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Transportation and Telecommunications Committee
January 16, 2018

[LB733 LB796]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, January 16, 2018, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB733 and LB796. Senators present: Curt Friesen, Chairperson; Jim Smith, Vice Chairperson; Bruce Bostelman; Tom Briese; Suzanne Geist; Mike Hilgers; Dan Hughes; and John Murante. Senators absent: None.

SENATOR FRIESEN: Good afternoon, everyone. Welcome to this afternoon's hearing of the Transportation and Telecommunications Committee. I'm Curt Friesen from Henderson, District 34. I'll begin with a few procedural items. I'd ask you all to silence your cell phones, other electronic devices. We'll be hearing the bills in the order listed on the agenda. Those wishing to testify on a bill should move to the front of the room and be ready to testify. We have a seat set aside, not that we need it today, but for you to be ready to come up when your turn. If you are going to testify, we ask that you legibly complete one of the green testifier sheets located on the table just inside the entrance. Give the completed testifier sheet to the page when you sit down to testify. Handouts are not required but, if you do have a handout, we need ten copies. One of the pages will assist you if you need help. Since we only have one page this year, we know who that will be. When you begin your testimony, it is very important that you clearly state and spell your first and last names for the record. If you happen to forget, I will stop you and ask you to complete this task. We will use the light system. Today it won't be that important, but we give you five minutes to present your testimony. The yellow light indicates there's one minute left and, when the red light comes on, it's time to go. Those not wishing to testify may sign on the pink sheet by the door to indicate their support or opposition to a bill. And now we will start with introductions. On my right is Tip O'Neill, my legal counsel. On my left is Elice Hubbert, my legal clerk--committee clerk. And I'll just let the senators self-introduce themselves, starting with Senator Briese.

SENATOR BRIESE: Tom Briese, LD41, Albion, Nebraska.

SENATOR BOSTELMAN: Bruce Bostelman, District 23: Saunders, Butler, and most of Colfax Counties.

SENATOR MURANTE: John Murante, District 49: western Sarpy County.

SENATOR SMITH: Jim Smith, District 14: Sarpy County.

SENATOR HUGHES: Dan Hughes, District 44: ten counties in southwest Nebraska.

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SENATOR HILGERS: Mike Hilgers, District 21: northwest Lincoln and Lancaster County.

SENATOR GEIST: Suzanne Geist, District 25, which is the east side of Lincoln and all the way north's county line, and includes Waverly and Walton.

SENATOR FRIESEN: And then our page today is Lee-Ann Sims. She's from Lincoln, a junior and political science major at UNL...my sympathies (laughter). With that, we will open the hearing on LB733. Welcome, Senator Thibodeau. [LB733]

SENATOR THIBODEAU: Thank you. Good afternoon, Senator Friesen and members of the Transportation and Telecommunications Committee. For the record, my name is Theresa Thibodeau, spelled T-h-e-r-e-s-a T-h-i-b-o-d-e-a-u, and I represent the 6th Legislative District in west central Omaha. And I appear before you today in introduction and support of LB733. I introduce this as a cleanup bill at the request of the Nebraska Department of Transportation, or NDOT. LB733 makes simple reforms to how licenses of county highway and city street superintendents are renewed. This is commonsense legislation, and I want to thank the NDOT for asking me to introduce it. And I also want to thank Director Kyle Schneweis for being here today to testify and answer any questions the committee may have. In Nebraska, we have a licensing system in place to promote and ensure that those responsible for overseeing and managing our city streets and county highways are both professionally trained and follow well-established standards of safety and quality. To give you a better perspective on this, there are currently 423 license holders in Nebraska, holding a total of 670 licenses. These licensees are required for those that act as county highway and city street superintendents, with many individuals holding the necessary licenses that allows them to do both because they work...because of the work they do for the county as well as for some of the cities within their counties. Under LB733, the licensing system renewal process would be simplified by extending the term of the Class B license from one to three years, so that it would be consistent with the Class A license time period. This would result in a more cost-efficient system because of the reduced NDOT staff hours needed to process these license renewals, and would result in approximately a two-thirds decrease in the number of license renewals the Board of Examiners would need to review. It is important to note LB733 would have little to no direct fiscal impact because the \$10.00 annual renewal fee would now simply become a three-year renewal for \$30.00. Ultimately this very slight but important change, which would result from LB733, is a great example of something a state agency will do to streamline their work and ensure we are operating in the most efficient and effective way for our state taxpayers. Thank you, Mr. Chairman. [LB733]

SENATOR FRIESEN: Thank you, Senator Thibodeau. Any questions from the committee? Seeing none, you'll stick around for closing? [LB733]

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SENATOR THIBODEAU: Yes, I will. Thank you. [LB733]

SENATOR FRIESEN: Thank you. Anyone wishing to testify in support of LB733? [LB733]

KYLE SCHNEWEIS: (Exhibit 1) Good afternoon, Chairman Friesen, members of the committee. I'm Kyle Schneweis. I'm the director of the Nebraska Department of Transportation. My name is spelled K-y-l-e S-c-h-n-e-w-e-i-s. I want to say...thank Senator Thibodeau for introducing LB733 at our request. It's a bill that, as she just testified, streamlines the renewal process for county highway and city street superintendents. And we really do think it's a piece of straightforward and commonsense legislation. And so there are two kinds of licenses, as the senator mentioned, Class A and Class B. And the Board of Examiners for County Highway and City Street Superintendents administers these licenses. And the difference between the Class A and the Class B is pretty straightforward: The Class B license is issued to individuals who have a professional engineer credential or pass a written exam; and the next step up, if you will, is the Class A license, which is issued to those who already hold a Class B license and meet experience and professional development requirements. Currently a Class B license requires a \$25.00 fee and must be renewed every year for \$10.00, where the Class A license has a \$75.00 initial fee and is good for three years, with a renewal costing \$50.00. And so many folks hold both of these licenses at the same time and, because of the nature of their work that they do, and from a customer service and practical approach, they would benefit from a harmonization of these renewal time frames. And that's exactly what this legislation would do. Of course, it would help on our end in terms of approving the licenses, as well, and so we think that it's...although it's a slight but important change, it's a great example of something we can do as a state agency to streamline our work and make sure we are operating at the most efficient and effective way for our state's taxpayers. So Chairman Friesmen (sic), distinguished members of the committee--I always mispronounce your name when I'm in this chair; I don't know what it is. [LB733]

SENATOR FRIESEN: Close enough. [LB733]

KYLE SCHNEWEIS: Thank you for your time, and I'd be happy to answer any questions you have. [LB733]

SENATOR FRIESEN: Thank you, Director. Any questions from the committee? Seeing none, thank you for your testimony. Others wishing to testify in support? Welcome. [LB733]

CHRIS JACOBSEN: Thank you. I want to thank the committee for the opportunity to speak on behalf of the Board of Examiners. My name is Chris Jacobsen, C-h-r-i-s J-a-c-o-b-s-e-n. And, as I mentioned, I am representing the Board of Examiners for County Highway and City Street Superintendents, as a member of that board. And I want to thank...again, I want to thank you for

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the opportunity to speak on behalf of the Board of Examiners and in favor of LB733. The Board of Examiners are responsible for the testing and licensing of both county highway and city street superintendents in an effective and an efficient manner. When areas of improvement are identified that promote such, the board is compelled to act; and LB733 is such an area. From the position of the Board of Examiners, the shift from an annual Class B renewal to a three-year renewal provides for more effective use of Board of Examiners' staff and resources, it eliminates two years of similar task implementation with equal renewal orientation, plus it is in line with the current renewal process for the Class A license. In addition, the Board of Examiners are keenly aware that the support staff for the board is a shared staff with, also, the Board of Public Roads Classifications and Standards, and that any change in task by either board can impact staff effectiveness and delivery of services. Support by the Board of Examiners for LB733 does not remove or reduce the licensing task required, but what it does is it improves the process and provides for a more efficient use of staff and resources and is a positive step forward in time allocation for all aspects of services provided through the board by their staff. And with that, if anyone has a question, I'd be free to answer. [LB733]

SENATOR FRIESEN: Thank you, Mr. Jacobsen. Any questions from the committee? Seeing none, thank you for your testimony. [LB733]

CHRIS JACOBSEN: I want to thank you for your time. [LB733]

SENATOR FRIESEN: Welcome. [LB733]

STEVE RIEHLE: Afternoon, Senator Friesen, members of the committee. My name is Steve Riehle, R-i-e-h-l-e. I'm the Hall County engineer out of Grand Island, Nebraska, and also a county highway superintendent, so I've got a...went through the process of having a Class B, and now a Class A, highway superintendent's license and a city streets superintendent's license. Our...I'm a past president of the Nebraska Association of County Engineers, County Highway Superintendents and County Surveyors. And our group, at our annual meeting in December, had discussed an issue, like this, of trying to align the time frames to three years. And our membership, at that time, was supportive of a change to make the license period three years for both, so they would be the same. It's good commonsense government, and it reduces the...there's no reason why a license couldn't last for three years and apply once every three years to renew it, instead of once every year. [LB733]

SENATOR FRIESEN: Thank you, Mr. Riehle. Any questions? Do you have to take any continuing ed courses or anything like that? [LB733]

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STEVE RIEHLE: We do. Our association is very active in working with the Nebraska Department of Transportation and actually gets pre-approved credit hours for our workshops in the summer and then in December, at the annual meeting. And then that generally can cover most, if not all, of a county highway superintendent's continuing education units. I think it's very important, as an association...we've had very good luck as our association, in putting on conferences and workshops that do a good job at educating people. And we've even had city street superintendents come to our meeting because we can put on pretty good training for them and give them the PDHs they need. [LB733]

SENATOR FRIESEN: Okay, thank you. Seeing no questions, thank you for your testimony. [LB733]

STEVE RIEHLE: Thank you. [LB733]

SENATOR FRIESEN: Any others who wish to testify in support? Welcome. [LB733]

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Friesen, members of the committee. For the record, my name is Beth Bazyn Ferrell; that's B-e-t-h B-a-z-y-n F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing in support of LB733 for the reasons that you've already heard about efficiency and staff time allocation and so on. I would be happy to try and answer questions. [LB733]

SENATOR FRIESEN: (Exhibit 2) Okay, thank you for your testimony. Any questions from the committee? Seeing none, thank you for your testimony. Any others who wish to testify in support? We have one letter of support from the Platte Institute. With that, are there any who wish to testify in opposition to LB733? Seeing none, are there anybody who wish to testify in a neutral capacity? Seeing none, Senator, you wish to close? [LB733]

SENATOR THIBODEAU: Thank you, Chairman. At this time, I do wish to close any further discussion on this bill. I appreciate your time. [LB733]

SENATOR FRIESEN: Any questions, final questions from the committee? Seeing none, thank you. Great job. [LB733]

SENATOR THIBODEAU: Thank you. [LB733]

SENATOR FRIESEN: That will close the hearing on LB733. And now we will open the hearing on LB796. [LB733 LB796]

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SENATOR McDONNELL: (Exhibits 1 and 2) Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Mike McDonnell, spelled M-i-k-e M-c-D-o-n-n-e-l-l, representing LD5 in south Omaha. I'm here to introduce LB796, which would change the allocation of the fee for an ignition interlock permit to have a portion of that fee transferred to the State Treasurer to be placed into the Violence Prevention Cash Fund. LB796 would establish a more stable, consistent revenue source for the Office of Violence Prevention, for additional funding beyond the annual appropriation from the General Fund. The Office of Violence Prevention, under the Nebraska Crime Commission, has the mission to provide leadership and aid in the development, growth, overall assessment of violence prevention programs throughout the state of Nebraska. Back in 2009, when Senator Mike Friend introduced LB63, which established the Office of Violence Prevention, OVP had the goal of aiding law enforcement's ability to effectively investigate and prosecute gang-related crimes. Over the years, OVP has included focus and priority of funding to the projects that reduce street and gang violence: homicides, injuries caused by firearms, and working with the youth to prevent them from becoming involved with gang-related activities. To effectively address these issues, communities must develop a multifaceted approach that includes violence prevention activities, intervention and enforcement, punishment when necessary, and rehabilitation, which is why I introduced LB796 this year. With the additional funds, OVP would be able to expand its ability to provide funding for programs aimed at helping to reduce crime and emphasize violence prevention across the state of Nebraska by extending...expanding funding from programs across the state of Nebraska that help to reduce crime, thus reduce the number of individuals in our already overcrowded prison system. LB796 changes allocation of fee for an ignition interlock permit. Current fee is \$45.00 for an ignition interlock permit. LB796 would allocate \$25.00 of that \$45.00 to be remitted to the State Treasurer for credit to the Violence Prevention Cash Fund. I do want to note that, after my office spoke with the Fiscal Office, I am asking for a change in the allocation to begin in 2019 for the year...fiscal year 2019-2020. Cash funds have already been transferred from the Ignition Interlock Fund to the General Fund, due to the state's budget shortfall. Due to these cash fund transfers, it would put the ignition interlock program into a shortfall if LB796 went into effect during the current fiscal year. If the allocation changes start in 2019, we could do so without a negative impact on aid to indigent individuals obtaining an ignition interlock device. Thank you, and I'll try to answer any of your questions. [LB796]

SENATOR FRIESEN: Thank you, Senator McDonnell. Any questions from the committee? Senator Hilgers. [LB796]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Senator McDonnell, for being here. Can you elaborate a little bit on that last piece of your testimony, in which you said that, if it starts in '19, that you could do so without a negative impact on aid to indigent individuals? I just didn't...it might have been in part of your testimony. [LB796]

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SENATOR McDONNELL: If you... [LB796]

SENATOR HILGERS: I didn't quite follow it. So could you just explain that to me? [LB796]

SENATOR McDONNELL: Yeah. If you look at the fiscal note, it says, at the bottom of it: If LB798 (sic: LB796) is effective in fiscal year 2019, then the fund would be about \$150,000 short of meeting its obligations. But if you look at, farther down, and I...we got to make sure, did you guys get the fiscal note? [LB796]

SENATOR FRIESEN: Yep. [LB796]

SENATOR HILGERS: Yep. [LB796]

SENATOR McDONNELL: All right. Farther down, that's why they're asking us to look at moving it to the year 2019 and '20. And over the years, if you look at some of the past monies in the...that have been moved...for example, going back to the year 2011/12, there was \$320,000, 2012/13--\$497,000, '13/14--\$463,000, '14/15--\$418,000, 2015/16--\$373,000, 2016/17--\$315,000. So what we're looking at doing is trying to make sure there's no impact to the program and also continue to help the Office of Violence Prevention. [LB796]

SENATOR HILGERS: Okay, thank you. [LB796]

SENATOR FRIESEN: Any other questions from the committee? Seeing none... [LB796]

SENATOR McDONNELL: If I could, I'd like to waive closing and get back to Appropriations. [LB796]

SENATOR FRIESEN: You may do that. [LB796]

SENATOR McDONNELL: Thank you. [LB796]

SENATOR FRIESEN: Anybody wishing to testify in support of LB796? Seeing none, anyone wishing to testify in opposition to LB796? Seeing none, anyone wish to testify in a neutral capacity on LB796? Seeing none, and as he has waived closing, we'll close the hearing on LB796. [LB796]