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Transportation and Telecommunications Committee
February 22, 2010

[LB1004 LB1024 LB1100]

The Committee on Transportation and Telecommunications met at 1:30 p.m., Monday, February 22, 2010, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1100, LB1004 and LB1024. 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 and I am the senator from the 43rd District from Valentine, Nebraska. I'd like to introduce you to the committee members. On my far right is Senator Kathy Campbell from Lincoln. Next we have Senator Tim Gay from Papillion. On my immediate right is our committee counsel, Mr. Dusty Vaughan. On my immediate left is our committee clerk, Ms. Laurie Vollertsen. Next we have Senator Galen Hadley from Kearney and Senator LeRoy Louden from Ellsworth. We have other committee members who aren't here right now, Senator Charlie Janssen from Fremont; Senator Arnie Stuthman, who is our Vice Chair, he is from Platte Center; and Senator Scott Lautenbaugh who is from Omaha. We have senators who are still introducing bills and so we'll have some coming and going. Please don't take any offense by that. We're just trying to do our job here. Our committee pages today are Lisa Cook from Omaha who is here; and Tony Pastrana from Fort Collins, Colorado, who will also be joining us. We will be hearing the bills on the order they are listed on the agenda. We will be having a combined hearing first, and then we will conclude with one of Senator Stuthman's bills. 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 so that we can keep the hearing moving. I will ask that you complete the yellow sign-in sheet that is on the table there, the on-deck table and have that ready to hand in when you testify. We use a computerized transcription program and so it's very important that you follow the directions on that sign-in sheet and please hand that to our committee clerk before you sit down to testify. For the record at the beginning of your testimony, I would ask that you spell your name and keep your testimony concise and try not to repeat what someone else has covered. If you don't want to testify, but you do want to voice your support or your opposition to a bill, you can indicate so at the on-deck table. There's a sheet provided there for you to do that. This will be part of the official record of the hearing. If you want to be listed on the committee statement however, you will need to come forward, complete the yellow sign-in sheet, sit down, say your name and at least say if you are in support or opposition to the bill. That is the only way that you will be listed on the committee statement. If you choose not to testify and would like to submit any comments in writing, the committee certainly welcomes those and we will have them read into the official record. At this time I would ask that you please turn off all your cell phones and that means no texting. We don't allow that in this committee. With that I will open our combined hearing on LB1100 and LB1004 and I

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will ask Senator Mello to begin with his introduction. Good afternoon and welcome. []

SENATOR MELLO: Good afternoon, Chairwoman Fischer and members of the Transportation and Telecommunications Committee. My name is Heath Mello, H-e-a-t-h M-e-l-l-o and I represent the 5th Legislative District. I introduced LB1100 with the assistance of Senator Gay and the corresponding AM1688. If adopted, LB1100 would allow low-speed vehicles to be driven on roads where the speed limit is not more than 35-miles per hour. Additionally, LB1100 would require any person operating a low-speed vehicle to have a liability insurance coverage, a valid Class O operators license and vehicle registration. Operators would also be required to pay motor vehicle tax; and all new low-speed vehicles purchased on or after January 1, 2011 would be required to have a certificate of title. LB1100 builds on current legislation regarding the regulation of nontraditional vehicles. As fuel prices continue to rise and Nebraska families and businesses look for ways to save money, they will be looking for additional transportation choices. Low-speed vehicles should be among the choices available. LB1100 also provides our state government an opportunity to begin addressing how low-speed vehicles will be incorporated into existing law and how the state can retain tax dollars to help pay for the infrastructure that will be used by this alternate mode of transportation. LB1100 is an important first step addressing how low-speed vehicles will be regulated and taxed. Nebraska is not alone in considering legislation like that contained in LB1100. Many states have begun to address low-speed vehicles and according to the U.S. Department of Energy, 35 states have laws and regulations relating to low-speed vehicles including states in our region like Colorado, Iowa, Kansas, Minnesota and Missouri. Low-speed vehicles have many potential uses and are driven in planned communities; on university and industrial campuses; by security personnel and at airports. Low-speed vehicles encourage walkable communities and support positive urban design. There will be others testifying after me who are experts regarding low-speed and electric vehicles and can speak more to the relative benefits and demand thereof. I would also like to take this opportunity to mention that I recognize the strong similarities between LB1004, which is introduced by Senator Loudon, who will speak after me; and the bill I introduced, LB1100. I've been working with Senator Loudon on this issue and will continue to work with him to make sure we come up with a single piece of legislation that is mutually agreeable. In closing, I would like to reiterate that LB1100 is a first step as Nebraska continues to address low-speed vehicles and other nontraditional modes of transportation. The market of alternative vehicles will continue to grow and addressing this issue now allows the state to maintain a consistent authority over low-speed vehicle registrations. With that I'd take any questions. [LB1100 LB1004]

SENATOR FISCHER: Thank you, Senator Mello. Are there questions? Senator Gay. [LB1100 LB1004]

SENATOR GAY: Thank you, Senator Fischer. Senator Mello, I just wanted to...I am a

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co-sponsor of the bill, but I did want to take this time, I know you're putting a lot of effort into these, energy, and those are very important issues to you; but I just wanted to say, appreciate that. But on this bill, part of the reason we talked, we have different views and opinions on this, but do you think this a little bit in the future, coming? There's new cars coming out that are going to be electric somewhat. The differences between this and those, is this a transition into those, because those are still going to be full weight vehicles, as I understand them. But then we're coming down and that's the whole issue here, something more usable or user friendly for not going on the interstate. But your purpose, I guess, long-term, are we being preemptive here? Are other states doing this now? [LB1100 LB1004]

SENATOR MELLO: Well, our research showed that 35 other states have had some kind of low-speed vehicle laws, statute or rules and regulations that govern, not your standard full-size electric vehicle, but, and Senator Louden will talk...will also talk about golf cars as well, vehicles that are lower in speed. LB1100 addresses it that the vehicle can't be faster than 35 miles an hour, thus can't go on any other...any other road that would be...have a speed limit higher than 35 miles an hour. Where your traditional full size, whether it's a Honda or a Chevrolet, or a Ford, if it's an electric vehicle, as long as it's a full size vehicle, it can go on any road as a traditional, you know, gasoline powered vehicle. [LB1100 LB1004]

SENATOR FISCHER: Other questions? Senator Janssen. And we have been joined by Senator Charlie Janssen from Fremont, for the record. [LB1100 LB1004]

SENATOR JANSSEN: Thank you, Chairman Fischer. Senator Mello, I am sorry, I did miss the beginning. Is there an age requirement to drive these types of vehicles or a licenser for these types of vehicles? [LB1100 LB1004]

SENATOR MELLO: You would have to have a valid...the three aspects regarding LB1100 is you'd have liability insurance coverage; a valid Class O operator's license and vehicle registration. [LB1100 LB1004]

SENATOR JANSSEN: I did hear...okay, I just wanted to confirm that. Thanks, Senator Mello. [LB1100 LB1004]

SENATOR FISCHER: Other questions? I see none. Thank you, Senator Mello. Next I would ask Senator Louden to give his introduction, please, for LB1004. Good afternoon, Senator Louden. [LB1100 LB1004]

SENATOR LOUDEN: Good afternoon. Thank you, Chairman Fischer and members of the Transportation Committee. My name is LeRoy Louden, last name spelled L-o-u-d-e-n and I represent the 49th Legislative District. Today I bring before you LB1004 which allows for the operation of a golf car vehicle or low-speed vehicle during

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daytime on any highway on which the speed limit is not more than 35 miles per hour. A golf car vehicle or low-speed vehicle may cross a highway on which the speed limit is more than 35 miles per hour according to...with LB1004. The bill makes note of the difference between a golf car and a low-speed vehicle. A golf car vehicle has a level ground speed less than 20 miles per hour; a maximum capacity of four passengers and a maximum payload of 1,200 pounds. A low-speed vehicle cannot travel more than 25 miles per hour. LB1004 directs that low-speed vehicles must be registered and have a certificate of title for those sold after January 1, 2011. And those that don't have a certificate of title, provisions are made in the Section 7 of this bill. LB1004 does not prevent a county, city or village from adopting more stringent ordinances governing a golf car vehicle or low-speed vehicle operation if the governing body of the county, city or village determines that such ordinances are necessary in the interest of public safety. Any person operating a golf car vehicle or low-speed vehicle as authorized under this section shall have a valid Class O operator's license and shall have liability insurance coverage for the golf car vehicle or low-speed vehicle. A golf car vehicle being operated as authorized under this section shall display on the rear there, of an emblem as described in Section 60-6,241 which is SMV emblems. The Department of Roads may prohibit the operation of a golf car vehicle or low-speed vehicle on any highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety. And part of that was brought about because of some of the towns that we have, sometimes their whole main street is a highway. In fact, in the town where I live, why the speed limit through town is 40 miles an hour. We have a neighbor that has a golf car out there and I told him, if that comes about, you can't drive that thing down the highway because it...unless you change the speed limit. So this is where we came on and I think it's well taken issue with that if that's what the speed limit is, through some of them towns, golf cars don't have any business being out there on some of those that are going at that speed. This bill was brought to my attention because a golf car vehicle provides transportation around small town neighborhoods. Currently, about 45 states in the country allow for golf cars and they cannot go faster than 20 miles an hour. They cannot be driven after sunset. This car allows people, especially senior citizens, to get around who probably shouldn't be driving a car or really don't want to drive a car on these short trips. It is designed to accommodate neighborhoods. I would envision it would be a great help to people living in assisted living housing. It would also help people who need ways to travel around their neighborhood and they have ceased to drive a vehicle or perhaps it would take the place of a motorized wheelchair because I know in McGrew out there, there was a fellow that drove his motorized wheelchair all over the place and there were times about whether he should have been out on the gravel road and I tell you when you saw him going down that gravel road in a motorized wheelchair he was continually bouncing up and down with those little wheels like that. So I thought, good lord, there has to be a better way for this man to get around; but perhaps this is something that could be used for him. There are many ways it could be used for short drives in neighborhoods. They also can be housed in smaller areas and usually in an assisted living situation where parking is an issue. Section 19 in the bill

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addresses a safety issue and give authority to local governments and the Department of Roads to develop more stringent ordinances and regulations. Now I do have an amendment. Do you have those amendments there? Hand them out. Since Senator Christensen's mini truck bill came around, well the bill drafters decided that after looking at this bill, there had to be some changes made in this bill because I think in Senator Christensen's mini truck bill, they've addressed some of that certification and registration in there. He has drawn up an amendment for me which would change the bill some and what used to be Section 19 will be changed into Section 13 and mostly what he's done is put the registration in a different part of the bill. Now I suppose, who am I to question what he's doing. I suppose he knew what he was doing or else he wouldn't have done it. So, that's the reason for this amendment that I've brought forth, I think AM1689. As I pointed out, LB1004 is legislation that promotes one's neighborhood and perhaps make it easier and less expensive to move about on short trips. I would guess that golf cars wouldn't venture out more than a half to three-quarters of a mile from their home base. Some of the questions that I've talked with, some of the county officials, and they were concerned that these golf cars would be out on their county roads. And I've looked up some of the speed limits and according to what we find in statutes, 60-6,186, and that's where they set up the speed limits in roads in Nebraska and it's 50 miles an hour on a highway that isn't a dustless surface and not part of the highway system and that's what I've always thought. On a county road, the speed limit is 50 miles an hour. And I would think that that would probably not allow these golf cars out there on any kind of a county road because the speed limit, as far as I know, has been set at 50 miles an hour on county roads. So I would hope that that would take care of that part right in there that they wouldn't be. Also, in the bill it does state where they can set up regulations. It also...it says something about...I think the city or village...county, city or village determines an ordinance. Well the county doesn't have authority to set up ordinance. But as far as I know, the county can set up speed limits and that sort of thing on some of their areas or who can drive on their roads as near as I looked at. With that I would point out that we do have the amendment to go to it and I would urge that you consider this, because I think this is a bill that will help a lot of elderly people and the people that have...probably don't want to have cars right away and also take a lot of the traffic off in neighborhoods. This is what I would envision these here areas where around some of these resorts areas and neighborhoods and areas that small towns use them as maintenance vehicles, a golf cart. In the town where I live, one of the guys that does construction work, that's what he uses to run around with his construction deal. He got a little box built on the back and he's got a little rack over that that he can put sticks and stuff on when he did some work on my house, why he pulled his trailer over there and I never saw his pickup after that. He was there for over a month and drove back and forth all the time with his golf cart. If he forgot something at the house, why he jumped in the golf cart and was over and back and that way he could drive right up on my lawn, right up next to the door and park and worked out quite well. With that I'll take any questions. [LB1100 LB1004]

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SENATOR FISCHER: (Exhibit 6) Thank you, Senator Louden. Are there questions? Senator Gay. [LB1100 LB1004]

SENATOR GAY: Thank you, Senator Fischer. Senator Louden, I was thinking when you were describing this, it could be used in Papillion, in our area to get to a mall or...and building these big nursing homes, well you go in there and basically, but anyway, I guess, what's the penalty though if somebody wants to push the envelope a little bit, even if we would allow this, have we thought about that? Because I'm trying to think how this could work in your area, rural; and then in mine, more urban, that instead of just going to the store, I might want to go just a little farther, but it's going to make me go on Highway 370 to get to Bellevue, let's say. Is there any penalties here if you don't follow the rules of... [LB1100 LB1004]

SENATOR LOUDEN: Well I think it would be penalties the same as on your driver's license, I suppose is where the penalties could come in. You'd be picked up driving where you shouldn't have been or something like that. [LB1100 LB1004]

SENATOR GAY: I wonder what that is? Maybe that's something that we should check into though; because I could see human nature to push it just a little bit, you know. But maybe that's something we could decide as we look into this. [LB1100 LB1004]

SENATOR LOUDEN: Yeah, if it's necessary, why there's no reason it shouldn't be on there. That's for sure. We have to have penalties if there is going be...I just presumed it would be part of your driving, some type of driving deal. [LB1100 LB1004]

SENATOR FISCHER: Thank you, Senator Gay. Other questions? Senator Louden, on page 8 of your amendment, line 12 and 13, you've eliminated carts after golf and now they're going to be golf car... [LB1100 LB1004]

SENATOR LOUDEN: Golf car. [LB1100 LB1004]

SENATOR FISCHER: ...vehicles. What's the difference between a golf cart and a golf car vehicle. [LB1100 LB1004]

SENATOR LOUDEN: Well, Senator Fischer, to tell you the truth, I really don't know. This is something the Bill Drafters came up with. [LB1100 LB1004]

SENATOR FISCHER: Okay. [LB1100 LB1004]

SENATOR LOUDEN: And I think it must be the way they wanted to describe the thing, perhaps maybe the golf cart also envisioned these little two wheel things you put your...I have no idea, other than this is how it came back from the Bill Drafters. [LB1100 LB1004]

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SENATOR FISCHER: Okay. Thank you. Other questions? I see none. Thank you very much. For the record I would note that we've been joined by the Vice Chair of the committee, Senator Arnie Stuthman from Platte Center. At this time I would give you some instructions on how we're going to do this. First we'll have the proponents come forward. So if you are in favor of one bill or the other bill or both bills, this would be your time to come forward. I would ask that you state at this time if you are in favor of both bills, or if you are just in favor of LB1100 or LB1004 so we can keep track for our committee statements. So with that, I would welcome the first proponent to please step forward. [LB1100 LB1004]

JOE MASEK: Would that be me? [LB1100 LB1004]

SENATOR FISCHER: I think that would be you. [LB1100 LB1004]

JOE MASEK: (Exhibits 5 and 7) Thank you. I have some handouts. [LB1100 LB1004]

SENATOR FISCHER: Good afternoon. [LB1100 LB1004]

JOE MASEK: Good afternoon, Senator Fischer and members of the committee. My name is Joe Masek, that's J-o-e, last name is M-a-s-e-k. I'm president of Masek Golf Car Company of Gering, Nebraska. There are sets of those that each one of them has the...red one. Working with Senator Louden and I'm a proponent of LB1004. So I brought some handouts to give you some idea of what sort of vehicles we're talking about. LB1004 has two classes of vehicles; LSV is a particular class that is recognized as a motor vehicle by the federal government. Golf cars are a similar class, but much slower. The typical normal golf car goes about 10 or 12 miles an hour is all. If you wanted to go up to 19 miles an hour, you could spend some money and we can make them go faster, that's our business; but we can't make them go faster than 20 because then they'd fall into the next category of LSV. So the top brochure, the red one, is a Tomberlin, that is a LSV. You can see that it's stylish and price-wise those are significantly more money. They start at about \$7,500 go up to about \$15,000. I've included a couple of brochures on another vehicle that you may not have thought of and that is light duty utility vehicles which would be allowed under the golf car portion of LB1004. This would allow vehicles, such as I see driving around the Capitol, illegally, I think, with the John Deere things to be legal. If they're...can't go more than 20 miles an hour and have a GV...gross vehicle weight of 2,500 pounds, these would all be legal. These are used in golf courses. They are, basically, modified golf cars with boxes on them. Such as Senator Louden was talking about his construction guy. What I'd like to address briefly with the committee today is why is this a good bill and why is it a safe bill. It's a good bill, generally speaking, for the state of Nebraska and cities and municipalities who levy sales tax because there will be a number of these sold and we'll address that in some detail later. It's good for our private and public institutions:

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universities, colleges, anybody who has a campus that they need to move light loads around and can do it with a much more efficient vehicle, spend less on pickup trucks, fuel, maintenance, all of that, by using a vehicle that's really designed to do light loads, short distances, and there are a number of those. It is good for Nebraskans, as Senator Loudon mentioned, people can save on fuel. They can also collect federal tax credits based on purchases of LSV vehicles. And finally, it's good for the planet and I know that our state priorities are not necessarily to save the planet, but where we can do small things that do assist in the environmental friendly way, this is a way to do it. It will burn a lot less fuel, carbon emissions are way down and utilizing the electric vehicles, which is things that are coming. And finally, the safety aspect of it will talk about it. I would submit to the committee that on streets 35 miles an hour or lower that a golf car is the safest vehicle that is out there and the reason it is, is because it's slow. Accidents and liabilities come from speed and where you are going 10 or 12 miles an hour, or at most 20, you're going to reduce any amount of accidents or collisions that are out there. Alcohol is another one, we'll miss most of the alcohol drinkers. They'll go to the golf course and drink while they drive on a golf course. And the other one is inclement weather, so when the streets are icy, we probably won't be out there with LSVs and golf cars because it's too darn cold. There aren't heaters normally provided. The reason it's good for the state, there was...there continues to be a federal tax credit available for purchasers of LSVs. Federal government saw fit to encourage this prior to December 31. There was a sizeable tax credit up to \$5,000, sometimes higher. That expired at December 31. We lost a lot of revenue at the state of Nebraska by not having this bill last year. I and some of the other folks that will testify will give you some idea of what the amount of those numbers are. I have in my recap of key points: our experience, we have a place in Denver, Colorado, it's actually a subsidiary, satellite location of our place in downtown, metropolitan Gering, where LSVs are available. We were able to get 14 of those vehicles; we wrote a check to the state of Colorado at 2.99 percent for \$3,332. Our sales in Gering, where LSVs were not allowed were zero, basically. Our sales tax revenue to the state of Nebraska and our Gering location was \$322. The numbers are in there. That's because we didn't have LSVs to sell. So there's a huge volume. Cal will relate to you what he sold in Council Bluffs and Bob's got some information from folks to the south of us on what sort of volumes were there. So with this bill, the state will start generating, and cities will start generating some significant sales tax revenue as time goes on. The federal tax credit has been reduced now to 10 percent of the purchase price, but it's still better than a poke in the eye. And that will allow Nebraskans to collect that federal tax credit, if they're allowed to use LSVs in Nebraska. I'd just like to...I don't know, Senator Hadley, you deal with the university in Kearney and I don't know what their pickup budget is for how many pickups they buy and maintain each year for low speed. I know in Western Nebraska Community College they use and would use more golf car vehicles and these light utility vehicles if they could drive them on the road. But they can't, so they only use them in very limited areas. University of Wyoming has similar legislation, has 40 golf cars in their university fleet in Laramie, as an example. And they save a lot of money by being able to use those.

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Everybody's budget is tight. If we can operate with a more efficient vehicle that's going to save those operating budgets for universities, towns. City of Gering also does a couple of things and that's in my recap as well. They are in the electricity business, they check their meters with a gasoline pickup truck. And if they were allowed to drive an electric vehicle and plug it in at night, fuel up with their own wholesale product to check their meters, they'd save a lot of money. Nebraskans will talk about everyday people trying to save money using vehicles that they already own for other purposes. Senator Loudon talked about older people. The safety aspect of it, and I don't know if I shocked anybody with saying that golf cars will be the safest vehicles on the road. When you consider the comparison with a bicycle; a bicycle in the hands of a 6-year-old probably can't go 25 miles an hour. A bicycle in the hands with the legs of an 8-year-old or a 10-year-old can exceed the speeds that we're talking about here. You don't have to have any license, you don't have to do anything, and they can go on any highway in the state, as long as it's not the interstate, is my understanding. So because they're slow, they are safer than a bicycle because you've got more protection, you've got more visibility, you've got better brakes, you've got more tires on the ground, it's way safer vehicle as a vehicle than a bicycle. We would submit that it's safer than a scooter; safer than an ATV; safer than a motorcycle; safer than an automobile, because all of those can go 60 miles an hour as a general rule with a twist of a throttle or the push of a pedal. So the fact that we can't go more than 20 miles an hour and usually 10 or 15 on a golf car or up to 25 miles an hour on a LSV means that if we've got somebody who's in a hurry to get someplace and want to use the speed, they're going to use another mode of transportation and it's not going to be a golf car so they're not going to have an accident with a golf car or an LSV. Finally, I think this is a safe piece of legislation to pass from the committee in the Legislature's standpoint. We're not breaking new ground here in terms of vehicles. We're actually catching up with the rest of the country in allowing these alternative forms of transportation that these are in place all over the country. We do some business with The Villages in Florida. I don't know if any of you have had the opportunity to see that operation. Senator Carlson happened to be there when we were talking about this. They have 40,000 golf cars driving around in that development in central Florida, just north of Orlando. Those of you that have been to Arizona, see golf cars all over the place there, many, many resorts have them. They do run exactly as we have them equipped here in this bill, LB1004, and they have no problems and it's a wonderful blessing for those people in those areas. No reason why we can't have them in Nebraska. With that, any questions? [LB1004 LB1100]

SENATOR FISCHER: Thank you very much. Are there questions? Senator Hadley. [LB1100 LB1004]

SENATOR HADLEY: Senator Fischer, Mr. Masek, actually, on the University of Nebraska, Kearney, we do have a few of these, but they're limited to on campus through the pedestrian walkways and such as that. The question was asked to Senator Loudon; is there a difference between a golf cart and a golf car? [LB1100 LB1004]

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JOE MASEK: Yes, in the business that we're in, we make a big deal out of that, because a golf cart, technically with a "t", is the little two-wheeled thing that you'd put your golf bag on and drag around behind you if you're un-American and walk the course. (laughter) If you get behind the wheel and drive it, it's a golf car. What we're trying to do currently, in Nebraska law, as I understand it, there's kind of regular motor vehicles and everything else is kind of thrown into one lump sum. There's some specific prohibitions in Nebraska law about low speed vehicles and golf carts. What we're trying to do here is demonstrate the difference between a LSV, which is a faster, bigger vehicle than a golf car and then differentiate golf cars that are being used on streets from golf cars that are not being used on the streets. So with a golf car being used on the street, yes, we do have to have a Class O operator's license; we do have to have liability insurance. If you're going to operate that same vehicle on a golf course, you don't have to have that. [LB1100 LB1004]

SENATOR HADLEY: The second question I have, we talked about low speed and such as that, do they have governors or do...because, you know, obviously, we have cars that will go 120 miles an hour on a 75 mile an hour interstate, how does this work with a golf car or a LSV? [LB1100 LB1004]

JOE MASEK: Very good question and yes, they do have governors and they physically not able to do that. An LSV is a very specific federal definition. It has to go 20, if it won't go 20, it's not a LSV. Can't go faster than 25, if it goes 26, it's not a LSV. So currently the only way that a manufacturer can actually establish that is with an electric vehicle. There's two inch variation in a gas vehicle so the only LSVs that are out there now are electric; because with electric vehicle, you can program that with a particular battery pack and a motor to not go any faster than that, but to go up to that speed. So that's why there aren't any gas LSVs out there. There's nothing in the federal law that says you can't. The manufacturers don't want to take the chance that somebody could mess with it. On a golf car, and that's a slower speed vehicle, there are both gas and electric there, and there are no governors as such on electric vehicles, they're just...you push the pedal down and it only goes as fast as it will go...the size of motor and the size of controller it's got on it. A gas car does have a governor, it's a physical, or in the case of some, an electronic thing that says we want to limit the speed to this and it won't go any faster than that. As you're driving them, you may have had that experience, you pushed down the accelerator pedal and you accelerate to a certain speed and then the engine, if it's gas, will cut back and even though you have the pedal to the floor, it won't go any faster than that. That's a mechanical governing mechanism that is set up because for our sales to golf courses, they want them to go no more than 10, maybe 11 miles an hour. The faster they go on a golf course with more alcohol on the golf course, the more people run into fast growing trees that jump up in the middle of the fairway. So they want that and we actually have several of them that want us to dial them back. A private individual comes to us and for some reason there's some advantage in getting to your

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golf ball first, so some private individuals who own their own golf cars want to make it go faster, as fast as we could possibly make it go. With current golf cars, the fastest we can make a gas golf car go, without spending a lot of money on it, is about 16 or 18 miles an hour. And there used to be stories about my 35 mile an hour golf car since the advent of the land held GPSs, you know a lot of those myths have gone away. Sixteen miles an hour feels really fast if you're used to going 10. But it's not 35 miles an hour. [LB1100 LB1004]

SENATOR HADLEY: Thank you, Senator Fischer. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Senator Hadley. Other questions? Senator Stuthman. [LB1004 LB1100]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Masek, can you tell me, since they have these golf cars, have there been any bodily injury accidents with them at the present time or in the last years? [LB1004 LB1100]

JOE MASEK: Currently, Senator, and I think Mr. Moore can speak to that better than I. The accidents that we're seeing with golf cars in Nebraska, for example, are primarily on golf courses and primarily on very steep golf courses, and primary where the use of alcohol is involved. So on a steep golf course with somebody who's had their sixth drink of the round, you can roll them if you do the wrong things. The places that have them on the streets, the safety record has been extremely good. Again, I point to the place like The Villages in Florida; Palm Dessert, where inactiveness and letting people drive on the street, been very, very good safety records. You have to work really hard and on a flat level surface, it's nearly impossible to tip one over or do something untoward. It can be done if you're hell-bent on doing it. [LB1004 LB1100]

SENATOR STUTHMAN: Thank you for that answer. Another question I have is, in those states that allow them, is the 20 mile an hour maximum speed a hindrance to traffic or anything like that? [LB1004 LB1100]

JOE MASEK: Generally not, because, again, that's a level that's set that says, primarily, these are residential areas. And we have bicycles out there now going that speed or less. If it's a higher speed, a corridor, in our area, the Scottsbluff, Gering highway, okay, where you want to get from one town to the other and it's 3 miles and you want to get there, so that speed limit is 40 miles an hour or 45 in some cases and so we don't want these vehicles on those routes that people are in a hurry to get somewhere. We're primarily talking about lower speed and the fact that they can only go 20 miles an hour is not a hindrance with you're driving down the block and visiting with the neighbors or you're going to go to the post office or the coffee shop. [LB1004 LB1100]

SENATOR STUTHMAN: Do you have to have a SMV sign on them? [LB1004 LB1100]

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JOE MASEK: Yes, on LB1004, on golf cars you do; LSVs you don't. So there's several distinctions between golf cars and LSVs, recognizing that all LSVs have more equipment on them. They've got better lights; they've got seat belts that come as standard; they've got a DOT windshield which you can't open. People that have golf cars generally don't have those windshields because you can't get any ventilation when you want it. [LB1004 LB1100]

SENATOR STUTHMAN: Okay. Thank you. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Senator Stuthman. Other questions? I wanted to let you know that we did pass out your e-mail that you sent to me to all the committee members so we also have that. And then I had just a couple of questions for you. You mentioned that at The Villages there were 40,000 of these vehicles; do they allow cars to travel within their development also? [LB1004 LB1100]

JOE MASEK: Certainly [LB1004 LB1100]

SENATOR FISCHER: Do they have special paths for these golf cars or how does that work? [LB1004 LB1100]

JOE MASEK: No, they're side by side. You can drive a car if you want to, but most people choose not to because the golf car is so much more efficient. [LB1004 LB1100]

SENATOR FISCHER: And when you said they're the safest vehicle out there, what about the other guy? What about the guy who is in the car and gets a little irritated because I'm in a golf car and I'm traveling at 20 miles an hour and he's in a hurry and he wants to get by me and he can't, or what...you know, there's other people on our roads in other vehicles on our roads too, so while you may think that these are the safest vehicles out there, what about the other guy? [LB1004 LB1100]

JOE MASEK: Well, if they're behind a scooter or moped going the same, you know, the same thing could potentially happen and I'd rather be in a golf car than a scooter or moped if somebody decided to run into me or bump me from the back or whatever road rage at 35 miles an hour tends to be. Our experience is that by limiting it to slower speed roads, that we really don't have a lot of problem there. That people that are in a hurry are taking the higher speed corridors. [LB1004 LB1100]

SENATOR FISCHER: So you would want these just limited, basically, to residential areas? [LB1004 LB1100]

JOE MASEK: Well, you know, I...residential being a lot of different definitions. So in the town of Gering, I would certainly envision them as being able to go downtown to the

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coffee shop, go to the post office, because all of those... [LB1004 LB1100]

SENATOR FISCHER: What's the speed limit on those streets within Gering? [LB1004 LB1100]

JOE MASEK: Twenty-five, generally. [LB1004 LB1100]

SENATOR FISCHER: Twenty-five. Would they have to cross any state highways in order to reach those places. [LB1004 LB1100]

JOE MASEK: No, with our by-pass, there are no more state highways. In Gering we use to have them. [LB1004 LB1100]

SENATOR FISCHER: So there...would you envision restricting these vehicles so that they could not cross a state highway? [LB1004 LB1100]

JOE MASEK: No, not at all, because I think crossing a highway is, if done safely, is...you can do that on foot or on a bicycle or any other way and it's specifically in the bill to allow them to cross state highways. You just can't get on and drive down them and impede traffic. [LB1004 LB1100]

SENATOR FISCHER: When you talked about that they...right now they're traveling, I think you said, 10 miles per hour usually on a golf course, so you're going to up the mile per hour that they can travel on a street and you said, you know, they're so safe now. Well they're only allowed on golf courses now and they're only going 10 miles an hour and there aren't other vehicles around that can be involved in an accident with them, how would you answer me on that? [LB1004 LB1100]

JOE MASEK: Okay. So currently, the 20 mile an hour differential between a golf car and a LSV is purely a definition...distinction. Okay. Because the LSV by federal guidelines can go 20 miles an hour, actually has to go 20 miles an hour, then we say, if it can't go that, then...and it's got four wheels and it's this speed, then it's a golf car by definition. So the fact that they're going 10 miles an hour now, if I own a golf car now I'm only going 10 or 12 miles and hour and I probably, if I'm going to use that to get back and forth and around town and to the post office and things, I'm probably going to continue to leave it at that speed; because I don't want to spend the money to make it go faster. If I want to, I can. [LB1004 LB1100]

SENATOR FISCHER: Should we require seat belts, protective windshield of some sort, lights, turn signals, helmets? Should we require those? (laughter) [LB1004 LB1100]

JOE MASEK: The federal government has studied that, Senator Fischer, until the cows come home and have determined, and there have been a lot of studies back and forth

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on that, and they've come down finally after all of their studies and research saying that if you're getting up into that 20, 21, 22, 24, 25 mile an hour, then you really should have a windshield that would withstand the impact of a bee, or a bug or a something else. If you're going slower than that, you really don't need it. If you're going that fast, you should have seat belts and so seat belts are required in a LSV. DOT lighting, front and rear, are required, turn signals are required in a LSV. In the slower vehicles, you're not going that fast, there's no reason to have the windshield; most golf cars have one, but it's a...to keep the wind off, not for any sort of protection and seat belts are not required because, again, you're not going that fast. [LB1004 LB1100]

SENATOR FISCHER: But here again, you're going to be on streets with other vehicles; I think we need to be concerned about safety of all people that are using our streets and highways. So shouldn't we require seat belts, lights on any of these, no matter what speed they're traveling? [LB1004 LB1100]

JOE MASEK: Okay. My understanding is that if they're going to be on any Nebraska street, they have to have headlights and tail lights. So by...we asked the Bill Drafters this and they said, yeah, you don't need to write that in because if they're being operated on the street, they have to have headlights and tail lights. They don't have to have turn signals, because, again, we're out there, like, one of those is fine. Because there's plenty of time before that turn is made. So I...again, all the studies in places like Arizona, places like The Villages, because I specifically asked them about seat belts as well and they said, no, we don't have any problem with it; we don't require it. Again, if you're going to buy a LSV, you're going to get that with the vehicle and if you choose to use them, you can. We don't have any laws that say if they're on there you have to use them, but on golf cars... [LB1004 LB1100]

SENATOR FISCHER: Not yet. Not yet. [LB1004 LB1100]

JOE MASEK: Yeah, on the golf cars that we have, no seat belts were required. And that partially comes from the fact that if somebody owns a golf car now that is used for golfing, they really don't want to have seat belts banging around on the seat when they're sliding in and out of those vehicles, right now. And the idea here is that the people want to use vehicles that they already own to do a second duty and save money. [LB1004 LB1100]

SENATOR FISCHER: But if...but if...but if we're expanding their use past golf courses and they become vehicles on our highways and streets, then there may be support for having certain requirements of those vehicles as we do other ones. [LB1004 LB1100]

JOE MASEK: Yes. I think the provision in there about having local jurisdictions do that...addresses that. Again, the federal studies that have been done said golf cars don't need them, LSVs and up do. And that if a local community has some experience or

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feels that they want to...if you're going to drive it in Papillion, put seat belts in and that's fine and let them do that if they want to. But I don't know that there's any requirement from the state to mandate that where the feds have decided that that's not necessary and is not a factor in safety. [LB1004 LB1100]

SENATOR FISCHER: Okay. [LB1004 LB1100]

JOE MASEK: So if we can get something passed and let people start to use them, I really don't think they'll be...I think our experience will be the same as other states where there's not a lot of accidents. If a particular community does see that, then. [LB1004 LB1100]

SENATOR FISCHER: Thank you very much. Other questions? Senator Janssen, please. [LB1004 LB1100]

SENATOR JANSSEN: Thank you, Chairman Fischer. Mr. Masek, I was just going through your brochure here and actually I was a little bit alarmed, actually, when you first got up there, because I told my fiancée that if she ever broke a hundred in golf I would buy her a golf car and when you said they were \$7,500 I got a little concerned about that. I'm looking through your thing here, I do see that there are seat belts attached to this in all your models, it appears at least on this. [LB1004 LB1100]

JOE MASEK: Because those are LSVs, Senator. [LB1004 LB1100]

SENATOR JANSSEN: Okay, that's... [LB1004 LB1100]

JOE MASEK: That brochure is just LSVs. [LB1004 LB1100]

SENATOR JANSSEN: Than that answers my question. I was curious, because they said the range of speed was 23 to 25 miles an hour. [LB1004 LB1100]

JOE MASEK: Right. [LB1004 LB1100]

SENATOR JANSSEN: So that pretty much answers that question with the 20. Would you...how would you respond to, I don't agree with this statement, I imagine you don't either, but this is from the Safety Council saying, we feel allowing low speed vehicles on our roads will result in more fatalities and more serious injuries from crashes. [LB1004 LB1100]

JOE MASEK: I'd respond that the history of where they have been allowed is not that. Otherwise all the states that have adopted them would not have or they would be repealing them. So the experience is that they really don't happen. That because of the type of people that are driving them and where they're being allowed to drive. If you put

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these out on the interstate or even county roads running at 50 miles an hour, yeah, that could happen. But I don't know how to respond to that other than places where they are being used, it's not happening and there's... [LB1004 LB1100]

SENATOR JANSSEN: Certainly, it's not a great leap of faith on their part because if there's more vehicles, there are going to be more accidents, but...so it's a little bit of a fuzzy logic. Thank you. [LB1004 LB1100]

JOE MASEK: Yes. Okay. [LB1004 LB1100]

SENATOR FISCHER: Other questions? Could you get that safety information for us from other states if you have that available, could you get that to my office for me please? [LB1004 LB1100]

JOE MASEK: Yes, I'll see if I can pull that out. [LB1004 LB1100]

SENATOR FISCHER: Okay. That would be great. Thank you very much and thank you for being here today. [LB1004 LB1100]

JOE MASEK: Thank you. [LB1004 LB1100]

SENATOR FISCHER: Next proponent please. Good afternoon. [LB1004 LB1100]

BOB BAUERLE: Senator Fischer and committee, I am Bob Bauerle. Bob is the easy part, B-a-u-e-r-l-e and I'm a proponent of LB1004 and I'm here on a little bit of selfish note. I'd ask you to help my business. We are the Club Car golf car distributor for eastern Nebraska. I speak frequently with our distributor in Oklahoma. In the last year they've sold over 600 of the LSV vehicles. If we would have been able to do that...half of that, our last two years, we would have been profitable and I think he was very profitable as a result of that. There's been quite a bit of talk of safety and I would say if I had my choice, I would rather be in an automobile than a golf car if there were an accident. I'd rather be in a golf car than a bicycle if there were an accident. So I, you know, safety, we can go on and on, but 45 states have this right now. It's not cutting edge for us, it would be catching up for us and, quite simply, if this were legalized in our state, it would be a giant boost to our business which is going to help our income. But it is also going to help your income because we get taxed when we sell stuff. So we would like to help your business out also. And that's really all I have to say. I would take questions. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Mr. Bauerle. Are there questions? Senator Hadley. [LB1004 LB1100]

SENATOR HADLEY: Yes, Senator Fischer and Mr. Bauerle, do you play golf? [LB1004

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LB1100]

BOB BAUERLE: I do. Not very often. [LB1004 LB1100]

SENATOR HADLEY: Well, I just earlier we had heard that there wasn't an advantage of getting to your ball first. I've never had a bad lie when I get to my ball before my opponent gets to mine, so I just thought I'd let you know that. Thank you. [LB1004 LB1100]

BOB BAUERLE: Yeah, that's right. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Senator Hadley. Other questions? I see none. Thank you very much for being here today. [LB1004 LB1100]

BOB BAUERLE: You're welcome [LB1004 LB1100]

SENATOR FISCHER: Next proponent please. [LB1004 LB1100]

BILL MOORE: Good afternoon. [LB1004 LB1100]

SENATOR FISCHER: Good afternoon. [LB1004 LB1100]

BILL MOORE: (Exhibits 9 and 10) My name is Bill Moore, M-o-o-r-e. I am a proponent of LB1100, as well as LB1004. What I wanted to do, Madam Chairman and Senator Mello and Senator Louden and honored committee members here, and I should probably give you this, here we go, thank you...is sort of try to the...set these two bills in a larger context. I'm the founder and publisher of EVWORLD.com, which is a Web site I started in 1998 that has in the course of more than 12-years time followed the developments of the electric vehicle industry on a global basis, is regarded, and I've been told this by individuals who are in the industry, that is probably the most trusted publication of its nature on the Internet with respect to discussions about this technology and where it's going. I'm also considered the, and I'll use this term, Godfather, because that's what the people at OPPD call me, the Godfather of the OPPD-NPPD Power Drive program which involves more than 100 high schools across the state of Nebraska; thousands over the last 12 years, thousands of Nebraska students have gone through that program which basically teaches them how to engineer, design, build and compete in their own electric vehicles and I'm assuming that probably many of those young people, or their parents are your constituents. I want to share with you why I think these two bills are important for Nebraska from an automotive industry observer's perspective which is what I consider myself. Since the enactment of the Federal Motor Vehicle Safety Standard 500 in 1998, more than 40 states, and I think the numbers are varied here, because I don't think anyone's got exactly the exact numbers. I've seen numbers as high as 45 states. Senator Mello mentioned the Department of Energy says there's

35 states. When I go on various web sites, I see conflicting numbers, but let's assume that it's well over three dozen states have passed this type of legislation. Most of the states surrounding Nebraska, as Senator Mello has pointed out, have this legislation, allowing them on their roads. So what I'd like to do is sort of put this all in a larger context. There are three reasons, there are three main factors that are driving the transition of the automotive industry today towards the electrification of their vehicles. You probably aware that, you know, you see many vehicles that are hybrids increasingly on the roads, people here in town driving Priuses. We parked, as a matter of fact, not far behind somebody that is driving one of the new Insight hybrids and we see this trend. Later this year, in November, Chevrolet will roll out the Volt which is the very first extended range electric vehicle. Shortly thereafter, Nissan, and you've probably seen advertisements on television touting the Nissan Leaf, a fully all-electric vehicle that are coming out. Now, what is driving this move on the part...and those are only the first two, there are many, many other programs in the works that are bringing, increasingly, electric-type vehicles to the forefront. Now what's driving this? Well, there are three factors driving it. The first factor, of course, is an environmental one. Regardless of how clean our vehicles have become, and they've become extraordinarily clean in the last 40 years because the industry has done...has been under the gun to clean up the emissions of these vehicles. They still pollute. The car that you drive, I would like to pose this challenge to people; which would you rather be parked in a closed garage with, a gasoline car running or an electric car running? I think that probably answers itself which car you would prefer to be in it with; regardless of how clean it is. Now you take that fact and you multiply that by more than 2 million vehicles in the state of Nebraska and more than 230 million vehicles in the United States and you get a sense of the fact that this is not just an environmental problem, this is a human health problem. And I've given talks on the environmental impact, excuse me, of what happens, you know, with gasoline powered vehicles. And it's a very, very serious problem. So we need to clean up those vehicles and electrifying those vehicles is one of those ways that we can do that. The second factor that is driving the electrification in the industry among the Fords, the Toyotas, the Hondas, the GMs, the Chryslers, Tesla-Chrysler at the moment, but the reason you see, of course, is the government has increased the rate at which the car manufacturers, the time period has been shortened, which they can increase...in which they have to increase the fuel economy vehicle to more than 35-miles per gallon. That takes affect by 2016 which has moved it up by a good two years. So the car makers are having to come up with strategies to improve that fuel efficiency. Now one of the ways to do that, a very strong way to do that is electrify that vehicle. In 2000, I bought my first hybrid vehicle, a Honda Insight and I regularly, for the next nine years that I drove that vehicle, got 60-miles per gallon or better. And that was in 2000. I now drive, in fact the car that we drove down here from Omaha in, is the only, to my knowledge, only plug-in Prius owned by a civilian citizen in the state of Nebraska. And my wife drives that every day to work and when she doesn't have to run the gasoline engine to heat the cabin, that car will regularly do better than 99 miles per gallon driving from Papillion over to her job at Omaha Steaks. So the

technology is there, but it requires electrification of the vehicle platform and this is one of the reasons why you're beginning to see this more and more in the industry. The third factor has to do with global oil demand. Now we all realize that China and India are going gang-busters, they're growing by anywhere from 8 to 9 percent growth. Car manufacturer and car sales in those countries is booming, particularly in China, which, obviously, places demands on the amount of oil that is out there. Allow me to quote Jim Lentz. Jim is the president of Toyota Motor Sales of North America. Jim Lentz in a question and answer session at the San Francisco Commonwealth Club back in November of last year, it was asked, what's the future of oil prices? Jim responded: oil is going to be more expensive. Our model of the future energy is what will probably...that we will probably see peak oil sometime around the end of the next decade. So whether it's 2017 or 2020, it's going to be something, it's somewhere in that neighborhood. I can tell you that it is that belief that is driving our solutions on what will drive the future of our...what will drive our future vehicles. Whether it's 2017, 2020 or 2025, doesn't really make any difference because as the world demands exceeds world supply, the cost of gasoline for internal combustion engines will be prohibitively expensive. That's the man who is responsible for Toyota Motor Sales in North America. He's not alone. I could cite you other examples, I won't take your time with it, but I could give you, for example, Rick Wagoner, who in 2008, essentially made the same statement at the opening of the 2008 Detroit Auto Show. So we see this beginning to be a problem. Just two weeks ago at an auto industry task force released a report that warned that we could begin to see constraints on global oil production within five years time. Earlier than that, Deutsche Bank issued a similar warning. Macquarie Bank, which is a large bank in Australia, came up with a...said that we would see evaporation of spare production capacity by 2012. The Canadian Investment Bank or the Commercial Investment Bank of Canada's chief economist is warning that we could see \$200 a barrel oil by the end of this year. Our own energy department estimates that we will see \$80 a barrel oil average this year, that is a 31 percent increase over what it was last year. So we're beginning to see these forecasts that oil is going to be expensive. And as a result of that, I think that putting into context then the fact that electrification of these vehicles, one way to address that problem. So where do golf cars, as opposed to golf carts, and I thank you for that, by the way, for that definition, because I've always been a little confused as to what's the difference as well, as opposed to low speed electric vehicles which are...we also call neighborhood electric vehicles, where do they fit in this picture? Well they are a start of inevitable transition, not just to where and how we fuel our vehicles, but more importantly, how we use them and how we view them. Now I can't...I won't take time to talk about all the people in Houston that park their cars and drive neighborhood electric vehicles; and the young lady that I met in San Diego that that's her commuter vehicle, or, I'm sorry, Santa Monica, or the people in Boston that drives theirs in the middle of Boston winters. So it's not just a warm climate Florida kind of a thing. People do that. What LB1100 and LB1004 represent is acknowledgment of this shift in thinking by Nebraskans. This isn't something that is being forced, sort of, from the top down by the Obama administration or whoever; this is people out in rural Nebraska that are asking

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you to allow them to use these vehicles so that when they do, they're not breaking the law. Madam Chair, I urge that the committee reconcile these two bills asking only three things: that you allow local jurisdictions to decide whether or not golf cars are permitted operation on the street; and should they be permitted that operation, that they be required to have seat belts. I very much am strongly, and I think I've expressed that to you in e-mails, I'm very much concerned about safety and I want to make sure that that is paramount in any of this legislation that we are very concerned about that. I recommend also that in reconciling these two bills that they be allowed to cross roads with speeds limits, more than 35 miles an hour, I think that can easily be done. When I walk down, and Senator Gay is not here, when I walk down to the Target store, I have to cross a 45 mile an hour street, 84th Street, and I walk and I can do that safely. When I take my electric bicycle, I have to cross it as well. So I don't see any reason why we couldn't take vehicles of this caliber and let them cross those streets, but certainly, I would not want them to be operating in the same flow with traffic at that speed. If you think for a minute, you know, if you're from a small town, my brother used to live in Fremont, so I'm very familiar with Fremont, if you live in a small town, there are really only some streets that have...that are high volume traffic streets. If you get back into more the neighborhood streets, is where these vehicles are intended use. If you'd stand there and sort of picture yourself there in that tree lined street, you're not seeing people, generally, flying down there, seconds apart, at 40 and 50 miles an hour. It's generally people moving slowly; a car maybe, you know, every few minutes, if that much. So this is the environment in which we think these vehicles are really best suited to operate. So I'd ask that, you know, go ahead and allow them to cross those roads. And then finally, I would...I would ask that we allow neighborhood electric vehicles, low speed vehicles, that are federally certified with all of those ten items that the federal government requires each of these vehicles to have, the crash safety windshields, the turn signals, the lights, the seat belts, all those things that those vehicles do be allowed to operate after dark because they were designed and intended to be operated after dark, unlike golf cars which did not have those kinds of provisions built into them. So I would respectfully allow...that you go ahead and let them do that. So I thank you for your time. I appreciate it. I can't believe how dry-mouthed I get doing this. I do have an additional letter of support from the former city planning director from Omaha that I will provide you. And then also, my testimony, as well as some other documents that I think are pertinent to this are on a CD here which I'll contribute to the thing, so. [LB1004 LB1100]

SENATOR FISCHER: Okay, thank you very much, Mr. Moore. Are there questions?
Senator Louden. [LB1004 LB1100]

SENATOR LOUDEN: Yes, well thank you for your testimony, Mr. Moore. If I understood your testimony, you say that by 2020, 2021, 2025, some place in there, gas is going to get more expensive and they'll be more use of these type of automobile; well usually around these assisted living and stuff, this is where people are...they're on retirement income and it makes quite a difference on what it's going to cost them to get around,

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and when you say about 2025 or so, that looks like when I might have to be in assisted living, so I'm wondering if that's the answer to my (laughter). That would be the time when I'll probably be needing some kind of a cart like this to get around. And this, to me, is something where...what this would be designed for would be into these areas like this, your neighborhoods and your assisted livings and your gated communities or whatever you have. [LB1004 LB1100]

BILL MOORE: Right. Let me give you an example, in giving that talk, I was mentioning to you about, the health impact. I was invited to go over to the University of Nebraska Medical Center and address the faculty and the students there at the Med Center on this very topic. And after I gave that talk, one of the physicians came up to me and said, you know what, I live a mile from the campus here. I would love to be able to just leave my car at home, get in one of these and then go over to, you know, the campus and, you know, do my rounds in the morning and do my teaching and then go back, you know, go back home in the evening, said that would be perfect for me. So that's how I envision this happening. Neighborhoods like the Dundee area. Papillion, my own community is an ideal application for that. I can only think of one part of Papillion where I couldn't drive these and that's that stretch from where La Vista starts or, you know, where La Vista ends down to the, sort of the beginning of 6th Street, if you're familiar with Papillion. And from there on, all the other streets are 35 or 25 mile an hour streets. So with the exception of my trying to figure out how to get over to the new shopping center on the other side of 370, I'm, you know, I'm...I can get around almost the entire community by doing that. So I see that as really kind of a perfect way. There have been many times where I would...you know, I don't want to take my bike right now because it's cold, but I would love to have another type of a vehicle where I could just simply, you know, get in it like this and take it down to...to go buy those few items I need to pick up at the local Target or the local Home Depot or things like that. I think it's an ideal application for that. [LB1004 LB1100]

SENATOR LOUDEN: Okay. Thank you for your testimony today. [LB1004 LB1100]

SENATOR FISCHER: Other questions? Senator Campbell. [LB1004 LB1100]

SENATOR CAMPBELL: Thank you, Senator Fischer. Sir, as we look down the road and you talk about electric vehicles being able to go, I think you said, your wife's would get 99 miles per gallon. Is that what... [LB1004 LB1100]

BILL MOORE: Um-hum. [LB1004 LB1100]

SENATOR CAMPBELL: How would...how do you propose that we would take in tax or fee or whatever? [LB1004 LB1100]

BILL MOORE: Oh, I knew that was...that was coming, because that is... [LB1004

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LB1100]

SENATOR CAMPBELL: I'll withdraw the question. [LB1004 LB1100]

BILL MOORE: I...I...no, no, I was having a conversation... [LB1004 LB1100]

SENATOR CAMPBELL: To pay for the roads... [LB1004 LB1100]

BILL MOORE: I was having a conversation with an individual who was friends with the, I guess the equivalent of the Secretary of the Treasury for Britain, and this person was telling me she was having this conversation with this individual and this person was saying, you know, that's something that I...that the secretary lies awake at night thinking about is that, okay, if we're not charging by the tank at 19 cents on every...or whatever, you know, percentage it is on...without gas, then how do we make revenue? And I think that's something that everyone is wrestling with. What's happening on sort of a...where people are beginning to think more about this. Because, first of all, these particular vehicles, as been stated, are significantly lighter than your normal vehicle. They travel slower so they have less of an impact on the actual structure of the roads themselves. So if you had somebody driving one of those instead of a 4,500 pound Jeep or something else going down the road, that's going to have less of an impact so there's going to be less potholes to worry about and things of that nature. So there will be less maintenance. But then at the other time, they, obviously, you're going to have to pay for this somehow. So I'm thinking that at some point what we may end up seeing evolving, they're actually studying this in the Netherlands right now, is to actually put a way to tax people based on how much they drive, rather than how much energy they actually use. That's problematic, you know, there's concerns that are braised and nobody...so no one has actually come up with that. But I think we're not going to begin to see that to be an issue that you'll have to start thinking about for probably another ten years. I can tell you that the GM Volt, you won't see it in the dealership here when it comes out for probably three or four years at least. You're not going to see the Nissan Leaf. I've asked them. I was at...I was on a...in New York, Nissan flew me to New York to test drive their early prototype and I was sitting across a picnic table from the lady who makes the decisions on where these cars are going to go, the first cars, and I begged her to...come on...listen...get them in Omaha, she wouldn't do it. Now they'll do it in Houston. They'll do it in Seattle. They'll do it in Washington, D.C., but they're just not interested in doing it here at this time. So from the state's perspective, I don't think it something you're going to have to necessarily worry about immediately; but at some point, yes, you are going to have to start thinking about it. But I don't have an answer for you yet. [LB1004 LB1100]

SENATOR FISCHER: Other questions? I see none. Thank you very much. [LB1004 LB1100]

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BILL MOORE: You're welcome. Thank you. [LB1004 LB1100]

SENATOR FISCHER: Could I ask for a show of hands how many people still plan to testify on these bills? Okay, I see five, six, seven, okay, we're going to have to start limiting testimony so we've been on this bill over an hour, so I would ask that the next proponent step forward and try to keep your testimony concise please. [LB1004 LB1100]

JUSTIN ALLRED: I won't be long. [LB1004 LB1100]

SENATOR FISCHER: Well welcome. [LB1004 LB1100]

JUSTIN ALLRED: Thanks for your time today, Chairman Fischer and the senators of the Transportation Committee. My name is Justin Allred, J-u-s-t-i-n A-l-l-r-e-d. I'm the district sales manager for Masek Golf Car Company in Gering, Nebraska. And I'm here, I guess, on a business you've heard from a lot of proponents who are for these bills in a business sense. I am as well; but I'm here as an end user, as a taxpayer. I'm a golf car owner. This bill would do nothing. In my line of work, I'm a fleet salesman so this would not increase the sales in my line of work. It would certainly increase the sales as a whole for our company if we were able to sell some more of these vehicles to private individuals. But like I said, I'm a golf car owner and I live right around a mile from where I work and I think there are thousands of Nebraskans who are like myself who golf, who own their own golf cars, who live within a mile, mile and a half tops. Senator Louden said that, you know, he envisions a half mile, three-quarters of a mile, a mile, that these would be used and I absolutely agree with that. The city of Gering is no more than probably two miles wide or long and to get to Scottsbluff, you'd have to drive on a highway that's got a higher speed limit which, in turn, take you to a different note with the fuel tax. I don't think that these vehicles are going to anyway take away from the fuel tax revenue that the state gets. From the interstate, you're not going to see electric semis hauling our goods down the interstate. You're going to see the semis paying the fuel taxes, paying for our roads. I think it's going to add to it, because the state of Nebraska could allocate some of the sales tax from these vehicles towards repairing roads and doing that sort of thing because I'm still going to get in my personal vehicle to go to the grocery store across the river. I can't go in my golf car; it's too far, it would take too long, it's not convenient. I envision golf cars and LSVs driving to and from work. It would take me, you know, five, ten minutes to get to work, you know, I'm not somebody that runs late, so I would have plenty of time to get there in a 15 mile an hour vehicle. I also agree that these vehicles are very safe. And for example, I dropped my daughter off every morning at school before I go to work and what I see in the public school where my daughter goes is no designated parking, no designated drop-off and pickup points and I see these full size vehicles, a lot of three-quarter ton and one-ton pickups, vans, people going to work, doing the same thing. The visibility is nothing and people are dropping their kids off, a lot of times in the middle of the street or next to the

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sidewalk, it's not, in my eyes, safe. I make sure I can be able to pull over and get my daughter out on the sidewalk side. If there were people dropping kids off in a golf car, you could put three golf cars in the space it would take up for a one-ton pickup or one-ton van and there would be visibility. You can see 360 degrees around you. You can stop much quicker. You're not going to have the accidents that I fear someday is going to happen to a student where my daughter goes. So what I envision are these short trips that are going to save on fuel, on maintenance, to work, to local markets, to post offices, to visit neighbors, friends, family. I live two blocks from the high school and my daughter is going to be in that school soon, in several years, but, you know, if she is in a sporting event, it's two or three blocks to walk over there plus the big parking lot, but if I can drive a golf car or LSV I just think it would be so much more efficient for people...for these short trips that are starting their vehicles up for a two minutes trip and not making good use of their vehicles because they're still going to use their vehicles to travel to go out of town and that sort of thing. So I'll stop rambling now. The other point I wanted to talk on is in my line of work I travel through the state a lot to visit courses; a number of them, I imagine the number to be somewhere around 75 municipally owned courses. And I feel that all these courses would like to promote golfing as a tourist attraction in the state of Nebraska, both locally and for out of state. You may know that Nebraska is becoming world famous for some of its Sandhill courses, specifically one of its newest the Prairie Club in Valentine opening this year, bringing in big money to the state. I think that overall the LB1004 is going to be good for the state. Revenue wise you're going to see people taking that next step and buying these golf cars when they haven't before because they can use them for a dual purpose. No problem, I'm happy with how the state has handled their budget, their finances in the economic slump that the country is in. I think that we're one of the top states, percentagewise, on spending. But I think there are many things out there that the state can do to increase the revenue, to increase the business that's done in the state of Nebraska, and I think by passing this bill, this is one of those things that will help the state revenue wise. [LB1004 LB1100]

SENATOR FISCHER: Thank you very much. [LB1004 LB1100]

JUSTIN ALLRED: Thank you. [LB1004 LB1100]

SENATOR FISCHER: Are there questions? Thank you, Mr. Allred, for coming in today. Next proponent please. Good afternoon. [LB1004 LB1100]

CAL CAMPBELL: (Exhibit 4) Good afternoon, Senator Fischer, committee. My name is Cal Campbell, C-a-m-p-b-e-l-l. I live...I have a unique situation, I live in Valley, Nebraska and I own a business in Iowa. I'm a licensed LSV dealer in the state of Iowa. And last year, overall, we sold about \$250,000 worth of LSV vehicles in the state of Iowa that are...because they are legal, can be licensed and driven on the streets in that state. LSVs, somebody asked a question earlier, what's the difference. An LSV requires headlights, tail lights, windshield, seat belts, turn signals, emergency flashers and rear

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view mirrors. These are being golf cars, not LSVs are being used in Omaha quite regularly right now. We sell quite a few...people in a lot of the areas drive golf carts on the street like neighborhoods like Fire Ridge where they drive them down to the club house and come back instead of taking cars, it's being done. Legally or illegally, I guess that's up to the neighborhood situation. I would like to see it legalized so that the state of Nebraska is getting the tax revenue off these vehicles that Iowa is now. They have to have a 16 digit serial number, or VIN number, just like a car. When we sell them, we give them a certificate of origin. When that goes to the state, the state, when they're licensing the vehicle, then the state collects the tax on it. It would be a big asset to the state of Nebraska if they could be sold there too. Basically, that's all I wanted to bring up. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Mr. Campbell. Are there questions? I see none. Thank you very much. [LB1004 LB1100]

CAL CAMPBELL: Thank you. [LB1004 LB1100]

SENATOR FISCHER: Next proponent please. Good afternoon. [LB1004 LB1100]

WILLIAM PLOCK: Hello. Senator Fischer and panel, I'm William Plock, P-I-o-c-k and I live at Fairmont, Nebraska, over by York, off of Highway 6 and 81. I'm here to testify on LB1100 and LB1004, on these all terrain vehicles and LSVs because I want to buy one and be able to drive it on the roads, that's first. And my first all terrain vehicle was a horse at 10-years old and I got bucked and kicked off of that. Then I bought my first all terrain in 1978 for my kids and they'd do 30 miles an hour; now the all-terrain vehicles do 60 or better. These LSVs, these electric ones, is what I'm looking at, so I can drive on the country road that will do 35 miles an hour and in the town of Fairmont, that's only about 1,000 or less. Like you said, we got people in scooters running up and down the street to go to the cafes and senior centers everyday, there's three or four of them. We got golf carts running up and down the streets anyhow. All terrain vehicles during irrigation season run all over town, so why not let us have golf carts and LSVs that are electric. I want to switch to electric that will make drive out to the farm six miles everyday and back. I'm a retired farmer and I drove a truck for many years. And I want to address Senator Campbell's on revenue. There is a bill, if you go back in state statutes, about 20 years ago when propane was big, you took and put a sticker on our window that said \$100 for a pickup a year to buy propane off our tank, we're just buying out putting into our tractors. So, if something like that could work out for these, put a sticker on the window for a year for \$25 or \$50 to offset the revenue that you're worried about and then...because I remember paying that tax. When I thought about it, it's been at least 20 years since we did that. Got rid of propane. But these LSVs, there's no reason not to have them because of the efficiency of them. But I'm also interested in safety. Interstate 80 and 81 are the dangerous intersection and I drove semis by there hundreds and hundreds of times over the last few years and there's more people pulling

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out there in cars trying to get hit or killed or running red lights on that intersection and so you take these little golf cars, well, I think they all have yellow flashing lights on them, anything below 30 miles an hour, yellow flashing light, four way flashers on them, anything under 35 mile an hour, so you at least see these things. We see cars, they don't care, they're on their cell phone and they just slide through there or you come up to a stop sign, any more, out in the country, the people on cell phones, they don't pay any attention, just kind of...well, so what if you're a semi. You talk about safety and relation, your car hitting my semi, you haven't got too good of odds; probably doing 50 miles an hour. The same thing with these golf cars, even though a little town, the safety crossing Highway 6 or run out to the farm is really a big issue and you can't see these all terrains with these little flags. You can see a little...they ought to be at least two foot-two foot beside a slow moving sign and a yellow flashing light so you can see those things. You cannot see them when you go through town 30 mile an hour, with those flags, you just can't see them. I mean I live out there and I'm a farmer and I know what they do and I know what I've done. So they're not safe until you get more safety. And the seat belts ought to be mandatory, not optional, on anything over...even the ones that run 20 miles an hour to 35. It's not an option, it's mandatory and get those lights on there so you can see them, just like the state when they're out there mowing, the little tractors, you know, cutting along the interstates, like that hay on the...airports, we've got to have flashing lights on our tractors with four way flashers. So the same thing ought to be a mandatory, four way flashers and a light on top so you can see those little things coming and the same thing on a country roads that they can see them out there even doing 35 miles an hour, because I want to be able to drive them back and forth to the farms. Thank you for your time. [LB1004 LB1100]

SENATOR FISCHER: Thank you. Are there any questions? I see none. Thank you very much. [LB1004 LB1100]

WILLIAM PLOCK: Okay. [LB1004 LB1100]

SENATOR FISCHER: Next proponent please. Good afternoon. [LB1004 LB1100]

LEWIS PINCH: (Exhibit 11) Good afternoon. My name is Lewis Pinch, L-e-w-i-s P-i-n-c-h. Senator Fischer and committee members, I am honored to be testifying here for LB1100 and also LB1004. You have to excuse me, I'm going to read this to be as speedy as I can to not add any additional things. I testify with a background of having owned an electric vehicle for 30 years and as a retired pediatric surgeon who has treated victims of vehicular accidents. Low speed electric vehicles are clearly a different form of transportation than most of us are familiar with. Our current mode of vehicle provides us with good utility, but based on petroleum that is rising in cost and subject to erratic fluctuation. An electrically charged vehicle by Nebraska Public Power is less subject to fluctuations at less cost. Indeed, we expect some of these vehicles will in the future be charged with wind and solar power. But, Senators, while such vehicles do

provide a dependable and remarkably low cost form of transportation, they also need to be examined in the context of driver and passenger safety. I would remind you that in 2008 there were 37,000 motor vehicular fatalities. Some of these details of safety on all these various three types of vehicles I have given to you. In that year, 175 of these deaths in 2008 were in Nebraska; 69 were restrained fatalities, but 91 were unrestrained fatalities; 15 were unknown. The National Fatality Statistics for ATVs are even more illuminating. And I have just found out today that apparently ATVs are now being allowed on the streets in certain areas of Nebraska, that may or may not be correct. But as far as I know, ATVs are strictly not allowed on any streets as far as Nebraska law. That may not be true. ATVs in 2006, which is the latest we have reports on, there were 750 deaths and 10 times that number of injuries. There were 146,000 hospital emergency room treatments. This is almost a 90 percent increase since 1995. Thirty-seven percent of those were youths under the age of 16. As statistics in Nebraska are parallel that percentage. ATVs are not required to have passenger restraint systems, nor are they allowed to be driven on roads in most states and I thought including Nebraska. Next is the question of golf carts safety. Nationally between 1990 and 2006 there were a total of 147,000 golf car injuries resulting in 5,772 cases in 1990 to 13,000 in 2006 an increase of 132 percent. Fifteen occurred on public roads, 15 percent rather; 15 percent on private property, farms and ranches. Jumping from or falling out of cars were the leading cause of injury; 31 percent involved children under the age of 16. Researchers from North Carolina conducted a study of golf car related accidents on the resort island of Bald Head between 1992 and 1994. They indeed do permit the use of golf cars on public roads and found that 22 people injured in golf car accidents, 59 percent were passengers who had fallen from the moving car; 32 percent of those injuries were sustained by children in golf cars that were 10-years of age and younger. The researchers concluded, in settings where golf carts or golf cars were used for road transportation their users and traffic safety officials should be aware of potential safety hazards associated with the use of these vehicles and installation of appropriate occupant restraint should be considered seriously. This is an important part that I hope the committee and Legislature will consider the need for passenger restraint systems. I would respectfully submit that any bill submitted to the Legislature for passage include passenger restraint systems on all low speed vehicles and including golf cars where used on public roads. Federal code FMCSA 500 already stipulates that low speed vehicles be equipped with headlights, stop lamps, turn lights as other people have indicated here and of course golf cars are not. Thank you very much. [LB1004 LB1100]

SENATOR FISCHER: Thank you, doctor. I just want to clarify; are you speaking in support of the bill? [LB1004 LB1100]

LEWIS PINCH: Yes, I'm speaking in support. [LB1004 LB1100]

SENATOR FISCHER: Okay. As long as there are passenger restraints, you would recommend that. [LB1004 LB1100]

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LEWIS PINCH: Yes. [LB1004 LB1100]

SENATOR FISCHER: Questions? Senator Hadley. [LB1004 LB1100]

SENATOR HADLEY: Senator Fischer. Doctor, if I heard your numbers correctly, sir, about 31 percent of the injuries were to children 10-years and younger, is that... [LB1004 LB1100]

LEWIS PINCH: This is in Bald Head Island. [LB1004 LB1100]

SENATOR HADLEY: Okay. Thank you. [LB1004 LB1100]

SENATOR FISCHER: Other questions? [LB1004 LB1100]

LEWIS PINCH: And you have statistics on that CD actually. [LB1004 LB1100]

SENATOR FISCHER: Okay. Thank you very much. Next proponent please. Good afternoon. [LB1004 LB1100]

SCOTT PHILBRICK: Good afternoon. My name is Scott Philbrick, S-c-o-t-t P-h-i-l-b-r-i-c-k and I am a proponent of LB1004. Basically I am an ASC certified master technician during the day in Ord, Nebraska and I run Ord Golf Car as a side-line business. After hours I buy, sell, trade new and used golf cars. And I agree with everything that Joe Masek had to say. And I'm kind of out in the frontlines and during the summer, probably three to four times a week, I get people stopping in looking at golf cars and the thing I hear repeatedly is, can I get one of these for my mother? Can she drive this up to the coffee shop? Can she take this to Dollar General? And, you know, I have to say, well, it depends on where you live. Legally no. Some communities people get away with it, illegally. But nevertheless no. And I believe that if we would make it legal for golf cars and LSVs to be on the street, it would generate sales. There's no doubt about it in my mind, because I repeatedly have to say no, it's not legal to drive on the street. [LB1004 LB1100]

SENATOR FISCHER: Thank you very much. [LB1004 LB1100]

SCOTT PHILBRICK: Thank you. [LB1004 LB1100]

SENATOR FISCHER: Are there questions? Scott, would you say that everyone who would drive these vehicles, should they have to have a drivers license? [LB1004 LB1100]

SCOTT PHILBRICK: Yeah, I really do believe they should have to have a driver's

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license to operate within the laws of the road. That's just the way it has to be. [LB1004 LB1100]

SENATOR FISCHER: Okay. Thank you. Thank you for coming in today. [LB1004 LB1100]

SCOTT PHILBRICK: Thank you for your time. [LB1004 LB1100]

SENATOR FISCHER: Next proponent please. Good afternoon. [LB1004 LB1100]

KYLA WEVERKA: Hello. My name is Kyla Weverka K-y-l-a W-e-v-e-r-k-a and while I really hadn't planned to speak today. With listening to all of the valid points have been pointed out before, I really feel that I need to speak up and say something. I'm testifying for LB1004 as an end user. I'm a single mom with two daughters in college and a grandson that we're raising and I come from a small town, 250 people. While it's not legal, law enforcement turns a blind eye. I could be starting up a vehicle that gets like 15, 16 miles to the gallon in town and running my grandson to the sitter at 5:30 every morning. But when it's nice out, I start a golf car up, an electric golf car and drive him across town. When I come home, I go pick him up. To do my business uptown I take it uptown. The point I'd like to make is, these golf cars can be safe, very economical and just make good sense because you don't take kids and turn them loose with this. You have to have a valid driver's license. Of the statistics that were given earlier about the children falling out, the passengers falling out, how many of that percentage were kids out messing around with a golf car? A golf car is just as safe as you allow it to be. You don't turn your kid loose in the street with a bicycle, so you wouldn't turn them loose in the street with a golf car, totally unacceptable. I take my grandson to the sitter every morning; pick him up. I take him to the park. I take and go up to get groceries from the grocery store. We run up to the school. go to games across the street. It's very usable; highly usable. But the thing is, you have to have a driver's license. You have to have insurance. You have to have it registered. You have to be safe as a parent. So as far as the seat belts, I don't think they're really necessary because you're not going to be out there flipping cookies with it; you're not going to be using it in an unsafe manner. You're going to be using it for transportation to the sitter, to the park, to the school. And that's really all I had to say. Thank you. [LB1004 LB1100]

SENATOR FISCHER: Thank you very much. Are there questions? Senator Stuthman. [LB1004 LB1100]

SENATOR STUTHMAN: Thank you, Senator Fischer. Ma'am, did you state that you were raised in a small community or you live in a small community? [LB1004 LB1100]

KYLA WEVERKA: Both. [LB1004 LB1100]

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SENATOR STUTHMAN: Both. [LB1004 LB1100]

KYLA WEVERKA: I was raised in a small community, live in one, I think it's the best thing for when you're raising children to be in a small community. [LB1004 LB1100]

SENATOR STUTHMAN: Now, you know we got these all-terrain vehicles... [LB1004 LB1100]

KYLA WEVERKA: Correct. [LB1004 LB1100]

SENATOR STUTHMAN: a small community can pass a resolution that they can... [LB1004 LB1100]

KYLA WEVERKA: Correct. [LB1004 LB1100]

SENATOR STUTHMAN: ...can use those. You got to have license and insurance... [LB1004 LB1100]

KYLA WEVERKA: Um-hum. [LB1004 LB1100]

SENATOR STUTHMAN: ...and you can haul clippings and stuff like that. [LB1004 LB1100]

KYLA WEVERKA: Plus a flag on an ATV. The one safety thing I wish they had on an ATV is a helmet. Currently it is required on a motorcycle, it should be required on an ATV. They go just as fast. [LB1004 LB1100]

SENATOR STUTHMAN: Do you feel these golf cars are safer than an ATV? [LB1004 LB1100]

KYLA WEVERKA: Yes I do. They do not achieve the speeds. I have seen where this ATV law was passed. All these kids take off, I've seen one roll, because the kid was screwing around, was not used responsibly. [LB1004 LB1100]

SENATOR STUTHMAN: I will totally agree with that, because we've... [LB1004 LB1100]

KYLA WEVERKA: And was not wearing a helmet. [LB1004 LB1100]

SENATOR STUTHMAN: ...we had a three wheelers and four wheelers and now we got a Teryx or Gator like that, the four wheel, similar to a golf car. [LB1004 LB1100]

KYLA WEVERKA: Correct. [LB1004 LB1100]

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SENATOR STUTHMAN: And they are so much safer than anything else. I mean, we hate to get back onto the 4-wheelers now. So thank you for your comments. [LB1004 LB1100]

KYLA WEVERKA: Thank you. [LB1004 LB1100]

SENATOR FISCHER: Other questions? I appreciated that you feel, if we do make these legal, that, of course an operator's license will be required and also registration and insurance, and you weren't the first testifier to say that you're using one now, do you realize the liability risk... [LB1004 LB1100]

KYLA WEVERKA: Yes, I do. [LB1004 LB1100]

SENATOR FISCHER: ...that you're subjecting yourself to right now when you're using those on the roads? [LB1004 LB1100]

KYLA WEVERKA: Yes, I do. I do very much so. We carry insurance on it currently. [LB1004 LB1100]

SENATOR FISCHER: But not to be operated on highways. [LB1004 LB1100]

KYLA WEVERKA: Correct [LB1004 LB1100]

SENATOR FISCHER: That's where you going to be in trouble. [LB1004 LB1100]

KYLA WEVERKA: Correct. Correct. However, I also watch out for the other person. You brought up the point earlier, you have to watch out for that other person regardless of whatever vehicle you're in. I don't care if you're on a bike, a motorcycle, an ATV, even a semi, you watch out for that other person. That's part of being a responsible driver. If I see a motor vehicle coming, currently, I pull over to the side and let them pass, because it's just safer to have them in front of me than behind me. [LB1004 LB1100]

SENATOR FISCHER: Okay. Thank you very much. Appreciate you coming in today. [LB1004 LB1100]

KYLA WEVERKA: Thank you. [LB1004 LB1100]

SENATOR FISHER: Next proponent please. Are there any other proponents? Good afternoon. [LB1004 LB1100]

SYED ALI: (Exhibit 12) Good afternoon. My name is Syed Ali. I've been driving a Prius since 2000 for ten years. [LB1004 LB1100]

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SENATOR FISCHER: Could you spell your name please? [LB1004 LB1100]

SYED ALI: Syed S-y-e-d, last name Ali, A-l-i. And most of the things I have to said have already been said so, I'll just make this very brief that I'm a big proponent of electrification of motor vehicles and for health reasons, as well as environmental reasons, as well as resource efficiency reasons. And I'm a proponent and I would like to see that all the safety concerns that most people have raised here of adding...making sure there are seat belts are on these vehicles as well as turn signals would be a prudent addition to the bill. With that, that's all I have, because everything else has already been said. [LB1004 LB1100]

SENATOR FISCHER: Thank you. [LB1004 LB1100]

SYED ALI: So I don't want to repeat myself. [LB1004 LB1100]

SENATOR FISCHER: Thank you very much. Are there questions of Mr. Ali? I see none. Thank you very much for being here. [LB1004 LB1100]

SYED ALI: Thank you. [LB1004 LB1100]

SENATOR FISCHER: (Exhibit 3 and 8) Other proponents please. Any other proponents? I do have letters from Turf Cars, from Council Bluffs, Iowa. Oh, that was Mr. Campbell, he was here to testify. I apologize. But I do appreciate you sending in information too. Anne McCollister with Electric Transportation Partners in support of LB1100. Nebraska Chapter of the Sierra Club, Ken Winston in support of LB1100. With that, are there any opponents to the bills? Any opponents? Good afternoon. [LB1004 LB1100]

ROBERT PERRY: Good afternoon. I feel like Ernie Chambers coming in; I'm the only one objecting to everybody. My last name is Perry, P-e-r-r-y, Robert. I'm coming to you on a safety perspective. The reason I say this, these vehicles, which is a difference between car, the battery cars and the golf cars and it's all...to me it's all the same thing. The problem is, NHTSA, which is the National Highway Traffic Safety Administration, doesn't apply the vehicle standards to it. They can't, it doesn't go above 10,000 pounds. They only go to 10,000 pounds. And since these...well, they talk about battery carts, I'm worried about the little Japanese white little trucks. They were actually made for off-road and I can tell you, basically, they keep saying the governor will pull them down. I can tell you from previous experience when I was young and impressionable in the Marine Corp., in Japan, I had my vehicle going 77 miles an hour because they do increase them. So I do worry about that. The EPA, I don't worry about the battery one as much because they're only going to dispose of the battery and most of them are lead-acid. If it gets into the nickel-cadmium, we're going to have more of an environmental issue with the batteries. So now we have citizens actually putting battery acid in the batteries for

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the...batteries. So that's a concern too for me. The also part...the other part, the batteries, the gentleman earlier was brought up, would you rather have a battery cart running in a garage? It depends if the battery was leaking or not. So, I do have some concerns there. The third concern I had, if you allow these vehicles into the state, what is the Occupational Safety and Health Administration going to do for you? Because they are, if they are a work related vehicle, they will have to go to training, similar to the fork lift training, which is, you have to get trained initially, and then you have to have retraining every three years and that's by the fork lift standard. Okay. The speed, we're okay. Now, the Japanese vehicles, when you bring them into the United States, they are used and they're coming from a country who require you have maintenance done on them every three years. Are we going to have a maintenance requirement for these vehicles? And that is required over there. A maintenance requirement for inspections is approximately between \$1,000 and \$1,200 and I actually pay \$1,200-something to get my car taken care of. Monitoring drivers: we are presently having problems here in the city of Lincoln, including state employees, which I have brought up numerous times to the state of Nebraska and the city police, are the state vehicles going around the Capitol, going around the state building down here; they go right down the middle of Lincoln and they don't pertain. They ride in the bicycle lane. So what are we going to do when after you put these other vehicles on the streets? What are we going to do? Are we actually enforce the law? We're not enforcing it now. So what are we going to do? People turn their head. The gentleman from Gering, we presently have ATVs driving from Scottsbluff down the highway into Gering. And you sit there and say, how do I know that? Because I get to talk to both police chiefs. That is a concern out there for them right now; people coming in from the county roads into the city. The county doesn't have any rules right now. So that kind of concerns me. Into the safety issue, it goes back to the young lady who was actually talking about the driver. I am not worried about myself driving a vehicle. I'm worried about you, you, you, you, and all of you. I don't worry about myself driving. Think about that. It's all based on the risk potential of the other individual. If you get a DUI person who, you stop at a stop sign, you go through, and this guy is speeding with a DUI and hits you. Who's fault is it? And they don't have....they don't have...they have seat belts which you're going to require which the question is going to come out, are they going to be a primary law or secondary law? Can you stop them for no seat belts? Because if you do that, you're going to have to change the seat belt laws for the cars. So, I now throw that out to you. Age of the drivers: I can tell you right now, if I take these off, you are very fuzzy. Think about it when I get a little bit older and not to say anything, but why do you think some people are in assisted homes? Because they can't get driver's license. It goes back to...is it a car? Is it a golf cart? If it's a golf cart, I don't need a driver's license. So you tell me. Next thing, seat belts: are they going to be regular seat belts or are they going to be harness seat belts? Because if you put a seat belt around your waist, the reason that we went to harness, because it hurt the people around the waist. So what kind of seat belts are we actually going to use? It goes back to the next thing, flying debris; if we don't have a windshield or doors, what are you going to do? All that flying debris comes into your

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thing. I can give you an example, if you rode down the street here with a golf cart and me driving in front of you, how much sand do you think you're going to get, or ice? Rear view mirrors: signal lights, I have a city right now which...that I'd better let loose and make sure you knew this, I do the insurance for the municipalities of Nebraska. This is a problem for the local police for them trying to get them. I'll give you an example, I have a village who, basically, didn't believe they needed to do this, and their actual Gator got in an accident. The lady, 73-years-old, and I can pull up the record if we need to bring it in, she was very impatient, why the city employee who is driving the Gator down the street at 25-miles an hour, she was impatient, the Gator doesn't have signal lights, he was turning to make a left and she ran into him. She knocked the...and basically going back to the speed limit, she was only doing 35-miles an hour. I am worried about the drivers. Not the ones that are driving the car, I'm worried about the drivers of the vehicles. And it goes back to the safety counsel comment, the safety counsel is basically not worried about the other car, it's worried about the other driver, not the individual. So they are getting concerned. You're going to have problem. The other question, back to the city of Gering about driving the golf cart out to the golf course; if you sit there and you time it, which we did with the city of Gering and city of Scottsbluff police department, it is very hard to get a golf cart across that road, the county road to get to the golf course. It's very hard. I'm afraid somebody is going to be driving down that road at 45-miles an hour or 50-miles an hour and we're going to get a golf cart hit and I'm not going to be sitting there doing it. And I think that's about it, unless you have questions. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Mr. Perry. Did you say you did the insurance for... [LB1004 LB1100]

ROBERT PERRY: Yes, I work for the League of Municipalities. [LB1004 LB1100]

SENATOR FISCHER: ...League of Municipalities, okay. Thank you very much. Questions? Senator Stuthman. [LB1004 LB1100]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Perry, you stated that some of these golf carts could go 77-miles an hour if they're cranked up or something. [LB1004 LB1100]

ROBERT PERRY: The little Japanese vehicles can go over...it would...the Japanese vehicle, the white pickup trucks... [LB1004 LB1100]

SENATOR STUTHMAN: Yeah. [LB1004 LB1100]

ROBERT PERRY: ...they can actually go over to 70-some miles an hour. Be aware the Japanese vehicles actually have...you don't drive on the left side of the car like you do, you drive on the right side; and for me, when I was going through military training, I had to go three days of driving school to do this. [LB1004 LB1100]

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SENATOR STUTHMAN: Okay, so you were explaining that 77-miles an hour that, you know, they can go that fast so they shouldn't even be on the road, right? [LB1004 LB1100]

ROBERT PERRY: Correct. [LB1004 LB1100]

SENATOR STUTHMAN: Okay. My pickup truck will go 100. [LB1004 LB1100]

ROBERT PERRY: Yes, but you have more safety features in your pickup than you do there. The NHTSA actually gives you guidance that are standard to comply with. So you got different standards you got to comply with. Me, I don't have to have any standards. Right now you got vehicles out there without signal lights. You got vehicles out there, what are you going to do? You got seat belts in your vehicle, it's got a harness on it which is going to protect you more than a base, a waist seat belt. [LB1004 LB1100]

SENATOR STUTHMAN: But the thing that concern me, also is, you know, if they're capable of going so fast, you don't want to even have them around. [LB1004 LB1100]

ROBERT PERRY: I don't even want them around. [LB1004 LB1100]

SENATOR STUTHMAN: Okay. [LB1004 LB1100]

ROBERT PERRY: They make...they originally made these vehicles for off the road, farms. (Inaudible) If you put a battery operated golf cart on the road now, think about this, I still have some communities seeing these, they actually put on windshields, they put on plastic shields and you can't see through the plastic. [LB1004 LB1100]

SENATOR STUTHMAN: But then they're using the wrong kind of plastic. But, that's beside the point. Okay, you stated that these golf cars should have the same training as a fork lift operator, right? [LB1004 LB1100]

ROBERT PERRY: Yes, sir. [LB1004 LB1100]

SENATOR STUTHMAN: Why do you say that? [LB1004 LB1100]

ROBERT PERRY: Because they got different center of gravity than a regular car. [LB1004 LB1100]

SENATOR STUTHMAN: But... [LB1004 LB1100]

ROBERT PERRY: Because it's going to turn differently. [LB1004 LB1100]

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SENATOR STUTHMAN: ...a fork lift operator is totally different, in my opinion, than a golf cart operator. [LB1004 LB1100]

ROBERT PERRY: Well I'm going to tell you, there's a lot of people out there on a golf cart, which I have to make sure people know how to do, to drive a golf cart. I agree with your (inaudible) thing, but you're still going to have vehicles, what do you do for vehicles? You're going to still do your thing for pedestrians, you're still going to have to know the signs and different things. [LB1004 LB1100]

SENATOR STUTHMAN: But, but the issue, and I stated, I believe the last testifier... [LB1004 LB1100]

ROBERT PERRY: Um-hum. [LB1004 LB1100]

SENATOR STUTHMAN: ...with those golf cars are a lot safer than a 4-wheeler; a 4-wheeler is a lot safer than a 3-wheeler. Would you agree with that? [LB1004 LB1100]

ROBERT PERRY: That all goes back to your risk potential. What risks are you going to take? If you're out there and you don't have a car around you, what support...if I turn around and drag you down the street and run into your golf cart, what are you going to look like, Sir? [LB1004 LB1100]

SENATOR STUTHMAN: How about running into a motorcycle? [LB1004 LB1100]

ROBERT PERRY: Well that's the same thing. I still go back... [LB1004 LB1100]

SENATOR STUTHMAN: So we should eliminate motorcycles? [LB1004 LB1100]

ROBERT PERRY: I still go back and tell you, you got your risk potential there. How many drivers, they believe they shouldn't have helmets? But how am I going to pay for them if they don't have a helmet? Give you an example: the state of Iowa doesn't require helmets, but they...primary seat belt law. What sense does that make? It goes back to your risk potential, Senator. [LB1004 LB1100]

SENATOR STUTHMAN: I just...I just was trying to...trying...yes, the risk factor, but there's a risk factor with everything. [LB1004 LB1100]

ROBERT PERRY: Yes, sir. [LB1004 LB1100]

SENATOR STUTHMAN: But I was trying to bring up the issue with a fork lift operator, I think is... [LB1004 LB1100]

ROBERT PERRY: I did talk to the local OSHA representative on it in Omaha and they

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do see a training...a required training coming out of this if we do allow the slower vehicles going on the main streets, yes. [LB1004 LB1100]

SENATOR STUTHMAN: So in other words, for me or my 16-year-old grandson... [LB1004 LB1100]

ROBERT PERRY: Are you doing it as a business or... [LB1004 LB1100]

SENATOR STUTHMAN: ...to drive a 4-wheeler? [LB1004 LB1100]

ROBERT PERRY: Are you doing it as a business or an individual? [LB1004 LB1100]

SENATOR STUTHMAN: I'm a business. [LB1004 LB1100]

ROBERT PERRY: Then you have...then I see it coming. Yes, sir. [LB1004 LB1100]

SENATOR STUTHMAN: You see it coming. [LB1004 LB1100]

ROBERT PERRY: Yes, sir. And after talking to the OSHA representatives, I see it coming. [LB1004 LB1100]

SENATOR STUTHMAN: Okay. Thank you. [LB1004 LB1100]

SENATOR FISCHER: Mr. Perry, without giving any specifics, I...but...have you seen claims paid out because a city is using the golf carts right now and there's been accidents? [LB1004 LB1100]

ROBERT PERRY: Not golf carts, Gators, yes, ma'am. We have three of them right now, that I can tell you. [LB1004 LB1100]

SENATOR FISCHER: Where they are being used, basically, illegally by cities and an accident's happened? [LB1004 LB1100]

ROBERT PERRY: Yes, ma'am. [LB1004 LB1100]

SENATOR FISCHER: Have you seen any...any claims being made on individuals that have been involved in any accidents? [LB1004 LB1100]

ROBERT PERRY: I.E., what ma'am? Against the city? [LB1004 LB1100]

SENATOR FISCHER: Well, no, against an individual? [LB1004 LB1100]

ROBERT PERRY: No. [LB1004 LB1100]

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SENATOR FISCHER: Would you have knowledge of that? [LB1004 LB1100]

ROBERT PERRY: No. [LB1004 LB1100]

SENATOR FISCHER: Okay. Thank you. Senator Janssen, you had a question? [LB1004 LB1100]

SENATOR JANSSEN: Yeah, thank you, Chairman Fischer. Mr. Perry, um...did...sound...Mr. Perry? [LB1004 LB1100]

ROBERT PERRY: Yes. [LB1004 LB1100]

SENATOR JANSSEN: And you're representing the League of Municipalities today? [LB1004 LB1100]

ROBERT PERRY: Yes. [LB1004 LB1100]

SENATOR JANSSEN: I would say that nobody's...I was really on the fence about this until I heard your testimony, so, it's been helpful; because now I'm a big advocate for these bills after hearing this. I'm not even going to get into the safety (inaudible), I just think I came through one of those. But I would sit here and surmise that if we were talking about going from horses to cars, you'd be opposed to it. I'm fairly certain that's where you'd be. [LB1004 LB1100]

ROBERT PERRY: Well I disagree with that, because... [LB1004 LB1100]

SENATOR JANSSEN: I'm sorry sir. [LB1004 LB1100]

ROBERT PERRY: ...you still have... [LB1004 LB1100]

SENATOR JANSSEN: Sir, do you mind? [LB1004 LB1100]

ROBERT PERRY: Yes, sir. [LB1004 LB1100]

SENATOR JANSSEN: Can I finish? I really don't have any more questions. So I'm done. Thank you, Chairman Fischer. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Senator Janssen. Other questions? Senator Louden. [LB1004 LB1100]

SENATOR LOUDEN: Yes, thank you, Senator Fischer. Mr. Perry, you represent the League of Municipalities... [LB1004 LB1100]

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ROBERT PERRY: Yes, sir. [LB1004 LB1100]

SENATOR LOUDEN: here, downtown Lincoln, here and that sort of thing, when you were talking about driving a golf cart or something down a county road to the golf courses, did I understand you right on that? [LB1004 LB1100]

ROBERT PERRY: They presently are driving golf carts down the street, yes, and they are presently getting tickets. But... [LB1004 LB1100]

SENATOR LOUDEN: And you said, oh, they come into town from county roads and that sort... [LB1004 LB1100]

ROBERT PERRY: Yes. [LB1004 LB1100]

SENATOR LOUDEN: Did you read the bill? Do you understand that they can't go on any road with a speed limit over 35. [LB1004 LB1100]

ROBERT PERRY: Yes, sir. [LB1004 LB1100]

SENATOR LOUDEN: And county roads have a 50 mile an hour speed limit. [LB1004 LB1100]

ROBERT PERRY: Yes, some are 45, yes, sir. But they are presently doing it and they are getting tickets. [LB1004 LB1100]

SENATOR LOUDEN: So, I mean, if they're out there, they shouldn't be out there. It isn't... [LB1004 LB1100]

ROBERT PERRY: See, but...but also one of those Japanese truck is considered a work... [LB1004 LB1100]

SENATOR LOUDEN: Yeah, but we're not talking about Japanese trucks, those are mini-trucks, that bill's already...near ready for Final Reading. [LB1004 LB1100]

ROBERT PERRY: Final Reading. It is a Final Reading. [LB1004 LB1100]

SENATOR LOUDEN: You're ten days too late on that. [LB1004 LB1100]

ROBERT PERRY: Yes. [LB1004 LB1100]

SENATOR LOUDEN: If you're against that. And then you mentioned about the batteries about getting rid of the batteries or something like that... [LB1004 LB1100]

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ROBERT PERRY: Yes, sir. [LB1004 LB1100]

SENATOR LOUDEN: ...well, that's quite a job, is it? To get to...to change out the batteries in one of these electric golf carts? This isn't...this would be like getting a new motor in a small 4-wheeler or something like that. [LB1004 LB1100]

ROBERT PERRY: I have a lot of friends that still take the batteries out of their golf carts now too, sir. [LB1004 LB1100]

SENATOR LOUDEN: Are these just like regular car batteries like you run down to... [LB1004 LB1100]

ROBERT PERRY: No, no, they are... [LB1004 LB1100]

SENATOR LOUDEN: They're specialized batteries, aren't they, great big batteries? [LB1004 LB1100]

ROBERT PERRY: They are... [LB1004 LB1100]

SENATOR LOUDEN: And they usually have to be changed out by someone that knows what they're doing. And they also have to be disposed of in a certain way, isn't that be correct? [LB1004 LB1100]

ROBERT PERRY: As a... [LB1004 LB1100]

SENATOR LOUDEN: I mean, it wouldn't be any worse than...you talk about changing batteries, they change oil in cars all the time and yet they have to dispose of that oil in certain ways. [LB1004 LB1100]

ROBERT PERRY: The batteries can actually go to a landfill from an individual, but not from a business. [LB1004 LB1100]

SENATOR LOUDEN: Most of those batteries are recycled somewhere or another and some of the chemicals and some of the metals are taken out of them. Is that not correct? [LB1004 LB1100]

ROBERT PERRY: Some are, yes, sir. [LB1004 LB1100]

SENATOR LOUDEN: Okay. And then you talked to Senator Stuthman about that training on them; your people mow your lawns and your parks, do they have to have specialized training to run those lawn mowers? [LB1004 LB1100]

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ROBERT PERRY: Yes, sir. By the OSHA, by OSHA rules, yes, they have to have specific training on the lawn mowers. [LB1004 LB1100]

SENATOR LOUDEN: And then what does that include? Getting them on; showing them how to stop and start it and turn and that sort of thing? [LB1004 LB1100]

ROBERT PERRY: Yes, sir. [LB1004 LB1100]

SENATOR LOUDEN: And that's the size of it. Well, that isn't any different than if you went down and bought a golf cart, they'd show you how to stop and start it and turn it and shut it off, wouldn't they? [LB1004 LB1100]

ROBERT PERRY: Not necessarily, sir. [LB1004 LB1100]

SENATOR LOUDEN: What would be the difference? [LB1004 LB1100]

ROBERT PERRY: I'll give you an example, what if they go buy an ATV and I go down buy it...thing, they don't show you how to use it. [LB1004 LB1100]

SENATOR LOUDEN: I've never bought anything that nobody didn't show me how to use it. I don't know, because I always ask it, ahead of time. But...but that... [LB1004 LB1100]

ROBERT PERRY: What about the individual who doesn't ask, sir. [LB1004 LB1100]

SENATOR LOUDEN: Now days, whenever you buy anything, you got to sign a piece of paper that they've showed you how to use it. [LB1004 LB1100]

ROBERT PERRY: That's from certain vendors, yes, sir. [LB1004 LB1100]

SENATOR LOUDEN: Even a gun, if you buy a gun, you got to fill out a piece of paper that they showed how to use the thing and manipulate it and all that. I mean, as far as I know, very few things are bought, unless you buy it and it's made in China or something like that. Anyway, this is what I wanted to point out and you do have to have a driver's license to drive one of these. That's in the bill; it's got to be people that have a driver's license. [LB1004 LB1100]

ROBERT PERRY: Yes, sir. Um-hum. [LB1004 LB1100]

SENATOR LOUDEN: Okay, thank you. [LB1004 LB1100]

ROBERT PERRY: May I add one thing on that? [LB1004 LB1100]

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SENATOR LOUDEN: Not unless you know Lynn Rex. [LB1004 LB1100]

ROBERT PERRY: I know Lynn Rex. [LB1004 LB1100]

SENATOR LOUDEN: Okay, we'll give you one small one then. [LB1004 LB1100]

ROBERT PERRY: One comment about this. Think about on the golf course, how many parents allow their less than 16-year-old drive the golf cart on a golf course. How many do you think are going to allow it to drive it on the road? [LB1004 LB1100]

SENATOR LOUDEN: Well that's on private property. That's up to them on the golf course, and that's the reason they were talking about the seat belts and stuff so that when you're on a golf course, it's on private property, that's a different situation than driving it down a public street. [LB1004 LB1100]

ROBERT PERRY: Well most people who drive a golf course...cart, we see in retirement homes and some of them are real close to the golf cart, they do drive their golf cart from their house to golf course. [LB1004 LB1100]

SENATOR LOUDEN: And if they do, then they probably...unless that's all private property, then they have to have a driver's license... [LB1004 LB1100]

ROBERT PERRY: Some do, yes, sir. [LB1004 LB1100]

SENATOR LOUDEN: ...according to this bill. [LB1004 LB1100]

ROBERT PERRY: Yes. [LB1004 LB1100]

SENATOR LOUDEN: Okay. Thank you for your testimony. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Senator Louden. Other questions? Mr. Perry, I have a question for you. Under this bill, cities can allow golf cars to be used. If, say the city of Lincoln, would decide that they were going to allow these vehicles, golf car vehicles, to be used on residential streets or streets with 25 miles an hour or less, but yet they could cross other streets and arterials, what would that do to the city of Lincoln's liability insurance policy? [LB1100 LB1004]

ROBERT PERRY: The question...to... [LB1100 LB1004]

SENATOR FISCHER: Would that increase rates? [LB1004 LB1100]

ROBERT PERRY: No, it's not going to reduce your rate; because you're going to have more incidents; the question is going to be, do you have a stop sign or a light. You're

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going to need more time with a stop sign to get the golf cart going across the street. And a car is just...it is larger than a golf cart. So I'm just kind of worried about the different concerns. I see them getting across the streets with the lights, but not with the stop signs as much. And that's what the situation is out in Gering. They don't have a light at the corner; they have a stop sign. [LB1004 LB1100]

SENATOR FISCHER: But you don't believe that it would increase a city's policy at all? [LB1100 LB1004]

ROBERT PERRY: No, no ma'am. [LB1100 LB1004]

SENATOR FISCHER: Okay. Thank you. Other questions? Appreciate you coming in today. [LB1100 LB1004]

ROBERT PERRY: Thank you. [LB1004 LB1100]

SENATOR FISCHER: (Exhibits 1 and 2) Thank you very much. Other opponents to the bill? Any other opponents? I do have letters from the Nebraska Safety Council in opposition to LB1004 and in opposition to LB1100. Anyone in the neutral capacity? Good afternoon. [LB1004 LB1100]

LARRY DIX: Good afternoon, Senator Fischer and members of the committee. For the record my name is Larry Dix, L-a-r-r-y D-i-x. I'm executive director of the Nebraska Association of County Officials appearing today in front of you on a neutral capacity. Just a couple of things, after the hearing that I want to stay on task as it relates to the bill here, certainly we appreciate Senator Louden's limiting this in allowing individual counties to pass an ordinance; although I believe, and I think we've heard here, I do not believe, according to either one of these bills, that we will have anybody on the county roads just due to the speed limit. The one thing that I would point out, I would ask the committee to take a look at, throughout both of these bills, we are talking about the low speed vehicles, the limit of 35 miles per hour. But we heard testimony that by nature of a low speed...they can't go over 30; so I would ask that you would look at the "30" versus the "35". The one other reason why I'm interested in the "30" versus the "35", and Senator Louden, you may have to help me on this, but about a year or two ago, we looked at those roads in the Sandhills where we could take and make them the one lane roads. And if I remember right, I was thinking the design standards that were set up by the Department of Roads was to design those to a 30 mile an hour speed limit. And so I would want to make sure that we would marry those two. I think that was that RL3 classification, if I remember right. And I think the minimum design standards was a 30 mile an hour limit. So if we would look at that, I think that would be a great possibility. Senator Louden, you also mentioned in 60-6,186 that all the county roads are 50 or 55 miles, but there's also a provision in there in 60-6,190 where the local counties can set the speed limit. And so it doesn't always guarantee that all those roads are 50 or 55. So

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with that I would conclude my testimony and be happy to answer any questions that anybody would have. [LB1100 LB1004]

SENATOR FISCHER: Thank you, Mr. Dix. Are there questions? [LB1100 LB1004]

LARRY DIX: Thank you. [LB1004 LB1100]

SENATOR FISCHER: Thank you very much. Anyone else wishing to testify in the neutral capacity please? Good afternoon and welcome. [LB1004 LB1100]

GARY MERRITT: Good afternoon. My name is Gary Merritt, G-a-r-y M-e-r-r-i-t-t, with Nebraska Independent Auto Dealers. Our only comment, if it's something that can help us sell some more, but we did notice an awful lot with certificate of titles. We wanted to make sure that people selling the vehicles will fall under the category as a motor vehicle dealer or as a used car dealer, if they're having older ones that don't currently have title and are not tracked; that was the main comment. They'd like to be all on the same board that...if they're selling certificate of title that they are being licensed as a motor vehicle dealer. [LB1100 LB1004]

SENATOR FISCHER: Thank you, Mr. Merritt for that testimony. Any questions? I see none. Thank you very much. Anyone else wishing to testify in the neutral capacity? Senators, who would like to close first? Senator Louden. [LB1100 LB1004]

SENATOR LOUDEN: Senator Mello... [LB1004 LB1100]

SENATOR FISCHER: Oh, Senator Mello, okay. [LB1004 LB1100]

SENATOR MELLO: Yes, I got to get to Appropriations if possible. [LB1100 LB1004]

SENATOR FISCHER: Appreciate you sitting through the hearing. Thank you very much. [LB1004 LB1100]

SENATOR MELLO: Well thank you, Chairwoman Fischer and members of the committee. I think today's hearing, I think there was an awful lot of good questions that was asked, not only by the committee, but also good points of information that was presented by numerous presenters in opposition and in support and neutral. Something that...something my aide left me or was passed to me as well, was in regard to Senator Campbell's question regarding the taxation issue. I think that's something that other states who have passed similar legislation, that's something that I think Senator Louden and myself could both sit down and look over and research and find an equitable way to ensure the Highway Trust Fund would receive the appropriate funding necessary, knowing that these vehicles, at least under LB1100, are predominantly, if not all, electric light vehicles. Thus, they would not be gasoline powered vehicles. And so, in regards to

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whether it's creating a special classification or a special fee that would be assessed to light, low speed vehicles, that's something I think we could work on to try to address what will be, no doubt, a bigger issue down the road in regards to the use of more electric vehicles on Nebraska roads. You know, I think I'll let Senator Louden kind of...to give kind of a bigger closing. But in something I had discussed with Senator Fischer and a few other members, LB1100 essentially is already in LB1004. So my bill is currently within Senator Louden's bill. His bill just opens it up beyond low speed vehicles to include golf cars, as well as has some really good components that I did not think about in regards to allowing the municipalities to craft their own ordinance and to govern the way that this would work within their municipalities. So, with that, Senator Louden and myself talked before, I would be more than willing to support his version of the bill knowing that my version of the bill is already in his. So, I think golf cars as another component of the alternate transportation that we need to be looking at as a state. I do find some bits of misinformation or at least a perspective, I do not agree with one of our testifiers who came in opposition in the sense that I believe it was the first testifier in support of, which is looking at low speed vehicles and golf cars in the similar way to bicycles. And that was a perspective I had not thought about; but you have bicycles driven by kids who can ride faster than a low speed vehicle, but yet, you know, we're obviously want to go to the greatest of lengths to ensure that we treat the vehicles in LB1004 and LB1100 as a motor vehicle and not simply a bicycle that while the speeds and the safety issues, I think, are open for debate, that's something that I appreciate getting that perspective myself throughout this hearing. So with that, thank you, Madam Chairman, and I'll leave Senator Louden to take care of the rest. [LB1004 LB1100]

SENATOR FISCHER: Thank you, Senator Mello. Questions? [LB1100 LB1004]

SENATOR MELLO: Thank you. [LB1004 LB1100]

SENATOR FISCHER: Thank you for visiting us today. Senator Louden, would you like to close please. [LB1004 LB1100]

SENATOR LOUDEN: Thank you, Senator Fischer and members of the committee, for your attention to it. And I want to certainly thank all the testifiers that were here today, pro and con and neutral, because they did bring a lot of points forward and there is a great deal of interest in doing something like this on these golf cars. As we brought...some of the questions that were brought out, I think many of them have been answered in the bill as it is written and in the amendment that we have drafted to go with it. We all agreed that they needed to registered and they all need, as far as low speed vehicles, that shouldn't be any problem because if you're going to register a vehicle, you got to buy a license plate for it and at the present time, what is it? Five dollars out registration fees goes to Department of Roads. So there's ways that that can be done there and I agree that that's a good way to help...help along with some of the Highway Trust Fund and no problem with that. If you're going to drive a low speed

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vehicle on the roads, then there should be no reason why you don't have some kind of a tag on it. You have to literally have tags on bicycles mostly because of towns. And as I pointed out, this is something to promote neighborhoods. I've said half to three-quarters of a mile, some mentioned a mile, from the home base and I think that's where they will be and as far as driving them on county road, Mr. Dix pointed out that that was a concern of the counties and I knew that and as I told him before, I don't know of anybody that's going to take a golf cart and drive very far down a country road there, because most the people who live out there probably have 4-wheelers or something else. You're not going to ride a golf cart and it's sort of like, how many airplanes do you see land on a county road? I mean, it does happen, but they would prefer other places. So I don't think that would ever be that big of an issue. But if it is, the way the bill is drafted, there can be...the local people can put legislation in or adopt a resolution to put...to address that problem. So with that I would ask that we advance the thing. We have to do it with this amendment that the Bill Drafters brought up. And of course I want to thank Governor...or Senator Mello for his support on his bill and as we looked at it, after we got them both introduced, we found out that they had some similarity and we will work to support both of the bills. [LB1100 LB1004]

SENATOR FISCHER: Thank you, Senator Loudon. Questions? I see none. Thank you very much. With that I will close the hearing on LB1100 and LB1004 and open the hearing on LB1024. Senator Stuthman would you open please. I would ask that you carry your conversations out in the hallway please. Good afternoon, Senator Stuthman. [LB1100 LB1004]

SENATOR STUTHMAN: Good afternoon, Chairman Fischer and members of the Transportation and Telecommunications Committee. For the record my name is Arnie Stuthman, A-r-n-i-e S-t-u-t-h-m-a-n and I represent the 22nd Legislative District. I am here today to introduce LB1024. LB1024 creates a snow removal advisory committee. This committee is appointed by the Governor and membership of the committee includes: the Director of Agriculture or his or her designee; Director-State Engineer or his or her designee; and one county highway superintendent from each of the eight districts of the State Highway Commission. The committee shall develop recommendations on the following: removal of brush and trees from the road right-of-ways; use of all tillage practices which have an impact on the collection of snow on roads; the planting of trees to create living snow fences; the construction of additional, artificial snow fences; the use of road and ditch construction practices which stop blowing snow before it reaches the road; and the use of incentives to be paid to property owners by the state or county to accomplish these goals and what kind of incentives to use. After developing recommendations, the committee shall report their findings to this committee and to the Legislative Agricultural Committee on or before December 31 of this year. Property owners and highway departments need to assess where problem areas exist in an effort to address the cost and hazards of snow on the roads. Several states including Iowa, North Dakota, Wyoming, and South Dakota have

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developed similar plans in their states. Minnesota offers an incentive of \$1.50 per bushel over the current market price of corn to producers that leave around 12 to 16 rows of corn standing through the winter in an effort to improve winter weather conditions. Franklin County in Ohio reimburses farmers at the rate of \$50 per acre for leaving their corn stalks standing. Such practices as the erection of snow fences and the planting of living snow fence can improve road conditions and improve driver visibility during white-out conditions and improve road surface conditions. Snow fences would also result in a cost savings of fuel and human hours...human man hours because less snow would be accumulated on these road surfaces. The reason I brought this bill is because of the fact that we're having one of the toughest winters that we've ever had and snow removal will be a real expense for counties and the state. And I think that, you know, with the fact of where this snow has been drifting, I think county boards, you know, should, with property owners, take something into consideration so that we don't have such a problem of removing the snow. It is not just the removing of the snow, but it is the snow piles up on the roads and the thawing in the spring is going to ruin the roadbeds and gravel will have to be hauled on there. Thank you for your consideration. I'll try to answer any questions. [LB1024]

SENATOR FISCHER: Thank you, Senator Stuthman. Are there questions? Senator Campbell [LB1024]

SENATOR CAMPBELL: Thank you, Senator Fischer. This is just a comment, okay, Senator Stuthman. As one who comes from a family where trees are a cash crop, I appreciate you putting in the natural snow fences for trees. That's a great idea. [LB1024]

SENATOR LOUDEN: Thank you. [LB1024]

SENATOR CAMPBELL: We try to...we try to work a lot with the agricultural part. And the other part of your bill that I appreciated very much is some way to look at the removal of trees. One of the most contentious issues I faced on a county board was when we just went out and mowed down a bunch of trees in Lancaster County and it was horrible. And we finally had to go, you know, we spent a lot of time then coming up with some kind of a policy. So people should not take lightly that first element. So thank you. [LB1024]

SENATOR STUTHMAN: Thank you, thank you. In my experience with serving on the county board, there are property owners that the road ditch is full of plum bush and trees; there's always a big snowdrift there. Other property owners have shredded it all out; there's no snow on the road and the fact is, those people that have maintained and kept snow from drifting on the road are paying the same tax dollar for removal of the neighbor that has avoided that problem of removing and cleaning up the road ditches. [LB1024]

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SENATOR FISCHER: Other questions? Senator Hadley. [LB1024]

SENATOR HADLEY: Senator Fischer. Senator Stuthman, this is in a form of a bill, could we do the same thing with just a Transportation and Telecommunication Committee study? Committee...or studying this...this summer? [LB1024]

SENATOR LOUDEN: Yes, it could be an interim study, um-hum. Because...because...and the comment that I will make there, there are provisions in the county structures already that addresses that, but it's never enforced. [LB1024]

SENATOR FISCHER: Other questions? Thank you, Senator Stuthman. Are there proponents for the bill? Any proponents, if you'd step forward please. Do you want to bring that up here? Good afternoon. [LB1024]

DON OBERLE: Good afternoon Senator Fischer and members. I come before you just to tell a little story about snow removal. [LB1024]

SENATOR FISCHER: Okay, I need your name please and spell it. [LB1024]

DON OBERLE: Don Oberle and I represent Navigator Motorcoaches. [LB1024]

SENATOR FISCHER: Could you spell that please. [LB1024]

DON OBERLE: O-b-e-r-l-e. [LB1024]

SENATOR FISCHER: Thank you. [LB1024]

DON OBERLE: The story is simply about the day after Christmas. We dispatched five buses from Norfolk to Omaha to pick up 250 high school students to go to Florida. The day before, Christmas Day, the roads were supposedly closed all directions out of Norfolk. And we advised the particular group that we probably wouldn't get...we did not want to dispatch those buses out of Norfolk until sunlight of the next day thus allowing the state time to remove the snow and open the roads. And so the buses actually left somewhere around 8:00 and got about 15 miles east of Norfolk and were stopped due to a road closure. Earlier that morning, when we were at our garage, we noticed that snow plows were coming and going from every direction so we made the assumption that the roads would be open. When the buses arrived, me being one of the drivers, we were a football field from the crest of a hill where a state V-plow, a state straight plow and a state pickup were parked. And after about 20 minutes of sitting there, I walked up the hill and asked the gentleman in the V-plow what was going on. And he said, well, we're waiting for a rotary plow to open the road. And I asked, well, in looking at the situation, I looked at it and at a quick glance you could see what needed to be done.

There were three abandoned vehicles on the highway. One sitting in the east bound lane, that's the direction we were going; another one in front of that, cross-ways in the middle of the road; and another one in front of that again in the east bound lane. Now the snow drift on the north part of that road was 10 to 12 feet tall. But on the east bound lane, it was less than 3 foot tall. So if they would have removed those vehicles, the state employees would have removed those vehicles, they could have easily opened that road and we could have continued on. When I asked them what they were doing and they said that they were waiting for the rotary plow. I said, well why don't you just remove those vehicles and then you can clear the roads so we can go. There's two miles of cars and vehicles behind me waiting for you to open this road. Again, reminding you this was at 8:30 in the morning. And I said, do something. At least make it look like you're making an effort. Well the V-plow guy, he put his thing in gear and started going through the thickest part of the snow drift; he's not going to make that. He's never going to get through. That was obvious, but he did make the effort. I asked...I then went back...headed back to he buses to tell the other drivers what was going on, but as I walked back, I asked the Department of Roads supervisor that was there, why they wouldn't move the...pull those cars out of there and open the road. And they simply said, it's a liability issue. So there we sat with this liability issue waiting for the roads to be open. And I said, well, what's going to happen. He said, well, we have to wait until the State Patrol gets out here and determines that they can call a tow truck to get those cars pulled out of the snow drift. Now this doesn't make sense to me, but there must be some rhyme or reason to that. So in the end, at 2:45 in the afternoon, after the snow plow arrived at some time earlier than that and cleared all the snow out, the road was finally opened and we continued on to Omaha. It was no surprise to me to see those three vehicles that were abandoned in that snow drift pulled to the side of the road. Why did we have to sit there that long for that to happen? That's my story and after checking into some of the things related to this, again we go back to this insurance issue. The...I really don't fault the Department of Roads for this. their employees were just doing what they're told. They weren't suppose...they were told not to pull these vehicles. Now in most surrounding states, that's not a case. They move them out of the way and get the road open. It's been a terrible winter. We've encountered this more than once. And I support Senator Stuthman in his efforts to change the landscape, so to speak of how we handle the roads. But in my opinion, it appears that the State Patrol and the Department of Roads fight over who's going to be the big shot on getting the roads open. I don't care who does that; I just want them open. I'm a taxpayer, I want my roads open. I incurred the wrath of 250 people waiting for a bus...buses to show up which never showed up until 5:30 that evening when they should have been there at 10:00 in the morning and could have been had the Department of Roads and the State Patrol and everybody related, done their job. So maybe in Senator Stuthman's efforts he could include some reorganization of the Department of Roads. That's basically my story. I support any effort that will move things along and I want to further add that we did check with the...I think it's 511, the state's road reporting Internet system. We should either can it or get it up to date. It never changed for over 24-hours. And I made special note of that this last

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Monday when we were again put in a similar situation needing to dispatch buses to Vermillion, South Dakota and I looked on their Internet Web Site and it said Highway 81 was closed. It also said Highway 35 which goes to Sioux City was closed. Also said Highway 51 which goes straight east out of Norfolk was closed. So in other words, not much of an opportunity to get our buses to where they needed to be which was Vermillion, South Dakota. So I called the State Patrol and got a Lieutenant Williams and I asked him, you know, if he could help me update any of these road conditions; and of course, he said, well no, all I can tell you is all the roads are closed, I can't help you. He was very abrupt; not very helpful. He's a...supposed to be a helpful person. I think originally that was the State Patrol's original mission, but it obviously has changed. But anyway, we dispatched a bus because I made some local phone calls to people I know along those routes; the roads weren't closed; we got our buses where they needed to be and your Internet Web site never changed. It still said they were closed. I don't know who is in charge of that; but again, maybe, something can be introduced to help rectify that as well. It's like the boy that cried wolf. You get on the Web Site and see that about so many times, you pretty much give up looking in that direction. So maybe the city...the taxpayers could do better by spending their tax dollars elsewhere. With that, that's my story. [LB1024]

SENATOR FISCHER: Thank you very much. Are there questions? I see none. Thank you for coming in today. [LB1024]

DON OBERLE: You're welcome. [LB1024]

SENATOR FISCHER: Other proponents please. Are there any other proponents for the bill? Any opponents to the bill? Anyone wishing to testify in a neutral capacity? Good afternoon. [LB1024]

LARRY DIX: Good afternoon, Senator Fischer. My name is Larry Dix, L-a-r-r-y D-i-x. For the record I'm the executive director of the Nebraska Association of County Officials in a neutral capacity today on LB1024. Just a couple of comments. Certainly Senator Stuthman's timing of introducing this bill is impeccable given the last winter that we've had and anything that we can do to keep the snow off those roads, I think, certainly is something that we should look at. When I did look through the bill and notice that we have eight highway superintendents from eight of the districts, just thinking that might be a little bit of an overkill as far as when we form that committee. At the end of the day when our...when the NACO Board looked at it, one concern we had is the incentives as to where that incentive money may or may not come from. But at the end of the day, we thought it would be as, I think Senator Hadley had mentioned, an excellent interim study just to look at and see if we couldn't just have an interim study and come up with some of these recommendations and then see where we can move forward in the future. With that I'd be happy to answer any questions anybody would have. [LB1024]

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SENATOR FISCHER: Thank you, Mr. Dix. Are there questions? Senator Louden.
[LB1024]

SENATOR LOUDEN: Yeah, thank you, Senator Fischer. Is there any...how is it that counties, I mean now they, you're supposed to mow along your roads and a few things like that, is that all the county...counties expect a persons do on these county roads is to just mow along the ditches or do they have to remove any trees for distances. I mean like state highways, the trees have to be removed for a distance of 30 feet or some such a number like that. [LB1024]

LARRY DIX: There is a statute that states landowners shall keep the right-of-ways mowed. There certainly is that statute and I think...oh, I don't know, how many year...maybe Senator Hudkins had a bill sort of like that, maybe three or four years ago, that sort of addressed that because that...at that point in time, I think we were starting to see trees actually grow out over the road and the maintainer was starting to go around them and before long the actual road bed was disturbed. So there is that. I think at that point in time there was a little bit of conversation of when your right-of-ways or when your ditches get so steep, that then they...as a landowner it's hard to have a piece of equipment to cut those trees down. Well, the trees would never be there if when you started, you continually mowed it. But it's...that's sort of problematic. But there is a statute that does say as a landowner you do have to mow those right-of-ways. [LB1024]

SENATOR LOUDEN: Okay, I remember when that was brought forward... [LB1024]

LARRY DIX: Yeah. [LB1024]

SENATOR LOUDEN: ...there because the electric companies... [LB1024]

LARRY DIX: Yes. [LB1024]

SENATOR LOUDEN: ...were in support of it, I think, or something like that... [LB1024]

LARRY DIX: Yeah. [LB1024]

SENATOR LOUDEN: ...to keep the trees out of their power lines. [LB1024]

LARRY DIX: Yeah, that's right. [LB1024]

SENATOR LOUDEN: But you're probably not familiar...are you familiar with anything that the Department of Roads does on that, because I know along our road, every so many years they go along and trim off those wild willows and stuff that are sticking up out there and that sort of thing and I was wondering if there was anything in statutes or if there just are rules and regulations. [LB1024]

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LARRY DIX: Yeah, I don't know on the Department of Roads side. I'm not aware of what their requirements are. [LB1024]

SENATOR LOUDEN: Okay. Thank you. [LB1024]

SENATOR FISCHER: Other questions? I see none. [LB1024]

LARRY DIX: Thank you. [LB1024]

SENATOR FISCHER: Thank you, Mr. Dix. Anyone else wishing to testify in a neutral capacity? I see none. Senator Stuthman, would you like to close? [LB1024]

SENATOR STUTHMAN: Thank you Senator Fischer. First of all I want to thank those that testified and in the testimony of the individual with the bus company, you know, it reminded me of one of my colleagues during one of these snow storms came upon the same situation where a vehicle was in the road. Fortunately he had his 4-wheel drive pickup and another person had a chain; they pulled the vehicle off of the road, the traffic went. But the Department of Roads wouldn't touch it. They said it was a liability issue and wouldn't touch it. Well, there happened to be...I think there was 18 pot loads of hogs waiting in line to get to the packing plant, you know, and that was an issue that needed to be addressed and this colleague of mine moved the vehicle, pulled it off the side of the road and traffic could move again. So, I mean, this is something that, you know, it was fortunate that they did take the leadership to do that, but it, you know, it may be a liability issue if you hook onto the wrong thing, but you move the vehicle to keep things moving. So, with that, you know, I would like to see some attention to this. But like I also stated, it could be an interim study and we need to address some of the issues that were brought up here. So, I'd take any questions. [LB1024]

SENATOR FISCHER: Thank you, Senator Stuthman. Are there questions? Senator Janssen. [LB1024]

SENATOR JANSSEN: Thank you, Chairman Fischer. Senator Stuthman, I just had to ask, I think it was Larry talked about your timing of this bill being so wonderful, but in reality this is your last year here so you had no more time left. Is this your last bill? Is this your... [LB1024]

SENATOR STUTHMAN: This is my last bill and is this our last bill too in this committee? [LB1024]

SENATOR FISCHER: We have a hearing tomorrow. [LB1024]

SENATOR STUTHMAN: Shoot. [LB1024]

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SENATOR FISCHER: Shoot. We should have put you up tomorrow; last bill, last day of hearings. [LB1024]

SENATOR JANSSEN: I think it's mine. [LB1024]

SENATOR CAMPBELL: We might have to have some questions tomorrow. [LB1024]

SENATOR STUTHMAN: Oh, okay, okay. Thank you very much. [LB1024]

SENATOR FISCHER: Thank you, Senator Stuthman. [LB1024]

SENATOR STUTHMAN: Yes. [LB1024]

SENATOR FISCHER: With that I will close the hearing on LB1024 and close the hearings for the day. Thank you all for coming. [LB1024]