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Transportation and Telecommunications Committee
February 28, 2017

[LB82 LB357 LB587 LB627 LB629]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, February 28, 2017, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB82, LB357, LB587, LB627, and LB629. Senators present: Jim Smith, Vice Chairperson; Bruce Bostelman; Tom Briese; Suzanne Geist; Dan Hughes; and John Murante. Senators absent: Curt Friesen, Chairperson; Mike Hilgers.

SENATOR SMITH: Good afternoon, everyone. Good afternoon. Welcome to the Transportation and Telecommunications Committee public hearing. My name is Jim Smith. I represent the 14th Legislative District in Sarpy County and I serve as Vice Chair of this committee. The Chairman Senator Friesen is out for surgery today and we wish him a speedy recovery. The committee will take up the bills in the order posted on the outside of the room. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceeding I ask that you abide by the following procedures. First of all, please turn off cell phones and other electronic devices so as not to distract the person testifying in front of us today. Move to the chairs in the front of the room when you're ready to testify so that we can keep the hearings moving. The order of testimony will be the introducer of the bill, proponents, opponents, those in neutral capacity, and then we will have closing remarks from the person introducing the bill. If you will be testifying, please complete the green form and hand that to the committee clerk when you come up testify. If you have written materials that you would like to distribute to the committee please hand those to the page and we will get those distributed. We will need ten copies for all committee members and staff. And if you need assistance in making those copies, please let us know. We're more than happy to help you with that. When you do come up to testify we will need you to both state and spell your name to make certain the transcribers get it correct in the record. We will use the light system today, five minutes for the testimony. The green light will be on for four minutes. After four minutes it will turn to an amber color. For the remaining minute if you would wrap up your testimony during that time. When the red light comes on if you are still testifying we would appreciate if you would wrap up your testimony at that point. If you would like your...if you would like your position known but do not wish to testify, please sign the pink form at the back of the room and it will be included in the official record. The microphone on the table when you're testifying is not for amplification. It is simply to record your testimony for the transcribers, so you'll need to speak loudly enough for others to hear you. Let me introduce you to staff. Today we have legal counsel of the committee, Mike Hybl, to my right; and to my left is committee clerk, Elice Hubbert. The committee members with us today, at my far right is Senator Tom Briese from Albion, District 41; Senator Bruce Bostelman next is from Brainard, District 23; then we have John Murante from Gretna, District 49; continuing on my left will be Senator Dan Hughes. I saw him here a moment ago. I believe he will be back. He represents...he's from Venango. He represents District 44. Next is Mike Hilgers, Senator Mike

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

Transportation and Telecommunications Committee
February 28, 2017

Hilgers representing Lincoln, District 21; and Senator Suzanne Geist, Lincoln, District 45 (sic: 25). We have two pages with us today assisting us and assisting you: Heather Bentley from Miller, Nebraska, and Jade Krivanek from Omaha. We will have members of the committee coming and going today. They do have responsibilities in other committees, so please forgive us for that distraction. But your testimony in front of us is important and we appreciate you all being here today. I think we're ready to get started with our bills for the day. First bill up is LB627, Senator Larson, it relates to providing for the operation of autonomous motor vehicles as prescribed. Welcome, Senator Larson.

SENATOR LARSON: Good afternoon, Vice Chairman Smith and members of the Transportation, Telecommunications Committee. My name is Tyson Larson. T-y-s-o-n L-a-r-s-o-n. I come before you today to present LB627. LB627 provides definitions and provisions relating to the operation of autonomous motor vehicles in Nebraska. Currently authorized in various capacities in numerous other states, autonomous vehicles are no longer just an engineer's vision of the future. Autonomous vehicles have arrived and they will only become more popular and prevalent with time. In addition to my personal support and interest with the particular issue, the introduction of autonomous vehicle legislation to our state was one of several recommendations from a committee which I co-chaired over the interim. The true goal of LB627 was originally based off a Florida statute was to provide a starting point and basic foundation for the future of autonomous motor vehicles in Nebraska. I introduced this bill with progression of the concept in mind knowing that the constant evolution of technology will be inevitable and I am happy to work with members of the industry as well as the Transportation Committee to address this concern moving forward. An amendment I support overall in concept will be offered to you in the neutral testimony from the industry. I would like to thank the committee members for their time today and for their consideration of LB627 moving forward. I'm happy to answer any questions. [LB627]

SENATOR SMITH: Thank you, Senator Larson, for your opening on LB627. Do we have questions from the committee? I see none. Senator Larson, I know you have the next bill up so you'll be around for closing, right? [LB627]

SENATOR LARSON: Thank you. Yes. [LB627]

SENATOR SMITH: Okay. We now move to proponents of LB627, those wishing to testify in support of LB627. Seeing none, anyone wishing to testify in opposition to LB627? Welcome. [LB627]

CARLA JACOBS: Good afternoon, Senator Smith and members of the Transportation and Telecommunications Committee. My name is Carla Jacobs, C-a-r-l-a J-a-c-o-b-s. I'm the head of

public policy for Uber Nebraska. Thank you for the opportunity to testify today about Uber's work in self-driving technology and what this means for Nebraska. As you know from this committee's work in 2015, Uber is a ride-sharing app that connects passengers with drivers at the push of a button. This technology has enabled Uber to improve mobility and the quality of life for people living in and around Omaha and Lincoln. The progress we've made with ride sharing in the past few years is exciting and we're proud to have helped transform transportation in Nebraska and across the country. And as we look forward to the future of transportation I want to specifically talk with you about self-driving cars, the next phase of transportation that will enable us to fast forward this progress. Self-driving technology can bring numerous benefits to states across the country: enhanced safety, congestion relief, and cleaner air. Most importantly, self-driving cars have incredible potential to reduce auto crashes and save lives. Each year, more than 1.3 million lives are lost on the world's roads including more than 40,000 in the U.S. and almost 94 percent of those deaths are due to human error. The good news with self-driving is that unlike human drivers, computers do not suffer from fatigue or distraction. Uber's investment in this transformative technology began two years ago in Pittsburgh where we established our Advanced Technologies Group. Today, Uber offers riders in Pittsburgh and Tempe, Arizona, the ability to experience a ride in a self-driving vehicle with a safety driver. Of course, the success of self-driving cars will depend on the technology and it's still very early. Today these cars struggle with bad weather and the unknown, new road construction, or an accident. It's why they need safety drivers in all but the most controlled environments. But computers can perceive better, calculate faster, and react earlier which means they can drive safer. And once we can show that a car can drive safer than a human being then that technology should be deployed at scale to the benefit of people. But the approach of government will be crucial to allowing cities to realize the safety, environmental, and congestion benefits that self-driving can bring. For example, if you look at ride-sharing regulations today you'll see vastly different reactions from city and state regulators. Many have welcomed ride-sharing services with open arms like Nebraska and these places are seeing significant benefits in improved mobility, reduced congestion, and additional safe transportation options for residents and visitors. But unfortunately some places are pushing back on the next phase: self-driving. This is potentially because the future seems unknowable, and in some cases, government has been slower to embrace the regulatory approach needed for new innovation to thrive or has created rules that will eventually result in road blocks for innovation. In all cases the result is the same--preventing states, cities, and their residents from seeing these benefits and the positive impact they bring. Many states are currently exploring how to regulate self-driving technology and all are struggling with how to encourage innovation while protecting public safety. Some have passed regulations while others have determined that regulations at this point in time could stifle advances in technology. LB627 as introduced includes provisions that would impact the future of self-driving technology in Nebraska by putting in place unnecessary restrictions. And I know the sponsors spoke to changes coming, but my comments are just purely on the introduced version because I haven't seen those changes. Specifically, the bill's broad definition of autonomous technology and other provisions related to human operator could limit

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

Transportation and Telecommunications Committee
February 28, 2017

technology beyond that which is truly autonomous and capable of operating without a human driver. For example, many vehicles that have been sold to consumers and are on the roads today are equipped with systems that have the capability of fully operating the vehicle in certain driving conditions but only if that driver is actively monitoring the vehicle and prepared to resume control. Under the current draft of the legislation, it's unclear whether the Legislature intends to capture these vehicles in its autonomous vehicle program. And even if that's not the intent, it could be the resulting impact. The draft legislation should be revised to clarify that autonomous vehicles are only those vehicles that can operate on their own and do not require a human being to take over control in the event of a failure of that technology. We understand that for policymakers the safety of your residents is always top of mind and it is for Uber as well. We prioritize safety in everything we do, including pushing upgrades to the software and performing continuous maintenance on the vehicle and hardware. Safety is incorporated into our entire development process and we're continuously evaluating the real-world performances of our self-driving Ubers. We know the public will have questions about safety of any new technology and importantly we know that successful operation of self-driving cars will depend on consumer knowledge and public trust. While it's still in its early days, once self-driving is developed and advanced enough for mass adoption, we know that crashes and severe injuries and fatalities can be drastically reduced or even someday eliminated and that is the future we should all be looking forward to. We appreciate the openness from Senator Larson and the committee to look at amendment language. And as you continue to explore self-driving technology, Uber looks forward to being a resource. [LB627]

SENATOR SMITH: Thank you, Ms. Jacobs, for your testimony. Questions from the committee for Ms. Jacobs? Senator Bostelman. [LB627]

SENATOR BOSTELMAN: Thank you, Mr. Vice Chairman. Ms. Jacobs, you've talked about inclement weather. What kind of weather are we talking about that can impact these vehicles? [LB627]

CARLA JACOBS: Well, right now it's a little bit early to tell. The reason that Uber has identified Pittsburgh and Arizona is because they offer a range of road conditions and weather conditions. It's important to make sure that, you know, as this technology evolves that it's safe on snowy roads, winding roads, hilly roads. And so as the technology is evolving it's important to have those different road types available for testing. [LB627]

SENATOR BOSTELMAN: Okay. Thank you. [LB627]

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

Transportation and Telecommunications Committee
February 28, 2017

CARLA JACOBS: But I'll also just add that right now in the Uber vehicles that are on the road that are operating with AV technology, there's a safety driver. So if anything happens, then there is a driver in the front seat ready to take over. [LB627]

SENATOR BOSTELMAN: Sure. Okay. Thank you. [LB627]

SENATOR SMITH: Senator Hughes. [LB627]

SENATOR HUGHES: Yes, thank you, Mr. Vice Chairman. Thank you, Ms. Jacobs, for coming today and offering your testimony. So during this testing phase are they just testing in cities or are testing on wide open spaces, you know, highway speeds or is it all of the above? [LB627]

CARLA JACOBS: The AV program that Uber offers in Pittsburgh and Tempe is in the cities so Uber riders with the app can use their app to request a self-driving car and if there is one available then it would pick up that rider and go through the regular Uber experience. So right now those programs are only offered in the city of Pittsburgh and Tempe. [LB627]

SENATOR HUGHES: So within the city limits. Is there a maximum speed that the car is allowed to go, or just whatever the posted speed on the highway? [LB627]

CARLA JACOBS: They would follow all the rules of the road. [LB627]

SENATOR HUGHES: Okay. Thank you. [LB627]

SENATOR SMITH: Ms. Jacobs, can you tell us of any states that have legislation in place that you believe is the proper way of handling this? [LB627]

CARLA JACOBS: Well, I think it's an important question and an important conversation. I think that you know what might be able to exist today and be a framework for how the technology is in operation today may not be the appropriate framework for what that technology looks like next month or next year. So states are trying to think ahead and put in place technology...put in place regulations that will work for this technology when it's fully autonomous. Speaking from Uber's perspective in Arizona and in Pittsburgh, the vehicles that are on the road are operating within the existing regulations. So I think there is a lot of conversations going on in this space. I don't know if anyone can see the future of this technology enough to put in place anything that will absolutely work for the future. [LB627]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR SMITH: All right. Very good. Further questions for Ms. Jacobs? I see none. Thank you. [LB627]

CARLA JACOBS: Thank you. [LB627]

SENATOR SMITH: Next opponent of LB627. Anyone wishing to testify in a neutral capacity on LB627? [LB627]

JULIE MAASKE: (Exhibits 1 and 2) Thank you. Good afternoon, Vice Chairman Smith and members of the Transportation and Telecommunications Committee. I am Julie Maaske, J-u-l-i-e M-a-a-s-k-e, Deputy Director of the Department of Motor Vehicles. I am appearing before you today to offer neutral testimony on LB627. I would like to thank Senator Larson for bringing to the table an important and relevant topic related to the safety and regulation of motor vehicles in Nebraska. Autonomous vehicles are clearly going to be a significant part of the transportation industry in the future and quite possibly the very near future. Currently the Department of Motor Vehicles is in the process of establishing a working committee of stakeholders to examine the many aspects impacted by autonomous vehicles. There are many policy questions which need to be considered: registration, vehicle insurance and liability, driver testing, vehicle testing, traffic enforcement, and safety requirements to name a few. Work has been done in other states as well as our federal safety partners at the National Highway Traffic Safety Administration, or NHTSA, relating to autonomous vehicles. NHTSA released a Federal Automated Vehicles Policy in September of 2016, which has been provided to the committee. The American Association of Motor Vehicle Administrators, or AAMVA, in conjunction with NHTSA convened a working group over a year ago to address this topic. DMV Vehicle Administrator Betty Johnson serves as a member of the group, giving Nebraska valuable insight into the multitude of issues surrounding autonomous vehicles. We anticipate the group will release a best practices document this year. It is true Nebraska needs a plan to regulate automated vehicles in the coming years. It is important that the plan makes sure any automated vehicle laws this state adopts are in harmony with laws of other states to avoid Nebraska becoming an island with laws apart from the rest of the nation. We want to embrace and encourage innovation, while ensuring we protect the safety of Nebraskans. I believe input from the relevant stakeholders prior to establishing state policy would be an effective way to accomplish that goal. Thank you for your time today and I'd be happy to answer any questions at this time. [LB627]

SENATOR SMITH: Thank you, Ms. Maaske. Do we have questions from the committee? Senator Bostelman. [LB627]

SENATOR BOSTELMAN: Thank you, Mr. Vice Chairman. Ms. Maaske, thank you for coming today. [LB627]

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

Transportation and Telecommunications Committee
February 28, 2017

JULIE MAASKE: Thank you. [LB627]

SENATOR BOSTELMAN: I have a couple questions I guess. On the National Highway Traffic Safety Administration, are there tests being done now? I mean these vehicles that are out there, are they being largely used in the...across different states? What stage are we in, in development and actual use of these and testing these from the national level? [LB627]

JULIE MAASKE: As I understand it, NHTSA is laying kind of twofold. They are looking at and regulating some of the things that have to be in place in order for manufacturers to do testing, and some of that testing is happening in various states depending upon what those states are allowing. And then also NHTSA is trying to lay kind of a general foundation or framework about the operation of those vehicles in different states. [LB627]

SENATOR BOSTELMAN: To follow along with that, is there a prohibition in the state of Nebraska at this point in time to operate an...I'll use autonomous vehicle... [LB627]

JULIE MAASKE: Autonomous. [LB627]

SENATOR BOSTELMAN: ...is that legal? [LB627]

JULIE MAASKE: I believe right now our state statutes are silent in regards to autonomous vehicles. [LB627]

SENATOR BOSTELMAN: Okay. Thank you. [LB627]

SENATOR SMITH: Senator Briese. [LB627]

SENATOR BRIESE: Thank you, Senator, and thank you for being here. So is your testimony that we should await the outcome of this working group that you talked about before we enact anything relative to autonomous vehicles? [LB627]

JULIE MAASKE: Well, I think that the department deems that it's important to be able to get information from varying groups that have interest in this, various agencies within state government as well as knowing that industry has a huge interest in this topic. So, yeah, we do believe it's important to look at everything in a whole because it's has a multi facets to it. It can be important to look at all those because it can be a little bit complicated to make sure it all

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

Transportation and Telecommunications Committee
February 28, 2017

works in conjunction. So that's why we are looking to put a working group together in order to do that. [LB627]

SENATOR BRIESE: And how many states have legislation that cover autonomous vehicles, do you have any idea? [LB627]

JULIE MAASKE: I know as of August I believe there was at least seven at that point that had varying degrees of regulations varying from some people looking to study to allowing testing in their states. I'm sure others from industry may have a better grasp on that. But I believe as of August there was at least seven. But that has probably grown since then. [LB627]

SENATOR BRIESE: Okay. Does operation of an autonomous vehicle in Nebraska currently violate statutes or violate the law? [LB627]

JULIE MAASKE: Like I say, right now I believe our statutes are silent on that. [LB627]

SENATOR BRIESE: Simply silent. [LB627]

JULIE MAASKE: That would be my impression of them. I'm not an attorney, but that would be my impression, that we don't address it at all right now in our statutes. [LB627]

SENATOR BRIESE: Okay. Thank you. [LB627]

SENATOR SMITH: I see no further questions. Ms. Maaske, thank you for your testimony. [LB627]

JULIE MAASKE: Thank you, sir. [LB627]

SENATOR SMITH: Next opponent of...I'm sorry, this is neutral, neutral testimony on LB627. Welcome. [LB627]

JOHN LINDSAY: (Exhibit 3) Thank you, Senator Smith, members of the committee. For the record, my name is John Lindsay, L-i-n-d-s-a-y, appearing as a registered lobbyist on behalf of the Auto Alliance. The Alliance of Automobile Manufacturers is a group that includes...represents 77 percent of the car and light truck sales in the United States including BMW, Fiat Chrysler, Ford Motor Company, General Motors, Jaguar Land Rover, Mazda, Mercedes Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America, and

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

Transportation and Telecommunications Committee
February 28, 2017

Volvo USA. We're appearing today in neutral capacity on the bill. We thank Senator Larson for starting the discussion on the issue because, I think as he mentioned, driverless vehicles I would not say are on their way; they're here. The technology continues to evolve, continues to advance. And that is why we're here in a neutral capacity is because the Alliance's main concern is that legislation or law does not interfere with the development of technology. Automated driving systems, first, we'd note have the potential to dramatically reduce the number of roadway fatalities ushering in a new era of mobility for consumers. I'm sure you've all read some of the...what seems futuristic but it's not that far in the future. I've heard it said that my grandchildren will never have a driver's license and will never...potentially may never own a car because the way that technology is happening and the world is changing. A lot of the technology that has led to driverless technology has been because of safety and driver assistance, things that you all may have on your cars that are parts of the driverless technology. In the next step that most of the manufacturers are looking at now is to mitigate or avoid the 94 percent of accidents that are currently attributable to human error. With driverless technology, reductions in accident rates are just incredible. But doing that requires some very technical types of things. Right now they are looking through the continued development and deployment of SAE J3016 Level 3-5 automated driving systems. What that's talking about is the Society of Automotive Engineers has continued to update and deploy their protocols for the development of that technology and it's just to give you an idea of how technical the area is. We would encourage the...we would encourage the state to keep an eye on the National Highway Traffic Safety, NHTSA's federal automated vehicle policy in looking at...as you move forward to avoid regulating vehicle safety performance design and certification. Passed out an amendment, AM422, which we have...I also thank Senator Larson. We've worked with Senator Larson's office. He's been very open to working with us on trying to get language that is something we can...with which we can move forward. He's...just talking to him in the front row again, continued to say...he'd be happy to continue to work with us and the committee and we would say we would be happy to work with the committee as well. This language was put together by the manufacturers that...representatives of the manufacturers that I said at the outset. And that language was drafted to the bill, so it's specific to Nebraska, again, trying to keep with some of the principles that the Alliance has in dealing with regulation of automated driving technology. With that, I'd be happy to try to answer any questions. And as I mentioned, we'd be committed to working with the committee on any language for the bill. [LB627]

SENATOR SMITH: Thank you, Mr. Lindsay, for your testimony. Do we have questions from the committee? Senator Briese. [LB627]

SENATOR BRIESE: Thank you and thank you for being here. Any general ideas on how the amendment differs from the bill itself and any key points anyway without going through the whole thing? [LB627]

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

Transportation and Telecommunications Committee
February 28, 2017

JOHN LINDSAY: Well, there's a...the key points probably are if you look at I believe page 1, lines 24 to page 2, line 4. It creates...and this is one of the problems. If there is no driver, who is responsible for complying with state statutes, the rules of the road? And under this definition, that driver is in fact the automated system. How that develops is one of the...one of the concerns is does that go back to software technology or mapping issues? There's a lot of stuff that is still in flux. But that would be one. And there's also, as they went through, they mentioned to me there's a section they did not include because they really couldn't figure out how to deal with it, and that is there's a statute that prohibits a video screen to be within line of vision of the driver. In a driverless vehicle where the driver is not controlling the vehicle, that provision is probably not applicable. Again, just showing some of the types of things I think that do need to be addressed, and in that one they determined, well, that probably doesn't apply. And, Senator Briese or Bostelman, I think one of you had a question about whether there's existing law. And I think the closest we've come to, it's also addressed in the amendment on page 2, line 15, Section 60-6,168, that's a section that deals with unattended vehicles and that prohibits it. And it talks about the fact that an automated system is not an unattended vehicle, even though you're not actually controlling it. It would not be unattended for the purposes of 60-6,168. [LB627]

SENATOR BRIESE: Okay. Thank you. [LB627]

SENATOR SMITH: Senator Bostelman. [LB627]

SENATOR BOSTELMAN: Thank you, Mr. Vice Chairman. Thank you, Mr. Lindsay, for being here. I guess the question is, where are we as far as vehicles being on our roads that this is at a point that we need to bring this to statute now? [LB627]

JOHN LINDSAY: Well, that's the question. There are vehicles on the road. I think prior testifier talked about in some states. I don't know that they're on the road in Nebraska. I don't believe so. But you have test projects going on. And in those tests they still have to comply with the rules of the road. So that would be the... [LB627]

SENATOR BOSTELMAN: From the automaker or manufacturer's side, can you say how--you may or may not be able to; I understand--how far down the line are we before we actually see these type of vehicles or driver-assisted vehicles, I'll say, on a road...on a large scale? [LB627]

JOHN LINDSAY: I don't know that I can speak on behalf of manufacturers. I don't have direction on that but, it's sooner rather than later. The problem is at what point do they become...it takes a while for any fleet or any number of cars out there to be replaced. But you'll see them, I'm guessing, 2020. [LB627]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BOSTELMAN: Okay. [LB627]

JOHN LINDSAY: Like I say, not in the far-off future. [LB627]

SENATOR BOSTELMAN: Sure. I understand. Thank you. [LB627]

SENATOR SMITH: Seeing no further questions, thank you, Mr. Lindsay, for your testimony. Next person in a neutral capacity on LB627. Welcome. [LB627]

JOE KOHOUT: Thank you, Vice Chairman Smith, members of the Transportation and Telecommunications Committee. My name is Joe Kohout, K-o-h-o-u-t, appearing today on behalf of and in a neutral capacity on behalf of our client General Motors, LLC. Let me begin by saying that we certainly appreciate the efforts of Senator Larson. We indicated that we had concerns about LB627 about two weeks ago. He indicated his willingness to work with us. The amendment that Mr. Lindsay provided is the fruit of discussion between people way above Mr. Lindsay and my levels about looking at it and with the guidance of Senator Larson saying, you know, we want Nebraska to be an open and welcoming place for these types of vehicles. That being their guidance in those discussions, I think you have the fruit of those. And so the amendment that you have in front of you is one that we can move from an opposition position to a position of neutrality. And with that, I would try to answer any questions that you might have. [LB627]

SENATOR SMITH: Thank you, Mr. Kohout. Questions from the committee? I see none. Thank you. [LB627]

JOE KOHOUT: Thank you. [LB627]

SENATOR SMITH: Next person in a neutral capacity on LB627. Welcome, Mr. Todd. [LB627]

LOY TODD: Senator Smith, members of the committee, my name is Loy Todd; that's L-o-y T-o-d-d. I'm the president of the Nebraska New Car and Truck Dealers Association testifying in a neutral capacity on this legislation. We want to thank Senator Larson for introducing the issue to the Legislature and for his openness and willingness to work with the various manufacturers. In a very narrow, focus I represent the dealers. We are concerned always with this type of legislation to help to avoid legislating some technology that may be exclusive or may be exclusionary to any certain manufacturer or dealer. We want to sell these things. We want to sell them to everybody and we don't want to accidentally get into some situation where we exclude one manufacturer or one type of vehicle for something other than safety. And so from that standpoint we appreciate

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

Transportation and Telecommunications Committee
February 28, 2017

having everyone share this, these drafts and the amendments and that type of thing with us. We welcome the technology. And with that, answer any questions that you might have. [LB627]

SENATOR SMITH: Thank you, Mr. Todd. I see no questions from the committee. Thank you. [LB627]

LOY TODD: Thank you. [LB627]

SENATOR SMITH: Next neutral testifier on LB627. Welcome. [LB627]

ANNE DeVRIES: (Exhibit 4) Hello, my name is Anne DeVries, A-n-n-e D-e-V-r-i-e-s. Thank you, committee, for letting me speak. I have come here today to make some statements for the record. This bill and many others, may not get a vote this session. The reason, I believe, is in the story that I find very concerning. The story is about--forgive my pronunciations--Senators Watermeier, Clements, Craighead, Riepe, Smith, Brasch, Albrecht, Lindstrom, Scheer, Hilgers, Bostelman, Kolterman, Geist, Ebke, Halloran, Lowe, Kuehn, Linehan, Larson, Briese, Groene, Brewer, Hughes, Erdman, Stinner and last but not least, Friesen and Murante. Stay tuned as I have a short side stories about Senator Murante and Friesen. If you were keeping count, that is the Gang of 27 that are trying to ruin our Unicameral. They seem to have a sworn pledge to Governor Ricketts and will vote the way the Republican Governor wants. The transcript for LB46 shows the large number of citizens opposing LB46, but all eight Transportation and Telecommunication Committee members voted it out of committee, which is what the Governor wanted. And they pledged to do that even before hearing from the public. The transcript of LB46 will give a historian a good idea about what was said, but not what was felt and seen. I want my feelings in the record too. During the hearing of LB46 there were so many opposed to it that the room was full and the front seats, normally seating testifiers, were full most of the time. There were no citizens representing themselves supporting LB46 with only five group statements against it. With so many people present, I was nervous and so was my friend, so we supported each other, but could only find us seats in the back. We moved to the front between testifiers when we saw open seats. I forgot the sheet with my name, so when I started at the podium I realized this and made a quick decision to save time and tell my friend to go next. It amounted to only seconds' delay, but it did get in the transcript. For people seeing it in the room, it was pretty clear why I left to go back and get my sheet left on the back seat. After my friend was done, I moved back to a front seat to not delay. But it was very uncomfortable returning as Senator Friesen had made a statement after my friend was done in which he said, quote, if we can get a little bit better organized so that we can keep this moving rather smoothly, if we could, unquote. This was directed to all those in opposition to LB46 like we were a group. We were not a group but individual citizens that all had diverse perspectives opposing the bill and we did not coordinate our movements, less my friend and I, which did for support. My personal mistake was

used by Senator Friesen to make all the people after me very uncomfortable and intimidated. Some may have decided not to testify due to...testify their opposition due to this intimidation. Many were testifying for the first time and had abortion stories to tell. One woman had already apologized for clapping, as she did not know that rule. Her apology, as seen in the transcript, was not accepted with words by the Chair, but just an um-hum. I would think a thank you or apology accepted would be more appropriate from a Chair. While speaking, I imagine I appear nervous, as I feel very nervous. In my testimony against LB46 I know I read at least one part wrong, making me even more self-conscious. I don't look up, as I will lose my place and get flustered. I am glad I didn't look up as I may have seen senators rolling their eyes. That is one of my most hated facial looks when I am speaking. Eye rolling from a person of power during a very personal speech would be devastating to most if seen. I know eye rolling was done during the testimony as there was a young girl that watched the committee and pointed out the person she saw rolling his eyes. It was Senator Murante and he has yet to deny it or apologize for it as far as I know. Eye rolling and rude behavior directed at a group of citizens is not something that Nebraska voters should accept. We can vote out the elected officials that act this way. My testimony for LB46 was the first I had done this year and I hope it helps the senators understand what the citizens of this state want. This year I have felt the need to be even more active in testifying and this is my fourth time at a hearing this year. I have been inspired by Senator Chambers and his work at shaming the Gang of 27. I have called the Governor asking him to release the 27 from their pledge to him and let them vote how their constituents want them to vote. We need independent senators to vote how their constituents asks them to vote. We have so many important bills to pass, like LB499 to save our bee farmers and LB627 that is before you now. A Governor should not be allowed to use his money to influence elections and citizen petitions telling senators to pack together and vote as one or they will lose their next election should not be allowed. Closing the public out of hearing discussions when the public participated in that hearing should not be allowed. Eating food in a hearing in front of the public should not be allowed. Rules for our Unicameral should not be changed by a partisan-led effort. This is a nonpartisan chamber and for Republicans to band together to ruin it is unconscionable. There is so much that could be done in this session that would help Nebraska. [LB627]

SENATOR SMITH: Ms. DeVries...please... [LB627]

ANNE DeVRIES: I hope some realize...yes, yes. [LB627]

SENATOR SMITH: Please conclude. [LB627]

ANNE DeVRIES: Oh, I will. I hope some realize that they can make a difference and break away from the pack. I have one more concern I want to be on the record about climate change, but I won't continue since I've run out of time. Climate change is a very important issue. And if

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Transcriber's Office

Transportation and Telecommunications Committee
February 28, 2017

Republicans could start to addresses it, I would be like Jesus and say forgive them for they do not know what they do. Thank you. [LB627]

SENATOR SMITH: I see no questions from the committee. Thank you. [LB627]

ANNE DeVRIES: I have some of it in writing, but I only had nine copies. Would it be worth...? [LB627]

SENATOR SMITH: They can make additional copies for you. [LB627]

ANNE DeVRIES: Okay. [LB627]

SENATOR SMITH: Others that are wishing to testify in a neutral capacity on LB627. Seeing none, Senator Larson, you're invited to close on LB627. [LB627]

SENATOR LARSON: Thank you, members of the committee. I will address specifically those that testified specifically on LB627. And the one testifier that testified in opposition... [LB627]

SENATOR SMITH: And Senator Larson, I'm sorry... [LB627]

SENATOR LARSON: Yes. [LB627]

SENATOR SMITH: Please forgive me. Hold on for just a moment. (Exhibits 5 and 6) I did not read into the record two in a neutral capacity that sent letters in for the record: Kyle Schneweis, Director of the Nebraska Department of Roads; and Theodore Fraizer, counsel for American Insurance Association. Both sent letters for the record in a neutral capacity on LB627. My apologies, please continue. [LB627]

SENATOR LARSON: Thank you, Vice Chairman. As I said, we approached the lobbyist for Uber early in the session and they didn't feel that there was going to be any issues. And I'm disappointed to hear that they are in opposition, especially since we've offered to work with them and they still testified against the bill when I think we do have the same goal in mind. And that is to make these vehicles...to clarify that we don't want the burdensome regulation that oftentimes comes with some states and some states do have some burdensome regulation when it comes to these types of vehicles. And I know they discussed specifically in Pittsburgh and Tempe, but I do see these as an added benefit in rural Nebraska as well because I can guarantee one of these vehicles driving between Valentine and O'Neill between 5 and 7 a.m., which I've made that drive

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

Transportation and Telecommunications Committee
February 28, 2017

plenty of times, is probably safer than me after I've woken up. So I hope that the committee can work through something. I'm more than happy to work with Messrs. Lindsay and Kohout to go through the amendment that they've offered the committee and hopefully we can move forward. [LB627]

SENATOR SMITH: Thank you, Senator Larson. Remaining questions for Senator Larson? Senator Geist. [LB627]

SENATOR GEIST: I do have one and I've not known who to ask so I'll ask you. [LB627]

SENATOR LARSON: I'll try. I can't promise anything, Senator Geist. [LB627]

SENATOR GEIST: On page 2, line 24, "A person who possesses a valid operator's license", and my only question is, does this...is this for any age individual? And I'm talking on the green copy. And I'm just remembering my sons who drove to school on a provisional license or a 14-year-old who has a school permit, would that apply to every driver? [LB627]

SENATOR LARSON: Essentially it is anybody with an operator's permit and anybody that is 16, even those POP license are operator's permits. [LB627]

SENATOR GEIST: Okay. [LB627]

SENATOR LARSON: And I remember when I was 16 and the type of car, that autonomous vehicle might be better equipped than they are, no offense to your sons. I'm using myself. [LB627]

SENATOR GEIST: Point taken. (Laugh) [LB627]

SENATOR LARSON: I'm using myself as an example of what might be...the computer might have been doing a better job than I did at that age. I'm sure your sons are much better drivers than I was at that age. [LB627]

SENATOR GEIST: Well, I won't comment there. But I just wondered if there was a restriction there. [LB627]

SENATOR LARSON: But the key is we do. And that was part of the reason of the green copy. And I understand that some of...and that was one of the...I think at the core of Uber's part of their

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

Transportation and Telecommunications Committee
February 28, 2017

testimony as well as the industry and that's something I'm happy to work with of who takes over the controls of the car. And I know that some technologies have said that there will be somebody in a foreign country ready to take over the controls of the car if need be. And we don't know who they are or what they are and who to control that. And maybe the federal government will come in and preempt all of these things that we're discussing at the state level now, but LB627 really focuses on what happens if the feds don't come in and preempt. And if they do come in and preempt us then, you know, you can say LB627 is null and void but we understand that Washington has enough on their plate and focusing on a lot of other issues other than these issues, so. [LB627]

SENATOR GEIST: Thank you. [LB627]

SENATOR SMITH: Senator Briese. [LB627]

SENATOR BRIESE: Thank you, Senator, and thank you for being here, Senator. Do you know if other states exempt drivers of autonomous vehicles from texting while driving statutes, (inaudible)? [LB627]

SENATOR LARSON: That specifically, I don't know. I mean obviously the state of Nebraska texting while driving is still a secondary offense. And I would have to go through and look. It's my understanding once it goes on autonomous, I mean we heard about the screens being used in a number of other things. I would assume that they would be able to if they're on the autonomous mode, that that would be something they could do. And honestly even in Nebraska right now, once it's on the autonomous mode you would still be able to text and drive because I mean it is a secondary offense, so they would have to pull you over for something else. But we know by rule the autonomous vehicle cannot break a law. They can't speed. They can't do a number of other things. [LB627]

SENATOR BRIESE: Okay. I can see enforcement issues with the balance of texting (inaudible). [LB627]

SENATOR LARSON: I'd be happy to add that into the bill obviously when the time comes. [LB627]

SENATOR BRIESE: Thank you. [LB627]

SENATOR SMITH: I see no remaining questions, Senator Larson. Thank you for your closing on LB627. And we now...that concludes the hearing on LB627. We now move to LB629 to be

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Transportation and Telecommunications Committee
February 28, 2017

introduced by Senator Larson. It relates to exempting certain commercial driver's license holders from hazardous waste endorsement requirements. You're welcome to open. [LB629]

SENATOR LARSON: Good afternoon once again, Vice Chairman Smith and members of the Transportation Committee. My name is Tyson Larson, T-y-s-o-n L-a-r-s-o-n, and I come before you now to present LB629. The bill, introduced at the request of a district constituent, was drafted with the intention of adopting provisions of law similar to those already enacted on the federal level. [LB629]

SENATOR SMITH: Senator Larson, hold on for just a moment. We're going to let the room transition so as not to interrupt you any further. Thank you, I'm sorry about that. [LB629]

SENATOR LARSON: No worries. I'll just start where I was. Section 7208 of the FAST Act, otherwise known as the Fixing America's Surface Transportation Act, provides that a state at its discretion may "waive the requirement for a holder of a Class A commercial driver's license to obtain a hazardous materials endorsement" to transport 1,000 gallons or less of diesel fuel. A state may waive the requirement if the license holder is (1) acting within the scope of his or her "employment as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or live-stock feeder"; and is (2) operating a service vehicle that is transporting diesel fuel in a quantity of 1,000 gallons or less that is "clearly marked with a 'flammable' or 'combustible' placard, as appropriate." It is my understanding that current Nebraska law allows for the transport of 119 gallons of diesel fuel without a hazardous materials permit under the same particulars of the bill. LB629 proposes to change these provisions of law to adopt updated federal guidelines and it also proposes to provide a more efficient way of doing business for those affected. Thank you again for your time today, and I would appreciate your consideration of LB629. [LB629]

SENATOR SMITH: Thank you, Senator Larson, for your opening on LB629. Do we have questions from the committee? I see none. [LB629]

SENATOR LARSON: Thank you. [LB629]

SENATOR SMITH: (Exhibit 1) We move to proponents of LB629, those wishing to testify in support of LB629. We do have a letter for the record in support of LB629 from Rocky Weber, president and general counsel Nebraska Cooperative Council. Anyone wishing to testify in opposition to LB629? Anyone wishing to testify in a neutral capacity on LB629? Senator Larson waives closing on LB629, and that ends the hearing on LB629. Thank you, Senator Larson. We are ready for Senator Blood on LB82. We could just stand at ease for a moment, I think we may have moved a little bit quicker than she expected. We are ready to resume the hearing and we

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

Transportation and Telecommunications Committee
February 28, 2017

invite Senator Blood to open on LB82, which relates to requiring the Department of Motor Vehicles to include certain traffic stop safety information in the Nebraska Driver's Manual. Welcome, Senator Blood. [LB82]

SENATOR BLOOD: (Exhibit 1) Thank you. Thank you, Senator Smith, and good afternoon to the Transportation and Telecommunications Committee, and thank you for allowing me to present my bill, LB82. My name is Senator Carol Blood, C-a-r-o-l B-l-o-o-d, and I represent District 3, which is comprised of parts of Bellevue and Papillion and Nebraska's fastest-growing county...sorry, I ran down here. Two senators on this committee are also from that wonderful county, Sarpy County. As any law enforcement officer will tell you, there is no such thing as a routine traffic stop. Although conducting traffic stops is a routine patrol duty of law enforcement, it can also be the most dangerous. The most frequent and visible interactions that happen between the public and law enforcement takes place during traffic stops. The good news is that, although many are completed successfully without the threat of injury, these stops will often put law enforcement at risk of death or injury. Sometimes this is unintended, other times it is through intended actions by the driver or passengers. In the introduction of the Nebraska Driver's Manual, Nebraska Governor Pete Ricketts is featured, and one of the statements made by our governor is that each of us must dedicate our individual attention to the rules of the road while driving. LB82 addresses a rule of the road that has been lacking in our driver's manual for many years. Although it may be unorthodox that we create legislation to address the issue, instead of having the department address the cause, I think its importance rises to the level of needing our support, and there are multiple reasons why I believe this. Including protocol for roadside stops in the Nebraska Driver's Manual has the potential to protect many entities: it helps to protect the lives of drivers and their passengers because they will understand the importance of the protocol and why they need to follow the simple rules for a traffic stop; it will help to protect the lives of law enforcement officers who put their lives on the line every day on our behalf; it reduces the amount of unnecessary search and seizures that frequently happen because of movement in the vehicle viewed by law enforcement as they approach the vehicle from the rear; it can reduce unnecessary lawsuits for municipalities, counties, and the state when it comes to traffic stops; it can speed up the time involved with traffic stops, which in turn reduces the amount of time spent on the side of the road, because drivers will understand what the expectations are when approached by law enforcement; and lastly, having this in the Nebraska Driver's Manual will also benefit those drivers on the spectrum that need specific guidance as to not panic when approached at a traffic stop. We've heard little opposition on this bill, but one of the concerns is that within the list of task it's noted that you have the right to request a supervisor. This bill has not changed anything that did not already exist in current law, and with most law enforcement entities it is standard operating procedure that if a driver feels unsafe, has concerns about the stop, or isn't happy with how they are being treated, legally they do have the right to request a supervisor. My bill doesn't change any of this. Nebraskans have always had that right and most just don't know. The other concern we heard is that it may take longer for a traffic stop if the

written protocol is followed. And I feel it will have the opposite effect, as drivers will be following the verbal directives of law enforcement. As we all learned in grade school, we were given two ears but only one mouth. Listening is key to all traffic stops and their effectiveness. I worked with respected members of the Bellevue Police Department when I crafted this bill, I compared best practices and how other states who do have this exact protocol in their manuals and how they listed traffic stop procedures. This protocol is consistent with other states and consistent with best practices for law enforcement here in Nebraska. During my campaign I polled Sarpy County residents and I asked the question when discussing this proposed legislation as to what actions they would take should they be involved in a traffic stop. Easily 80 percent of those polled say that the first thing they would do is to grab their insurance and registration card. That esteemed colleagues is not the first thing that you should do. Imagine that you are a law enforcement officer and you were approaching the vehicle from the rear as you have been trained to do. As a driver, you don't even know why you have been stopped. Perhaps your vehicle has been suspected as being part of a crime. As law enforcement approaches your vehicle from the rear, they can only see you bending over. They don't know why you're making this motion or digging around in your console, your glove box, or under your seat. This can change the demeanor of even the most experienced law enforcement officer if they have concerns based on your misguided actions and set the traffic stop up for potential problems. So let's talk numbers, because the numbers are the most important reason for this bill. Almost one-fourth of all deaths in the law enforcement community are the result of traffic stops. These police officers were usually killed during traffic stops by someone in the car they were detaining. As we have seen on national news, things can easily be escalated when it comes to the driver and/or passengers in a vehicle. There have been people killed during what should have been routine stops. By creating legislation, we are being forward-thinking and making the statement that as the body responsible for the safety and quality of life for Nebraska residents we are showing that we want to raise the bar and put this protocol into statute to make it clear that we care about the lives of everyone involved in that traffic stop; that we have clear expectations when it comes to what is included in the state's driver's manual; and that it is our hope by making this one change, just one change, that one life could be protected, could be changed forever. The bill has no fiscal impact, as I wrote it in a way that it need not be included until the next manual is updated and printed. It also gives flexibility to DMV, as best practices can change. And they need not bring it back to the Legislature should a tweak need to be made in the protocol. These two directives were the result of a conversation that I had with Rhonda Lahm prior to crafting my bill. Those were two concerns that she expressed and I wanted to make sure that she knew that her voice was heard. I would like to add that I have circulated an amendment that I would like the committee to adopt should the bill be advanced. It's a simple amendment which changes the words "police officer" to "peace officer." This term is more inclusive than simply saying police officer because it includes town marshals, chief of police, local police, sheriff, or deputy sheriff, including the superintendent of law enforcement and public safety, or any officer of the Nebraska State Patrol.

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Transcriber's Office

Transportation and Telecommunications Committee
February 28, 2017

So with that, I ask you to please vote LB82 out of committee onto the floor for debate, and let's take a simple step towards potentially saving the lives of those of who it may affect. [LB82]

SENATOR SMITH: Thank you, Senator Blood, for your opening on LB82. Do we have questions from the committee? Senator Bostelman. [LB82]

SENATOR BOSTELMAN: Thank you, Mr. Vice Chairman. Senator Blood, you mentioned you talked to Director Lahm. [LB82]

SENATOR BLOOD: I did. [LB82]

SENATOR BOSTELMAN: And my question is are they doing...I'm kind of...I'm of the point of not trying to enact legislation unless we have to. [LB82]

SENATOR BLOOD: Right. [LB82]

SENATOR BOSTELMAN: Are they...did she say that she preferred going this route or are they doing something? I mean, is there... [LB82]

SENATOR BLOOD: No. No, she did not say that. What I was told, and I think she's here today, is that she participates in a national committee where they're discussing best practices and they haven't really come to terms on what those best practices are. But the concern that I have is I can trace back as far as 19...not 19, 2014, that would have been a long time ago. That it's already been included in manuals: Indiana, Florida. So we're not reinventing the wheel. One of the things that for people who have known me from when I was on the city council that I say a lot is sometimes government moves really slow, most of the time government moves really slow. And because of that, sometimes Nebraska lags behind. And so I think it's important, especially when it comes to the safety, we have issues in other states that are not in Nebraska when it comes to traffic stops. Why do we want to wait until it's an issue? Do we need to wait until an officer is killed before we decide this might be something that we can do that's prudent? So I certainly want to be careful not to micromanage specific departments, but the one thing that the Constitution is really clear on, and I wrote it down so I wouldn't say it incorrectly, is that we're given the power to legislate. And "the legislative authority of the state shall be vested in a Legislature consisting of one chamber," which is us. So we do have the authority to do something like this. Is it something that I want to make a common practice of? Certainly not. But I truly believe it's a pressing issue and that we've waited long enough and it's time to get it in the book. [LB82]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BOSTELMAN: Okay, thank you. [LB82]

SENATOR SMITH: Let me ask you, Senator Blood, do you view this as strictly advisory to drivers or is this mandatory language? [LB82]

SENATOR BLOOD: No, this is a rule of the road. This is advisory just as much like in the driver's manual it tells you how to drive in inclement weather. There's nothing that is binding legally about it. An officer can't cite you because you don't follow these rules, you can't receive any kind of ticket because you've chosen not to follow these rules. It is purely a rule of the road, as we have several other things in our manual that does the exact same thing. [LB82]

SENATOR SMITH: So you're advising that this...again, not advisory, but this is mandatory. So this is a rule with a penalty attached to it? [LB82]

SENATOR BLOOD: No, excuse me. It's advisory. I misunderstood, yes. [LB82]

SENATOR SMITH: All right, thank you. [LB82]

SENATOR BLOOD: And purely advisory and absolutely nothing but. Again, it's much like telling you it's icy, you need to slow down. There's really no difference. But the difference between that and this is that this has the potential to severely reduce lawsuits, which cost taxpayers so much money, for silly lawsuits. It's going to cut down on unnecessary search and seizures, so fewer people have to go to court to fight for things that maybe wouldn't have had to happen if they followed those rules. But the biggest thing for me is that we need to protect law enforcement, and this is a really simple solution to help bring up the new drivers into knowing what's expected of them and how we can hopefully keep things calmer at traffic stops. You know, as I know you are, Senator Smith, when you're close to a law enforcement entity and you know what they're doing every day, they risk their lives every day for us, what a little thing we can do to hopefully save someone's life. And that's how I'm looking at it. I'm not trying to create new laws as far as punishing people or anything silly like that, I'm trying to help people understand the importance of traffic stops and how we can protect the people in the car, the person outside of the car, and everybody else involved. [LB82]

SENATOR SMITH: Very good. Thank you for your opening on LB82. Will you be able to remain for closing? [LB82]

SENATOR BLOOD: I will, sir. [LB82]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR SMITH: Thank you. We now move to proponents of LB82, those wishing to testify in support. Welcome, Mr. Lindsay. [LB82]

JOHN LINDSAY: Thank you, Senator Smith, members of the committee. For the record, my name is John Lindsay, L-i-n-d-s-a-y, appearing as a registered lobbyist on behalf of the Nebraska Association of Trial Attorneys, but in kind of an interesting situation. This is not a trial attorney bill. If you look for the liability issues in there you aren't going to find them, because they're not there. But Senator Blood asked us to look at the bill and see if we would be willing to testify in support. So I took the bill to my board, my board looked at it, they talked about liability issues. They didn't see any, but they said safety is important. And we've testified on bills before because we believe that the best injury case is the one where nobody actually got injured. That there is no case. Because we do believe that we're better off if people are not getting injured. So when Senator Blood asked us to do it, our board said yeah, we want to show our support. We have done this before, as you know, we testified on a bill dealing with safety belts where again liability was not an issue there--safety belts on school buses. So we have stepped forward on these types of issues before. And that fundamentally is the question. I think Senator Smith's questioning was as Senator Blood laid out, that this would go in the driver's manual. And I think it would be advantageous because people...police officer walking up to the car would know what to expect, would know when something is out of the ordinary. The driver in the car, as people learned over the years, would know how to act and it would become kind of the standard way to act during what I'm sure...I've obviously never had to deal with one, but I'm sure is a scary situation for a police officer. So I think it's a proactive sort of piece of legislation and we're happy to support it. [LB82]

SENATOR SMITH: Thank you, Mr. Lindsay. Questions from the committee? I see none, thank you. Next proponent. Welcome. [LB82]

JULIA PLUCKER: (Exhibit 2) Good afternoon. For the record, my name is Julia Plucker, J-u-l-i-a P-l-u-c-k-e-r. I'm appearing today on behalf of the Omaha Police Officers Association. Much like Mr. Lindsay said, this wasn't our bill that we took to Senator Blood to have her sponsor it, but when she contacted us and we looked at it, particularly in our traffic division, they realized that this is an important tool and would be a good thing to educate citizens on how to conduct themselves at a traffic stop. It is an uncertain situation for every officer. The men and women of the Omaha Police Department when they approach a vehicle and not everyone follows the etiquette that this language would provide and instruct upon in the driver's manual; particularly of interest, they thought the provisions regarding whether you're carrying a firearm. The language says if you have a firearm in the vehicle to notify the officer immediately. That is not always done and that obviously creates an even more uncertain situation. Keeping your vehicle doors closed, not getting out of the vehicle and greeting the officer; it's surprising how many people actually do that. And that of course sets alarms off for police officers as well. So again,

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Transcriber's Office

Transportation and Telecommunications Committee
February 28, 2017

we support any education efforts, we support any time we can have clear communication between the police department and the citizens of Omaha. So with that, we would say we support the bill. [LB82]

SENATOR SMITH: Thank you, Ms. Plucker. I see no questions from the committee. [LB82]

JULIA PLUCKER: Thank you. [LB82]

SENATOR SMITH: Thank you. Welcome. [LB82]

MICHAEL CHITTENDEN: (Exhibit 3) Thank you. Good afternoon, Senator Smith, members of the Transportation and Telecommunications Committee. My name is Michael Chittenden, M-i-c-h-a-e-l C-h-i-t-t-e-n-d-e-n, I'm here representing the Arc of Nebraska. We fully support Senator Blood's LB82 and we thank her for her foresight in educating all citizens of Nebraska. As you may or may not be aware of, there are plenty of people with disabilities, including developmental disabilities, that are licensed drivers of the road. And we think that more education in dealing with traffic stops is warranted and we applaud her efforts. But we also want to go on record as saying we think there's more that can be done. We know of instances throughout the nation, and even some...and I think there will be some written testimony given to you on some instances in Nebraska where police officers don't readily identify a person with a disability and have issues with some things that they cannot control. So we ask the committee to consider looking at a study, a resolution, somehow looking into getting better training for police officers to be able to interact with those with disabilities. We approached Senator Blood's office and she was quite enamored with the idea, but was very strict with us and saying: as long as it doesn't cost any money. And we agree with her, we don't want the state of Nebraska to fund this resolution or study or anything like that. We're looking to partner with Disability Rights Nebraska; Disability Rights on the national level; as well as our home office, the Arc of the United States, in trying to bring grant money here to help fund that type of training. The trainings are available, it's just getting them into the state of Nebraska. With that, I will answer any questions you may have. [LB82]

SENATOR SMITH: Questions from the committee? I see none. Thank you, Mr. Chittenden. [LB82]

MICHAEL CHITTENDEN: Thank you, Senators. [LB82]

SENATOR SMITH: (Exhibits 6, 7, 8, 9, 10, 11) Appreciate it. Next proponent of LB82? I see...opponents, those wishing to testify in opposition to LB82? Oh yes, and we do have

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

Transportation and Telecommunications Committee
February 28, 2017

a...pardon me for just a moment. We do have letters for the record on LB82 in support: Kathy Hoell from executive director of Nebraska Statewide Independent Living Council; Amy Miller, legal director American Civil Liberties Union of Nebraska Legislature; Christy Abraham, legal counsel, League of Nebraska Municipalities; Eric Foster, Lincoln; Lee Polikov, Sarpy County Attorney; and Mark Elbert, chief of police Bellevue Police Department. All of those were sent in for the record in support of LB82. Welcome, Director. [LB82]

RHONDA LAHM: (Exhibit 4) Thank you. Good afternoon, Senator Smith and members of the Transportation and Telecommunications Committee. I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, Director of the Nebraska Department of Motor Vehicles, appearing before you today to offer testimony in opposition to LB82. This bill has a foundation of good intentions by attempting to set out expectations for conduct during traffic stops involving law enforcement. I appreciate Senator Blood reaching out to the DMV prior to the session on this topic. As was indicated at that time, the DMV does not feel this legislation is necessary to accomplish the goal of updating the Nebraska Driver's Manual. The Nebraska Driver's Manual contains information on a multitude of safety-related topics in which we consult with experts to ensure we are providing the most accurate and concise information possible, ensuring the information conforms to the most current best practices. For example, we consult with the Department of Roads on roadway signage, cycling advocacy groups on bicycle safety, the Office of Highway Safety on distracted driving, and others. Last fall we began our annual review to preparing revisions for the next publication of the driver's manual. As a part of this process, we have determined a section regarding traffic stops will be added. The American Association of Motor Vehicle Administrators, in conjunction with their law enforcement members, is in the process of providing resource documents to the states so the most comprehensive information can be provided by those persons who have expertise in policing practices and law enforcement training. As such, the language in LB82, Page 3, Lines 14 and 15, would be more properly assigned to the Nebraska State Patrol or the Commission on Law Enforcement and Criminal Justice. LB82 draws attention to an important and relevant topic. The DMV's practice has been and will continue to be to partner with subject matter experts when developing and updating safety materials for the driver's manual. I respectfully request LB82 not be advanced from the committee. Thank you for your time and I would be happy to answer any questions you may have. [LB82]

SENATOR SMITH: Thank you, Director Lahm. Questions from the committee? Senator Brieese. [LB82]

SENATOR BRIESE: Thank you, Senator. And thank you, Director, for being here. Would you anticipate as part of your next update that you will have a section regarding traffic stops that's anywhere comparable to what we're talking about here? [LB82]

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Transcriber's Office

Transportation and Telecommunications Committee
February 28, 2017

RHONDA LAHM: There's definitely going to be a section on traffic stops, we started that process long ago. This has been a topic of conversation between myself and my counterparts across the country for about the last six to eight months. At our last annual meeting there was a session where we talked about it, and part of our group has law enforcement professionals. One other thing is there are some things that are common across all states, there's some things that may be unique to Nebraska that need to be included, and we'll be working with the State Patrol and the Commission on Law Enforcement and Criminal Justice for that information. But interestingly, not a single person outside of the Department of Motor Vehicles has contacted me and requested this information be in the manual. We've had a request from one caller into the Governor's call-in show last fall and which it was already in the process then. So I agree, it's a relevant and important topic. I have 25.5 years of law enforcement experience in me, so I certainly can understand the difficulties and dangers of being on the road. I just don't think it's necessary to legislate this and put it into law. [LB82]

SENATOR BRIESE: But something will be in the next manual? [LB82]

RHONDA LAHM: It will be. [LB82]

SENATOR BRIESE: And it will be fairly comprehensive? [LB82]

RHONDA LAHM: I have a draft actually right now, but just not one to release to the public until we have time to work it out. [LB82]

SENATOR BRIESE: Thank you. [LB82]

SENATOR SMITH: Senator Bostelman. [LB82]

SENATOR BOSTELMAN: Thank you, Senator Vice Chairman Smith. Director Lahm, I guess my question would be if rather than trying to find a fix instead of the legislation, is this something that you would be able to work with Senator Blood on? [LB82]

RHONDA LAHM: Absolutely. [LB82]

SENATOR BOSTELMAN: In other words, that we could work if that would be all right with her if it is? [LB82]

RHONDA LAHM: I mean, we'll... [LB82]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BOSTELMAN: But I'm just asking. I don't know the time frame with what your manual is going to be coming out and if it's something that language could be worked together, if that's something that you would be open to. [LB82]

RHONDA LAHM: Certainly. I do have some concerns with some of the specific language, in particular the issue in regard to a supervisor at the scene. And I think, and the colonel is here and can speak to that more later specifically, but just from my past experience, that is not a practice in every law enforcement agency...and in fact is not in policy in every law enforcement agency. And I was contacted by law enforcement agencies regarding that language and also some other safety groups regarding that language and the delayed time that would keep somebody on the side of the road. [LB82]

SENATOR BOSTELMAN: Thank you. On your rewrite, how far out is that going to be? Or if this would be passed, how long would it take before that actually makes it into your manuals? [LB82]

RHONDA LAHM: Well, if the bill is passed, it will go into effect 90 days after the end of the legislative session, the way it's currently written. So that was probably...be end of summer. Normally, our revised manual would come out after July 1, so we can incorporate law changes. However, we don't just print to print, so if we still have a stock of the previous manuals than we will delay the printing a little bit because we're not going to throw away manuals because they're expensive to print. So generally it's about after July 1 of each year, but it may be a little later in the summer, early fall, depending on how many we have, because I'm not going to throw away manuals. [LB82]

SENATOR BOSTELMAN: Okay. [LB82]

SENATOR SMITH: Director Lahm, I imagine you work with your peers across the country and other states and try to synch up with how they're handling these things. And possibly, if we ended up having a patchwork of laws and advisory language across our states, and we had people traveling through our states from another state that could be problematic. So would you then say it's better to be handled consistently through the relationships you have with your counterparts across the country? [LB82]

RHONDA LAHM: Well, I think it's one of the advantages. Part of the American Association of Motor Vehicle Administrators they have a law enforcement committee, which I happen to be on the board, and I happen to be the board advisor to that committee. So that has input from the states, so you get all the states' input and you don't make any state an island. And there are some things that are consistent across the country, and for the most part the practices are. So if we can

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

Transportation and Telecommunications Committee
February 28, 2017

write language that's most consistent with other states and still include something that may be unique to Nebraska I think that would be more helpful to citizens that are traveling through our state or for our citizens that go to other states. Because when we license a driver, they're not licensed to only drive in Nebraska, they're licensed to drive wherever they are in the United States. [LB82]

SENATOR SMITH: Very good. I see no other questions. Thank you, Director Lahm, for your testimony. [LB82]

RHONDA LAHM: Thank you. [LB82]

SENATOR SMITH: Next opponent of LB82. Welcome. [LB82]

BRAD RICE: (Exhibit 5) Good afternoon, Co-Chairperson Smith and members of the Transportation and Telecommunications Committee. I am Colonel Brad Rice, B-r-a-d R-i-c-e, the superintendent of the Nebraska State Patrol. I would like to thank you for giving me the opportunity to appear before you today and testify in opposition of LB82. The Nebraska State Patrol is concerned about legislating recommendations concerning what should occur during a traffic stop. Traffic stops are fluid events that occur in an inherently dangerous setting and do not lend themselves to a recommended checklist on behalf of the motorist or the officer. There are numerous reasons for making a traffic stop, and the uniqueness of each traffic stop dictates how the officer handles each situation. Legislating conduct on a traffic stop may provide false expectations and create confusion or frustration on behalf of the motorist if the stop does not follow the suggested recommendations. Specifically, the language regarding the right to request a supervisor to the scene of a traffic stop is problematic for the majority of law enforcement in Nebraska. On Page 3, starting on Line 10, it states "If you believe that you have not been treated in a professional manner or you feel uncomfortable with the nature of the traffic stop, you have the right to request a supervisor to the scene." The state of Nebraska has over 87,000 miles of roadway within 93 counties. The majority of this roadway exists within a rural environment. The Nebraska State Patrol maintains a law enforcement presence in all 93 Nebraska counties. For the Nebraska State Patrol, the closest supervisor may be patrolling 200 miles away. The on-duty supervisor may be working a DUI crash investigation or at a hospital speaking to a victim of a domestic violent incident. The inability to respond in a timely manner due to geography or actively performing other important duties may cause an unnecessary conflict between the motorist and the officer when the motorist's expectations cannot be satisfied. A smaller agency may not have a supervisor on duty at all. The right to request a supervisor to the scene, as written in LB617, is attempting to legislate something the majority of Nebraska law enforcement may not be able to provide. We would respectfully suggest that the Department of Motor Vehicles might not be the best fit to make additions, modifications, or deletions to the traffic stop safety

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

Transportation and Telecommunications Committee
February 28, 2017

recommendations as outlined on Pages 3, Lines 14 and 15. They should not be expected to stay current with the training and best practices of our profession as it relates to traffic stops. This responsibility may be best suited to an entity actively involved with law enforcement, such as the Nebraska Crime Commission. In closing, I would like to express my appreciation for your ongoing support of public safety and public safety initiatives. I would be happy to answer any questions at this time. [LB82]

SENATOR SMITH: Thank you, Colonel Rice, for your testimony. Questions from the committee? I see none, thank you. Next opponent of LB82? Seeing none, those wishing to testify in a neutral capacity on LB82? Neutral? Seeing none, Senator Blood, you're invited to close on LB82. [LB82]

SENATOR BLOOD: Thank you, Senator Smith. The one thing that I have learned being a public servant for eight and half years now is that people don't like change. And when you have to change a culture, people can have a tendency to dig in their heels and sometimes miss what the truly big picture is because they're too busy picking apart little things. I respect the comments that were made, but there's some points that I want to point out, that I want to share with you, and just remind you of. First of all, the three largest communities in Nebraska either support this bill or have no issue with the bill. Omaha, who I would never want to be a cop in Omaha, supports this bill. Lincoln took no issue, I don't have a letter, but I spoke with them this morning. And Bellevue, our chief of police wrote you a note, as did the Sarpy County attorney, saying that they felt that this could be a good program. Senator Smith talked about the patchwork issue, and here's the thing, is that the language is already consistent with other states. We didn't reinvent the wheel on this. And it has been in driver's manuals for years, and been no court cases that have challenged it, or has any issue arisen from it. So I understand that some law entities do not make it SOP for them to be able to call a supervisor, but Omaha does, Bellevue does, and in other states it's not problematic. And if you look at the courts, you will see the court cases that have gone through the system have all said that every citizen has the legal right to request a supervisor. I didn't throw that in there as a last minute thing. I put it in the protocol because that's what the other states are doing, because I looked for consistency in our research. And when I had the law enforcement entities that helped me write it look at it, they agreed that it should be in there because, in most cases, law enforcement in Nebraska is the best of the best. The language is clear in the bill. I'm not really sure what the "I'm don't want to throw out the manual" statement came from, because I changed the bill to make sure that until the new manuals are printed the protocol does not need to be included in it. So they don't have to rush around and throw away...it may become law, but it says in the statute that they need not do it until they print the next...the new manuals. And I did that for a reason: to save money, so they wouldn't be throwing things out. Because we certainly don't want to waste things. And we don't know what they're going to put in the manual, so I certainly would not question anybody's authority or expertise; but the same token, why are we so far behind other states in having this? So if they're

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

Transportation and Telecommunications Committee
February 28, 2017

in agreement that safety is a priority and that the protocol should be in the driver's manual, the issues that they're bringing up I believe are nonissues, because why would Nebraska all of a sudden have a problem with a protocol that has been tested in states bigger than ours without issue? Without issue. We talk all the time about how Nebraska is behind other states. Here's another good example. I respect the State Patrol, I respect Rhonda Lahm, I respect them and thank them for their service. But this is one time I think that we need to lead the way, and we can lead the way by putting it in statute. And this is written in a way that, should best practices change, they have the right to change it. But I don't know how many times I hear in government: we're researching it, and we're going to have meetings on this, and we're meeting with other entities. And research is a great thing and I love research; but sometimes we wait too long. And I don't know what they're planning on putting in the manual, but I know that this is proven in other states to not have issue. It creates consistency when people drive through our state from Florida and Indiana, Massachusetts. So I ask you to consider the fact that sometimes we need to step up to the plate and we need to take the lead. It is certainly not anything negative against our State Patrol or Rhonda Lahm, but I don't know what they're going to put in the manual and it may not even be anywhere close to the protocol that I'm asking for. And because of that, I ask that you please support this bill and help me get it onto the floor for debate. At the very least I think it's worth a debate. [LB82]

SENATOR SMITH: Questions from the committee? Senator Bostelman. [LB82]

SENATOR BOSTELMAN: Thank you, Mr. Vice Chairman. Senator Blood, I was just curious on the manuals, what the process was, where they were at. Just to clarify, not that this would affect. [LB82]

SENATOR BLOOD: What do you mean? [LB82]

SENATOR BOSTELMAN: When I asked Director Lahm about their process in the manual, where they're at, when it would be revised, that was clarification for myself. So I understood if this bill would pass and if they were working on their manual, you know, is there a time frame there that they're both going to happen at the same time? If they both happen at the same time is there a way we can work together so we don't have to necessarily pass the statute just to get the, you know, the wording into their manual? And that would be...and that's kind of where I was at and that's, you know, I asked you that before. And I guess I'm going to come back to that question too. But would you, if Director Lahm and yourself and the other parties are willing to discuss this, is there an opportunity for that to happen and maybe that they handle it through their review process they're working now to get it reprinted to get the new one out? [LB82]

SENATOR BLOOD: I'm not sure I understand the question. Are you saying... [LB82]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BOSTELMAN: Are you willing to talk with the Department of Motor Vehicles to address these issues so that it's included in their new manual? And if it is not, then this maybe is brought back. But until then, we just...and I'll say withdraw or hold onto it until you have that discussion to see if there's something you can work out there. [LB82]

SENATOR BLOOD: You know, from what I understood with Rhonda Lahm, what she said here, I don't think they want me to work with them on this. I think they feel they have that expertise. That's kind of the vibe I got when I called before I wrote the bill as well. And I did tell her that I was still going ahead forward with the bill because I think it's very important. I think again we're stepping up to the plate to protect law enforcement. If indeed her intent is to have a protocol in the driver's manual, I would think there should be some middle ground, but I am not hearing that. In fact, we called her multiple times prior to today's meeting trying to talk to her and didn't hear from her until this morning. So...I know she's very busy. So we have been reaching out to different entities. We have a lot more opponents...or proponents than we do opponents, and they're the people that are on the road, they're the people that are stopped by law enforcement. And I think that it's interesting that the further you go east the more support we have, because they deal with it a lot more. [LB82]

SENATOR BOSTELMAN: Sure. [LB82]

SENATOR BLOOD: So I'm not opposed to working with DMV, but again, I hate in government it's hurry-up and wait. And sometimes I think it's okay for us to step forward and say, okay, we're going to set the pace and this is why, and hopefully we're going to save one more life by doing so. [LB82]

SENATOR BOSTELMAN: No, that's fine. I just... [LB82]

SENATOR BLOOD: No, no, I...there shouldn't be any reason that they would have to throw anything away or reprint. It says once the law is passed that they have the right to wait, that they can wait until the next printing of the manual. So there shouldn't be any issue. The issue is what I see as protocol and what they see as protocol may very well be two different things. But the thing I can tell you, and I encourage you to go and look at the other driver's manuals, I didn't reinvent the wheel. And if you look, there's no court cases pending in reference to that protocol being used in any other state. [LB82]

SENATOR BOSTELMAN: Sure. I guess one final question is one point that the Colonel Rice brought up. In Butler County and Colfax County and that our sheriffs are the ones who patrol our cities. [LB82]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BLOOD: Sure. [LB82]

SENATOR BOSTELMAN: And so we're stretched pretty thin. So there's a difference, a little bit, between our Class I cities and a few others. If you get further west, it's even further stretched out between law enforcement officers. So the one part that he did bring up in there about requesting a supervisor I think has some merit to it. [LB82]

SENATOR BLOOD: I would agree, but... [LB82]

SENATOR BOSTELMAN: And I think we need to...that might be something to talk about. [LB82]

SENATOR BLOOD: Again, I point out that that already exists legally. If you look at the court, there's been multiple court cases. As a citizen, you have that right to ask that. ACLU I believe says that in their letter of support maybe. I can't remember, you have to...I know that we talked about it with them. So a lot of people don't know that that's their right. What I'm seeing in other states, and we made calls in the research process back in December, is that it hasn't caused issues in other states. There's not people lining up to call for reinforcement. Again, it's just letting people know what their rights are. I certainly hear what you're saying and I hear their concerns, I just truly believe it's not going to make that big of a difference. It's more of making sure the protocol again is consistent with other states so we don't have the patchwork. And that is included in the driver's manuals of the other states. [LB82]

SENATOR BOSTELMAN: Okay, thank you. [LB82]

SENATOR SMITH: So, Senator Blood, you know, I appreciate your interest in public safety, quite passionate about it. And from what I heard also in testimony from Colonel Rice and from Director Lahm is that they are equally as passionate about that, and with a rich history in law enforcement as well. It sounds to me like they have a plan and have a schedule for accomplishing what you're proposing in your legislation and that they're going to use their connections across the country to make certain it synchs up. I guess I don't see the need here, if they are attempting to do the same thing but with their background. But this is what concerns me is just a very quick passing reference you made to "changing the culture." And I'm not quite certain what you mean by that or meant by that, but I'm not certain that we need to be about the business of attempting to change the culture through legislative process of law enforcement or rules of the road or anything of that nature. I'm not certain that we are the best prepared to change culture through legislation. And I'll let you have the final word on that. [LB82]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BLOOD: I hear what you're saying. And when I refer to "changing culture," I think that what I mean is that change is hard for everybody and sometimes we can encourage change by stepping up to the plate and being the leader on that change. So that's what my statement meant when I said referred to "changing the culture." Everybody has trouble with change, but the bottom line is that change is really the norm, not the other way around. [LB82]

SENATOR SMITH: Okay, very good. Remaining questions from the committee? I see none. Thank you, Senator Blood. [LB82]

SENATOR BLOOD: Thank you for your time. [LB82]

SENATOR SMITH: Thank you for your closing on LB82. And we will allow the room to transition for a moment and then we will open on LB357. LB357, Senator Bolz, it relates to increasing original certificate of title fees for vehicles transferred to Nebraska from another state and providing for voluntary contributions to brain injury programs. Senator Bolz, I'm very fond of bills with the number LB357. I think I had a bill one time with LB357 that I actually loved. Welcome. [LB357]

SENATOR BOLZ: Well, anything to gain the favor of this committee, Mr. Smith. If you're ready for me. [LB357]

SENATOR SMITH: Yes, please. [LB357]

SENATOR BOLZ: (Exhibits 1, 2, 3) I am in fact Kate Bolz, that's K-a-t-e B-o-l-z. I represent District 29 in south Lincoln. I'm here to introduce LB357. This bill increases titling fees for vehicles titled from out of state, but leaves titling of cars with in-state titles the same. In my county, Lancaster County, thousands of out-of-state cars are titled both because our fees are much less, fees in Massachusetts for example are \$75 per car compared to our \$10 per car in Nebraska, and because of course our service is fast. Lancaster County expects approximately 9,000 cars to be titled for one out-of-state dealer alone. I've shared with you a Journal Star article from 2015 on the topic. That we are efficient is great, however, one concern is that it does increase cost to our DMVs. So LB357 increases the fee on motor vehicles, including cars, trailers, all-terrain vehicles, and mini bikes that have titles from another state or county...country from the current \$10 per vehicle to \$25 per vehicle. All types of vehicles are treated the same under LB357. The fee increase will not apply to anyone titling a vehicle that already has a Nebraska title. Under the bill, the fees are to be divided as follows: \$12.50 retained by the county, \$6 for the Motor Vehicles Cash Fund, \$4.50 for the General Fund, and \$1 to Department of Education for services with people with brain injuries, 25 cents for the Motor Vehicle Fraud Cash Fund, 65 cents to the State Patrol Cash Fund, and 10 cents to the Motor Vehicle Industry

Licensing Fund. I chose \$25 for out-of-state titling to put Nebraska in the middle of state titling fees. It's just shy of the average cost among the states and D.C.; out-of-state titling at \$25 would join four states, including Iowa, with that rate, while 15 states and D.C. would have higher fees. For in-state titling, Nebraska would remain among the lowest rates with six states with lower fees and five states that have the same rate. You'll note that this bill has a positive fiscal note. It will not only help out counties and go to the purpose of brain injury, but it will also end up having just a small impact on our General Fund. I think it's important to note that it will have a positive impact for counties. According to the Lancaster County Treasurer, this county has needed a half-time employee for two years to service just the Massachusetts titling fees I referenced earlier, costing the county about \$48,000 over those last two years in labor. So I understand that you might hear some concern in the neutral capacity today about the precedent of using fees derived from motor vehicles for multitude of purposes. I appreciate these concerns, and it's not my intent that this bill lead to other interests to opening up these fees to fund other needs. But I did narrowly draft this bill to include brain injury purposes because automobile accidents are the third largest cause of brain injuries and the second leading cause of death, the leading cause of traumatic brain injuries for hospitalizations of people age 15 to 44. So I do think it's appropriate and other states have used similar strategies to fund brain injury purposes. I've also passed out an amendment to the bill. My initial intention was to address a concern that was brought up when Senator Garrett brought a version of this same bill. The concern that Senator Brasch brought up was the idea that someone might purchase a car just over the river in Iowa or Kansas and is it fair to have that person pay the \$25 fee. We explored that, in fact, we drafted the bill to address that concern. But after further conversation and dialogue, just found that to be impractical, so the amendment returns it to the original form that Senator Garrett worked on. And unfortunately, we just want people to resolve that issue. So I would be happy to answer any questions, but I think it's overall a very positive bill that brings funds back into the counties, serves some specific purposes, and brings us in line with other states. [LB357]

SENATOR SMITH: Thank you, Senator Bolz, for your opening on LB357. Do we have questions from the committee? Can you just very briefly go over the fiscal impact? And so it's just under \$1 million impact of revenues coming into the counties? [LB357]

SENATOR BOLZ: Sure. So if you want to walk through the fiscal note just a little bit, there is a positive...the initial expenditures come from cash funds. There's a positive General Fund impact of \$116,000, and then the greatest fiscal impact is \$648,000 to the cash funds. And you can see by reviewing the fiscal note that the Department of Motor Vehicles indicates a one-time programming expenses, but that can be used under existing cash funds. The DMV indicates that there will be a 123,000 titles approximately, and those titles were issued by counties...and 8.5 issued by the DMV. If you look on the following page of the fiscal note, you can see that the funds go to the DMV Cash Fund, the General Fund, the Motor Vehicle Fraud Fund, and the Patrol Cash Fund; all of those things, you know, are positive. Most of it goes to the DMV Cash

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

Transportation and Telecommunications Committee
February 28, 2017

Fund and the counties, and the rest is split out. The smallest amount goes to the Department of Education Cash Fund. [LB357]

SENATOR SMITH: Very good, thank you. [LB357]

SENATOR BOLZ: Thank you. [LB357]

SENATOR SMITH: Will you be able to remain for closing? [LB357]

SENATOR BOLZ: I will. [LB357]

SENATOR SMITH: All right, thank you. We now move to proponents of LB357, those wishing to testify in support of LB357. Welcome. [LB357]

PEGGY REISHER: (Exhibit 4) Good afternoon. My name is Peggy Reisher, and my first name is Peggy, P-e-g-g-y, Reisher, R-e-i-s-h-e-r. I'm here to testify in support of LB357. I am the executive director of the Brain Injury Alliance of Nebraska. We are a nonprofit whose main mission is to create a better future for Nebraskans through brain injury prevention, education, advocacy, and support. We appreciate Senator Bolz bringing this bill to your committee and recognizing the need for brain injury funds in Nebraska. She had already given you some stats, but according to the CDC in 2010 the stats I was looking at is that traumatic brain injury-related deaths in children and young adults ages 5 to 24 the leading cause was motor vehicle accidents. Brain injuries occur more frequently and affect more people than breast cancer, AIDS, and Alzheimer's disease combined. In 2010 there was an estimated 36,000 Nebraskans living with a permanent disability as a result of brain injury and each year we have a brain injury registry that counts anywhere from 10,000 to 12,000 more Nebraskans diagnosed with traumatic brain injury. For many in this room this bill is not just about brain injury, but for those of us who work with individuals who deal with the effects of brain injury after a motor vehicle crash, this bill is very important. The latest Nebraska State Brain Injury Needs and Resource Assessment identified there are three different barriers: lack of case management, lack of awareness of brain injury, and lack of services for those with brain injury. Nebraska Voc Rehab, a division of the Department of Ed, which is currently receiving some federal funds to be used for systems change pilot and activities to increase access to rehab and other services for individuals with brain injuries and their families. These federal funds cannot be used for direct service or to supplant services and supports that the state can and should provide. The current grant cycle ends May 31, 2018. With these federal funds, Nebraska is currently piloting a resource facilitation service for individuals with brain injuries and their families. Other systems often refer to this as like case management. Nebraska VR and the Brain Injury Advisory Council have sub-granted funds to our organization, the Brain Injury Alliance, for two resource facilitators in Lincoln and Omaha. The model is

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

Transportation and Telecommunications Committee
February 28, 2017

showing promise in linking individuals and their families with services and supports in their communities. It's removing barriers to independence and reducing the financial impact of brain injury on these families. Funds from LB357 could help keep the critical new programs like resource facilitation in place, as well as provide some funds for long-term expansion to all parts of the state. Without a sustainable funding for brain injury, Nebraska continues to lack the much-needed long-term support for those living with the devastating effects of brain injury. Brain injury is not a new issue, but historically lacks recognition and state funding. Nebraska must look for ways to prevent brain injury when we can and support those for brain injury when we can't. We ask you to support LB357. Happy to answer any questions. [LB357]

SENATOR SMITH: Thank you, Ms. Reisher. Questions from the committee? I see none. [LB357]

PEGGY REISHER: Thank you. [LB357]

SENATOR SMITH: Thank you for being here today and for your testimony. Next proponent of LB357? Welcome. [LB357]

DONALD ARP: (Exhibit 5) Thank you. I appreciate the committee's time. My name is Donald Arp, I'm the manager of motor vehicles for Lancaster County Treasurer, Andy Stebbing, and I'm here today to support LB357 with the amendment that all motor vehicle titles for vehicles brought in from out of state have an increased title fee to \$25. [LB357]

SENATOR SMITH: And I'm going to interrupt you for just a moment. If you could spell your name for us, please. [LB357]

DONALD ARP: Sure. It's Donald, D-o-n-a-l-d, last name is Arp, A-r-p. [LB357]

SENATOR SMITH: Thank you. [LB357]

DONALD ARP: In the last several years we've experienced an increase in used titled vehicles coming from other states, primarily because of the growing internet auction sites and natural disasters in other states. This provides buyers in our state a lower-priced vehicle, although sometimes damaged, but a lower-priced vehicle for a newer model that they couldn't afford otherwise. Part of this growing trend is the involvement of speculators buying cars out of country and reselling in the United States, counting on the monetary exchange rate difference to enhance their profit. One such speculator that has imported more than 10,000 vehicles from Canada and processes that paperwork through our office, which has created a significant drain on our staff,

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

Transportation and Telecommunications Committee
February 28, 2017

the price right now for a Nebraska title is \$10 per title, rather than his home business state of Massachusetts that would charge him \$75 per title. He has saved \$65 per title just by mailing the paperwork here. With an average of six to eight documents per imported vehicle, compared to the three documents traditionally coming with a Nebraska title, our processing, reviewing, copying, scanning, and tracking of these additional 100,000 documents will come to...adds significantly to our operational costs. It is difficult to...and time consuming to ensure that we comply with all the regulations of other states, countries, and adhere to the federal EPA, DOT, Border Protection requirements for import. An adjustment to the title fees for vehicles imported to Nebraska is essential for us to address the growing effect imported titles have on our office. The last time title fees were adjusted was in the 1980s and our commission remains the same as it was then: \$3.25 per title. The cost of living and our operational costs have substantially increased since the 1990s. LB357 proposes a title fee that is an average of the title fees of all states and the District of Columbia at \$25 per vehicle brought in from another state or another country, allowing us to keep the title fees for Nebraska unchanged. I want to thank you for the opportunity to speak today in support of LB357, and I hope you will provide the county treasurers across the state the measure to help recover the additional cost of out-of-state titles and imported titles carry. I will be happy to answer any questions or provide you any information I can. [LB357]

SENATOR SMITH: Thank you, Mr. Arp, for your testimony. Senator Bostelman. [LB357]

SENATOR BOSTELMAN: Thank you, Mr. Vice Chairman. Mr. Arp, is \$25 enough? [LB357]

DONALD ARP: Twenty-five dollars is enough. Right now our fee at \$3.25, an average title cost is \$4.13 to process according to my study. So we're losing money even on a basic Nebraska title. It costs us more to do it in personnel cost, in copying, in the digital storage, and all the record retention you have to do now. An out-of-state title that carries an additional...the EPA documents, the Border Protection documents, all the additional 8 to 10 documents can cost us up to \$7.50 a title just to process it; not counting the long-term storage and the other things that we need to do to keep up with technology and track these titles that we should. [LB357]

SENATOR BOSTELMAN: Okay. If other people are profiting from us, I just want to make sure we're charging enough to cover your costs and other costs that may be out there so we're not leaving ourselves short a little bit. [LB357]

DONALD ARP: No, I don't think we are. I think at \$25 it's the place that we need to be and it brings us up to what is a fair and equitable average of the national amount that's charged around the country. [LB357]

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Transcriber's Office

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BOSTELMAN: Okay. [LB357]

SENATOR SMITH: Senator Briese. [LB357]

SENATOR BRIESE: Thank you, Chairman Smith. And thank you for being here, Mr. Arp. You mentioned a couple of numbers here: \$4.13 per Nebraska title, \$7-something for out-of-state title. How are those costs calculated? [LB357]

DONALD ARP: Well, I went in and calculated based on our budgetary amount that we have. And we do about 96,000 titles a year total. Out-of-state titles are...and sheriffs did 15,000 inspections last year, they're required to inspect every vehicle that comes into the state that's salvaged, and/or just imported from another state. So about 11,000 of those are imported titles. And I took the cost of what it takes us to process our office based on the percentage that titles are of our workload. And based on that, the \$3.25 falls short, even for a basic Nebraska title that carries the title, an application for title, and a bill of sale. [LB357]

SENATOR BRIESE: And to calculate the percent of workload, do you estimate or calculate the time necessary to do one title I assume? [LB357]

DONALD ARP: Correct. Over a period of time I had several different clerks process, because each person is a little bit more efficient or adept than another, so we did a varying study to make sure that we had a mean and an average. And then we used the cost per title as it compared to the percentage of our budget expended on the titles. And at 96,000 titles we do about 500,000 transactions a year at the DMV, between registrations, titles, and other paperwork processes. So it's a busy place. And to recover these costs from a dealer who never shows here and these vehicles never come here...these vehicles are held in Massachusetts, titled here, the titles are mailed back to Massachusetts, they're sold from Massachusetts, the money goes back to Massachusetts, and he's simply paying \$10 per title for that paperwork. [LB357]

SENATOR BRIESE: Okay. But your calculation was essentially based on the time estimated to do the titles. [LB357]

DONALD ARP: It's the time the paperwork and whatever it would take to support that, including the record storage and the digital conversion that we now have to do. [LB357]

SENATOR BRIESE: Okay, thank you. [LB357]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR SMITH: I see no remaining questions. Thank you, Mr. Arp, for your testimony. [LB357]

DONALD ARP: Thank you. [LB357]

SENATOR SMITH: (Exhibits 7, 8, 9, 10) Other proponents of LB357? We do have letters for the record that were sent in support of LB357 from Kristin Mayleben-Flott, chairperson Nebraska Planning Council on Developmental Disabilities; Tiffany Armstrong, chairperson Nebraska Brain Injury Advisory Council; Larry Dix, executive director of NACO; and Coby Mach, president and CEO of Lincoln Independent Business Association. Again, those letters were sent in support of LB357. We now move to opposition, those wishing to testify in opposition to LB357. Welcome, Director. [LB357]

RHONDA LAHM: (Exhibit 6) Thank you. Good afternoon, Chairman Smith and members of the Transportation and Telecommunications Committee. I'm Rhonda Lahm, R-h-o-n-d-a L-a-h-m, Director of the Department of Motor Vehicles. I'm appearing before you today to offer testimony opposing LB357, and I want to emphasize as introduced. Our primary concern regarding LB357 are with the two-tier fee for out-of-state and out-of-country titles. It's our understanding the amendment offered by Senator Bolz eliminates the two-tier approach for out-of-state and out-of-country title fees. LB357 as introduced will also go into effect 90 days after the end of the 2017 session. This time frame does not allow DMV sufficient time to prepare for the bill. Also, it's unlikely the 90 days would fall on the first of the month, this would require country treasurers to calculate deposits to the state twice in that same month. If the bill moves forward, DMV would recommend an effective date of January 1, 2018, to allow sufficient time for preparation, programming, and training, and also to eliminate the possibility of county treasurers having to deal with any changes that occur mid-month or mid-year. Thank you for your time, and I would be happy to answer any questions the committee may have. [LB357]

SENATOR SMITH: Thank you, Director. Questions from the committee? I see none, thank you. [LB357]

RHONDA LAHM: Thank you. [LB357]

SENATOR SMITH: Other opponents of LB357? Seeing none, anyone wishing to testify in a neutral capacity on LB357? Seeing none, we invite Senator Bolz back to close on LB357. [LB357]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BOLZ: I'll be brief. I just wanted to say on the microphone that I'm more than willing to address any of the logistical issues. I have addressed the logistical issues that have been brought to my attention. I'm disappointed that this is the first I've heard of the Department of Motor Vehicles' opposition. I would have been more than happy to bring an amendment to address the 90-day issue. So I hope that opposition testimony doesn't influence the committee's decision to advance this bill. [LB357]

SENATOR SMITH: Very good. [LB357]

SENATOR BOLZ: Thank you. [LB357]

SENATOR SMITH: Questions for Senator Bolz? I see none, thank you. That concludes the hearing on LB357. And we now move to opening on LB587, Senator Crawford will introduce this bill that relates to changing the provisions relating to school permits. Welcome, Senator Crawford. [LB357]

SENATOR CRAWFORD: Thank you. I hear you saved the best for last. [LB587]

SENATOR SMITH: Absolutely. [LB587]

SENATOR CRAWFORD: (Exhibit 1) Good afternoon, Vice Chair Smith and members of the Transportation and Telecommunications Committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. I'm honored to be here today to introduce LB587 for your consideration. The idea from LB587 came from a conversation I had with a constituent. During our conversation, I learned about some of the challenges faced by parents and students when it comes to getting students to school, especially if students choose to attend a school available through public school choice or choose to attend a private school. In that conversation, the constituent asked why there was ability for students who live in rural parts of the state to have availability of having driving privileges that are not available to residents that live in first-class cities like Bellevue or cities of the primary and metro class. And that started our conversation and research that led to LB587. In recognitions of some of these challenges, school permits are available in our state for some citizens, and allow students who qualify to transport themselves exclusively to school and to school-related activities to do so. When school permits were originally introduced the Legislature recognized the difficulties rural students, in particular, face in getting themselves to school. Therefore, current statute states that students younger than 16 years and 3 months of age but older than 14 months and 2 months of age and who reside outside a city of the metropolitan, primary, or first-class or attend school which is outside of a city of the metropolitan, primary, or first-class and meet other requirements laid out in the statute in terms of driving, training, and

experience can qualify for a school permit. In 2016, Senator Friesen introduced and passed LB814, a bill that removed the provision that students must live 1.5 miles from their school to qualify for a school permit. During his testimony, Senator Friesen acknowledged a series of issues that could keep rural students, even those who lived less than 1.5 miles from school, from arriving to school in a timely and safe manner. These challenges included unsafe walking conditions and lack of a consistent ride because all parents in the household leave for work early, and I'm sure lack of consistent public transportation. As a result, the mileage restriction for rural students to receive school permits was eliminated so that students in those areas could transport themselves to school and school-related activities despite these hardships. Now if you look at the green copy of the bill, Page 2 of the bill, you'll see that LB587 strikes language that excludes students that are residing...excludes the restriction that it only applies to students who are outside of a city of the metropolitan, primary, or first class; or attend a school outside of a city of the metropolitan, primary, or first class. And just to give you an example of what that looks like in Sarpy County, we have cities of the first class--Bellevue, Papillion--cities of the second class--Gretna, Springfield. So potentially in Sarpy County you might have students who have permits who are in Gretna or Springfield, but not Bellevue and Papillion having access to these permits to get themselves to school. After taking more time to further research the issue and consider concerns raised by my constituent, it became apparent that many students in our cities have an equally difficult time getting to school. And this was also furthered by conversations we had in learning about some of the busing issues for Omaha Public Schools, in terms of some of the challenges there with students getting to school. Many of our streets, especially in the Omaha area, pose burdens and barriers to students making it to school safely. Some of the challenges include lack of sidewalks, or sidewalks in poor condition, lack of streetlights, or streetlights that do not work, heavy traffic, and crime. Maps created by Douglas County Health Department, which are being distributed, show just how unwalkable some of the streets in certain urban areas are. Even for students who can take a bus in the morning, those conditions may provide even more dangerous as they make their way home in the evening after extracurricular activities after busing hours. In 2015, 79.9 percent of children in our state had all available parents in the work force. When parents and loved ones are not available to transport these students to early morning or evening school activities, walking becomes one of the only options, especially in cities like Bellevue and Papillion where the public transportation is limited. Lack of public transportation can be particularly difficult for students utilizing school choice or attending private school miles and miles from their home without access to school busing. LB587 recognizes that schools in both rural and urban areas across our state face unique challenges in getting to school and school-related activities. As a result, LB587 would make school permits available to students who meet the age and testing qualifications already outlined in statute without restricting it to students who come from rural parts of the state or particular classifications of city in the state. I've met with the Nebraska chapter of our National Safety Council to discuss some of their concerns. Recognizing that driving in urban settings could pose unique safety concerns, I considered a few different amendments to LB587. One amendment I considered would have

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

Transportation and Telecommunications Committee
February 28, 2017

required five hours of behind the wheel driving time for all students who reside or attend school in a city of the metropolitan, first, or primary class seeking a school permit. This would ensure that all students residing in these classes get adequate behind the wheel training, in addition to their written test before receiving their school permit. This amendment would have also eliminated the option for urban students to waive the behind the wheel hours with the law and verifying 50 hours of practice, signed by a parent or guardian, in order to ensure behind the wheel practice with a licensed instructor was always occurring. However, the Revisor's Office expressed concerns about equal protection violations this amendment could pose, by requiring students meet different criteria for the same permit. Alternative criteria based solely on location of residence also seemed unfair in a sense, considering nothing in the current statute prevents a rural student that currently holds a school permit from driving through cities of the metropolitan, primary, or first class as they need to to get to school or school-related activities. Again, the Sarpy County example is probably notable there. I was also hesitant to remove the option for a log, as some low-income families may not be able to afford the driver course to provide the behind the wheel time instruction, therefore making the process more difficult for those families. One amendment to seek to improve the safety of teen driving, especially if more teens are driving, is an amendment that would allow primary enforcement of mobile device violations for students holding these school permits and these school permits only. Currently, it is prohibited for those holding school permits to operate interactive wireless communication device while operating a motor vehicle. Law enforcement however can only act in violation of this provision in a secondary manner, meaning they have to pull the permit holder over for a separate offense in order to enforce this restriction. In order to keep these young drivers safe, this violation could be enforced as a primary offense for these teen drivers who would be driving around school properties where the texting and driving may pose other challenges and obstacles to safety. Making school permits available to students who reside in rural and urban communities would ensure that every student that meets the training requirements outlined in state law has a fair opportunity to get themselves to school and school-related activities, regardless of the walking conditions in the neighborhood or availability of rides from older adults or availability of public transportation. I'm happy to work with the committee and other interested parties to consider the best way to make school permits available to this group of students in our state, while maintaining safety. And I appreciate the committee's attention to this issue and will try to answer any questions that you have. [LB587]

SENATOR SMITH: Thank you, Senator Crawford, for your opening on LB587. Questions from the committee? Senator Murante. [LB587]

SENATOR MURANTE: Thank you, Senator Crawford, for your bill. So as I understand it, the law as it currently reads would take students in western Sarpy County for example, about 32,000 of whom, at least in my district, live in unincorporated SIDs...as I read it, currently would be permitted to get a school permit. [LB587]

SENATOR CRAWFORD: As I understand it. [LB587]

SENATOR MURANTE: But, well, I guess Gretna is not a first-class city yet, but we've probably crossed the population threshold. And the moment we apply for it, we will be a first-class city. So at that point, the kids within Gretna would not have the capacity to have a school permit under current law? [LB587]

SENATOR CRAWFORD: That is current law. So what the bill does is strike that exception. The current law is...and so if you'll see on Page 2, the current law is striking the exception...excuse me, the bill is striking the exception in current law that says if you reside in a metro, primary, or first-class city you don't qualify, that you have to be outside of those areas. [LB587]

SENATOR MURANTE: So what is the...is there, I mean, asking you to... [LB587]

SENATOR CRAWFORD: Or attend a school which is outside of those areas. [LB587]

SENATOR MURANTE: I'm asking you a question that's probably not fair. I'm asking you to advocate for the law as it exists, rather than as you are amending it. But what is the public policy rationale for saying that a kid who lives within the city of Papillion can or cannot get a permit, but a kid who lives one block west of the incorporated boundaries of Papillion, which is otherwise...somebody who would not know where the city has annexed would not be able to distinguish the difference. What is the policy reason for making that sort of a discrimination? [LB587]

SENATOR CRAWFORD: Well, I think that your point is a very valid one and a reason for bringing the bill. But I think that probably the policy rationale was likely that by drawing the line at second-class cities and villages you were more likely capturing rural communities. And then people outside of a city would also be considered rural. So that is my sense of what the policy rationale was likely to be. I think the Sarpy County example illustrates some of the challenges of that rationale as it plays out, especially in a growing community. [LB587]

SENATOR MURANTE: So the law, as it applies to Sarpy County, really makes no sense. Wouldn't you agree, Senator Crawford? [LB587]

SENATOR CRAWFORD: I believe as it applies to Sarpy County it creates... [LB587]

SENATOR MURANTE: That was a real hardball for you, Senator Crawford. It doesn't make any sense to me. [LB587]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR CRAWFORD: ...some serious illogical situations for our citizens in Sarpy County, yes, who would be driving through urban areas. Absolutely. [LB587]

SENATOR SMITH: Senator Briese. [LB587]

SENATOR BRIESE: Thank you, Chairman. And thank you for bringing this. Do you or anyone coming after you have any data on accident rates among young drivers, 14 to 16 years old? [LB587]

SENATOR CRAWFORD: I believe that there may be some of that in the testimony. So in terms of in Nebraska, what I have in front of me, one piece of evidence from 2005 to 2015 for age 14 and 15, I have numbers of crashes. I don't have like a comparison or compare that against, but in the 10-year period from 2005 to 2015 we have 11 fatal crashes on age 14 and 27 age 15 in that 10-year window. And then injury crashes numbers in terms of age 14 and age 15 as well; again, a 10-year period: 435 for age 14 and 1,269 in terms of age 15. So those are the number of crashes we have recorded for 14- and 15-year-olds under the current provisions in law. [LB587]

SENATOR BRIESE: Thank you, but as for actual rates per miles driven or number of driver's rates for 14- and 15-year-olds in accidents versus adults or versus 16- to 19-year-olds, we don't have that information, correct? [LB587]

SENATOR CRAWFORD: Actually, you do have that in your letter from the National Safety Council. [LB587]

SENATOR BRIESE: Does that refer to 14- and 15-year-olds? [LB587]

SENATOR CRAWFORD: So it may...it says "teen drivers," so it may not be specifically the 14 and 15. It may include other individuals, it may include all teens in that maybe. I don't know if they're going to testify, but definitely I'm sure they would be happy to follow up with you about what those stats are in their (inaudible). [LB587]

SENATOR BRIESE: And as far accident rates among young drivers in rural settings versus metropolitan settings, we probably don't have any information on that I'm assuming? I didn't see any in there. [LB587]

SENATOR CRAWFORD: Not that I know of, right. So. [LB587]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR BRIESE: Okay, very good. Thank you. [LB587]

SENATOR SMITH: I see no further questions. Thank you, Senator Crawford. [LB587]

SENATOR CRAWFORD: All right, thank you. [LB587]

SENATOR SMITH: We now move to proponents of LB587. Proponents of LB587. Welcome. [LB587]

TIM BARNER: Thank you, senators, for having me here today. My name is Tim Barner, T-i-m B-a-r-n-e-r. As I hear Senator Crawford's presentation of some of the things in the law, it's really important for me to say I'm not sure if I'm the constituent that she was naming. But I voted for her because I sent an email to her and she answered me. So I really thought that was a good example of representative government and the reason I took time off work to come here was for the same reason. So I appreciate the opportunity to speak. My situation was a little bit different, and something that I didn't hear too much about. And that is both of my daughters went to private school, Gross Catholic High School, and there's no bus service there. So we didn't have the option even in the morning or the afternoon to get our kids to and from school without having to drive them to and from school. So that was one of the big drivers. That's 7:45 in the morning, when most people are going to their day job and it's 3:15 or 3:20 in the afternoon when you might be winding down at work, but you're certainly not done with your work day. So you have to make special provisions there. There's also both of them play varsity volleyball, both of them were on Life and SALT, and student council and other activities. We of course made the effort, because we thought it was important to allow them to participate, but it certainly would have helped had either one of them been able to get a school permit to drive the 2.9 miles or whatever it was from our house to Gross High. But because we lived in the city, we couldn't do it. So that's basically why I brought it up. I wish I could be more dramatic, but I really can't. That's about the gist of it. I think it will offer...I taught school. I grew up in Blair, so I'm from a town where a lot of my friends got to drive to school. I taught school in a town of 400, where I know many of the kids drove to school, many of the kids drove tractors probably before they hit 10 years old, so they kind of knew how to run a motor vehicle. So I kind of get how that became law for the rural areas, but I think with the way most households have dual incomes, and therefore both mother and father working, things have changed enough that maybe it's time to look at it for the bigger urban areas. So and I don't have any backing, I didn't do any research. I'm just basically presenting my personal situation. So thanks again. I can answer any questions if you have them. [LB587]

SENATOR SMITH: Thank you, Mr. Barner. Questions for Mr. Barner? I see none. Oh, Senator Geist. [LB587]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR GEIST: I do. I actually do. I just am about to bust, I just can't help but ask. I happen to be a parent who lived in a rural area and our youngest child did drive to school earlier and before he became 16. I'm not sure I would make that decision today to redo that. I'm curious how comfortable you would be having your daughter who turns 14 take her sister with her to school, 14 and two months or three months, back and forth in town day after day after day. [LB587]

TIM BARNER: In our particular case, not all that scary, because you never go over 40 miles an hour. There's lot of stoplights, so there's controls in place that I think inherently make them safer, along with making sure they're in the right vehicle to make them safer. I should also mention, and I don't want to kill...take Senator Crawford's thunder, but I think it becomes really important when a kid is of high school age because the activities go up. [LB587]

SENATOR GEIST: Sure. [LB587]

TIM BARNER: And the needs for parents to be able to come pick them up and take them to the school at all hours because of sports events that have to share gymnasiums and other types of areas. We're talking in the automated vehicle about the same thing with the 14-year-olds in the rural areas, you know? I've been on a lot of county roads I didn't like to drive on, let alone having kids drive on them. So there's...I really do think, and then maybe that's some of the stuff you're thinking about, I really do think there's inherent risk in it. That's why I had some things on my mind like making them pass the regular driving test. And I know there's laws that say you can't give them the same permit when you have the same requirements, but maybe you give them a different permit. I don't know. You know, that's... [LB587]

SENATOR GEIST: I think they do get a different permit. [LB587]

TIM BARNER: Yeah, so if you, you know, make them drive with a licensed instructor that gives them permission to drive when they're 16, make them do it when they're 14 and then give them a license that just turns into a driver's license when they're 16 years old. [LB587]

SENATOR GEIST: That's just my concern of that young of a child driving in city traffic. [LB587]

TIM BARNER: Yeah, absolutely. [LB587]

SENATOR GEIST: And being the mom of a kid who drove in the country and occasionally in the city, and how many cars we went through. Fortunately, we have the child. [LB587]

TIM BARNER: Yeah, understandable. And it's obviously, you know, each parent's opportunity to really train their kid up. And even with that, they're kids, right? I like the idea no texting whatsoever, and you know, whatever penalty. As far as I'm concerned, throw it in your gym bag and don't get it out until you get to school. And if they don't do it, they get their keys taken away anyway, so their provisional permit won't matter. But, you know, that's one household. Again, I'm just talking about the one household I'm in. So, yeah, I understand your concern in this for sure. [LB587]

SENATOR GEIST: Yeah. Thank you. Thank you for coming today too. [LB587]

TIM BARNER: You bet. Thank you very much. [LB587]

SENATOR SMITH: (Exhibit 4) I see no further questions. Thank you, Mr. Barner. Other proponents of LB587? We do have a letter for the record: Jim Tenopir, executive director Nebraska School Activities Association, sent a letter in for the record in support of LB587. We now move to opponents, those wishing to testify in opposition to LB587. Welcome, Ms. Klosterboer. [LB587]

LAURIE KLOSTERBOER: (Exhibits 2, 3) I'm back. Thank you, members of the Transportation and Telecommunications Committee. My name is Laurie Klosterboer, L-a-u-r-i-e K-l-o-s-t-e-r-b-o-e-r, and I'm the executive director of the Nebraska Safety Council. One of our core programs that we do at our organization is we do provide teen driver education, and we are here testifying in opposition. Traffic crashes are the number one killer of teens. A teen's risk of being in a car crash during the first 12 to 24 months of driving is higher than at any other point in their lives. Teen driver inexperience coupled with immaturity often results in risk-taking behavior such as speeding, not wearing a seatbelt, alcohol use. In 2015, 18 Nebraska teens ages 14 to 19 lost their lives due to motor vehicle crashes. Of the 18 who died as a result of traffic crashes, 72 percent were not wearing their seatbelts; seven teens ages 14 to 19 were ejected from the vehicle. In Nebraska, drivers in the youngest age bracket, ages 15 to 24, had the highest percentage involvement of all age groups in all crashes--27.8 percent. In 2015 these drivers were also involved in the most fatal crashes--22.8 percent. LB587 would allow even more inexperienced young teens behind the wheel. If this bill passes, we will be taking a giant step backward with all the efforts we have gained from our Graduated Driver Licensing law in Nebraska. We're one of 50 states that has some form of a Graduated Driver Licensing law, and the reason for that is to save the lives that we were losing across the United States due to teen crashes. And so we really strongly feel that this is going to increase the number of teens that we have behind the wheel getting injured, getting killed in traffic crashes. And I did provide you with some information. Obviously from our reading of the bill, this would open it up so that students in the metro areas and the first class...so those cities that I've listed, with the exception I did not put Lincoln and

Omaha, but those are all the communities that this would open this up to. Since we do teach teens how to drive behind the wheel, I can tell you that, and I believe it was testified yesterday, that 60 percent of parents are doing the 50-hour driving law with their student, 40 percent will take an actual certified driver education program. I can tell you from our program that the students that come in, either they've not had any experience at all with their parent or they've had some. And in fact, we have parents that are scared to death to get behind...in the car with their child. So I think I can say with fair certainty that a majority of parents are not spending 50 hours behind the wheel with their student, and that's one of the problems that we feel we have with our GDL is that it gives parents an easy opt-out for that 50 hours. I'm sure there are some parents that do and God bless them, but I think that we have far more that are not doing that 50-hour log. I would be happy to answer any questions that you might have. [LB587]

SENATOR SMITH: Questions from the committee? Senator Murante. [LB587]

SENATOR MURANTE: I have one. And I'll ask you the more fair question than I asked Senator Crawford. So I'll give you a specific example in my district, which to me kind of illustrates the problem that I have with the law as it exists today and which would be corrected if Senator Crawford's bill passed. Bellbrook is a subdivision in my district, it's on 192nd and Harrison Street. Bellbrook as a neighborhood is divided evenly between Gretna Public Schools and Millard Public Schools, it is an unincorporated SID, so it is not in a city of a metropolitan, primary, or first class. The kids who happen to live across the street from Millard Public Schools that are in Gretna Public Schools go to a school that is one block south of Harrison Street, so they can get a school permit. The kids who happen to live across the street from the Gretna kids, that go to the Millard Public School, happen to go to a school that's one block north of Harrison Street. But when they cross Harrison Street they enter the city limits of Omaha and now cannot get a school permit. So we have two kids that are almost identically situated and we're treating them differently. And my question to you is what is the policy rationale for doing that? [LB587]

LAURIE KLOSTERBOER: I wish I could answer that, Senator. I don't know what the rationale is. I mean, I think that...and I need to go back and do some research on how long we've had the school permits. Our recommendation would be that we do not have any 14-year-old getting behind the wheel. I mean, realistically, this is just a no-brainer to us. There's the research out there showing this, there's certainly...and I've also provided the statistics on looking at our GDL law and how before we had the law and afterward, so you can see that we're making a difference here. I understand the frustration that we have that going on, those type of situations, but I don't think that the answer is that we open it up to all of these students because I don't think that sends a very good safety message, certainly not from the Transportation and Telecommunications Committee. [LB587]

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

Transportation and Telecommunications Committee
February 28, 2017

SENATOR MURANTE: Okay, thank you. [LB587]

SENATOR SMITH: Remaining questions? I see none. Thank you for your testimony. [LB587]

LAURIE KLOSTERBOER: Thank you. [LB587]

SENATOR SMITH: (Exhibits 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18) Next opponent of LB587? Seeing none, we do have letters for the record that were sent in opposition to LB587: Zachery Kapinus from...he's general manager Road-Ready Driving School; Rose White, public affairs director AAA, the Auto Club Group; Dr. Michael Cohen, Omaha; Dr. John Vann, Omaha; Amy Borg, Omaha; Carrie Maryott, West Point; Renee Pettis, Omaha; Nikki Dean, Omaha; Amanda Ablott, Hastings; Deborah Hammon, Humboldt; Amanda Jeffres, Burwell; Kristin Luethke; Lisa Schawang, Salem; Jami Brester, West Point; and Tera Boyd, McCook. Anyone wishing to testify in a neutral capacity on LB587? Seeing none, we invite Senator Crawford back to close on LB587. [LB587]

SENATOR CRAWFORD: Thank you, committee members. And I would like to thank Mr. Barner for being here today to share his personal story. I thought it was...again, conversation with him is what really started our research and thinking about what the law actually looks like in the statute and what it looks like in Sarpy County that led us to bring this bill, to have this conversation today. And I appreciate the testimony from Ms. Klosterboer as well, in terms of raising the question of what do we need to do to make sure our teen drivers are safe and how do we build on our Graduated License law in an effective way and recognizing...and it's I think the statistics about the logs and the percent who use the log and the percent who use the training is valuable information as the committee is thinking about how to move forward. And I think this challenge of how to make sure that we have appropriate ways for our kids to get to school and how we make sure that we're increasing teen driver education and teen driver safety. Those are all important issues for us to consider and think about how we move forward. And one of our considerations was how do we make the law more consistent, and we wanted to present a bill that was not changing the rules in terms of our folks who currently reside in rural communities. And so that is why we presented the bill as we presented it, and I'm open to other conversations or ideas about best ways moving forward. Whether it's the bill as is or the bill with a texting amendment or other amendments and considerations people may raise. Mr. Barner raised the issue about possible driver test component, and that's I think a conversation we could have in terms of what that might look like or how that might fit into our existing structure. And I'm happy to have that conversation. And as...Chairman Friesen is not here today, but we had some conversation before the bill hearing just talking about how important the parents are in this process and the parents deciding is this an appropriate tool for my family and my kids or not, and having the parents make that decision. So I had a personal friend who lived in Iowa where there's

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an opportunity to drive at a younger age. And she said as a parent, I asked if she wanted to come testify, but as a parent for her children she didn't think it was appropriate, so she didn't allow them to drive at a younger age, demonstrating that that really is an important parental decision that has to go along with our state laws in terms of deciding the best situation for your own families in terms of your role as a parent in making sure you're keeping your teens safe and talking to your teens about texting and driving and the appropriate times to drive and how to drive. So with that, I will end my closing and try to answer any other questions people may have. [LB587]

SENATOR SMITH: Thank you, Senator Crawford? Senator Crawford, thank you for representing Sarpy County very well, and particularly for looking out for the interests of Senator Murante's district. And with that, we will close the hearing on LB587. And that concludes our hearings for the day, thank you. [LB587]