regulation that pertains to the definition of out-of-service order. With that I will conclude my testimony. [LB808]

SENATOR FISCHER: Thank you, Mr. Vaughan. Are there questions? I see none. Thank you very much. First proponent please. [LB808]

BEVERLY NETH: (Exhibit 5) Good afternoon Chairwoman Fischer, members of the committee, I am Beverly Neth, B-e-v-e-r-l-y N-e-t-h, director of the Department of Motor Vehicles offering testimony today in support of LB808. Once again I want to thank Senator Fischer and the committee for sponsoring this bill on behalf of the department. This is a CDL cleanup bill that will bring Nebraska's Statutes into compliance with federal laws governing commercial motor vehicles or CMVs and commercial driver licenses or CDLs. And also removes one obsolete provision of law. The changes in the bill are needed because it is important for Nebraska to remain in compliance with the federal laws in this area, much as I referenced in the last bill. If Nebraska fails to comply with these laws, the Federal Motor Carrier Safety Administration or FMCSA has the authority to withhold funding for Nebraska's Motor Carrier Safety Assistance Program of MCSAP funds and the Federal Highway Funds. LB808 amends the definition of farm vehicle that applies to commercial driver licenses. The National Highway Traffic Safety

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

Transportation and Telecommunications Committee
January 26, 2010

Administration or NHTSA, conducts an audit, reviews DMV CDL program every year. In 2008 the auditors found that Nebraska's Statute 60-465(2) was not in compliance with 49 C.F.R. 383.3 which is the federal law in the CDL area. The Nebraska Statute is a statute that defines when an operator must have a CDL and when the operator is exempt from the CDL requirements as they relate to operating farm vehicles. The audit exception was noted because our statutory definition of farm truck did not explicitly reflect the federal language. Instead we used the farm truck definition in 60-325 that applies to motor vehicle registration. This change brings Nebraska law into compliance with federal CDL exemptions for operators of farm trucks, but most importantly, it does not change the substantive law relating to CDL exemptions for farm vehicles or how we have previously, or how we will going forward issue CDL exemptions for farm vehicles. LB808 also amends Nebraska Revised Statutes 60-4,169 by removing the word "commercial" from the statute to bring Nebraska into compliance with the Federal Motor Carrier Safety Act of 1999. The federal act requires the disqualification and revocation of a CDL for some offenses that occur while driving in a private vehicle, not a commercial motor vehicle, a passenger vehicle. An example of a serious offense under federal law is a conviction for drunk driving in a personal vehicle. A recent court case and decision revealed that the statute was not in compliance with the 1999 Act. The proposed language in LB808 will bring us into compliance with the federal law and give the DMV clear authority to revoke the CDL license of CDL holder who commits certain serious driving offenses while driving a personal vehicle. The bill also eliminates the current requirement that a CDL holder's application for a duplicate or replacement CDL be notarized. Notarization of other duplicate and replacement licenses was eliminated some ten years ago. This change will make the application process for duplicate and replacement CDL consistent with all other driver license and permit types. LB808 also contains a statutory cleanup provision pertaining to the out-of-service regulations. In 2009, the annual update bill inadvertently left out a reference to federal regs that would ensure the state out-of-service definitions mirror the federal regulations. Captain Maaske is here from the State Patrol, I don't think she intends to testify on this, but if you have questions specific to that provision, I would defer to her on those. And I'd be happy to answer any other questions you might have. [LB808]

SENATOR FISCHER: Thank you, Director. Are there questions? Senator Stuthman. [LB808]

SENATOR STUTHMAN: Thank you, Senator Fischer. Director Neth, give me the example of a farm truck and a CDL license, if you have a farm license plate, a farm truck, do you have to have a CDL license? [LB808]

BEVERLY NETH: The statute is clear that if you are using the vehicle that normally would qualify to have a CDL for farm purposes or someone who is farmer, or farm family or a farm operation, the vehicle is being used for farm related purposes, carrying farm supplies and it's being operated within 150 miles of the operation, that the

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

Transportation and Telecommunications Committee
January 26, 2010

CDL...that the person would hold an exemption from the CDL. And that's what we've always done and that's what this language allows us to continue to do. [LB808]

SENATOR STUTHMAN: But an 18-wheeler requires a CDL, right? [LB808]

BEVERLY NETH: Well, it depends on what you call an 18-wheeler; that...the definition, really, for the CDL, really, is on the idea of a 26,000 pounds or greater, doesn't necessarily...there's an axle requirement and those kinds of things. But in that instance, I think that as long as you're operating that within the purposes of the farm, and you're still within that radius of the farm that you still have the exemption from the CDL. [LB808]

SENATOR STUTHMAN: That was the issue that I had with the farm operation. We've got one of the sons has a CDL license, the other one doesn't, but, you know, the one...we haul grain 17 miles. [LB808]

BEVERLY NETH: Uh-huh. [LB808]

SENATOR STUTHMAN: You know, a thousand bushels to ADM, does everyone need a CDL to run that farm truck? [LB808]

BEVERLY NETH: As long as you're not hiring...you're not moving it for hire. If you're operating it for hire in another capacity, moving someone else's grain, I think you're required to have the CDL. If you're using it for your own farm purposes, you wouldn't be required to have a CDL, as long as you're staying within that radius. [LB808]

SENATOR STUTHMAN: Yeah. Okay. The next question I had was...oh, the point system, you know, we dealt with this four years ago, I think it's driving under the influence, driving your private car... [LB808]

BEVERLY NETH: Uh-hum. [LB808]

SENATOR STUTHMAN: ...with your CDL license and explain that a little bit. Does that change anything in here? [LB808]

BEVERLY NETH: It doesn't change that. What the statute, this particular statute that we're changing, there was language that said that if you're operating a commercial motor vehicle, your license could be revoked for a serious offense that would otherwise disqualify you from holding a CDL. It's clear the federal statute requires this when you're involved in that serious offense, those disqualifying offenses that are referenced in the provisions in this particular bill, that it can in some instances, it flows only to when you're driving your commercial motor vehicle and in other instances it also flows to your passenger vehicle. So in order to remain in compliance with the federal law, we need to

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

Transportation and Telecommunications Committee
January 26, 2010

make it clear that that revocation, that disqualification flow to all vehicles you might be driving if you are a CDL holder for whatever particular offense would be considered to be a serious disqualifying offense. And that's a pretty long list. That statute of disqualifying offenses is about two and a half pages because I looked at it before I came over here thinking you might ask me about that. I'm never going to be able to memorize all those. So it's a fairly long list, and comprehensive list, but it doesn't change those disqualifying offenses. [LB808]

SENATOR STUTHMAN: Okay. Thank you, Director Neth. [LB808]

SENATOR FISCHER: Thank you, Senator Stuthman. Senator Hadley. [LB808]

SENATOR HADLEY: Senator Fischer, thank you. Director Neth, just a quick question for my own information, so a person cannot have a CDL and passenger car at the same...or a regular drivers license at the same time? [LB808]

BEVERLY NETH: The CDL would encompass driving privileges for a passenger motor vehicle. So you don't carry two separate documents. [LB808]

SENATOR HADLEY: Okay. [LB808]

BEVERLY NETH: You carry the one document and if you were, let's say, in a position where you're disqualified from driving your CDL or revoked from driving a CDL, but you're not revoked from driving a passenger vehicle, you can trade your CDL in for a passenger vehicle or Class L operator license. But everything would be under the CDL. [LB808]

SENATOR HADLEY: The CDL. Okay. Thank you. [LB808]

SENATOR FISCHER: Thank you, Senator Hadley. Senator Louden. [LB808]

SENATOR LOUDEN: Thank you, Senator Fischer. This...see if I understand this correctly, this bill that sets it up...that...you can drive a truck over 26,000 pounds and you don't have a CDL, is that what you're saying, as long as you're within 150 miles of home. [LB808]

BEVERLY NETH: It doesn't change the CDL farm exemptions that are currently in statute regarding when you have to hold a CDL; if you're operating a commercial motor vehicle or a 26,000 or greater, I think it's actually 26,001 pound vehicle, it doesn't change how we operate that particular statute, so if I'm misquoting when that is operating, that's my fault, because I'm not all that well-versed in exactly how those work. But we're not changing the substantive law. All we're doing is we're removing the language that references the definition of a farm truck as it rests currently in our motor

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

Transportation and Telecommunications Committee
January 26, 2010

registration...motor vehicle registration laws and we're inserting the definition of a farm truck as it relates to the federal regulations. So substantively, if you can operate a farm truck that qualifies as a commercial motor vehicle in the exempt CDL status today, you'll still be able to do that going forward. We're not changing that provision. [LB808]

SENATOR LOUDEN: Then today can you operate a truck over 26,000 pounds without a CDL, as long as you're within 150 miles of home? [LB808]

BEVERLY NETH: Well I believe you can. And my staff might be back in the office cringing right now. [LB808]

SENATOR LOUDEN: I thought you...(inaudible) another...other, you got to get a commercial license if you get more than 150 miles of home? [LB808]

BEVERLY NETH: I think so, and if you're operating the vehicle with...if you're operating it for hire, you're not operating it for your own purposes. [LB808]

SENATOR LOUDEN: I mean even for your own purposes, if you're more than 150 miles from home. [LB808]

BEVERLY NETH: Yes, you're required to. [LB808]

SENATOR LOUDEN: You have to have a commercial license. [LB808]

BEVERLY NETH: Um-hum. [LB808]

SENATOR LOUDEN: But you can't operate within that 150 miles without a CDL? [LB808]

BEVERLY NETH: I think you can, yes. [LB808]

SENATOR LOUDEN: Okay, because I was always under the impression...I thought we were told that when you got over 26,000 pounds, you had to have a CDL. [LB808]

BEVERLY NETH: Let me make sure. I will confirm that with the committee. I could be wrong, but my understanding is there is an exemption for the CDL with farm use trucks. There is a particular exemption for particular use; you have to be in a farm operation, you have to be operating the vehicle in your own farm...farming operations and you have to be a certain radius within that farm operation. I will confirm that with the committee before this goes any farther. [LB808]

SENATOR LOUDEN: Okay. Because the reason I'm wondering, a few years back the concern was with these big goose neck trailers and a pickup, you could get a gross

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

Transportation and Telecommunications Committee
January 26, 2010

weight of over 26,000 pounds. [LB808]

BEVERLY NETH: They can get pretty big, um-hum. [LB808]

SENATOR LOUDEN: And, you know, we have to go through a check once in a while and that's where the rubber hit the road. [LB808]

BEVERLY NETH: You definitely want to be in compliance. [LB808]

SENATOR LOUDEN: Yes. [LB808]

BEVERLY NETH: Because you don't want Captain Maaske's crew giving you a citation for that. [LB808]

SENATOR LOUDEN: Yeah, I don't want to have to call everybody. [LB808]

BEVERLY NETH: And I will confirm that with staff and make sure that I correct the record on that if I'm wrong. [LB808]

SENATOR LOUDEN: Okay. Thank you. [LB808]

SENATOR FISCHER: Either that or you'll give Senator Louden and Senator Stuthman notes that will excuse them, right? [LB808]

BEVERLY NETH: That's right. Get out of jail free cards or something. [LB808]

SENATOR FISCHER: Other questions? I see none. Thank you very much, Director Neth. [LB808]

BEVERLY NETH: Thank you very much. [LB808]

SENATOR FISCHER: Are there other proponents for the bill? Any other proponents? Are there any opponents to the bill? Anyone wishing to testify in a neutral capacity? We will waive closing and with that I will close the hearing on LB808 and close the hearings for the day. [LB808]