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Transportation and Telecommunications Committee
March 03, 2015

[LB564 LB623 LB639]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, March 3, 2015, in Room 1110 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB623, LB564, and LB639. Senators present: Jim Smith, Chairperson; Lydia Brasch, Vice Chairperson; Al Davis; Curt Friesen; Tommy Garrett; Beau McCoy; John Murante; and Les Seiler. Senators absent: None.

SENATOR SMITH: Good afternoon and welcome to the Transportation and Telecommunications Committee meeting...hearing. I am Jim Smith from Papillion, I'm the Chair of the committee. And I'd like to introduce you to my colleagues that serve with me on the Transportation and Telecommunications Committee. To the far left, we have Senator Tommy Garrett. Joining us here in a few minutes will be Senator Les Seiler, that will be seated next to Senator Garrett. We have Senator Beau McCoy. To the far right, we have Senator Curt Friesen. Next to Senator Friesen, we have Senator Davis. Joining us shortly will be Senator Murante and Vice Chair, Senator Brasch. For committee staff, on my immediate right is Mike Hybl. Mr. Hybl is legal counsel to the committee. And on my left, is Mr. Paul Henderson, committee clerk. Pages with us today are J.T. Beck from Centreville, Virginia. J.T. is a senior at UNL. And we have Colin Loberg from Wayne, Nebraska, and Colin is a junior at UNL. We will be hearing the bills in the order listed on the agenda posted outside the door. Those wishing to testify on a bill should come to the front of the room and be ready to testify in order to keep the hearing moving. And we have a lot of folks with us today that's not only in this room but in the overflow room as well that we're going to try to cycle in to give their testimony. But again, I ask that you be prepared to come up and to give your testimony. If you are testifying, please complete the sign-in sheet so it's ready to hand in to one of our pages when you approach the testifier table. For the record, at the beginning of your testimony, please state and spell your name. And we ask that you keep your testimony as concise as possible. There may be some testimony that's repeated. If you hear something in a previous testimony that reflects what you're about to say, it's all right to defer to some of those previous comments. We, because the number of people that we have with us today, we are going to use the light system and we're going to use it for three minutes. So that means the green light will be on for two minutes for your testimony. The amber light will come on after that for one minute. And when you see the red light, if you have not completed your testimony we ask that you conclude it. If you do not wish to testify but want to voice your support or opposition to a bill, you can indicate so on the sheet provided on the table as you came into the room. This will be part of the official record of the hearing. If you do not choose to testify, you may submit comments in writing and have them read into the official record. We ask that you please silence your phones. We are an electronics-equipped committee and information is provided electronically as well as in paper form to the committee members. Therefore, you will see committee members referencing their electronic devices. Please be assured that they are not ignoring you. They're using their devices to follow along with some of the information. Be

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assured also that your presence here today and your testimony are important to us and it's critical to the operation of our state government. Whenever we complete the testimony of all of those that are wishing to testify in this room, we are going to have to cycle in some of the folks from the other overflow room. So please be mindful of that, work with the Sergeant at Arms. They will direct you as to...if we need to move people in and out to accommodate those additional testifiers. Please be sensitive to that. We now open the hearing with our first bill, LB623, and we invite Senator Nordquist to open.

SENATOR NORDQUIST: Thank you. Chairman Smith and members of the Transportation Committee, I greatly appreciate you hearing LB623 today. I am State Senator Jeremy Nordquist, N-o-r-d-q-u-i-s-t, and I represent District 7 in downtown and south Omaha. The issue before us today is--we have young, talented people in Nebraska with Deferred Action...temporary relief through the Deferred Action for Childhood Arrivals or DACA program. These young people are often referred to as DREAMers who are allowed to stay here under DACA and obtain work permits. But our state is refusing to allow them to apply for a driver's license. In Nebraska, obviously, it can be hard or nearly impossible to get to work without a car. The question we have before us is--why would we want to limit their ability to work and to contribute to our economy? In 2013, the Heineman administration announced that the state Department of Motor Vehicles would not issue driver's licenses to DACA recipients and directed the DMV to deny them licenses. The state's legal argument is that DACA does not provide lawful status as the term is used by immigration authorities. The problem is that under the REAL ID Act, the federal law which 60-484.04 implemented, Deferred Action is considered lawful status for purposes of issuing driver's licenses. This Legislature last significantly touched the driver's license statute in 2008 in order to implement the federal REAL ID. We fully intended the statute to track federal law which is why our current law, 60-484.04, says: Applicants for driver's license must present a valid documentary evidence that he or she has lawful status. One example of appropriate evidence is subsection (e): An employment authorization document or EAD issued by the United States Department of Homeland Security. DREAMers under DACA do have an employment authorization document. DREAMers have a Social Security card. The Department of Homeland Security has issued both of these documents to DREAMers but our Department of Motor Vehicles has been turning them away. DREAMers are not citizens yet, but they are lawfully present. Nebraska allows many other noncitizens to get driver's licenses. We allow asylum seekers to drive. We allow people with Temporary Protected Status to drive. We allow those with Deferred Enforcement Departure to drive. And we allow those who have applied for adjustment of status to drive. DREAMers are the only category of work permitholders who cannot drive in Nebraska. And Nebraska is the only state, the only state in the country, that does not allow DREAMers to drive. This is a policy that needs to change and we are attempting to change it with this legislation. There is a lawsuit pending against the state on behalf of young DREAMers who have work permits and Social Security numbers but are refused a driver's license. That case is due to go to trial on April 29. However, it certainly wouldn't be necessary to have a lawsuit if

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this committee and the Legislature would clarify the intentions of the 2008 REAL ID codification law. This is why I've introduced this bill. I want DREAMers to have driver's licenses so they can get to college, get to their jobs, get to their internships, go to church, their medical appointments, take care of their families. You'll hear from some of these people today and hear about the barriers they face without a driver's license. Nebraska should have a sound public policy consistent with the vision of Nebraska as a state that welcomes talent and young...talented and energetic immigrants that come to our communities. And I hope you'll consider advancing this bill. Certainly, from someone who represents south Omaha, this is critical to the future of my community. But I am adamant that this is critical to the future of our entire state. We have 2,300 DACA recipients all across the state, about a thousand of them are in the metro area. We've had roundtables with senators this summer that we invited folks to, Senator Mello, Burke Harr, Schilz, a number of people attended and heard the stories of these people who are college educated, who want to go on to be doctors and lawyers and contribute to our communities. And we have invested...well, let me just say this--a number of these kids have come here when they were one, when they were two, and they're teenagers now, some of them in college. They've been in Nebraska longer than I have. I came here in 2000 to go to Creighton; I've been here 14 years. They're as much Nebraskan as I am. They know of no other place as home. And we, unfortunately, have a policy right now that is holding them back. We've invested, as taxpayers, thousands of dollars in their K-12 education. And with instate tuition, we're investing thousands of dollars in their higher education for those that want to pursue higher education. And they have the option to take that investment to 49 other states in this country and get a driver's license. We have the option today with this bill to turn back and say, we welcome you to Nebraska. Thank you. [LB623]

SENATOR SMITH: Thank you, Senator Nordquist, for your opening. Do we have questions from the committee? Seeing no questions, are you going to remain for closing? [LB623]

SENATOR NORDQUIST: I'm going to. I have three other bills today and depending on how long this hearing goes, I may be in and out. I'm going to try to stay around as long as I can. Thank you. [LB623]

SENATOR SMITH: Thank you, Senator Nordquist. We now begin with proponents, those wishing to testify in support of LB623. Welcome. [LB623]

CHARLES ELLISON: (Exhibit 1) Good afternoon. Dear Chairman Smith and honorable members of the committee, my name is Charles Ellison, E-l-l-i-s-o-n, and I'm the legal director for Justice for Our Neighbors Nebraska, a faith-based, nonprofit organization that provides high quality immigration legal services. I'm testifying today to express our support of LB623. As Senator Nordquist explained, the purpose of this bill is to reaffirm the legislative intent of the

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statute which was to implement the standards laid out in the REAL ID Act, which very clearly include recipients of Deferred Action in terms of being eligible to receive their driver's license. And while our position is that the existing Nebraska statute and its legislative history show that the REAL ID standards were adopted, the former Governor instructed the DMV to single out these young people who benefited under the DACA program for denial of their licenses and the current administration has yet to change that position. And as Senator Nordquist said, as a result, Nebraska now stands alone in the country taking this legal position on this matter. The practice of granting Deferred Action dates back many decades. It's been referenced within federal regulation since 1987. It's been acknowledged by Congress. It has been recognized by the U.S. Supreme Court. And while immigrants given driver's licenses are allowed to lawfully work, Deferred Action does not independently lead to lawful permanent residence or citizenship. It does not authorize one to vote. And it does not undermine the current immigration system. It should be noted that the recent temporary injunction from the Texas district court did not apply to the 2012 DACA program, demonstrating the continuing need for Nebraska to address this issue. Deferred Action is granted in a variety of different situations. Nebraska currently issues driver's license, as was said, to immigrants of any type of Deferred Action except DACA. Arizona's similar policy has already been struck down as being unconstitutional. And the Nebraska District Court Judge Smith Camp has made...has said that making those kinds of distinctions would not likely pass rational review. Therefore, rather than continue to waste taxpayer dollars defending a directive that violates the law, LB623 should be passed to put an end to it. Our state's current practice is bad policy. The young people targeted by this directive were brought as children. In fact, many were toddlers. They've resided in the United States since before 2007, they've been honorably discharged from the U.S. Armed Services or Coast Guard, and they're not a threat to public policy. Economists have estimated that nationally, over their lifetime, recipients of DACA will produce an estimated \$1.6 billion in increased tax revenues. Nebraska can continue with the policy that sends these young people and their tax revenues to neighboring states or we can choose to benefit from what they have to offer. The state motto is "Equality before the law." These youth are asking for nothing more. Thank you. Are there any questions? [LB623]

SENATOR SMITH: Thank you for your testimony, Mr. Ellison. Do we have questions from the committee? Senator Davis. [LB623]

SENATOR DAVIS: Just a couple, sir. You made reference, I think, to the Armed Services. So you're telling me that people who served in the Armed Services are not able to get a driver's license? [LB623]

CHARLES ELLISON: People who served under the Armed Services who are granted DACA for that purpose would be denied, just like any other individual granted DACA, to get a driver's license in this state, assuming we could... [LB623]

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SENATOR DAVIS: So after their service is over, then they can't drive? Is that what you're telling me? [LB623]

CHARLES ELLISON: If they qualified under this program, yes, sir. [LB623]

SENATOR DAVIS: It seems like a terrible injustice to me. Thank you. [LB623]

CHARLES ELLISON: To me, too, Senator. [LB623]

SENATOR SMITH: Senator Garrett. [LB623]

SENATOR GARRETT: Thank you, Speaker (sic). Do you have any idea how many DREAMers in Nebraska are honorably discharged veterans? [LB623]

CHARLES ELLISON: I don't have that data, sir. To the best of my knowledge, USCIS doesn't break down the data according to which of those disjunctives one qualifies under, but I don't have that data, sir. [LB623]

SENATOR GARRETT: All right, thank you. [LB623]

SENATOR SMITH: I see no additional questions. Thank you for your testimony. [LB623]

CHARLES ELLISON: Thank you, Senators. [LB623]

SENATOR SMITH: We continue with proponents, those wishing to testify in support. Welcome. [LB623]

JERRY KUENNING: Welcome. Members of the Transportation Committee, thank you for giving me this opportunity to testify before you relating to LB623. My name is Jerry Kuenning, I'm from Imperial, Nebraska, my family operates a diversified farming and livestock operation. [LB623]

SENATOR SMITH: Please, let me ask...let me interrupt you for just a minute. Can you spell your name for us, please? [LB623]

JERRY KUENNING: Yes. J-e-r-r-y, Kuenning, K-u-e-n-n-i-n-g. [LB623]

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SENATOR SMITH: Thank you. [LB623]

JERRY KUENNING: Apologies. I serve on the Nebraska Cattlemen's immigration task force and I am here to testify on behalf of myself and the Nebraska Cattlemen Association in support of LB623. Four years ago, the Nebraska Cattlemen brought together a task force to look at a broad-base immigration issue impacting the beef industry. Immigration is primarily a federal issue and Nebraska Cattlemen strongly encourages Congress to enact a comprehensive immigration reform plan. However, obtaining a driver's license has been part of the task force discussion as well. And it is an area where the state has the authority, as it would be a Nebraska driver's license. The need for skilled labor in rural Nebraska is key for agriculture economy. And part of hiring qualified workers is the ability of those workers to drive to and from their jobs. Granting driver's license to DACA youth is an important step in the growth of the work force in rural Nebraska. There is no doubt in my mind that the young DACA qualifying individuals need to be allowed to have a driver's license. These individuals need to be able to drive to school, their jobs, to pick up their children from day care, as well as the other activities needed to be productive in Nebraska. The immigrant labor pool is varied and diversified within our state. Financially and economically, Nebraska would drop to its knees if it wasn't for the performance of this labor force. Hotels, restaurants, nurseries, construction of all kinds, healthcare, senior care, food processing, and most importantly, the business of agriculture are all dependent upon these men and women that were immigrants. The state of Nebraska needs to join every state in this nation and allow a productive group of DACA recipients to receive a driver's license. In addition to my support and the support of the Nebraska Cattlemen, I want to offer support from the Nebraska Dairy Association, Nebraska Restaurant Association, and the Nebraska Retail Association (sic). I tried to keep this brief in the hopes that maybe you can ask some questions. Thank you very much. [LB623]

SENATOR SMITH: Thank you for your testimony. Do we have questions from the committee? Senator Davis. [LB623]

SENATOR DAVIS: Thank you, Senator Smith. Jerry, good to see you. Any idea how many people that qualify...I don't know how to phrase this...that would qualify for this are working within the agricultural sector? [LB623]

JERRY KUENNING: Don't know exactly, but as was stated earlier, there's approximately 2,300 to 2,400 DACA applicants or qualifiers, a thousand of those being in urban areas. That has to leave at least 1,300 in urban (sic) areas somewhere within the state. [LB623]

SENATOR DAVIS: And a lot of the employees in the agricultural sector, feedlots and those kind of places, are Hispanic, correct? [LB623]

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JERRY KUENNING: The trend is increasing, absolutely. [LB623]

SENATOR DAVIS: Thank you. [LB623]

SENATOR SMITH: I see no additional questions. Thank you for your testimony today. [LB623]

JERRY KUENNING: Thank you very much. [LB623]

SENATOR SMITH: Next proponent wishing to testify in support of LB623. Welcome. [LB623]

ADRIAN SANCHEZ: (Exhibit 2) Good afternoon, Senators. My name is Adrian Sanchez, A-d-r-i-a-n, Sanchez, S-a-n-c-h-e-z, and I am here as the Lincoln area representative of the Nebraska Latino American Commission. I offer the following testimony in support of LB623. I am here to support friends and colleagues, DREAMers who would benefit from obtaining driver's licenses through the passage of LB623. They are teachers, young professionals, fellow alumni, and ambitious entrepreneurs who arrived in the United States as minors and graduated from U.S. high schools. These young, dedicated, hardworking individuals have earned diplomas, launched businesses, and started families in an effort to realize the American dream, a dream of a better life for themselves, their families, while also simultaneously striving to improve and invest in our state and our communities. These DREAMers came to the U.S. through no deliberate action of their own. Many had their roots established in Nebraska by their families, not knowing they had been uprooted from a previous home. They arrived in the U.S. prior to achieving school age and as we all know, parents dictate what children do. For many, the awareness of their status was triggered by their desire to achieve the greatest milestone for youth on their 16th birthday, a driver's license. Many were not aware of their status until they desired the driver's license and were informed by their parents that they were not eligible. With a valid driver's license, these law abiding individuals would be able to obtain auto insurance; lawfully drive to, from, and for work; to grow their businesses by meeting potential and existing clients; to aid and assist homebound neighbors, friends, family; and to transport their native-born children to school, church, and other activities which contribute to building and instilling positive moral character in them and the next generation of our fellow citizens. Nebraska is the only state that does not recognize this fundamental legal right. Forty-nine other states recognize the economic and other intangible benefits of enabling these DREAMers to obtain driver's licenses and Nebraska should join them. I am here to aid these productive members of the state in fulfilling this very reasonable request. I am here to lend my voice to help those who desire to positively contribute to our home state, those who can legally work here but who are unable to obtain a driver's license. Many of these individuals know no other home than Nebraska, having lived here for nearly as long as I, at 33 years of age. Aside from fate and circumstance determining my place of birth, I would be in the same situation. Although they were not born in the U.S., they have spent most of their lives here

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and identify themselves as Nebraskans. Many have been educated in the Nebraska school system and gained business acumen and job experience here in the state. They, too, want to see Nebraska grow and they want to be part of that solution. LB623 enables DREAMers to more positively contribute to our state with little cost to Nebraska, but with potential for tremendous benefits. I encourage you, Senator Smith, and the committee to advance LB623. Thank you for consideration on this important matter. [LB623]

SENATOR SMITH: Questions from the committee? Senator Brasch. [LB623]

SENATOR BRASCH: Thank you, Chairman Smith. And thank you, Mr. Sanchez, for your testimony today. We've heard that there's over 2,000, 20-some hundred. Do you think that this is the complete number of DREAMers? Is this a one-generation allowance for a permit or what if we wait five years? Will that number still be 2,300 or what is your view of five years from now? Will this continue or will there be a change? [LB623]

ADRIAN SANCHEZ: Well, considering they would have had to have been here by a certain date, I don't know if there would be much adjustment to that number but I would not...I don't have enough knowledge to speak on that. [LB623]

SENATOR BRASCH: Okay. I have no other questions. Thank you. [LB623]

SENATOR SMITH: Senator Davis. [LB623]

SENATOR DAVIS: So, can you give me the age group then that we're talking about? [LB623]

ADRIAN SANCHEZ: My age and younger. If I were DACA eligible, I would be ineligible because I would have missed the cutoff date by two months. My birth date of April 15 would have missed the June 16 deadline by two months. [LB623]

SENATOR DAVIS: And then down to... [LB623]

ADRIAN SANCHEZ: Down to...well, you would have...the age range I anticipate, basically my age and younger. So between 2007...they would have had to have been here before turning age 16 and have been here prior to 2007. So I couldn't give you a concrete number. [LB623]

SENATOR DAVIS: And I think you've made reference to this, but some of these people are married and have children that are American citizens. [LB623]

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ADRIAN SANCHEZ: They have families. They have planted roots. Friends, I've met their children, they are native citizens and they are the ones that would also benefit from these driver's licenses. It's not just the individuals themselves. [LB623]

SENATOR DAVIS: And how are they getting to work now? [LB623]

ADRIAN SANCHEZ: Carpool, public transportation for those that do live in the urban areas. In terms of rural, I am not aware. [LB623]

SENATOR DAVIS: So if 49 states have a different law and we have this rule, why are people staying here at all? [LB623]

ADRIAN SANCHEZ: Maybe for the lack of driver's licenses. [LB623]

SENATOR DAVIS: A Catch-22, in other words. [LB623]

ADRIAN SANCHEZ: Exactly. [LB623]

SENATOR DAVIS: Thank you. [LB623]

SENATOR SMITH: Other questions from the committee? Seeing none, thank you, Mr. Sanchez, for your testimony. [LB623]

ADRIAN SANCHEZ: All right, thank you. [LB623]

SENATOR SMITH: Next proponent, supporter of LB623. [LB623]

JIM OTTO: (Exhibit 3) Senator Smith and members of the committee, my name is Jim Otto, that's J-i-m O-t-t-o. I am a registered lobbyist for both the Nebraska Restaurant Association and Nebraska Retail Federation. I'm here to speak in favor of LB623 on behalf of both associations. What you're receiving is...some of you...I think you're all aware that Grover Norquist, famous for tax policy and very conservative person or national leader actually came to Lincoln on February 2 and he spoke to many people. And one of the things that he pointed out in his speech is that if you look at the polling data, the majority of people do support comprehensive immigration reform, of which this is one step in that. And I just want to call your attention to...you can go through all this sometime when you can't sleep, but if you just flip over to the back, the actual one that's highlighted on the back actually applies to this population. And I just wanted to make

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sure that you realized that the polling data...maybe you can go through there and look at it. It does support it. I just wanted to give you guys one quote from what Senator (sic) Norquist said on February 2 here in Lincoln. I went back to the video tape and I actually got it word for word. So this...these are not my words, but Grover Norquist's words and so, the beginning of the quote: People say first we should enforce the law, which actually if you think about it means deporting 11 million people. When we had a 55 mile an hour speed limit, I don't remember any voices telling us, first we enforce the law. Hey, guys, it's a crime to speed. It's not an advisory. It's against the law. First, we enforce the law and then we'll have a debate on what the speed limit should be. Nobody thought that. We said, you know, what we have is a stupid speed limit; let's change it. Then you enforce the law. He went on to say, and I continue to quote: My favorite sign out there was...I think the Hells Angels people put it up and it said: 55 miles an hour speed limit, it's not a good idea, it's just the law. When in the United States we have a law that doesn't work, we change it. And you move it to something that is reasonable and that will make the country better, stronger, and safer and then you enforce it, not the other way around. And we have a 55 mile per hour speed limit immigration law in the United States...end quote. I'd be glad to try to answer any questions. [LB623]

SENATOR SMITH: Thank you, Mr. Otto. Do we have questions from the committee? Seeing no questions, thank you for your testimony. Next proponent of LB623. Welcome. [LB623]

EDGAR DeLEON: (Exhibit 4) Thank you, Chairman Smith and members of the committee. My name is Edgar DeLeon, spelled D-e-L-e-o-n, I am here today not only as a concerned citizens of Nebraska but also as an insurance professional. I am an insurance agency owner which serves Nebraska and Iowa. I have lived in Nebraska since 1994, I was born in California. And my response would be that it's the good life, why would you want to go to any other state? I'm here today because I feel it is incredibly important to provide individuals who have received the status of DACA provided by the Department of Homeland Security the opportunity to obtain a Nebraska driver's license. Considering 1,200 of the approved applicants were 20 years of age or older, it is safe to assume they will be driving to work or to school. I understand immigration is a much debated and controversial issue and it is my hope that during this hearing the issue of obtaining a license to DACA recipients is not seen as an immigration issue. It is a matter of public safety. As a licensed Nebraska insurance professional, I have witnessed firsthand the consequences of unlicensed drivers to Nebraska residents after an automobile accident. In many instances as a result of not having a valid driver's license in our agency we have had to turn potential seekers of insurance coverage away, putting them back on the road without insurance coverage. This creates a potential threat not only to that individual that we have turned away, but also to any Nebraska driver that that person may cause damage...bodily injury damage or property damage to. The inability of these individuals to obtain a valid driver's license presents a serious challenge in obtaining proper insurance coverage. As an insurance professional, it is our mission to educate Nebraska residents on the importance of being properly protected when they

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get behind the wheel of a car. The state of Nebraska enforces for all drivers a minimum of \$25,000 per person for bodily injury and \$25,000 in property damage. This demonstrates an understanding at some point by our lawmakers the dangers one takes when they get behind the wheel of a car. Therefore, such requirements were put in force for all Nebraska residents. DACA recipients have been granted many opportunities already. They now have the ability to obtain temporary work permits and can attend school without fear of deportation with strict qualifications of course, such as they must demonstrate that they are law-abiding citizens and do not pose a threat to national security or public safety. Therein lies the greatest conflict and challenge we are presenting DACA recipients. By restricting their access to a driver's license we are, in essence, restricting their access to obtain the required automobile insurance required by our state's law. The DACA requirements are pretty clear. We do not want DACA recipients to be a threat to the public, so let's do the right thing and allow DACA recipients to obtain a driver's license. By doing so, we ensure that as they are going to work or school they may obey the laws in place in Nebraska and have the proper insurance protection they should, should they be involved in a motor vehicle accident. Thank you for your time; I welcome any questions. [LB623]

SENATOR SMITH: Thank you, Mr. DeLeon. Do we have questions from the committee? I see Senator Friesen. [LB623]

SENATOR FRIESEN: Thank you, Chairman Smith. Just a quick question on some comments you made. I mean, do all people who have a driver's license have insurance? [LB623]

EDGAR DeLEON: They should, absolutely. [LB623]

SENATOR FRIESEN: They should, but they don't. Obviously, we have a lot of uninsured motorists in the state and some of them have a driver's license and some of them don't. [LB623]

EDGAR DeLEON: Right. [LB623]

SENATOR FRIESEN: But...so is it a requirement if somebody comes to you to insure an automobile that they show you their driver's license or does...some member of the family would show you a driver's license and you would insure the vehicle, right? [LB623]

EDGAR DeLEON: That is a great question. Thank you for that. To address your first point, to the contrary, where people who have licenses don't obtain insurance, I see many of the residents of Nebraska that currently do not have the ability to obtain a driver's license seeking insurance coverage. So to answer your question, we have to turn them away. Without a valid driver's

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license, I cannot extend an insurance policy to that person. So, therefore, they leave my office uninsured and I say a little prayer for them. Hopefully, they won't hit anybody on the road that day. [LB623]

SENATOR FRIESEN: Right. But if they're driving a borrowed vehicle, that vehicle should be insured. Correct? [LB623]

EDGAR DeLEON: The vehicle...the coverage does go with the vehicle, that is correct. But at the same time, that is not a permanent solution because by you lending somebody your car you're also extending your liability, which could implicate your policy in the future. So it is not a sustainable, long-term solution. [LB623]

SENATOR FRIESEN: All right. I agree with that, I'm just trying to straighten out some facts. Thank you. [LB623]

EDGAR DeLEON: Yes, sir. Thank you for that. [LB623]

SENATOR SMITH: Senator Davis. [LB623]

SENATOR DAVIS: Thank you, Senator Smith. And thank you, Mr. DeLeon, for testifying. So you live in Omaha, in the Omaha area? [LB623]

EDGAR DeLEON: The beautiful city of La Vista, yes. [LB623]

SENATOR DAVIS: La Vista. And do we know how many of the DREAMers there are in the Omaha area? [LB623]

EDGAR DeLEON: Well, as of 2013, it seems it's roughly about 2,500 in total in the metropolitan area. As you know or may not know, La Vista is right next to Omaha. So we serve the greater metropolitan area. We service all drivers of Nebraska and Iowa. So it is probably on a weekly basis that I get a phone call from individuals who do not have a license and we cannot extend coverage to them. This is on a weekly, if not daily, basis during some weeks. [LB623]

SENATOR DAVIS: So if they lived in Council Bluffs they could drive. Are you seeing that happen, people moving to Iowa in order to get the license? Still working in Nebraska like a lot of people do, but living in Iowa and paying taxes there? [LB623]

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EDGAR DeLEON: Sure. I would say because of my geographical location... [LB623]

SENATOR DAVIS: You're too far away. [LB623]

EDGAR DeLEON: ...off 96th and Giles, the majority of the people that I serve are in Nebraska. So I think in over the year that I've been in business almost, I've maybe written two Iowa policies. [LB623]

SENATOR DAVIS: Thank you, sir. [LB623]

SENATOR SMITH: I see no additional questions. Thank you for your testimony. [LB623]

EDGAR DeLEON: Thank you, committee, for your attention. [LB623]

SENATOR SMITH: Next proponent, supporter of LB623. Welcome. [LB623]

MARIA FLORES: (Exhibit 5) Good afternoon. My name is Maria Flores, F-l-o-r-e-s. When I was 13 years old my family decided to move from Mexico to Omaha, Nebraska, where I now call home. Although it was a difficult transition, especially in school, I was actively involved in multiple clubs where I was president and even wrote for the school newspaper. After high school, I went on to receive a major in sociology from Bellevue University with the help of scholarships and funds. When the Deferred Action was announced by President Obama in 2012, I was excited to know that I would gain opportunities to succeed in my life. My plan was to go into social work upon graduating in 2010. But unfortunately, I haven't been able to, because a driver's license is required for that field. There have been times where I have considered leaving the state out of frustration. But this is my home. More than anything, I feel disappointed to know I was able to get a higher education and still be limited to the opportunities I could obtain if I had a driver's license. Aside from not being able to pursue my career, as a mother I seek to provide my children with everything that they need. It is essential for me to get around without having to depend on others for rides for when I need to go to school or medical appointments. I am a mom, community leader, business owner, mentor, and volunteer at heart. I have had many blessings here in Nebraska and I want to stay here but I sometimes wonder if it would be easier in another state. I hope that after hearing my story it would encourage you to support LB623 and that the many individuals like me would like to continue contributing to the place they call home. I am happy to answer any questions that you may have. Thank you. [LB623]

SENATOR SMITH: Thank you, Ms. Flores. Do we have questions from the committee? I see none. Thank you. Next proponent, supporter of LB623. Welcome. [LB623]

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BEVERLY REICKS: (Exhibits 6, 7, 8) Good afternoon. Chairman Smith, members of the Transportation and Telecommunications Committee, I am Beverly Reicks, B-e-v-e-r-l-y R-e-i-c-k-s, president and CEO of the National Safety Council Nebraska. The National Safety Council Nebraska is a nonprofit, community-based, service organization accredited by the National Safety Council. We are a membership organization comprised of businesses, government agencies, and community organizations interested in the advancement and promotion of safety and health in the workplace, on the road, and in the community. I appear before you today in support of LB623. As you know, a driver's license can serve many purposes beyond allowing someone to operate a motor vehicle. Employers require valid identification of their employees. Banks require valid identification for people to open accounts, and airlines need driver's licenses or ID cards to identify their passengers. The mission of the National Safety Council Nebraska is to promote safety and health by providing programs, resource services, and education to prevent and reduce both the personal and economic loss associated with injuries, accidents, and health hazards. We promote safety and accountability on the roadway through our Teen Driver Education, Adult Driver Education, Motorcycle Safety Training, traffic diversion program, and numerous driver-training programs aimed at specific groups of drivers. We know that drivers who are educated in the rules of driving, who pass required tests, who carry automobile insurance contribute to the overall safety and security of all drivers on the road. No one can get a driver's license without passing a basic driver knowledge or skills test...and/or a skills test and/or completing a DMV-certified driver education program. In 2011, the AAA Foundation for Traffic Safety issued a report called "Unlicensed to Kill" that indicated a direct connection between increasing licensing of drivers and increased traffic safety. The report stated: Drivers who operate motor vehicles without a valid license are believed to be among the worst drivers on the road. I've provided you with a copy of the original 2009 report and a report updated with 2011 data. In 2011, 11.5 percent of drivers in fatal crashes lacked a valid license; they were either suspended/revoked, unlicensed, or they had an expired document. Of that number, 4.1 percent of all drivers involved in fatal crashes over this period were unlicensed, meaning they had never been issued a driver's license. Unlicensed drivers are 9.5 times more likely as validly licensed drivers to leave the scene of an accident, compared to 1.7 percent of validly licensed drivers who leave the scene. Unlicensed drivers involved in fatal crashes are twice as likely as validly licensed drivers to have a BAC of 0.08 or greater. Licensing all drivers promotes safer roads in our state. Police are able to use a license to identify a motorist during a stop or traffic check. First responders and healthcare providers are able to use a license to identify individuals they are assisting. And drivers are more likely to stay at the scene of an accident. In fact, denying driver's licenses to segments of the population makes everyone in our community less safe. The National Safety Council Nebraska calls upon our new Governor and the members of the Legislature to work together for the common good of all Nebraskans to ensure that consistent, proper, and secure requirements are in place that will provide an opportunity to develop a safe driving culture among our immigrant neighbors. Issuing a permit or driver's license to these individuals who can present properly issued identification documents that can be vetted through the existing systems

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and who can demonstrate a knowledge of rules of the road and proficiency behind the wheel will not only allow young people here today to contribute to the prosperity of their home state, but will help make Nebraska's roads safer for all. I'll be happy to answer any questions you might have. [LB623]

SENATOR SMITH: Thank you, Ms. Reicks. Do we have questions from the committee? Senator Davis. [LB623]

SENATOR DAVIS: So you're telling us this is an issue of public safety then? I mean, this is going to make our roads safer? Is that what the Safety Council is... [LB623]

BEVERLY REICKS: Well, I think the study shows that when we have unlicensed drivers on our roadways we are not as safe as we would be if everyone were licensed properly. [LB623]

SENATOR DAVIS: And you, I think, made reference...one of these charts talks about the hit-and-run issue. Do you know if that's...I mean, we hear those stories in the past that illegal immigrants had hit-and-run incidents because they didn't have a license. Do we have any proof of that in Nebraska? Are there cases like that here? [LB623]

BEVERLY REICKS: I think, in my experience here in Nebraska--and I've lived here almost all of my 52 years except for when I was away at school--that is...you could probably find dozens of stories, particularly in the metro area. I think what you do when someone is undocumented, they don't have a driver's license, they don't have a registered vehicle, they don't have insurance, you just are giving them an opportunity to flee and probably creating that. Certainly, we've heard of that. [LB623]

SENATOR DAVIS: It has nothing really to do with your immigration status. It has more to do with the fact that you don't have that license? [LB623]

BEVERLY REICKS: I think it probably has a lot to do with that, yes. [LB623]

SENATOR DAVIS: Thank you. [LB623]

SENATOR SMITH: Other questions from the committee? Seeing none, thank you, Ms. Reicks. [LB623]

BEVERLY REICKS: Thank you. [LB623]

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SENATOR SMITH: Next proponent of LB623. Welcome. [LB623]

DIANA THOMAS: Thank you very much. Senator Smith, members of the committee, thank you very much for allowing me to testify today. My name is Diana Thomas, D-i-a-n-a T-h-o-m-a-s, and I'm a Ph.D. in economics from George Mason University and the associate director for the Institute for Economic Inquiry in Omaha. Not allowing young adults with DACA status of teen licenses makes it difficult, if not impossible, for them to hold down a job, support themselves economically, contribute to society productively, and pay taxes, as you already heard. And then I think it particularly hurts Nebraska's economy in the following way: Young Hispanics have a penchant for starting new businesses. They represent only about 17 percent of the U.S. population but they were responsible for 20 percent of new business starts in 2013. So that shows that on average at least, they're more likely than any other group in the population in this country to grow the economy. Nebraska's policy of not issuing licenses to these people makes it less likely for them to stay in this state and contribute to the economy of the state. So it hurts the Nebraska economy and it's an economically unsensible policy. As we've heard, keeping the DACA recipients from obtaining licenses also incentivizes uninsured driving. They often fill much needed positions in agriculture and you've heard about that as well already. I would like to provide an example from Alabama. In 2011, the Alabama tomato crop rotted on the vines because Alabama had just passed a relatively stringent law that required immigrants to provide new identification when they were met by law enforcement. Now that is obviously a different law than what we are talking about today. However, what you see here is that when you make the circumstances in your state relatively unattractive for immigrants to stay in your state, then they will leave and that will harm your economy. In Nebraska that will harm the agricultural economy, which is the driver of this state's economy. And so it is harmful to the state to continue to refrain from issuing licenses to DACA status holders. I, therefore, support this bill. Thank you very much. [LB623]

SENATOR SMITH: Thank you, Ms. Thomas. Questions from the committee? See none, thank you. Next proponent, supporter of LB623. Welcome. [LB623]

FATIMA FLORES-LAGUNAS: (Exhibits 9-18) Good afternoon. Chairman Smith, members of the Transportation and Telecommunications Committee and everybody else involved, I am Fatima Flores-Lagunas, spelled F-a-t-i-m-a, Flores, F-l-o-r-e-s, Lagunas, L-a-g-u-n-a-s. I am a DACA recipient of Nebraska and I appear before you today in support of LB623. The documents that we are passing around now are testimonies from youth that could not be present today from cities all across Nebraska and also from the Heartland Workers Center on behalf of the south Omaha community. I speak with you today disappointed, saddened, and hurt, because this state that I have called home, the state that I love for the past 18 years has turned its back on me. Everything I know is Nebraska. From field trips in elementary school to Joslyn Castle, to being the first member in my family to attend college, all I have ever known is this wonderful city of

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Omaha. I want to continue succeeding and growing here, but by not allowing me to have a driver's license it becomes very difficult. Everyday life becomes impossible and you find obstacles where you least expect them. From driving to career opportunities, college, and even something as simple as acquiring a cell phone contract all become unattainable. Our potential is drastically limited and we painfully and vicariously watch as our peers and friends achieve their goals but we're left back standing. Why, when in our hearts and in our minds we're every bit as deserving, when we work, fight, and struggle to accomplish those goals, when all we want to do is give back to this community and this country? But all of that can change today. This decision will proactively affect the state in so many ways, from a safety standpoint to economic. Even more so, you will gain a population of passionate individuals that are ready to prove their worth. As you can see in this room, we are present. We may just be voices but we represent thousands of hardworking, dedicated, motivated individuals that want nothing more than to contribute to this state that they call home. The youth advocates and supporters in this room, the overflow room, and all over Nebraska ask you one thing today--please pass LB623, invest in your future. Don't cut us off. Don't let us leave. We don't want to leave our home. Thank you. I welcome any questions. [LB623]

SENATOR SMITH: Thank you for your testimony. Do we have questions? Senator Davis. [LB623]

SENATOR DAVIS: Well, I guess I'll ask you the same question I asked earlier. Why are people staying here with such an unfriendly environment? [LB623]

FATIMA FLORES-LAGUNAS: We stay here because...I arrived here when I was 6 years old. My friends, my family, my school, and my job are all here. And it's very frightening to think of packing everything up and going to a state that you don't want to go to because I live in Dundee Omaha. And I love the walks that I take to Memorial Park. I love spending time with my friends in downtown Omaha. And I don't want that to be limited by having to go to another state. I want to contribute because Omaha has done so much for me. I've been educated, I've been raised here and thinking of giving that to somebody else feels like I'm turning my back on them. And that's not something that I want to do. I want to have a family here. I want to continue growing. I hope to one day hopefully finish my career and be an art therapist in Omaha to give back to a community and the children. That's why we don't leave. [LB623]

SENATOR DAVIS: So you made reference to getting a cell phone. [LB623]

FATIMA FLORES-LAGUNAS: Yes. [LB623]

SENATOR DAVIS: Can you talk a little more about that? [LB623]

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FATIMA FLORES-LAGUNAS: I tried to acquire a cell phone when I got my worker's permit. And Verizon and Sprint were very hard-pressed to give me any kind of contract because they do not see it as a valid form of ID. Even though it is government issue, they're like, we need you to have a driver's license. If you do present this, which we would be hard-pressed to take, you would have to pay a very high fine. And to be honest, what I had to pay was \$1,200 if I wanted to have a cell phone contract to be able to communicate with myself, my family, my work, my job, school. So they're very stringent upon those things and that's something that I didn't expect. I want to go, I want to get a cell phone, have it in my name so I can start building credit because I want to be financially responsible, but they did not allow me that opportunity. [LB623]

SENATOR DAVIS: Thank you. [LB623]

FATIMA FLORES-LAGUNAS: You're welcome. [LB623]

SENATOR SMITH: Senator Brasch. [LB623]

SENATOR BRASCH: Thank you, Chairman Smith. And thank you for coming forward to testify today. Did you say how old you were when you came here? [LB623]

FATIMA FLORES-LAGUNAS: I was 6; I am 24 now. [LB623]

SENATOR BRASCH: Okay. And do you...I guess when you talked about your friends, are your friends also DACA community or mixture of friends or... [LB623]

FATIMA FLORES-LAGUNAS: I've had the opportunity to meet a vast amount of people. And in my years of living here in Omaha, I've met DACA recipients, I've met DREAMers, I've met citizens of the state and the country. And they all, thankfully, have embraced me and my status because growing up, that was something I was very fearful of, being turned away by my friends and my colleagues because of my immigration status. But they, thankfully, welcomed me with open arms. And thinking of having to rebuild those relationships in a different state is quite taxing because these have been my friends since I was six, seven, for the past ten years. We graduated high school together. You know, I saw them attain the opportunity to have a driver's license. As a passenger I was like, this is what I want my life to be. And I want to continue building those relationships, you know, whether it be legally...you know, I hope that one day we can all come to terms and see that we're not really different because you never know where there are DREAMers or there are DACA recipients in your life. We are everywhere in every facet of your life. You just may not see it because we're either too afraid to come because we may be judged or because of different circumstances. [LB623]

SENATOR BRASCH: You had indicated you rely on public transportation? [LB623]

FATIMA FLORES-LAGUNAS: I rely on public transportation and, thankfully, because I do live in Omaha and the Dundee area I can take the bus. I also have friends that are willing to take me to work. But it also becomes, in my point of view, I feel like I'm annoying people when I tell them, hey, can you give me a lift? Hey, can you go ahead and just...you know, it's really cold out. I don't feel like waiting for the bus. [LB623]

SENATOR BRASCH: Do you think that others are driving unlawfully? [LB623]

FATIMA FLORES-LAGUNAS: That is something that I would not know. That's the people that they...if they came forward and said that. But I know that I'm trying to do the best that I can to be law abiding because it's a big opportunity for us and we don't want to diminish that by driving illegally or not having a license, because we have worked very hard to get here. [LB623]

SENATOR BRASCH: And you mentioned your immigration status. Can you explain that to us? What does that mean? [LB623]

FATIMA FLORES-LAGUNAS: That means I was brought to the U.S. at a very young age, at six, because of the opportunities that the United States held. So I lived in the shadows as a undocumented individual from six years old through high school, even in college. So it's something that's affected me personally because I haven't had the opportunity to take advantage of these scholarships that were given to me. The financial aid that I could have had but couldn't because I didn't possess a Social Security number. So by allowing us to have DACA, which was not an easy feat because you have to meet certain qualifications, it really opened a door for us that had been shut. But on the other hand, we can't get licenses. So we want to contribute, we want to work, we want to pay taxes, but we can't get to work. It's limiting in that way. [LB623]

SENATOR BRASCH: Do you anticipate reaching a legal status at any point or immigrationwise? [LB623]

FATIMA FLORES-LAGUNAS: I hope so. I'm fighting very hard to, like I said, to be law abiding because I don't want any decisions that I take now to affect that future opportunity that I have. [LB623]

SENATOR BRASCH: Is there a path in achieving that at this point or... [LB623]

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FATIMA FLORES-LAGUNAS: Right now, as my state as a DACA recipient, as a DREAMer, there is none. [LB623]

SENATOR BRASCH: There is none. [LB623]

FATIMA FLORES-LAGUNAS: There is no path that we can take. So we are really heavily dependent upon DACA and really kind of at the mercy of whoever may either continue the law or get rid of it. [LB623]

SENATOR BRASCH: Okay, very good. I have no other questions. Thank you. [LB623]

FATIMA FLORES-LAGUNAS: Thank you. [LB623]

SENATOR SMITH: I see no additional questions from the committee. Thank you, Ms. Flores-Lagunas for testifying. [LB623]

FATIMA FLORES-LAGUNAS: Thank you. Thank you. [LB623]

SENATOR SMITH: Next proponent, supporter of LB623. Welcome. [LB623]

LAURA FLORES: (Exhibit 19) Good afternoon, Transportation and Telecommunications Committee. My name is Laura Flores, L-a-u-r-a F-l-o-r-e-s, I'm a freshman prelaw and political "sci" major at the University of Nebraska-Lincoln. I am from Kimball, Nebraska, District 47. I'm here today, not just to show my support for LB623, but to ask you to please take into consideration this bill because I know personally the hardships it is creating. LB623 wouldn't just give good moral character DACA students like me a driver's license. Instead, it is giving the many ambitious children hope and a voice in this positive DACA movement in Nebraska. The fact that many DACA students have taken the initiative to fight for a civil right by coming out today out of the shadows, acknowledging their parents' crime committed when they brought their children illegally to the U.S. in search of the American dream against the child's own will and possibly even jeopardizing relatives' safety by testifying today, is more than enough proof to show that we want to fix our parents' mistakes. For some, our parents, like mine, are trying to fix their mistake and have applied for legal status and obtained it. But due to the fact that they haven't been granted full citizenship or the fact that it takes a long time to apply for citizenship, it restricts them from helping their children's statuses, again, leaving their children alone to fight for their stay in America, a place they know and respect as home. This movement is allowing us to ease the burden that has for too long restricted us of rights we deserve like instate tuition, temporary work permits, and Social Security. The right to obtain a driver's license shouldn't be

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the one right denied. Students like me are willing to do as much as they can the right way from now on. Denying them of a driver's license is diminishing their positive attitude and efforts. Driver's licenses are a plus that are needed for many certainly daily routines like jobs, pursuing further or higher colleges, or simply emergency traveling. I beg that you all have a change in heart and see the effort Nebraska DACA recipients, lawyers, and advocacy groups are putting forth for this positive movement. I'll welcome any questions. [LB623]

SENATOR SMITH: Questions from the committee? I see none. Thank you, Ms. Flores, for your testimony today. [LB623]

LAURA FLORES: Thank you. [LB623]

SENATOR SMITH: Next proponent of LB623. As the next proponent comes forward, let me see a raise of hands how many more testifiers we have today. All right, thank you. Welcome. [LB623]

MARY McKEIGHAN: I'm in favor of passing LB623. My name is Mary, M-a-r-y, McKeighan, M-c-K-e-i-g-h-a-n, I live in Ralston. I'm a member of Omaha Together One Community, the immigration action team. I started volunteering at South High School about three years ago, so I think this is a good place for me to come in. I knew nothing about what existed for immigration and how that illegal immigration affects you as a person. I learned fast. I see now these bright young faces before me and I hope to be a voice for them today. I read their stories and see the gifts they can bring to this state. They are being educated in our schools and our colleges. We have kids who one of their parents have been deported. They don't have enough money hardly to buy clothes. And yet they rank third in their class and have 18 college credits already. Many of these kids work full-time jobs too. They deserve to have a driver's license in this state. We need to make it much easier for them to bring their gifts to our state. We are only losers when we do not allow them to have a driver's license. Any questions? [LB623]

SENATOR SMITH: Questions from the committee? I see none. Thank you, Ms. McKeighan, for your testimony. Next proponent. Welcome. [LB623]

KATHLEEN ERICKSON: Thank you. Good afternoon. My name is Kathleen Erickson, K-a-t-h-l-e-e-n E-r-i-c-k-s-o-n. I am a Sister of Mercy. I am also a member of OTOC immigration action team that Mary mentioned. And I'd like to say that my congregation of Sisters of Mercy has been really involved in this immigration issue for a very long time and very concerned about it. I, myself, worked for about 18 years at the U.S./Mexico border very near El Paso and Juarez, Mexico. Many of the immigrants that I knew at that time had come to the United States because they had been encouraged, invited, or even recruited by businesses in the United States. And

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also, at that time the border was like a different world, it was not the way it is now. It was not fenced and closed and militarized at the time. When I would ask the immigrants that I knew why they had not gotten their status, the most common answer that I received why they hadn't gone through and gotten their citizenship, the most common answer that I received was that there was no need to. That they were going to but nobody ever asked them for their papers, nobody asked them if they were citizens. They were able to get jobs, they were able to send the kids to school, to buy or rent housing, and to take care of their financial situation without. What happened was that the system changed. And we've been hearing how the system is affecting individual lives now. The system changed on those people, especially after the passage of NAFTA when that passed in 1994 and it hardened after 9/11. The border changed very much and, as you know, our country changed very much after 9/11. So those people who had come to this country, were raising their families and living ordinary lives and paying their taxes were caught in that system. And I'm seeing many of them now. I saw them at the border in the detention centers and they're in the county jails here now. They have been criminalized and their families are being ripped apart in ways that they had no way to foresee. They had no way to foresee that they should have followed up and gotten those citizenships. So there are many families who have...who when they came did bring children from their country of origin, but then they have children who were born here. So families that are mixed and have the ones...all of them have been raised as American kids. You couldn't tell which ones were born here and which ones were born somewhere else. So now, as our system is offering DACA, the Deferred Action on the status of these young people who only know this country as their home, I'm asking you to please think about making it possible for them to get their driver's license so that they can get their education, so that they continue their lives as they know them here. Our system has become very inhumane. But you all are not the system. You are the people who can make some changes in the system and stop this very difficult and painful and destructive situation. Thank you. [LB623]

SENATOR SMITH: Thank you for your testimony today. Questions from the committee? I see none. Thank you. [LB623]

KATHLEEN ERICKSON: Thank you. [LB623]

SENATOR DAVIS: Next proponent of LB623. Welcome. [LB623]

IAN FALLON: (Exhibit 20) Thank you. Senators of the committee, my name is Ian Fallon, I-a-n F-a-l-l-o-n, I am from Randolph, Nebraska, and I am a student in my senior year at Creighton University. I'm employed at the Creighton Center for Service and Justice, or the CCSJ, as a student leader and today I will be testifying on behalf of the CCSJ. From a Jesuit Catholic perspective, the CCSJ seeks to involve students in direct service with persons who suffer and experience injustice in order to awaken the desire and develop the capacity to act with and on

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behalf of the poor and marginalized in our society. The CCSJ supports LB623 because DACA recipients are hardworking members of our Nebraska family. These DREAMers are members of our universities, churches, and communities, and in the state of Nebraska need to commute to and from their places of education, worship, and residence. Not being able to drive limits these young people from being able to contribute to their families and communities. We advocate for a community that integrates immigrants and refugees and this bill makes it easier for these young immigrants who have legal status to feel more at home in our state. We want these young people who are contributing to our economy to be able to do so safely by earning a valid driver's license and by paying for a car, insurance, and gas. From the perspective of the rich tradition of Catholic social teaching, the CCSJ supports LB623 by advocating for all people to have the opportunity to flourish fully as members of one human family. Thank you, and I will take some questions if there are any. [LB623]

SENATOR SMITH: Thank you, Mr. Fallon, for your testimony. Questions from the committee? I see none. Thank you. [LB623]

IAN FALLON: Thank you. [LB623]

SENATOR DAVIS: Next proponent. Welcome. [LB623]

MARY BOSCHULT: (Exhibit 21) Thank you, Senator Smith. Senator Smith and members of the Transportation and Telecommunications Committee, my name is Mary Boschult, M-a-r-y B-o-s-c-h-u-l-t. I'm here for the League of Women Voters of Lincoln and Lancaster County to support LB623, a bill to provide for issuance of motor vehicle operators license and state ID cards to persons with lawful status. The League of Women Voters is a nonpartisan organization that encourages informed and active participation in government. We support this bill as a member of the Nebraska Coalition for Immigration Reform. LB623 addresses issues of social and economic justice. It supports independence and self sufficiency through access to education and employment. It supports our state economy by getting workers to the businesses who need them. And it supports our state economy when people can buy the vehicles, insurance, and fuel to go to jobs where they will be earning money to spend in our state. Thank you for the opportunity to testify. [LB623]

SENATOR SMITH: Thank you for your testimony. Questions from the committee? I see none. Thank you. [LB623]

MARY BOSCHULT: Thank you. [LB623]

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SENATOR SMITH: Next proponent. Welcome. [LB623]

PACKY COLGAN: (Exhibit 22) Hi. My name is Packy Colgan, it'll be spelled on the bottom of the sheet being passed around. And I am a representative of... [LB623]

SENATOR SMITH: But you need to spell it for us on the mike. [LB623]

PACKY COLGAN: Oh. Oh, sorry. It's P-a-c-k-y, is my first name and my last name is Colgan, C-o-l-g-a-n. [LB623]

SENATOR SMITH: Thank you. [LB623]

PACKY COLGAN: I am here to represent the Nebraska Chapter of the National Association of Social Workers. There has been many great testimonies today and the National Association of Social Workers is speaking in favor of this bill. As Maria Flores, Fatima, and Laura have mentioned, it is very difficult to be an active member of the community without a driver's license. And one of social work's key values is the dignity and self worth of a person. If a person cannot feel welcome in their community as the meaning to their self worth and, as social workers, it is our duty to help promote people feeling good about themselves and their own self worth. Another aspect of this bill is the lack of access to economic incentives. As Ellison, Senator Nordquist, Mr. Otto, and Dr. Thomas mentioned, having a driver's license encourages economic activity in the state of Nebraska. Lastly, as Ms. Reicks and Mr. DeLeon mentioned, not having a driver's license poses a risk to public safety in the state of Nebraska. So having these licensing exams in place as well as easier access to insurance will help guarantee the safety of Nebraskans. Thank you. I just gave a brief testimony because there are many people coming forward. I am willing to answer any questions you may have for me. [LB623]

SENATOR SMITH: Thank you, Mr. Colgan, for your testimony. I see no questions from the committee. Thank you. Next proponent. Proponent. And again, let me see a show of the hands, remaining proponents on this bill that's in the room. Okay. The reason I'm asking is, once I see that number drop down I'm going to let the folks that are watching us from the overflow room know so they can start moving in for their testimony. Welcome. [LB623]

JUAN GALLEGOS: Good afternoon, Senator Smith and members of the committee. My name is Juan Gallegos, J-u-a-n G-a-l-l-e-g-o-s, and I'm here as a board member of the Nebraskans for Peace, but also, most importantly, I'm a directly affected Deferred Action recipient. In 2001, when I was 12 years old, my parents had to make the most difficult decision of their life. They decided that they no longer could live in poverty and they had to move to where the opportunities

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were. And just like everyone's ancestors in this country, they decided that America was the land of opportunity and it was the place to be. So we moved to Hastings, Nebraska, and that's where I grew up since I was 12 years old. I was able to graduate from Hastings High School, 36th in my class after learning English, and with a full tuition scholarship that I took advantage of at the University of Nebraska in Kearney where I studied multimedia. After that and because of the lack of access to a driver's license, I moved to Denver where I was able to work as a director of communications for a nonprofit organization that works statewide. And I was able to get my driver's license for the first time after I graduated college. Because of a family emergency back here at home, I had to move back. But before I moved back I had some great accomplishments that I'm very proud of. I was able to get some of my work published in national outlets such as The New York Times and MSNBC, and some of my work is even published on Congressional Record in D.C. All those opportunities I had because I was able to get a driver's license over there, which meant I was able to get a job and I was able to work throughout the state directing communications for a nonprofit organization. So after I moved back, I find myself again without the ability to get a driver's license, which makes it a lot more difficult to get a job. A lot of the job postings that I see require a driver's license to be able to travel either between different offices or to...more recently I applied to work as a paralegal for an immigration law firm. And they have satellite offices different places of the state. And without being able to drive, there would always be a need to have somebody else from the law office come with me if I'm going to be on both satellite offices. And so I think it would be a great benefit, not only for me, but for about 2,600 youth here in the state. And please support this and pass it on to a vote. Thank you. [LB623]

SENATOR SMITH: Thank you. Senator Davis. [LB623]

SENATOR DAVIS: Thank, Mr. Gallegos, appreciate your coming. And your record speaks for itself. My congratulations to you. So you went to the public schools,... [LB623]

JUAN GALLEGOS: Yeah, definitely. [LB623]

SENATOR DAVIS: ...which are tax supported. And then you went to...you went on full scholarship to the University of Nebraska at Kearney, which is also tax supported. And then because of our licensing rules partly, you moved away in order to have a job that you could make a living with. Is that correct? [LB623]

JUAN GALLEGOS: Yes. Yes. [LB623]

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SENATOR DAVIS: So I guess the question I ask of you now is the same one I've asked earlier. Why would anyone come back, even given your family situation, to an unfriendly climate? [LB623]

JUAN GALLEGOS: Well, you know, when the pioneers settled this land, it wasn't a hospitable land but they worked at it. They worked at it as farmers, they worked the land, they were there trying to change the landscape. And that's what we're doing here today. You know, like I'm sitting here trying to change the landscape so it's more hospitable to others, such as like all my friends who...like my little brother who's sitting over in Central Community College in Hastings trying to get an education for himself. I'm here doing that, making the land more hospitable. And in this case, it's not really the land but, you know, like the laws that are in place that are not hospitable. [LB623]

SENATOR DAVIS: And you are...you said you came when you were age 12? [LB623]

JUAN GALLEGOS: Yeah. [LB623]

SENATOR DAVIS: And so you are a taxpayer? You paid taxes in Colorado? [LB623]

JUAN GALLEGOS: Yeah, I did pay taxes in Colorado. And my parents have paid taxes for the state of Nebraska for over 13 years. And you know, I can bring you their tax returns and they always included my... [LB623]

SENATOR DAVIS: They might not like that, you know. [LB623]

JUAN GALLEGOS: Yeah. It's difficult. I...you know, growing up--I would say in poverty of sorts--we always had to...we always had money to eat and we always had a place to live, but even though they...we didn't make a lot of money, their tax bill would always come to thousands of dollars. So they would have to arrange a payment plan every single year and they were always behind on their tax returns because federal law or IRS law does not allow for some people in the community to get all the different tax breaks that are allowed to some others. So in our case, we never really had those tax breaks so they had to pay always kind of like behind trying to catch up with the payment. [LB623]

SENATOR DAVIS: So as to the work that you did in Colorado, when you came back here now that you're...are you working here? [LB623]

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JUAN GALLEGOS: So I'm looking for a job. I just applied as a paralegal for two different law firms. I got two...a few different interviews and it seems to be going well. I think I'm going to hear back this week from one of them. Like I said before, they do have satellite offices in different places like Sioux City. And I would have to go to Sioux City and be able to translate for the attorney. And you know, it feels like there is no public transportation between like here in Lincoln and Sioux City or between Omaha and Sioux City. And so it would be great if I could just get in my car and go there. [LB623]

SENATOR DAVIS: And I guess my question kind of is this: This inability to get a driver's license impedes your ability to be a good taxpayer. Would you say that? I mean... [LB623]

JUAN GALLEGOS: I would say that because it's hard to find a job. And so like I still pay my taxes and whatever tax bill I would get but without a job you can't really claim any income, so... [LB623]

SENATOR DAVIS: Okay, thank you. [LB623]

JUAN GALLEGOS: Pretty much that's... [LB623]

SENATOR DAVIS: Appreciate it. [LB623]

SENATOR SMITH: Senator Brasch. [LB623]

SENATOR BRASCH: Thank you, Chairman Smith. And thank you, Mr. Gallegos. Correct? You caught my attention when you mentioned the pioneers and, did you say, hostile or unfriendly environment? Is that correct? [LB623]

JUAN GALLEGOS: Yes. [LB623]

SENATOR BRASCH: And the reason I'm addressing you this morning or this afternoon, excuse me, is my parents came here as legal immigrants in the '50s. They were not the pioneer era but they went through great effort, a lot of checks and balances, they had a sponsor family, they worked with the church. English was my second language. I helped be their interpreter, so I have a lot of things. But they came here in a legal process and they waited. And I understand what we're working and looking at with DACA that you were brought here. And so my questions again, you know, come back to the difference between a legal presence versus a legal status in the country. And I don't think it's hostile, it's just trying to get a better understanding of our immigration laws. And we had another testifier who talked about how dramatically immigration

has changed over the years and we're talking about a different time as well. And so I believe as a committee and as a state, we're trying to exercise great prudence and in looking at what does this mean. I asked that question earlier. Are we talking about a community of 2,500 people that we have temporary legislation, we get this done this year, and then there are no more? Or is this a generational...you know, what are we looking...what do you anticipate we will be seeing over the next five years? [LB623]

JUAN GALLEGOS: Well, I am not an attorney but, you know, immigration law is very complicated and it's also in the midst of a change. I've been advocating for more lax immigration laws for the people that are already contributing to our tax base. And I've been advocating for all of those that are already working, are productive members of this society and don't have access to such things as like as a path to citizenship. And so I've been advocating for that path to be open and there's different approaches. You know, like some people in the business community want to keep that open because they feel that we're going to need the influx of immigrants on the future. I personally don't have a sense on it because from what I see is this nation became great because we have this immigration coming in. And immigrants built this nation and it's not just something that we write on the Statue of Liberty or different places. It's something that's real. Like it's always been a nation where people come in and build a life for themselves and build a future. So I'm hoping that we'll still be welcoming immigrants, welcoming the poor, welcoming the huddled masses. And I can only hope for it and fight for it but I don't know that Washington... [LB623]

SENATOR BRASCH: And I can see, it will continue. However, we do have to look at since September 11 and you turn on the national news and there's great concern for personal safety. My only concern is when we're looking at like an undefined population, an open-ended date. And immigrants can be of all nationalities and both borders and across the ocean. And like your family, mine also came here very, very poor. We had no vehicle till I was almost 10 years old. And I was born here, so. But, you know, it's a difficult decision to look at. And in looking around the room, we want to do the right thing, but we also want to remember that we are a nation of law and are we looking at one group. And that's the biggest question I have is, how does this change immigration which is federally regulated? But I don't mean to put you on the spot. You just said a few things that just kind of hit home for me. [LB623]

JUAN GALLEGOS: And you know, I'm not an expert on any of this. I'm just a young person trying to make a change, so I don't have all the answers. But I do think that, you know, we have great potential. And we're always at the whim of somebody's pen. It's always like it's either the President, it's either the Governor, it's either somebody else. And I'm just like, I want to be able to have a little bit of control over my life, so... [LB623]

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SENATOR BRASCH: And you have, you've accomplished so much. And I do commend you for what you've done. And I believe you have further to go. But again, we need to look at what our challenges are regardless. But congratulations on your achievements and your awards and your good work and well meaning. And I don't have any other questions so thank you so much. [LB623]

JUAN GALLEGOS: Thank you. [LB623]

SENATOR SMITH: Further questions from the committee? I see none. Thank you for your testimony today. [LB623]

JUAN GALLEGOS: Thank you. [LB623]

SENATOR SMITH: Next proponent of LB623. Welcome. [LB623]

RAUL AGUILERA: (Exhibit 23) Welcome. Well, hi. My name is Raul Aguilera, that's spelled R-a-u-l, last name, A-g-u-i-l-e-r-a. And like many of us here today, I am a DREAMer with big aspirations in mind. My family moved from Mexico to Nebraska when I was 9 years old. I have resided in the state of Nebraska a little over half of my life. But despite this, it seems that the state has failed to recognize me as being part of it by denying me a driver's license. Ever since I was a child, I have excelled in my academics and have been involved in clubs, sports, you name it. During my high school years, I was conscious of my legal status and worried whether I would be able to achieve my dream of becoming a banker some day. Fortunately, Deferred Action for Childhood Arrivals or DACA had just passed shortly after my junior year, bringing relief and setting those dreams of mine back on track. But despite such a blessing, I came across another roadblock soon after that. Governor Heineman's decision to not allow DACA recipients to obtain a driver's license took a toll on my life. Living in South Sioux City, Nebraska, it was easy for me to just move to Sioux City, Iowa, and obtain my driver's license. But why should I have gone through that hassle? As an active member of my community, I feel as though I deserve this right, not only for myself but for the public safety of those around me. I am currently pursuing a major in banking and finance. And I feel as though without a driver's license I won't be able to fully contribute to my community. Like I previously mentioned, I have lived in Nebraska for over half of my life. This is where I call home and where I plan to establish my future. I sincerely hope my story will encourage you to pass LB623, not only for me, but for the many talented youth to keep them in Nebraska. I'll be more than happy to answer any of your questions if you have any. Thank you. [LB623]

SENATOR SMITH: Questions from the committee? Seeing none, thank you for your testimony today. [LB623]

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RAUL AGUILERA: Okay, thanks. [LB623]

SENATOR SMITH: Next proponent, supporter of LB623. Welcome. [LB623]

JAN GRADWOHL: (Exhibit 24) Good afternoon. My name is Jan, J-a-n, Gradwohl, G-r-a-d-w-o-h-l. I appear here as a former judge and a lawyer who's been very interested in the immigration processes in Nebraska. I also would like to appear as a mother and a grandmother. And I would ask all of you to look at your own lives and think of the difference that a driver's license makes in your life and the lives of your children and your grandchildren. A driver's license is a very precious thing. This committee is a very impressive committee because of the number of degrees that are held by the members of this committee. You'd almost think that it was the Education Committee. But I would ask you to think of when you obtained your own education and what a driver's license might have meant to you or the deprivation of a driver's license would have meant to you. The kids that have appeared before you today, the young people, are so impressive. These are our Nebraska kids. They are kids that we have nurtured in our schools and our universities. There is no reason for these kids to be deprived of driver's licenses. There is no reason for them to be singled out as a special group. They have demonstrated time and time again, in their high schools they've been leaders, they've been valedictorians, and they've been chairman of the student council body, and they have been outstanding athletes, and participants in theater, and other activities. They have done everything they can do to show their intent to be good Nebraskans. And for this state to deprive them of the right to have a driver's license, I think is unconscionable. And I would urge you to correct this error in our laws and to support LB623. I thank you for your time. [LB623]

SENATOR SMITH: Thank you, Ms. Gradwohl. Do we have questions from the committee? I see none. Thank you very much for your testimony today. [LB623]

JAN GRADWOHL: Thank you. [LB623]

SENATOR SMITH: Next proponent. [LB623]

LAZARO SPINDOLA: (Exhibit 25) Good afternoon, Chairman Smith and members of the committee. Thank you for receiving me this afternoon. For the record, my name is Lazaro Spindola, that's L-a-z-a-r-o S-p-i-n-d-o-l-a, and I am the executive director of the Latino American Commission. I am here in support of LB623. When I was eight years old, Fidel Castro came to power in Cuba. One year later, my family moved to Venezuela. For the next 15 years, I enjoyed the benefits of the national healthcare system and the free public education system that included the public universities. They are all free. Before graduating from medical school, the dean of the school of medicine basically told us that the nation had made a big

investment keeping us healthy and educating us and it was time for the nation to get its' investment back. For the next 20 years, I saved hundreds of lives and treated thousands of severely injured patients as a trauma surgeon. So I guess the nation got back its' investment. So it came as a surprise to me when I saw thousands of young people who had come to this country under similar circumstances being denied the opportunity to give back to the state. As a taxpayer, I feel cheated by the fact that my tax dollars went into creating the conditions for these young people to grow and obtain a higher education, and now our state government is denying them the opportunity to pay back some of that investment. We are effectively investing in young, talented people and at the same time telling them that we do not want them, that they should take their knowledge, skills, and talents to other states. What kind of a business strategy is this? Only yesterday, I was listening to NPR and heard that the business and industrial community are concerned because young, talented people are leaving the state. According to the Census Bureau, the only rural Nebraska counties where the population between 19 and 25 years of age is increasing are those with high percentages of Latino population. The DACA recipients that I have spoken with want to stay in Nebraska because here is where their families are, and yet we are doing our best to drive them away. We refuse to acknowledge their presence even after the deferred action granted them work permits and social security numbers. Senators, it is time that we put Nebraska's interest ahead of our ideological convictions. Nebraska needs to keep the best and brightest in order to guarantee a similarly bright future for our state. We talk about that all the time, and yet we dismiss this pool of talented, bright young people who want to give the best of themselves to contribute to the growth of this great state. I would be happy to try to answer any questions that you might have. [LB623]

SENATOR SMITH: Questions from the committee? I see none. Thank you for your testimony. [LB623]

LAZARO SPINDOLA: Thank you. [LB623]

SENATOR SMITH: Next proponent. Welcome. [LB623]

DARCY TROMANHAUSER: (Exhibit 26) Good afternoon, Chairman Smith and committee members. My name is Darcy Tromanhauser, that's D-a-r-c-y T-r-o-m-a-n-h-a-u-s-e-r. I am the director of the immigrants and communities program at Nebraska Appleseed, which is a nonprofit, nonpartisan organization dedicated to justice and opportunity for all Nebraskans. I won't take too much time here today to repeat the points that you've heard so far. We strongly support LB623 for all the reasons that you've already heard today, that it's good policy for Nebraska's public safety, for our economy, families, businesses, and communities. I'm also submitting a few additional stories from some additional remarkable Nebraska DACA youth for you to take a look at. I thought I'd take just a moment to address a couple of the questions that

Senator Brasch had made earlier, which is that DACA is a very defined and limited program. It's not open-ended, so you have to have been in the United States in June of 2012 and for the previous five years. So if you've come since then, you will not qualify for DACA. It's a limited program, and the idea of it is that it is simply inserting a temporary measure of stability while we work with Congress to get our federal immigration laws up to date. So the thing that's changed since your parents came to this country, or many of the others of us who have ancestors who came here earlier, is that our immigration laws have become sadly out of date, literally many, many decades, not for any good reason or that serves any purpose. Only that they've left them where they were in the '70s and before, and we've just simply not updated them. And if you think of our roads and the Transportation Committee or our technologies, we tend to keep things up to date in this country, but unfortunately we haven't with our immigration laws. So that's the thing that's changed. But while Congress is getting that work done, the DACA program is just a temporary measure of stability in the meantime. But, again, with this bill, that's a bigger picture. With this bill, all the bill is doing is clarifying that our state law has said that individuals with deferred action status should be able to get a driver's license. We give driver's license to all other deferred action statuses, and so this just clarifies that like those other statuses who already receive licenses in this state, this group of DACA youth should as well. And as you've already heard today, the benefits economically and socially in our communities and families from these incredible youth, it's a huge benefit to Nebraska. Thank you and I'll take any questions. [LB623]

SENATOR SMITH: Thank you, Ms. Tromanhauser. Senator Davis. [LB623]

SENATOR DAVIS: Can you talk a little about the other deferred action groups? [LB623]

DARCY TROMANHAUSER: Sure. So some of the other deferred action groups are groups like victims of domestic violence is a good example, and some other humanitarian visas are folks who the government says that while you're getting your visa in place and that that takes a little bit of time, that we're going to defer enforcement action upon you for a temporary period of time. [LB623]

SENATOR DAVIS: So if someone has...fits those categories, then even though they're illegal and might have been here just a short time, they qualify for a license. Is that right? [LB623]

DARCY TROMANHAUSER: Yeah. If you are in any of the other deferred action categories, you get a license in Nebraska. It is only DACA youth who do not. Yeah. [LB623]

SENATOR DAVIS: Thank you. [LB623]

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SENATOR SMITH: Senator Murante. [LB623]

SENATOR MURANTE: Thank you, Senator Smith. Along those lines, when we talk about the other deferred action statuses, how did those deferred action statuses come to be? Were they through acts of Congress? [LB623]

DARCY TROMANHAUSER: You know what? I will let an immigration attorney answer that question because the history of all...what I can tell you is that deferred action status is a category that's been used for...I mean, we've had deferred action status for many, many decades. It's nothing new. [LB623]

SENATOR MURANTE: Okay. Thank you. [LB623]

DARCY TROMANHAUSER: Yeah. [LB623]

SENATOR SMITH: Do you know if we have an immigration attorney following you in testimony today by chance? [LB623]

DARCY TROMANHAUSER: So we started with an immigration...oh, yes, we do. I believe we have someone from the American Immigration Lawyers Association if she's (inaudible). [LB623]

SENATOR SMITH: Okay. So maybe as they come forward they can be prepared to respond to Senator Murante's question. [LB623]

DARCY TROMANHAUSER: And if not we can be certain to get updated information to you on that question. [LB623]

SENATOR SMITH: Okay. Thank you. [LB623]

DARCY TROMANHAUSER: Oh, here she is. [LB623]

SENATOR SMITH: All right. (Laughter) Next proponent. Welcome. [LB623]

KRISTIN FEARNOW: (Exhibit 27) Good afternoon, Chairman Smith, members of the committee. My name is Kristin Fearnow, that's K-r-i-s-t-i-n, my last name is F-e-a-r-n-o-w, it's just like fear and now. I'm an attorney with Dornan, Lustgarten and Troia in Omaha, Nebraska. I

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have been practicing immigration law for nearly ten years, and I am the chairperson of the Iowa-Nebraska chapter of the American Immigration Lawyers Association. And I am here today to express my support for LB623. It is my position, as well as the position of the American Immigration Lawyers Association, that the policy to deny driver's license to DACA recipients is unconstitutional and overall harmful to the state of Nebraska. As previously stated, many other immigrants received deferred action and have been given and continue to receive driver's license in Nebraska. Deferred action is an administrative relief that has always been available. It is commonly used by the Department of Homeland Security to provide temporary relief for immigrants in many different circumstances apart from DACA. As an example, U visas, which is someone who's been the victim of a crime and has been helpful in the investigation or prosecution of that crime as certified by a law enforcement agent, and someone who has an approved self-petition under the Violence Against Women Act received deferred action while they were waiting on a visa to become available for them. I have represented many of these clients in these situations and other situations who have received deferred action and obtained driver's license. As has previously been stated, without a driver's license, working adults cannot drive. This prevents individuals from taking certain jobs, working overtime, or having the flexibility to advance in their job or gain more responsibility or even attend activities at their children's school. This inhibits social assimilation and socioeconomic mobility, thus reducing their ability to contribute fully to the economy through spending and taxes, no doubt reducing economic growth for Nebraska as a whole. Reports show that since the initiation of DACA, 70 percent of recipients have reported getting their first job or started a new job; 45 percent report earning higher wages; 50 percent report opening their first bank account; and 57 percent report obtaining a driver's license. Specifically, one study found a 240 percent wage growth for DACA recipients. More individuals in the work force and higher earnings translate into a larger tax base and a boost to the economy through greater spending power. Access to driver's license, as previously stated, will improve public safety. It also allows those driving to more easily obtain car insurance. This policy that we currently have negatively impacts not only DACA recipients but their families, many of whom are United States citizens. It inhibits DACA recipients potential which in turn has an immediate and a long-term negative social impact and economic impact on the state of Nebraska. So with that, I urge you to support LB623. [LB623]

SENATOR SMITH: Thank you for your testimony, appreciate it very much. Do we have questions from the committee? Senator Brasch. [LB623]

SENATOR BRASCH: Thank you, Chairman Smith, and thank you for your testimony. And I couldn't get this all read while you were... (laughter) but I do have a question. When we are talking about immigration and you've reviewed the bill that we have in front of us, correct? [LB623]

KRISTIN FEARNOW: Yes. [LB623]

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SENATOR BRASCH: Okay. And it talks about lawful status. [LB623]

KRISTIN FEARNOW: Correct. [LB623]

SENATOR BRASCH: Would it be better if the Legislature used lawful "presence" instead of "status" in this bill, and would you elaborate on the difference between the two, please? [LB623]

KRISTIN FEARNOW: That is an excellent question. And in the immigration world there are a lot of nuances between lawful status, lawful presence, periods of authorized stay. And what those things do in immigration law is carry immigration consequences. However, I would encourage the committee to move forward the bill as it's presented today because it adopts the language of the REAL ID Act which has specifically listed categories of people who are here with lawful status, one of them being deferred action. And so if the committee adopts that language, it's going to more fairly enforce the driver's license policy because then DACA recipients would be included in that. As you've already heard, they are the only group of deferred action recipients that are not getting a driver's license. But when you start talking about some of these other languages, it becomes very nuanced and really what you start getting into is more of the immigration world in terms of immigration consequences. And that's why it would be better for the committee to adopt the language of the REAL ID Act. [LB623]

SENATOR BRASCH: And I've been told that the other 49 states that are granting the driver's licenses to DACA, they are using the term "lawful presence" in their statutes, which we do not. Do you want to comment on that, why they're using that and we're choosing not to? [LB623]

KRISTIN FEARNOW: I can't comment as to why they might have chosen that, but I feel that it is best for the committee to move forward adopting language of the REAL ID Act because it is very clear and very specific that that would include deferred action recipients, and it would clear up this issue. [LB623]

SENATOR BRASCH: And how would you believe that this bill, as worded, does not undermine the fact that as a nation we do support legal means of immigration and that those who are seeking to enter illegally aren't going to face any consequences for that decision? [LB623]

KRISTIN FEARNOW: Right. I think that's an excellent question and I think it kind of harkens to the question that you had asked someone earlier about what impact will what we're doing here today have on the federal immigration laws and how they're enforced. And the truth is it won't have any because you're not changing the immigration laws. You're not changing how they're going to be enforced. You're not changing how these people are going to be treated by the federal

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government in the immigration process. And I think it's very important to note, as Ms. Tromanhauser did earlier, that this is a very specific program. So that means that someone cannot come here now and benefit from this program. It's very limited. It's very specific in terms of its requirements for physical presence for people, that they have to have been here since 2007. So this isn't something that's going to encourage people to, I guess you could phrase it, break immigration laws or violate immigration laws. It's not going to impact the enforcement of immigration law. What this bill would do is it would allow so many of these incredibly talented, smart, hardworking individuals who are in our state to better contribute to our state so that we can...they can realize their potential and we can too. [LB623]

SENATOR BRASCH: Is it possible to have deferred action and have lawful status or are deferred action individuals prohibited from having lawful status? [LB623]

KRISTIN FEARNOW: No. In fact, the REAL ID Act would define lawful status as someone with deferred action, and someone with deferred action could have lawful status, although I think it's very important to note that the program, DACA program, does not independently lead to lawful, permanent residence or citizenship. It cannot. [LB623]

SENATOR BRASCH: Very Good. I have no other questions. Thank you. [LB623]

KRISTIN FEARNOW: Thank you. [LB623]

SENATOR SMITH: Senator Murante. [LB623]

SENATOR MURANTE: Thank you, Senator Smith. So I'll ask you the same question I asked a previous testifier. When we talk about the deferred action statuses, how many are there? How many different deferred action statuses are there? [LB623]

KRISTIN FEARNOW: Wow! Well, I guess if I had really prepared... (laugh) [LB623]

SENATOR MURANTE: Ballpark. I mean, are we talking dozens? Are we talking a handful? [LB623]

KRISTIN FEARNOW: How many individuals or how many types of...how many categories? [LB623]

SENATOR MURANTE: How many types of statuses? [LB623]

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KRISTIN FEARNOW: Gosh, if you were really putting me on the spot I would venture a guess of maybe 10 or 15. [LB623]

SENATOR MURANTE: Okay. [LB623]

KRISTIN FEARNOW: And most of them have come about, referencing your earlier question which was an excellent question, how have they come about, not through an executive action such as this one. So if you look at Footnote 1 in my testimony, you will see that I reference the INA, which, of course, is the Immigration and Nationality Act as passed by Congress, and that is how we get deferred action through that and the regulations for U visa recipients who are waiting for visas as well as someone who has an approved self-petition under the Violence Against Women Act. And then some of these are also created by the Department of Homeland Security specifically so when they see a situation, for example, like a good example would be the U visa situation where there's a statutory cap on the amount of U visas that they can give in a fiscal year. And then you have people whose applications may be approved but can't get a visa, then they're in this legal limbo. So that's the kind of situation where the Department of Homeland Security might step in and extend status. So not all deferred action. Some of the deferred action statuses have been created by statute, by regulation, and then through the powers of the Department of Homeland Security, not necessarily through an executive order such as the one that we're talking about with DACA. [LB623]

SENATOR MURANTE: And to your knowledge, have any other deferred action statuses been created through executive order? [LB623]

KRISTIN FEARNOW: You know, I will be honest, I'm embarrassed to admit that I should know the answer to that question and I don't. So I really don't want to speculate. [LB623]

SENATOR MURANTE: Okay. Well, I'm unaware of any of...so you're not aware of any at the very least. [LB623]

KRISTIN FEARNOW: I just don't know. [LB623]

SENATOR MURANTE: You don't know. Okay. So what happens, since it was created by an executive order and not through an act of Congress it does not take an act of Congress to rescind it, although Congress could. But this president is only going to be in office for less than two years and we get a new president. So let's say we pass this bill and we start issuing driver's licenses, and the executive order by the next president is rescinded, what happens? [LB623]

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KRISTIN FEARNOW: Well, that's really a good question. I get asked that questions all the time by my clients and, you know, obviously I don't have a crystal ball to predict exactly what would happen. But practically speaking, as we know when someone who has a work permit, that's what we kind of use the lay term for an employment authorization document, a work permit, they're driver's license is tied to the expiration of that work permit. So for example, if I have a work permit that if valid for one year, I'm only going to get a driver's license for one year. And then you have to renew it and you can't renew it if you don't have a valid work authorization document. And if you do renew it, you can only renew it consistent with the time period for which that document is valid. So let's say for example if the program was discontinued, those people would not...their licenses would expire upon the expiration of their work permits and they would not be able to renew them. I would imagine if the policy that is in existence today continues. So that's...in terms of the DMV's issuance of licenses for as long as employment authorization is valid. [LB623]

SENATOR MURANTE: So if...how long can a person...let's assume the...how long can a person have a driver's license or be qualified under DACA? Did I see three years before... [LB623]

KRISTIN FEARNOW: Well, actually, now it's...the initial DACA which was started in 2012 that has not been impacted by the injunction was for two years. [LB623]

SENATOR MURANTE: Okay. [LB623]

KRISTIN FEARNOW: With the DACA 2, which was the most recent announcement and the DAPA that would be three years, but since that has been enjoined and they are not issuing those work permits, it is a two-year work permit. For some other people it's a one-year work permit. [LB623]

SENATOR MURANTE: So the driver's licenses could be...could the driver's licenses be valid driver's licenses for beyond the period of time assuming, say, the day before the presidential inauguration, the next presidential inauguration happens, somebody gets a driver's license under this bill. So that would last for two years is what I'm hearing? [LB623]

KRISTIN FEARNOW: Under the current program. [LB623]

SENATOR MURANTE: Under the current program. But let's say the first action with the next president of the United States is to rescind that executive order. Does it still last for two years? [LB623]

KRISTIN FEARNOW: The driver's license? [LB623]

SENATOR MURANTE: Is the driver's license still valid for two years? [LB623]

KRISTIN FEARNOW: Well, the way we're seeing it now is that they're giving the driver's license consistent with the EAD. Now of course if that were to happen, we don't know what kind of policy the DMV would take nor do we know what kind of policy immigration would take in terms of how they would go about rescinding all of these work permits and then would these people become enforcement priorities? And, again, this is a really difficult question. I get asked this question all the time by my clients because a lot of them are afraid to apply for the status for that exact reason. And so then, you know, I think that you can kind of mushroom this out to a bigger example that when people feel that it's not a hospitable environment and they're afraid to come forward, and then they're not fully contributing to society which is really what the bill were about, we're here on today is about, is helping these people that are here that have work permits issued by our federal government fully participate in our society, realize their potential, and benefit all of us. That's really what this is about. [LB623]

SENATOR MURANTE: I think part of the challenge that certainly it sounds like your clients have faced and that we are being asked to face is that when public policy is enacted without an act of Congress and we create laws the way that this was created, when something is enacted by fiat it can be rescinded by fiat. And if we were...if you were asking us to make a bet as to whether Congress would rescind something, I think it would be a fairly safe bet that they wouldn't because Congress just doesn't do much and that perhaps we need better representation in Congress, but that's the practical reality. But the only thing that we have on this specific proposal, because of the way in which it was enacted, is whoever gets elected president of the United States next year, and that's... [LB623]

KRISTIN FEARNOW: Well, let me give you an example though just to show you that this doesn't exist solely in this situation. I did have a client who had litigated her case through the immigration courts and ultimately lost. She was issued an order to leave the United States and unfortunately she was diagnosed with cancer. So she requested a stay of removal and received what would be the equivalent of deferred action for the time that she got chemotherapy. Now that was something she had to renew yearly and it was completely in the discretion of the immigration officer reviewing her case, and it didn't go on forever. But while she had it, she had a driver's license. So, you know, unfortunately I don't think there's a way to mitigate against this because we are dealing with an incredibly complex and murky area of our laws. And, frankly, I think that that point really, really demonstrates the brokenness of this system and the need for fix. Now I know that is not your job to fix that, but what you can do here today is help our state

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benefit from those people who are here and do have work permits rather than not allowing them to have work permits to all of our own detriment as well as theirs. [LB623]

SENATOR MURANTE: Okay. Thank you very much. [LB623]

SENATOR SMITH: Senator Brasch. [LB623]

SENATOR BRASCH: Thank you, Chairman Smith, and thank you again. Do you think that this is a specific set of population and, if so, do we sunset this at the end of a two-year period or will this continue until the year 2020, something like that? [LB623]

KRISTIN FEARNOW: Well, it is a specific population because of the requirements that in the current DACA, DACA 1 as we call it, that remains in effect that people have to have been in the U.S. in 2007. So that means that anyone that came after that is not going to qualify. They also have to have entered when they were under 16 and, of course, some other requirements. So you're not going to be able to see anyone coming to the U.S. subsequently be able to apply for this. Now, of course, I would say that a five-year trajectory you're going to see an increase...a slight increase, because you cannot apply for DACA until you're 15. So you currently have people in the U.S. who will be eligible for DACA because they've been here since before 2007. They were here when they were under 16, but because they're not 15 years old yet, they can't apply for DACA. And some of those people will be able to apply for DACA later, not because they've come to the U.S. subsequently but because they were already here and they just haven't reached that age where you're allowed to apply yet. So, you know, this problem isn't going to go away. It is going to continue not because more people are going to be attracted to the U.S. or to the state because of the policy, simply because these are people who are already here and will be able to benefit. [LB623]

SENATOR BRASCH: Do you believe that by creating a sunset within our state that perhaps parents who are bringing...brought children here would realize that there is a consequence and not...or is it that they are automatically grandfathered in? How do you see this working? [LB623]

KRISTIN FEARNOW: That's a good question, and I would say, no, you're...I really, really want to emphasize I don't think that that would have that effect. And the reason I say that is based on my practical experience as an immigration lawyer having seen laws that Congress put into place with the intention to discourage people to do certain things. Well, you can't discourage people to do certain things if they don't know about it for starters. And, secondly, people cannot bring their children to the U.S. now and benefit from this policy. And, again, as we know, we are the only state that doesn't offer driver's license to DACA recipients. So it's not that you would be necessarily attracting people from other states to come here, although I think it's very clear from

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the testimony we've heard today that Nebraska is a state that is very reliant on immigrant labor and could continue to use immigrant labor. So we do want to attract these bright individuals, so we want to keep them here and we want more of them to come here if they're going to contribute to our state in a positive way, which I think they will. [LB623]

SENATOR BRASCH: Very good. I have no other questions. Thank you. [LB623]

SENATOR SMITH: Senator Friesen. [LB623]

SENATOR FRIESEN: Thank you, Chairman Smith. Just I guess a question. With the deferred action program that's in place now that we're talking about and that qualifies them for the REAL ID Act which would allow them to have a driver's license, so if one of these young people applied for a driver's license as soon as we pass this bill, how long a license would that...would it be set for? Would it go according to the length of their work permit at the time or would be a five-year driver's license? [LB623]

KRISTIN FEARNOW: My understanding of how driver's license are given out now, and if I'm wrong then I...please ask someone to correct me. What I see with my clients is that they get a driver's license that is valid for as long as their work permit is valid. So if someone's work permit is going to expire in June of 2016, they could get a driver's license that would also expire when their work permit expires in June of 2016. So that...if they couldn't renew that work permit, they would not then be able to renew their driver's license. [LB623]

SENATOR FRIESEN: Okay. Thank you. [LB623]

SENATOR SMITH: Other questions from the committee? I see none. Thank you, Ms. Fearnow. [LB623]

KRISTIN FEARNOW: Thank you very much. [LB623]

SENATOR SMITH: Next proponent, supporter of LB623. Welcome. [LB623]

JOSELINE REYNA: (Exhibit 28) Good afternoon, Chairman Smith and committee members. My name is Joseline Reyna, J-o-s-e-l-i-n-e R-e-y-n-a. I grew up in Grand Island, Nebraska, and I am here to support LB623. I am currently a freshman at the University of Nebraska-Lincoln majoring in Spanish with minors in ethnic studies and criminal justice. After I receive my bachelor's degree, I plan to attend the University of Nebraska-Lincoln College of Law. Finally, after I'm done with my education, I plan to become an immigration lawyer. The reason I chose

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this career is because I have always wanted a career where I can be able to help others. I never forget where I come from and I'm very determined to help out the community where I came from. I'm currently volunteering at the Southeast Community College with their adult ESL program as a teacher aide. I love helping out at this program because I have been in the students' spots and I know how it feels not to know English and wanting someone not only to be there but also to have patience with you. I also have a passion with helping others and knowing I can make a difference in their lives. DACA has been very beneficial to me. I can't describe how thankful I am to God to have been provided with this opportunity. I am able to search for a job without worrying if I need a social security number. Being in DACA has made me realize that even though people have hardships, they can achieve anything. This program has taught me decision, perseverance, and self-worth. Even though DACA has provided me with a work permit, it is difficult that I am not eligible to receive my driver's license. With a license, I would be able to feel independent and I wouldn't have to rely on other people to bring me from, to and from certain locations, like school and work. I am happy not only that I was brought to the United States, but I am happy that I was brought to Nebraska in particular. I absolutely love this state and I am glad to share with others that I am from Nebraska. I am glad to have been in the state because it is a place where not only have I met amazing people and created great memories, but also where I am starting my career that will help me make a difference in this nation that I now call my home. I want to be able to be a great role model for my younger siblings who face this similar situation. I want to make my parents proud and show them that they made the right decision to sacrifice their lifestyle to be able to provide a better future for their children. And I also want to set an example for the students that are in the same position as me, and show them that obstacles are just temporary but success is something that lasts forever. Thank you. [LB623]

SENATOR SMITH: Thank you, Ms. Reyna. Questions from the committee? I see none. Thank you. [LB623]

JOSELINE REYNA: Thank you. [LB623]

SENATOR SMITH: Welcome. [LB623]

GREG SCHLEPPENBACH: Thank you, Senator Smith, members of the committee. My name is Greg Schleppebach, that's S-c-h-l-e-p-p-e-n-b-a-c-h, and I'm executive director of the Nebraska Catholic Conference which represents the mutual interests and concerns of the Catholic bishops in Nebraska. I'm testifying on behalf of the conference to ask for your support for LB623. Historically, the Catholic Church throughout the United States has had a shared affinity with the experiences of migrants. Moreover, the church has often been an advocate on social and legal issues stemming from immigration, including public policy debates. This affinity and advocacy are compelled by two fundamental sources, the church of social teaching and historical

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experience as an immigrant church from one generation of newcomers to the next. The Catholic Church in the United States looks at issues and public policy related to immigration through the lens of several principles, which include the recognition of both the rights of sovereign nations to protect and control their borders and the rights of persons migrating because of economic necessity in order to provide even the most basic of needs. In view of these principles, young people who are eligible for the deferred action for childhood arrivals represent a unique and vulnerable subset of the undocumented population in the United States. They came to the United States with their parents as young children. For many, the United States is the only country they have ever known. Therefore, we believe it is sound and reasonable public policy to allow them to obtain driver's license. Since DACA was implemented in 2012, the immigration legal services program of Catholic Charities of the Archdiocese of Omaha has assisted with more than 100 applications. For each such applicant, Nebraska is home. DACA recipients who were assisted by Catholic Charities have attained gainful employment in diverse areas of our economy, including banks, schools, and numerous retailers. Unfortunately, their full potential of talents, strengths, and contributions is considerably and demonstrably restricted by the lack of opportunity to legally operate a motor vehicle. We encourage you to please support this measure on behalf of the more than 2,000 young people in Nebraska who are now excluded from a basic privilege they should be allowed to exercise. Thank you. [LB623]

SENATOR SMITH: Questions from the committee? I see none. Thank you for your testimony. Welcome. [LB623]

JOEL OROZCO-ALMEIDA: (Exhibit 29) Hello. My name is Joel Orozco-Almeida, that is J-o-e-l O-r-o-z-c-o-A-l-m-e-i-d-a. I first want to start off by just saying not...definitely going to help myself. I currently am a full-time staff member at the University of Nebraska-Lincoln. I'm a second-year graduate student at education administration student first program. I'm actually an instructor out at Southeast Community College. I am also house director for one of the fraternities here on campus. Above all, I'm a DREAMer. I'm a DACA student. And I also wanted to mention that I recently just received a notice I've been accepted into the doctoral program here at the University of Nebraska-Lincoln in the educational leadership and policy program which I'll be beginning in the fall. I did pass out a letter that really kind of outlines my story and how I kind of got here. I do just want to point something out. Unlike some folks that have mentioned here on the panel or other folks, my family did come here and waited 20-30 years to adjust their status. I'm currently the only person in my family who is undocumented and that was because by the time my parents were actually able to get that sponsorship, I became of age so I do not longer qualify for that. So I definitely understand, you know, some of the things that you mention. I also wanted to point out another thing that was mentioned earlier. So why come to Nebraska? I came here a year-and-a-half ago in pursuit of my master's degree. Well, I...you know, my program is one of the 25 top programs in the country. The ability to do research while (inaudible) faculty member, you know, the fact that I was able to secure a assistantship in which, you know, I was

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able to pay through my college. And most recently trying to set roots here in the state of Nebraska by accomplishing one of my long dreams role, which is working in higher education as a full-time staff member here at the university and help those students. Right? And being able to now benefit from tuition reimbursement in which I will be pursuing my doctoral degree. So when I think about those things, my question is like why would I not come to Nebraska when I have all these opportunities. And when I think about that as well, it's like, well, it's for little things such as the fact that I am privileged the fact that I do have a driver's license for Colorado. But the fact that I have to like go back and renew my driver's license and do all those things, it's definitely not the best practice. So when I think about my students that I work with of myself, trying to set roots, being part of a Big Ten institution, it's like I want to be here, but at the same time like there's all these roadblocks. So right now I understand that you can maybe do not much about DACA. I put myself through undergrad as an undocumented student not knowing what I was going to do my degree after undergrad. Well, I'm here to tell you hope is the last thing you need to lose. I don't know what's going to happen in two years, but I do know right now that when they ask me to provide are you a good person of moral character, I'm trying to do that. I'm trying to do that with my degrees, I'm trying to do that to be able to prove that. So the last thing I need is for me not be able to get to school because I don't have a driver's license. And that's really the root that wanted to get at right now. You not have a chance to change legislation at the federal level, but you do have an opportunity to make a chance for those of us who want to pursue and prove that we are a good person of moral character, those of us who are getting our Ph.D.'s, to be able to provide and show why we're here and what we're made of. So the last thing that we need is how are we going to get to school because we can't drive. I got a dissertation to write. That's what I need to focus on. So I would really advise and really hope that you all can really consider that because this is really what I understand and I know that the students that I'm working with and you do have an opportunity to make that change. As of now, we have a battle in which is going to be comprehensive immigration reform and I invite you all to be a part of that. But that's not what we're here to discuss today. Right now we're here to discuss today is to stop putting those roadblocks for those of us who are trying to prove that we are. And once we can...opportunities become permanent residents and United States citizens, we have something to show for. And we're going to do that with our degrees. So, again, the last thing we need, we have a lot more things to worry about than how are we going to get to work, how are we going to pay...can we get insurance so we got insure...that way if we get in like a car accident we have something to show for it. I want to be able to do that. So please allow me to be able to do that by being able to pass a driver's license in which I don't have to worry about those things and focus on those things that matter, such as I mentioned, my dissertation, my research, and working with some of the other faculty that working on campus. So thank you so much for your time and I will be taking some questions at this time. And, yes, thank you. [LB623]

SENATOR SMITH: Okay. Thank you. Questions from the committee? I see none. Thank you for your testimony. [LB623]

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JOEL OROZCO-ALMEIDA: Thank you. Appreciate it. [LB623]

SENATOR SMITH: Next proponent of LB623. Welcome. [LB623]

AMY MILLER: (Exhibits 30 and 31.) Good afternoon, Senators. My name is Amy Miller, that's A-m-y M-i-l-l-e-r. I'm legal director for the ACLU of Nebraska, a nonprofit, nonpartisan organization that works on constitutional issues. This topic I keep telling people is a perfect high school civics issue. It's a perfect way to understand how the three branches of government work together. This Legislature already said you were going to mirror federal law and that people who had lawful status would have driver's licenses. Then the executive branch under Governor Heineman changed its mind and said no. So we're in the third branch, the judiciary branch, with our lawsuit trying to recorrect what is already clear in state statute. LB623 simply puts us back where this Legislature already said we were going to be, tracking federal law. Now I have attached at the very last page of my testimony a letter from the Department of Homeland Security because the question of--are DACA recipients lawfully present, do they have lawful status, are the citizens, are they not citizens, are they deportable. We went to the horse's mouth and we simply asked the Department of Homeland Security. And also you see in their letter to Senator Ashford last year their response was if they have an EAD, if they're applied and received an EAD, then we consider them to have lawful status. And that phrase, Senator Brasch, is why it's "lawful presence" is not the word that's in this bill because that's not in federal law mirroring what the immigration status is. And I do believe most states do say "status" rather than "presence." Arizona said presence, and that's one reason why their law was overturned by the Ninth Circuit most recently. Now our case is pending in court. We go to trial on April 29. On the second page there, I've given you a little outline of the lawsuit and I'm happy to answer any questions about the lawsuit. One of our primary claims is that this was, unfortunately, a civics lesson problem. The executive branch in Governor Heineman acted outside their authority. There was no rule-making process. There were no public hearings or promulgation of rules. Governor flouted the clear terms of the existing statute. Senator Murante asked about some of the other categories of people who have deferred action. I've given you on the bottom of page 2 and page 3 of my testimony 15 of the categories. These all came up during the depositions of the head of the Department of Motor Vehicles. We walked through--do you allow driver's licenses for this person, this category, this category? We only stopped because everybody sort of started to get tired of the deposition. DREAMers are the only category that have an actual bar and we found out how it works. People at the DMVs get the document from the federal government, they put it into a database that links with the feds to determine is that a true document or is that a fake document. And the feds respond if that's a true document. The DMV has programmed, manually programmed, their computers to reject DACA recipients even though they're coming back with lawful status from the feds. I've run out of my time. I want to conclude with the fact that, as you know, lawyers love our lawsuits. You can moot my lawsuit and take away my shiny thing by passing LB623. We simply want DREAMers to drive. It doesn't matter if it happens by new

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executive action, if it happens through this Legislature, or if it happens in the judiciary, but we do urge you to push on LB623 for more debate on the floor. [LB623]

SENATOR SMITH: Questions from the committee? Seeing none, thank you, Ms. Miller. [LB623]

AMY MILLER: Thank you. [LB623]

SENATOR SMITH: Next proponent, supporter of LB623. Proponent. Okay. If there's any further proponents, you may want to move forward. Welcome. [LB623]

EMILIANO LERDA: Thank you, Mr. Chairman, and honorable members of the committee. My name is Emiliano Lerda, E-m-i-l-i-a-n-o, my last name is L-e-r-d-a. I am the executive director of Justice for our Neighbors of Nebraska. And I wanted to share a few thoughts with you before we close this part of the hearing process. It was to address the issue that particular discretion is what really deferred action is based on, and there are about 11 million undocumented immigrants in this country. The country only has resources to deport 400,000 a year. They can't use their resources in an indiscriminatory manner, so they have to use it strategically. And they use differed action to determine the enforcement priorities with the different groups of individuals. This group of individuals are young immigrants that had no choice in their coming to the United States and the immigration legal system does not allow them to make a choice between the right thing and the wrong thing. That's something that I heard a lot of times people inferred is people that are here without documents are making the choice between...of doing the wrong thing. And that is just strictly not true. The current immigration legal system is extremely complicated and everybody understands that it needs to be fixed. Everybody also may be different on how it should be fixed. However, I want to point out that to give an example how complicated it is, there's not a simple as standing in line. There are very few lines and each line is very narrowly, narrowly defined. One example is if you're lucky enough to be the brother or sister of a U.S. citizen from Mexico, your wait time, your priority wait time, the government is processing applications that were submitted in 1997 today. That is about 18 years. However, the line has been advanced at an average of three months per year the last four years since I've been following it. That means that the effective wait time for somebody who is lucky enough to have...be the brother or sister of a U.S. citizen from Mexico is about 72 years. So people don't have the choice to make the decision between right and wrong. You, on the other hand, with this bill and giving individuals having granted permission to be in this country and giving the permission to work in this country by the federal government, which is their domain, not yours, you on the other hand have the opportunity to make the right decision. And I'd be happy to entertain any questions. [LB623]

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SENATOR SMITH: Questions from the committee? I see none. Thank you for your testimony. Proponents, supporters of LB623. We now...proponent? Welcome. [LB623]

JESSICA JIMENEZ: (Exhibit 32) Hello. My name is Jessica Jimenez, J-e-s-s-i-c-a J-i-m-e-n-e-z. I came to this country when I was four years old. That was about 14 years ago. And I believe that one of the essential parts of living in America would be the mobilization. Some people walk, others use public transportation, and some people drive. The norm is to drive when you turn a certain age and obtain a driver's license, a privilege anyone with legal presence in this country enjoys, except the DACAmented DREAMers. As a DACAmented DREAMer, I have gone to college, had a job, and have been a leader of a youth group that helps mentor middle-aged (sic) children. Living in Lincoln, most of these places are between 15 to 25 minutes apart if you drive; if you walk, over an hour, and the city bus is only available certain hours. Being a busy college graduate entails needing mobility to be responsible and get to my destination in a timely manner. Driving is an essential part of any student with the type of responsibilities that I have. I don't quite understand why Nebraska is the only state who is not allowing us, the DREAMers, to obtain driver's licenses. I don't understand what the harm we are causing being college students, college graduates, working in the community, and having responsible jobs. I enjoy all of my responsibilities in my life and I really think that having a driver's license would give me even more mobility to be a part of other projects in our community. Any questions? [LB623]

SENATOR SMITH: Thank you for your testimony. I see no questions. Thank you. Proponents. Welcome. [LB623]

LUIS OLIVAS: Thank you. Ladies and gentlemen of the committee, I thank you very much for your time, first of all. My name is Luis, L-u-i-s, Olivas, O-l-i-v-a-s. I am a resident of the 22nd District. I'm from Columbus, Nebraska. I graduated from Crete High School in 2007. I am currently attending Central Community College out of Columbus pursuing my education degree with hopes of obtaining my college degree in law later on. I am a DACA recipient. I came to the United States when I was seven years old. I've been...I'm grateful that I've lived in the state of Nebraska since then. I've lived here for a total of 19 years. I have three siblings, all of them United States citizens. My parents are both legal permanent residents. I am the only person in my family who does not have permanent legal status. I'm going to keep this brief. I would just want to ask you for your support regarding LB623 to grant driver's licenses to DACA recipients because there are many people, not just myself, but many other people with many gifts that the state of Nebraska has given them and we are not taking advantage of those as of right now. I am probably one of the only ones that has come up to testify today that is from rural Nebraska. I'm from Columbus, Nebraska, like I mentioned before. Public transportation is not available there, as many of you might know. Many of the people from Omaha and Lincoln possibly might have that opportunity. Columbus, Schuyler, Lexington, and Grand Island do not have that opportunity. And for people there in those cities to be able to participate in their community efficiently

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without having a driver's license is honestly just not possible. Many of you have asked how...if there's any way of people obtaining legal status. My wait time to obtain legal status from my parents who are permanent legal residents is 20 years. And without deferred action for childhood arrivals I would have no other status other than this. And to an answer for Senator Davis' question earlier today, we don't leave the state of Nebraska because the state of Nebraska is our home. We know no other home other than that. Thank you very much for your time. [LB623]

SENATOR SMITH: Senator Davis. [LB623]

SENATOR DAVIS: So I just want to kind of get a little better grasp of this. So your three siblings were born here? [LB623]

LUIS OLIVAS: Yes. I have a 17-year-old brother, 8-year-old sister, and a 6-year-old brother. [LB623]

SENATOR DAVIS: So they of course are citizens and they can drive...I mean, when they're old enough they can drive. [LB623]

LUIS OLIVAS: Yeah. [LB623]

SENATOR DAVIS: Your parents are legal now? [LB623]

LUIS OLIVAS: They're legal permanent residents, both of them. Unfortunately, I was unable to, due to the age cutoff, I was over the age of 18 by two months when my mother was able to get legal permanent residence. And I wasn't able to get legal permanent residence with her due to that. [LB623]

SENATOR DAVIS: So then you said it would take you 20 years. [LB623]

LUIS OLIVAS: Yes. Currently... [LB623]

SENATOR DAVIS: Have you applied for that at this point? [LB623]

LUIS OLIVAS: Yes. My mother who is a legal permanent resident applied for me. And right now currently the date for applications for unmarried children of legal permanent residents it's, I believe, October of '94. I might be a couple of months off but it's about '94. So about 20, 21 years wait time. [LB623]

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SENATOR DAVIS: So you're still...you think you're still 20 years out. [LB623]

LUIS OLIVAS: Well, like one of the attorneys that testified before me, those dates don't move a year every year. Sometimes they move forward, sometimes they move back. So at least 20 years, yes. [LB623]

SENATOR DAVIS: And you are 26. And so if we don't pass a bill like this and you stay in Nebraska, you'll be 46 when you can get a driver's license. Is that right? [LB623]

LUIS OLIVAS: Exactly. Yes. And, I mean, I have honestly no reason why I would leave the state of Nebraska. I am a Nebraskan. I've lived here most of my life and my family lives here. So even if DACA were not to be extended in, let's say, two years, I would still remain here because I honestly have no other choice. One other thing is, in 2009 I was ordered to be deported by the immigration judge in Omaha, Nebraska. And that deportation was waived because I was granted DACA and because I was eligible. If it wouldn't have been for that, I would have been deported to my home country of Mexico where I have no family and I don't know anything because I've never lived there before. All I know, like I said, is Nebraska. [LB623]

SENATOR DAVIS: Thank you, sir. [LB623]

SENATOR SMITH: I see no further questions. Thank you for your testimony. [LB623]

LUIS OLIVAS: Thank you. Appreciate your time. [LB623]

SENATOR SMITH: Proponents of LB623. Let me get a count on the remaining proponents? Proponents. Looks like you're last. All right. Welcome. [LB623]

TONI LEIJA-WILSON: (Exhibit 33) Okay. Good afternoon, Chairman Smith and distinguished members of the Transportation, Telecommunications Committee. My name is Toni Leija-Wilson, that's T-o-n-i L-e-i-j-a-hyphen-W-i-l-s-o-n. I am an attorney. I practice in the areas of immigration law, criminal defense, and family law. I am speaking here as the president of the Nebraska Hispanic Bar Association, as well as the Nebraska Chapter of Somos Independents. I am also a member of the American Immigration Lawyers Association. And in my line of work, I have worked closely with our immigrant community in the state of Nebraska, with the DREAMers, specifically our DACA recipients. And as you guys have heard testimony today, I'll keep it pretty short, we know what the DACA program is and what the issue is today. I just want to make sure that the committee realizes that the DACA program is a very specific, tailored program. And I know there were questions earlier about the safety of our community and things

like that. The DACA program has to be renewed every two years. And I just want to make it known to the committee that when we're talking about these DACA recipients, we're talking about young children, young adults. We're not talking about a bunch of criminals here that are asking to seek a driver's license to drive. As part of the DACA program, when they apply you can't have three or more misdemeanors. You can't have a significant criminal history. As a matter of fact, having a DUI would disqualify you from the program. So we're talking about young professionals here. We're talking about the young kids and what they're going to do for the state of Nebraska, the tax they pay, the revenue they bring to us. And I just think it's really horrible to see that Nebraska is the last state standing where we have not issued driver's licenses. You've heard lots of testimony today, and I just kind of want to throw out some statistics and numbers and keep it short. But Nebraska has had 2,977 accepted DACA applications, and that was June of 2014. I know that we've had more since then significantly. And there was also from the immigration policy center, they conducted an analysis where there's immediate beneficiaries of 2,921 in the state of Nebraska and future would be 2,150. So we're looking at around 6,611 recipients. And by future, I mean 5 to 14 years old. And it's...the question I have for the committee today is, you know, where's the fairness and where's the justice if we are not allowing to give driver's licenses to a group of individuals that should be able to receive them when our DMV currently is issuing and has issued in the past driver's licenses to other applicants that are in similarly situated statuses as are DACA recipients. And I'm open for any questions. [LB623]

SENATOR SMITH: (Exhibits 34-40) Thank you for your testimony. Do we have questions from the committee? I see none. Thank you. Further proponents. Okay. We have a number of letters to read into the record in support of LB623. And, let's see, we have Larry Witt on behalf of Gibbon Public Schools; Daniel Mulhall on behalf of Mulhall's Nursery in Omaha; Voices for Children; John Synowiecki on behalf of the Catholic Charities of the Archdiocese of Omaha; Beatty Brasch on behalf of the Center for People in Need; Carolina Quezada on behalf of Latino Center of the Midlands; and Don Zebolsky from Omaha. We now move to opponents, those wishing to testify in opposition to LB623. Welcome. [LB623]

SUSAN GUMM: (Exhibit 41) Thank you, Mr. Chairman and Senators. My name is Susan Gumm, S-u-s-a-n G-u-m-m, and I am testifying as a citizen of Nebraska. I oppose LB623 which would provide motor vehicle operator licenses and state ID cards to recipients of deferred action. I agree with Governor Heineman that our state should not issue driver's licenses, welfare benefits, or other public benefits to illegal aliens regardless of deferred status. Driver's licenses are a privilege not a right, and noncitizens have no constitutional right to obtain a driver's license. It is the most widely accepted identity document in America and gives access to places, services, transportation, and voter registration. Senator Nordquist is concerned that the deferred action grantees cannot drive to work or school. Granting driving privileges to deferred-action recipients makes it easier for them to compete for jobs that unemployed and underemployed Nebraskans need and deserve. A driver's license also makes it easier for illegal aliens to compete for a fixed

number of classroom seats at our public colleges and universities. American citizens should not have to compete with noncitizens for available college admission slots. Granting driver's licenses to illegal aliens will not significantly impact road safety or guarantee more insured drivers. In 2011, the AAA Foundation for Traffic Safety's report reveals from 2007 to 2009 less than 5 percent of the drivers involved in fatal car accidents nationwide were unlicensed drivers. While a few illegal aliens may be willing and able to buy insurance, on the whole it will not significantly reduce the number of uninsured drivers. New Mexico, who issues driver's licenses to all illegal aliens, has the nation's second highest percentage of uninsured drivers. I have many other concerns relating to issuing driver's licenses to those granted deferred action. Would the licenses be restricted to driving privileges only? Registering to vote and serving on a jury are connected to driver's licenses and state ID cards. How can we be assured that the driver's license cannot be used to apply for public benefits, board a plane, or enter a government building? Would the driver's license expire at the same time as deferred status? We would like to believe that we know the true identities and backgrounds of all the deferred action grantees. With the surge of applications for deferred status, the United States Citizenship and Immigration Services was overwhelmed with no additional resources to handle the workload. The deferred action application process lacked any sort of meaningful vetting process. I am not comfortable issuing driver's licenses and state IDs to people who have not been through the same vetting process as legal immigrants. I am against granting privileges to those in the United States illegally at the expense of citizens who are in need of similar opportunities. It is unfair to saddle American citizens with ever-increasing tax burdens in order to provide benefits for illegal aliens. [LB623]

SENATOR SMITH: Thank you, Ms. Gumm. Do we have questions from the committee? I see no questions. Thank you for your testimony. Any additional opponents, those wishing to testify in opposition to LB623? Welcome. [LB623]

MARTY BROWN: Wow, it's warm in here. [LB623]

SENATOR SMITH: Yes. [LB623]

MARTY BROWN: (Exhibit 42) Marty Brown, M-a-r-t-y B-r-o-w-n. I'm going to change my testimony. I think you can all read for what we have. I was a parent of a foreign exchange student from Germany and Yugoslavia. I know what the process is. We had to stand up with stars in order to get a student over here in America to stay with us for a year at our cost. But one thing, you know, reading and listening to the opponents and so forth, the first thing that we...that I'm learning, I'm a veteran--Delta FITRI 1st Calv. 1965, so I know what's going on. All right. Stop handing out the candy. That's got us some problems and that's what the federal government has done to you folks, your senators, and our committees has gotten us in trouble for what they aren't doing rather than what they should. So I feel for you because I feel for the kids too. But the

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problem is it's not going to stop unless we stop giving out the candy. The other thing I'd like to do is, I just had a daughter-in-law grad from a college, \$32,000 in cost, and we supported her. I like to know how these kids were able to go through college with no documentation. It doesn't make sense to me. My cost to go to college several years ago was not like it is today, but it surprised me all the kids that spoke about going to school. Where is the money coming from? Third thing, there always is a cause and effect. I know Senator Garrett has a security business and I know different people here in the house. What amazes me when you do something like this, there's a cause and effect. Any business knows that. I've been self-employed most of my life. When you invest money and so forth and expect a return, it takes a certain character to get it done. The third thing I like to point...fourth thing I should say, is that the...boy, Mexico and Latin America must really be bad. They don't want to have our people either, you know. It's just pathetic, you know, to look at that. One final thing is that additional costs to Nebraska and hidden costs. For instance, our budget for prenatal care is \$8 million, and 93 percent is for illegal aliens, so I wonder how many more benefits will they get if we do give them money for SNAP cards, housing, and so forth so our Uncle Sam plantations keeps on growing. I appreciate any comments or any questions. I appreciate you coming to our country. Senator Brasch, I know what that entails to get here. My family did it in the 1800's and they got a one-way ticket to get here. So I appreciate that. Any comment? [LB623]

SENATOR SMITH: Thank you, Mr. Brown, for your testimony. Questions from the committee? I see none. Thank you. [LB623]

MARTY BROWN: Thank you, Chairman. [LB623]

SENATOR SMITH: (Exhibit 43-47) Any further opponents, those wishing to testify in opposition to LB623? We do have some letters to read into the record in opposition to LB623: Susan Smith from Omaha; Julie Condon from Ogallala; John Copenhaver from Omaha; Nebraska Taxpayers for Freedom; and Kathy Wilmot from Beaver City. No further opponents, those wishing to testify in opposition, we now move to those wishing to testify in a neutral capacity on LB623, neutral. Seeing none, Senator Nordquist, you're invited to close. [LB623]

SENATOR NORDQUIST: And I'll be brief. I know the committee has other work to attend to. I want to thank you for your attention to this. Just a couple of notes I wanted to make that I know the Nebraska Fraternal Order of Police signed in as a supporter. I wanted to read that into the record. They certainly see this a public safety issue, so it has support from law enforcement in Nebraska. I think, you know, any rational person sitting here today listening to this testimony could see the positive economic benefits of the kids that we're talking about. They are a net plus to my community, to every one of our communities, and they are in every one of our communities. I'm just asking the committee to think about this: The federal government whether

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you agree with the way the action was taken or not, has granted deferred action saying these kids will not be deported. They have been granted a work permit. They have been granted a social security number. That is an action that we don't have an effect over. But what we do have an effect on is whether or not we allow them to fully engage in our economy while they have that work permit. That's all we're asking to do here with LB623. And I would be happy to take any final questions. [LB623]

SENATOR SMITH: (See also Exhibit 48) Any questions for Senator Nordquist? I see none. Thank you for the closing. That concludes our hearing on LB623. We are going to take a five-minute break as we transition to the next hearing. So I'm going to ask any transition to take place in those next five minutes before we begin the next hearing on LB564. [LB623]

BREAK

SENATOR SMITH: We are going to resume our hearing. Our next hearing today is LB564. And appreciate your patience with us, Senator Lindstrom, as we transition from the last hearing. You're here to open on LB564. Welcome. [LB564]

SENATOR LINDSTROM: (Exhibit 1) Thank you, Chairman Smith, and thank you, members of the Transportation and Telecommunication Committee. My name is Senator Brett Lindstrom, spelled B-r-e-t-t L-i-n-d-s-t-r-o-m, from Legislative District 18 in northwest Omaha. The purpose of LB564 is to allow individual counties more leeway to regulate how and when roadside mowing and haying occur during the year, keeping in mind the conservation of wildlife habitat. LB564 shores up some concerns that have been raised in the past with the mowing statute, such as mowing in a drought, emergency, and for snow removal. I would like to submit an amendment for your consideration today. AM614 adds that it is the duty of the landowners in the state to mow unless the county board/township board gives notice that they will assume the responsibility to bring the statute more in line with current practices. The amendment also brings back the provision that counties can assess a penalty for landowners who do not mow and, finally, provides for mowing at any time the landowner, county, or township deems necessary for roadside vegetation on road shoulders, intersections, or entrances for sight distance or snow control. Thank you and I'll take any questions. [LB564]

SENATOR SMITH: Thank you, Senator Lindstrom. Do we have questions? Senator Seiler. [LB564]

SENATOR SEILER: Does AM614 do away with the green copy completely? [LB564]

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SENATOR LINDSTROM: No. It's just to put some things back that were in the original bill before that we...yeah, no, it does not. [LB564]

SENATOR SEILER: Okay. Thank you. That's all I had. [LB564]

SENATOR SMITH: Other questions from the committee? Are you going to remain to close? [LB564]

SENATOR LINDSTROM: I will, Senator. [LB564]

SENATOR SMITH: All right. Thank you. We now move to proponents, those wishing to testify in support of LB564. Welcome. [LB564]

TIMOTHY McCOY: Thank you, Chairman Smith, members of the committee. My name is Timothy McCoy, T-i-m-o-t-h-y M-c-C-o-y. I'm the deputy director for the Nebraska Game and Parks Commission located at 2200 North 33rd Street here in Lincoln. Appreciate the efforts by Senator Lindstrom to bring this forward and the amendments to help resolve some potential issues that were raised with this bill originally. This is an issue that's been brought up to our agency repeatedly over the years, especially mowing during the nesting season, the mowing of the actual road ditches, not the shoulders themselves but the mowing in the summer during the nesting season. And so we appreciate the efforts to try and be a little more...use more of a...I guess a more specific approach in roadside management for specific purposes and allow some of that flexibility, especially for landowners that may have an interest in leaving some habitat on that road ditch when it doesn't interfere with the other requirements for road maintenance. [LB564]

SENATOR SMITH: Thank you, Mr. McCoy. Do we have questions for Mr. McCoy? I see none. Thank you. We continue with proponents, those wishing to testify in support of LB564. Welcome. [LB564]

DUANE HOVORKA: Good afternoon, Senator, members of the committee. My name is Duane Hovorka, D-u-a-n-e H-o-v-o-r-k-a. I'm executive director of the Nebraska Wildlife Federation and pleased to be here today to support the legislation. We appreciate the legislation. We support the amendments as described. I think they'll clarify the bill and make sure that we're doing things according to current practices. Grassland loss in this state is certainly a huge issue, and there are several different examples. The federal conservation reserve program which was created in the 1980's to set aside environmentally-sensitive land, plant grass, try to provide some grassland habitat and water quality benefits. It's been a great program, but it's also been cut in the last two

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farm bills. And just as a result of the 2008 farm bill, we've lost about 500 square miles of grassland habitat in the state since 2008. With the 2014 farm bill which cut the program another 25 percent, we're going to lose several hundred more square miles of grassland habitat in the state. If you go look out across the country, I live in the rural part of Cass County east of here, you see buffer strips and filter strips, grass waterways, they're all disappearing. And so we're losing a lot of grassland out on the landscape, and the U.S. Department of Agriculture has now started tracking the loss, the conversion of native grasses and grassland to cropland. And what they...their latest numbers that I've seen from them were for 2013 and Nebraska actually led the nation in the most acres of grassland converted to cropland in that year. So we're certainly seeing a lot of loss of grassland out on the landscape in a lot of eastern Nebraska where we've converted something like 95 percent or more of what was historic tall grass prairie has been converted. We're especially short on grassland habitat, and so the grass along these county roads is in some places some of the last grass left in the county. So it's very important habitat. It does provide good habitat for birds. It's a public resource. It's a public right of way out there, and it only makes sense to put that public resource to the best beneficial use that we can for wildlife and for the people of our state. So we appreciate the bill. It won't solve all those other problems that I described, but it would certainly be a really good start toward restoring and using...making better use of some of the grass that we have out there, some of the good habitat for wildlife. So I thank you and I'd be glad to try to answer any questions. [LB564]

SENATOR SMITH: Thank you, Mr. Hovorka. Senator Davis. [LB564]

SENATOR DAVIS: Thank you, Mr. Hovorka. I don't know if you've read the amendment. Have you looked at that? [LB564]

DUANE HOVORKA: I heard the description. I haven't seen the language. [LB564]

SENATOR DAVIS: So I'm just trying to...I came in a little late, I'm trying to get a grasp of where this. But it's still going to be the responsibility of the landowner to mow the property. [LB564]

DUANE HOVORKA: That's my understanding that that would...the landowner would still have that responsibility, unless the county opted to take it over. [LB564]

SENATOR DAVIS: But then there are a lot of rules and regulations about how that landowner is going to take care of that mowing. [LB564]

DUANE HOVORKA: Right, and what this does is make it...is require that the landowner mow less often. So instead of having to mow twice a year, including once during the nesting season,

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you would not...you would, I think, have to mow...it's either one-third or one-half of that area. So you'd only have to mow, like, one side of the road each year. That's my understanding is it reduces the responsibility and the number of times that a landowner has to mow those grass. [LB564]

SENATOR DAVIS: Okay. Thank you. [LB564]

SENATOR SMITH: Other questions? I see none. [LB564]

DUANE HOVORKA: Thank you for your time. [LB564]

SENATOR SMITH: (Exhibit 2) Thank you for your testimony. Next proponent, supporter of LB564. Seeing none, we do have one letter of support to read into the record, and this is from Scott Smathers, executive director of Nebraska Sportsmen's Foundation. We now move to opponents, those wishing to testify in opposition to LB564. Welcome. [LB564]

STEVEN KRUGER: Good afternoon, Senator Smith and senators of the committee. I'm here today to oppose LB564. I did not see the amendment that was just handed out, so I'm not sure what that is. But I am...my name is Steve Kruger, Steven Kruger, S-t-e-v-e-n K-r-u-g-e-r. I'm from Washington County. I'm also the supervisor in Washington County. I'm also chairman of the road committee. In the original draft, and I know there's been some changes to this, but however they're still requiring us to, I think, talk about mowing...total roadside mowing means all areas in the right of way. I don't think that got changed in the amendment or not. I'm not sure about that. So how do we go about as county commissioners or supervisors going out and policing that? The other side of this is how are we going to police this on making sure that it's not done by landowners on certain times of the year or things like that. You know, this bill...what we have in practice right now is probably the most economical way to take care of our road ditches. I understand the loss of grassland because of cropland being diverted back, the CRP. On my farm, I have several acres of CRP and I also have several, many buffer strips which I'm going to leave. I'm not going to tear them up. So I'm opposed to this. This is also require us to hire additional personnel on the county level to put this bill into action, I believe. I talked to my road chairman about it and she says that, you know, we'd have to hire someone to...if not even hire additional mowing. I think there's other options out there to improve grassland areas besides trying to go in and regulate farmland owners. Some like to mow their ground, some like, maybe, some do plant corn in the right of way, crops in the right of way. Are we going to go mow those crops and then argue with the farm owner that he's in our right of way because we have a right of way to work there that isn't give...you know, that's always a question. So I'm here today as...I think we have a letter here from Washington County also that's opposing this bill. So, but right now if there's any questions I would... [LB564]

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SENATOR SMITH: Okay. Senator Brasch. [LB564]

SENATOR BRASCH: Thank you, Mr. Kruger, for coming forward today. It's good to see you. Washington County is in District 16. I did receive a phone call this morning from a Cuming County supervisor who expressed similar concerns that you are bringing forward today. And I just wanted to say that on record that your concern is shared with others in District 16. One of the questions that was raised was visibility even at certain intersections, if they are to not touch certain areas of their property. So I don't have any other questions. Thank you. [LB564]

SENATOR SMITH: I see no other questions. Thank you, Mr. Kruger, for your testimony. Next opponent to LB564. Welcome. [LB564]

LARRY DIX: Good afternoon, Senator Smith, members of the committee. My name is Larry Dix, L-a-r-r-y D-i-x. I'm the executive director of Nebraska Association of County Officials appearing today in opposition to LB564. Certainly I appreciate having the opportunity to visit with Senator Lindstrom about this and getting a copy of the amendment, and certainly I believe the amendment is an improvement over what we had in the bill. But we still have a few concerns with this. One of the things, I think, may be more of a point of clarification, if we look on the amendment on line 8, and maybe it's only my interpretation of it and maybe it's clear to everyone else, but it says that all the weeds that can be mowed with the ordinary farm mower from the middle of the road to the road shoulder. So I'm not so sure that that takes in any of what I might think of as the shoulder and/or the ditch. I don't know where we define where that, quote, shoulder begins or ends. It's...so that part may need a little bit of clarification. I know that Senator Lindstrom, the intention is certainly to increase some of the grassland areas in the road ditches, and we don't have any real issue with that. But where it talks about mowing the north side, only the north side for snow and on the east-west roads, and then I think it goes into the west side of the north-south roads, in practicality when you're out there mowing, you're going to go out and you're going to come back. You're going to go out on one side of the road and come back on the other side. So from a true taxpayer dollar, when you're out there mowing, this becomes rather inefficient in our mind to just go in this straight line and just mow the one side and not ever or not...I'm not saying not ever, but then don't, when you're bringing the equipment back to wherever you started from, mow on the opposite side of the road. So that becomes an...and I'm hearing that a little bit from the highway superintendents saying if we are out there mowing, we're probably just going to be mowing on both sides. And it also defines total roadside mowing as mowing all areas within a right of way, including but not limited to the road shoulder. So I would read that, all areas within a right of way, I would be mowing from where the gravel ends, the shoulder begins, all the way up to the fence because that would be the total right of way which then would be contradicting, I think, a little bit of what Senator Lindstrom is trying to do. And typically if a county is out there mowing, they're probably making once swath. They're just getting the very shoulder part of it. So, anyway, some things for the committee to consider if they

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want to move forward with the bill. Like I said, I think we've had a couple of other county board members, I think Sheridan County, submitted a letter of opposition. And Sheridan County has an excellent process that they go through in setting up and mowing the road ditches out in Sheridan County. A few years ago, I know I'd set here. I can't remember, I think it was...it may not have been this committee, may have been another committee. But we did go through the process of identifying the right dates for when certain mowing could occur. And that is in current law today. And I remember those hearings. At that time, there was just a tremendous amount of discussion from Game and Parks and coordination to make sure we had the dates in the law correct. So I'd...and I don't believe this bill is changing any of those dates necessarily. But I remember having a long, long hearing on making sure we got the dates right. So with that, I'll open myself up to any questions anybody may have. [LB564]

SENATOR SMITH: Thank you, Mr. Dix. Questions from the committee? Senator Davis.
[LB564]

SENATOR DAVIS: Thank you, Senator Smith. Thank you, Larry, for coming. Any idea, is this a pretty universal thing that your commissioners are upset about? [LB564]

LARRY DIX: Yeah. We're getting quite a few calls in there. And keep in mind, what everybody is reacting to right now is the original copy of the green bill, because that's all they saw, because that really moved the burden over to the county. And so we appreciate Senator Lindstrom when we initially talked about that to move that. So, you know, if we were to send the amendment back out, I think it would lighten it a little bit. But when they read that green copy, absolutely.
[LB564]

SENATOR DAVIS: And I think you made a good point. You know, where I come from, Cherry County, the county road can be 40 miles long. So it's going to be a significant change for them.
[LB564]

LARRY DIX: Absolutely. It would. [LB564]

SENATOR DAVIS: So thank you. [LB564]

SENATOR SMITH: (Exhibits 3-5) I see no other questions. Thank you, Mr. Dix. Next opponent to LB564. Seeing none, we move to...oh, just a moment. Some letters to read into the record in opposition to LB564: we have Clarence Tichota--my apologies if I pronounce that wrong--on behalf of the Cuming County Board of Supervisors; Jeff Quist on behalf of the Washington County Board of Supervisors; and Jack Andersen on behalf of the Sheridan County Board of

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Commissioners. We now move to neutral testimony on LB564. Seeing none, Senator Lindstrom, you're welcome to close. [LB564]

SENATOR LINDSTROM: Thank you, Chairman Smith, and thank you, members of the committee. I appreciate the proponents and opponents to this and thank Mr. Dix for bringing some of the concerns forward. And the intention behind this was really to give the counties the ability to dictate what they want to do, if they want to continue to allow the landowner to make the decisions or have the burden to mow or if they'd like to take that. And so I know particularly with...you know, my intention behind this is more on the wildlife pheasant hunting, trying to expand that with corn prices obviously higher in the last few years, some of that land has diminished. And so this is my approach to that. So, again, we'll work with the counties and try to find a happy medium ground on this and hopefully we can work together to get this forward. So with that, I'll take any more questions that you might have. [LB564]

SENATOR SMITH: I see no questions. Thank you, Senator Lindstrom. [LB564]

SENATOR LINDSTROM: Thank you. [LB564]

SENATOR SMITH: That concludes our hearing on LB564. We now open the hearing on LB639 and invite Senator Garrett to open. Welcome. [LB564]

SENATOR GARRETT: Thank you, Chairman Smith, members of the committee. I'm Senator Tommy Garrett, T-o-m-m-y G-a-r-r-e-t-t. I represent my fellow citizens in Legislative District 3, which includes parts of Bellevue and Papillion and Sarpy County. LB639 was brought to me on behalf of an outdoor advertising company who does business in District 3. This company places lawful billboards on private right of ways through contracts with private landowners in places advertising on those billboards on behalf of local and national businesses. These companies are faced with a situation where volunteer trees and shrubs, not planted or landscaped trees, grow in front of these billboards and obscure the advertisements. This results in devaluing of the advertisement for the advertiser, the landowner, and also the billboard company. There is no provision in state statute to allow billboard companies to trim or remove trees or shrubs in a public right of way. This legislation simply directs the Department of Roads to adopt rules and regulations for the administration of a vegetation control plan in order to allow these companies to remove trees and shrubs according to regulation drafted by the department. It allows the state to require permits for such work. Thirty other states have some sort of vegetation control plan. There are state agencies that govern highways have promulgated rules to allow private companies to do this. These states usually require a permit to trim vegetation around each obstructed billboard and charge a fee for the permit. These states have done this at the recommendation of the American National Standards Institute. The American National

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Standards Institute recommended this after conferring with the federal arborists, the Federal Highway Administration, the Outdoor Advertising Association, and the American Association of State Highway and Transportation Officials. This legislation does not get into the specifics of how to allow the companies to trim or remove trees. This legislation leaves that up to the department. Quickly, just a housekeeping matter on LB639. The bill as originally drafted asks the Department of Roads to adopt and promulgate rules and regulations for the vegetation control program by September 1, 2016. I ask that the committee consider changing that date to September 15, 2015, so we can get these issues cleared up in a more immediate fashion. I have with me an amendment asking for the proposed date change. Thank you, Chairman Smith, and I'll entertain any questions. [LB639]

SENATOR SMITH: Thank you, Senator Garrett. Questions from the committee? I see none. Thank you. We move to proponents of LB639, those wishing to testify in support. Welcome. [LB639]

JIM DEITERING: (Exhibits 1 and 2) Thank you, Senator Garrett and committee. I will try to keep this brief. I know you've had a long day. As Senator Garrett had already stated, LB639...I'm sorry, I should introduce myself first. My name is Jim Deitering. I am the real estate manager with Lamar Outdoor. That's Jim, J-i-m, Deitering, D-e-i-t-e-r-i-n-g. LB639, I'd like to state again as Senator Garrett had said, we are not seeking a right or an ability to just remove trees at our own discretion. Rather, we're seeking an implementation of some sort of a process through application permit to where we can work with the state in trimming or removal of volunteer wild trees that have grown up along state right of way which currently the state of Nebraska does not have anything in place. Over the course of time, we don't feel that the right of way has been let go by any means. They've done a tremendous job of keeping things looking tight and neat. However, some of the trees have grown and grown and grown as trees do and our advertising faces, which have been there for several years, have become obstructed in certain areas over time. And this is a statewide issue. That can directly affect the effectiveness and the productivity of our product, which is outdoor. It can also affect the income of our sales representatives as well as what kind of rents we can pay to our landowners with whom you lease. Some landowners, we actually worked together with the revenue share. If a board is obstructed and we cannot sell location at its full potential, that also affects any rent that a landowner can receive. Furthermore, if a location gets to a point where a tree has grown so much to where it's blocked out maybe half of the face and we can't receive the full revenue which we believe we could, we may have to go to that landowner and speak with them and the idea of possibly restructuring our agreement because of the fact that we cannot get full value for our product. It's our belief that by instituting an application and a permit process for companies in the outdoor industry to trim or remove wild vegetation along the state right of way, it would provide the state Department of Roads savings in labor costs for removals in the future that they may have to do themselves. It would also create a new revenue stream for the state through an application and permit process. I believe there's

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roughly 30 states that allow tree trimming of some sort of wild vegetation along state rights-of-way. The permit costs vary anywhere from \$25 to around \$340. We'd like to try and implement some sort of application process with the state to where we could supply them with photos, aerial ground photos, things of that nature, noting which tree we would like to trim and/or remove. And if there's any concerns from anybody with the state, whether it be for ecological reasons and things of that nature, that is up to the discretion of the state department to deny an application. But, again, we are just simply looking for an opportunity to have some sort of chance to trim trees where need be if it is a wild tree. I've given you letters of support from several of our advertisers with whom we work with, and also a couple of Lamar plans for western Nebraska and the Panhandle area, and also some landowners with whom we work with where our rent is affected by the ability to sell that sign. I'd like to leave it up to questions that you might have. [LB639]

SENATOR SMITH: Questions from the committee? Senator Davis. [LB639]

SENATOR DAVIS: So just looking through the pictures, it looks like some of these are planted trees that the state planted intentionally. Would that be true? [LB639]

JIM DEITERING: That I don't know for sure, Senator. [LB639]

SENATOR DAVIS: And have you visited the Department of Roads about this? [LB639]

JIM DEITERING: I have. I have approached the department of right of way and given them examples of, like the state of Kansas which allows tree trimming from an application and permit process. And I know that it was received and that it was passed on. It's been a couple of years since then. And this has been something that's never really gone very far, and that's the reason that we decided to seek the ear of the state legislation (sic) and see if there's anything we can do on that end. [LB639]

SENATOR DAVIS: So when you say it hasn't gone well, you mean the Department of Roads is not receptive to letting those trees being touched? [LB639]

JIM DEITERING: To my knowledge. I've met with Jean Todd with the state department on the right of way division and she received it and she was going to pass it on to her superiors I guess you will. And we have talked about it and she...I don't know if Jean quite knows where it's at at this point, again, it was passed on. But I have not heard anything as far as any movement going forth on that. [LB639]

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SENATOR DAVIS: And when did you last talk to them about that? [LB639]

JIM DEITERING: It's mostly been through e-mail, I'd say it's been several months at least since I spoke with Jean Todd on that. [LB639]

SENATOR DAVIS: Thank you. [LB639]

SENATOR SMITH: Mr. Deitering, you distributed these photos. [LB639]

JIM DEITERING: Yes, sir. [LB639]

SENATOR SMITH: So is it your understanding then what we're passing would eliminate the trees that are blocking the signs in these photos? [LB639]

JIM DEITERING: Not necessarily. No, sir. What we're...it was just an idea to give you some of our locations where wild trees have grown where they obstruct our signs. Again, what we'd like to do is similar to what I've handed you. We could go to the state with photos and say, is this a tree that we might be able to trim or remove through an application process, to which it would be up to the discretion of the state department to grant us that ability to do so. [LB639]

SENATOR SMITH: All right. Thank you. Senator Davis. [LB639]

SENATOR DAVIS: So one other question, you just referred to them again as wild trees. [LB639]

JIM DEITERING: Yes. [LB639]

SENATOR DAVIS: If the state planted them, can we still call them wild trees? [LB639]

JIM DEITERING: I wouldn't if they were intentionally planted, no, I would not. [LB639]

SENATOR DAVIS: Okay. Thank you. [LB639]

SENATOR SMITH: I see no additional questions. Thank you for your testimony. [LB639]

JIM DEITERING: Thank you, committee. [LB639]

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SENATOR SMITH: Next proponent of LB639. Welcome. [LB639]

JOE KLAUS: Welcome...or thank you. My name is Joe Klaus, J-o-e K-l-a-u-s. I am the sales manager at Lamar Omaha. Have you ever heard of the phrase, what he said? (Laugh) Those two guys said exactly what I was going to say. The only thing I would bring to the table is, as the sales manager, this impacts our sales people. They're not able to sell the stuff and it impacts our advertisers. We get calls, I won't tell you daily, but probably weekly, about vegetation that impacts the legibility of a sign. That's what we sell our signs. That's how we sell them. People can read them. This is not a mandate that we do it. It is not a mandate how we do it. It is not a mandate that says every time we're asking it says yes. We're simply asking for the process to be looked at so we can apply for it. If it turns out that something is not...somebody does not desire that tree to be...or that vegetation to be removed, they can deny the permit. So it's pretty simple. Any questions? [LB639]

SENATOR SMITH: Thank you, Mr. Klaus. Senator Friesen. [LB639]

SENATOR FRIESEN: Thank you, Chairman Smith. I will give full disclosure here. We have two Lamar signs on our property along interstate. And it looks to me like the highway department intentionally lets trees grow in order to block some of these signs that have been, let's say, grandfathered in on distance proximity to the interstate. Ours are allowed to be fairly close to the interstate, where most of them are, what, 600 feet back. [LB639]

JOE KLAUS: Correct. [LB639]

SENATOR FRIESEN: But just from the way their mowing patterns have been, they've allowed trees to grow in front of there. Just a comment I guess. So I do see what's happening in some places. But I sympathize with you. [LB639]

JOE KLAUS: Thank you. [LB639]

SENATOR SMITH: Other questions? Seeing none, thank you, Mr. Klaus. [LB639]

JOE KLAUS: Thank you. [LB639]

SENATOR SMITH: Next proponent of LB639. Welcome. [LB639]

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JOHN LINDSAY: Senator Smith, members of the committee, my name is John Lindsay, L-i-n-d-s-a-y, appearing as a registered lobbyist on behalf of First National Bank of Nebraska in support of LB639. We're one of the advertisers. We, our marketing folks, saw a couple of locations in Omaha where vegetation was obscuring the advertising. And the problem when we looked at it was that the vegetation was on the state right of way. So First National is in support of development of a plan to control vegetation. Be happy to answer any questions. [LB639]

SENATOR SMITH: (Exhibits 3-8) Thank you, Mr. Lindsay. Questions from the committee? Seeing none, thank you. Next proponent of LB639. Seeing...we do have some letters to read into the record in support of LB639: Korbe Palmer on behalf of Lamar Advertising, Wyoming and western Nebraska; Tom Zito on behalf of Quality Brands of Omaha; Robin Donovan on behalf of Bozell; Alyssa Hollenback on behalf of Haworth Marketing and Media; Mary Groves on behalf of Clear Channel Outdoor; and Donald Deitemeyer on behalf of Lamar Advertising. We now move to opponents, those wishing to testify in opposition to LB639. Opponents. Seeing none, those wishing to testify in a neutral capacity. Welcome. [LB639]

RANDY PETERS: (Exhibit 9) Good afternoon, Chairman Smith, members of the committee. My name is Randy Peters, R-a-n-d-y P-e-t-e-r-s, and I'm the acting director for the Nebraska Department of Roads. I'll be very brief on this. Our testimony is neutral. Just a word about trees, landscapes, and shrubs in the right of way. There's a 10,000-mile network. It's been built over 100 years, so it's not a uniform story. But a lot of the landscape is deliberately planted to provide some function--erosion control, site buffering, snow drift abatement, those kind of things. Further, when you do a project in this network that's been around for a century, if you prosecute the...if you do the jobs with federal funds, oftentimes you make environmental commitments to preserve parts of the right of way in a certain condition in order to comply with the NEPA laws, the environmental protection act. So we have...we do have commitments at various locations along the right of ways that we have committed to federal regulatory agencies that we'll keep wetlands there, we'll keep certain endangered species habitat the way that it is. Some areas like in the central flyway right now where all the cranes and geese are, when you build in there conservation easements are placed on the right of way, and so that's even more restrictive than...as restrictive as the environmental commitments. So those are points I just want to make about when you talk about trees, and I recognize this bill would allow the department to promulgate rules and rules can deal with that. But just so that...to dispel the idea that if you just issue a permit you could clear cut all the trees between a driver and the sign without some due diligence, I want to dispel that notion. You need to be very aware of the site. You need to look into the preconditions somewhat, which as I've heard the proponents testify, if they go halfway and submit photos and locations, that can cut down the administrative research that you'd have to do to grant a permit. Last thing I would like to say is that the fee that's in the bill now is...gives a range between 25 cents and \$15 dollars. And just sitting down with my right-of-way manager and trying to put together a reasonable scenario for something that might occur anywhere along

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the 10,000-mile network, a district person in one of our district offices has the responsibility of being a sign permit tech. They would need to check out the site. Let's say that they haven't seen it before, didn't have a picture, they might have to drive several hours to get out to the site, drive back. They document their research. They process the application at that level. It would have to come into the central headquarters in Lincoln where the right-of-way people who are responsible for issuing permit...approving permits and making sure that compliance with the outdoor advertising acts are carried out would have an hour or two in it. And then you'd have a few more hours back on the district to ensure that the trees that were dropped didn't do any harm to drop on the fence or make sure that the access from the interstate right of way was done in a safe manner so the driving public wasn't put in jeopardy. Adding those up, we came up with about 16 hours of people handling it in a...not every case, some cases would be simpler, some cases would be more complex, but at an average of \$20 an hour, that's \$300 of people's time. They're already on our staff so it's time that would be substituted from doing other important duties to doing this. So just ask you to consider the \$15 ceiling on the permit, if that could be dealt with in the rule promulgation. With that, I'll stop and ask for any questions. [LB639]

SENATOR SMITH: Thank you, Mr. Peters. Senator Friesen. [LB639]

SENATOR FRIESEN: Thank you, Chairman Smith. Mr. Peters, although I do appreciate the trees sometimes, they do keep vehicles out of my field. But at what point is it a safety issue? Some of these trees are fairly large and they're not that far from the roadway. I mean, they...to me I was to the point of thinking it might be a safety issue because to keep them cleared of...for people do run off the road and to have a nice wide, clear right of way would sure prevent some fairly serious accidents. [LB639]

RANDY PETERS: There is a...depending on the functional class of the road and the traffic and speed, there's a lateral clear distance that we keep inviolate and keep trees out of. It's usually the first 35 feet. It's a littler narrower on some of the lower-functioning class roads. But some of the trees are not deliberately planted. There's a lot of invasive species. There are trees that come out there that we didn't plant. I know what you're talking about. And so...but there...our design standards require a zone free of lateral obstacles, which include trees and volunteer trees. [LB639]

SENATOR FRIESEN: So like along the interstate you're saying you just want 35 feet from the roadway? [LB639]

RANDY PETERS: From the edge of the outside driving lane. [LB639]

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SENATOR FRIESEN: Okay. It doesn't seem like very far at those speeds, but thank you. [LB639]

SENATOR SMITH: Senator Davis. [LB639]

SENATOR DAVIS: Just want to clarify something. Mr. Peters, thank you. Thank you, Chairman Smith. Are you suggesting that we go on a cost...if you were going to do this permit fee have it done on a cost-recovery basis for Department of Roads? [LB639]

RANDY PETERS: Yes, I am, otherwise it gets subsidized by the Highway Trust Fund that really wasn't devoted, dedicated to this purpose. [LB639]

SENATOR DAVIS: Right. Thank you. [LB639]

RANDY PETERS: And over time, you know, it adds up. [LB639]

SENATOR DAVIS: I think that makes sense. [LB639]

SENATOR SMITH: Additional questions? Seeing none, thank you, Director Peters, appreciate it. Any additional neutral testimony on LB639? Seeing none, Senator Garrett, you're invited to close. [LB639]

SENATOR GARRETT: Thank you, Chairman Smith. I really think this is a win-win for the state. I think the folks that brought this bill to me are willing to adjust as necessary. This really allows us to, you know, the state to save money on not having to trim these trees and shrubs away from areas to begin with. And they ultimately have the say on what the billboard companies can actually go there and cut, so. And they'll get fees for doing that and I think it's going to be a positive thing. And you're absolutely right, Senator Davis, it should...you know, it should not have an effect on our revenue. It should be a positive effect and not cost us anything out of our highway funds. So with that, I'll take any questions you might have. [LB639]

SENATOR SMITH: Questions from the committee? Seeing none, thank you, Senator Garrett. [LB639]

SENATOR GARRETT: Thank you. [LB639]

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SENATOR SMITH: That concludes our hearing on LB639, and that concludes our hearings for the day. [LB639]