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Transportation and Telecommunications Committee
February 22, 2016

[LB783 LB844]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Monday, February 22, 2016, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB783 and LB844. Senators present: Lydia Brasch, Vice Chairperson; Curt Friesen; Tommy Garrett; Beau McCoy; John Murante; and Les Seiler. Senators absent: Jim Smith, Chairperson, and Al Davis.

SENATOR BRASCH: Welcome to the Transportation and Telecommunications hearing this afternoon. I'm Lydia Brasch from Bancroft. I am the Vice Chair of this committee. Senator Smith is unable to join us this afternoon. I'll introduce the committee. To my far left is Senator Tommy Garrett from Bellevue. Coming later will be Senator Les Smith (sic) from Hastings.

SENATOR McCOY: Les Seiler.

SENATOR BRASCH: Oh, sorry, Les Seiler, thank you. And then next to him is Senator Beau McCoy from Omaha. And then to my far right is Senator Curt Friesen from Henderson. And next to him, possibly, will be Senator Davis from Hyannis; he may join us later. And then next to him is Senator John Murante from Gretna. The committee staff here on my immediate left is Mike Hybl, counsel to the committee. That's on your left, my right. And then Paul Henderson, the committee clerk. The pages assisting us this afternoon are Toni Caudillo from North Platte, Nebraska; and Alex Brechbill from Aurora, Nebraska. We will be hearing the bills in the order listed on the agenda. And those wishing to testify on a bill should come forward to the front of the room and be ready to testify in order to keep this hearing moving. If you are testifying, please complete the sign-in sheet so it's ready to hand to one of our pages when you approach the table. For the record, at the beginning of your testimony, please state and spell your name. Please keep your testimony concise and close to five minutes. We will use the light system today. The red light means stop; green means you have five minutes; yellow is you have one minute. And I...who has just joined us is Senator Seiler from District 33. And I thought I saw Senator Davis come in and get his items; he will not be joining us apparently. And Senator Brett Lindstrom will be introducing LB783. Following him, we do have two testifiers, and then we invite everyone else following those two. Welcome, Senator Lindstrom.

SENATOR LINDSTROM: Thank you, Senator Brasch, and members of the Transportation and Telecommunications Committee. I am Brett Lindstrom, L-i-n-d-s-t-r-o-m, representing Legislative District 18 out of northwest Omaha. Today, I'm bringing LB783, which would allow public power districts with annual revenues of at least \$250 million to permanently license their fleet of vehicles in the county in which the public power district is headquartered. The bill also clarifies definitions and adds public power district vehicles and trailers to relevant provisions in

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the Motor Vehicle Registration Act. Omaha Public Power District asked me to introduce LB783 to eliminate the need to renew license plates, license plate tags, and registrations every year. In the bill, we propose a \$3 license fee with an annual renewal of \$2 per plate. It is not the intention of OPPD to impact any funds that typically receive dollars from a power district's licensing fees. The purpose of the legislation is to provide a greater financial and personal efficiencies at OPPD. All fees collected would be remitted to the State Highway Cash Fund. OPPD will testify directly following me to provide more details about how this legislation will impact them. Thank you and I'd be happy to answer any questions you have. [LB783]

SENATOR BRASCH: Are there any questions from the committee? Seeing there are none, thank you, Senator Lindstrom. [LB783]

SENATOR LINDSTROM: Thank you. [LB783]

SENATOR BRASCH: The two other testifiers as proponents, the first one will be Mike Donahue from OPPD. Please come forward and say and spell your name. Welcome. [LB783]

MIKE DONAHUE: (Exhibit 1) Good afternoon, Vice Chair Brasch, and members of the Transportation and Telecommunications Committee. My name is Mike Donahue, spelled M-i-k-e D-o-n-a-h-u-e. I am the manager of transportation and construction equipment at the Omaha Public Power District. I'm here to testify on behalf of OPPD and the Nebraska Power Association in support of LB783. LB783 allows some public power districts to permanently license and register vehicles with the state of Nebraska, eliminating the need to renew license plates, license plate tags and registrations every year. OPPD relicenses approximately a thousand vehicles in nine counties in eastern Nebraska every year. The transportation department at OPPD estimates the annual renewal of these vehicles cost the district approximately \$50,000 in labor costs annually, and more than that during years when the plates are required to be replaced. The process of running reports to locate these vehicles, making a copy of each registration, requesting and having a check cut from the OPPD corporate office for each county, sorting registrations after receiving them back from the county, and then again locating these vehicles to attach the license plates, applying the tags, and inserting the registration is a very time consuming and tedious process. I want to make it clear that it is not OPPD's intention to impact the funds or fees paid to the counties or to the state, but rather to reduce labor costs and streamline the vehicle registration process for public power districts. The annual renewal fee for each permanent plate is proposed to be \$2 in addition to all of the other renewal fees. In the event a license plate is lost or stolen, an additional fee of \$3 per plate will be collected by the county treasurer. All fees collected will be remitted to the State Treasurer for credit to the High Cash Fund. That will complete my testimony and with that ask you to advance LB783. I will now be open to answer any questions you may have. [LB783]

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SENATOR BRASCH: Thank you. Are there any questions from the committee? Seeing there are none, thank you, Mr. Donahue. The next testifier scheduled is Mr. Neal Suess from Loup County PPD. Welcome. [LB783]

NEAL SUESS: (Exhibit 2) Good afternoon. My name is Neal, N-e-a-l, last name Suess, S-u-e-s-s, and I'm the president and CEO of Loup River Public Power District in Columbus, Nebraska. Loup serves over 19,000 customers in Boone, Colfax, Madison, Nance, and Platte Counties in Nebraska. I'm also here today representing Southern Power District whose headquarters is in Grand Island, Nebraska, which represents over 26,500 customers, including over 9,000 irrigation services in Adams, Clay, Franklin, Hall, Hamilton, Kearney, Merrick, and Phelps Counties in Nebraska; Norris Public Power District which represents over 18,500 customers in Gage, Jefferson, Lancaster, Saline, and Thayer Counties in Nebraska; and Dawson Public Power District which represents over 22,500 customers in Dawson, Buffalo, Gosper, Lincoln, Custer, Sherman, Phelps, and Frontier Counties in Nebraska. These four power districts are all in support of LB783 which would consolidate motor vehicle registration for public power districts into a single county where the headquarters of the public power district is located. LB783, as initially proposed, would be limited to public power districts which receive annual gross revenue of at least \$250 million. This restriction would limit the use of this bill to only OPPD and NPPD within the state of Nebraska. Loup Power District, Southern Power District, Norris Public Power District, and Dawson Public Power District have annual gross revenue between \$40 million and \$105 million and operate within multiple counties within the state of Nebraska. Having the ability to consolidate vehicle registration into a single county would provide a benefit to these public power districts regarding ease of registration of vehicles. As an example, Loup Power District has approximately 129 pieces of equipment, including cars, trucks, tractors and trailers which must be registered in the county in which the vehicle resides. This creates inefficiencies in keeping track of this data for each county and going to each county seat to get vehicles registered. Having a single county to register these vehicles would provide an efficiency which would save money. There are several state statutes which draw a distinction between large public power districts and small public power districts. State Statute 70-620, Section 70-620.01, and Section 70-624.02 all have references to differences in these public power districts. Within these sections of the state statutes, \$40 million of annual gross revenue is used as the difference between a large and a small public power district. Loup Power District, Southern Power District, Norris Public Power District, and Dawson Public Power District are asking for the annual gross revenue currently included in LB783 to be modified to \$40 million instead of \$250 million, which is included in an amendment to LB783 as AM2092, which is included on the back of my testimony. This will allow these four public power districts, as well as several others that operate in multiple counties, who might reach this revenue threshold in the future, to obtain the benefit of efficiencies as prescribed by this change in the Motor Vehicle Registration Act. Thank you for your time today. I would be happy to answer any questions that the subcommittee would have at this time. [LB783]

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SENATOR BRASCH: Thank you, Mr. Seuss, appreciate your testimony. And are there any questions from the committee? Yes, Senator Friesen. [LB783]

SENATOR FRIESEN: Thank you, Chairman Brasch. Currently, so when you license vehicles, and they're stationed in, you have probably three or four different locations you station in? [LB783]

NEAL SUESS: We actually station them in, I believe, it's 12 different locations. We have several locations within Platte County, two or three within Nance County, at least three in Boone County, one in Madison County, and, I believe, two in Colfax County. [LB783]

SENATOR FRIESEN: So you have to go to each county then and register those vehicles? [LB783]

NEAL SUESS: That is correct. [LB783]

SENATOR FRIESEN: So do you pay a tonnage tax on trucks too, or are you exempt? [LB783]

NEAL SUESS: We are not exempt. We pay the same tax that any other normal vehicle on the road would pay. [LB783]

SENATOR FRIESEN: Okay. Other than sales tax, when you buy a new vehicle, I take it, you probably don't pay sales tax. [LB783]

NEAL SUESS: Actually, I believe we do pay a sales tax; we're not exempt from that. [LB783]

SENATOR FRIESEN: Really. Okay. So when you...if you consolidate and put them in one county and you purchase a new vehicle, where would that revenue...some of it would, obviously, stay in...help some... [LB783]

NEAL SUESS: Probably some of it would stay in Platte County, Columbus, obviously, because that's where our headquarters is located. It's my understanding that the bill is not proposing to take any money away from any county at this point in time. [LB783]

SENATOR FRIESEN: Okay. So it would keep revenue neutral to each county. [LB783]

NEAL SUESS: That's my understanding. [LB783]

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SENATOR FRIESEN: Okay, thank you. [LB783]

SENATOR BRASCH: Are there any other questions from the committee? Seeing there are none, thank you, Mr. Suess, for your testimony. [LB783]

NEAL SUESS: Yes. Thank you very much. [LB783]

SENATOR BRASCH: Are there any other proponents who would like to testify in favor of this bill? Please come forward. Welcome. Please state and spell your name. [LB783]

RICK KUBAT: (Exhibit 3) Thank you, Senator Brasch, and members of the Transportation and Telecommunications Committee. My name is Rick Kubat, R-i-c-k K-u-b-a-t, here on behalf of the Metropolitan Utilities District of Omaha to testify in support of LB783. We want to thank Senator Lindstrom and the bill sponsors for bringing this bill and giving MUD permission to offer an amendment for the committee's consideration. The amendment would simply enable MUD to maintain permanent plates for our fleet of 420 vehicles and 80 trailers. As previously stated, it's essentially a work force efficiency bill and that's why we're supportive. Thank you for your time today. [LB783]

SENATOR BRASCH: And thank you for your testimony, Mr. Kubat. Are there any questions from the committee? Seeing there are none, next proponent, please. Any other proponents? Welcome, Mr. Richards. [LB783]

TOM RICHARDS: Thank you. Tom Richards, Omaha Public Power District, manager, governmental community affairs. I thought I would just jump up and clarify two things. I had conversation with a county treasurer. The only difference in what will be remitted to the treasury at the county level is \$1.50. In the county I talked about, there were a hundred cars licensed. And the gist of it was, what the treasurer told me is, please take them to Douglas County, because the amount I'm being remitted doesn't cover the cost that I have. So it's also an efficiency for the counties. I think you have a letter of support from the Douglas County Treasurer. That's where, in OPPD's case, most of them would be registered. I think the last thing I wanted to comment on, there's some technical changes that the Department of Motor Vehicles has suggested. They're all fixable; they're all doable. And if the committee decides to advance the bill, we can work to make those changes. The DMV has asked their tech, they're very supportive and helpful. That's all I have. [LB783]

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SENATOR BRASCH: (Exhibit 4) Very good. Thank you, Mr. Richards. I do have a letter of support to put on the record from John Ewing on behalf of the Douglas County Treasurer. Are there any other questions from the committee? Seeing there are none, thank you. [LB783]

TOM RICHARDS: Thanks. [LB783]

SENATOR BRASCH: Any other proponents? Any opponents? We have any opponents, please come forward. Seeing there are none, anyone here in the neutral? [LB783]

JILL BECKER: Good afternoon, Senator Brasch, and members of the Transportation and Telecommunications Committee. My name is Jill Becker, spelled J-i-l-l B-e-c-k-e-r, and I appear before you today as a registered lobbyist on behalf of Black Hills Energy. And I would just like to encourage the committee to take a look at, really, the larger issue of a bill like this, and take a look at the type of entities, like Black Hills, that this could potentially cover. The language in the bill doesn't specifically cover us as a utility, but the fact remains that we register. And I'm not even sure how many counties in the state, and, certainly, from an efficiency perspective, we would love the opportunity to just be able to register in one county or procedurally, however, and, like many other testifiers have said, not have that impact financially, the counties that we are registering in previously, but from an efficiency standpoint just to rewind that process. So we'd encourage the committee to take a look at it from a little bit broader perspective. And with that I'd be happy to answer any questions. [LB783]

SENATOR BRASCH: Are there any questions from the committee? Seeing there are none, thank you. [LB783]

JILL BECKER: Thank you. [LB783]

SENATOR BRASCH: (Exhibits 5 and 6) Anyone else in the neutral? Seeing there are none, I do want to enter a letter for the record in the neutral capacity, two of them. One from Rhonda Lahm on behalf of the Department of Motor Vehicles; and another from Director Schneweis on behalf of the Department of Roads. Thank you. Seeing there are no other testifiers, we will go to the next bill by Senator Patty Pansing...oh, waive closing? All right, thank you. Welcome, Senator Patty Pansing Brooks, and feel free to start introducing LB844. [LB783]

SENATOR PANSING BROOKS: Thank you, Chairman Brasch, and members of the Transportation and Telecommunications Committee. For the record, my name is Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, and I represent Legislative District 28, right here in the heart of Lincoln. And I'm here to introduce LB844, directing the Department of Motor

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Vehicles to create a breast cancer awareness license plate. On an interesting note, this bill has been co-sponsored by every female senator in the Legislature. I want to start my testimony by thanking Linda Gill, who many of you know for her outstanding, passionate work advocating on this issue. I also want to take a moment to recognize all of the survivors and the advocates who have worked so hard for so long to raise money and raise awareness to fight this rotten disease. It is hard to imagine anyone in this room not being affected at some point in their life by breast cancer. Each year in Nebraska, 1,500 women on average are diagnosed with breast cancer. Of those, 70 percent were diagnosed at an early stage increasing their survival rate significantly. The survival rate for those diagnosed at an early stage is nearly 100 percent, but it is only 25 percent for those diagnosed in Stage IV. The importance of early detection could not be more clear, and annual mammograms are essential to that early detection. My aunt, my sister-in-law, my cousin, and my dear friend have each had breast cancer, and each recovered to live full lives, thanks to early detection and treatment. The breast cancer mortality rate has been reduced by one-third in the last 25 years. That reduction is due, in large part, to the volunteer work of those touched by the disease. Today, because of that work, the number of women getting regular mammograms has increased dramatically. However, we still have a long way to go when nearly one in eight women is still diagnosed with breast cancer in their lifetime, and when 40,000 women per year still die of this disease. LB844 directs the Department of Motor Vehicles to design breast cancer awareness license plates. The design shall include the pink ribbon and the words "early detection saves lives" along the bottom of the plate. It is my hope that this license plate will not just serve as a reminder to women to have annual mammograms, but also serve to honor survivors and to remember those who we have lost to this disease. With that, I ask for your support and urge you to advance LB844 to the floor. Thank you. [LB844]

SENATOR BRASCH: Thank you, Senator Pansing Brooks. Are there any questions from the committee? Seeing there are none, thank you. [LB844]

SENATOR PANSING BROOKS: Thank you. [LB844]

SENATOR BRASCH: Will the first proponent please come forward. [LB844]

LINDA GILL: Good afternoon. My name is Linda Gill, L-i-n-d-a G-i-l-l. I am a 12-year breast cancer survivor. And since I've been touched by this disease, I have wanted to help anyone else who may be diagnosed with breast cancer. It does not discriminate against anyone; it touches black and white, old and young, rich and poor, female and male. It doesn't care what kind of religious affiliation you have; it doesn't care what kind of political affiliation you have; and it doesn't matter what kind of language you speak. And once you are touched by breast cancer, you are on a continuous journey of hope for the rest of your life. There are so many states around us that have breast cancer license plates. And I am hoping that soon the state of Nebraska will be on

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that list. What a great way to show awareness for breast cancer across the state of Nebraska. And the two things...main things that help with the fight against breast cancer are awareness and early detection. I have many items that have pink ribbons on them and I'm just hoping that soon that I can add a license plate with the pink ribbon to my collection. And if, when I'm driving down the road, if just one person sees the pink ribbon and goes and gets screened just think how wonderful that will be. Thank you. [LB844]

SENATOR BRASCH: Very good. Thank you for your testimony, Ms. Gill. Are there any questions from the committee? Seeing there are none, that's all right. Thank you. Next proponent please come forward. Welcome. State and spell your name. [LB844]

KAREN DANEU: (Exhibit 1) Good afternoon, Senator Brasch, and members of the Transportation and Telecommunications Committee. My name is Karen Daneu, K-a-r-e-n D-a-n-e-u. I'm the executive director of Susan G. Komen, Nebraska. I'd like to thank Senator Pansing Brooks and all the other female senators throughout the state of Nebraska, and my good friend, Linda Gill, for pushing forward this bill to raise breast cancer awareness. Tragically, Nebraska ranks 40th for mammograms in the United States. I sent out to all the senators an extract from our community profile that Komen conducted in the past year; and we can do better, and we must do better. As those before me have said, one in eight women in their lifetime will be diagnosed with breast cancer. In Nebraska, that equates to 24 women per week will be diagnosed; and four women will die of the disease. And it doesn't have to be so. If we have early detection and we get more women screened, more women will live. And the economic reasons also foreshadow that. Not only are, you know, children left without moms, but it costs a lot more to take care of a woman diagnosed Stage III and Stage IV, over \$100,000 versus Stage I which is merely \$20,000. So Komen across the state of Nebraska, we are in 91 out of the 93 counties throughout the state. And we serve those women with education materials, and we know the simple act of having a license plate is a wonderful mobile mammography billboard. It will remind women to get screened. As Senator Pansing Brooks said, it will recognize those survivors for their journey and hopefully save lives. If there are any other questions, I'd be happy to answer those. [LB844]

SENATOR BRASCH: Are there any questions from the committee? I do want to thank you for your work on prevention and education and efforts with the 91 counties, and maybe some day 93. And I have no questions, but I do want to tell you it is very important work you and your colleagues are doing. [LB844]

KAREN DANEU: The other two counties are covered by another Komen affiliate. [LB844]

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SENATOR BRASCH: I see. Okay. Then all 93. Thank you so much. Any other proponents? Welcome, please state and spell your name. [LB844]

LISA HOPKEN: Thank you. Good afternoon. My name is Lisa Hopken, L-i-s-a H-o-p-k-e-n. I'm from Geneva, Nebraska. I'm 51 years old. I've been a life-long resident of Nebraska. I'm from a small town up in northeast Nebraska, Bloomfield. I'm a registered nurse. I'm the director of nursing at the Fillmore County Hospital in Geneva. I'm married; I have two children. My husband, Larry, and I have a daughter, Lauren, who is 20; she is a junior at Midland University in Fremont. And my son, Leyton, is 18; he's a senior at Fillmore Central. In July of 2007, my family was preparing for a trip to the Black Hills. My dad had passed away from cancer in March of that year, and so we were trying to get over that and get about getting on about our business. My kids were getting ready to go back to school. My daughter was going to be in seventh grade and my son in fourth grade. I had noticed one day a lump under my arm. And being a nurse I thought--oh, there has to be something going on; I have an infected lymph gland, I have a cyst, it couldn't possibly be cancer. So I did a self breast exam and I did find a lump in my right breast. I went to the doctor right away. And after a biopsy, breast cancer was confirmed. I was 42. My mom had also had breast cancer at 42. I was doing self breast exams, my yearly exams. I did mammograms; I was really early in starting the mammograms because of her diagnosis. And so we started on the journey of having breast cancer. And we later learned that my mom and my sister and I, my aunt, my two cousins are all BRCA positive, which is the breast cancer gene. Which many of us had had breast cancer, and they all have breast cancer except my sister, and we were all in our 40s. I participated in a research study, thanks to my oncologist. I did eight cycles of chemotherapy, one every three weeks. I ended up having a double mastectomy. I had my ovaries removed. And that's what my daughter looks forward to also. I'm very happy to say, though, that every one of us is still alive, mainly because we did catch it early, and we had great treatment from wonderful doctors right here in Nebraska. So I'm very, very proud to be a breast cancer survivor. And I'm very excited to possibly have a license plate to promote that awareness and to just display my proudness of being a survivor. My story is just one of many, many in the state of Nebraska. And I don't think anybody...there isn't anybody that doesn't know somebody that is affected by this awful disease. So please consider approving this license plate. I really feel that it can continue the awareness, that we can continue to encourage early detection and, hopefully, save many more lives. Thank you very much. [LB844]

SENATOR BRASCH: Thank you for your testimony. Any my condolences for the loss of your father and others in your family who have discovered and hopefully everyone is a survivor moving forward. [LB844]

LISA HOPKEN: Yes. Yep. [LB844]

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SENATOR BRASCH: Are there any questions from the committee here? There are none. And Senator Murante has joined us. [LB844]

LISA HOPKEN: Thank you very much. [LB844]

SENATOR BRASCH: Thank you. Next proponent. [LB844]

RAYMOND HERNANDEZ: My name is Raymond Hernandez, R-a-y-m-o-n-d H-e-r-n-a-n-d-e-z. Thank you, Senator Brasch, and the department of the Transportation and Telecommunications Committee for allowing us to share this...with us. My mom is a cancer survivor; early detection saves lives. At 78 years old, which was 5 years ago, she's doing fine and still cooks great. So that's what young guys look forward to. I own a Ford dealership and Ford Motor Company, through all their advertising, through the Warriors in Pink, is a strong supporter of early detection and Race for the Cure, the Komen organization. And I don't come up here speaking for Ford Motor Company, I come up here speaking for a interested party and a friend of the people who have already spoken. This bill is something that I think has been a missing link when you look at all the information of the people around us. You have states of Colorado, Kansas, Missouri, and Oklahoma, who already have ribbons on their plates. You have a number of other states who have these ribbons, and it costs anywhere from \$22 to \$50 to get those plates. A lot of bills are passed, asking for money, asking to save money; all this is a bill asking to allow us to spend our money to buy a plate that helps supports this cause. Beyond that, there isn't any expense to the state other than we are part of a cure...or part of a support for a very, very important cause. That's all that I have, thank you. [LB844]

SENATOR BRASCH: Thank you, Mr. Hernandez. We'll see if there are any questions from the committee. There are none. And thank you for your support and that of Ford and any other corporations, as well. Thank you. [LB844]

RAYMOND HERNANDEZ: You're welcome. [LB844]

SENATOR BRASCH: (Exhibits 2, 3, and 4) Any other proponents? Are there any opponents? We do have a letter in support from Karen Daneu, who was here earlier, and Carey Potter, Kim Moore and Jeanne McClure on behalf of CHI. Anyone in the neutral? Seeing there are none, would you like to close, Senator Pansing Brooks? [LB844]

SENATOR PANSING BROOKS: Yes. Thank you very much, Chairman Brasch. I just wanted to thank the testifiers today for their heart-felt testimony, for their advocacy throughout our state. I thought one of the most important facts that I heard today was that 24 women per week in

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Nebraska get breast cancer. So, again, I think it's important that the reminder that early detection saves lives is important. And I just...I hope you'll pass this forward to the floor. Thanks so much. [LB844]

SENATOR BRASCH: Thank you. Any questions? Yes. [LB844]

SENATOR GARRETT: I have one question, slash, critique. We're seeing so many specialty license plates now, and a lot of times some funding from that will go towards an agency, a 501(3) (c) (sic), or whatever. Had you thought about maybe...I don't know if there's something within HHS that could get a percentage of the proceeds. [LB844]

SENATOR PANSING BROOKS: We had talked about that, Senator Garret, and some of the people at the department were a lot more happy with this if it was just going to pay for the whole...the license itself. And so that's how we settled. But I'm happy to talk to anybody about amending that if that would be an interest of the committee. Thank you for bringing that up. [LB844]

SENATOR BRASCH: Are there any other questions from the committee? Seeing there are none, thank you for introducing this bill. [LB844]

SENATOR PANSING BROOKS: Thank you very much. [LB844]

SENATOR BRASCH: (Exhibit 5) Thank you. Seeing that's our last hearing today, thank you for coming to testify. Oh...and there is another letter of neutral from Rhonda Lahm on behalf of the Department of Motor Vehicles. And that concludes this hearing. [LB844]