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GEIST: Good afternoon. Thank you. I need a gavel, don't I? Good afternoon and welcome to the Transportation and Telecommunications Committee. My name is Suzanne Geist. I represent District 25, which is the southeast corner of Lincoln and Lancaster County. I serve as Chair of the Transportation and Telecommunications Committee and we're going to start off by having senators and members of the committee do self-introductions and we'll start with Senator DeBoer.

DeBOER: Good afternoon, everyone. My name is Wendy DeBoer. I represent District 10, which is in northwest Omaha.

BRANDT: I'm Tom Brandt. I represent Legislative District 32: Fillmore, Thayer, Jefferson, Saline and southwestern Lancaster Counties.

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

DeKAY: Barry DeKay, District 40. I represent Holt, Knox, Cedar, Antelope, northern part of Pierce and most of Dixon County.

GEIST: And to my right is our committee counsel, Mike Hybl. And my left is Caroline Nebel, who is our committee clerk. We also have pages, Denny and-- Delanie and Logan. And by the way, it's both of their birthday today so that's kind of a fun thing. They aren't twins, though, right? Delanie is studying political science at UNL and Logan is studying international business at UNL. And this afternoon, we're going to hear, I believe, four or five bills and a, a appointment. On the table near the entrance of the room-- and you might listen because the instructions are going to be a little bit different today-- you're going to find a blue testifier sheet. So if you're planning to testify, please fill one out and hand it to the page-- the pages as you come up. Also, if you are a translator, would you also fill out a blue sheet? And when you come to translate, would you also give that blue sheet to the page? This will help keep an accurate record of the hearing. If you do not wish to testify, but you want to record your presence at the hearing, please fill out the gold sheet on the table near the entrance. I would also note that the Legislature's policy is that all letters for the record must be received by the committee by

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noon the day prior to the hearing. Any handouts permit-- submitted by testifiers will be included as part of the record as exhibits. We would ask if you have any handouts, please make ten copies and give them to the pages. If you do need additional copies, the pages can get those for you. Also understand that senators may come and go during our hearings. This is common and required, as they will be representing-- or presenting bills in other hearings. I'll go ahead and let the two senators who have joined us introduce themselves before we get started.

FREDRICKSON: Thank you, Chair Geist. I'm John Fredrickson. I represent District 20, which is in central west Omaha.

MOSER: Mike Moser, District 22, Platte County and most of Stanton County.

GEIST: Perfect. As we begin the hearings, testimony will begin for-- with the introducer's opening statement. After the opening statement, we will hear from any supporters of the bill then from any opponents of the bill and then those wishing to speak in the neutral capacity. The introducer will then be allowed to make closing statements if they wish to do so. Another thing that we ask is that you give us your first and last name and be sure to spell it for the record. We're-- how many are planning to testify on LB199? OK. I think what we'll probably do-- we'll, we'll go-- I think we'll do three-minute testimony on the LB199. We will-- and when you're-- you begin your testimony, you'll see the green light on the table. You're-- the yellow light, when it comes on, that is your one-minute warning. And then we ask you to wrap up your thoughts when you see the red light. I would like to remind everyone, including senators and staff, to please turn off your cell phones or put them on vibrate. And with that, we're going to begin with an appointment of James Ediger. Did I pronounced that correct?

JIM EDIGER: Ediger.

GEIST: Edgar? Ediger. That darn "G." I'm sorry. Welcome to the committee.

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JIM EDIGER: Good afternoon, Senator Geist and members of the Transportation and Telecommunications Committee. My name is Jim Ediger. That's J-i-m E-d-i-g-e-r and I'm the chief legal officer at Hamilton Telecommunications. Hamilton Telecommunications is a diversified communications and technology services provider headquartered in Aurora. Our services-- our service offerings include the provision of broadband, voice and IPTV services on a local basis, IT and management managed support services on a regional basis and relay services for deaf, hard of hearing and speech impaired on a national basis. I've been with Hamilton for seven and a half years. The Nebraska Information Technology Commission is a ten-member commission which promotes the use of information technology in education, healthcare, economic development and all levels of government services. The NITC was created in 1997 and meets three times per year. I attended my first meeting back in November and was impressed with the makeup of the commission, which included Senator Geist at the time, but my understanding will now include Senator DeBoer. I'd be happy to answer any questions and I appreciate your consideration in approving my appointment as a commissioner with the Nebraska Information Technology Commission.

GEIST: Great. Thank you for your testimony. Are there any questions for the appointee? Yes. Senator DeBoer.

DeBOER: Thank you. What got you interested in, in participation in this board?

JIM EDIGER: Sure. I think one of the things that makes Nebraska great is just the number of volunteers that we have, people who are willing to devote their time without any expectation of anything in return. And so that's true at the local level and the state level. I think this is a commission or another board that needs ten educated, you know, willing folks who are willing to put in the time to serve and promote information technology on a statewide basis. When I was looking at ways to get involved at the state level, I think of a lot of the work that I do at Hamilton, but also in my individual capacity within Aurora. I'm, you know, a member of the education-- or Edgerton Education Center in Aurora, which is a science center. We use technology and all of that. So I just look for possible opportunities

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at the state level that were a good fit and I think this was, was one that I was interested in.

DeBOER: Thank you.

GEIST: Yes, Senator Bostelman.

BOSTELMAN: Thank you, Chairwoman Geist. Maybe you said and I just didn't hear it, what position do you fill on the--

JIM EDIGER: The general public.

BOSTELMAN: And do you-- explain to me what the NITC does.

JIM EDIGER: Yeah. So overall, the purpose is to support information technology across the state. And so they have a number of councils that look at everything from GIS mapping to education to healthcare and always have a stake in, you know, be better with the use of information technology. And so that really is the purpose and why this was created back in the late '90s.

BOSTELMAN: So how would you handle any situations, potential conflicts since you're general counsel for Hamilton Telecommunications?

JIM EDIGER: Yeah, I think there is a method to raise conflicts of interest. I don't think the NITC has any ability to allocate funding or do anything that would directly impact Hamilton. But if there were a situation that would arise, there's a way to raise a conflict and sit out from voting on that issue. I don't think that's uncommon on these type of commissions.

BOSTELMAN: Agreed. Thank you.

GEIST: Great. Any other questions? Well, it was interesting to serve with you. Thank you--

JIM EDIGER: Yes.

GEIST: --for being willing to step forward. We appreciate it.

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JIM EDIGER: Thank you, Senator.

GEIST: Are there any proponents of this appointment? Proponents. Are there any who wish to testify in opposition to this appointment? Any who wish to speak in the neutral capacity? If not, we will close this hear-- this appointment hearing and move on to LB63. And while we're waiting for Senator Bostar to open, senator who just arrived will introduce herself.

M. CAVANAUGH: Oh. Machaela Cavanaugh, District 6, west central Omaha, Douglas County.

GEIST: Thank you. Welcome, Senator Bostar.

BOSTAR: Thank you. Good afternoon, Chair Geist and members of the Transportation and Telecommunications Committee. I'm Eliot Bostar. That's E-l-i-o-t B-o-s-t-a-r and I represent Legislative District 29. I'm here to present LB63, legislation that would prohibit a telecommunication company from receiving support from the Nebraska Universal Service Fund if said company is using or providing any communications equipment or service deemed to pose a threat to national security, according to a recent ruling of the Public Safety and Homeland Security Bureau of the Federal Communications Commission. LB63 also incentivizes the removal of any prohibited equipment by stipulating that any telecommunications company that removes, discontinues or replaces any communications equipment or services identifies-- identified as posing a threat to national security shall not be required to obtain any additional permits or authorizations from any state agency or political subdivision and the removal, discontinuance or replacement with like products of such communications, equipment or services. This provision will prevent bureaucratic red tape from endangering our national security. This legislation echoes a decision made June 30, 2020, at the federal level when the Federal Communications Commission for Public Safety and Homeland Security Bureau designated two companies, Huawei Technologies Company and ZTE Corporation, as well as their parents, affiliates and subsidiaries as threats to national security and declared them banned from receiving support from the FCC's own Universal Service fund. According to FCC Chairman, Ajit Pai at the time of the ruling, quote,

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Based on the overwhelming weight of evidence, the bureau has designated Huawei and ZTE as a national security risk to America's communications networks and to our 5G future. Both companies have close ties to the Chinese Communist Party and Chinese-- China's military apparatus and both companies are broadly subject to Chinese law obligating them to cooperate with the country's intelligence services. We cannot and will not allow the Chinese Communist Party to exploit network vulnerabilities and compromise our critical communications infrastructure. Today's action will also protect the FCC's Universal Service Fund, money that comes from fees paid by American consumers and businesses, from being used to underwrite these suppliers which threaten our national security. In 2020, Congress approved \$1.9 billion to remove Chinese-made Huawei and ZTE cellular technology across wide swaths of rural America. But as of today, very little of that equipment has been removed and many rural telecom companies are still waiting for federal reimbursement money. The FCC reports that they've received applications to remove 24,000 pieces of Chinese-made communications equipment, but according to a July 15, 2022, report, it is more than \$3 billion short of the money it needs to reimburse all eligible companies. This threat is simply too critical to be left up to the glacial speed of the federal bureaucracy to solve. The International Institute of Strategic Studies reports that the U.S. intelligence and cybersecurity community largely believe that much of Huawei's initial success came from the theft of U.S. technology and intellectual property, which has then been used to undercut American companies and products. U.S. cybersecurity experts warn that Huawei has created backdoors to their carrier equipment, which can be used for espionage or sabotage by the Chinese government. On February 11, 2020, Robert O'Brien, national security advisor to President Trump, told the Wall Street Journal, quote, We have evidence that Huawei has the capability to secretly access sensitive and personal information in systems it maintains and sells around the world. China is spying on the U.S. population today and is using our own telecommunication infrastructure through the use of these backdoor technologies created and distributed by their state owned-- their state-run corporations to collect information on Americans. There is even evidence to suggest that our military sites located here in Nebraska are under particular threat from Chinese surveillance through

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our telecommunication networks and cellular towers. Since at least 2017, federal officials have been investigating Chinese land purchases near critical infrastructure. One of the alarming elements revealed by the FBI investigation pertains to Chinese-made Huawei equipment on cellular towers near U.S. military bases in the rural Midwest. According to a CNN report from July 25, 2022, the FBI determined that equipment was capable of capturing and disrupting highly restricted Defense Department communications, including those used by U.S. Strategic Command, which oversees the country's nuclear weapons. The report went on to say that it's very likely that the Huawei equipment has the ability to intercept not only commercial cellular traffic, but also the restricted airwaves used by our military. This access could potentially disrupt critical U.S. strategic command communications, giving the Chinese government a possible entry point into America's nuclear arsenal. In order to prevent espionage and possible sabotage of our critical infrastructure, we must remove the offending technology and continue to harden our information and telecommunications networks against interference by foreign actors. Additionally, Nebraska dollars must never be used to subsidize anything that endangers the well-being and safety of our country. I encourage you to support LB63 to shield our critical infrastructure from foreign infiltration and to prevent the Nebraska Universal Service Fund from financing the Chinese surveillance state apparatus. Thank you for your time today and I'd be happy to answer any questions you might have.

GEIST: Thank you for your testimony. Are there any questions on the committee? Senator Fredrickson.

FREDRICKSON: Thank you, Chair Geist. Thank you. Senator Bostel-- Bostelman-- thank you, Senator Bostar, for being here and for introducing this.

BOSTAR: Thank you to Bostelman too.

FREDRICKSON: Thank you to Bostelman too, yes. You mentioned in your opening a little bit and I'm curious if you could just maybe educate us a little bit more on sort of, like, the, the federal response to

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this versus our state's responsibility and kind of help me understand that a little bit more if you could.

BOSTAR: Sure. So the, the federal government has taken a significant amount of action on this front. And I'm just going to reference some notes so that I, I make sure I don't, I don't miss anything. So on-- for example, on June 30, 2020, the FCC designated Huawei and ZTE as a national security threat and designated them as covered companies under the Communications Act of 1934. That particular ruling would prohibit the federal USF from using any of those resources for the purchase or, or preservation of equipment from Huawei and ZTE. November 25, 2022, the FCC adopted new rules that prohibited communications equipment manufactured by Huawei and ZTE and deemed to pose an unacceptable risk to national security from being authorized for importation or sale in the United States. Essentially, the federal landscape as it exists right now is that telecommunications companies cannot install, import or buy any of this equipment. The real issue is the equipment that already exists, right? And when the federal government appropriated funds to attempt to reimburse companies to do this replacement, right, it received 23,000 applications for specific equipment components. So that also, I think, underscores the scale of the problem that we're facing. Does that answer your question?

FREDRICKSON: I think so. So what I'm, what I'm understanding you to say is so the-- currently, federal USF funds are prohibited from this. But is it, is it correct to understand that a state-- like, the NUSF funds are still able to be used for this?

BOSTAR: Yeah, so this legislation would prohibit NUSF funds from going to any company that has any of this on their network, which currently companies in Nebraska that are utilizing Huawei equipment are receiving NUSF funds.

FREDRICKSON: Got it. Thank you.

BOSTAR: Of course.

GEIST: Senator Brandt.

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BRANDT: Thank you, Chairwoman Geist. Thank you. Senator Bostar, this is kind of timely with the weather balloons and all the other action we've been--

BOSTAR: I didn't plan it that way.

BRANDT: I know. You're a visionary. So if I'm, if I'm reading this correctly, we are going to deny funds to these small rural telecoms that have Huawei equipment or some of the foreign adversary's equipment installed. Wouldn't it make more sense to give them the funds to take that equipment out to buy American equipment?

BOSTAR: Well, I think the federal government is attempting to do that.

BRANDT: OK.

BOSTAR: Whether or not it's enough funding to accomplish that goal, I think it's, it's clearly an open discussion. However, we can, we can describe this any way we choose. The way I choose to describe this is we would be prohibiting Nebraskan taxpayer money paid by fees to fund the USF from going to subsidize companies who are imperiling our national security.

BRANDT: And that's really all the bill does.

BOSTAR: The bill does two things. It cuts off any company that is utilizing this-- these compromised components on its network from accessing USF funding. And it also removes restrictions and barriers that are currently in place for them to, in a timely manner, replace that equipment.

BRANDT: All right.

BOSTAR: It's those two things.

BRANDT: Thank you.

GEIST: Yes, Senator Moser.

MOSER: So how did you get the idea for this bill?

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BOSTAR: Well, I've been following what's been happening on the federal level for some time. And so this is, I believe, a logical extension of the work that our federal government has been doing to try to address this strategic problem.

MOSER: And even though a telecom might be using uncompromised equipment moving forward, if they still have old equipment on their network, you would deny them USF funds?

BOSTAR: I would. And it's probably also worth noting that to my knowledge, there's one company in particular that would be impacted from this legislation and its network-- it isn't like it's a small percentage of their network that's compromised. It's overwhelmingly the majority, if not the entire network. So yes, I, I believe it would be proper and appropriate to cut that company off from USF funding.

MOSER: Are there connections between suppliers of the equipment and the telecoms that you know of?

BOSTAR: I'm not sure I understand what you're asking.

MOSER: So you're talking about Chinese equipment?

BOSTAR: Yes.

MOSER: And so are there Chinese investors in these telecoms that you know of?

BOSTAR: That I don't know. I don't know the answer to that.

MOSER: How would you enforce this? Were you going to go climb those towers and read the serial numbers and model numbers on all those transponders?

BOSTAR: Well, that's an interesting question. One thing that, that the government has is the requests for reimbursement that were submitted for the 23,000 pieces of equipment across the country. So you can start right there and know and identify that the companies that are maintaining that equipment have compromised equipment. Otherwise they wouldn't have asked for funding to replace it. After that, you know, I

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think in the rulemaking process of our government, provisions can be created that can address the best way to certify that these-- the USF funds wouldn't be going to a compromised institution.

MOSER: Is there a timeline on your bill?

BOSTAR: Yeah, the effective, the effective date of the legislation-- I want to just make sure-- I believe it's January 1, 2025. Yes.

MOSER: So that's the point that they would be cut off?

BOSTAR: That's correct.

MOSER: And who's the regulatory agency that's going to interpret whether they're compliant or not?

BOSTAR: Well, I mean, they have to re-- I think it would be--

MOSER: So, so say the telecom comes and says, you know, we've replaced this equipment on our system. You know, we don't think we should be barred from USF funds. Who's going to judge whether that's a valid statement or not?

BOSTAR: I think that goes to-- that will be incorporated into the same process that's currently used.

MOSER: Public Service Commission?

BOSTAR: Could be. To, to do-- that currently evaluates and distributes USF funds. I don't, I don't necessarily think we need a new regulatory

MOSER: Agency.

BOSTAR: --body. I think that this can be handled within our existing frame. But that being said, fellow senators on this committee, you are all far more experienced with the technicalities of how the policies interact with rulemaking and how, for example, the Public Service Commission goes about enforcing our regulations, approving funding requests. So I would certainly be happy to work with any member of the committee that felt like there was a valuable addition to be made.

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MOSER: Yeah, I don't know that any of us would be any smarter than you, Eliot, but and the--

BOSTAR: Flattering, but--

MOSER: Thank you. But the PSC is-- has a pretty high workload. They get a lot of grant programs and things to administer and sometimes we wonder whether they meet all their deadlines and, and they get everything done, you know, the way we would like to see. Well, thank you for bringing it. Certainly an interesting bill. Thank you.

BOSTAR: Thank you, Senator.

GEIST: Senator DeKay.

DeKAY: Thank you, Senator Geist, and thank you, Senator Bostar, for bringing this. There's a handout that you have provided. When you're talking-- is most of the equipment Chinese-made routers and you said other technologies-- is most of the equipment the routers or were-- what's the equipment all impacted by this?

BOSTAR: I think it's a variety of equipment, but fundamentally, it's the equipment that is, that's used to maintain a telecommunications network. So it's equipment that's on the, you know, radio towers, right, that make sure the network works. So I think it's a broad ranging--

DeKAY: You know, obviously, the small telecom companies can replace the routers and things like that. The other equipment that goes on the towers is going to be by Verizon, Viaero, U.S. Cellular or whoever else. In a roundabout way, if you would want to, there are probably maybe even Nebraska companies, obviously the United States companies. Would there be a chance if you were going to subsidize those by replacing equipment, pay those companies to provide new American-made routers to these small telecoms so that they can replace those, those components without being jeopardized, you know, financially impacted by all of that or--

BOSTAR: I-- it would be-- I think it would be nice if we were, as a state, in the position to completely fund this replacement. I'm not

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sure that we are. And I-- and, and, and to be clear, the federal government is working to take up some of that. My primary objective is to see that the offending technology is removed. And happy to do whatever else makes that happen, but I think it's imperative that this equipment is removed.

DeKAY: I, I appreciate that. So that-- you know, for your small telecoms and stuff like that, that are out there, obviously in 2011 or that far back, they may not have known what we know now about Chinese espionage. So I was just-- you know, so that they're not adversely affected going forward and put those telecoms out of business, if there's a way to help replace that equipment that's not going to financially put them under is-- I would like to be able to look at that going forward.

BOSTAR: Please. And yes, I don't-- I'm not saying that when the equipment from 2011 was installed, that the companies that decided to incorporate it in the networks had any level of understanding that by doing so, they were compromising American national security. So I don't, I don't want anyone to get the impression that that is what I'm saying. However, here we are. We have to do something about it.

DeKAY: Well, exactly. And I agree with you, but we look at this-- you know, we start looking at China-made products, you know, chips in cars, tractors, farm equipment, stuff like that. So that impact could be there nationwide on however they want to impact where we go as a nation with the technology that they have over there. So I just don't want to put those small communication companies out of business by penalizing them for products that they have purchased that they may not have had any knowledge that there was this impact behind the product.

BOSTAR: And I think that that's an admirable, admirable position to take. I just-- we also can't wait for, for example, federal money to materialize if it isn't. The ability to intercept Department of Defense transmissions from our nuclear missile silos and potentially disrupt those transmissions is--

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DeKAY: So if, if the small telecoms were able to replace this equipment on-- and then your large companies like Viaero, Verizon and them are able to get everything up to code, if the, the small telecoms would have to take this upon themselves to replace this, would there would be a chance of them, after everything's taken care of, to be reimbursed for the expense that they're--

BOSTAR: There are reimbursement funds available from the federal government. Now, as I said, it doesn't, it doesn't seem to be enough to fully reimburse everyone. Hopefully, the federal government appropriates more funding for that. But there is, there is funding available to some extent. And again, to my knowledge, in Nebraska, we're talking about just one company.

DeKAY: Well, I appreciate you bringing this forward. Something needs to be looked at and something that needs to be dealt with. How we deal with it is where we have the conversations, so thank you.

BOSTAR: Thank you.

GEIST: Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thank you, Senator Bostar. I'm sorry, I've been making-- I have just a tiny notepad so it looks like I have a lot of questions. OK. There's two parts to this bill.

BOSTAR: Yes, ma'am.

M. CAVANAUGH: OK. So the second part is the removing of the, I think, as you called them, barriers to, to making these equipment changes more quickly. And my question around that part, which I think is lines 12 through 18 on page 2-- or page 3, apologize-- is that, is that appears to be that part. Did you work with the PSC or anyone in, in drafting that or have you had anybody review it or any feedback? I ask this question because I'm not entirely sure what that does as far as removing the, the need for permits and authorization from the political subdivisions. I also ask because we have a long history in this committee of issues with one-call and and just the right-of-ways.

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And so if we are, if we're removing any requirement-- I want to give you the opportunity to speak to this, but--

BOSTAR: Yeah.

M. CAVANAUGH: --are we doing it in a way that is thoughtful or do we need to look at that, that piece further?

BOSTAR: Well, for starters, I would, I would encourage the committee to look at that in the data. Where that language came from was I brought the primary language of the bill, which is represented in lines 1 through 11 of that page, two representatives of Viaero--

M. CAVANAUGH: OK.

BOSTAR: --to talk to them about what the intent of this legislation was. One of the things that they mentioned and talked about was, for example, even if they wanted to take a compromised component and replace it with a like component that isn't compromised, there are-- they could-- it potentially take an extended period of time because of--

M. CAVANAUGH: The permitting.

BOSTAR: --these-- yeah, these, these permitting processes. And so in that conversation, we came up with this language in order to say very narrowly, as it applies to a specific piece of compromised equipment, we don't want anything to stand in your way of replacing it. However, if there's a better way to do that, I would, I would welcome the assistance.

M. CAVANAUGH: I appreciate that. I'm not sure. I just want a clarification and that makes sense as to why there. Probably our very esteemed legal counsel who knows a lot about these things can answer this for me later so just a heads-up to our legal counsel. I'll probably asking him later about that. OK, so the other part, which is really the meat and potatoes of this bill, is the withholding of the USF funds. I think several of the committee members have expressed some concern. I have some concern as well over this for our smaller towns that really are struggling with access to technology. But you

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mentioned that the federal government is reimbursing for this work. Is the federal government not providing enough funds for our small towns to make the changes that need to be made? We'll start with that question.

BOSTAR: Yeah, I would-- I think that's accurate. So-- and if you'll just allow me to just reference some of the notes that I have put together. Yes, it is-- it would seem as if they're \$3 billion short on the total amount it would take to reimburse everything across the country--

M. CAVANAUGH: OK.

BOSTAR: --to what was appropriated for that purpose. And just so I don't--

M. CAVANAUGH: So is that shortage of funds feeding into the delay?

BOSTAR: As far as, like--

M. CAVANAUGH: As far as your conversations with the specific company in Nebraska, are they experiencing delay because of the federal funds?

BOSTAR: It feels like there's generally a delay with the program in general, the reimbursement program. Even if there's some funding available, it's-- it seems to take a significant amount of time. And, and of course, on top of it, there's a shortage of funds. And so the-- I don't necessarily know what those conversations look like between, you know, telecom company and the federal government when it comes to this and what they're kind of going through.

M. CAVANAUGH: OK. So in your conversations with the telecom company, have they expressed an aversion to making these changes or are they willing to be a willing partner in making these changes or-- beyond the permitting obstacle of--

BOSTAR: Sure.

M. CAVANAUGH: What are the obstacles? Is it them? Is it funding?

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BOSTAR: I think that if money was no object, we wouldn't have a problem.

M. CAVANAUGH: OK.

BOSTAR: I think that's what it comes down to is we need this to happen. The federal government hasn't appropriated enough money to fully refund all of this.

M. CAVANAUGH: OK.

BOSTAR: So the impression that I get is that telecom companies across the country that are-- that have compromised networks are trying to wait it out, trying to wait until the-- until the threat maybe becomes bad enough that the federal government puts more money in. And so I think that is driving a lot of the inaction that we're experiencing.

M. CAVANAUGH: So-- but if the threat is great enough, why doesn't the federal government put the money in?

BOSTAR: I am the wrong person to ask that question.

M. CAVANAUGH: Okay. So-- I'm sorry. I have more questions.

GEIST: OK.

M. CAVANAUGH: So-- I lost my place, one moment. So the federal government-- oh, OK, to Senator Brandt's concerns and Senator DeKay's concerns and that might have even been by Senator Moser, this is in small communities. And we had broadband day here last week and we are really in a crisis as far as technology. And really what we saw in-- at the height of the pandemic is that technology is a public good and we as a state have made a commitment to the people of the state to invest in technology. And my concern that I think is being echoed by other members is that in using a stick in this instance, we are hurting our rural communities. And it sounds like this is addressing, albeit a very important issue that I do not want to diminish, a federal security-- cybersecurity issue that the federal government should be taking the lead on funding. And so withholding our state

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funds, my concern is that we are hurting our rural communities and is there an opportunity to find a different way to achieve your outcome?

BOSTAR: Well, I'd certainly welcome any suggestions. I will say that, yes, there is a significant burden placed on the federal government to address this fully. But as we talk about those rural communities, it's, it's their lives. It's their-- every phone call they make. It's every message they send. It's every email they send. It's everything you do on a computer. It's everything they're doing that's being captured and spied on--

M. CAVANAUGH: Right. Is--

BOSTAR: --so--

M. CAVANAUGH: --isn't that the responsibility of the federal government to be--

BOSTAR: Those are Nebraskans. And I think that if there is action we can take to help protect them because they are currently not protected, I believe we should do it.

M. CAVANAUGH: So If we withhold these USF funds from these-- this company, this specific company, will they change out the equipment?

BOSTAR: I believe that they will change out equipment.

M. CAVANAUGH: And that this is necessary in order to ensure that they do that?

BOSTAR: I think that putting on January 1, 2025, enacting date on the legislation helps influence that this transition occurs in a timely manner.

M. CAVANAUGH: OK. Thank you. I really like to confuse people by coming off as a small-government fiscal conservative, so. I know, right? Thank you, Madam Chairwoman.

BOSTAR: Thank you.

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GEIST: Senator DeKay.

DeKAY: So it-- the company that's not adhering to the rules right now, is that a small telecom company or is that one of the--

BOSTAR: The company is Viaero. And I want to-- that classification, I think I'll-- I want to correct a little bit. It's not that they're not adhering to the rules. When they installed this equipment, there was no prohibition on installing that equipment. So I don't-- I'm disappointed that that equipment still exists and is actively threatening Nebraskans and Americans. That being said, when it was put in, that wasn't against any rules. So I hope that nuance is helpful.

DeKAY: It kind of scares me because Viaero is my carrier and I don't want the Chinese to know what my basketball schedule is, so.

BOSTAR: I don't want the Chinese to know what your basketball schedule is either.

DeKAY: I appreciate that. Thank you.

GEIST: Senator, do you know-- you said 23,000 applications have been made for reimbursement.

BOSTAR: Twenty-three thousand-- my understanding is-- pieces of equipment have been requested for reimbursement for or payment for replacement.

GEIST: OK. Do you know-- and maybe you do or don't-- in the state of Nebraska about the scope of what we're talking?

BOSTAR: I think it's significant. And the article I distributed has, you know, an image on there-- it's, it's a good portion-- you know, there's, there's a-- well, that's, that's an image of, of where our, our military facilities are. But so 1,000 towers-- telecommunication towers across at least five states. I think it's a significant portion of, of Nebraska. I can get more refined information. But essentially, since it is almost entirely the network of this one company, simply looking at where that company is operating this equipment will give you an indication of where in Nebraska we have these vulnerabilities.

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GEIST: Yeah. I'm just curious the scope that affects Nebraskans since we're the first state to bring this forward, I'm just curious what, what we're really looking at as far as our state and--

BOSTAR: Yeah.

GEIST: --what, what that reimbursement, if it were just our state, would look like.

BOSTAR: And I think to some extent, because of the kinds of military facilities we have, particularly around our nuclear weapons arsenal, we are in a uniquely vulnerable position. And I mean, that applies to-- you know, that, that missile fleet exists in Colorado as well so they are in the same position and the same telecom provider is also servicing that area. When, when Huawei was looking to install its equipment and sell it to telecom providers, they did two things. One, they undercut everybody in price to make sure that they were the one adopted. And two, they specifically sought out to be the technology provider for telecommunications companies that serve the areas around our critical defense infrastructure. This was intentional from the start and that's why we should take it seriously.

GEIST: And that puts the company in an interesting position, so. Are there any additional questions? Yes, Senator Cavanaugh.

M. CAVANAUGH: Thank you. Sorry, I get more questions as time goes on.

BOSTAR: Please.

M. CAVANAUGH: First, what you just said made me think of that, that Saint Francis Ministries also positioned themselves financially to get contracts by underbidding so just want to note that since we talked about that, or at least I talked about that earlier today. Critical defense. This, again, keeps-- I keep circling back to the role of the federal government in all of this. So we have Offutt Air Force Base, Strategic Command in Nebraska. Should this not be a priority of the federal government and our federal delegation to ensure that our federal defense systems are not compromised?

BOSTAR: It absolutely should be.

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M. CAVANAUGH: So is there-- have you had conversations with the federal delegation or anyone within the federal government as to why they're not prioritizing this? Or did they ask that we do this because they're not prioritizing it?

BOSTAR: Yes. So they, so they are. And so the members of the Nebraska federal delegation are, I think, very involved, especially within the Commerce Department investigation that's currently ongoing, as well as putting the pressure that they can on the federal government-- excuse me--to have the resources necessary available to, to solve this in a way that everyone can be happy. My position with this bill is I'm very nervous about relying on the federal government to solve this on its own. I mean, as I think all of us know, the dysfunction that exists within Congress is absolute and everlasting. And so when we're dealing with a problem that is as urgent as this, I think it is prudent for Nebraska to, to also try and address it.

M. CAVANAUGH: But we're talking about federal, national security.

BOSTAR: But national security is Nebraska's security.

M. CAVANAUGH: Yes, it is. National security is everyone's security. And if we were to enact this, it would likely hurt smaller communities where Valerio-- Viaero is the company or the only provider.

BOSTAR: It also might stop those community members from being spied on.

M. CAVANAUGH: Yes, it, it, it might in that one capacity. I think it is fair to say that--

BOSTAR: Which is an important capacity.

M. CAVANAUGH: It is an important capacity. I think, though, that it is fair to say that technology has evolved to a very nanny state across the board. The concern shouldn't be whether citizens are being spied on because of this technology because we're being spied on because of all technology that we have. Our phones are spying on us. If I say-- I'll probably get some sort of ads now just from this conversation, which creeps me out, by the way. But that's not a national security

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threat and so that's inappropriate. Not great, makes me uncomfortable, makes me as an individual insecure, but it's not a national security threat. And I get concerned about whether we're extending state funds or withholding state funds for something that's the role of the federal government. I just--you can speak to that if you'd like. I feel like I might be belaboring the point so I apologize, but if you want to speak that, please do.

BOSTAR: Where we absolutely agree is that the federal government should do more. Thank you for the question.

M. CAVANAUGH: All right. Thanks.

GEIST: Any other questions? I don't see any. Do you plan to stick around for close?

BOSTAR: I will absolutely stick around.

GEIST: Are there any proponents for LB63? Good afternoon.

DEB SCHORR: Chairwoman Geist and members of the Transportation and Telecommunications Committee, I am Deb Schorr, D-e-b S-c-h-o-r-r, and I serve as the district director for U.S. Congressman Mike Flood and I come here today to testify before you on his behalf. I'm here to support LB63, a much-needed piece of legislation to defend our nation's telecommunications infrastructure from outside interference and to safeguard the hard-earned dollars of Nebraska consumers and businesses against inadvertently funding foreign bad actors. Congressman Flood has been warning against the substantial security threat posed by the Chinese state-owned corporate technology near our military bases ever since he joined Congress. In a letter that Congressman Flood sent to the U.S. Secretary of Commerce on September 12 of last year, a copy of which you now have, he called for an investigation into the matter. The congressman wrote, It has come to my attention that cell towers across the state of Nebraska, and particularly within a certain range of military installations, such as missile silos and bases, have been outfitted with equipment made by the Chinese firm, Huawei. As you know, Huawei has deep ties to the Chinese government. Such ties, along with Huawei's past association

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with U.S. adversaries such as Iran, it inspired the Bureau of Industry and Security to add Huawei and its affiliates to the entity list, which is a trade restriction list published by the U.S. Department of Commerce. The congressman went on to write, There are a number of military installations in Nebraska critical to U.S. national security. One such site is Offutt Air Force Base, the headquarters of the U.S. Strategic Air Command. I would find it deeply troubling if Huawei has hardware near Offutt or other military bases, missile silos or strategic installations across the state of Nebraska. Congressman Flood applauds Senator Bostar's efforts to spotlight these breaches of security of our state's telecommunications infrastructure and urges this committee to support LB63. We must make certain that no company using equipment or services connected with these entities that endanger the security of our nation's strategic military sites are being rewarded with American dollars. Please join Congressman Flood and Senator Bostar in defending the good life by protecting our critical telecommunications services. I thank you for your time and would be happy to answer any questions.

GEIST: Are there any questions? Senator Bostelman.

BOSTELMAN: Thank you. I assume there's-- the secretary has not answered the question for Congressman--

DEB SCHORR: The Secretary of Commerce has responded back to the congressman and there is a briefing scheduled for him.

BOSTELMAN: So we don't have that information as of which--

DEB SCHORR: No, it would be a--

BOSTELMAN: Do you know when--

DEB SCHORR: --a confidential briefing.

BOSTELMAN: And when will that be?

DEB SCHORR: We don't know when.

BOSTELMAN: When, when the--

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DEB SCHORR: I don't have the date off the top of my head, but it is scheduled in the next couple of weeks.

BOSTELMAN: Thank you.

GEIST: Yes, Senator Cavanaugh.

M. CAVANAUGH: Thank you for being here. Are you based in, in Nebraska or are you based--

DEB SCHORR: Yes, yes.

M. CAVANAUGH: OK, well--

DEB SCHORR: Our office is right there in the Cornhusker, placed out by the front of the building.

M. CAVANAUGH: I know where it is. I was going to say, if you were visiting from D.C., welcome to Lincoln. But thank you for being here today. So the questions that are in this document that you shared, you just said to Senator Bostelman that there's a briefing scheduled and I very much appreciate-- I do not want national security to be divulged when it shouldn't be. But I do feel like these are important questions for us to, to have some answer to if we were to intervene at a state level. And so I guess, like, if there's no cell towers within a certain distance of the Air Force base, then perhaps this isn't viewed as a, as a national security risk. So is it the congressman's office opinion that our current Huawei products that are in the state are a national security risk to our Offutt Air Force Base?

DEB SCHORR: Well, I would say yes and not only to Offutt Air Force Base, but to those military silo sites all across the state.

M. CAVANAUGH: So it is the congressman's belief--

DEB SCHORR: A concern, yes, that is a national security concern.

M. CAVANAUGH: It's a concern or it's, it's an unanswered question still?

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DEB SCHORR: Well, I think the questions that were raised in the letter certainly will be things that will be covered as part of the briefing.

M. CAVANAUGH: OK.

DEB SCHORR: And when and if some of that information can be shared publicly, certainly the congressman would.

M. CAVANAUGH: OK. And I think you heard the conversation that we had.

DEB SCHORR: Right, about working together with your federal delegation, yes.

M. CAVANAUGH: Right and so if this is a concern and there is federal money going towards this, what, what is-- what-- where's, where's the blockage here? Why, why are we having issues with our state getting the federal dollars that are needed to change out this equipment?

DEB SCHORR: And I think in listening to your questions earlier, for me, it was easiest to separate the two. When you talk about the federal pool of money that's being utilized for the rip and replace program, where the companies can go in and remove certain pieces of equipment and then be refunded for that, where this bill then addresses the Nebraska dollars and incentivizes those companies or a company to get that equipment removed prior to that January 1, 2025.

M. CAVANAUGH: Right. But I guess if the federal government has money allocated to this, I think it's the, the concern of myself and several other members of this committee that we would rather see the federal government handle this national security issue with the federal dollars that have been allocated than for us to get involved and withholding USF-- state USF funds from really our rural communities.

DEB SCHORR: I think you use the, the carrot or the stick analogy. To me, this is more of a carrot. You're giving them two years to remove this, you know, technology and being reimbursed by the federal government at the same time.

M. CAVANAUGH: OK. Thank you. I appreciate it. Thanks for being here.

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GEIST: Senator DeKay.

DeKAY: Thank you, Senator Geist. Thank you, Ms. Schorr, for being here today. It's good to see you. Quick question, you may not be able to answer this, but maybe Senator Bostar or somebody else that will be testifying. If I'm on a Viaero, which I am, and I go over to a national carrier like AT&T or T-Mobile or something, is there-- and I'm bouncing off of those towers, does that help transmit any information through the system that way or not?

DEB SCHORR: You have stepped outside my area of expertise, I apologize.

DeKAY: That's why I said-- but I just want to-- I'm curious on how that would work.

DEB SCHORR: I do not know.

DeKAY: Not a problem.

GEIST: Any other questions from the committee? I don't see any. Thank you--

DEB SCHORR: All right, thank you.

GEIST: --for your testimony. Any other proponents? Good afternoon.

ANDREW VINTON: Good afternoon. Chair Geist, members of the committee, my name is Andrew Vinton. That's spelled A-n-d-r-e-w V-i-n-t-o-n, and I am the in-house legal counsel and lobbyist for ALLO Communications. I'm here today to testify in support of LB63. We want to thank Senator Bostar for introducing this bill and for Chair Geist and Congressman Flood, the entire federal delegation for their leadership on this important issue. ALLO was founded by Brad Moline in Imperial, Nebraska, in 2003 and today is the largest telecommunications provider that is majority owned and managed in the state of Nebraska. For over 20 years, ALLO has been building ubiquitous citywide fiber-to-the-premises networks in communities throughout the state and has invested nearly \$600 million in bringing broadband to Nebraskans. LB63 will help improve the resiliency and security of the state and

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nation's telecommunications infrastructure. This bill would require the Nebraska Public Service Commission to withhold Universal Service Fund support from any telecommunications company using or providing equipment identified by the federal government as a threat to national security. Many measures have been taken at the federal level to remove covered equipment from networks and we are pleased to see Nebraska following suit. We believe it is essential that USF and other forms of public support are only extended to telecommunications companies with secure and resilient networks. Since communications facilities are critical infrastructure, the presence of any substandard or compromised equipment could lead to disastrous results. The bill also provides for expedited permitting for companies attempting to rip and replace this equipment from their network. We also support this concept. ALLO does not and has never purchased or used equipment from any of the companies on the federal list. Additionally, ALLO recognizes that national security should be a high priority for all telecommunications companies. For the past three years, the U.S. Department of Labor has presented ALLO with the Gold HIRE Vets Award in recognition of our commitment to employing, retaining and supporting veterans in our communities. Numerous ALLO managers have also been recognized by the Department of Defense and received the Patriot Award for their commitment to providing support and development opportunities for our veteran employees. With many of our leaders and team members being veterans, ALLO understands how critical national security is to all facets of our life, including with respect to critical communications infrastructure. With that, I encourage you to support LB63 and will be happy to do my best to answer any questions you have.

GEIST: Thank you. Are there any questions from the committee? I don't see any. Thank you for your testimony.

ANDREW VINTON: Thank you.

GEIST: Are there any other proponents? Any proponents? Are there any who wish to testify in opposition to LB63? Are there any who wish to testify in the neutral capacity? Senator Bostar, you are welcome to close on LB63.

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BOSTAR: Thank you, Chair Geist and members of the Transportation and Telecommunications Committee. I, I can understand why a company wouldn't want to change because they wouldn't want to pay for the replacement equipment. There's-- when the Federal Communications Commission was participating in a rulemaking process-- so there were declarations submitted from interested parties, telecommunications companies. So this would be FCC in the matter of protecting against national security threats to the communications supply chain through FCC programs. Essentially, the FCC solicited comments when it was considering restricting the national USF funds for the-- whether or not national USF funds could be used to purchase this equipment. This was not that long ago. We don't have the exact date on this, but within the last few years. Well after we did know that this equipment was threatening national security, Viaero submitted comments. In their comments of opposition, they stated that, quote, Viaero has purchased equipment and services from Huawei and would continue to do so if the FCC does not finalize its proposed rule. That's troubling and that's why we're here. Because sometimes it takes action to drive the results that we need in order to protect the residents of our state. That's what this bill is about. I appreciate your time and attention to this. This was a long hearing for one testifier. With that, I appreciate you all and I would be happy to answer any questions.

GEIST: Yes, Senator Bo-- I mean, I'm sorry, Senator Moser.

MOSER: So your bill covers cell phone technology and whatever travels through the phone, but does it address Internet traffic? Because I think the same company makes Internet routers and different equipment in people's homes. I Googled it while-- I don't know who was testifying. I apologize for that. But it brought up a dozen different pieces of equipment by this company that you could put in your home. And so people could be watching your Ring doorbell or they could be watching your webcams, watching your dogs play in the backyard.

BOSTAR: So it covers-- specifically because the bill is focused on Nebraska USF funds, right, the bill would put that restriction, that prohibition on USF funds to someone-- to, to an entity that would be a recipient of it. So the bill won't do anything to a private individual who happens to have this equipment in their house because that private

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individual doesn't-- you know, is not a recipient of Nebraska USF funding right now. So there's, there's nothing-- there's no way for them to be-- to sort of get--

MOSEER: Well, there's a mix of Internet and phone components. I mean, the companies that provide telecom service are in the Internet business too.

BOSTAR: Yes. Yeah.

MOSEER: I mean, I mean, it-- this is fairly narrowly focused on people who get USF funding.

BOSTAR: Yes, it is.

MOSEER: And is that a wide enough scattergun to get all the problem solved or are you only addressing 10 percent of--

BOSTAR: Is it wide enough? I don't know. Maybe not. I think it's an important step.

MOSEER: It's what you can do.

BOSTAR: If there are, if there are additional elements that we can incorporate into this to provide a more comprehensive approach to the problem, I am-- I stand ready and willing to engage in that discussion and to try to make this the best legislation it can be. But that's a fair question. And at the moment, I do see this as it's what we can do right now.

MOSEER: All right. Thank you. Thanks for bringing the bill.

BOSTAR: Thank you.

GEIST: Senator Cavanaugh.

M. CAVANAUGH: Thank you. Thank you again. I-- a question I should have asked before was-- and maybe you stated this. I'm sorry if I missed it. When did the federal government start reimburse-- this reimbursement program for this?

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BOSTAR: If you'll give me just one moment.

M. CAVANAUGH: I'm here all day.

BOSTAR: 2020.

M. CAVANAUGH: 2020, OK. So this is-- and I appreciate a-- kind of a shot across the bow to the company, of course, a bill like this. Would you be willing to hold it in committee and see if, if traction is made on this, if there's more progress made at a faster pace? Since the date, enacting date is 2025, we could theoretically hold this until next year and kick it out and still have, have them knowing that this, this stick is hanging above them. Is that something that-- you don't have to answer, but maybe you would consider talking with the committee about later?

BOSTAR: I will absolutely work with the committee on whatever the committee feels is the best approach. I do see value in having an enactive. Keeping in mind that, of course, if the committee or the Legislature developed in 2024-- let's say we pass this. And in 2024, they're not quite there, but we're really proud of it. We could always push it back. We could-- there's a lot of things we can do, right? So this does go both ways.

M. CAVANAUGH: We're really proud of it. Sorry, that was--

BOSTAR: Anyway, thank you for the question.

M. CAVANAUGH: Yeah, one more question. Is it possible, as a follow-up, to find out how much is needed to make these changes in Nebraska?

BOSTAR: Specifically just for Nebraska?

M. CAVANAUGH: Yeah.

BOSTAR: Let me work on that.

M. CAVANAUGH: OK. Thank you.

BOSTAR: Thank you.

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GEIST: I don't see any additional questions. Before you close, there is one letter that was sent in in support. And with that, we will close the hearing for LB63.

BOSTAR: Thank you for your time.

GEIST: Thank you. We will move on to LB625.

McDONNELL: Thank you, Chairperson Geist. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. Bless you. I cover the Legislative District 5, south Omaha. LB625 would ensure that any autonomous vehicle operating on the highways in our state has a human safety operator with a valid operate-- operator's license physically present in the vehicle. The autonomous vehicle industry has proven that driverless technology is not yet ready to be forced upon unsuspecting families on the roads and the highways. In April of 2022, fully autonomous vehicles, a taxi in Saint-- San Francisco was pulled over for not having its headlights on at night. After stopping for police, the vehicle bolted through the intersection without turning on the lights, leading police to-- on a dangerous chase throughout the city. June of 2022, an unoccupied self-driving vehicle also in San Francisco turned left into oncoming traffic, causing a crash that injured occupants in multiple vehicles. In June of last year, the National Highway Traffic Safety Administration released ten months of crash data linking the autonomous vehicle technology to hundreds of crashes, some fatal. As retired firefighter and former Omaha fire chief, I am disturbed by the reports documenting that autonomous vehicles are also freezing up, catching fire, not knowing where to go and even blocking emergency vehicles during an active fire situation. There are just a few stories of many and all of these vehicles mentioned were, were small passenger-sized autonomous vehicles. Now, imagine the destruction possibly when you multiply the speeds by two or three times, are involved in an 80,000-pound tractor-trailer. LB625 provides a simple solution that would avoid these potential multipliers by requiring a person to be physically present in the vehicle while operating on our state highways. Will autonomous technology one day be ready to, to not include human operators? Maybe so. It is not my intention to impede the evolution and the, the integration of driverless technology. Having said that, though, let's get it right and make it safe from the

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beginning. How do we do this? How do we, how do we take technology and slow it enough down to make sure that safety catches up with it? That's, that's the goal with this. I, I enjoy the idea of the future, the, the-- you know, the city of the future, the state of the future and all the things that are going to be there to help people. And transportation, of course, is one of them. But how do we do this in a way where we're, we're saying that it's got to always be safety first. It has to be the citizens and their safety and then let technology catch up. There's 41 states currently discussing the same thing we're discussing today. How do we do that? And there's legislation out there and again, asking this committee and the people behind me. They're the subject-matter experts for their testimony today. But that's the goal. That's the goal is to make sure that we, we always have safety first and before the idea of just letting technology harm our citizens, it's there to help our citizens. Here to answer any questions.

GEIST: Thank you for your testimony, Senator Moser.

MOSER: Have you considered whether this would be constitutional, interfering with interstate commerce?

McDONNELL: No, we're not talking about interstate. We're talking about highways, state highways.

MOSER: I'm sorry?

McDONNELL: This is constitutional. We're talking about state highways. Yes. So we're-- right now, it is constitutional.

MOSER: So you could have driverless vehicles on the interstate?

McDONNELL: Well, I'm, I'm saying is my bill concentrates on state highways and that's why, that's why I'm starting with the state highways. I'm not talking about, for example, city streets. I'm not talking about, but right now, I'm starting this bill with state highways.

MOSER: How does an autonomous vehicle know when to pull over if they're getting pulled over by the cops?

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McDONNELL: Great question, Senator. That's the technology we're talking about. The idea of-- again, not trying to impede the future in technology, but do it in a safe way. Those are the questions we need to ask.

MOSER: Thank you.

GEIST: Any other questions from the committee?

McDONNELL: I will be here to close.

GEIST: Great. Thank you. Are there any proponents? Good afternoon.

KIM QUICK: Good afternoon. Chairman Geist, my name is Kim Quick. It's spelled K-i-m Q-u-i-c-k. Chairman Geist, members of the committee, I am the president of Teamsters Local 554, serving and representing Teamster members and their families in the state of Nebraska. The International Brotherhood of Teamsters has been in-- the leading experts in the transportation and logistics industry since 1903. Since our founding, we have adapted from our members driving teams of horses, transitioning into the motor vehicle and we will be there for whatever the next phase of work looks like. The Teamsters have been involved for many years on the subject of autonomous vehicles on both the national level and state level. The Teamsters are engaged across the country in states where there is currently similar legislation being considered. As you will hear today, testimony from Mr. John Mataya of the International Brotherhood of Teamsters. I'm here today to testify in support of Senator McDonnell's LB625. On behalf of Nebraska's Teamsters who have elected me to represent them, the concerns here in Nebraska are twofold. Number one, there are very real safety concerns that we have previously raised as it relates to the current autonomous vehicle law passed as LB989 during the 2018 Legislative Session. These concerns have only grown over time and present very real public safety concerns that must be addressed. Number two, if not implemented correctly, the move to a-- to driverless vehicles has the potential to be completely upend our state's workforce. According to our own state's Department of Labor, tractor-trailer drivers are the number H3 job: high wage, high skill and high demand. Basically, it's one of those top jobs that a person

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without a degree can go and get and make a decent living, especially if they are a member of the Teamsters Union. If we allow big tech to eliminate the majority of these jobs, we're looking at a very different community across the state. LB625 is a common-sense solution that addresses these-- the safety and workforce concerns by ensuring that any vehicle with driverless technology must have a person physically present and qualified in the vehicle to be able to take control of a vehicle to ensure public safety is not compromised. There's already precedent set within the transportation industry. When you fly on an airplane, much of what is happening in the cockpit is automated. But we've seen time and time again the value of having a human being physically present in case something goes wrong. We believe the same should hold true for vehicles that can be as heavy as 80,000 pounds moving down our roads. These are the reasons why we are here today in support of LB625. We look forward to continuing to work with you all on protecting Nebraska's public, the safety of our workers, which we believe are furthered by Senator McDonnell's LB625. I'd like to thank Senator McDonnell for introducing LB625 and for the opportunity to testify in support of this important legislation today before this committee. I'd be happy to answer any questions if there are any.

GEIST: Thank you. Are there any questions? I have one. This says vehicles. Does this mean large vehicles, semis, small vehicles, the whole gamut?

KIM QUICK: Yes.

GEIST: OK.

KIM QUICK: Tractor-trailers, absolutely.

GEIST: Thank you. Any other questions? I don't see any. Thank you.

KIM QUICK: Thank you.

GEIST: Any other proponents?

JOHN MATAYA: Good afternoon.

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GEIST: Good afternoon.

JOHN MATAYA: My name is John Mataya. It's J-o-h-n M-a-t-a-y-a. I'm the state legislative director for the International Brotherhood of Teamsters based out of-- while I'm originally from the neighboring state of Iowa, I'm based out of Washington, D.C., right now. I've been working with-- in my-- in that role, I've been working with state legislators across the country on issues like this, issues on autonomous vehicles and what the future of work looks like. And I can tell you that there is a shift happening right now as it relates to the attitudes around autonomous vehicles. You may have even seen it's gotten to the point where there was a Super Bowl commercial on this targeting Tesla specifically, but on the idea that some of this technology is not yet ready for prime time, to have some-- to have a vehicle fully autonomous, fully driverless without somebody in there. If you and I are driving down the street and we see a small ball rolled into the road, we understand that there may be a child about to run and chase that ball. Autonomous vehicles don't know that. You can't program for that. In a, in a recent-- well, one of the crashes that Senator McDonnell mentioned was in San Francisco-- which, you know, California is one of the states that have let, you know, Big Tech and these companies run the most wild-- where there was a situation where an autonomous vehicle drove onto an active fire scene. And I have documentation here I can share with the committee when we're done here, drove into an active fire scene, drove over a active working fire hose, which are-- you know, the senator will tell you is very dangerous and the vehicle would not stop until firefighters physically broke the windshield of the vehicle. This is the kind of stuff we're talking about. If you look at your-- if you just do a search on the Internet, you'll find vehicles going through construction sites, going through crime scenes. GPS or whatever these vehicles are using don't always know exactly what's happening in real time on these roads. So the, so the-- this bill here is very simple. What it says is that there needs to be a human being in that vehicle. We are not against technology. Like I said, our union, our, our members' work sites are on the road. That's their, that's their office, so to speak. And the safety of-- the safety aspect of this bill is very important to our members because they're the ones dealing

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with this every day. And on hearings across the country, you know, I have heard the industry say time and time again that autonomous vehicle bills like the one that was passed, you know, here, here in Nebraska in 2018 are all about safety. It's all about safety and making the road safer, which, which is commendable and that's what we want. But having someone physically present isn't hurting anything as far as safety goes. You're only adding that extra layer of protection. Now, you'll also hear the industry talk about, you know, you know, the so-called, you know, driver shortage. And what we've seen at the Teamsters is that there's not a driver shortage for jobs that pay well and for jobs that provide good benefits. There was a lot of coverage during the pandemic comparing Amazon, FedEx and UPS, UPS not having the same kind of worker crisis that FedEx and Amazon were. What's the difference? UPS pays better, provides better benefits. So this, this bill is not only good policy, it's a bill that is-- and a policy that's popular with voters. There were two polls done in the past year on this in states that have been considering similar legislation: one in, in Pennsylvania, where 64 percent of respondents were either somewhat or very uncomfortable sharing the road. The partisan breakdown of that poll was 54 percent Dems, 76 percent Republicans were uncomfortable. Similarly in Indiana, where they're considering similar legislation right now, I'll say in Indiana, there is a ranking transportation Republican committee member supporting that legislation, sponsoring that legislation. In that state, 65 percent of respondents were either somewhat or very uncomfortable, with 83 percent of those uncomfortable sharing the road with the tractor-trailer. And then nearly 60 percent of people were more likely to support elected officials that supported the idea of a human operator requirement. So not only is it good policy, it's good and it makes sense with what-- where the voters are on this issue. I am here to answer any questions you may have. Like I said, we are not against technology that makes the workplace safer. Our members' workplace are on those roads and, you know, we just want to make sure that in the meantime, before we go any further on this technology, that we have certain protections in place. And we feel like the human operator is a very, very common-sense, very modest solution to address both safety and workforce concerns.

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GEIST: Thank you. Thank you for your testimony. Are there any questions from the committee? I don't see any. Thank you.

JOHN MATAYA: All right, thank you.

GEIST: Any other proponents? Good afternoon.

JULIE HARRIS: I'm Julie Harris, J-u-l-i-e H-a-r-r-i-s. I'm the executive director of Bike Walk Nebraska. We are the state bicycle and pedestrian advocacy organization and we want to thank Senator McDonnell for bringing this bill. We are fully supportive of this bill, probably for obvious reasons. Others up here have talked about how there are concerns about autonomous vehicles recognizing people biking and walking on the street, especially children. There are also questions about whether autonomous vehicles recognize people of color and there is a lot of movement happening nationally to try to improve the safety of autonomous vehicles when it comes to people biking and walking. There have been efforts to try to get more testing involved with these-- with this technology to make sure that people biking, walking are more easily recognized. All of this is ongoing, has not yet been resolved. And I'll also note that although this is restricted to state highways, our state highways become local streets every time they roll into a town. And so, you know, there are lots of small towns in Nebraska that have these state highways on them, that have kids that need to get across the highway to get to the ballfield and the swimming pool and the community center. So I encourage you to pass this forward and I'm happy to answer any questions you have.

GEIST: Thank you for your testimony. Are there any questions? I don't see any. Thank you. Any other proponents? Good afternoon.

SUSAN MARTIN: Good afternoon, Chair Geist and the members of the Transportation and Telecommunications Committee. My name is Susan Martin, S-u-s-a-n M-a-r-t-i-n, representing the Nebraska state AFL-CIO in support of LB625. We're not opposed to technology by any means. I just want to reiterate that. But we want autonomous vehicle legislation to be positive and lead to positive change. Our role is to make sure that we have very clear guidelines that govern our roads as increasing levels of automation take place. We want to ensure that

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autonomous vehicles do not take advantage of workers and to make sure that the workers are not made scapegoats for any issues that might occur with the technology. Which is why we want the technology to be transparent, to be open and to know exactly what is happening when you hear about automated vehicles and trucks. Workforce issues are a key component of this, no question. That needs to be in the forefront of everyone's mind as they are dealing in particular with commercial vehicles. There are huge workforce issues, whether it's in trunk--trucking or in taxicab driving, bus drivers or anyone else who drives shuttles or light-duty vehicles for a living that needs to be understood and be proactively solved. It is for these reasons we support the passing of LB625 to require that a human be in all autonomous vehicles until such a time that all unknowns can be answered. There are now too many issues dealing with safety that human interaction can make a life-or-death decision when operating motor vehicles. Thank you for your consideration and we ask that you move this legislation out of committee to be heard by the full Legislature.

GEIST: Thank you for your testimony. Are there any questions? I don't see any. Thank you very much. Any other proponents? Good afternoon.

JOHN O'BRIEN: Good afternoon. My name is John O'Brien, J-o-h-n O'-B-r-i-e-n. I'm the president of Amalgamated Transit Union Local 1293 here in Lincoln. I represent not only the drivers but also the maintenance staff that works for the StarTran, which is the city bus company. As president of the Amalgamated Transit Union Local 1293, I want you to know that we are in favor of LB625. Nebraska does not need any driverless vehicles on our streets, our highways or the interstate. We have knowledge of numerous driverless vehicles going rogue in the other states and we do not need that in Nebraska. We're also aware of the dangers of the electric vehicles, batteries that explode or catch fire. Most of the driverless vehicles are going to be the smaller vehicles like Uber and Lyft. But no matter the size of the vehicle, it has to have a qualified person within that vehicle itself to gain control if something goes wrong. I question the ability of the driverless vehicles to be on our streets in the winter with the snow and the ice. I cannot see a driverless vehicle in our-- on our streets during the, the winter. The ice-- I drive a city bus 8, 10, 12 hours a day that's 20 tons and over 35 foot long. When something goes wrong in

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there, I've got to react right now. And I doubt that a driverless vehicle would be able to come out of a skid or to stop, as one testifier said, if a child who gets out in the middle. I also ask that language gets added later on here that, that requires the qualified person operating a bus, van or truck that would require a CDL for a citizen to operate it, to also require the operator to have a CDL with proper endorsements within that vehicle itself. The International Amalgamated Transit Union, who represents over 200,000 bus, train and maintenance workers, have contacted me to endorse this bill with that added language that the person within that vehicle that is required to have a CDL, that they have to have a CDL with the required endorsements. As we just experienced in New York City, the guy that drove the U-Haul vehicle right into the pedestrians, that's what worries me about driverless vehicles is the ability for somebody to overrun that-- override that vehicle and actually use it for a dark, dark moment. StarTran actually had a demo bus that a company brought in and they drove it around over on Nebraska Innovation Campus several years ago. The dignitaries all got in it, of course, the mayor and all those. And their, their goal was to have it do the downtown shuttle. Can you imagine that thing trying to drive on a football Saturday or to go around our Haymarket area with all the pedestrians? It wouldn't be good. But anyway, I just want you to know that International and Local 1293 support this bill. And we thank Senator McDonnell for bringing it forward.

GEIST: Thank you. Thank you for your testimony. Any questions? I got to ride on that little shuttle.

JOHN O'BRIEN: Got to ride on that?

GEIST: I did. I did. It went very slowly.

JOHN O'BRIEN: Thank you.

GEIST: Thank you. Are there any other proponents? Any proponents? Is there anyone who'd like to testify in opposition to LB625? Good afternoon.

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BLAIR MacDONALD: Good afternoon. Chair Geist and members of the Transportation Committee, my name is Blair MacDonald, spelled B-l-a-i-r M-a-c-D-o-n-a-l-d, and I appear before you as the registered lobbyist on behalf of the Alliance for Automotive Innovation, a trade association that represents the manufacturers producing the most vehicles sold in the U.S. to AV companies, equipment suppliers, battery producers and semiconductor makers. Thank you for the opportunity to testify in opposition to LB625. Safety is the top priority for automakers and a primary goal for the development of automated driving system, ADS, equipped vehicles. Automakers take this responsibility very seriously and have invested billions of dollars as well as years of development and research in technologies meant to reduce the frequency and severity of vehicle crashes. For instance, crash avoidance technologies such as automated emergency braking, blind spot monitoring and forward collision warning are offered on many of our members' products today. All of these technologies are intended to reduce human error in driving, which the National Highway Traffic Safety Administration, or NHTSA for short, estimates is the cause of about 95 percent of vehicle crashes on U.S. highways. According to data from NHTSA, there were 42,915 lives lost on United States roads in 2019. By removing human error from the equation, ADS-equipped vehicles have the potential to drastically reduce vehicle crashes and save thousands of lives. And for millions of Americans who cannot or do not drive, including the elderly and people with disabilities, this technology represents the potential for unprecedented freedom and independence. As you may recall, in 2018, Governor Ricketts signed into law LB989, legislation that created the framework for the operation of fully autonomous vehicles on Nebraska's roads. Since the passage of that legislation, Nebraska's autonomous vehicle laws have been hailed as a model for other states in the country to follow. Bills like LB989 and others like it around the country have spurred innovation and development in the autonomous vehicle industry. As of the end of 2022, there were 84 AV companies spread across 30 states and 120 countries. There were nearly 170 autonomous technology programs in operation, including one right here in Nebraska. But this is just the beginning and the opportunities and promises of these technologies should continue to be embraced as automated driving systems make their way onto more light-duty

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vehicles. Unfortunately, this session's LB625 would undo the progress achieved through the AV legislation passed just a few years ago. On top of that, the Section 4 requirement that a person physically be present in the AV, maintain the ability to operate the autonomous vehicle could be unworkable, especially as new vehicle designs continue to evolve. Preparing for a future without a driver in the vehicle taking over is already beginning at NHTSA. Just last year, NHTSA updated the federal Motor Vehicle Safety standards to account for vehicles that will not come equipped with traditional manual controls; things like steering wheels, brake pedals and other manual features. Even in just looking at the legislation previously introduced by Senator McDonnell in 2019, LB521, in-- within that conversation at the hearing, both you, Chair Geist, and you, Senator Bostelman, brought up the fact that Level 5 vehicles, which are currently not on our roadways, would not have a steering apparatus within the vehicle for the driver to then kind of take over control if need be. By rejecting this legislation, the committee will continue to put Nebraska at the forefront of AV innovation and deployment and most importantly, improve the safety of all motorists on the state's roads by allowing these technologies to enter the market at their full potential because this legislation truly is seeking to legislate technology that is not on our Nebraska highways at this, at this time. So it would absolutely stymie future innovation in the state. So thank you for allowing me to provide testimony today and offer up the opposition of the Alliance for Automotive Innovation.

GEIST: Are there any questions? Yes, Senator Bostelman.

BOSTELMAN: Thank you. You said there's one company in the state of Nebraska. Who is--

BLAIR MacDONALD: I don't know what it is. I'm sorry. I will get back to you on that, Senator Bostelman.

BOSTELMAN: OK. Thank you.

BLAIR MacDONALD: I apologize. I should've looked it up.

GEIST: Senator DeKay.

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DeKAY: As a previous testifier talked about, I know this is going to be implemented on state highways, but has there been extensive testing, say, if somebody blows through an intersection, for that driverless vehicle to stop in a, a short amount of time to avoid those accidents or some animal or something going across a highway?

BLAIR MacDONALD: Yes. These vehicles are equipped with many, many, many sensors. There is extensive testing mostly done in, I would say Arizona and Nevada are the two areas that I know are primary testing areas/states. But I can, I can get further information on that for you, Senator DeKay.

DeKAY: I was just curious. They talk about, you know, cell phone use and stuff and reaction time. I was wondering what the reaction time was with situations like that that occur.

BLAIR MacDONALD: I'm not aware of that. But I can, I can get some more information on that for you, Senator.

DeKAY: Thank you.

GEIST: Senator Fredrickson.

FREDRICKSON: Thank you, Chair Geist. Thank you for being here to testify on this. So would you, would you say that the technology as it currently stands is at a level where it is road ready?

BLAIR MacDONALD: I guess I'm not exactly certain, but I know that there's, there's five levels of, of automated vehicles. And what I think this is really targeting is those vehicles that wouldn't have a driver in it, obviously. So those are more level 4 or 5 vehicles and those are not currently rolling out in operation on Nebraska roadways. So, I mean, there's still time and testing and further progress that needs to certainly be made before that happens.

FREDRICKSON: Do you have a sense, would your client be amenable to an amendment, perhaps, that would have a sunset on this? So, for example, as that technology is developing or as those safety features get refined?

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BLAIR MacDONALD: I'd have to bring up that point, but it didn't-- was not raised in, in discussion preparing for this hearing today.

FREDRICKSON: Thank you.

GEIST: Any other questions? I do have one. Is there anything that would keep a CDL company or anything like that from just imposing their own rule to make sure that they have someone always on board or not?

BLAIR MacDONALD: I don't think there's anything in statute that would prohibit an employer from putting in place their own standards. And I guess I would also say too just that I was here two weeks ago in support of a bill that would actually have helped to incentivize more CDL drivers to be, you know, operating in Nebraska because we know that there's a workforce shortage. There isn't any industry, I don't think, that would come and sit and tell this committee that we would be doing away with CDL drivers. Everyone, of course, is desperate for licensed CDL drivers, so.

GEIST: Sure and I understand that this is talking about more than that.

BLAIR MacDONALD: Right.

GEIST: It's, it's talking about all vehicles--

BLAIR MacDONALD: Yes.

GEIST: --but just a question.

BLAIR MacDONALD: Sure.

GEIST: I don't see any other questions. Thank you for your testimony.

BLAIR MacDONALD: Thank you.

GEIST: Any other opposition testimony? Good afternoon.

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MARY VAGGALIS: Good afternoon, Chairman Geist and members of the Transportation and Telecommunications Committee. My name is Mary Vaggalis, M-a-r-y V-a-g-g-a-l-i-s, and I'm here today in opposition to LB625 as a registered lobbyist for Tesla. Tesla is a developer and believer that advanced vehicle autonomy has the potential to provide a broad range of public benefits such as safety by deploying vehicles equipped with systems that operate similar to a cautious and safe driver that never speed and are never distracted so that even if an accident occurs, the risk of injury and severity are always mitigated. Inclusivity so that those who have lost the ability to drive or never had the ability can independently access employment and education opportunities. Accessibility to ensure a wide range of autonomous vehicle products exist to provide service for all, including those with physical disabilities. Affordability to help households reduce their overall transportation costs, such as by reducing extra vehicles and their insurance costs or by reducing money spent on taxes or transit fares. Supporting rural residents where taxis are hard or impossible to find. Supporting regional transit and rail systems for providing last-mile service in urban areas, enabling transit operators to focus on revenue-generating mass transit. And by improving our towns by reducing the need for on-street parking over time. These benefits only arise when jurisdictions enable autonomous vehicle policy and transport service policies for autonomous vehicle networks in parallel. With passage of LB989 in 2018, Nebraska did just that. LB989 allowed for these benefits, provided a framework for autonomous vehicle deployment while delineating financial responsibility and required AVs to meet the same basic roadway safety standards as those for human drivers. Nebraska is a leader in this area. Experts in the car insurance industry estimate truly driverless technology will reduce accidents by 80 percent by 2040 and significantly reduce the severity of those accidents that do occur. According to NHTSA, accidents in 2010 alone induced a \$242 billion economic cost in the U.S., including lost productivity, the cost of litigation, medical costs, emergency services costs and so forth. Tesla's current automated driving system, commonly referred to as autopilot, is considered level 2 out of the five levels of automation and is already safer when compared to human driver benchmarks. Tesla publicly reports on its system of active safety and advanced driver assistance

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features. No car can prevent all accidents, but in the third quarter of 2022, Tesla recorded one crash for every 6.26 million miles driven in which drivers were using the level 2 technology. By comparison, the most recent available-- most recent data, excuse me, available from NHTSA and the Federal Highway Administration shows that the U-- in the U.S., there were approximately one vehicle crash for every 652,000 miles. Tesla is committed to ensuring that all forms of vehicle automation deliver meaningful safety improvements. As Tesla and our competitors in the autonomous vehicle development space advance our safety features towards level 4 and 5, we fully support that an automated driving system should be deployed when it is fully capable of safely performing the dynamic driving task. Although we expect that driverless vehicles won't have an impact on the role of human drivers over time, the perception that autonomous vehicles are a short-term destructive force is unfounded. Yes, drivers will need to be retrained to perform other duties and the autonomous vehicle industry can offer continued high-quality opportunities including fleet management, remote operation, maintenance, logistics and others. Historically, technological advancements, no matter the topic, have been feared as a force of disruption and dislocation for workers. When the automobile itself became mass produced, for example, there were fears that it jeopardized the jobs of couriers. Yet society continued to provide employment opportunities, even with mass production of the automobile. Fear of technology is somewhat natural. However, with the growing shortages and the likely transition opportunities, requiring human drivers in vehicles may-- that may not even have human driver controls is not an appropriate response. Instead, employers and those in the U.S. workforce development system must communicate through the gradual transition as we move towards driverless vehicles. As mentioned earlier, Tesla is committed to ensuring that autonomous driving safety systems deliver safety to America's consumers. Our system, already by comparison to human driver statistics, delivers significant safety benefits. We support Nebraska maintaining its current laws on autonomous vehicles and ask for a no vote on LB625.

GEIST: Thank you for your testimony. Are there any questions? I don't see any. Thank you.

MARY VAGGALIS: Thank you.

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GEIST: Any other opponents? Any opponents? Are there any who wish to testify in the neutral capacity? I don't see any. Senator McDonnell, you are welcome to close. And as you come forward, I do-- I did receive two proponent letters, two opponent letters and one neutral.

McDONNELL: Thank you, Chairperson Geist. Follow up on Senator Moser's question about trying to look at Chapter 39. Also, this comes from the Nebraska Department of Motor Vehicles' definition of highway and, and within the state highway system. That's Chapter 39, 39-1302, to try to harmonize and look at what the Nebraska Department of Vehicles brought up to you. And in one the one of the letters is Chapter 60-624. We'll talk more about that. Also trying to look at the cybersecurity. You know, we have stories. In 2015, there was a hack of a vehicle going 70 miles an hour in St. Louis. They locked it up immediately. That was, that was a hacker and we got to look at cybersecurity. Looking at the idea of the lithium batteries, looking at them, burning a metal fire at 3,600 degrees. I mean, there's things-- and as I said in my opening, we're not opposed to technology-- it's exciting-- and the idea of the future. It's a matter of trying to make sure we have safe technology going forward and slow it down enough for us to be able to, to make sure that the safety issues are worked out before we lose a citizen based on the idea we're trying to move technology too quickly. Willing to work with this committee and look at how we do this. And again, not trying to impede progress, but at the same time make sure it's safe.

GEIST: Thank you. Are there any questions for Senator?

McDONNELL: Thank you.

GEIST: I don't see anything and that will close the hearing on LB625. And I know you all have been sitting for a long time. We have as well. We are going to take five minutes and then we will resume at 20 after, 22 after.

[BREAK]

GEIST: Welcome to the Transportation and Telecommunications Committee, Senator Brewer. You are welcome to open on LB199.

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BREWER: Thank you, Chairperson Geist. Good afternoon, fellow senators of the Transportation Committee. For the record, I am Senator Tom Brewer. That is T-o-m B-r-e-w-e-r, and I represent 11 counties of the 43rd Legislative District of western Nebraska. I'm here today to introduce LB199. I'm introducing this for a number of reasons. For one, I think it's the right thing to do and for two, I think there is a population in Nebraska that have been left out of opportunities because of the way our current laws are. To give you some background, I have been to the Ukraine four times, twice as a pilot with the army between 2006 and 2009 to shuttle Mi-17 helicopters from Kiev to Kabul, Afghanistan. I returned in June of this year. Just as a-- kind of a quick reminder, it was almost exactly a year ago that a quarter of a million Russian soldiers from Belarus and Russia invaded the Ukraine. The 24th day of February will be a day that Ukrainians will never forget. Between the 24th of February and the 1st of June, I could only read about what was happening and I made a decision that I didn't want to be one of those folks that just read about a newspaper, that I wanted to actually go there and see it myself. And through a series of, you know, maybe say challenges, I got into Poland. From Poland, across the Ukrainian border and married up with two individuals in Lviv. One of them is in the room here today. He will speak later. He was my driver for the next 2,000 kilometers. Now, nothing unique about that, except he was from Nebraska. Matter of fact, he's from Senator Clement's hometown of Elmwood. And it was reassuring to have an American there and he brought with him a interpreter, Bogdan [PHONETIC], who was the other half of the team that made sure that where we went, that arrangements were made and we had the right people to meet. But what I found amazing was no matter where I went in the Ukraine, it was one of the biggest agricultural meccas I'd ever seen in my life. So imagine this for a moment. You have a country the size of Texas, but it looks like Iowa. It is row after row of crops, field after field. Now, if we were talking about Texas, the border with New Mexico would be a nonstop war, 24/7, 365 and it's a violent war. When the war started, the Russians struck almost every major city in the country so there was no safe place to be. Obviously, the front where they crossed was the main line of, of battle, but even when I came back in October, what we experienced was missiles hitting these major cities that we were in. Didn't matter whether you were in Zaporizhzhia

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or you were in Kiev. The Russian tactic is to destroy the infrastructure. They have no water. They have no electricity. Make their life so miserable that they will give up. The other thing that I came to the realization was that the Ukrainians aren't going to give up. They are a people who have known what it was like to live under communism and they know what it's like to live under freedom and they are choosing to die before they will live under the Russian thumb again. I got to say that I won-- they won my heart with that. But I didn't really appreciate it until we started going in small towns. As you go to the small towns, it's more rare to have someone who speaks English. But what was impressive was that no matter what street you walked, little old ladies would come up to you and hug you. And all they would see was the stars and stripes, that flag on your shoulder. But that was enough for them to say thank you for saving our country. Now, I have mixed emotions about that because I don't think that we maybe gave them as many weapons as we should have early in the war. But what we gave them, they used and they used it well and they pushed back a Russian army that they had no business pushing back. Everybody, every expert said they would be defeated in a matter of days and they're still surviving. The one-year anniversary is coming up. But what happened is-- and Noah, my driver-- Noah as in the ark-- he will be coming up to tell you his story. And I'm not going to get into that, but what you need to remember is this is a Nebraskan who was in the Ukraine-- he was at a Bible camp-- volunteer to shuttle Ukrainians across Ukraine while the war was going and bombs are going off to take women and children to Poland. And then he didn't just do that once, but he made multiple trips. He stayed there. He just came back to Nebraska a few weeks ago. So that part of it, I could not be prouder that we have a Nebraskan that would do that, for one. But many of the people we're talking about today are those that he helped shuttle out of the Ukraine. So imagine the plight that you went from your home while your country is being attacked by an enemy. You travel across this huge country into a country you may not have ever been to before. And by whatever circumstances, you end up in Nebraska and you find out that you've gone through this process and you're here and now you want to work, you want to do the things that you knew how to do from your time in the Ukraine. The problem with that is we have laws that say you cannot drive. Well, you can always take a bus if it happens to be

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going in the right place you want to go. But in many cases, they were drivers. I mean, that's literally what they did. They drive-- they drove all over Europe. In many cases, they had CDLs. So when they came and talked to me after I came back from the Ukraine in November, I said, hey, we've got to, we've got to figure out a way to fix this and that's what LB199 is all about. Now, after we got into writing the bill-- and actually after we sent it to Bill Drafters, some issues were brought up and that's what's forced the amendments. So you're going to see an amendment. What that is addressing is some language issues. It's also addressing the CDL issue. I think in order to do justice to this, we need to make sure that we have both of those available for those who are qualifying. Again, we're not asking to do something unique or, or something that would be unsafe. What we're asking here is that we take and provide this ability for them to drive for those who can and can do it safely. We have a couple of statuses folks fall into: citizens, no problem, we got that; green card holders, got that. But these guys are humanitarian parolees, is the term they use. So what that means is you have a visa, a special visa given to the Ukrainians because of the war, and so we don't have a category to put them in. So what we're trying to do is write the category, make this so that we can put them in a category so that they can have a license and have a life here doing the things that-- that they need to do in order to be productive. So therein lies our problem. Now, you're going to hear a number of them speak today that I think will probably answer some of the questions about their issues with everything with our society, but specifically to do with driving. So that part I'll hold off. Now, one of the things you're going to hear about today and you need-- and that's why you have a handout on that, and that has to do with the implementing of the REAL ID. That is a critical issue for the DMVs. Now, the question is, can we issue a permit and still be able to give them the ability to do this? I included a letter that was actually from Maryland, who has figured out how to do this, and that's-- that's one of the issues that I'm sure DMV will bring up. And so we need to-- we need to talk through that and understand how we can-- can still be able to issue a license like other states have and address that issue of concern. So with that, I will be open for questions and I will stay for closure.

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GEIST: Great. Are there any questions? Senator DeBoer.

DeBOER: Thank you. And I haven't had time to read through this enough to know if you address this. Is-- this is just a question. Is there some sort of they have to get an eye test and do the driver's test like you do with any other driver's license?

BREWER: Well, I don't think there's any changing of requirements. What we're trying to do is make it so it's available, so, you know, the-- the-- the process to get it doesn't change. It's whether or not you're eligible to even apply to go through the process.

DeBOER: So they would still have to do all the other things that anybody else has to do to get a driver's license.

BREWER: Yeah, I think we'd have to have that when we sat and looked at it because you still want, for safety--

DeBOER: Yeah.

BREWER: --to make sure that they meet all of that.

DeBOER: And then their eyes tested and all of--

BREWER: Yeah.

DeBOER: Perfect. All right. Thanks.

GEIST: Senator Brandt.

BRANDT: Thank you, Chairwoman Geist. Thank you, Senator Brewer, for bringing this bill. I think it-- it's going to serve a-- fill a need. Essentially, what we're asking for is just a different class of Nebraska driver's license that will look different than a regular form of ID. Is that correct?

BREWER: Yeah. Great question. Yeah. What I'm-- what I'm hoping that we can bring out of this is a very unique driver's, I guess, permit, is the term I'll use, not necessarily license but permit. It's for a very speci-- specific purpose for this group and that it not be a national

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ID, anything like that. That's not what we're asking. We're asking for the ability to have them be able to drive in the state of Nebraska so that those that need it for employment or need it-- to-- to-- to just get from point A to point B for kids, groceries, whatever, that we can make that happen.

BRANDT: So is this going to be, for lack of a better term, Ukrainian specific, or like the Afghanis that-- that came before, could they-- would this-- would multiple groups be able to use the same system?

BREWER: Only if they would fall into the humanitarian parolee category--

BRANDT: OK.

BREWER: --which is a pretty narrow category.

BRANDT: All right. Thank you.

GEIST: Yes, Senator Bostelman.

BOSTELMAN: Thank you, Chairwoman Geist. Looking at the administrator from Maryland's letter that you gave out, the second paragraph--

BREWER: Yes.

BOSTELMAN: --it's-- the second para-- paragraph says Maryland has been certified by the United States Department of Homeland Security as fully compliant. Is that something we have to apply for?

BREWER: You know, that probably is a better question for Director Lahm. I would assume that if we want to have the REAL ID Act requirements, that-- that that would be something we would have to do, I guess the point being that it can be done. Maryland's obviously done it, and other states. We just gotta figure out how to do that. And so merging this into-- which'll probably be an amendment, probably be a committee amendment, that does all of this is-- is going to be that, you know, that middle ground that we've gotta work toward. And, you know, in a perfect world, the federal government would have done all this and we wouldn't have this discussion. But it's obvious that

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that's not going to happen. I mean, it's been a year now, and right now there is no-- you know, when I talked to Congressman Bacon on Friday night, there is no plan that's going to fix the federal, higher-up piece of this. States have to deal with that at their level or it's not going to happen.

BOSTELMAN: OK.

GEIST: Yes, Senator Moser.

MOSER: So what's the difference between immigrants from Central America, Mexico, wanting to come to the U.S. and get a driver's license versus emigres from the Ukraine-- from Ukraine?

BREWER: OK. The ones you're talking about, they have passports?

MOSER: I would say a lot of them don't have passports.

BREWER: OK. So the Ukrainians have gone through the process. They have gone to get visas, they have passports, and they come here as a part of this humanitarian parolee program. So, I mean, I think, if-- if you look at their requirements, it's so much different than someone that wanders across the border. You can't put them in the same category. One wouldn't-- wouldn't-- wouldn't be eligible even.

MOSER: Well, I guess I don't know what the rules are for getting a driver's license. Can you get a driver's license to drive in Nebraska if you're not here legally? I'm-- I'm assuming some can.

BREWER: No, you can't. You could if you had a green card. And again, you might have to ask Rhonda to, you know, break that down, but I'm pretty sure that you-- you really have two categories. You have those who are residents who apply through the same thing you and I got our licenses, and then you have those who are green card holders that are here, you know, with the permission of the federal government to-- to work.

MOSER: How long would a Ukrainian have to be here before they could legally get a driver's license?

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BREWER: I don't know that there would be a minimum time. I mean, if they arrive, they should be able to apply right away. They wouldn't need-- wouldn't be a reason for dragging it out, would there?

MOSER: Well, I'm just trying to see, you know, what-- why we need a special-- if they can apply to get a driver's license and what
[INAUDIBLE]

BREWER: OK, they're not citizens and they don't have a green card, so they're in this middle place. How are they going to get a driver's license--

MOSER: So if we--

BREWER: --or a driver permit?

MOSER: So if we-- if one of us went to Europe, could we drive there legally?

BREWER: Yeah, there is a--

MOSER: Reciprocity?

BREWER: --reciprocity, and normally whatever--- if you go to Avis, or wherever you get your rental car from, they usually make sure that you have the-- the right insurance because, in Europe, that's a big deal. You have to have insurance on the vehicle you're driving besides your driver's license.

MOSER: OK. Well, I'm just trying to understand the--

BREWER: Yeah.

MOSER: --the bill and what the [INAUDIBLE].

BREWER: No, that's what we're trying-- we're trying to make a category we can put them in so we can put them to work. And-- and the other thing to remember, too, is, unlike some that come here, Ukrainians came here because of the war that's going on. You know, if the war was to end tomorrow, there's this exodus that's going back to the Ukraine,

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provided their town hasn't been destroyed and they have nowhere to go there. But, you know, that's-- that's unique about them is, if it wasn't for the war, they wouldn't be here. It isn't like they're trying to purposely come here. They're forced here.

MOSER: Thank you.

GEIST: Senator DeKay.

DeKAY: Thank you, Senator Geist. Thank you, Senator Brewer. In this bill, what's the differences of the components of this bill as to the requirements that are already in place for having driving privileges in state of Nebraska?

BREWER: OK, I'm not sure if--

DeKAY: This is a little bit--

BREWER: Are you asking the same question he asked about--

DeKAY: It's a-- it--

BREWER: --do they have to take an eye test?

DeKAY: No, it's a little bit different. We've already got driving privileges in place that people have gotta adhere to. So why would the Ukrainians have to have other-- if they-- if they're in compliance with the driving privileges already in place, why would there have to be more legislation going forward if they already can meet the--

BREWER: OK, I've done a really poor job of explaining this, evidently. OK. They're here.

DeKAY: Yeah.

BREWER: They're not a resident. They're not a green card holder. They're here. There's nothing here for them.

DeKAY: OK.

BREWER: We're trying to make here--

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DeKAY: I got it.

BREWER: OK. Thank you.

GEIST: So if they don't have a green card, can they work legally?

BREWER: Because of the fact that they are here with a visa, that's for the special visa as a Ukrainian refugee, this humanitarian parolee status, that's kind of a standalone by itself.

GEIST: OK.

BREWER: But it was thrown together quickly because of the war. You know, where a green card program has been in place for a long time, it's established, that's how they-- they handle workers that come, special seasonal ones.

GEIST: So-- OK. Any other questions? I don't see any.

BREWER: All right.

GEIST: Thank you for--

BREWER: I'll be here for close.

GEIST: All right. I wish I could offer you a comfortable chair. Any proponents? Good afternoon.

BRYAN SLONE: Good afternoon. Chair Geist and members of the Transportation, Telecommunications Committee, my name is Bryan Slone, B-r-y-a-n S-l-o-n-e, and I'm president of the Nebraska Chamber of Commerce and Industry. Thank you for this opportunity to testify on behalf of the Nebraska Chamber, the Greater Omaha Chamber, and the Lincoln Chamber of Commerce in support of LB199, which authorizes a driving privilege card for Ukrainian refugees who've settled in Nebraska. I have submitted my written testimony, and-- and if you would permit me this, on Valentine's Day, my wife asked me to deliver an alternative testimony, so I'm going to do it orally and say that I did in three minutes. Leslie and I moved to Berlin when the Berlin Wall came down to open the first American law office in East Berlin

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for the pri-- privatization of East German companies. We were not refugees. We had financial means. We had a law firm behind us. We took a four-year-old and a six-year-old with us. None of us spoke German, but it was important to do. For me, it started with four desks and four chairs in the old secret police building in Berlin, which we thought was important. For me, it was a grand adventure. For Leslie, the mom of a six- and four-year-old who didn't speak German, it was less than an adventure, and I see some of those four- and six-year-olds in here today. Again, with all the-- all the things we had available to us, we were not refugees. It was a struggle every day for Leslie. It was a struggle every day of getting kids to school. It was a struggle shopping. It was a struggle with, you know, first-world problems of not being able to get Oreos and Kraft Mac & Cheese for-- for young kids, but also what happens when your-- your daughter suddenly has to go to the hospital and you don't speak German? Every day was-- was difficult, but we made it through and-- and it was a grand adventure and all was well, except for a year in, and this answers your question, Senator, I do believe, the German law-- under the German law, my American driver's license lasted a year. After that, I was forced to get a German driver's license. The test was in German, but the alternative was Russian. The driving test was-- was difficult. Germans had a 25 percent pass rate, 75 percent fail. The consequences to us having started a business and-- and brought our family over were that this was the one thing that was going to stop it all. This was the one thing. She couldn't get kids to school. She couldn't shop. She couldn't maneuver around Berlin and a city of 8 million. Can you imagine a smaller community the size of Norfolk or Scottsbluff or Gering? I couldn't get to work. I couldn't get to my clients. The inability to drive is the inability to survive and to raise a family and-- and to be self-sufficient. And after a year in Germany, this is what it required, and you had a one-in-four chance, even if you knew German or Russian. I'm proud to say that Leslie got the first American driver's license in East Berlin. I think this is the second one. We are not refugees, but even with everything we had going for us, this was the thing that allowed us to stay or go. You're going to hear some testimony--

GEIST: I'll have--

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BRYAN SLONE: --from some people, but I wanted to put that in perspective for everyone as you start the day.

GEIST: Thank you.

BRYAN SLONE: So with that, I'll answer any questions.

GEIST: Senator Cavanaugh.

M. CAVANAUGH: Thank you for your testimony. I feel we need to know if you took the test in German or Russian.

BRYAN SLONE: So the-- the fact of the matter is, the East-- East German government, or the East Germans were so anxious to get two Americans in that they allowed us to have someone who spoke Russian, because the ins-- the driving instructor only spoke Russian, to translate it into German for us in the back-- back seat.

M. CAVANAUGH: Oh.

BRYAN SLONE: So we knew "links" and "rechts," really quick--

M. CAVANAUGH: Wow.

BRYAN SLONE: --left and right.

M. CAVANAUGH: Thank you.

GEIST: Any other questions? Thank you for your testimony.

BRYAN SLONE: Thank you very much.

GEIST: Any other proponents? Good afternoon.

TIM HARDY: Good afternoon, Chair Geist and members of the committee. My name is Tim Hardy. I'm a rancher east of Chadron. I'm a member of the Refugee Welcome Circle of Northwest Nebraska.

GEIST: Would you spell your name for us, please?

TIM HARDY: Oh. Tim Hardy, T-i-m H-a-r-d-y.

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GEIST: Thank you.

TIM HARDY: In Chadron, my wife Una and I are currently helping sponsor a family of five refugee-- Ukrainian refugees. We have another family of five that's on the way. Our Ukrainian friends are fleeing war and they have no real desire to be in the United States. They'd much prefer to be in the peaceful Ukraine. Nebraska has a history of helping refugees, and recently, on a per capita basis, Nebraska has been one of the most welcoming states. And we're-- we're trying to do that ourselves up in-- in Chadron. Ukrainians are admitted to the United States by the federal government as humanitarian parolees for a period up to two years. And this status affords them work authorization. This status gives them Social Security eligibility. The federal government does not have the authority to issue driver's licenses, and-- and that's an authority that belongs in the States. After 9/11 attacks, the federal government passed the REAL ID law. And then, depending on how individual states have chosen to coordinate that REAL ID compliance with their driver's licenses, Ukrainian humanitarian parolee might be eligible for a driver's license in their state or not eligible. And in Nebraska, they are not eligible. Every driver's license in this state, if you look at it, you've got a little gold star in the upper right. That means that you have passed the REAL ID eligibility that the federal government has laid down. People that have humanitarian parolee status, they're not eligible for REAL ID. They're pure-- they don't fit in the category. They-- like Senator Brewer was talking about, REAL ID, just-- they don't fit in the category. So Congress delayed required compliance to the REAL ID law until 2025, and that's long after the expiration date for the humanitarian parolee status expires in two years. So this allows states a great deal of flexibility regarding driving privileges for these refugees. And in many states, driver's license applicants can choose between either having a REAL ID-compliant driver's license or having a driver's license that's not REAL ID-compliant. They can choose. Here, you can't. If you get a driver's license in Nebraska right now, it's a REAL ID license. If you don't qualify for a REAL ID under this 2005 9/11 law, you just are not eligible for a driver's license, period. So in those states, Ukrainians have various options

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for getting a driver's license. They can be noncompliant with the REAL ID or-- or not.

GEIST: I'll have you hold your comments and someone will probably ask you a question so you would be able to finish.

TIM HARDY: OK.

GEIST: But I do want to enforce the red light. Does anyone have any questions? Yes, Senator DeKay.

DeKAY: Would you like to finish your comment?

TIM HARDY: Yeah. Yes, I-- I would. Thank you very, very much. A number of states have made allowances for this REAL ID problem. In Iowa, you can get-- you can get a driver's license. They make special accommodations for Ukrainian refugees. In New York, you can choose to get a REAL ID license or not a REAL ID license. In Massachusetts, the Legislature just passed a law that changed the REAL-- the way that Massachusetts complies with its REAL ID law so that there's plenty of ways that states have found to do this. Nebraska is just an outlier in this category and we have-- we have-- our-- our people are-- they're-- you know, they're refugees from the war and now they want to be refugees from Nebraska because they need to drive. One of our-- one of the people that-- that we have is an over-the-road hauler, and he can't drive at all in Nebraska. He's considering moving to Iowa, where-- where he can do that and leave the support network that he's built in Chadron. This needs to pass and pass quickly.

GEIST: Thank you. Any other questions from the committee? I have one quickly. You said they're parolees for two years?

TIM HARDY: Yes.

GEIST: What happens after two years?

TIM HARDY: Well, one would hope that if the war is still going on, Congress will allow an extension.

GEIST: OK.

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TIM HARDY: But-- but at this point, it just expires in two years.

GEIST: OK. Thank you. Next proponent. Good afternoon.

ADAM FESER: Good afternoon. Chairperson Geist, members of the Transportation Telecommunications Committee. I'll be very quick. I also gotta take a sick kid to the doctor after this-- very easy since I can drive, right? My name is Adam Feser, A-d-a-m F-e-s-e-r. I'm the director of cooperative advancement at the Nebraska Cooperative Council. We represent the interest of Nebraska's agricultural, rural, electric and telephone cooperatives. Nebraska's farmer-owned cooperatives face a labor crisis. Our members currently have about 500 job openings, and the council supports any piece of legislation that would help address this labor shortage. As we've heard, Ukraine is an agricultural nation. There are probably a lot of these folks that could do a great job filling some of these roles. And we want to thank Senator Brewer for including language for the CDL, because a lot of these positions do require a CDL. That was something we really wanted to see. We appreciate that. And for these reasons, we urge the committee to send LB199 to the floor of the Legislature. Take any questions if you have them.

GEIST: Thank you. Are there any questions from the committee? I don't see any. Thank you. Hope your child is OK. Next proponent. Good afternoon.

NICK GRANDGENETT: Good afternoon. My name is Nick Grandgenett; that's spelled N-i-c-k G-r-a-n-d-g-e-n-e-t-t, and I'm a staff attorney with Nebraska Appleseed. Today we are testifying in support of LB199. Going to work, taking kids to school, and other daily tasks require Nebraska residents to be able to drive a car. Our roads are safest for everyone when all drivers are licensed and insured. In creating driving exams, visual acuity tests, and other licensing standards, our state's driver's license statutes create a process to keep the roads safe and ensure that everyone knows the rules of the road. Today, I want to focus my testimony on compliance with the REAL ID Act. It's important to note that the REAL ID Act does not regulate who can and who cannot drive a car. The REAL ID Act is about regulating when you can use any ID card, whether a driver's license or another state ID, to verify

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your identity before you board a plane or access other federal facilities identified in the act. The intent of that law was not to prevent people from obtaining a license to drive a car or to use their driver's license for other day-to-day activities such as renting an apartment, buying medicine, or seeing an R-rated movie. However, the reality is that the REAL ID Act, when read in conjunction with Nebraska's driver's license statutes, there are many gaps in the law for members of our immigrant communities. This is because the REAL ID Act allows for the creation of two classes of Nebraska driver's licenses, but Nebraska has only created one class. The first class, the REAL ID -compliant driver's licenses, signify both that a person is authorized to drive a vehicle and that the piece of plastic documenting their authorization to drive may be used to verify their identity before they board a plane or other purposes identified in the act. The second class of licenses is permitted by Section 202(d)(11) of the REAL ID Act. This section allows a state to license a person to drive a car and issue documentation to that effect, but provides, however, that they cannot use that license for other purposes, like boarding a plane. It's important to note that in creating this second class of licenses, it is fully anticipated by the REAL ID Act, and it will not put us out of compliance with the REAL ID Act. This is clear both from the language of the statute itself and from a question-and-answer explanation by the Department of Homeland Security on their website. They say, for example: Can jurisdictions meeting standards of REAL ID continue to issue REAL ID-compliant-- noncompliant REAL ID driver's licenses and identification cards? Answer: yes. REAL ID allows jurisdictions to issue identification cards and driver's licenses that are not in compliance with the requirements of the act. For members of our immigrant community, the gap is particularly problematic because, created in 2005, the REAL ID-- the REAL ID Act only reflects immigration law and policy as it existed at that time, so people who have traditional refugee and asylee statuses, they could obtain those REAL ID compliant licenses. However, newer processes, such as human-- humanitarian parole for Ukrainians, they cannot access those REAL ID-compliant driver's licenses. Without LB199, community members are put in the untenable position of having to choose between going to work or choosing work

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that doesn't require a commute. So with that, I'm happy to answer any questions.

GEIST: Sure. Thank you. Thank you for your testimony. Are there any questions on the committee? Senator Bostelman.

BOSTELMAN: Thank you, Chairwoman Geist. Question would be, are there other areas of the world with people, Sudanese, Somalis, those that this would also apply?

NICK GRANDGENETT: It would. So the language in the bill is anybody who is federally authorized to be present in the United States. There's essentially two categories of individuals that's going to cover. Like Senator Brewer said, it would be humanitarian parolees, so anybody who's on that status, whether from Ukraine or another country. And then there's also a certain more rarely used immigration statuses that have work authorization that the ILC, the Immigrant Legal Center, has identified who are also barred from the REAL ID Act, from getting driver's licenses, and are encountering this same problem. And I believe the ILC is also going to testify today to kind of walk us through what those others-- other statuses are.

BOSTELMAN: OK. Thank you.

NICK GRANDGENETT: Yep.

GEIST: Yes, Senator DeBoer.

DeBOER: Thank you. So my question is, I know that the REAL IDs are required for flying and some of those other activities that presumably someone might want to do, even if they're here as a parolee, so are parolees prohibited from flying then by not being able to get this REAL ID-equipped driver's license?

NICK GRANDGENETT: No, they can still fly. I think the idea is, if they board a plane, they just can't use their driving privilege card to board their plane. They'd have to use like their Ukrainian passport or another form of identification.

DeBOER: OK, that makes sense to me. All right. Thank you.

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NICK GRANDGENETT: Sure.

GEIST: Any other questions from the committee? I don't see any. Thank you for your testimony.

NICK GRANDGENETT: Thank you.

GEIST: Good afternoon.

KENT ROBERT: Good afternoon, Chairman Geist, members of the Transportation and Communications Committee. My name is Kent Rogert, K-e-n-t R-o-g-e-r-t, and I'm here today representing Associated Builders and Contractors. I had prepared remarks, but most of that's been Xed out already. Thank you to Senator Brewer and his staff for bringing this bill. There are literally several hundred of these folks in Omaha and Lincoln, and my members have several hundred open spots for drivers, and we would love to employ them as fast as we can.

GEIST: Thank you. There any questions? I don't see any.

KENT ROBERT: Thanks.

GEIST: Thank you. Any other proponents?

JODI GARRELTS: Yes. Good afternoon.

GEIST: Good afternoon.

JODI GARRELTS: My name is Jodi Garrelts, J-o-d-i G-a-r-r-e-l-t-s, and I am testifying on behalf of Anna Deal, A-n-n-a D-e-a-l, the legal director for the Immigrant Legal Center. And I'm reading her letter, but I'm going to kind of skip around so that we can get to the information that Nick from Appleseed was talking about. Dear Chairperson Geist and committee members, I am testifying today on behalf of Immigrant Legal Center, a nonprofit immigration law firm engaged in direct legal services, education and advo-- advocacy for immigrants and refugees across Nebraska. We specialize in humanitarian forms of immigration relief available to individuals fleeing persecution, survivors of abuse, and others who cannot return to their country of origin due to violence or insecurity. We were-- we rou--

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routinely serve noncitizen clients who, although present in the U.S. with the knowledge and consent of the federal government, are ineligible for a driver's license in Nebraska. The REAL ID Act lists ten categories of immigrants eligible for a license that is recognized for official federal purposes, but this list fails to encompass all lawfully present noncitizens. Nebraska, in turn, offers only one class of license, a REAL ID-compliant document that is available only to the ten noncitizen categories enumerated in that federal statute. By creating a second type of state-issued driver's license, which the REAL ID Act specifically contemplates and permits, LB199 presents a commonsense fix that will give noncitizen-- noncitizens who demonstrate they are present in the U.S. with government permission the ability to drive lawfully in Nebraska. The largest category that stands to benefit under the bill is comprised of noncitizens-- noncitizens who have been granted parole. Parole in the immigration context is entirely distinct from parole in the criminal law context. Parole is a legal mechanism through which any Department of Homeland Security subagency can exercise discretion to permit a qualifying individual to enter or remain in the United States for a specified period of time and often for a discrete purpose. One such parole program is Uniting for Ukraine, but I'm going to talk about beneficiaries of other special-- special parole programs will also benefit from LB199-- LB199. For example, the spouse, widow or widower, son or daughter of a petitioning U.S. military member, a Cuban or Haitian with an approved visa petition filed by a U.S. citizen or permanent resident family member, and certain foreign national entrepreneurs who have demonstrated that there is significant public benefit to their U.S. business venture. Although the U.S. government created parole programs for these populations due to obvious family unity, humanitarian and public policy concerns, current federal and state law precludes them from driving lawfully in Nebraska. Beyond parolees, LB99 [SIC] would benefit certain other narrow noncitizen categories, all of whom are present in the U.S. with the knowledge and consent of the federal government. For example, individuals-- withholding of removal or protection against the Convention Against Torture because an immigration judge judge determines they're likely to be persecuted or tortured in their country of origin. Such persons

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remain in the U.S. in their protected status indefinitely, yet they are precluded from driving lawfully in Nebraska. Thank you.

GEIST: Thank you. Thank you for the clarification. Are there any questions on the committee? I do not see any. Thank you very much.

JODI GARRELTS: Thank you very much.

GEIST: Any other proponents? Good afternoon.

CHRIS TONNIGES: Good afternoon. Chairman Geist, the members of the Transportation and Telecommunications Committee, my name is Chris Tonniges, C-h-r-i-s T-o-n-n-i-g-e-s, appearing before you today as president and CEO of Lutheran Family Services in support of LB199. I'm going to keep my comments short because you've got some wonderful stories behind you. So much like Mr. Slone, my oral comments are going to be different than the written ones, but wanted to provide some context that individuals with humanitarian parolee status, like refugees, are here in the-- at the invitation of the U.S. government. They are foreign nationals who are allowed to enter the country temporarily during an emergency for urgent humanitarian reasons. There-- we currently have nearly 600 Ukrainian parolees currently living in the state of Nebraska, and over 700 more may arrive later this year. Many members of this community are eligible to work, yet run into barriers to gain employment because of the lack of the eligibility to drive legally without a driver's license. This is because Ukraine-- Ukrainian parolees, unlike Afghan parolees, are not covered parolees, air quote, for the purposes of the REAL ID Act. LB199 tries to address that. You also may hear that this really should be a federal issue and we should wait for the federal government to act. The federal government, like Senator Brewer said, has known about this issue for over a year and has yet to act, and we are in constant contact with our federal partners and they tell us that government sources indicate that there will be no swift action on this issue at Congress, at least at this point in time. Nebraska, these individuals, and its businesses cannot afford to wait, and we hope for a federal fix along the way. If we want all of our neighbors and our communities to thrive, we need to remove barriers that allow people to choose where they live, but maybe even more importantly, choose where they

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work. LB199 does exactly that. We encourage the Transportation and Telecommunications Committee to advance LB199 and continue to make Nebraska the most welcoming state for all people.

GEIST: Thank you for your testimony. Are there any questions on the committee? I don't see any. Thank you very much. Another proponent? Good afternoon.

SUSAN MARTIN: Good afternoon again. For the record, my name is Susan Martin, S-u-s-a-n M-a-r-t-i-n, representing the Nebraska State AFL-CIO. The Nebraska State AFL-CIO supports LB199 granting Ukrainian refugees with a driving privilege card. Granting these driving privilege cards will be impactful for not only the Ukrainian community, but to our Nebraska communities. There are many benefits to passing this legislation, including improving public safety; properly-- properly licensed with proper training increases the safety for everyone. Allowing Ukrainians to obtain a legal way to drive on the road just makes good sense. Nebraska employers rely on refugee workers to-- to serve their customers, produce goods and provide services. Allowing a driving privilege card will eliminate many transportation issues these workers face: driving to work, driving children to school and day care, grocery shopping, and just basic services. The AFL-CIO supports federal immigration reform. And as we wait for immigration solutions on the federal level, Nebraska has an opportunity to take a role in this state-specific issue. We should be welcoming refugees to our community and removing barriers to employment. They work and they need transportation. They support our communities. They give back to our communities. Refugees are a large and vital part of our workforce and our labor movement, and we will continue to stand in solidarity with all working people.

GEIST: Thank you for your testimony. Are there any questions on the committee? I don't see any. Thank you.

SUSAN MARTIN: Thank you.

GEIST: Good afternoon.

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OLEG STEPANYUK: Hello. My name is Oleg Stepanyuk, O-l-e-g S-t-e-p-a-n-y-u-k, and I'm a face of those, a little over a thousand, actually-- I want to amend what was said by the previous speaker-- Ukrainians that came under Unite for Ukraine program. So at the letter and the spirit of this program proposes that Ukrainians are coming here for two years unless the Ukrainian Adjustment Act will pass in Congress. I guess that question was also addressed, and it's-- I was in Washington, D.C., on that [INAUDIBLE] and that conversation already initiated for them to work on that law. But at this time they are allowed to stay two years legally with the-- and they are employment authorized from day one, so any employer can hire a Ukrainian parolee right and when they get here, as long as they can supply I-94 and unexpired passport. And so we have-- again, the letter and the spirit of this program was such that we wanted to help them to quickly adapt to the new country. And we put our efforts together with all the resettlement agencies, local community, to help them to go through cultural orientation, you know, job orientation, expedite to file for their actual EAD card and everything else. And they were-- they qualified for the same benefits than your typical refugee would. So the state invested a great deal of resources in each humanitarian parolee, getting them ADC payments, you know, SNAP benefits, Medicaid, and right at the time when they are ready to contribute back to the society, right, they said, well, you cannot get to work. So we're basically encouraging them to just sit idle or not being able to provide for their family. So that is-- that is a-- a great loss to our state because we are just not getting-- you know, we are not utilizing the people that we have. Here is my second point that hasn't been addressed by anyone yet. I own a trucking company and I-- we are-- we are getting the labor certification because of a nationwide shortage of drivers, of truckers, right? So under that, we are allowed to bring certain number of people from overseas, qualified truckers, right, to drive for our company. So here we have people that our state invested in, that are professional truckers, that have the international commercial driver license, driving in European Union countries, ready to go, and yet we are bringing people from overseas and letting these people sit idle. That doesn't make any sense whatsoever. So another thing which somebody mentioned, that they can become refugees from Nebraska, actually, that's very sad, because most of the states, they

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offer them a CDL license. You know, Nebraska Ukrainians, they are very big on trucking, so there are a lot of truck drivers among them. So they would go and get those two letters of residence at the friend's address in Iowa or-- or-- or Georgia or somewhere, they will drive for a common carrier, and they will pay their state taxes to the-- to the-- to the place where they rented the driver licenses.

GEIST: Thank you.

OLEG STEPANYUK: Nebraska State is losing on it. I'm sorry. I-- I got too [INAUDIBLE]

GEIST: I know, that red light.

OLEG STEPANYUK: Well, if you have any questions, I would-- I would like to answer.

GEIST: Are there any questions from anyone on the committee? Senator DeKay.

DeKAY: Yes. You had-- thank you. Thank you. Number ten-- I can't pronounce the name, I'm sorry-- working at Advantage Trucking, on the second page of your-- would that person be eligible to have a CDL and be a driver for that company or are they-- what's their job description now?

OLEG STEPANYUK: Well, if LB199 passes, then, yes, then-- then we are qualified--

DeKAY: But--

OLEG STEPANYUK: --to train people, and they will have to still pass exactly the same protocol that your usual applicant has with the state of Nebraska. There is no exclusion to that.

DeKAY: I-- that's what I was getting at, just wondering if he was working as like a mechanic or as a-- or wanting to eventually end up as a truck driver for them.

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OLEG STEPANYUK: Yeah, they can work as a mechanic from day one, but in order for them to work as a truck driver, they must obtain their CDL license, and so that Legislature must pass. And one more comment, if I may, on the urgency, because the three months timeframe, our state also-- I don't know if you know or not-- had that-- this ERA program for them through urban development, emergency rental assistance. Now that program exhausted this last Friday, so now you have these people that don't have money to pay for the apartments and don't have the license to go to work. That's huge issue. So on the two important things, if I may, include that CDL verbiage in the law and the-- with emergency clause for sure on that legislation, because if you don't, they are not going to wait six months.

GEIST: Thank you. Yes, Senator Moser.

MOSER: Thanks for coming to testify with us today. How long have you been in the U.S.?

OLEG STEPHANYUK: Since March 6 of 1996.

MOSER: Ninety-six. And how long did it take you to get a driver's license?

OLEG STEPHANYUK: Well, it took me-- I-- I believe I passed from the first time, so probably two weeks from the time that I landed, I obtained my driver license.

MOSER: And you're helping your fellow countrymen acclimate to being in the U.S.?

OLEG STEPHANYUK: Right, yeah. We've been-- House of Prayer is the place that 90 percent of these people are coming through, so that's why we have partnered with all the resettlement agencies and we are helping, you know, a lot of legislative initiative like this too.

MOSER: OK. Thank you.

GEIST: Any other questions? Don't see any. Thank you.

OLEG STEPHANYUK: Thank you.

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CHRISTINE KOUMA: [INAUDIBLE]

GEIST: What's that?

CHRISTINE KOUMA: The printout. I will go as quick as I can.

GEIST: OK.

CHRISTINE KOUMA: Please hear me out. My name is Christine Kouma, C-h-r-i-s-t-i-n-e K-o-u-m-a. Good afternoon. I come today before you in favor of LB199. As a Nebraskan, I have watched from afar the terror unfold in Ukraine and thought, what can I do to help this horrific situation? With winter approaching, heat sources, water, and electricity being knocked out by Russia, families' homes, schools, hospitals, roads and bridges being bombed. I searched and found a great program from the U.S. government called United for Ukraine that was asking U.S. citizens to sponsor Ukrainian refugees, and the refugees would have permission to come here and work upon arrival. I thought, wonderful, this is a way I can help. I have a big, warm house and a peaceful farm to provide refuge for these people in need, victims and refugees of war who are one day living a successful professional life and the next day their cities are in ruins and they're burying their family and friends. I thought, what a perfect place Nebraska would be. We are such a peaceful state and have so many job openings everywhere where-- a shortage of workforce to fill those jobs, therefore, benefiting both refugees and our state. I was filled with enthusiasm to be able to provide-- to provide such a win-win for both parties. So I signed up to be a sponsor of United for Ukraine and found a very deserving family, husband that fled with a two-year-old and a pregnant wife having to give birth in another country while in transit due to fleeing from war. Who needs a peaceful home base to restart within a family like this? It sounded like here in Nebraska would be perfect refuge for them. We were excited to have found that match. Little did I know that the enthusiasm would be-- enthusiasm would be extremely short lived when I called Catholic Social Services and they said, here in Nebraska, Ukrainian refugees are unable to get a license to drive even though they are coming under the current Ukrainian license, have been driving for years, can speak English, read English, and could pass a driving test. When I spoke to the DMV,

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it sounded as if they were here as tourists, they could drive for a month on their license and with-- for a year if they had an international license from their country. But then when work comes into play, they cannot do that because this is a different-- it's-- it's not a tourist. It's humanitarian parole, so now they can't drive. So my perfect peaceful place for them to restart their lives has now turned in a remote prison of some sorts, with no possibility to go anywhere unless I escort them everywhere. The dream of freedom in the land of the free has now been crushed, as well, as they were informed they would be able to go to work from day one, be granted by-- an I-94 by the U.S.>A> as they crossed into the country, only to find their sponsors live in Nebraska, a state that won't allow them to drive for that job. So now this current driving along Nebraska is taking two or three people out of the workforce because I, a nurse, a profession that is in severe shortage here in Nebraska, am not going to be able to go to work either, because I very strongly believe in this cause and I will be tending to driving them to every appointment, meeting, school drop-offs and pickups, grocery shopping, movies, dates, pharmacy runs, etcetera. So in closing, please do not discriminate-- discriminate against rural Nebraska businesses and farmers or small towns, businesses and schools who do not have public transportation and could really benefit from federally authorized aliens having a driver's privilege card to reach them and fulfill-- and fill the desperately needed staffing shortage in Nebraska-- in Nebraska. Please do not take away the dignity of refugees here on humanitarian parole by not allowing them to drive to work to contribute to the society that has taken them in or pick up their sick kids from school.

GEIST: Thank you, and we do have the rest. We can-- thank you.

CHRISTINE KOUMA: OK.

GEIST: Are there any questions on the committee? Yes--

M. CAVANAUGH: Thank--

GEIST: --Senator Cavanaugh.

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M. CAVANAUGH: Thank you so much. I'm assuming that the family that's been in this committee hearing, so patient all day, is the family that's been with you.

CHRISTINE KOUMA: Yes.

M. CAVANAUGH: And how long have they been with you?

CHRISTINE KOUMA: Wednesday evening, so--

M. CAVANAUGH: Oh, my goodness. So-- so a--

CHRISTINE KOUMA: --a few days, yeah.

M. CAVANAUGH: --less than a week?

CHRISTINE KOUMA: Yes.

M. CAVANAUGH: Oh, wow.

CHRISTINE KOUMA: Yes. I'm very rural--

M. CAVANAUGH: Wow.

CHRISTINE KOUMA: --and I'm very willing to sacrifice everything so they can have the life. But it sounds like, you know, there's so many more that need this and--

M. CAVANAUGH: And when did they arrive to the U.S.? Did they come--

CHRISTINE KOUMA: Wednesday night.

M. CAVANAUGH: They came like just straight--

CHRISTINE KOUMA: Yes.

M. CAVANAUGH: --to you?

CHRISTINE KOUMA: Yes.

M. CAVANAUGH: Oh, that's amazing. Well--

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CHRISTINE KOUMA: I'm so excited. I have an extra vehicle for them. They can drive. You know, it's rural. There's so many places that need help, so.

M. CAVANAUGH: Well, I hope that the transition hasn't been too hard, and thank you for your volunteerism [INAUDIBLE]

CHRISTINE KOUMA: Any other questions?

GEIST: Any others? I don't see any. Thank you.

CHRISTINE KOUMA: If-- if I might, preferably with emergency clause, because people have been waiting since April of 2002, like, so with the emergency clause to be passed would be wonderful.

GEIST: Understood.

CHRISTINE KOUMA: Thank you.

GEIST: Thank you. Any other proponents? Good afternoon.

LIUBOV ONISHCHUK: Good afternoon. Dear Chairperson Geist and members of the Transportation and Telecommunications Committee, my name is Liubov Onishchuk, L-i-u-b-o-v O-n-i-s-h-c-h-u-k. I was born and raised in Ukraine. As war started, my friends and family welcomed Ukrainians to provide safe home here. I'm testifying today on behalf of Ukrainian family and friends here in Omaha, Nebraska, and Refugee Empowerment Center, Immigration Legal Center, where I have joined as Ukrainian Family Assistance Program supervisor. First, I would like to thank Nebraska for giving Ukrainian an opportunity to be safe. Nebraska is a beautiful state with much land, but as a result, the cities spread out wide. We have bus routes, but they are very limited to particular areas and times of the day. The vast majority of the Ukrainian parolees is in the areas where there is no public transportation. Many Ukrainians come with work experience and excellent educational qualifications, skilled in different trades like carpenters, [INAUDIBLE] electricians, teachers. Without transportation, they cannot get to work. We have clients who have years of experience driving semi trucks but are unable to get their CDL licenses here. I will also give you an example of one young lady. She has medical

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qualifications as a midwife. However, as this certification cannot be used in U.S.A., she dreams to be able to drive to college to get her U.S.A. certification. As of now, the only transportation she was able to find was with one of my colleague who lives in Elkhorn and brings her to our office. Therefore, this young lady had to find a job close to our office doing nails. One day-- on days when this colleague cannot bring her, she has to work-- walk miles and miles to the nearest bus at Village Pointe, then take two transfers to get to work. The full trip on one way is about three hours long, just one way. Many other Ukrainians are unable to work due to transportation restrictions, even though they have been driving every day to work in Ukraine. We also have a young disabled man who has just arrived to the United States a few days ago. He has three little kids and now heavily relies on his wife to drive to places. Ukrainians are grateful to have a place and safe land to be in. They are extremely grateful. However, they have a culture of hard work and believe in contributing to the society they live in. They have a true Nebraska values that require that they are able to get driver's licenses to be able to make work a possibility for them. May God bless Nebraska.

GEIST: Thank you for your testimony.

LIUBOV ONISHCHUK: Thank you.

GEIST: Are there any questions on the committee? I don't see any. Thank you very much.

LIUBOV ONISHCHUK: Thank you.

GEIST: Good afternoon.

MAKSYM BYESYEDIN: Good afternoon, Senators. My name is Maksym Byesyedin; that is spelled M-a-k-s-y-m B-y-e-s-y-e-d-i-n. I'm testifying on behalf of myself in support of LB199. I, like many others, fled the war from Ukraine. I have been living in Lincoln for eight months. Thank God my family and I are safe now. First of all, I would like to express my gratitude to the United States of America for providing me with asylum. The U.S., and the state of Nebraska in particular, have provided me with treme-- tremendous social

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assistance. Moreover, I now have the right to work. I can now support myself and my family. One could hardly ask for more than that, except for one thing: it's driver's license. I have gone to the DMV three times, and each time I have been denied the driver's test. They have explained that I needed additional authorization from USCIS, so until then I am not able to drive. I work for a sewage pipe company. The facility-- facilities are usually on the outskirts of town. My work day starts at 6:45 a.m. I can't get to work on public transportation if I wanted to. I was lucky with my coworker. My colleague has graciously agreed to pick up-- me up from home in the morning and bring me home after work. But one way or another, it can't go on like this forever. Moreover, we have to constantly ask our friends to go to the store or medical appointments. I am only asking you to create some way for me to get a driver license. I just need to be able to drive a car to meet my basic needs and for-- and for the needs of my family. I thank you in advance for your attention and help to Ukrainians who live in Nebraska. Please vote yes on LB199.

GEIST: Thank you for your testimony. Are there any questions from the committee? I don't see any. Thank you very much.

MAKSYM BYESYEDIN: Thank you.

GEIST: Any other proponents? Good afternoon.

KATIE PATRICK: Good afternoon, Madam Chair, members of the committee. My name is Katie Patrick, Katie, K-a-t-i-e, Patrick, P-a-t-r-i-c-k. I am the executive director at Catholic Social Services of Southern Nebraska, and I'm testifying today on behalf of the Nebraska Catholic Conference. With offices in Lincoln, Auburn, Hastings and Imperial, Catholic Social Services, or CSS, covers 24,000 square miles of southern Nebraska, serving all people regardless of faith. Our services include emergency cash assistance, food markets and meal services, immigration legal services, refugee resettlement and employment services, and the Saint Gianna Women's Program. We also provide free and urgent items at our front desk, including blankets, diapers, formula, personal care items and gift cards to our gift and thrift stores. So specific to today's committee hearing, since the early 1990s, CSS is one of three agencies in the state of Nebraska

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that provides immediate services to refugees and, most recently, two humanitarian parolees from Ukraine. These immediate services are referred to as resettlement /placement, or the R&P period. The service period lasts for about 90 days. It can be an overwhelming experience for clients and case managers. During this time, temporary and permanent housing is secured; utilities are set up, including phone and Internet; furniture and household goods are delivered; children are enrolled in schools. Transportation to and from schools is often arranged by CSS with the help of neighbors and other community members. Parents are also enrolled in English language classes at this time and, again, transportation is often arranged by CSS with the help of neighbors and community members. Any documentation for work authorization, Social-- Social Security and benefits, including SNAP, is also completed at this time. And then also typically driver's license are applied for at this time. And I just kind of get that big picture of all the services that are provided because it's all very coordinated in the steps that we're providing the refugees, and then in this case, the humanitarian parolees. So while many of these services are provided by our staff in the first few weeks of arrival, how clients continue to access services is really dependent upon their ability to drive to our offices. Typically, in conjunction with all that I have mentioned, is the employment search. Our team is trained to assist all clients eligible in securing employment. Over the years, we have developed great relationships with local employers and have completed readiness curriculums that assist all of those who are eligible to work getting-- to get going. But once again, how clients arrive for interviews and follow-up interviews, onsite job training, continuing education and training opportunities, is really determined by their ability to drive. As of today, Catholic Social Services has welcomed more than 30 working households who support 84 dependents. If we include the elderly and those ineligible to work, we are assisting nearly 120 Ukrainian parolees. Many of our Ukrainian clients working in manufacturing plants, and then I do have specifics as to where they are and how important it is for them to-- to get to work. And so just a closing-- I have one closing sentence if--

GEIST: You may read your one closing sentence.

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KATIE PATRICK: OK. Thank you. As a community and as a state, this bill presents us with a unique opportunity not only to invite our Ukrainian neighbors to join our workforce and become productive members of American society, but by doing so, it affirms the dignity of every human person and their right to work. Thank you.

GEIST: Thank you. Are there any questions?

KATIE PATRICK: OK. Thank you very much.

GEIST: Thank you for your testimony. Any other proponents? Good afternoon.

OKSANA IZIUMOVA: Good afternoon, Senators. My name is Oksana Iziyuma; that O-k-s-a-n-a I-z-i-u m-o-v-a. I am testifying in support of LB199. I came from Ukraine in May 2022, ten months ago. I currently live in northeast Lincoln now. I have been trying for about six months to get my driver li-- permit. I currently work for a company near central Lincoln and the difficulty that I have to take public transportation to work, unfortunately, the bus that goes to my job only goes once an hour and I have to adjust to schedule of this bus. If I'm late for any reasons, I either walk 40 minutes, 1.7 miles, or wait for the next bus and I'm late-- late for work. Sometimes I get off work at 7:00 p.m., and it's hard to get home at that time. For example, on Fridays, buses finish an hour earlier and that is also problem. I also take English classes in South [SIC] Community College, which is in downtown Lincoln. Because I am working, I am scheduled for evening classes, but they end at 9:30 p.m., and I can't get home after that. The last bus to my house leaves downtown at 6 p.m. That is why I choose morning classes, which reduce my income because I make an hourly wage. I also have appointments to see doctors. This is a particular challenge and is very difficult to adjust to the bus schedule and available doctor's appointments. Sometimes you have to use multiple routes. As-- as I say earlier, many of them run on one hour and you have to wait a long time at the stops. In the wintertime, it's especially hard standing in the cold. For example, I have an appointment with a dentist on March 2 for 8:30 a.m. in west Lincoln. I have to take the 42 bus, which passes near my house once an hour, and also it's a 45 minutes walk in the clinic, which is two miles. Given the bus schedule and my route, I

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won't make it in time for appointment. The other option is you use another route with the two buses through downtown, which about three hours roundtrip. I need to shop for groceries and I only get to do that on the weekends since-- since I get home after work on the last bus. The nearest supermarkets from my house is a Target and Super Saver in west Lincoln. There are no buses that way, so I have to walk 1.2 miles in one direction. I don't buy a lot of groceries, just things I can carry by myself. There are buses on Sun-- Saturday, but not in all directions. There is no public transportation on Sundays. I can't go to church. I can't meet my friends. Yeah, sometimes I get help with transportation, but have to ask for every time, which is very uncomfortable for me. I'm working now and I think I could save some money to buy a car. So, last sentence, please support LB199. Thank you so much, but I have some--

GEIST: Thank you.

OKSANA IZIUMOVA: --sentences but--

GEIST: You had a little bit left.

OKSANA IZIUMOVA: --a little more.

GEIST: We see that.

OKSANA IZIUMOVA: Yeah. Yeah.

GEIST: Thank you very much. You're doing well with your English.

OKSANA IZIUMOVA: Thank you.

GEIST: Are there any questions from the committee? Thank you for your testimony.

OKSANA IZIUMOVA: Thank you.

GEIST: Are there any other proponents? Good afternoon.

NOAH PHILSON: Good afternoon. So my name is Noah Philson, N-o-a-h P-h-i-l-s-o-n. I was the Noah that was in Ukraine with Tom. I'm an

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American returning from Ukraine after about 400 days in Europe. And as we all know, to live the good life, you have to be able to drive to get supplies and to fully work and help support yourself. Lincoln and Omaha may have trans-- public transport, but not all of these people have gotten to choose their current residence. Some of those who were charitable enough to invite the Ukrainians are 30 miles outside Kearney or even Chadron, as explained earlier, not next to a bus stop in Lincoln. I can tell you that if you-- if you've driven in Ukraine, you're going to be able to drive in America. They're very similar rules, and America has many-- much less potholes and much better roads. Ukrainians are very defensive drivers and they're very kind people and drivers. A friend of mine, on February 24, when Russia escalated the war, I went to the store with him, another American, and we went to the store just south of Kiev. On our way, we passed cars that were flooding away from Kiev and my friend had to turn left to park near the store. He was baffled at how rude people were being that they wouldn't let him turn into the parking spot. After 20-plus years, my friend thought the Ukrainians were being oddly aggressive since they wouldn't let him pull into his spot across the other-- the opposing lane. They were more concerned about fleeing the war zone. I can tell you from experience, Ukrainians don't like to receive help or inconvenience anyone. They want to support themselves and they're very independent people. Give them this chance to become dependent and support themselves, creating a semblance of home away from home. I was able to see a Ukrainian family in Germany who had no money for food, and they fed me with the last of their food. I was able to help them get more food because of support I was receiving from America, and-- but this experience brings to mind the worry of how many Ukrainians are unable to support themselves here in America. I'm surprised that this-- this bill hasn't already been passed through, and I know-- and every day it isn't passed, I know, is causing many issues for refugees, and some of them you've seen here today. And do you think that you would be able to live here in Nebraska if I took your license today? And I can answer any questions you have.

GEIST: Thank you. Thank you for your testimony. There are any questions? Yes, Senator Bostelman.

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BOSTELMAN: So can you tell us a little bit about our Senator Brewer?
[LAUGHTER]

NOAH PHILSON: He's-- he's just about as crazy as people think he is. We-- we had some fun. We went to the-- the front lines, We drove and we've seen-- because of him and some of my other humanitarian aid runs, I've been to 19 of the 24 oblasts, or regions, in Ukraine. And so he's-- he has seen all of it, a lot of it, and we've seen the people at the front that are-- that are trying to get help and trying to work. And we've seen the people that-- that are fleeing and have come here to America to get help and just to-- to become-- to try to support themselves and have a normal life while their country is being figured out.

BOSTELMAN: Thank you.

GEIST: Thank you. Any other questions? Seeing none, thank you.

NOAH PHILSON: Thank you.

GEIST: Good afternoon.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Good afternoon.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Dear-- dear Senators--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --I would like to thank you--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --for all of your help that you provided for Ukrainian nation.

GEIST: One moment. Would you spell your name, please?

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OLEKSII BARKLALOV: [SPEAKING UKRAINIAN] Oleksii Barklalov, Oleksii Barklalov, O-l-e-k-s-i-i B-a-r-k-l-a-l-o-v.

GEIST: Thank you.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): I have a family of ten members--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --my wife, my-- and my eight other kids.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): We came here five months ago--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --to your-- to your wonderful country and your wonderful city.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): We're very-- very grateful to you that you accept us and give us a shelter to be.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Only--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Only a few months passed since time when my kids are start feeling comfortable in this place--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --and-- and safe place. Our kids having a lot of stress--

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OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --after what we experienced in Ukraine.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Even during the time when we spent in Germany, we didn't feel safe ever.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): When we finally arrive here--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --to this state, we-- we-- we felt welcome and we felt-- we see the hospitality of this state.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): We felt love and support--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --and all of that. It's kind of provided healing to my kids.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Today, my kids are feeling way better and more comfortable.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): My kids--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --used to be involved in different sport activities back in Ukraine.

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OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): When we-- when we move out from Ukraine, we-- and spend a few months in Germany, they'd been invited to the local athletic clubs to play and-- and be there as members.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Really successful, they're really talented kids.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): So today they also have an invitation to play soccer for their local soccer teams.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): They give him scholarship.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): All the-- all the practice has been paid.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): But there is one problem.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): We need to take them to the practices and the training processes and then not miss them--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --not just attending the school, but the practices as well.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN].

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SERGII CHEUUSHUIN (INTERPRETER): That's why we need a driver license as well.

GEIST: I'm [INAUDIBLE]

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Back in Ukraine, I was working as a member of the regional council.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

GEIST: Just a moment. I-- I'm guessing someone will have a question for you. I just want to enforce the light.

DeKAY: Would he like to finish his statement?

GEIST: It is--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): Back in Ukraine, I also work as a member of regional council and also have same type of position as you.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): When the people are asking for help--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --especially when it's regarding the kids, we never leave them with-- without opportunities to [INAUDIBLE]

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): My-- my-- my plea--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --the plea of my wife and my kids and Ukrainians [INAUDIBLE] to all of you--

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OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUSHUIN (INTERPRETER): --please do not let our kids [INAUDIBLE], you know, do not take the dream out, you know, from our reach.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUSHUIN (INTERPRETER): Their dream is to be successful in the sport.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUSHUIN (INTERPRETER): And who knows, maybe they're going to play for the [INAUDIBLE]

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUSHUIN (INTERPRETER): So don't take that dream away from us.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

GEIST: Thank you.

SERGII CHEUSHUIN (INTERPRETER): Thank you so much for your time.

GEIST: Thank you. Are there any questions from the committee? Yes. Senator Moser.

MOSER: I have a couple of silly questions. So how does the food compare in the U.S. with Ukraine?

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUSHUIN (INTERPRETER): How does food in Ukraine to compare to United States?

MOSER: Yes, the food in the U.S. We eat similar foods?

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

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SERGII CHEUUSHUIN (INTERPRETER): There's certain things that's similar, certain things that are different. The biggest difference--

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): --you-- you guys love sweets a little bit more, so a sweet tooth.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): And that's the difference between us.

OLEKSII BARKLALOV: [SPEAKING UKRAINIAN]

SERGII CHEUUSHUIN (INTERPRETER): We love more salty food; you love more sweet.

MOSER: How do you say "beer" in Ukraine?

OLEKSII BARKLALOV: Pyvo.

SERGII CHEUUSHUIN (INTERPRETER): Pyvo.

MOSER: Pyvo?

OLEKSII BARKLALOV: Pyvo.

MOSER: Yeah, it's a little bit like Polish. Thank you.

GEIST: Any other questions? Thank you.

SERGII CHEUUSHUIN (INTERPRETER): Thank you very much.

GEIST: Thank you. Any other proponent? Proponent?

SPIKE EICKHOLT: I won't be long, I promise. No, I know, you've been here all day. Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska in support of LB199. I'm not going to repeat any of the testimony or the justifications for this bill, but we do support it. I'm just going to say a couple of things I'd ask the committee, in particular committee counsel, maybe to consider.

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Basically, this bill has a straight-- straightforward premise, and that is people who are here from Ukraine are permitted to work. But unfortunately, because of our statutory scheme, they're not able to drive. And as a practical matter in this state, to be able to work, you need to be able to drive. This bill does provide for the collection of some information on people who apply for a driving privilege card. One thing we'd like to suggest, perhaps, is that the information that the DMV retains be considered sensitive personal information, similar to any other person who provides information. That way, the DMV doesn't have to provide that information later on if they do have a database of those-- of those people who do get the driver privilege card. Secondly, and as someone has already suggested before, we-- if the committee does act on this bill, that there be an emergency clause that would be added to this bill if-- at a minimum, so the DMV can provide for the regulations and the computer software and the other things that they need to have. Third, I looked at the fiscal note, and the DMV does anticipate about a half-million-dollar cost, but they do note that the bill does not provide for a fee that could be applied or charged for someone who gets one of these driving privilege cards. And I-- I don't mean to be presumptive, but I suspect, from the testimony you've heard, that people who get this privilege would be willing to pay for it, and that might deflect some of the costs that's required or suggested by the DMV in the fiscal note. I think that's all the things I had. I would just point out what this is asking for is a sort of a limited authorization from the state of Nebraska to drive for a limited purpose to a limited group of people. And Senator Geist and Senator DeBoer may remember, this is akin to what we did with the 24/7 bill a couple years ago. It's a different scenario, obviously, but the mechanism is basically the same. So I think it can be done and I'd urge the committee to do that. And I'll answer any questions if anyone has any.

GEIST: I do have one. So if the-- if the parolee status lasts two years, then would that temporary driver permit be a two-year permit or would that-- then they'd be able to apply for an extension of that status or change status? What-- what happens after two years?

SPIKE EICKHOLT: I thought about that. So that's a very good question. That's a-- I think that Ms. Lahm, if she'd speak-- to speak to that.

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But what I would guess, if the bill was passed, because that humane par-- humanitarian parolee status is just for two years, that the driving privilege card would also be for two years. And if Congress was to extend that law and renew it because they're still at war with Russia, then I'm being presumptive, but I think could easily-- they could develop a situation, the DMV could, where that could be renewed after two years--

GEIST: OK.

SPIKE EICKHOLT: --after-- the expired can be renewed.

GEIST: OK. Thank you.

SPIKE EICKHOLT: Thank you.

GEIST: Any other questions? Thank you. Any other proponents? Proponents? Is there anyone here in opposition? Any opposition testimony? How about neutral? Is there anyone here for neutral testimony? Good afternoon.

RHONDA LAHM: Good afternoon, Chairwoman Geist 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 Department of Motor Vehicles. I'm appearing before you today to offer neutral testimony regarding LB199. The purpose of the bill is to provide a driving privilege card for fully authorized aliens, specifically those classified as parolees. In 2013, the state of Nebraska was one of the leading states in the post 9/11 area to become fully REAL ID compliant and certified. Since that time, Nebraska has exclusively issued driving and identification cards which meet the federal ID requirements. This bill would deviate from only issuing REAL ID-compliant documents and create a driver privilege card that's not REAL ID compliant. LB199 requires the issuance of a driver privilege card for aliens who are classified as parolees and allows for numerous classifications of alien nationals or citizens to receive the driver privilege card. Currently, the U.S. Citizenship and Immigration Service prohibits the issuance of REAL ID-compliant or driving identification documents to several categories of people who hold a legal immigration status under the general umbrella term of

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"parolee." As written, the language opens the door for other non-REAL ID-compliant documents to be issued in Nebraska to numerous classifications of alien nationals of citizens. As I understand it from my counterparts in other states who issue noncompliant driving privilege cards, it originated for the purpose of granting privileges to those not legally in the U.S., and, therefore, not eligible for a REAL ID-compliant document. This situation differs as the people involved here have been granted legal status by the USCIS. The difference will be the source of confusion of what this REAL not-- or this non-REAL ID-compliant driving card authorizes and what it represents or doesn't represent in Nebraska and other states. The DMV has been actively engaged with USCIS and members of the Nebraska congressional delegation to further the process of finding a federal remedy for this situation, just like we did in the past for Afghan parolees. Recent federal legislation, titled Extending Government Funding and Delivery-- Delivering Emergency Assistance Act, enacted into law on September 30 of 2021, allowed for Afghanistan parolees to receive the benefit of a classification of a covered parolee. This legislation allows Afghanistan covered parolees to receive federal REAL ID-compliant driver's licenses, such as are issued today in Nebraska. Similar legislation is required for the Ukrainian nationals to be eligible for a REAL ID-compliant document. A couple of items for the committee's consideration should the bill advance to General File: Currently, there is no provision authorizing a fee for the driver privilege card. We would recommend it be addressed in a similar fashion as in 60-4,115. Additionally, we ask-- we request consideration for the active date to be moved to July 1 of 2024 to allow for the extensive production and implementation needed for the new document. It will create-- this bill creates a completely new and unique noncompliant card. It requires new and unique business processes, programming, card creation, card markings, interface modifications, separate data storage, and separate reporting processes. The complexity of this process is reflected in the fiscal note. I've spoken to Senator Brewer's office. We welcome the continued conversation. I'm happy to answer any questions the committee has.

GEIST: Thank you. Are there any questions on the committee? Yes, Senator Cavanaugh.

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M. CAVANAUGH: Thank you. Thank you for being here, Director Lahm. You're asking that-- so we-- we've got an ask from a couple of people for an E cause.

RHONDA LAHM: Yeah.

M. CAVANAUGH: And you're asking for kind of the opposite of an E clause, which is a delayed implementation. I-- I'm sure you can appreciate why an E clause is being requested. Are there other avenues that we could explore to give people the ability to drive legally while working through this?

RHONDA LAHM: So the reason that, you know, we ask for that date is because I think in the fiscal note, you'll-- it notes that we're estimating at least 2,000 hours of programming. So actually, it was more than 2,000. But we're-- you know, we're going to absorb some of that with our existing appropriation, but we're going to have to pay the OCIO's office to do a lot of that programming. When-- when it's included as a type of a driver's permit, every other statute that says we have to do something with the driver's license, we now will have to do with this driver privilege card, so interfaces to the Nebraska Criminal Justice Information System, interfaces to NLETS, interfaces to every notification that we do, letters for revocations, letter for suspensions, letter for medical certificates, all of those things we have to rewrite and implement this business process into. It's not-- you can't just do one because it's classified now in this group as an operator's permit. So when you do that, we-- and we have an older mainframe system, as you're well aware--

M. CAVANAUGH: Yes.

RHONDA LAHM: --that we're working to modernize, doesn't make that easy, so that's the reason for the time. So we-- we have to do that before we can issue. It also requires implementation with our driver's testing system, our tablets that we use to administer the test, our tablets that we use to administer the written test. All of those pieces have to be implemented, and that's why the extensive programming. So in answer to your question, I don't know how to speed

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that up when it just is a matter of there's that many hours of work to do to produce the document.

M. CAVANAUGH: So the issue is that we're creating-- so we have a permit, learner's permit. We have a driver's license. And is our learner's permit also a REAL ID?

RHONDA LAHM: Every document we issue is REAL ID compliant.

M. CAVANAUGH: And what we're doing here is creating a third type of operator's license that the difference is that it's not a REAL ID?

RHONDA LAHM: Right. It can't have the star on it.

M. CAVANAUGH: Right.

RHONDA LAHM: I don't want to get confused about being not-- not in REAL ID compliance.

M. CAVANAUGH: Right.

RHONDA LAHM: It's just not a REAL ID--

M. CAVANAUGH: OK.

RHONDA LAHM: ---compliant document. As other testifiers have testified to, the federal government made the REAL ID Act--

M. CAVANAUGH: Right.

RHONDA LAHM: --for whatever reason.

M. CAVANAUGH: We were ahead of the curve.

RHONDA LAHM: They didn't include this particular immigration status as an approved status for a REAL ID-compliant document. Had that been included, we would be-- this would be so much simpler and people would be driving as we speak today.

M. CAVANAUGH: OK. So-- I'm sorry. So-- and as far as the-- the fees go, I'm looking at the introducer. I'm assuming that that is something

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that could be-- it looks like that's something that we could work on, is adding the-- the fee language in here. I don't think that that was a purposeful omission, so-- but the-- I guess I personally would like to find a solve for this that's faster than a year and a half from now. Is this something that you and your agency is willing to continue to work with Senator Brewer and our committee?

RHONDA LAHM: Yeah, I mean, we-- I have-- I called Senator Brewer's office and expressed-- I told them that it's going to take a lot of time and it's-- it's an expensive proposition and we need a fee, and so that-- I don't think any of that is new news to their office, so.

M. CAVANAUGH: Sure.

RHONDA LAHM: Yeah.

M. CAVANAUGH: So-- assuming the--

RHONDA LAHM: As you know, we work with a lot of people. We're happy to work with whoever we can, but--

M. CAVANAUGH: Assuming the fee is put into the legislation, has your office thought through any options available that we could do to expedite this process?

RHONDA LAHM: I'd need-- I would need to talk-- let me talk to my programmers and get back to you. But, I mean, there's just a certain amount of hours of work.

M. CAVANAUGH: Right.

RHONDA LAHM: It just takes a certain amount of hours of work to get it done.

M. CAVANAUGH: Right.

RHONDA LAHM: And whether-- whether I could have ten people doing that instead of three people and it speeds it up, I-- I don't want to say, because I don't know if one thing has to be done before you do another thing--

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M. CAVANAUGH: Sure.

RHONDA LAHM: --so I just don't want to commit to that without speaking to my pro-- programmers because that's really where the bulk of the work is.

M. CAVANAUGH: Thank you. I appreciate it.

BOSTELMAN: Thank you, Chairwoman Geist. With the Afghanistan, when you license-- licensed those, how did that work?

RHONDA LAHM: So there was an act passed, I believe it was September 30 of 2021, where the federal government took action and specifically made them, Afghanistan parolees, exempt or added them to the covered-- the list of covered individuals, so now they are-- they are an approved immigration status to issue a REAL ID-compliant document to.

BOSTELMAN: And what did your department have to do in order to facilitate those licenses to be awarded or given?

RHONDA LAHM: So those are conversations that happened with the federal delegation, you know, that-- because that was passed at the federal level, so-- and I think there was more than just Nebraska. I think there were several states working on that to try to make that happen.

BOSTELMAN: Sure. Sorry. I'm not-- I'm not being clear on my question, I guess. So you said you'd have to reprogram.

RHONDA LAHM: Oh.

BOSTELMAN: You have to do all the writing.

RHONDA LAHM: Right.

BOSTELMAN: You have to do testing, do all that. What did you have to do for--

RHONDA LAHM: OK.

BOSTELMAN: --with the Afghans?

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RHONDA LAHM: So the difference there is that's a REAL ID-compliant document. So we could just issue them the kind of document we're already issuing. What this is, is this is a newly designed-- it has to be different. It's-- it also has-- the bill requires two separate lines of verbiage that have to be on it. So if you look at your current document, you'll see in the space on that document, if we just had to-- so, for example, when the Governor changed over, we just had to change the name of the Governor, that is not a big fix. What happens with this particular bill is, when we're required to put those additional verbiage on there, that's a new data field, so that, again, is another redesign thing we have to pay our card vendor for. But when theirs was already REAL ID compliant, we didn't have to do all that and we don't have to keep a separate [INAUDIBLE] or a separate accounting. I have to report monthly to the federal government how many REAL ID-compliant documents we have and how many non-REAL ID-compliant documents we have. That's fairly simple right now, obviously. That'll become more complicated because we have to separate that process out now. So that's what makes it more complicated than just doing the Afghans, because the Afghans were REAL ID compliant.

BOSTELMAN: So thinking out loud, as we are hearing that perhaps they'll be here two years or less, hopefully for them that want to be able to go home, to go back to Ukraine, since they're-- say it's a two-year-- gonna be here for two years. Is there any opportunity, outside of what we're looking at, to do some type of a provisional, like-- like a provisional license that we could allow individuals to have that wouldn't have to rely on the REAL ID thing, but we could do it ourselves?

RHONDA LAHM: So if you're talking about a card, like we produce, like you carry, I carry, everybody else is-- carries, the same situation to produce that kind of a card, it's the same system, the same-- that does that. If you're talking about is there a way to produce a paper card that says, you know, like, I don't know, something like that-- that-- that's not something we've ever done before. If that was an avenue that-- that you wanted to explore, you know, as a committee or policy, I'd have to just get more information because right now I don't have enough information to answer that question.

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BOSTELMAN: Sure. No, just curious, it's-- you know, if Nebraska wants to get creative.

RHONDA LAHM: But if-- if it's anything that's going to go through our current system, it's the same process. I mean, it's the same thing. We would have to set it up in our system.

BOSTELMAN: Thank you.

RHONDA LAHM: Yeah.

GEIST: Yes, Senator Fredrickson.

FREDRICKSON: Thank you, Chair Geist. Thank you, Director Lahm, for being here. You know, I think-- I-- I think we can all agree this is something that's important. I think it's a human dignity issue. I think it's a-- a-- a workforce issue. And I'm curious. I see in your testimony, you-- you've kind of consulted with some other states, some of your counterparts in other states, which I think is great. So can you help us understand a little bit about what's enabled them to provide these sooner and in-- in a more expeditious way.

RHONDA LAHM: So I think it kind of goes back to where in the beginning of REAL ID. So a decision was made which-- which I call "BR," before Rhonda, that made a decision: in Nebraska we're only going to issue REAL ID-compliant documents. So when we set up the system for [INAUDIBLE] for that piece, it only was set up for REAL ID compliant. Some of the other states, when they initially started looking at REAL ID compliance, set up their systems to have both issued. And so they're already situated to do that. And even those states that are situated to do that, the driver privilege card is really a third option in a lot of those states. So they have a REAL ID-compliant card, and then they have a non-REAL ID-compliant card that may be for people who just say, I'm not going to show you my address verification, and I'm not going to do all those pieces that are required by REAL ID, but I still want to drive. So they give them a card that looks just like a driver's license, but it doesn't have the star. And then they have a driver privilege card, and that card was introduced, and actually a state not far from here, a few of them, and

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the intention of that card in the beginning, when it was first started, was for people who are not legally in the United States, but they felt it was safer to have them have a card to show that they were competent to drive. So it's really three kinds of documents that are issued in a lot of states. Now, that clearly is not the intent of this bill. These people are here legally and with the blessing, so to speak, of the United States government, so this would be a little bit different than you see driver privilege cards in other states.

FREDRICKSON: So-- so the real cog in-- in-- in the wheel is the idea of kind of executing a separate form of ID for this.

RHONDA LAHM: Yeah, and, well, and the documents that are listed in this bill, that's another thing that makes it complicated for changing of the system because this accepts many more different forms for identification than we're permitted to accept under the REAL ID Act. So again, all the pieces of the system that say, you know, when-- when somebody comes in, we have to scan their documents when they-- their source documents and we have to record what type of document that was. Well, we're going to have to create a whole bunch more different kinds of documents to-- to identify those source documents that we currently have, because we-- this bill would have us accept a lot more different kinds of documents, so all those pieces are what creates the additional workload for programming the computer system to issue these documents. I don't know if that answers your question, but--

FREDRICKSON: It does. Yeah. Thank you.

RHONDA LAHM: Yeah.

GEIST: Senator DeBoer.

DeBOER: Thank you. And thank you for being here. So the time-consuming piece is programming it for the documents that would be accepted or-- I mean, I suspect that if we could limit the documents and get something done faster, there might be some willingness to do that. Is that the time-consuming piece or what's the time-consuming piece of it?

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RHONDA LAHM: So let me just pull out the bill here. So the statute that the bill is in, you know, the statute where the card is created, in 60-462 says, you know, that-- sorry, oh, 60-474, I mean, it's on page 2, on line 13, operator's and driver license shall mean any license or permit to operate a motor vehicle issued under the laws-- including all these-- all these documents that we issue, and now-- and-- and under this bill, would be driver privilege card. So everywhere in the law where it talks about what we have to do with a driver's license or permit, we'll have to do with the driver privilege card because it includes it in this list of definitions. I don't know if that's the answer to your question. So--

DeBOER: Kind of. Let me-- let me ask it this way--

RHONDA LAHM: Yeah.

DeBOER: Is there something that we could do that would not do for driver privilege cards classified as all of the follows-- can we get something that allows at least some people to drive in some circumstances that would be less onerous in terms of the computer programming?

RHONDA LAHM: Yeah. I mean, I think we'd have to-- I'd have to have some discussions and see what that might look like and where it'd have to be limited and what statute you'd have to exempt it from, because that's really what we'd be talking about, is the driver privilege card wouldn't be-- wouldn't, you know, be applicable to this precisely.

DeBOER: What-- what are these-- what are these multiple-- because you said that there are multiple places where it talks about it, is that like--

RHONDA LAHM: So like-- like it talks about driver's license suspen-- suspensions with revocations [INAUDIBLE]--

DeBOER: Well, that's I was wondering, if the criminal code--

RHONDA LAHM: --notices for renewal, all those pieces.

DeBOER: Well, we don't have to worry about notices for renewal.

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RHONDA LAHM: Well-- well--

DeBOER: I mean, we could probably exempt that here.

RHONDA LAHM: But-- but it's those-- I mean, you'd have to really look at all of Chapter 60, article 4, and see all the places where that is. And then also you have it in article 5, financial responsibility, so you'd have to look at those two for driving.

DeBOER: The insurance--

RHONDA LAHM: Yeah.

DeBOER: --piece--

RHONDA LAHM: No, right.

DeBOER: --and liability pieces.

RHONDA LAHM: And we haven't-- I mean, we haven't dived into the whole article to see, but that's part of the thing when you program the system. We have to do everything that we currently do for licenses.

DeBOER: When you did the transfer over to REAL ID, how long did that take you?

RHONDA LAHM: I don't think I can answer that question because it happened before I was here. I mean, it was a--

DeBOER: It was before Rhonda.

RHONDA LAHM: --lengthy process. Yeah, BR. Yeah. Sorry. I-- I mean, I could ask-- I have folks around who-- who were here then I could ask and get back to you [INAUDIBLE]. It-- the law passed in 2005. I know they started working on it. The bill that we intro-- "we," meaning the DMV, introduced was in 2009 to address it, so it was that long before they even assessed the impact of everything they had to do to comply, so.

DeBOER: OK.

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GEIST: Any other questions from the committee? I don't see any. Thank you for your testimony.

RHONDA LAHM: Thank you.

GEIST: Are there any others who wish to testify in the neutral capacity? I do not see any. Senator Brewer, you are welcome to come and close. And as you come, I will let you know there are 25 letters received in the affirmative, two opposing and two neutral.

BREWER: All right, thank you. There's some simple facts. I believe, after talking to the federal representatives, there's not going to be a federal solution anytime soon. You've heard the situation that we have, and we have to figure out a way to solve this. Other states have, but you've heard some of the left and right boundaries we have that's going to make it a lot harder. I want to tell you that I really appreciate Rhonda Lahm. I worked with her when she was a State Trooper and-- and I was a colonel. She was an amazing State Trooper, and I think she's amazing with DMV. So here's what I want to throw out. I-- I think what I need to do is send Tony down to the DMV and have him sit down and work through ideas, options, statutes, see if there isn't something that we may have overlooked in here. When we were looking at the fiscal note, because they were going to pay for these permits, that's why the-- the cost was perceived to be a cash bond issue. Obviously, if they've gotta rejigger a system, then it's only fair that we-- we figure out what that cost is. I sent a note to the Speaker on the E clause and on the possibility of a Speaker priority. But more importantly, the thing at hand is we need to figure out what right looks like and we need to get a amendment done and back to the committee to see, and we need to do it in pretty short order. So I guess where I'm at is, and unless I misread this somehow, that's my marching orders. If-- if you guys have other things that you think need to be thrown in this list of to-do's, then I'm-- I'm open to do it. But I think if you-- if you kind of hear through what-- what Rhonda said, there may be somewhere in there where we can bring all this together. But that should not be on her shoulders. That should be on the guy who wrote the bill, and that's me. So I'm open for questions.

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GEIST: Thank you. Are there any questions from the committee? Yes, Senator Cavanaugh.

M. CAVANAUGH: I'm just imagining that you're sending Tony to the DMV to take one of the tickets and then get a number assigned. But I assume you meant the department.

BREWER: Yes. Thank you for that correction.

M. CAVANAUGH: I appreciate-- I appreciate your willingness to continue working on this. Thank you.

GEIST: Any others? I do not see any. Thank you for your testimony. Thank you for your bill.

BREWER: Thank you for your patience.

GEIST: And that will close the hearing on LB199. We're going to move right to LB807.

MOSER: Could you please take your-- your conversations outside of the room so we can continue our hearing, please. Thank you. Let's get started.

DeBOER: Go ahead.

MOSER: OK, now-- yeah. We're going to continue the hearing. We're going to move to LB807. Senator von Gillern, you have permission to proceed.

von GILLERN: Thank you. I will go ahead and open up this, hopefully a little bit lighter topic.

MOSER: One interruption. We're going to go to a three-minute testimony--

von GILLERN: OK.

MOSER: --given the time of day that we're here. So thank you for that.

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von GILLERN: Thank you. Good-- say good afternoon-- good evening, members of the Transportation and Telecommunications Committee. I'm Senator-- Senator Brad von Gillern, B-r-a-d v-o-n G-i-l-l-e-r-n. I represent District 4, which includes portions of west Omaha and Elkhorn. Today I'm introducing LB807. Can't think of a better subject for Valentine's Day than talking about our love of license plates, or in many cases, the heartbreak of being-- being one of the unfortunate taxpayers who saves up to purchase a nice new car, you pull into the dealership and realize a vehicle of your dreams comes with a single license plate bracket. So guess what? Your date night is now ruined because the state of Nebraska requires two license plates on your car. Now you have to find some cumbersome workaround in order to get your license plates mounted to the vehicle. Yes, there are exceptions where you pay a little extra for a single plate, but to me, it seems there's a better way. LB807 would make Nebraska the 22nd single license plate state with the requirement of being a single rear-mounted plate. Other than preventing a ruined Valentine's Day night, there are three reasons which I brought this bill to you today. The primary reason is to save taxpayers money. Although the fiscal note in this bill is incredibly challenging to understand, it should be clear that effecting this bill would cut our total cost of \$26 million for plates dramatically. The second reason is environmental. Mining twice as much aluminum as necessary, and then disposing of that aluminum every six years, is simply foolish. The Nebraska chapter of the Sierra Club notes that Nebraska has 2 million vehicles with two license plates. The plates weigh a third of a pound, meaning 600,000 pounds of aluminum can be kept out of our landfills whenever a new plate is issued. That's a significant amount of waste reduction and savings on a costly and now scarce resource. With an ongoing aluminum shortage, it is imperative that we take steps to reduce the amount of aluminum used in this process. Lastly, two plates is a burden on consumers. According to a study by the Automobile License Plate Collectors Association, approximately 30 percent of new vehicles are sold without front license plate brackets. Consumers must-- must purchase a bracket and then pay a shop or a mechanic to install, an additional cost that's often unanticipated. Some law enforcement agencies will say there's an advantage for having two plates on a vehicle, but according to a survey of law enforcement officials conducted by the National

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Police Association, over 80 percent of respondents agreed that a single plate is necessary for adequate execution of their duties. In fact, for a \$50 fee, the state will forgo the front license plate requirement. My office had the Legislative Research Division-- Division compile a study comparing license plate requirements and fees from state to state. I've included the results of that study in a handout, which you all should have in your hands now. Additionally, another handout that you've received-- that you have received, you'll find several in-state stories regarding the issue of-- of aluminum shortage for manufactured plates, which I already mentioned. Third handout that you have, that I've provided the committee, includes public comments submitted on the bill to the Legislature from Rhonda Lahm, who has already spoken today with the Nebraska Department of Motor Vehicles, who is taking a neutral stance on the bill and asking for delayed implementation. And I'll talk more about that later. Fourth, I provided the online letter from the Nebraska Sierra Club in support of this bill. This is an occasion where we can find multiple wins for different interests, saving taxpayers money, protecting the environment, preserving resources, and making life just a little bit easier if you happen to buy a vehicle that wasn't manufactured with two plate brackets. In conclusion, I believe LB807 is a bill that will address a number of issues facing taxpayers. I look forward to hearing from my colleagues and members of the public as we move forward with this legislation. On this day, let's show a little love to the people of our state. May you all enjoy a safe night out with your sweetheart on your properly licensed automobiles. Happy to take any questions.

MOSER: Questions for the testifiers? Senator Bostelman.

BOSTELMAN: Who brought this bill to you?

von GILLERN: No one. This was my own--

BOSTELMAN: This bill is-- this bill--

von GILLERN: I take-- I take all credit and blame.

BOSTELMAN: This bill has been before this committee for several years.

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von GILLERN: Yeah, I've-- I've heard that.

BOSTELMAN: And I like how you rearrange the work we've done.

von GILLERN: Say again?

BOSTELMAN: I said I like how you've rearranged the work that we've done.

von GILLERN: There you go.

BOSTELMAN: So how many of the Northern Tier states have one license plate?

von GILLERN: I don't know the geography. I think I've got that. I can find out and I can provide it to you. But I know there's 20-- 21 states, I believe, existing.

BOSTELMAN: Yeah, I think that was something that was brought up before. I think we talked about this a little bit ago, is law enforcement, the two plates, since we're a Northern Tier state, with weather and those type of things, two plates were something that they specifically had wanted on there for identification purposes. You can have a single plate on your vehicle now if you want, correct?

von GILLERN: Correct, for a \$50 fee.

BOSTELMAN: OK.

von GILLERN: Yeah.

BOSTELMAN: All right. Thank you.

von GILLERN: You're welcome.

MOSER: OK. Other questions? Senator Fredrickson.

FREDRICKSON: Thank you, Vice Chair. Thank you, Senator von Gillern, for bringing the bill. Of course, you know, I-- I saw Director Lahm's letter, and I think you maybe spoke to this and maybe I missed it.

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She-- she mentioned kind of requesting a bit of a delay because of the--

von GILLERN: Yes.

FREDRICKSON: --six-year cycle.

von GILLERN: Yeah.

FREDRICKSON: What was your response to that? Is that something you're amenable to or--

von GILLERN: So-- yeah, thanks for asking, because there-- I want to share some context. Director Lahm and I had a conversation this afternoon. Unfortunately, as we all know, the Fiscal Office has been incredibly backed up. We didn't get the fiscal note until yesterday. Director Lahm sent me a letter earlier in the week, and so I-- I was aware of her position, but I didn't clearly understand it until I saw the fiscal note. Now that I've seen the fiscal note, I-- I have a much better perspective on what her request is, and her request was to-- to delay implementation until 2029, which is when this series of six-year plates expires. A large part of the reason for that is the fact that a-- a huge number of those plates have already been purchased and even manufactured, so there's little to gain during this year-- six-year cycle in doing that, so-- and I'm sure she'll add a little bit more context to that. A couple of other quick comments on the fiscal note. The-- it was never my intent to delete special interest plates and somehow that made it into the fiscal note. That was never, never a-- anything that was perceived or conveyed, not exactly sure how that made it into the fiscal note. Yeah, I guess I'll leave it there. Thank you.

FREDRICKSON: Well, this is the special interest plate committee, so that would ruffle some feathers on here [INAUDIBLE] but--

von GILLERN: Yeah. Yeah. No, that was never my intent.

FREDRICKSON: All right. Thank you.

von GILLERN: You bet.

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MOSER: OK. Other questions. All right, seeing none, thank you.

von GILLERN: Thank you.

MOSER: Anybody else here to speak in support of this bill? Greetings.

LOY TODD: Hello, Senator Moser. [INAUDIBLE]

MOSER: Apologies for you getting so far down the agenda that you had to wait till 5:00.

LOY TODD: Not a problem. I don't have a dinner appointment until 6:00, so I'll be finished before then, I'm sure. My name is Loy Todd, L-o-y T-o-d-d. I'm the president of the Nebraska New Car and Truck Dealers Association. I can tell you candidly that we've seen many, many one-plate bills through the years, and we've never found one we didn't like, because my dealer's problem is, is simply that, what the Senator mentioned. Someone comes in, they save for a lifetime to get a beautiful vehicle that was not manufactured to have a front plate, and we get to say, where do you want these holes drilled to put a license plate on this car? And they don't-- and not only that, we get to charge them for it and we-- they can--k it costs anywhere from \$40 to \$50 to a couple hundred dollars to do that. And so it is difficult. And change is hard. If we started out with no license plate law, we're just going to start from scratch, I don't think we would have a two-plate law, but it's the change that's been the obstacle for all these years. And so what we're hoping for, and-- and we appreciate the director's suggestion of waiting until '29, the six-year cycle. It'll get here if we do it. I looked around the states. Ohio changed about two years ago from a two-plate to a one plate. I called my counterpart in Ohio today. I said, how's it going? He said, there have not been any issues. Nobody's trying to go back to two plates, by any means, so we can do it. Driving around today doing some-- some errands and things, I look around to see how many vehicles are out there with one plate. And I can tell you that if law enforcement were stopping everybody that was driving around without a front license plate, that's all they'd be able to do. There's that many of them. Kansas has one plate. Most of the-- most of the plate-- the states that-- that tend to have one plate, tend to be more toward the south and more

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toward the-- the southeast. But as indicated, there's-- it-- it's a-- it's just a nuisance to have those two plates. It's-- it's twice as much problem and-- and environmentally, it's probably a better move, so thank you.

MOSER: OK. Questions for the testifier? Seeing none, thank you very much.

LOY TODD: Thank you.

MOSER: Anybody else in support? Please come up. Welcome.

BRAD KERNICK: Good evening, members of the Transportation and Telecommunications Committee. My name's Brad Kernick. I'm the president of Nebraska Rod and Custom Association. We are a member of automobile enthusiasts, 1,600 strong from Omaha to Scottsbluff. We-- we love and enjoy all types of vehicles. We participate in all kinds of indoor and outdoor car shows, as well as parades and fairs. We are law abiding and, in many cases, work closely with law enforcement for some of our events. Regardless of our vehicles, we take good care of them and are very proud of them. Many of our vehicles just do not accommodate installation of a front license plate bracket. Matter of fact, some brand new cars, like Corvettes, as an example, do not even have a front license plate bracket. Twenty-one states, including our neighbors in Kansas and Oklahoma, do not require front license plates. Nebraska Rod and Custom Association respectfully urges you to support LB807. I thank you for your time, and I'd welcome any questions.

GEIST: Are there any questions on the committee? I don't see any. Thank you for your testimony.

BRAD KERNICK: Thank you very much. Happy Valentine's Day.

GEIST: Thank you. Any other proponents? Good afternoon.

STAN STAAB: Good afternoon, Senators. My problems seem small after hearing what I heard. Please put that off the record. Members of the committee-- excuse me, members of the-- of your-- of your committee, Senators, I appreciate your time and everything that you do for this state, especially at a day like today. But this issue is about license

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plates. My name is Stan Staab; it's spelled S-t-a-n S-t-a-a-b. I am a steering committee member of the Cruise Nite week, which is very popular, extremely popular in our 35th year, celebrating our 36th year in Kearney the third week in July, sponsored by the Central Nebraska Auto Club in Kearney. Last year, we received this outstanding event for communities. We received this event from the Tourism Department four different times for 10,000, population 10,000 and larger. The tourism group has been very generous to us and very appreciative and very responsive to see what we're doing out in outstate Nebraska. People come from all over, seven or eight states, to participate in this. Many don't have license plates. They have one license plate on the-- on the back, and that's about it. Our events are overall parts of six days throughout Cruise Nite week. As you would suspect, the people that show up at our events have very nice cars. Some are very expensive and they're very proud of them. Many of these vehicles do not accept front license plates. They simply won't work, besides the fact they don't look great. Even the newer Corvettes, as been-- been mentioned, do not have a front license plate bracket; and it's been mentioned, 21 states only require one license plate. So we respectfully request that you support LB807, which would allow only for rear license plates. And all the things that have been mentioned in favor of this bill, I think, are very excellent and very good. Thank you for your time.

GEIST: Thank you for your time.

STAN STAAB: I would answer questions.

GEIST: Yeah. Thank you. Are there any questions?

STAN STAAB: Thank you very much.

GEIST: I do not see any. Thank you. Any other proponents?

DAN MARTIN: I'm sorry. Thank you.

GEIST: Good afternoon.

DAN MARTIN: Good afternoon, Chairwoman Geist and members of the committee. My name is Dan Martin, and I'm a lieutenant with the Omaha

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Police Department and vice president of the Omaha Police Officer's Association here representing that organization. After speaking with our members, we wanted to be on record in support of this bill. We do not believe this will have a significant impact on the ability to run license plates in search of stolen cars, expired registrations, or other vehicle registration violations. We do not believe this will impact officer safety, as it is already allowable-- allowable by law to have one rear license plate if you agree to pay to a fee. The majority of time a license plate is ran by an Omaha Police officer is from the rear of the car. The Omaha Police Officer's Association supports commonsense legislation, which we believe this bill provides, and I say that because if this was an officer safety issue or if this impacted violent crime, we wouldn't allow people to just pay a \$50 fee to not have to have one license plate. And so for that reason, we do believe it's common sense and we support it.

GEIST: Thank you. Thank you for your testimony. Are there any questions from the committee? I don't see any.

DAN MARTIN: Awesome.

GEIST: Thank you very much.

DAN MARTIN: Thank you.

GEIST: Any other proponent testimony?

TANYA ENCALADA CRUZ: Yes!!! Thank you. Also why do we keep wasting money on replacing them so often? It's not necessary. We can just renew them and get a sticker. The DMV knows anyways.

GEIST: Is there any opponent testimony, anyone who is opposed to this legislation? Is there anyone who'd like to testify in a neutral capacity? I do not see any. Senator von Gillern, you're welcome to close on LB807. And while--

von GILLERN: Thank you. I'll make this quick. Clearly, again, as I mentioned before, after looking at the fiscal note, there's some cleanup work to do on this. A conversation I had with Director LAMB this afternoon, she and I agreed to get together and work out as many

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details as we can. If we can get enough agreement and enough things worked out to where we think it's presentable, we can clear it up with an amendment, we'll bring it back and-- and try and present that to the committee for your consideration. Otherwise, we may consider pulling it and then resubmitting it next year. BUT We want to do it-- we want to do it well, we want to do it right, and it appears that a long-term implementation is probably the better way to go. So rather than being anxious about getting it done early, I think we'd-- we'd be better off to do it well. So with that, I'm open to any other questions.

GEIST: Any questions?

DeKAY: Just a--

GEIST: I do--

DeKAY: Just a comment.

GEIST: Yes.

DeKAY: Thank you. We talk about the Southern Tier states that are-- I-- just for information purposes only, Michigan is also a one-- one-plate state.

von GILLERN: Thank you.

DeKAY: And that's a little bit farther north of us, so.

von GILLERN: Thank you. I tend to have more snow packed on the front plate than I do on the-- on the rear plate anyway, so.

GEIST: And with that, I do have three proponent letters, two opponent letters and one neutral, so--

von GILLERN: Very good.

GEIST: --with that, we will close the hearing on LB807.

von GILLERN: Y'all have a great evening.

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GEIST: Thank you. And we will move to LB8-- LB738, our last bill of the afternoon. We will wait a couple of minutes for-- I wonder if--

DeBOER: Do you want to call-- did you call her office?

GEIST: I don't have a phone number for her.

DeBOER: Let me try.

GEIST: OK.

DeBOER: My phone's about to die though.

GEIST: If you'll toss me the [INAUDIBLE]

DeBOER: It's gotta think.

GEIST: Here she comes. Here she is. It's-- you're on, Senator Raybould.

RAYBOULD: Well, good afternoon, colleagues.

GEIST: Good afternoon.

RAYBOULD: Good afternoon, Chair Geist. This is going to be the most exciting bill of the entire day you get.

GEIST: We anticipate that it will.

RAYBOULD: It's your last bill. Well, good afternoon again. My name is Jane Raybould, J-a-n-e, and last name R-a-y-b-o-u-l-d. I represent Legislative District 28 and appear before you today to introduce LB738. LB738 is a simple bill that updates the definition of electric bicycle by adding into statute the national standard three-tier classification of electric bicycles, also called e-bikes. I have brought with me an amendment for your consideration that cleans up the definition of bicycle in 60-611, Section 1, by changing two tandem wheels to two, three, or four wheels, as we know that many people enjoy riding tri- and quadricycles. The amendment also changes the number of wheels for each classification of e-bike shown in the green

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copy from two or three wheels to two, three, or four wheels. The purchase and use of e-bikes has exploded over the last few years. Nationally, e-bike sales jumped 145 percent from 2019 to 2020, more than double the rate of classic bikes. As more people try them and find them to be a wonderful way to extend their cycling trips or even their cycling years, it will be important for our laws to reflect the proper technology. We aren't here to debate e-bikes nor the regulation of them, as you can see that LB738 in no way changes enforcement or regulation. All it does is mirror what 39 other states, including all of our neighboring states, have already done in updating our statutes as advancements in bicycling technology advance. There will be testifiers here today who will speak how this simple change will help Nebraska not only be more up to date in our laws, but also be forward thinking. Thank you very much for your time. I can tell you that I am a cycling enthusiast and I ride my bicycle. And I have had the tremendous joy of riding an e-bike, and there is no doubt in my mind they are going to continue to be a very welcome component on the many bikes and trails in our state, and I'd be delighted to take any questions.

GEIST: Yes, Senator DeBoer.

DeBOER: Thank you, Senator Geist. Senator Raybould, is this bill quite similar to the one that we had last year from Senator Day?

RAYBOULD: Yes, I believe it is pretty identical, except we cleared up the language on bicycles because it only qualified them as two wheels. And there are a number of recumbent bikes out there that have at least three wheels and, of course, you know, the bicycle built for two. So it cleaned up that language there, but also added the classifications of e-bikes, which are three.

DeBOER: As I recall, last year, it came out in the hearing that this would actually limit the ability to use these bikes in some of the parks, especially the lower class, whichever is the lower powered of the three or the one, whichever is the lower powered one. Do you know about that? Because one of the issues that came out in the hearing last year was that this was going to mean that Class I bikes, three or whatever is the smaller power, would not be able to be used in

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Nebraska's trails and parks within the system. Do you know anything about that?

RAYBOULD: I was not aware of that and I-- that is not the intent of this bill. I know in the 145-mile trail network around the city of Lincoln, we do permit e-bikes--

DeBOER: But--

RAYBOULD: --and we don't permit mopeds.

DeBOER: I think that was something that we were talking about last year, and we just maybe need to check into this. But as I recall, this was going to mean that bikes that are currently allowed would not be allowed, and so I just-- I wondered if you had any information on that.

RAYBOULD: I am not aware of that, and I didn't know that there are restrictions on these type of bikes on the trail network throughout the state of Nebraska, in state parks. Is that what you're referencing, state parks?

DeBOER: Yeah, um-hum.

RAYBOULD: I was not aware of that. But I'm sure there are other people that will testify after me that probably can get to the bottom of that.

DeBOER: Oh, good. Excellent. Thank you.

GEIST: Any other questions? Yes, Senator Bostelman.

BOSTELMAN: So-- thank you. So on the classifications, so it was 20 miles per hour, now we go to three-- and the third type, it goes to 28 miles per hour. How are they used? How are the-- how are the electric bikes used?

RAYBOULD: Electric bike has a battery and you have to plug it in and charge it, like you have to do your phone. In most-- most manufacturers have gone to a standardization. They are four speeds,

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but within each one of those speeds, it's all pedal operated. You just-- it's-- it's not like a moped, you just go vroom and go. You have to pedal to make the bike work. So there are four speeds that they offer. The first one is eco, which is pretty much your own power still pushing forward the bike. The next one is tour. That gives you a little bit more oomph and allows you to maybe go up a mild hill. The third one is sport, which adds additional power. And of course my last one is my all time favorite, turbo, that you can go up a significant elevation with a great deal of ease and enjoy doing so.

BOSTELMAN: So thank you. I-- that-- I didn't know you did-- had the differences in there. Like what Senator DeBoer was saying, is the primary purpose for these on trails and stuff, so bike trails specifically, or are they on roads and that?

RAYBOULD: They can be used on all of those depending upon the-- the tires that you use. I'm pretty much a road person. I have friends that are gravel grinders. They can use e-bikes on gravel and other terrains. I've used an e-bike on a whole variety of terrains, but I'm-- I stick to the roads primarily. I ride my bike on our city streets. I ride it on the trails. I ride it on, you know--

BOSTELMAN: OK.

RAYBOULD: --on other surfaces too.

BOSTELMAN: OK. Thank you.

RAYBOULD: You bet.

GEIST: Any other questions? I have one. I cannot resist. And you may not know, but I don't know. I know the three-wheel, but the four-wheel bike, I have-- maybe-- I don't know what that is.

RAYBOULD: Some of the recumbent bikes have two front wheels and two back wheels.

GEIST: And two-- OK.

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RAYBOULD: So that makes it-- you know, I have never ridden a recumbent bike.

GEIST: OK.

RAYBOULD: It just looks like it's a lot of work going up a hill.

GEIST: Yes, it does.

RAYBOULD: So--

GEIST: All right. I just didn't realize they had four, that's all.

RAYBOULD: Yeah. OK.

GEIST: I don't see-- oh, there's--

RAYBOULD: Yes.

GEIST: --one more question.

BRANDT: Well, yeah.

GEIST: Senator.

BRANDT: I'm back [INAUDIBLE] so thank you, Chairwoman Geist. Thank you, Senator Raybould, for bringing this bill. A lot of our three-wheeled and four-wheeled bikes are used by people with disabilities, are they not?

RAYBOULD: That is true. And for some folks that have back problems and a little bit of mobility issues, they're still a challenge to ride, without a doubt, but, yes, that is true.

BRAD KERNICK: All right. Thank you.

RAYBOULD: Yep.

GEIST: Thank you. I don't see any other questions. Do you plan to stay to close?

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RAYBOULD: Of course.

GEIST: OK. Any proponents for LB738? Good afternoon--

JULIE HARRIS: Good evening. Good afternoon.

GEIST: --or almost good evening.

JULIE HARRIS: We're almost there. I'm Julie Harris, J-u-l-i-e H-a-r-r-i-s. I'm the executive director of Bike Walk Nebraska. I appreciate your time and attention. It's been a long afternoon. I want to thank Senator Raybould for introducing this bill. As she mentioned, this would make a very simple change to the definition of electric bicycle in our state statutes. That's all it does. This language, the language in this bill, does not include anything regarding enforcement or regulation or access in terms of where they would be allowed or not allowed. It simply updates the definition to reflect the three-tier classification, which has become the national standard being adopted by other states. As Senator Raybould mentioned in her opening remarks, Nebraska is one of only 11 states that has not adopted this three-tier classification, and that includes the most bike-friendly states in the country, who have the most folks biking and-- and really rely on biking for tourism and other revenue. I've given you a handout that kind of outlines what the difference is between the three classifications, and hopefully that answers a couple of the questions that we had earlier. This proposed change is simple, but it's important for policy making. Much like the electric vehicle industry, the electric bicycle industry is expanding and diversifying rapidly. You heard some statistics from Senator Raybould. We've heard that-- we read a statistic today that about half of the e-bikes sold within the last three years are Class I e-bikes, if you look on your sheet there. Some products-- electric pedal-assist bicycles are becoming increasingly common and many new member-- vendors have entered the market with a variety of products. Some products now being marketed as e-bikes are actually not bicycles at all. They are pedal replace, not pedal assist, and this is creating new challenges for people in charge of state parks, trails, and other recreational facilities to manage their spaces accordingly. Updating Nebraska's stat-- state statute to reflect this national standard will give land and facility managers a

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clear and nuanced definition to point to as the market and federal regulations and guidance continue to evolve. Shortly, you will hear from a former BMX track operator who could speak to the proliferation of equipment and provide a recent example of how it impacted his ability to manage his facility. His facility is not a state park, but it gives you a good example of what other challenges exist out there. The executive director of Heartland Bike Share cannot be here today to testify, but if you've seen the bike share stations around town, here in Lincoln or in Omaha, and then we do have one in Valentine, as well, they are gradually moving to a full e-bike fleet. And they also have one station at Mahoney State Park, but they cannot provide e-bikes to that station because of existing regulation that does not allow for motorized vehicles on their property. Now, obviously, Class I-- Class I pedal-assist bike is not a motor vehicle, but right now the state statute doesn't allow for that nuanced conversation.

GEIST: Thank you. Yes, Senator DeBoer.

DeBOER: OK. So first let's finish up with what you were just saying. You said that the-- they don't allow it because they consider it a motor vehicle?

JULIE HARRIS: Motorized vehicle, yes.

DeBOER: A motorized vehicle?

JULIE HARRIS: Um-hum.

DeBOER: Shouldn't we be addressing that definition within statute then?

JULIE HARRIS: That is something that's-- there'-- is-- is being considered in various other areas, whether it's the U.S. Forest Service looking at that or the Game and Parks Commission looking at that. I think if we can, as they look at those regulations, as-- and as we can talk to them about what access should be for biking, having this three-tiered classification will help us in those conversations as they improve those regulations.

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DeBOER: With-- with the federal folks or with people in Nebraska or who?

JULIE HARRIS: Both, both.

DeBOER: OK, because that's my overall question, as I recall from last year, and that's why.

JULIE HARRIS: Um-hum.

DeBOER: I think it's important to have this discussion. As I recall from last year, it appeared at the end of the hearing to a lot of us that, in fact, putting, sort of, instituting this three-tiered system in was going to limit the amount of use of motorized bicycles or-- what do we call them?

JULIE HARRIS: E-bikes.

DeBOER: E-bikes.

JULIE HARRIS: Yeah.

DeBOER: Thank you-- of e-bikes. And that was something that we didn't want to do--

JULIE HARRIS: Right.

DeBOER: --because we wanted to let them be everywhere that they were appropriate.

JULIE HARRIS: Yeah.

DeBOER: So--

JULIE HARRIS: Oh, sorry.

DeBOER: No, go ahead.

JULIE HARRIS: I'm just going to say this-- this-- this bill only updates the definition.

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DeBOER: Which was the problem, I think. Why are we instituting a definition in there where we don't need a definition?

JULIE HARRIS: Well, I think it's because it's becoming the national standard. and we need to be able to delineate-- besides the access issue and what you'll hear from Justin behind me, we need to delineate what is a bicycle and what is not a bicycle, so what is an e-bike versus a motor bike, and this helps to have a more nuanced conversation about that.

DeBOER: Should we not also address then the motorbike definition at the same time?

JULIE HARRIS: I believe it's already established in the statute, and we also have assisted mobility device or something to that nature that's already in the statute as well. What you'll hear behind me is Strider bikes with motors and thing-- Strider bikes with motors. It's getting-- the-- the market is moving so quickly that we really just need to define what is and isn't an e-bike.

DeBOER: OK.

JULIE HARRIS: And again, if-- you know, Colorado, Minnesota, Washington, the most bike friendly states have adopted this three-tier classification without any difficulty.

DeBOER: OK.

GEIST: May-- may I ask, does-- I haven't ridden an e-bike, but I sure love my regular bike. When an e-bike is engaged and the motor or whatever is running, can you hear it?

JULIE HARRIS: A little, sometimes--

GEIST: OK.

JULIE HARRIS: --and it depends on what kind of condition your bike is in. If you're like me, and my e-bike needs a tune-up, you can hear it a little more.

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GEIST: OK.

JULIE HARRIS: But it's-- it's not significant.

GEIST: But it's not like a motor.

JULIE HARRIS: It's-- it's not-- no. It's just sort of louder pedaling.

GEIST: OK.

JULIE HARRIS: Yeah. And again, it's-- it's pedal assist, not pedal replace, that's the main thing we need to focus on here. You still have to pedal. You'll still sweat.

GEIST: Senator DeKay, did you have a question?

DeKAY: I know nothing about e-bikes, but so if that motor is running, are you-- can you coast the pedals without having to--

JULIE HARRIS: Yes.

DeKAY: --pedal or do-- or will the motor keeps those activated.

JULIE HARRIS: No, it's only engaged when you're pedaling for the Class I and Class III, A Class II e-bike does have a throttle that you can use in addition to the pedaling.

DeKAY: So if you're trying to coast down a hill, it's not actually keep--

JULIE HARRIS: Correct. Yes. And I'd like to also let you know that we-- we can bring-- we'd love to bring a couple of e-bikes for you all to try out sometimr. If you'd be interested in that, we'll be happy to-- to bring those for you. But the average e-bike rider is 30 to 70 years old-- sorry, 40 to 70 years old, and we know these folks are going to be showing up in the state parks with their e-bikes in tow. And if we could get this definition more nuanced, then we could start to have those conversations about access and-- and what is allowed and what is not allowed.

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GEIST: Any other questions? I don't see any. Thank you for your testimony.

JULIE HARRIS: All right. Thank you.

GEIST: Any other proponents?

JUSTIN JOHANNES: Good evening.

GEIST: Good evening.

JUSTIN JOHANNES: Thank you. My name is Justin Johannes, J-u-s-t-i-n, last name J-o-h-a-n-n-e-s. I am a very active volunteer. I've sat on committees. I've chaired board-- I've sat on boards, and I've also ran a bicycle facility in District 10. I'm an avid-- I'm an advocate for the cycling community. I also do race dirt bikes, so I do understand the differences between them. I believe the-- I'm a proponent purely for changing this just to help us get the definitions right. My experience in cycling have ranged from developing youth programs to hosting national events. The overall community has shown exponential growth in the past five years. We've seen many aspects of cycling evolve as it separates into different inclusive aspects. It has become very well organized between all the different disciplines, thus encouraging our communication and helping us to develop these relationships, to help us to grow. Since most of our trails, parks and tracks are located on public land, the relationship between landowners and land managers relies on a clear understanding of the cycling landscape. Bikes have changed. They've evolved along with our parks and our trails. And with the introduction of electric bicycles, the industry has also opened up to allowing us to ride farther and give assistance to those that may be physically limited. But the current electrical bike definitions don't require functional pedals. This can be interpreted by some to include electric dirt bikes. One of my roles within the community was the track operator at Omaha BMX, located at Hefflinger Park. During my tenure, we had to address the electric bike-- electric dirt bikes within the park on-- and on the track often. The appeal process was always tenuous because we have a no-motorized-vehicle rule and we also have a Nebraska electric bike law, and they are contradicting to each other. Each time we had to

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address this appeal, due to the interpretations of the current electrical bike law, it cost us time, effort and passion. Simply by passing it, it will clearly define the electrical-- electric bicycle rules and help all our massive amount of volunteers just get to where we-- I know we're going to hit that red light, so if you have questions to help me explain it so you understand it better, that's-- that's purely why I'm here. I have the situation. We had several times people trying to get-- they're electric dirt bikes. They have pegs, they don't have pedals. The kid's feet don't move. It's a market. I understand it as a dirt bike dad. I totally encourage it. But our parks are very specifically built, planned to minimize risk, limit liability, and they are specific to what types of bikes we ride. I heard questions you guys had about where they're used. There are electric bicycles for road, gravel, mountain biking, and each one of them expands what we can do. But simply giving us a ruleset helps Nebraska State Parks, Omaha Parks better decide simply to put up a sign, so anybody specific?

GEIST: Are there any questions? Senator DeBoer.

JUSTIN JOHANNES: Yes.

DeBOER: Thanks for being here from District 10.

JUSTIN JOHANNES: I'm really excited. We threw a national.

DeBOER: Can you tell me-- you said that there was a contradiction that you were trying to get through because there was the-- the state law was saying something in terms of the definition. Can you go through that with me?

JUSTIN JOHANNES: OK. Omaha City Parks says no motorized vehicles, but they do make the caveat for the fact that electric bikes are allowed.

DeBOER: OK.

JUSTIN JOHANNES: OK. So if you're riding at Tranquility Park, and it's a mountain bike trail, due to the fact that it's a mountain bike trail, they allow electric bikes, but the definition doesn't actually, for electric bikes, have functional pedals. So if you don't have

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functional pedals, but it-- technically, a bike is two wheels, people tend to make that argument. And then the appeal doesn't just go through the land managers, who are the volunteers who make sure the trails happen. They end up calling city parks.

DeBOER: OK, let me slow you down.

JUSTIN JOHANNES: Yeah. Sorry.

DeBOER: No, that's OK. So you say that because it's a-- are you saying that they are bringing on things which you think should not be allowed onto that?

JUSTIN JOHANNES: Yes, in some cases, yes.

DeBOER: OK. So this definition would help to limit those trails to basically pedal assist rather than no pedal, or whatever you-- pegs or whatever you want to call them.

JUSTIN JOHANNES: Yeah. Basically, we-- hopefully we understand what a dirt bike is, with a motor and a throttle. Kind of like your car, you don't have to pedal your car.

DeBOER: Yeah.

JUSTIN JOHANNES: A dirt-- in my definition of a dirt bike, you just need a throttle. You just turn the throttle, you go; you don't need to use your feet or anything--

DeBOER: Right.

JUSTIN JOHANNES: --like that. And I understand that there is a place for that, and I advocate for that community just as well. But there also is liability that lays on public land.

DeBOER: So-- so you would like to have this three-tier system, and by implementing the three-tier system definitionally, you think that that will allow us to keep some folks out of some areas that maybe aren't appropriate for them and allow other folks to go into areas that now they might be precluded from?

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JUSTIN JOHANNES: Well, the-- the importance of it would be to set up the fact that the BMX track at Hefflinger Park--

DeBOER: Would--

JUSTIN JOHANNES: --would help-- there's a BMX racing track.

DeBOER: I just can't hear you is all.

JUSTIN JOHANNES: Oh, I'm sorry. There's a BMX racing track at Heffelfinger Park, where the dog park is. That track is specifically developed for kids on pedal bikes. Now, most of the times we wouldn't have electric bikes there simply because it is highly dangerous. The-- the park is very well developed and planned for kids who are gaining-- you can ride the track as a novice or you can ride as an expert, but there are places on that track that if you apply more throttle, you are now putting yourself at risk. Now with these laws becoming this way, we had people showing up with what was considered a bike with a motor, and it is packaged and branded said way. But if it had pedals on it, we've had guys with pedals out there, your mountain bike folks that put in a lot of time in Omaha at Tranquility Park, Platte River, wherever, they have jump lines and all sorts of stuff, and those guys can ride with their-- they-- they use-- they use the pedal assist to get up the hill. That's all they use it for, because then they can ride all day long and it extends their day. And we have a huge group of young professionals coming to Nebraska because of all this input, but we get into a situation where I had to discuss more than once with Omaha City Parks as these people-- we would say, no, you can't put an electric dirt bike on the track--

DeBOER: Got it.

JUSTIN JOHANNES: --for liability.

DeBOER: So--

JUSTIN JOHANNES: If you just simply add pedals--

DeBOER: You think having these three tiers will help to basically keep some people out of those things. That makes sense. Thank you.

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JUSTIN JOHANNES: Yes, it would-- it would limit some bikes, but it also gives us the opportunity to designate which bikes are most appropriate.

DeBOER: No, that makes sense. Thank you.

JUSTIN JOHANNES: Sorry.

GEIST: Senator Moser.

MOSER: Are helmets required on electric bikes?

JUSTIN JOHANNES: Always. I'm-- personally, I'm always a helmet person. Most of our parks in town require them. Hefflinger Park, where the BMX track, where most of my experience is, we require helmets when we're there functioning. But it-- since it is an Omaha City Park, it is open and there are times that we have been out there and we have seen somebody not wearing a helmet, but we've always told them, put a helmet on, please.

MOSER: Yeah. Yeah, that's a whole 'nother discussion. Thank you.

JUSTIN JOHANNES: Yes.

GEIST: Any other-- yes, Senator Cavanaugh.

M. CAVANAUGH: Just wanted to acknowledge that Hefflinger Park is in my district, and you have just reminded me of some constituent service follow-up I have to do around the BMX park, so thank you for that.

JUSTIN JOHANNES: I hope it goes great.

M. CAVANAUGH: Me too.

JUSTIN JOHANNES: There are many good people.

M. CAVANAUGH: Yeah.

JUSTIN JOHANNES: We-- we are always very, very--

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M. CAVANAUGH: It's a parent that's been very involved in the BMX park and having it there and making sure that it's an-- it has investment in the city, so I appreciate the reminder. Thank you.

JUSTIN JOHANNES: Oh, I'm sorry? OK.

M. CAVANAUGH: No, it's a good thing.

JUSTIN JOHANNES: OK. I-- I'm sorry. I thought it was District 10. You must be really close to it. I'm-- I'm like a mile away. I apologize.

M. CAVANAUGH: Oh, no, it probably-- Maple--

DeBOER: You're probably--

M. CAVANAUGH: Maple Street is our cutoff. Senator DeBoer is north of Maple; Senator Cavanaugh, south of Maple. The BMX park--

JUSTIN JOHANNES: Oh, well, I'm happy you're both here.

M. CAVANAUGH: The BMX park is in a great district. Thank you.

JUSTIN JOHANNES: Well, there went my night, so thank you very much.

GEIST: Any other questions from the committee? You're the only dirt bike dad I've ever met, so-- so thank you.

JUSTIN JOHANNES: Well, we can have that discussion at another time.

GEIST: Thank you. Thank you for your testimony.

JUSTIN JOHANNES: Thank you.

GEIST: Any other proponents? Oppo-- any opponents of LB738. Anyone wishing to speak in the neutral capacity. With that, Senator Raybould, you're welcome to close.

RAYBOULD: Yes. Thank you all for listening to have this testimony. I just want to say that riding a bicycle, riding an e-bike, is a multigenerational joy, and I think that our state of Nebraska is exploding with cyclists and e-bikers because during COVID, we saw more

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people hit our trails in the city of Lincoln than ever before-- families, little ones on tricycles, you name it-- and that was a great joy to see that. And I can tell you from my years of cycling all around the state of Nebraska with Tour de Nebraska, Bike Ride Across Nebraska, this is a huge recreational activity that so many people enjoy and more and more people are enjoying in our state of Nebraska. And going back to your question, Senator DeBoer, I think what it really is, it opens up an opportunity for more people. It's more inclusive for all people, folks with disabilities, as we age out. I can tell you that I ride with a really tough crew of fast riders, folks that are in their mid-80s and they can ride circles around me. It's not with their e-bike either, but that e-bike allows our seniors to keep being active and out there on the trails and in the community. And I think what this gives the state of Nebraska, the opportunity to now permit e-bikes with this specific classification to use those trails in our Nebraska parks. What it would continue to prohibit are those mopeds, those-- those things that have inflexible pedals and have the motor. But an e-assist bike, you have to keep pedaling it. You have to use your energy. And I would just encourage you to-- to pass this classification. It can not only help allow us to have e-bikes on the state trails and the state parks, but also those municipalities to-- to open it up to e-bikes. So thank you all very much.

GEIST: Any questions from the committee? I do not see any.

RAYBOULD: Terrific. Thank you.

GEIST: That will close the hearing for LB738 and the hearings for today. Happy Valentine's Day, everyone. Oh, I do have letters for the record. I have three proponent letters and one in the neutral. Now Happy Valen--

DeBOER: One what?

GEIST: Neutral.

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